



## ACCESSORY DWELLING UNITS (ADUs)

### 1. What is an Accessory Dwelling Unit (a.k.a. granny flat, in-law unit, second unit)?

"Accessory Dwelling Unit" (ADU) means one permanent attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, and is accessory to one existing or proposed single-family dwelling (SFD). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. 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.

### 2. Is there more than one kind of ADU?

Yes. An ADU may be created by constructing a new accessory structure or an addition, or by converting the existing permitted interior space of a single-family residence or accessory structure into an ADU. In 2018, state law expanded the definition of accessory structure to include converted garages, carports or covered parking structures.



Garage or Accessory  
Structure Conversion or  
New Detached ADU



Interior Space Conversion



Addition or Garage Conversion

### 3. Why allow ADUs?

ADUs create affordable rental housing by putting more rental units on the market, provide an additional source of income for homeowners and allow more options for extended families to reside on a single property. California Government Code Section 65852.2 requires local governments to ease local requirements for ADUs and expedite local permitting processes associated with ADUs. State law is subject to change and these requirements may be updated accordingly.

### 4. Where are ADUs permitted?

ADUs are permitted in any zoning district that allows single-family or multifamily residential development, on properties that contain one existing or proposed single-family dwelling.

ADUs created through new construction may be denied if their creation would have a negative impact on traffic flow or public safety, or if adequate water and sewer service is not available, as determined by the Planning Director.

### 5. Do ADUs require on-site parking?

a) No additional parking is required when:

- Property is within 1/2 mile of public transit
- Property is within an architecturally and historically significant historic district
- ADU is entirely within the existing interior space of an SFD or accessory structure
- On-street parking permits are required but not offered to the ADU occupant
- A car share vehicle is located within one block of the ADU

- b) For ADUs which involve the conversion of all or part of an existing garage, carport or covered parking structure into an ADU, the parking that is removed to accommodate the ADU must be replaced on-site. The replacement parking may be located on an existing driveway or driveway apron in any configuration, even if within the existing front yard or street side yard setbacks, provided that the paved area in the front yard or street side yard does not exceed 50% of the front yard or street side yard area. Parking pad must meet surfacing and minimum size requirements.
- c) For attached or detached ADUs requiring new construction (a new accessory building or an addition), one parking space is required for the ADU, in addition to the existing required parking for the primary dwelling, unless it meets the conditions described in (a).

**6. What other rules apply to ADUs?**

- The ADU may not be rented for a period of fewer than 30 days.
- The ADU may not be sold or conveyed separately from the main residence.
- Owner occupancy of the property is not required.
- New construction ADUs located on properties accessible only by private road will require a Site Development Review (SDR) permit
- ADUs are allowed only on lots where adequate water and sewage disposal systems are or can be made available. Shared water and sewage disposal systems between the primary unit and the ADU is permissible subject to the approval by the Environmental Health Department.
- In Agricultural (A) Districts, where allowed, ADUs shall be located on the same building envelope as the existing or proposed primary dwelling. Any exceptions will require an SDR.
- Agricultural (A) District parcels are subject to East County Area Plan (ECAP) limitations where applicable
- ADUs shall match the exterior material, color, and roof form of the permitted primary dwelling structure
- ADUs shall appear subordinate to the existing primary dwelling in terms of size and location
- Newly constructed ADUs must meet the same development standards (height, setbacks, building coverage, etc.) as the primary dwelling\*
- For ADUs contained entirely within an existing, permitted, single-family residence or related accessory structure, with no change in building volume, the minimum setbacks are whatever is required for fire and safety.

**7. ADU Development Standard Requirements by Parcel Size**

<b>Zones</b> <i>(where allowed)</i>	<b>Parcel Size</b>	<b>Maximum Unit Size</b> <i>(in no case exceeding 50% of primary dwelling living area)</i>	<b>Height Limit</b>
All	Less than 20,000 sq. ft.	640 sq. ft. max*	15 feet, one-story
All	20,000 sq. ft. to 25 acres	1,200 sq. ft. max	15 feet, one-story <sup>(1)</sup>
Agricultural (A)	25 acres to 100 acres	1,200 or 2,000 sq. ft. max. <sup>(2)</sup>	15 feet, one-story <sup>(1)</sup>
A	100 acres or larger	1,200 or 2,500 sq. ft. max <sup>(2)</sup>	15 feet, one-story <sup>(1)</sup>

**Notes:**

- (1) For parcels that have a minimum lot size of 40,000 sq. ft., detached ADUs may exceed 15 ft. in height if approved through a Site Development Review permit.
- (2) Site Development Review permit required for ADUs larger than 1,200 sq. ft

\*Height, setback, coverage and size standards set by Alameda County Code Section 17.30.110.

**7. Is there a limit to how many ADUs can be on the same street or in the same neighborhood?**

*No. The state does not allow a local agency to place density limitations on ADUs.*

**8. Is there a limit to how many ADUs can be on the same property?**

*Yes. One ADU is allowed per property and the property must contain one existing or proposed single-family dwelling. ADUs are not allowed on properties with multiple dwellings (e.g. duplexes, apartments, condos, townhomes, etc.).*

**9. What type of permits are required for an ADU?**

- *You will need to obtain a building permit for any new construction or building alterations.*
- *Solar panel installation requirements may apply. Please inquire with the Building Department.*
- *If the proposal involves any work in the public right-of-way, you will need to obtain an Encroachment Permit.*
- *If the proposal requires extensive grading, a Grading Permit may be needed.*
- *If the ADU requires a new sewer connection, permits and fees from the sanitary district with jurisdiction over the new ADU may have applicable fees and permit requirements.*
- *If the new ADU involves a new septic system, a permit from the Alameda County Environmental Health Department will be required.*
- *Depending on the specific proposal, other permits may be required, such as water, electrical, gas or Site Development Review permits.*

**10. Are there Planning fees associated with the creation of a new ADU?**

- *ADUs that are contained entirely within an existing, permitted, single-family residence or related accessory structure, with no change in building volume, are not subject to any Planning fees*
- *ADUs that require construction of an addition or new building are subject to a Park Dedication fee (see Zoning Counter staff for appropriate amount).*

**11. Are the current ADU requirements permanent?**

*No. The above interim requirements meet the minimum requirements of state law. County staff is currently drafting long-term requirements that will comply with state law and meet community needs. Please visit the following webpage for more information:*

<http://www.acgov.org/cda/planning/landuseprojects/secondary-units.htm>

**Link to state law:**

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65852.2](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65852.2)

**Useful Contact Information:**

Planning Department (510) 670-5400

Public Works Agency

Building Permits/Solar: (510) 670-5440

Grading/Encroachment Permits (510) 670-5868

Environmental Health

Septic System Permits: (510) 567-6700

Sanitary/Water Service

Alameda County: (510) 567-6700

Oro Loma: (510) 276-4700

Castro Valley: (510) 537-0757

Fire Department

Alameda County Fire: (925) 833-3473

Fairview Area Fire: (510) 583-4940

City of Hayward Fire: (510) 583-4930

Zone 7: (925) 454-5000

Cal Water: (408) 367-8200