ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

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January 08, 2026
Agenda Item # 4

December 26, 2025

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Board Members:

SUBJECT: SECOND READING AND ADOPTION OF AN AMENDMENT TO ZONING ORDINANCE SECTIONS 17.04.010, 17.06.030, 17.30.110, 17.52.780, 17.54.225, 17.60.100, AND CHAPTER 17.55 "ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT ORDINANCE" - to bring Alameda County into compliance with State comments on recently adopted county ADU and JADU ordinances, and with recently updated State legislation taking effect in 2026.

RECOMMENDATION:

Planning Staff recommends that the Board of Supervisors conduct the second reading of the ADU and JADU Ordinance.

BACKGROUND:

On December 11, 2025, your Board conducted the first reading of an amendment to Zoning Ordinance Sections 17.04.010, 17.06.030, 17.30.110, 17.52.780, 17.54.225, 17.60.100, and Chapter 17.55 "Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance" to bring Alameda County into compliance with State comments on recently adopted county ADU and JADU ordinances, and with recently updated State legislation taking effect in 2026. This second reading fulfills the statutory legal requirement, and the ordinance will take effect 30 days following a favorable action by the Board.

Following public comment received by the Community Development Agency just before the prior December 11, 2025 Board of Supervisors hearing, staff updated the proposed Ordinance to add the phrase (shown in red underlined font): "Except for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323, Accessory Dwelling Units are required to provide One (1) on-site parking space for each Accessory Dwelling Unit, and, notwithstanding other development regulations, may otherwise be located within front yard or street side yard setbacks." to Section 17.55.090 "Parking" of the Zoning Ordinance. This addition is included in the attached Ordinance amendment and shown in red underlined font.

CONCLUSION:

Staff advocates for the proposed updated amendments to Title 17 of the Alameda County Zoning Ordinance in order to comply with the State legislation regarding ADUs, and to comply with State legislation taking effect on January 01, 2026.

Staff recommends that your Board conduct the second reading to adopt the Ordinance Amendments related to Accessory Dwelling Units and Junior Accessory Dwelling Units.

Very truly yours,

DocuSigned by:
Sandra Rivera
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Sandra Rivera, Director
Community Development Agency

Attachments:

- DRAFT Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance

ORDINANCE NO. O-2026-____

AN ORDINANCE AMENDING SECTIONS 17.04.010, 17.06.030, 17.30.110, 17.52.780, 17.54.225, AND 17.60.100, AND CHAPTER 17.55 OF COUNTY OF ALAMEDA ZONING ORDINANCE TO COMPLY WITH STATE LEGISLATION REGULATING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, the State of California passed Assembly Bill 2221, effective January 1, 2023, which amended Government Code section 65852.2 regarding the regulation of Accessory Dwelling Units (ADUs), codified the development of Junior Accessory Dwelling Units (JADUs), and restricted the manner in which local agencies can regulate ADUs and JADUs; and

WHEREAS, the State of California passed Senate Bill 477 (SB 477), effective March 25, 2024, which reorganized the regulations set forth in Government Code section 65852.2 *et seq.*, repealed Government Code section 65852.2 *et seq.,* and recodified the regulations for development of ADUs and JADUs at Government Code section 66310 *et seq.*; and

WHEREAS, this Board of Supervisors adopted the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance on September 19, 2024, to conform with then existing State law; and

WHEREAS, the State of California passed Assembly Bill 2533, effective January 1, 2025, which amended Government Code section 66332 regarding the regulation of ADUs and JADUs, and clarified the process by which a local agency denies a permit to legalize unpermitted ADUs and JADUs; and

WHEREAS, the State of California passed Senate Bill 1211 (SB 1211), effective January 1, 2025, which amended Government Code Section 66310 *et. seq.*, regarding the regulation of ADUs and JADUs; and

WHEREAS, SB 1211 encourages ADU construction by easing some restrictions on parking requirements, by increasing the number of ADUs allowed on multifamily lots, and by limiting a local government's ability to apply design and building standards not authorized by the Government Code; and

WHEREAS, the State of California passed Assembly Bill 1154 (AB 1154), effective January 1, 2026, which amended Government Code section 66333, regarding the regulation of JADUs, and updated the owner-occupancy and rental term requirements for JADUs; and

WHEREAS, the State of California passed Assembly Bill 1170 (AB 1170), effective January 1, 2026, which made numerous technical and non-substantive changes as a matter of code maintenance to various California codes, including Government Code section 66310 *et. seq.*, regarding the regulation of ADUs and JADUs; and

WHEREAS, the State of California passed Senate Bill 543 (SB 543), effective January 1, 2026, which amended and renumbered various sections of Government Code section 66310 *et. seq.,* and added multiple sections to the Government Code, regarding the regulation of ADUs and JADUs; and

WHEREAS, SB 543 codifies and clarifies the oversight and enforcement power of the Department of Housing and Community Development for ADU and JADU ordinances, standards for square footage measurements, and permitting application timelines; and

WHEREAS, the County of Alameda, to conform the existing Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance, prepared the proposed amendments modifying the development standards and process by which the County reviews and permits ADUs and JADUs; and

WHEREAS, applications for development for ADUs and JADUs pursuant to the proposed amendments will be subject to applicable Building Codes and require ministerial approval by the Alameda County Public Works Agency; and

WHEREAS, applications for development for ADUs and/or JADUs pursuant to the proposed amendments on parcels served by private septic systems (on-site wastewater treatment systems) will be subject to ministerial approval by the County of Alameda Department of Environmental Health; and

WHEREAS, the proposed amendments to the Alameda County General Ordinance Code have been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA) and the proposed amendments have been found to be exempt from further environmental review pursuant to CEQA Guidelines Section 15282(h) and Public Resources Code Section 21080.17, which exempt the local adoption of ordinances regarding second units in a single- family or multifamily residential zone to implement Government Code section 66310 *et seq.* and pursuant to the general rule in CEQA Guidelines section 15061(b)(3), which specifies that CEQA applies only to any project with the potential to cause a significant impact on the environment; and

WHEREAS, the Planning Commission, at its December 1, 2025 public meeting, voted unanimously to recommend that the Board of Supervisors adopt an ordinance amending Title 17 of the Alameda County General Ordinance Code regarding regulation of ADUs and JADUs to conform with State law; and

WHEREAS, this Board held a public hearing on the proposed amendments at 10:00 a.m. on Thursday, December 11, 2025 in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 17.04.010 of Chapter 17.04 of Title 17 of the Alameda County Ordinance Code is amended to add the following definitions to the existing list of definitions, in alphabetical order, with additional language underlined deleted language ~~strikethrough~~ as follows:

17.04.010 - Definitions.

"Accessory Dwelling Unit" (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence~~ an accessory, second, or secondary unit that is attached or detached which provides complete independent living facilities for one or more persons.~~ It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a Single-family dwelling, Multifamily dwelling, or Mixed-use dwelling. An Accessory Dwelling Unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Conversion" means the modification to the occupancy of a ~~legally existing~~ space within the existing volume of a building or covered structure without expansion, except up to 150 sq. ft. of expansion as allowed for ingress and egress.

"Junior Accessory Dwelling Unit" (JADU) means an accessory, ~~second, or secondary~~ dwelling unit that is fully contained within a Single-family dwelling or within an attached garage and which provides complete independent living facilities for one or more persons. It shall not exceed 500 sq. ft. of interior livable space `~~in floor area~~. It shall include permanent provisions for living, sleeping, eating, and cooking on the same parcel and within the same building as one Primary Dwelling Unit. It may include its own bathroom or share the bathroom facilities with the Primary Dwelling Unit. If a Junior Accessory Dwelling Unit does not include a separate bathroom, the Junior Accessory Dwelling unit shall include a separate entrance to the main entrance to the structure, with an interior entry to the main living area. ~~It shall not exceed 500 sq. ft in floor area. Junior Accessory Dwelling Units may share bathroom facilities with the Primary Dwelling Unit and may share central utility systems of the main home.~~ A Junior Accessory Dwelling Unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

"Mixed-use dwelling" means a building containing one or more Primary Dwelling Units and one or more non-residential units.

"Multifamily dwelling" means two or more attached Primary Dwelling Units on one lot.

"Primary Dwelling Unit" is a residential living unit such as a Single-family dwelling, Multifamily dwelling, or Mixed-use dwelling. A Primary Dwelling Unit is distinct from an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit. Examples of Primary units include a Single-family dwelling (i.e., one Primary Dwelling Unit), Multifamily dwelling such as a duplex (i.e., two Primary Dwelling Units) or four-plex (i.e., four Primary Dwelling Units), or a Mixed-use dwelling (containing one or more Primary Dwelling Units).

~~"Secondary (or accessory dwelling) unit" means a an accessory, second or secondary unit that is an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on parcels in the R-1 (Single-Family Residence) District requiring a 40,000 square foot or large parcel size and parcels in the A (Agriculture) District that are twenty-five (25) acres or less in size. A Secondary Unit is governed by the "Policy for Secondary Units in Rural Residential and Agricultural Areas", adopted by the County Board of Supervisors on May 18, 1998, and revised on October 1, 2001, as amended. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as one single-family dwelling is situated. An accessory~~ A secondary dwelling unit also includes the following:

~~1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.~~

~~2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

"Single-family dwelling" means ~~one or more detached Primary Dwelling Units on one lot~~ one primary dwelling unit ~~on a lot.~~ Single-family dwellings may be attached or detached.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six feet above grade as defined herein, or more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story. A loft or mezzanine that is enclosed with an interior partition wall or has a floor area of more than 1/3 the floor area of the story below is considered a story.

SECTION II

Alameda County Zoning Ordinance Section 17.06.030 "Permitted Uses" is amended with additional language in underlined.

17.06.030 - Permitted uses.

The following principal uses are permitted in an A district:

L. Accessory Dwelling Unit or Accessory Dwelling Units per Chapter 17.55, subject to all of the following additional superseding requirements:

1. A maximum of two Accessory Dwelling Units may be allowed that are subject to this Chapter. ~~Additionally, a Junior Accessory Dwelling Unit may be allowed within an existing or proposed single family dwelling subject the requirements for JADUs under Chapter 17.55.~~

2. If more than one Accessory Dwelling Unit is proposed on a building site, each ADU meets the following configurations:

   a. One Accessory Dwelling Unit may be attached to the Primary Dwelling Unit that is located within the space of a proposed single-family dwelling, or within the space of an existing single-family dwelling or accessory structure. If proposed as a conversion, this ADU shall include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. This Accessory Dwelling Unit shall have exterior access from the proposed or existing single-family dwelling. The side and rear setbacks must be sufficient for fire and safety; and

   b. One Accessory Dwelling Unit must be detached new construction, with at least four-foot side yard and rear yard setbacks.

3. If only one accessory dwelling unit is proposed, then the Accessory Dwelling Unit that is not subject to floor area regulations of Chapter 17.55 shall be subject to maximum floor area of one thousand two hundred (1,200) square feet of interior livable space, unless converted from a previous use.

4. All new Accessory Dwelling Units greater than 1,000 square feet in floor area shall be located on the same building envelope as the Primary Dwelling Unit.

5. ~~Any Accessory Dwelling Unit that does not meet floor area regulations of Chapter 17.55 and that is proposed to have a floor area or configuration not conforming to paragraph 2 or paragraph 3 above shall instead be reviewed under the "Policy for Secondary Units in Rural Residential and Agricultural Areas", adopted by the County Board of Supervisors on July 2, 1998, and revised on October 1, 2001, as amended.~~

SECTION III

Alameda County Zoning Ordinance Section 17.52.780 is amended as follows with additional language underlined and deleted language in ~~strikethrough~~.

17.52.780 - Parking spaces—Size and location.

Every required parking space shall have a width not less than nine feet, and a length of not less than eighteen (18) feet, or be designed as specified in the Alameda County Residential Design Guidelines, exclusive of maneuvering space and driveways which shall be provided as required to make each parking space independently accessible from the street at all times. Required off-street parking may be permitted in setback areas or through tandem parking, except that ~~N~~no required parking space shall occupy any required front yard or any required street side yard of a corner lot, or any required setback from a driveway or any part of a required loading space. Additionally required parking may not be located in a setback area or through tandem parking if specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. All required parking spaces shall be provided on the same building site as the use of building for which they are required.

SECTION IV

Alameda County Zoning Ordinance Section 17.54.225 is amended as follows with additional language underlined and deleted language in ~~strikethrough~~.

17.54.225 - Site development review for garage conversions—Applications.

Applications for garage conversions shall include the materials required pursuant to "Site Development Review—Applications" Section 17.54.230, except that site development reviews for garage conversions shall also include:

A. Elevations of all exterior wall surfaces of the existing on-site primary structure(s), and of the proposed garage conversion;

B. Annotated photographs of all street-facing exterior wall surfaces of the five neighboring properties at either side of the subject site, and of the ten closest properties across the street from the subject site;

C. Floor plans of all of the on-site primary structures and of the proposed garage conversion; and

D. Site plans showing the entire subject property and all structures therein, including the replacement storage space, the proposed on-site parking spaces, and showing site plans for all adjacent parcels that share property lines with the subject parcel, including their curb-cuts and driveways, and locations of all structures.

E. Site development review shall not be required for garage conversions when the purpose of the conversion is to create a new Accessory Dwelling Unit or Junior Accessory Dwelling Unit within the space of an existing attached or detached garage, and the new unit meets the requirements contained in Chapter ~~Section~~ 17.55, concerning Accessory Dwelling Units and Junior Accessory Dwelling Units.

SECTION V

Alameda County Zoning Ordinance Chapter 17.55 is amended to read as follows:

17.55 - Accessory Dwelling Units and Junior Accessory Dwelling Units.

17.55.010 Purpose.

The purpose of this chapter is to comply with state law, which authorizes cities and counties to set standards for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units to increase the supply of small and affordable housing while ensuring that they remain compatible with existing Primary Dwelling Units, neighborhoods, and rural areas.

17.55.020 Ministerial Approval.

Notwithstanding the requirements otherwise established in this Title, the County shall ministerially approve an application for a building permit within an agricultural, residential, or mixed-use zoning district to create any allowable Accessory Dwelling Unit or Junior Accessory Dwelling Unit or any allowable combination of units without discretionary review or a hearing.

Ministerial approval of previously unpermitted Accessory Dwelling Units and Junior Accessory Dwelling Units is further detailed in Section 17.55.180, consistent with the requirements under State law.

17.55.030 Requirement to Establish as and Remain Accessory to a Primary Dwelling Unit.

1. Accessory Dwelling Units: Will be permitted to be established as a permanent housing option on any property that either contains or is constructed concurrently with a Primary Dwelling Unit, and when established in compliance with state and local ordinances.

2. Junior Accessory Dwelling Units: Will be permitted to be established as a permanent housing option on any property ~~in a~~ within a Zoning District a where a Single-family dwelling is permitted and ~~Single-Family Residence~~ is permitted and (R-1) Zoning District or the Planned Development (PD) Zoning District based on the R-1 Zoning District that either contains or is constructed concurrently with a Single-family dwelling, and when established in compliance with state and local ordinance.

17.55.040 Permitted Zones.

Accessory Dwelling Units ~~and Junior Accessory Dwelling Units~~ shall be permitted in all zoning districts that permit Single-family, Multifamily, or Mixed-use dwellings where the lot contains an existing or proposed dwelling. ~~Approvals for ADUs measuring up to 1,200 square feet in floor area in Agricultural areas are subject to the Policy for Secondary Units in Rural Residential and Agricultural Areas.~~ Junior Accessory Dwelling Units shall be permitted in all zoning districts that permit Single-family dwellings where the lot contains an existing or proposed Single-family dwelling.

17.55.050 Density Calculation.

Accessory Dwellings Units and Junior Accessory Dwelling Units shall not be counted when calculating the maximum permitted density requirements of a property; however, they may be counted to meet minimum density requirements.

1. Single-family dwellings: The maximum number of Junior Accessory Dwelling Units on a Building Site shall be one. The maximum number of Accessory Dwelling Units on a Building Site shall be one by new construction and one by conversion; this applies to each Single-family dwelling on a property. ~~Either type of ADU may be attached or detached; however,~~ N~~n~~o more than one Accessory Dwelling Unit may be attached.

2. Multifamily dwellings: The maximum number of Accessory Dwelling Units on a Building Site shall be as follows: ~~one for every four existing Multifamily dwelling units (rounded down with a minimum of one) and two detached Accessory Dwelling Units and no Junior Accessory Dwelling Units~~.

a. Within portions of an existing multifamily dwelling, the County shall allow at least one

conversion to an Accessory Dwelling Unit and shall allow up to 25 percent of the number of existing multifamily dwelling units converted into Accessory Dwelling Units ~~for every four existing multifamily dwelling units~~ (rounded down); and

b. On a lot with an existing multifamily dwelling, there shall not be more than eight detached accessory dwelling units. The number of Accessory Dwelling Units allowable shall not exceed the number of existing units on the lot.

c. For development on a lot with a proposed multifamily dwelling, not more than two detached Accessory Dwelling Units.

17.55.060 Site and Building Development.

1. For Single-family dwellings:

a. Accessory Dwelling Units may be attached to the Single-family dwelling, detached from the Single-family dwelling, or may involve the conversion of floor area of an existing ~~legal~~ structure.

b. Junior Accessory Dwelling Units

i. Shall be contained within the exterior walls of an existing or proposed Single-family dwelling; and

ii. May share bathroom facilities with the Primary Dwelling Unit.

2. For Multifamily dwellings:

a. Accessory Dwelling Units are allowed within the portions of existing Multifamily dwellings that are not currently used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Accessory Dwelling Units are allowed as detached units.

c. Junior Accessory Dwelling Units are prohibited.

3. For Mixed-use dwellings: the conversion of non-livable spaces within mixed-use dwelling properties shall be limited to the residential portion of the property, so long as each unit complies with state building standards for dwellings.

4. For all projects.

a. Shall have at least an efficiency kitchen including a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the unit;

b. Shall have a separate entrance from the Primary Dwelling Unit. Access to the public right-of-way may be provided through the rear yard of the Primary residence or dedicated pathway. For purposes of this section, "access to the public right-of-way" or "dedicated pathway" do not share the same meaning as the statutory definition of "Passageway," under Government Code Section 66313, and such access is not required to be unobstructed clear to the sky. ~~or a dedicated pathway~~ Internal connection to the Primary Dwelling Unit is optional, except for Junior Accessory Dwelling Unit sharing a bathroom with a Primary Dwelling Unit which must have both an internal connection and separate entrance.

17.55.070 Development Standards for Accessory Dwelling Units.

1. Required yards (setbacks):

a. Side, street side, and rear: Minimum required 4-foot side and rear yard for both attached and detached Accessory Dwelling Units. This shall not apply to development of Accessory

Dwelling Units by conversion of existing structures.

b. Front: Minimum is the same as for Primary Dwelling Unit for Accessory Dwelling Units which measure over 800 square feet in floor area, except for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323.

2. Distance Separation: Six-foot separation minimum from any other building for Accessory Dwelling Units measuring over 800 square feet in floor area, except for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323.

3. Height:

a. Up to 16 feet

A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

b. Up to 18 feet:

i. In addition to 3a., if located within one-half mile walking distance of a "major transit stop" or a "high-quality transit corridor", as defined in Section 21155 of the Public Resources Code; or

ii. For a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multi-story dwelling.

c. Up to 20 feet if, in addition to 3.b.i., the 20-foot height is necessary to accommodate a roof pitch on the Accessory Dwelling Unit that is aligned with the roof pitch of the Primary Dwelling Unit.

d. Up to 25 feet or the height limitation in the applicable zoning district that applies to the Primary Dwelling Unit, whichever is lower, for an attached Accessory Dwelling Unit.

4. Stories: Maximum of two stories.

5. Accessory Dwelling Units measuring over 800 square feet in floor area are subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as incorporated in Title 17, except ~~for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323~~ when the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as incorporated in Title 17, conflict with Government Code Sections 66314, 66321, 66323, and any other State Accessory Dwelling Unit law.

17.55.080 Size Limitations.

1. Floor Area Calculation:

The size of the unit shall be measured as the floor area within the inside perimeter of the exterior walls of the unit ~~from the side of the exterior wall of the dwelling unit to the opposing exterior wall face enclosing the unit, or to the centerline of the furthest opposing interior wall that separates the Accessory Dwelling Unit or Junior Accessory Dwelling Unit and Primary Dwelling Unit living space~~. Carports, covered porches and patios, chimneys, exterior stairwells, and mechanical rooms are not counted toward the determination of floor area.

2. Accessory Dwelling Units:

a. The following development standards apply to newly constructed detached Accessory Dwelling Units:

i. If the detached Accessory Dwelling Unit is to contain 0 or 1 bedrooms, then limited to 850 square feet maximum of interior livable space, except for Accessory

Dwelling Units to be developed pursuant to Government Code Section 66323.

ii. If the detached Accessory Dwelling Unit is to contain 2 or more bedrooms, then limited to 1,200 square feet maximum of interior livable space, except for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323.

b. The following development standards apply to newly constructed attached Accessory Dwelling Units:

i. Maximum of 50% floor area of the existing Primary Dwelling Unit, with a cap of 850 square feet for Accessory Dwelling Units with up to one bedroom and a cap of 1,000 square feet for Accessory Dwelling Units with two or more bedrooms. Where 50% of the floor area does not provide for 850 square feet of interior livable space, an Accessory Dwelling Unit of up to 850 square feet of interior livable space is allowed.

c. The conversion of an existing accessory structure or a portion of the existing Single-family dwelling to an ADU shall not be subject to ADU size requirements. Should the accessory structure or existing Single-family dwelling be expanded beyond 150 square feet to create an ADU, then the ADU shall be subject to the size maximums listed herein.

3. Junior Accessory Dwelling Units

a. A Junior Accessory Dwelling Unit shall measure no more than 500 square feet in ~~size~~ interior livable space, contained within the exterior walls of a proposed or existing Single-family dwelling.

17.55.090 Parking.

Junior Accessory Dwelling Units are not required to provide additional parking.

Except for Accessory Dwelling Units to be developed pursuant to Government Code Section 66323, Accessory Dwelling Units are required to provide One (1) on-site parking space for each Accessory Dwelling Unit, and, notwithstanding other development regulations, may otherwise be located within front yard or street side yard setbacks. On-site parking is not required in the following instances:

1. Site is located within one-half mile walking distance of public transit;

2. Site is located within an architecturally or historically significant property or district;

3. When the Accessory Dwelling Unit is part of the proposed or existing Primary Dwelling Unit or an accessory structure;

4. When on-street parking permits are required but not offered to the occupants; or

5. When there is a car share vehicle located within one block.

6. When the Accessory Dwelling Unit contains no bedrooms.

7. When a permit application for an Accessory Dwelling Unit is submitted with a permit application to create a new Single-family dwelling or a new Multifamily dwelling on the same lot, provided that the Accessory Dwelling Unit or the parcel satisfies any other criteria listed above.

17.55.100 Construction Phasing and Permitting.

Accessory Dwelling Units and Junior Accessory Dwelling Units shall be allowed to be established either simultaneously with or after the construction of a Primary Dwelling Unit that is located on the same lot

of record and under one common ownership. Applications for Accessory Dwelling Units and Junior Accessory Dwelling Units shall be subject to applicable Building Codes and require approval of the County Building Inspection Department. Applications for Accessory Dwelling Units and Junior Accessory Dwelling Units on parcels served by private septic systems (on-site wastewater treatment systems) shall require approval of the County Department of Environmental Health.

A demolition permit for a detached garage that is to be replaced with an Accessory Dwelling Unit must be reviewed with the application for the Accessory Dwelling Unit and issued at the same time. Applicants shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an Accessory Dwelling Unit, unless the property is located within an architecturally and historically significant historic district.

17.55.110 Demolitions and Reconstructions.

Accessory Dwelling Units established by conversion of an existing legal structure can be demolished and reconstructed within the same building volume at the same footprint location, and with no floor area or height limit.

17.55.120 Additions for Ingress and Egress.

A Junior Accessory Dwelling Unit must be located within a Single-family dwelling and may not include an expansion beyond the physical dimensions of the Single-family dwelling, except as provided below.

An Accessory Dwelling Unit or Junior Accessory Dwelling Unit located within a Single-family dwelling or accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. This expansion shall be limited to accommodate ingress and egress (for example, a covered front porch).

17.55.130 Tenancy and Occupancy Requirements.

1. For Accessory Dwelling Units and Junior Accessory Dwelling Units:

    a. The units shall not be sold, transferred or owned separately from the Primary Dwelling Unit on the property, except an Accessory Dwelling Unit may be sold, transferred or owned separately when owned by certain nonprofit corporations pursuant to California Government Code Section 66341 and the criteria established therein, as that section may be amended; and

    b. The units may be occupied by or rented to a separate household living independently from the occupant(s) of the Primary Dwelling Unit (or vice versa) provided that the terms for separate occupancy of the accessory unit and/or Primary Dwelling Unit shall be longer than 30 days.

2. For Accessory Dwelling Units only: the owner of the property shall not be required to reside on the property in either the Primary Dwelling Unit or Accessory Dwelling Unit, except when the property is held pursuant to a recorded tenancy in common agreement, pursuant to California Government Code Section 66341 and the criteria established therein, as that section may be amended.

3. For Junior Accessory Dwelling Units only:

    a. The property owner shall reside on the property in either the Primary Dwelling Unit or the Junior Accessory Dwelling Unit if the Junior Accessory Dwelling has shared sanitation facilities with the existing structure. Owner occupancy is not required if the Junior Accessory

Dwelling has separate sanitation facilities or if the owner is a governmental agency, land trust, or housing organization.

b. The owner shall record a deed restriction to run with the land, and which shall be recorded with the Alameda County Recorder's Office with a conformed copy filed with the Alameda County Planning Department, and shall include both of the following terms:

i. A prohibition on the sale of the Junior Accessory Dwelling Unit separate from the sale of the Primary Dwelling Unit, including a statement that the deed restriction may be enforced against future purchasers; and

ii. A restriction on the size and attributes of the Junior Accessory Dwelling Unit that conforms with Section 17.55.

c. The rental term of a Junior Accessory Dwelling Unit shall be for a term longer than 30 days.

4. The foregoing restrictions shall be binding upon any successor in ownership of the property. Failure to comply with any of the foregoing restrictions shall be considered a violation of this Title.

17.55.140 Park Dedication Fees.

No Park Dedication impact fees are required for Accessory Dwelling Units measuring less than 750 square feet in interior livable space and no Park Dedication impact fees shall be required for ~~all~~ Junior Accessory Dwelling Units.

17.55.150 Nonconforming Facilities.

Pursuant Government Code sections 66322(b) and 66336, the County shall not require the correction of the following as a condition of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit permit approval:

1. Nonconforming zoning conditions prior to the issuance of a permit for Accessory Dwelling Units or Junior Accessory Dwelling Units, except to comply with the California Building Code where the structure is not in compliance with current California Building Code standards, and that are not affected by the construction of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

2. Existing unpermitted structures not affecting proposed Accessory Dwelling Unit, unless the existing unpermitted structure presents a threat to public health or safety or affects the construction of the Accessory Dwelling Unit.

3. Existing building standards violations on the Primary Dwelling Unit, provided that correcting the violation is not necessary to protect health and safety and is not affected by the construction of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

17.55.160 Building Code.

Pursuant to 66310 *et seq.*, Applications for Accessory Dwelling Units and Junior Accessory Dwelling Units shall be subject to all applicable state laws, including the California Building Standards Code, and the regulations below.

The Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit shall:

1. Be placed on a permanent foundation;

2. Provide side and rear setbacks that are sufficient for fire and safety; and

3. Comply with the requirements of Government Code Section 66310.

The construction of an Accessory Dwelling Unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official makes a written finding based on substantial evidence in the record that the construction of the Accessory Dwelling Unit could have a specific, adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent the County from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to Accessory Dwelling Unit regulations (Article 2 of California Government Code Title 7, Division 1, Chapter 13).

17.55.170 Junior Accessory Dwelling Unit Relative to Fire or Life Protection Ordinance.

A Junior Accessory Dwelling Unit shall not be considered a separate or new unit for purposes of any fire or life protection ordinance or for purposes of providing water, wastewater or power services. Primary Dwelling Units containing a Junior Accessory Dwelling Unit may be subject to the same requirements as applied to Primary Dwelling Units not containing a Junior Accessory Dwelling Unit.

17.55.180 Permitting of Unpermitted Accessory Dwelling Units and Junior Accessory Dwelling Units

The County shall ministerially approve any application to legalize a previously unpermitted Accessory Dwelling Unit or Junior Accessory Dwelling Units that is proposed consistent with the requirements and timeframe of eligibility under State law, including California Government Code Section 66311.7, as may be amended over time.

1. Permitting
   a. The County shall not deny a permit for an unpermitted Accessory Dwelling Unit or Junior Accessory Dwelling Unit, as an Accessory Dwelling Unit or Junior Accessory Dwelling Unit defined in this Ordinance, constructed before the cut-off date established by State law, due to either:
      i. Violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or
      ii. Noncompliance with development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units established under State law (Article 2 and Article 3 of Division 1 of Title 17 in the California Government Code) or under Title 17 of the Alameda County Municipal Code.
   b. The County may deny a permit for an unpermitted Accessory Dwelling Units or Junior Accessory Dwelling Units if the County makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.
   c. Approval of an unpermitted Accessory Dwelling Units or Junior Accessory Dwelling Units shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
   d. Permitting of unpermitted Accessory Dwelling Units and Junior Accessory Dwelling Units that are not consistent with the requirements and timeframe of eligibility under State law shall be considered under the standard review procedures and requirements otherwise established in this Title.

2. Inspection. Upon receiving an application to permit a previously unpermitted Accessory Dwelling

Units or Junior Accessory Dwelling Units constructed before the cut-off date established by State law, an inspector from the County may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the County shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

3. Information. The County shall inform the public about these provisions through public information resources, including permit checklists and the website, which shall include both of the following:

a. A checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard.

b. Informing homeowners that, before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

4. Impact Fees and Charges. A homeowner applying for a permit for a previously unpermitted Accessory Dwelling Units or Junior Accessory Dwelling Units, constructed before the cut-off date established by State law, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized for connections under this Chapter (consistent with Government Code Section 66311.5(e)).

SECTION VII

Alameda County Zoning Ordinance Section 17.60.100 is amended with additional language underlined and deleted language in ~~strikethrough~~.

17.60.100 Term limits for grants of reasonable accommodation.

Where the request for reasonable accommodation involves ~~conversion of a garage to living space, variance from the requirements of this chapter for an secondary Accessory Dwelling Unit,~~ use of a recreational vehicle in a required setback, the request shall include a specific time limit and shall be made contingent on a specific person's actual need for the accommodation. Where the request involves variance from the requirements of this Chapter for an Accessory Dwelling Unit or conversion of a garage to living space, no specific time limit shall be required.

At the expiration of this period the applicant shall notify the planning director if the need continues. The planning director may extend the term for a period for a specific time limit after following the process described above in Sections 17.60.050 through 17.60.090. If the applicant does not notify the planning director at or before the expiration, or if the planning director does not extend the term, the premises shall be returned to the condition prior to the accommodation. Any violation to the granted term limits shall follow procedures per Chapter 17.59, Abatement of Procedures, of the county zoning ordinance.

Where the request is for any other purpose, including but not limited to encroachment of a ramp or elevator housing into a required setback or construction or placement of accessory structures for medical or other necessary equipment there shall be no time limit on the accommodation.

Nothing in this section shall preclude rescission of the grant of reasonable accommodation as indicated in Section 17.60.110.

SECTION VII

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the ____ day of_____, 2026, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

_____
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: Signed by: Melanie O'Brien 2194A1F8C5644AD... _____
Melanie S. O'Brien
Deputy County Counsel