









ACCESSORY DWELLING UNIT ORDINANCE SUMMARY

Effective December 20, 2020

Processing + Land Use Development Standards

Ministerial land use approval for ADUs will be issued within **60-days** of receiving a **complete** building permit application.

	JADU ¹	ADU on LOT WITH SINGLE FAMILY DWELLING(S)			ADU on LOT WITH MULTI-FAMILY DWELLING(S)	
ADU Type	 Conversion JADU² <i>[interior conversion of some portion of a single-family dwelling]</i>	 Conversion ADU^{2&3} <i>[interior conversion of existing habitable or non-habitable area within a single-family dwelling, or conversion of a legally built detached accessory structure or accessory building]</i>	 Detached ADUs <i>[new construction]</i>	 Attached ADU <i>[addition/new construction]</i>	 Conversion ADU² <i>[interior conversion of existing non-habitable area of multifamily structures]</i>	 Detached ADUs <i>[new construction]</i>
Lot	A JADU may be established on a lot with one single family dwelling.	An ADU may be established on a lot that has an existing or proposed single-family or multi-family dwelling.				
Number of Accessory Units	1 ⁴	1 ⁵			Interior Conversion ADU: At least one and no more than 25% of the existing unit count in multifamily building. ⁶ OR Detached ADU: 2	
Maximum Size (Square Feet ²)	500	N/A	1,200	1,200	N/A	1,200
Maximum Height (Feet)	N/A	N/A	16		N/A	16
Side Setbacks (Feet)	N/A	N/A	4		N/A	4
Rear Setbacks (Feet)	N/A	N/A	4		N/A	4
Entrance(s)	Exterior entrance required.	Exterior entrance required.			Independent entrance required. ⁷	
Kitchen	Efficiency kitchen required. ⁸	Full kitchen required. ⁹				
Parking Requirements	JADUs created in the attached garage are not subject to the same parking protections as ADUs.	No parking required for ADUs. Replacement parking for existing dwelling unit(s) not required when a garage, carport, covered parking structure, or designated uncovered parking area is physically replaced by an accessory dwelling unit.				
Deed Restrictions	The owner of the property must record a deed restriction to include the requirements listed in Government Sections 65852.2 and 658582.22.	The owner of the property must record a deed restriction with Alameda County that restricts the sale of the ADU from the existing dwelling unit(s) and prohibits Short Term Rentals.				
Owner Occupancy	Required for either single-family dwelling or JADU.	Not required for ADUs permitted between January 1, 2020 and January 1, 2025.				
Natural Gas Prohibition	Does not Apply	May Apply ¹⁰	Applies	Does not Apply	Does not Apply	Applies
Short Term Rentals	Prohibited					
Impact Fees	None	ADUs Less than 750 SF- None ADUs Equal to or Greater than 750 SF- Impact fees collected must be proportional to square footage of existing dwelling unit(s).				
Utility Fees and Connections	No connection fee or capacity charge and no direct line required between ADU or JADU and utility unless in conjunction with a new single-family dwelling.	Connection fee or capacity charge "proportionate to the burden" of the ADU and may require new or separate utility connections.				

¹ A Junior ADU (JADU) is a small dwelling unit created from some portion of a single family dwelling. These units can have their own bathroom facilities or share with the single family dwelling.

² Conversions do not allow modifications to building footprint/ dimensions of legally built structures or buildings, except where sufficient egress and ingress requires modifications -- in which case, an expansion of up to 150 square feet is allowed for ADUs on lots with single family dwellings.

³ A Conversion ADU is permitted in an existing accessory structure on both single/multi-family lot.

⁴ Lots with multiple detached single-family dwellings may only have one ADU.

⁵ Both a JADU and an ADU may exist on a lot zoned with one single-family dwelling.

⁶ When calculating, round up to the nearest integer.

⁷ Exterior entrance not required, but independent entrance (e.g. off hallway, stairwell or other common space) is required.

⁸ An efficiency kitchen includes 1) a sink; 2) a cooking facility with appliances; and 3) food preparation counter and storage cabinets.

⁹ A full kitchen requires habitable space used for preparation of food that contains at least a sink, a refrigerator of no less than 10 cubic feet, and either a cooktop and an oven, or a range.

¹⁰ Conversions of detached Accessory Buildings or Accessory Structures that involve Demolition are subject to the Natural Gas Prohibition.

N/A = not applicable SF = square feet



ACCESSORY DWELLING UNIT FLOW CHART

Land Use Planning Division | Planning and Development
1947 Center Street, 3rd Floor
510) 981-7500 | planning@cityofberkeley.info

Start

Proposed ADU is located on a lot that is **residentially zoned** or is located on **within** a structure with an existing residential dwelling.

No

Not allowed

Yes

Yes

ADU is on a **single-family lot** or is **within a single-family dwelling**.

or

ADU is on a **multi-family lot** or is **within a multi-family structure**.

No

Not allowed

Not allowed

No

Yes

Yes

Yes

Yes

Yes

New Construction ADU
New detached ADU, or an addition (attached) to the dwelling.

Development Standards -

- Side / rear setbacks: **4 ft**
- Height: **16 ft. max**
- Size:
 - Detached - **1,200 sq. ft.**
 - Attached - **1,200 sq. ft.**

Conversion ADU
Conversion of space (e.g., basement, garage, storage area, or an accessory structure).

Development Standards
Maintain existing dimensions, footprint, height, and setbacks.

JADU
Conversion of existing space within the dwelling, including attached garages. One JADU is allowed per lot.

Development Standards
Maintain existing dimensions, footprint, height, and setbacks.

New Construction ADU
Detached ADU. Must comply with 4 ft. min. side and rear setbacks, max. height of 16 ft., and 1,200 max sq. ft.

Development Standards -

- Side / rear setbacks: **4 ft**
- Height: **16 ft. max**
- Size:
 - Detached - **1,200 sq. ft.**
 - Attached - **up to 50% of existing floor area**

Conversion ADU
Conversion of unlivable space within the building (e.g., storage room, boiler room, carport) or of existing legal accessory structures.

Development Standards
Maintain existing dimensions, footprint, height, and setbacks.

Number of ADUs allowed:

- Single-family lots are allowed one JADU and one conversion or new construction ADU
- Multifamily lots are allowed to have at least one conversion ADU (or up to 25% of existing floor area), and up to two detached ADUs

Other Requirements:

- [Address Assignment](#) (JADUs exempt), Declaration of Restrictions
- Newly constructed ADUs are subject to the City of Berkeley Natural Gas Prohibition Ordinance ([Chapter 12.80](#)) and the Electrification Reach Code (Local amendment to Berkeley Energy Code/Chapter [19.36](#)).

*Please refer to the ADU Ordinance Summary Sheet and [State ADU Handbook](#) for more information.



ACCESSORY DWELLING UNIT CHECKLIST – SINGLE FAMILY RESIDENTIAL

Land Use Planning Division | Planning and Development
1947 Center Street, 3rd Floor
(510) 981-7500 | planning@cityofberkeley.info

Project Address: _____

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are independent and semi-independent dwelling units with complete or partial provisions for sleeping, cooking, and sanitation permitted to be constructed on properties with existing or proposed single-family dwellings pursuant to State law – Government Code Sections 65852.2 and 65852.22. This eligibility screening by the Land Use Planning Division is to ensure compliance with ADU regulations **prior** to filing a building permit application.

Completed documents required at the time of ADU project submittal for Planning:

1. [Building Permit Application](#) form
2. Accessory Dwelling Unit Checklist (this form)
3. Complete Project Plan Set
 - [Site Plan](#)
 - Floor Plans that show all floors and use of all rooms
 - Building Elevations

**Show existing and proposed conditions*

4. [Address Assignment Application](#)

Eligibility Checklist

Below are development standards for ADUs. Please indicate whether the proposed project meets these standards by filling in the blanks and circling “YES” or “NO” for each section. If you answer yes to all of the questions, your application is eligible for a building permit. If you answered no to any of the questions, your application must be revised prior to submittal to comply with ADU development standards.

Does the ADU/JADU meet the following development standards?	Compliance (Circle One)	Review (City Use)
1. <u>Lot</u> : An ADU may be established on any lot that has an existing or proposed single-family dwelling unit. Does the lot have a proposed or an existing single-family dwelling?	Yes No	
2. <u>Quantity</u> : Properties with existing or proposed single-family residences are limited to one (1) ADU and one (1) JADU. Is the project consistent with the allowed quantity?	Yes No	
3. <u>Setbacks</u> : Newly constructed (attached/ detached) ADUs shall be required to maintain the following setbacks: <ul style="list-style-type: none"> • Street-Side and Interior Side Yard:4-Feet • Rear Yard: 4-Feet • Setback from Other Structures:3-Feet Will the ADU/JADU conform to all minimum required setbacks? <i>*No setbacks are required for ADU/JADU conversions of existing, permitted structures.</i>	Yes No N/A	

<p>4. <u>Maximum Unit Sizes and Floor Area:</u> ADUs</p> <ul style="list-style-type: none"> • <u>Conversion:</u> N/A • <u>Detached:</u> 1,200 square-feet • <u>Attached:</u> 1,200 square-feet <p>Is size of the proposed ADU consistent with the above requirements?</p> <p>JADUs</p> <ul style="list-style-type: none"> • No more than 500 square-feet <p>Is the proposed JADU equal to or less than 500 square-feet?</p>	<p>Yes No N/A</p>	
<p>4. <u>Building Height:</u></p> <ul style="list-style-type: none"> • <u>Attached/ Detached-</u> Shall be limited to 16-feet in maximum height. • <u>Conversion-</u> Shall maintain the same height as the existing structure. <p>Will the proposed ADU be less than maximum height?</p>	<p>Yes No N/A</p>	
<p>7. <u>Cooking Facilities:</u></p> <p>ADUs. ADUs are required to include a full kitchen.</p> <p>JADUs. JADUs are required to include an <u>efficiency kitchen</u>, at a minimum, which shall include a cooking facility with appliances and a food preparation counter (wet bar) with suitable storage cabinets.</p> <p>Will the proposed ADU/JADU include the appropriate cooking facilities?</p>	<p>Yes No</p>	
<p>8. <u>Unit Connection and Entrances:</u></p> <p>ADUs – Must have a separate, independent entrance separate than the primary residence.</p> <p>JADUs – Shall be required to have a separate exterior access from the primary residence.</p> <p><i>*An internal connection to primary residence is required if the JADU does not have sanitary facilities independent from the primary residence.</i></p> <p>Does the ADU/JADU meet the egress, access, and internal connection requirements?</p>	<p>Yes No</p>	
<p>9. <u>Separate Sale:</u> ADUs and JADUs shall not be sold or otherwise conveyed separate from the primary residence.</p> <p>Does the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p>	
<p>10. <u>Owner Occupancy:</u> For JADUs only – the property owner shall always reside in either the primary residence or new JADU. A deed restriction shall be recorded with the County of Alameda Clerk-Recorder’s Office prior to building permit issuance for JADUs (see requirement 12).</p> <p>Does the applicant and property owner acknowledge this requirement?</p>	<p>Yes No N/A</p>	
<p>11. <u>Short-Term Rental Prohibition:</u> ADUs and JADUs shall not be utilized as commercial short-term rentals (i.e. rentals less than 30 consecutive days).</p> <p>Does the applicant and property owner acknowledge this requirement?</p>	<p>Yes No</p>	
<p>12. <u>Deed Restriction:</u> Prior to building permit final, a copy of the recorded deed restriction (Notice of Limitations) must be submitted.</p> <p>Has a notarized deed restriction been submitted to the County of Alameda Clerk – Recorder’s Office?</p> <p><i>*Deed restrictions are not required for JADUs</i></p>	<p>Yes No N/A</p>	
<p>13. <u>Address Assignment:</u> Prior to building permit final, a new address must be assigned to the ADU.</p> <p>Has the applicant submitted an address assignment?</p>	<p>Yes No</p>	
<p>14. <u>Summary:</u> This project meets ALL requirements listed above.</p>	<p>Yes No</p>	

TO BE COMPLETED BY CITY STAFF ONLY:

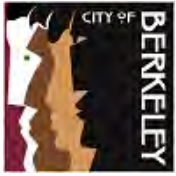
Lot/ Structure Type (*circle one*): SINGLE FAMILY MULTIFAMILY

ADU Type (*circle one*): JADU DETACHED ADU ATTACHED ADU CONVERSION ADU

Planner: _____ **Date:** _____

Notes: _____

Is the project eligible to receive a building permit? YES NO



ACCESSORY DWELLING UNIT CHECKLIST – MULTIFAMILY RESIDENTIAL

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 1947 Center Street, 3rd Floor
 (510) 981-7500 | planning@cityofberkeley.info

Project Address: _____

Accessory Dwelling Units (ADUs) are independent dwelling units with complete or partial provisions for sleeping, cooking, and sanitation permitted to be constructed on properties with multi-family dwellings pursuant to state law – Government Code Sections 65852.2 and 65852.22. This eligibility screening by the Land Use Planning Division is to ensure compliance with ADU regulations **prior** to filing a building permit application.

Completed documents required at the time of ADU project submittal for Planning:

1. [Building Permit Application](#) form
2. Accessory Dwelling Unit Checklist (this form)
3. Complete Project Plan Set*
 - [Site Plan](#)
 - Floor Plans that show all floors and use of all rooms
 - Building Elevations

**Show existing and proposed conditions*

4. [Address Assignment Application](#)

Eligibility Checklist

Below are development standards for ADUs. Please indicate whether the proposed project meets these standards by filling in the blanks and circling “YES” or “NO” for each section. If you answer yes to all of the questions, your application is eligible for a building permit. If you answered no to any of the questions, your application must be revised prior to submittal to comply with ADU development standards.

Does the ADU meet the following development standards?	Compliance (Circle One)	Review (City)
1. <u>Lot</u> : An ADU may be established on any lot that has an existing or proposed single-family dwelling unit. Does the lot have a proposed or an existing single-family dwelling?	Yes No	
2. <u>Quantity</u> : Properties with existing or proposed multi-family structures are limited to the following: <ul style="list-style-type: none"> • <u>Multifamily Conversion*</u>: At least one and no more than 25% of the existing unit count in a multifamily building. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • <u>Multifamily Detached</u>: 2 detached ADU units. Does the project satisfy the allowed quantity requirement(s)?	Yes No	
3. <u>Conversion ADUs</u> : May only be created from existing unlivable space (i.e. garages, sheds, basement space, etc.) Is the converted ADU created from existing unhabitable space?	Yes No N/A	
4. <u>Setbacks</u> : Newly constructed (attached/ detached) ADUs shall be required to maintain the following setbacks: <ul style="list-style-type: none"> • Street-side and interior side yard: 4 feet • Rear yard: 4 feet 	Yes No N/A	

<ul style="list-style-type: none"> Setback from Other Structures: 3-Feet <p>Will the ADU conform to all minimum required setbacks? *No setbacks are required for ADU conversions of existing, permitted primary structures.</p>		
<p>4. <u>Maximum Unit Sizes and Floor Area.</u></p> <ul style="list-style-type: none"> <u>Conversion:</u> N/A <u>Detached:</u> 1,200 sq. ft. <p>Is the proposed ADU equal to or less than the above?</p>	Yes No	
<p>5. <u>Building Height.</u></p> <ul style="list-style-type: none"> <u>Attached/ Detached:</u> Shall be limited to 16-feet in maximum height. <u>Conversion:</u> Shall maintain the same height as the existing structure. <p>Is the proposed ADU consistent with the stated height requirements?</p>	Yes No N/A	
<p>6. <u>Cooking Facilities.</u> ADUs are required to include a full kitchen.</p> <p>Will the proposed ADU include a full kitchen?</p>	Yes No	
<p>8. <u>Unit Connection and Entrances.</u> ADUs are required to have an independent exterior entrance separate from the primary residence.</p> <p>Does the ADU meet the egress, access, and internal connection requirements?</p>	Yes No	
<p>9. <u>Separate Sale.</u> ADUs shall not be sold or otherwise conveyed separate from the primary multi-family structure.</p> <p>Does the applicant and property owner acknowledge this requirement?</p>	Yes No	
<p>11. <u>Short-Term Rental Prohibition.</u> ADUs shall not be utilized as commercial short-term rentals (i.e. rentals less than 30 consecutive days).</p> <p>Does the applicant and property owner acknowledge this requirement?</p>	Yes No	
<p>12. <u>Deed Restriction.</u> Prior to building permit final, a copy of the recorded deed restriction (Notice of Limitations) must be submitted.</p> <p>Has a notarized deed restriction been submitted to the County of Alameda Clerk – Recorder’s Office?</p>	Yes No	
<p>13. <u>Address Assignment:</u> Prior to building permit final, a new address must be assigned to the ADU.</p> <p>Has the applicant submitted an address assignment?</p>	Yes No	
<p>14. <u>Summary:</u> This project meets ALL requirements listed above.</p>	Yes No	

TO BE COMPLETED BY CITY STAFF ONLY:

Lot/ Structure Type (circle one): SINGLE FAMILY MULTIFAMILY

ADU Type (circle one): JADU DETACHED ADU ATTACHED ADU CONVERSION ADU

Planner: _____ **Date:** _____

Notes: _____

Is the project eligible to receive a building permit? YES NO

Recording Requested By:

**Land Use Planning Division
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704**

THIS SPACE FOR RECORDER'S USE ONLY

INSTRUCTIONS: After having this form notarized, take it to the Alameda Co. Clerk-Recorder at 1106 Madison St., Rm. 101, Oakland, CA 94607

DECLARATION OF RESTRICTIONS ON USE OF AN ACCESSORY DWELLING UNIT (ADU):

Notice is hereby given that Building Permit # _____ will authorize the creation and operation of an Accessory Dwelling Unit on the property located at _____, Berkeley, California, and that is further described below. This deed restriction prohibits use of the building as a Short-Term Rental pursuant to BMC Chapter 23C.22, prohibits rental of the building for any period less than 30 days pursuant to Govt. Code Section 65852.2(a)(6), and prohibits the independent sale or transfer of the ADU from the main dwelling pursuant to Govt. Code Section 65852.2(a)(1)(D)(i). Daily penalties may be imposed, pursuant to BMC Chapter 1.20, for violations of the applicable ordinance and/or this deed restriction. The issuance of said building permit is contingent upon the property-owner, by recordation of this declaration of restrictions, acknowledging and notifying future property owners of these requirements. This deed restriction may not be removed from this property without the prior written consent of the Zoning Officer of the City of Berkeley.

LEGAL DESCRIPTION:

Land herein referred to is situated in the State of California, City of Berkeley, County of Alameda, and is described as follows: Lot_____, Block_____, Map of _____ Tract, APN_____.

OWNER(S) OF RECORD:

Print Name: _____ Print Name: _____

Signature: _____ Signature: _____

DATED: _____, 20____ County of Alameda, State of California

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT (Civil Code §1189):

A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California, County of _____)

On _____, 20__ before me, _____, personally appeared

_____, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under *PENALTY OF PERJURY* under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

(Signature of Notary)

Recording Requested By:

Land Use Planning Division
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

THIS SPACE FOR RECORDER'S USE ONLY

INSTRUCTIONS: After having this form notarized, take it to the Alameda Co. Clerk-Recorder at 1106 Madison St., Rm. 101, Oakland, CA 94607

DECLARATION OF RESTRICTIONS ON USE OF A JUNIOR ACCESSORY DWELLING UNIT (J-ADU):

Notice is hereby given that Building Permit # _____, will authorize the creation and operation of a Junior Accessory Dwelling Unit, on the property located at _____, Berkeley, California, and that is further described below. This deed restriction prohibits use of the Junior Accessory Dwelling Unit as a Short-Term Rental pursuant to BMC Chapter 23C.22. The issuance of said building permit is contingent upon the property-owner, by recordation of this declaration of restrictions, acknowledging and notifying future property owners of the requirements pertaining to Junior Accessory Dwelling Units set forth in Government Code Section 65852.2 and 65852.22:

- No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the J-ADU independently of the main Dwelling Unit, Accessory Dwelling Unit, or other portions of the property;
- Owner occupancy is required for the J-ADU or the primary Dwelling Unit;
- The J-ADU shall not exceed 500 sq. ft.;
- The J-ADU shall include a separate entrance from the main entrance to the primary Dwelling Unit;
- The J-ADU shall include an efficiency kitchen with a cooking facility with appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the J-ADU; and
- Short term rentals are not allowed in the J-ADU, per BMC Section 23C.22.020.D.

This deed restriction may not be removed from this property without the prior written consent of the City of Berkeley.

LEGAL DESCRIPTION:

Land herein referred to is situated in the State of California, City of Berkeley, County of Alameda, and is described as follows: Lot _____, Block _____, Map of _____ Tract, APN _____.

OWNER(S) OF RECORD:

Print Name: _____ Print Name: _____

Signature: _____ Signature: _____

DATED: _____, 20____ County of Alameda, State of California

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT (Civil Code §1189):

A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California, County of _____)

On _____, 20____ before me, _____, personally appeared

_____, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under *PENALTY OF PERJURY* under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

(Signature of Notary)

ADU/JADU Fee Information

Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A))

- **Can local agencies, special districts or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home (Gov. Code, § 65852.2, subd. (f) and Government Code § 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A))



The BUSD Certificate of Payment or Certificate of Exemption shall be submitted to the City of Berkeley prior to or at permit issuance.

School Facility Fees

Payment of School Facility Fees is required prior to issuance of a Building Permit for New Residential Development and New Commercial/Industrial Development.

Payment of fees is by appointment only.

Fees must be paid directly to the Berkeley Unified School District and a Certificate of Compliance must be provided to the City of Berkeley prior to the issuance of a Building Permit.

School Facility Fees

All new Residential development and additions resulting in an increase of assessable space in excess of 500 sq. ft.: **\$3.48/sq. ft.**

All new Commercial and Industrial development: **\$0.56/sq. ft.**

To set up an appointment:

- Send an email to developerfees@berkeley.net
- BUSD will send a form for completion. Return the form with pdf copies of project plans (floor plans and site plans). Your information will be reviewed by the BUSD Facilities Department. If fees are due, the Facilities Department will email you the cost and potential times and dates for an appointment.
- Once your appointment date/time is confirmed, visit the **BUSD Facilities Office, 1707 Russell Street Berkeley.**
- Only checks or money orders are accepted for payment.
- The District will provide a Certificate of Compliance.

For more information contact BUSD Facilities.

developerfees@berkeley.net or call 510-644-6066.