

Alameda County Assessor's Homeowners Fair: ADUs and You



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- ▶ Current City of Berkeley ADU regulations are a combination of the zoning ordinance and state legislation.
- ▶ The City's Information Sheet and FAQ's Sheet provide a combination of both into a single source, and the information is included in this presentation.
- ▶ The City will be considering amendments to the ADU ordinance to better align with recent changes to state legislation.

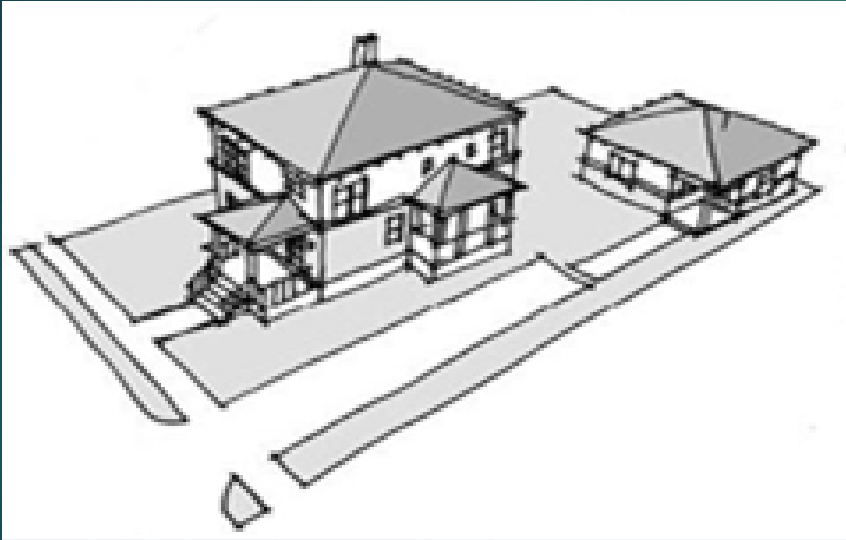


Where are ADUs allowed in the City of Berkeley?

- ▶ The ADU Zoning Ordinance applies to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed dwelling unit or group living accommodation that is not a sorority house, fraternity house, or dormitory.



What Kind of ADU Can I build?



- ▶ Attached – the unit is attached to the primary structure.
- ▶ Detached – the unit is separated from the primary structure.
- ▶ Conversion – the unit is converted existing space from non-habitable portions of the existing main building that are not within the living space of a dwelling unit.
- ▶ Junior Accessory Dwelling Unit (JADU) – a secondary unit that is contained within the habitable floor area of a single-family dwelling.

What type of ADUs allowed in the City of Berkeley?

- ▶ Lot with one Single Family Dwelling: **One ADU and/or one JADU.**
- ▶ Lot with more than one Single Family Dwelling: **One ADU.**
- ▶ Lot with a Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory: **One ADU.**
- ▶ Lot with a Duplex or Multiple Family Dwelling, either:
 - ▶ Up to **two detached ADUs**; or
 - ▶ **At least one ADU** converted from non-habitable portions of the existing Main Building that are not within the living space of a Dwelling Unit (e.g. basement, attic, garages storage room).

Development Standards: Setbacks

Front Setback – Same as underlying district

Rear and Side Setbacks – 4 feet for additions, new construction



Development Standards: Maximum Height

Maximum JADU Height in Any District:
Same as existing structure

- For Lots In All Districts That Permit Residential Use

Maximum Height ADU:
Attached – 25 feet
Detached – 20 feet

- For Lots Zoned: R-1H, R-2H, R-2AH, and ES-R only

Maximum Height:
Attached – 25 Feet
Detached – 16 feet; or 18 feet within 0.5 mile of
a major transit stop or high-quality transit corridor

Development Standards: Maximum Size

Maximum JADU Size in Any District:
500 square feet

- For Lots In All Districts That Permit Residential Use

Maximum Size ADU:
Studio/1-bedroom – 850 square feet; or
2+ bedrooms – 1,000 square feet

- For Lots Zoned: R-1H, R-2H, R-2AH, and ES-R only

Maximum Size ADU:
800 square feet

Development Standards: Parking

- ▶ For Lots In All Districts That Permit Residential Use

No off-street parking required
- ▶ For Lots Zoned: R-1H, R-2H, R-2AH, and ES-R only

1 space per ADU, unless within 0.5 mile of public transit stop or high



How do I apply for an ADU?

- ▶ All proposed ADU/JADUs require a building permit. Submit an application for a building permit with the Building & Safety Division.
- ▶ The Zoning Certificate is reviewed as part of the building permit review process
- ▶ If a proposed ADU triggers a Land Use permit that requires discretionary review, the building permit shall not be issued until the discretionary approval(s) have been granted.

Deed Restriction, Short Term Rentals, and Neighborhood Noticing

- ▶ A deed restriction shall be filed with the Clerk Recorder's Office of Alameda County prior to the issuance of the building permit. The deed restriction prohibits the separate sale of ADU/JADUs from the primary unit.
- ▶ If a JADU is proposed, one of the units shall be owner occupied, and requires a deed restriction with building permit.
- ▶ The deed restriction prohibits ADU/JADUs as a short term rental.
- ▶ The City will notify confronting and abutting neighbors within 10 days of building permit application submittal.

Online Resources

Land Use Permit Forms

<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/residential-additions-and>

Residential Additions and Accessory Dwelling Units (including deed restriction forms)

<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms>

Permit Service Center (For application submittal/process information)

<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>

Planning Email for Building and Safety Questions

Planning@cityofberkeley.info