



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
May 2, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Susan Wengraf, Lori Droste, and Ben Bartlett
Subject: Referral to Planning Commission to Provide Ordinance Language for the Creation of Junior ADUs

RECOMMENDATION

Refer to the Planning Commission to provide ordinance language for the creation of Junior ADUs and return to City Council for adoption

BACKGROUND

High housing costs, particularly in the Bay Area, along with demographic increases in our aging population, have prompted the City of Berkeley to find opportunities to encourage a variety of options in our housing stock.

Junior ADUs are created by re-purposing a bedroom and ancillary space within an existing home. State law limits Junior ADUs to a maximum of 500 square feet (sf) of living space contained entirely within an existing single-family structure. A Junior ADU unit may include separate bathroom facilities, or may share facilities with the existing structure. They have a private exterior entrance and are separate from the main living area, however, the connecting door remains and can be secured from both sides.

Junior ADUs do not redefine single-family homes, as the door adjoining the Junior Unit to the main living area remains in place. They do not increase density as the living and sleeping capacity of a home does not change (e.g., a four bedroom home converted to a three bedroom home with one Junior ADU still only has four bedrooms). The requirements for water and energy, the need for parking, and the impact on local roads have all been accounted for in the original permit for the home. All that is needed to create a Junior ADU is a bar sink, a standard set of electrical outlets to accommodate small kitchen appliances, access to a bathroom, and an exterior entrance.

Assembly member Tony Thurmond introduced legislation to remove financial and bureaucratic barriers to the creation of Junior ADU's in his Assembly Bill AB2406 which was signed into law by Governor Jerry Brown in September, 1916.

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

AB 2406 prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.
- AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

FINANCIAL IMPLICATIONS

Staff time.

ENVIRONMENTAL SUSTAINABILITY

NA

CONTACT PERSON

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