



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
December 14, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmembers Susan Wengraf, Lori Droste, and Ben Bartlett (Co-Sponsors)

SUBJECT: Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval

#### RECOMMENDATION

Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.

Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage:

- **ADU Universal Checklist.** A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time.

*Progress To Date:* Recently, the City of Berkeley's Planning Department has added both a [Single-Family ADU/JADU Checklist](#) and a [Multi-Family ADU Checklist](#) which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments

to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.

- **Accompanying User-Friendly Webpage.** As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit. At a minimum, the webpage should include:
  - A list of relevant fees and expected payment amounts for permits, inspections, and other requirements;
  - Plan requirements, worksheets, and projected timelines for each step of the process; and
  - Consolidated up-to-date state and local regulations that are easy to understand.

*Progress To Date:* The City now has a [dedicated webpage](#) that contains:

- [A Graphic Summary Table of our local ADU ordinance](#)
- An [ADU flow-chart](#) detailing allowable development standards
- A [Single-Family ADU/JADU Checklist](#)
- A [Multi-Family ADU Checklist](#)
- [Deed Restrictions Forms](#)
- A list of [Impact Fees](#)

Additional information that could prove useful to prospective residents, builders and architects includes:

- Links to fire safety and emergency access requirements;
- A list of site conditions that do *not* warrant easy installation of an ADU;
- A list of Frequently Asked Questions;
- Additional frequently requested Planning and Development forms, such as our [Tree Protection Instructions](#) and [Creek Protection Instructions](#) forms, and our Public Works Engineering forms pertaining to [Curbs, Gutters, Sidewalks and Driveway Approaches](#) listed elsewhere on the City of Berkeley website;
- Information about financing options; and
- Links to additional resources, such as [The Casita Coalition](#), an organization that disseminates information on policies and programs, best practices, and resources throughout the state.

Recommend that the City Manager consider adoption of the following two best practices:

- **Pre-Approved ADU Design Plans.** Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of

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vendors with architectural designs, construction drawings, or pre-fabricated units that have already been approved by the City.

- **ADU Ally.** Consider creation of a single point of contact e-mail address dedicated to serving those interested in ADU construction, along the lines of an “ADU Ally.” The ADU Ally would be a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process. Currently, our Planning Department does have a team of planners with an expertise in ADU laws and requirements, although the public lacks an easy and efficient way to access this team.

### POLICY COMMITTEE RECOMMENDATION

On November 4, 2021 the Land Use, Housing and Economic Development policy committee took the following action: M/S/C (Droste/Robinson) Qualified positive recommendation with direction for the item to be updated to include progress already made in this area as described by the Planning Director.

### CURRENT SITUATION AND ITS EFFECTS

*The City’s Process for Reviewing ADU Plans Is Not Efficient.* Getting approval to construct an ADU remains one of the biggest challenges in their development. A survey of 752 new ADU builders in California found that 50 percent thought it was difficult to obtain the necessary permits to build their ADU, and they struggled with the length and complexity of the process.<sup>1</sup> Today, builders and homeowners report that building an ADU in Berkeley is costly, cumbersome, and frustrating. ADU plans submitted by applicants to the City’s Permit Service Center are routed to multiple departments for review--a time-consuming process that requires review from multiple plan examiners and complicates the ADU process, as homeowners, and even architects, are often unaware of the rules of these other departments and have trouble navigating through the different requirements.<sup>2</sup> Further, the ADU plans are put in the same queue as other larger building projects, creating substantial wait times for approval. While the City recently created a webpage for ADUs, more work is needed to alert customers about the process, fees, and requirements for obtaining an ADU permit, enabling prospective customers to understand whether they are eligible to create an ADU and how to embark on the process. In fact, a number of jurisdictions have found that lack of awareness around ADUs and their permitting

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<sup>1</sup> See Chapple, et. al., *Implementing the Backyard Revolution: Perspectives of California’s ADU Owners*, 2021, Center for Community Innovation, Univ. of California, Berkeley: <https://www.aducalifornia.org/wp-content/uploads/2021/04/Implementing-the-Backyard-Revolution.pdf>

<sup>2</sup> See Chapple, et. al., *ADUs in CA: A Revolution in Progress*, 2020, Center for Community Innovation, Univ. of California, Berkeley: <https://www.aducalifornia.org/wp-content/uploads/2021/05/ADU-Progress-in-California-Report-October-Version.pdf>

requirements remains a critical barrier to their development. Homeowners often show up at the permitting counter unaware of certain building and engineering requirements, connection fees, and other local requirements that are not explicitly outlined in the code or in publicly accessible formats.<sup>3</sup> Enhancing the City's webpage could alert residents that the state has eliminated minimum lot size requirements for ADUs, for example, which could encourage more homeowners to consider building an ADU.

*Inefficiency Leads to High Permit Fees.* Currently, the City of Berkeley permitting fees are estimated at a flat rate (3-5 percent) of the job valuation.<sup>4</sup> Spending less staff time on permit reviews will result in lower fees over time. Construction costs in California are high and building an average-sized detached ADU typically runs upwards of \$150,000. By creating greater certainty and a more streamlined process, customers will be better able to plan for financing their ADU.

*Recent State Law Changes Have Made It Easier to Create ADUs.* Recent changes to state law have made it easier for more homeowners to pursue ADU development, such as:

- ADUs are now required to be approved and permitted ministerially (AB 68, 2019)
- Elimination of minimum lot sizes for ADU development (AB 68, 2019)
- Exemption of ADU parking requirements under certain circumstances (SB 13, 2019)<sup>5</sup>

*Best Practices From Other Local Jurisdictions Can Help to Increase ADU Production in Berkeley.* Cities throughout the state are meeting an increasing demand among homeowners for ADUs by: revising their local ADU ordinance and simplifying zoning requirements, offering customer-friendly services, and streamlining the permit approval process, and Berkeley, too, has started down this path. Taken together, these actions have shortened processing time, increased consistency, and reduced homeowner expenses. In Berkeley, interest in creating an ADU is growing: a total of 119 permits were approved for the construction of ADUs in 2020, a number that has steadily grown over the last five years, as shown in Exhibit 1. However, to date, the City of Berkeley has not implemented ADU best practices related to customer-friendly services and streamlining the permit approval process, meaning that more

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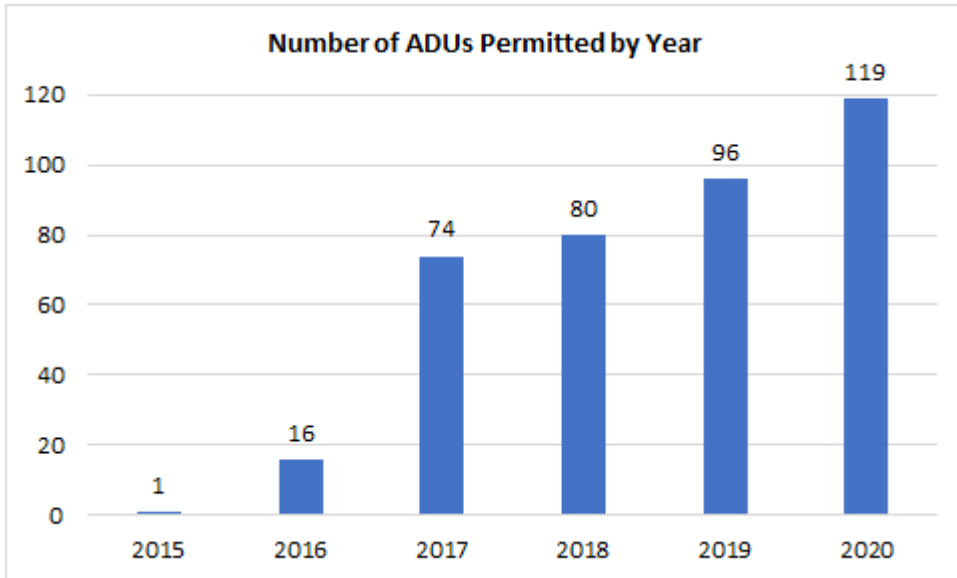
<sup>3</sup> See Chapple, et. al., ADUs in CA: A Revolution in Progress, 2020, Center for Community Innovation, Univ. of California, Berkeley: <https://www.aducalifornia.org/wp-content/uploads/2021/05/ADU-Progress-in-California-Report-October-Version.pdf>

<sup>4</sup> See the City of Berkeley's Department of Planning and Development's Building Permit Fee estimator: <https://www.cityofberkeley.info/PermitFeeEstimator.aspx>

<sup>5</sup> For a complete discussion of statutory changes to California's ADU codes see the Department of Housing and Community Development's ADU Handbook, p. 23: [https://www.hcd.ca.gov/policy-research/docs/adu\\_december\\_2020\\_handbook.pdf](https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf)

could be done to increase the number of ADU permits issued annually. We note that Berkeley is currently in the process of amending its ADU ordinance to comply with new state law changes.<sup>6</sup>

**Exhibit 1: Number of ADUs Permitted in the City of Berkeley Has Steadily Grown**



Source: “Response to Short Term Referral for Amendments to the Accessory Dwelling Units (ADU) Ordinance and Related Definitions to Address Public Safety Concerns,” Planning Commission Agenda Packet, April 7, 2020,

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2021-04-07%20PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-04-07%20PC_Item%209.pdf).

*Three Best Practices From Other Jurisdictions Recommended for Berkeley*

- **ADU Universal Checklist and Accompanying User-Friendly Webpage.**  
The City of San Jose has become well known for its adoption of an ADU Universal Checklist (see attached) that reduces the amount of time that City staff spend reviewing ADU permits and answering customer questions. Prior to the creation of San Jose’s Universal Checklist two years ago, ADU customers were required to work with four different departments (Building Development, Planning, Fire, and Public Works) to know the requirements and get their ADU permits approved--similar to the situation in Berkeley today. The Universal Checklist now provides a one-stop shop that lists all the requirements across all four City departments. This tool gives homeowners and builders clear guidance on what is required and simplifies the plan check

<sup>6</sup> See “Response to Short Term Referral for Amendments to the Accessory Dwelling Units (ADU) Ordinance and Related Definitions to Address Public Safety Concerns,” Planning Commission Agenda Packet, April 7, 2021, [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2021-04-07%20PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-04-07%20PC_Item%209.pdf)

process. The initial effort to establish the Universal Checklist took three to four months of weekly meetings among staff from the four relevant departments, according to the San Jose Public Information Manager for the Department of Planning, Building and Code Enforcement Division. However, now that the Universal Checklist is in place, those same staff have more available time to devote to other projects, according to the Public Information Manager. San Jose began utilizing the Universal Checklist in early 2019 shortly before some changes to state ADU laws (such as AB 68) went into effect; that year saw a notable jump in annual applications to build ADUs--from 376 permit applications in 2018 to nearly double in 2019 at 688 permit applications, which the Public Information Manager attributes to changes in state law, streamlined permitting, and marketing both of these changes.<sup>7</sup>

The marketing and advertising of these changes were facilitated by a user-friendly webpage that includes links to additional webpages with full descriptions of:

- The ADU Universal Checklist
- ADU plan review and permit process
- Pre-approved ADUs and lists of vendors
- Fees for ADUs
- ADU fire requirements
- Parking requirements and exemptions
- State and local ADU ordinances and updates<sup>8</sup>

The ADU Universal Checklist and accompanying user-friendly webpage are simple tools that could help all parties to be clear about the requirements for receiving an ADU permit. Websites have been found to be effective in educating homeowners and increasing knowledge of local zoning and permitting processes.<sup>9</sup> There is also precedent for using customer-friendly checklists, as the City of Berkeley already has many examples listed on its website, in addition to the recently added Single-Family and Multi-Family ADU/JADU checklists, as shown in Exhibit 2.

## **Exhibit 2: Building Checklists Currently Available from Online Service Center**

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<sup>7</sup> E-mail communication with Cheryl Wessling, San Jose's Public Information Manager, Department of Planning, Building and Code Enforcement Division, April 14, 2021.

<sup>8</sup> See City of San Jose's Department of Planning, Building and Code Enforcement ADU webpage: <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus>

<sup>9</sup> See Chapple, et. al., ADUs in CA: A Revolution in Progress, 2020, Center for Community Innovation, Univ. of California, Berkeley: <https://www.aducalifornia.org/wp-content/uploads/2021/05/ADU-Progress-in-California-Report-October-Version.pdf>

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Type of Checklist	Use
Code Compliance Checklists	Kitchens; Building Permits Submittals; Bathroom and Laundry; Decks, Porches, Stairs; Electric Vehicle Charging; Reach code low-rise residential; Reach code non-residential high rise and hotel/motel; Residential floor plan; Solar Photovoltaic; Windows and Doors
Energy Conservation Checklists	CalGreen residential; CalGreen non-residential
Stormwater Requirements Checklists	C.3 and C.6 projects; C.3.i projects
Land Use Planning Checklist	Landmark Alterations Submittal Checklists

Source: Online Service Center webpage, City of Berkeley website,  
[https://www.cityofberkeley.info/Online\\_Service\\_Center/Home/Forms.aspx](https://www.cityofberkeley.info/Online_Service_Center/Home/Forms.aspx).

- Pre-Approved ADU Design Plans.** Typically, homeowners interested in building ADUs must start their design from scratch, which creates lengthy and variable permitting processes. In fact, over 25 percent of new ADU builders in California found design constraints to be their top challenge.<sup>10</sup> To address this, numerous jurisdictions, including several in the Bay Area, have developed publicly accessible ADU design plans that are pre-approved by the jurisdiction's Planning and Building Departments, ranging from conceptual drawings to full sets of building plans, which greatly reduces the amount of staff time required to approve planning and building permits. This approach streamlines the process for issuing a permit, which reduces design costs for the customer, reduces staff time for City Departments, and increases consistency among all the approved permits. San Diego County<sup>11</sup> and the City of Encinitas<sup>12</sup>, for example, both offer a set number of optional pre-approved ADU designs (free and available for download) of varying sizes and styles that can eliminate fees for hiring an architect and streamline some of the permitting processes. San Jose utilizes a slightly different model, in which it offers a list of vendors with pre-approved full sets of construction drawings that homeowners may use for a small fee to the architect. The primary benefit of pre-approved ADU design plans is that they reduce homeowner uncertainty and City staff only need to evaluate the site-specific elements to approve the

<sup>10</sup> See Chapple, et. al., Implementing the Backyard Revolution: Perspectives of California's ADU Owners, 2021, Center for Community Innovation, Univ. of California, Berkeley:  
<https://www.aducalifornia.org/wp-content/uploads/2021/04/Implementing-the-Backyard-Revolution.pdf>

<sup>11</sup> See San Diego County's Accessory Dwelling Units webpage:  
<https://www.sandiegocounty.gov/content/sdc/pds/bldg/adu.html.html>

<sup>12</sup> See City of Encinitas' Permit Ready ADU (PRADU) webpage: <https://encinitasca.gov/pradu>  
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building permit, leading to a more efficient review and lower permit fees for the customer.<sup>13</sup>

- **ADU Ally.** The cities of Encinitas and San Jose both have dedicated staff whose sole responsibilities concern ADU development, providing staff responses to permitting requests and knowledgeable assistance steeped in state and local regulations.

## BACKGROUND

*As Home Prices Climb, ADUs are a Form of “Naturally Occurring” More Affordable Housing.* Home prices continue to climb across the Bay Area, and Berkeley now ranks as the third most expensive large Bay Area city, with an average home price of \$1.45 million, as shown in Exhibit 3. The state of California has the third highest median home price in the country, after Hawaii and Washington, D.C.<sup>14</sup> ADUs and Junior ADUs (within the main dwelling) are currently the only avenues available to increase the number of units in many residential zones. ADUs, also known as backyard cottages, have been found to be a form of “naturally occurring” more affordable housing when compared to the monthly cost to rent or own a single-family home.<sup>15</sup>

### **Exhibit 3: Berkeley Home Prices are Third Highest Among Large Bay Area Cities**

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<sup>13</sup> See City of San Jose’s Pre-approved ADU webpage:

<https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-permit-plan-review-process/adu-single-family-master-plan-program>. It should be noted that residents need to seek out the vendors and the designs are not free. San Jose also offers a process through which vendors can get their designs approved by the City and thus be added to the binder of pre-approved vendor designs.

<sup>14</sup> Experian, *Median Home Values by State*, Nov. 19, 2019, <https://www.experian.com/blogs/ask-experian/research/median-home-values-by-state/>.

<sup>15</sup> See both San Mateo County – April Report, *Affordability of Secondary Dwelling Units — 21 Elements*, April 9, 2014 (Used data from 2010- 2013): <https://norcalapa.org/wp-content/uploads/2018/07/Affordability-of-Second-Units-April-2014.pdf>; and Chapple, et. al., *Yes in My Backyard: Mobilizing the Market for Secondary Units*, 2012, Center for Community Innovation, Univ. of California, Berkeley, Page 10: [https://communityinnovation.berkeley.edu/sites/default/files/yes\\_in\\_my\\_backyard\\_mobilizing\\_the\\_market\\_for\\_secondary\\_units.pdf?width=1200&height=800&iframe=true](https://communityinnovation.berkeley.edu/sites/default/files/yes_in_my_backyard_mobilizing_the_market_for_secondary_units.pdf?width=1200&height=800&iframe=true)



City	% change from Feb. 2020 to Feb. 2021	Average value in Feb. 2021
Sunnyvale	11.1%	\$1.8M
San Mateo	1.6%	\$1.5M
Berkeley	6.9%	\$1.5M
San Francisco	-3.2%	\$1.4M
Santa Clara	12.2%	\$1.4M
Fremont	7.7%	\$1.2M
San Jose	14.0%	\$1.2M
Daly City	3.2%	\$1.1M
Livermore	10.4%	\$900K
Oakland	8.9%	\$870K

Source: Zillow, as reported by Neilson, Susie, Sumida, Nami, "Every major Bay Area city has seen home values go up in the pandemic. Except for one," *The San Francisco Chronicle*, April 10, 2021, <https://www.sfchronicle.com/local/article/Mapped-Real-estate-prices-soared-in-the-Bay-Area-16091650.php>.

### RATIONALE FOR RECOMMENDATION

The proposed recommendations for streamlining the review of ADU permit applications are intended to ensure that staff time is used efficiently, customers receive their permits in a timely manner at a competitive price, and that ultimately, these process improvements encourage more homeowners to create ADUs--a form of naturally-occurring more affordable housing that is greatly needed across the Bay Area and state.

It should be noted that senior staff in both City of Berkeley's Planning and Fire Departments were consulted in advance of submitting this council referral. On April 14, 2021, the District 1 office met with then Fire Chief David Brannigan and Fire Marshall Steven Riggs who both expressed support for providing better information to the public via our city website and commented that an ADU checklist with city-wide approved codes would indeed streamline the permitting process. Planning Director Jordan Klein was consulted the following day, on April 15th. He, too, expressed support for this referral, noting that he had wanted to initiate such process improvements himself, though often lacked the time to do so. Adding this referral to the department work plan will help ensure these improvements get put into practice.

FISCAL IMPACT

Time-limited staff time from relevant departments (Planning, Fire, and Public Works) to develop standardized sets of requirements to satisfy all building codes and safety regulations. Additional staff time from the Planning Department would be required to implement related ADU streamlining recommendations. We note that over time the initial outlay of staff time would lead to more efficient processing of ADU permit applications.

ENVIRONMENTAL SUSTAINABILITY

Encouraging the creation of ADUs and Junior ADUs enables the City to make more efficient use of residential land that is generally located in close proximity to public transit. Studies show that infill development is an effective strategy for reducing greenhouse gas emissions by reducing vehicle miles traveled when compared to homes created in outlying undeveloped areas.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachment:

City of San Jose ADU Universal Checklist

# ADU Universal Checklist

**Are you thinking about building an Accessory Dwelling Unit (ADU)?** This checklist will help ensure that your lot qualifies for an ADU and that your concept conforms to zoning codes and fire safety requirements. Homeowners, designers, and construction professionals should all review this checklist before investing in building plans.

**Instructions.** You'll need to identify your property designations, which you can find at [www.SJPermits.org](http://www.SJPermits.org). Tap "Permits & Property Information"; enter your address; and on the next screen, click on your property and select "Property Information." A list of designations will appear.

Let's get started with the checklist. You can get feedback from a City Planner by sending a completed ADU checklist and a rough ADU site plan to [ZoningQuestions@sanjoseca.gov](mailto:ZoningQuestions@sanjoseca.gov). If you need further help, contact the ADU Ally (see page 4).

QUESTION	YES	NO						
<b>PART 1. PROPERTIES THAT QUALIFY</b>								
<p>1. <b>Do you have a San Jose address?</b> This worksheet is only for properties in the City of San José jurisdiction. If you're not sure, you can confirm that a property is in San José at <a href="http://SJPermits.org">SJPermits.org</a> (see above instructions).</p> <p>2. <b>Zoning.</b> Is the property in a residential zone that begins with R-1, R-2, R-M, or PD? Or, regardless of zoning, is the property in one of the following General Plan designations (find out at <a href="http://SJPermits.org">SJPermits.org</a>):</p> <ul style="list-style-type: none"> <li>- Residential Neighborhood or Mixed-Use Neighborhood or Mixed-Use Commercial</li> <li>- Urban Residential or Transit Residential or Rural Residential</li> <li>- Downtown or Urban Village</li> </ul> <p>If you have questions about a PD zone, speak with a Planner at 408-535-3555 during these <a href="#">service hours</a>.</p> <p>&gt; <b>Outcome:</b> If no, an ADU is not allowed. If yes, see the table below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Property Type</th> <th style="text-align: left;">Qualifying Units</th> </tr> </thead> <tbody> <tr> <td>Single-family</td> <td>Subject to standards, one ADU and one JADU may be allowed — see definitions, pages 2-4.</td> </tr> <tr> <td>Duplex or Multifamily</td> <td>Subject to standards (pages 2-4), two detached ADUs may be allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed (for example, a building with 12 units may qualify for 3 attached ADUs).</td> </tr> </tbody> </table>	Property Type	Qualifying Units	Single-family	Subject to standards, one ADU and one JADU may be allowed — see definitions, pages 2-4.	Duplex or Multifamily	Subject to standards (pages 2-4), two detached ADUs may be allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed (for example, a building with 12 units may qualify for 3 attached ADUs).		
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<b>PART 2. PROPERTY DESIGNATIONS</b>								
<p>3. <b>Flood Zones.</b> Is the property in Flood Zones A, AE, AH, or AO? <i>Properties in D or X zones are excluded from these requirements.</i> Find designation at <a href="http://SJPermits.org">SJPermits.org</a>. Questions: Call 408-535-7803 or email <a href="mailto:floodzoneinfo@sanjoseca.gov">floodzoneinfo@sanjoseca.gov</a></p> <p>&gt; <b>Outcome:</b> If yes, see flood zone design requirements in <a href="#">Bulletin #211-ADU Plan Requirements</a>, found at <a href="http://www.sanjoseca.gov/home/showdocument?id=39040">www.sanjoseca.gov/home/showdocument?id=39040</a></p>								
<p>4. <b>Geohazard Zone.</b> Is the property in a designated "geohazard" or "landslide" zone? Find designations at <a href="http://SJPermits.org">SJPermits.org</a>.</p> <p>&gt; <b>Outcome:</b> If yes, obtain a Geologic Hazard Clearance. Call Public Works at 408-535-7802 or email <a href="mailto:pwgeneralinfo@sanjoseca.gov">pwgeneralinfo@sanjoseca.gov</a></p>								
<p>5. <b>Historic Designation.</b> Is the property located in a Historic District identified on the California Register of <a href="#">Historic Resources</a>? Find historic designations: <a href="http://www.sanjoseca.gov/HistoricResourcesInventory">www.sanjoseca.gov/HistoricResourcesInventory</a>.</p> <p>&gt; <b>Outcome:</b> If yes, simplified design standards will apply. Please speak with a Planner at 408-535-3555.</p>								
<p>6. <b>Easements.</b> Does the property have a dedicated easement? Easements are described in the title report that came with the purchase of your home, or contact a title company for a report copy. Tract and parcel maps at the County Surveyor Record Index tool at <a href="http://bit.ly/2ZhGjXc">http://bit.ly/2ZhGjXc</a> may show easements, but may be less accurate than a title report.</p> <p>&gt; <b>Outcome:</b> If yes, you must comply with the requirements of the easements, which may include no construction allowed within the easement area.</p>								

*continued >*

**PART 3. DEVELOPMENT STANDARDS - Per Municipal Code Section 20.30.150: <http://bit.ly/33Knz6c>**

A great way to ensure your proposed ADU complies with the Zoning Code Development Standards is to meet with a City Planner. This free consultation can help you avoid designing plans that will NOT be approved. Come to the Permit Center and bring a completed Universal Checklist and a rough sketch of your property showing dimensions and the location of the main home and location of the proposed ADU. See full instructions for this consultation at [www.sanjoseca.gov/ADUs](http://www.sanjoseca.gov/ADUs).

**QUESTION** **YES** **NO**

**7. Location.** Is your proposed ADU located as follows?

Property Type	Location Requirements
Single-Family	<p><b>Attached ADU:</b> Must share a wall with main residence OR share a roof structure with main residence and be separated by no more than 10 feet. For an attached ADU in the front yard, the front door cannot be on same street-facing façade as that of the primary residence, with some exceptions (learn more by speaking with a Planner at 408-535-3555).</p> <p><b>Detached ADU:</b> Must be in the rear yard or 45 feet from the front property line. Must have a minimum 6-foot separation from the main dwelling unit. May be a converted detached garage or accessory building OR may be built attached to a detached garage or accessory building.</p> <p><b>Junior Accessory Dwelling Unit (JADU):</b> Must locate entirely within the main home’s existing footprint. You may have a JADU and a detached ADU. Both a JADU and attached ADU are not allowed.</p>
Duplex or Multifamily	<p><b>Attached ADU:</b> Location is limited to a conversion of existing non-livable space, such as converting an attic, basement, garage, storage room, boiler room, or passageway.</p> <p><b>Detached ADU:</b> Must be in the rear yard or 45 feet from the front property line, with a minimum 6-foot separation from the main building. The ADU may be a conversion of a detached garage or accessory building, or attached to a detached garage or accessory building.</p> <p><b>JADU:</b> Not allowed.</p>

> **Outcome:** If yes, your planned location for the ADU is in compliance. If no, your plans will not be approved.

**8. Size.** Is the size of the proposed ADU within the maximum limits as shown in the tables below AND does the proposed size account for the Rear Yard Coverage Limitation?

SINGLE-FAMILY LOTS	
Lot Size	Maximum Floor Area Allowed
Up to 9,000 sf	Detached ADU: 1,000 sf maximum
	Attached ADU: Size can be up to 800 sf OR up to 50% of the primary residence area without exceeding 1,000 sf. Example: For an 1,800 sf home, a 900 sf attached ADU is allowed.
9,000 sf and greater	Detached ADU: 1,200 sf maximum
	Attached ADU: Size can be up to 800 sf OR up to 50% of the primary residence area without exceeding 1,200 sf. Example: For an 2,400 sf home, a 1,200 sf attached ADU is allowed.
Any lot with a JADU	JADU: 500 sf maximum
	Detached ADU: 800 sf maximum
	Attached ADU: not allowed with a JADU

DUPLEX & MULTIFAMILY LOTS	
Lot Size	Maximum Floor Area Allowed
Any lot size	Detached ADU: 800 sf maximum
	Attached ADU: 800 sf maximum
	JADU: not allowed

*How to calculate allowable square footage (sf):*  
The square footage of all living areas (existing or proposed) connected by a door or other opening counts toward the total allowable square footage of the ADU.

**Rear Yard Coverage Limitation.** The rear yard is the area that extends from the rear lot line to the rear of the main home across the full width of the lot. The cumulative coverage of the rear yard by structures — including coverage by the ADU, accessory buildings, sheds, gazebos, or other structures — may not exceed 40% of the rear yard or 800 sq.ft., whichever is greater. Does your project comply with this rule?

> **Outcome:** If yes, your ADU size is in compliance. If no, your plans will not be approved.

*continued >*

QUESTION	YES	NO												
<p><b>9. Setbacks.</b> Does your proposed ADU comply with these rules for setbacks?</p> <table border="1" data-bbox="168 205 1409 747"> <thead> <tr> <th data-bbox="168 205 370 233">Property Type</th> <th data-bbox="375 205 1409 233">Location Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="168 239 370 422">Single-family</td> <td data-bbox="375 239 1409 422"> <b>Attached ADU:</b> Same setback requirements as apply to the main dwelling unit.  <b>Detached ADU:</b>                      - Must be set back 45 feet minimum from front property line.                      - Rear/side setbacks less than 3 feet may be subject to fire mitigation measures, see p. 4.                      - A second story OR new ADU with greater than 40% rear yard coverage must be set back 4 feet from both rear and side property lines.                 </td> </tr> <tr> <td data-bbox="168 428 370 604">Duplex or Multifamily</td> <td data-bbox="375 428 1409 604"> <b>Attached ADU:</b> Setbacks not applicable as the attached ADU is limited to a conversion of existing non-livable space.  <b>Detached ADU:</b>                      - Must be in the rear yard or 45 feet from the front property line.                      - Rear/side setbacks: Minimum 4 feet, allows for up to 1-foot projection for eaves                      - A second story is not allowed on a detached ADU for duplex/multifamily properties.                 </td> </tr> <tr> <td data-bbox="168 611 370 646">Corner lots</td> <td data-bbox="375 611 1409 646">A 10-foot setback is required on the street side.</td> </tr> <tr> <td data-bbox="168 653 792 688">Lots ½ acre or greater along riparian corridors</td> <td data-bbox="797 653 1409 688">Minimum 100-foot setback required.</td> </tr> <tr> <td data-bbox="168 695 792 747">Decks, unenclosed entry landings, and second-story balconies</td> <td data-bbox="797 695 1409 747">Minimum 15-foot rear/side setback required. May not locate along building walls nearest to rear and side property lines.</td> </tr> </tbody> </table> <p>&gt; <b>Outcome:</b> If yes, the setbacks for your ADU are in compliance. If no, your plans will not be approved.</p>	Property Type	Location Requirements	Single-family	<b>Attached ADU:</b> Same setback requirements as apply to the main dwelling unit. <b>Detached ADU:</b> - Must be set back 45 feet minimum from front property line. - Rear/side setbacks less than 3 feet may be subject to fire mitigation measures, see p. 4. - A second story OR new ADU with greater than 40% rear yard coverage must be set back 4 feet from both rear and side property lines.	Duplex or Multifamily	<b>Attached ADU:</b> Setbacks not applicable as the attached ADU is limited to a conversion of existing non-livable space. <b>Detached ADU:</b> - Must be in the rear yard or 45 feet from the front property line. - Rear/side setbacks: Minimum 4 feet, allows for up to 1-foot projection for eaves - A second story is not allowed on a detached ADU for duplex/multifamily properties.	Corner lots	A 10-foot setback is required on the street side.	Lots ½ acre or greater along riparian corridors	Minimum 100-foot setback required.	Decks, unenclosed entry landings, and second-story balconies	Minimum 15-foot rear/side setback required. May not locate along building walls nearest to rear and side property lines.		
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<p><b>10. Height.</b> Does your proposed ADU comply with these height limitations?</p> <table border="1" data-bbox="168 869 1409 1083"> <thead> <tr> <th data-bbox="168 869 370 896">Property Type</th> <th data-bbox="375 869 1409 896">Location Requirements</th> </tr> </thead> <tbody> <tr> <td data-bbox="168 903 370 1003">Single-family</td> <td data-bbox="375 903 1409 1003"> <b>Attached ADU:</b> Same height limitations as apply to the main dwelling unit.  <b>Detached ADU:</b> One story: 18 feet maximum. Two-story: 24 feet maximum                      If the property includes a JADU, height of a detached ADU is 16 feet maximum per state law.                 </td> </tr> <tr> <td data-bbox="168 1010 370 1083">Duplex or Multifamily</td> <td data-bbox="375 1010 1409 1083"> <b>Attached ADU:</b> Limited to a conversion of existing non-livable space and must maintain existing height.  <b>Detached ADU:</b> 16 feet maximum per state law                 </td> </tr> </tbody> </table> <p><b>Outcome:</b> If yes, the height of your ADU is in compliance. If no, your plans will not be approved.</p>	Property Type	Location Requirements	Single-family	<b>Attached ADU:</b> Same height limitations as apply to the main dwelling unit. <b>Detached ADU:</b> One story: 18 feet maximum. Two-story: 24 feet maximum If the property includes a JADU, height of a detached ADU is 16 feet maximum per state law.	Duplex or Multifamily	<b>Attached ADU:</b> Limited to a conversion of existing non-livable space and must maintain existing height. <b>Detached ADU:</b> 16 feet maximum per state law								
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<p><b>11. Sleeping Area.</b> Up to two bedrooms are allowed, and the maximum bedroom size is 400 sf. Does the sleeping area or bedroom/s planned for the ADU or JADU comply with these standards?</p> <p>&gt; <b>Outcome:</b> If yes, your layout for the sleeping area is allowed. If no, your plans will not be approved</p>														
<p><b>12. Kitchen, Bathroom, Storage.</b> Does your proposed ADU or JADU comply with these rules?</p> <p><b>Kitchen</b> - ADUs must have a sink, food preparation counter, storage, cabinets, and permanent cooking facilities such as a range or cooktop and oven. JADUs may have the same OR a small efficiency kitchen with plug-in appliances.</p> <p><b>Bathroom/s</b> - For ADUs, up to two bathrooms are allowed, requiring a sink, toilet, and shower and/or bath facilities. For JADUs, sharing the bathroom with the main residence is allowed or one bathroom or a half bathroom is allowed.</p> <p><b>Storage</b> - A closet or other enclosed storage area cannot exceed 60 sq. ft.</p> <p>&gt; <b>Outcome:</b> If yes, your design is in compliance. If no, your plans will not be approved.</p>														
<p><b>13. Second Story Window Sill Height.</b> Sill height for any openings must be a minimum 5 feet from the floor for walls nearest to rear and side property lines. Does your project comply with this rule?</p> <p>&gt; <b>Outcome:</b> If yes, this window design is allowed. If no, the plans will not be approved.</p>														
<p><b>14. Parking Requirements.</b> Does your proposed ADU either provide a parking space OR qualify for an exemption?</p> <p><b>Exemptions:</b> Many ADUs qualify for a parking exemption in accordance with state law. Please see the Parking Requirements page at <a href="http://www.sanjoseca.gov/ADUs">www.sanjoseca.gov/ADUs</a> for a list of the exemption criteria.</p> <p><b>Parking space location:</b> If you are required to provide a parking space, it must be located on a surface free of mud or dust. It may be located within the front and side setbacks of the property, with a minimum driveway length of 18 feet.</p> <p><b>Parking requirements after a garage conversion:</b> If you converted a garage to an ADU, replacement parking for the main home is no longer required.</p> <p>&gt; <b>Outcome:</b> If yes, your proposed project is in compliance. If no, your plans will not be approved.</p>														

continued >

PART 4. FIRE SAFETY & EMERGENCY ACCESS		
<p>We will review your ADU project for compliance with the California Fire Code (CFC) so that projects are built for safety and ease of access during an emergency. For questions, call the Fire Prevention Bureau at 408-535-7750 or email <a href="mailto:SJFDPermitSpecialist@sanjoseca.gov">SJFDPermitSpecialist@sanjoseca.gov</a></p>		
QUESTION	YES	NO
<p><b>15. Hydrant Water Flow.</b> Is a minimum flow of 1,000 gpm at 20 psi available at the closest hydrant? Ask your Water Company for this information. Send an email with “ADU WATER FLOW REQUEST” in the subject line and present this information:</p> <ul style="list-style-type: none"> <li>▪ Your name</li> <li>▪ Street name and address of the project</li> <li>▪ Nearest cross street to that location</li> </ul> <p><b>Submit the letter from the Water Company that contains this water flow data with your building permit application. DON'T WAIT!</b> A top reason for permit issuance delays is not having this letter. Your water company will respond, so contact them today. Find Water Company contact information at the <a href="https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-fire-requirements">ADU Fire Requirements webpage: https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-fire-requirements</a></p> <p>&gt; <b>Outcome:</b> If the flow is other than 1,000 gpm at 20 psi, Fire staff will review flow data and will evaluate if additional fire safety measures are required.</p>		
<p><b>16. Hydrant Proximity.</b> Are all exterior walls of the ADU within 600 feet of a fire hydrant?</p> <p>On the Site Plan Vicinity Map for plan submittal, mark one or more locations of fire hydrants closest to the project. Indicate the distance from the hydrant/s to the farthest exterior wall of the ADU, using the minimum 3-foot clear path of travel.</p> <p>&gt; <b>Outcome:</b> <u>If no, your project may require a Fire Variance that entails additional safety measures. Call 408-535-7750 for direction. Find the Variance application at: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9343">www.sanjoseca.gov/Home/ShowDocument?id=9343</a></u></p>		
<p><b>17. Fire sprinklers.</b> Is the primary residence protected by fire sprinklers?</p> <p>&gt; <b>Outcome:</b> If yes, the ADU must have a fire sprinkler system.</p>		
<p><b>18. Fire sprinklers and attached ADUs.</b> Is the project an attached ADU greater than 500 square feet AND does the overall gross floor area with the main unit exceed 3,600 square feet?</p> <p>&gt; <b>Outcome:</b> If yes, the entire house and ADU are required to be protected with a fire sprinkler system.</p>		
<p><b>19. ADU Address.</b> Does the ADU have its own address and is the address visible and legible from the street?</p> <p>Premises Identification guidelines: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9323">www.sanjoseca.gov/Home/ShowDocument?id=9323</a>.</p> <p>On the Site Plan for plan submittal, show the address location on the primary dwelling unit and on the ADU.</p> <p>&gt; <b>Outcome:</b> <u>If no, please complete Form #302, found at: <a href="http://www.sanjoseca.gov/home/showdocument?id=25943">www.sanjoseca.gov/home/showdocument?id=25943</a></u></p>		
<p><b>20. ADU Access.</b> Is the distance from the street curb of the lot to all portions of the proposed ADU no greater than 200 feet as measured along a minimum 3-foot clear path to all sides of the ADU?</p> <p>On the Site Plan for plan submittal, show the distance along the minimum 3-foot clear path from the front property line to the ADU's farthest exterior side or projection (such as eaves), whichever is farthest.</p> <p>&gt; <b>Outcome:</b> <u>If no, your project may require a Fire Variance that entails additional safety measures. Call 408-535-7750 for direction. Find the Variance application at: <a href="http://www.sanjoseca.gov/Home/ShowDocument?id=9343">www.sanjoseca.gov/Home/ShowDocument?id=9343</a></u></p>		
SECTION E. MISCELLANEOUS		
<p><b>21. Tree Removal.</b> Will constructing an ADU require removal of an ordinance-size or heritage tree?</p> <p>&gt; <b>Outcome:</b> If yes, please see the City's rules for removing trees: <a href="http://www.sanjoseca.gov/treepermit">www.sanjoseca.gov/treepermit</a></p>		

## ADU ALLY - HERE TO HELP YOU

Our ADU Ally is a staff member that will answer your questions; connect you to other staff who may be of assistance; and schedule your appointment for ADU plan submittal and review.

Email: [adu.ally@sanjoseca.gov](mailto:adu.ally@sanjoseca.gov)

Phone: 408-793-5302

Find more ADU information at [www.sanjoseca.gov/ADUs](http://www.sanjoseca.gov/ADUs)