

Accessory Dwelling Unit (ADU) Regulations

Effective January 1, 2020



City of
Oakland

Planning and Building Department
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, CA 94612

	One-Family		Multifamily		
	 Junior ADU (JADU)	 ADU Category 1	 ADU Category 2	 ADU Category 1	 ADU Category 2
ADU/JADU Types and Description	Conversion of space within ^k an <u>existing</u> ^a One-Family Dwelling. Not allowed as a detached structure or as a conversion of an accessory structure.	Conversion of <u>existing</u> ^a space within ^k a One-Family Dwelling, or <u>conversion</u> or <u>re-build</u> of an existing ^{ab} accessory structure.	Construction of new detached or attached structure (addition) on lots with a proposed or existing One-Family Dwelling.	Conversion of non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages within <u>existing</u> ^a Two-Family or Multifamily Dwellings.	Construction of new detached structure or conversion of existing detached structure on lots with <u>existing</u> ^a Two-Family or Multifamily Dwellings.
Where are they allowed?*	Allowed in zoning districts that allow Residential Facilities by right.		Allowed in zoning districts that allow Residential Facilities by right; except not allowed: (1) in the S-9 Fire Safety Protection Combining Zone, nor (2) on streets with a minimum pavement width of less than 20 ft., nor (3) on dead-end streets with a length of greater than 600 ft. ^c	Allowed in zoning districts that allow Residential Facilities by Right	Allowed in zoning districts that allow Residential Facilities by right; except not allowed: (1) in the S-9 Fire Safety Protection Combining Zone, nor (2) on streets with a minimum pavement width of less than 20 ft., nor (3) on dead-end streets with a length of greater than 600 ft. ^c
Maximum Number	1 per lot	1 per lot <i>A lot may not contain both a Category 2 ADU and a Category 1 ADU. If a lot contains two ADUs, one must be a JADU.</i>		1 or up to 25% of existing units per lot ^l , whichever is greater	Up to 2 per lot
Maximum Size	500 sqft	50% of floor area of primary residence, or 800 sqft, whichever is greater.	For attached: the greater of: (A) 850 sqft for studio or 1-bdrm, or 1,000 sqft for 2+ bdrm; or (B) 50% of floor area of primary residence. For detached: 850 sqft for 1-bdrm or less, and 1,000 sqft for more than 1-bdrm.	850 sqft for studio or 1-bedroom, or 1,000 sqft for 2+ bedroom.	
Maximum Height	Conversion of existing space: N/A Allowed expansions for egress and ingress: See guidance in footnote h.		16ft, or base zone height limit ^{h, i} , in certain circumstances	N/A	16ft
Front Setback			Established by base zone ⁱ	N/A	Established by base zone ⁱ
Side and Rear Setbacks			4ft ^h	N/A	4ft
Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)			Established by base zone ⁱ , only waived for <u>one</u> ADU under 800 sqft, less than 16 ft height, at least 4 ft side/rear setbacks	N/A	Established by base zone ⁱ , only waived for <u>one</u> ADU under 800 sqft, less than 16 ft height, at least 4 ft side/rear setbacks
Open Space	No <i>new</i> open space required for ADU. Must maintain amount of open space required in base zone ⁱ for existing units; only waived for <u>one</u> ADU under 800 sqft, less than 16 ft height, at least 4 ft side/rear setbacks				
Entrance	Independent entrance required for each ADU/JADU. <i>There can be a shared foyer/lobby with individual entry doors to each unit.</i>				
Kitchen	Must contain, at a minimum, an efficiency kitchen, which shall include a sink, cooking facilities with appliances, and food preparation counter and storage areas.				
Bathroom	May have either its own bathroom or a bathroom shared with primary residence.	Must contain private bathroom for each ADU unit.			
Parking	None	One (1) space ^e OR None, if located within "No Parking for ADUs" area ^f .			
Replacement Parking	N/A	Not required if a garage, carport or covered structure is demolished or converted in conjunction with the ADU. Uncovered required parking must be replaced, and is subject to location and paving restrictions in the front yard.			
Short-term Rentals	Prohibited; Rentals must be for periods longer than 30 consecutive days.				
Owner Occupancy	Required for either the JADU or the primary residence. ^g	Not required.			
Impact Fees	None	No Affordable Housing, Transportation or Capital Facilities Impact Fees. Per Oakland Unified School district, school fees apply if over 500 sqft of new habitable space is created.			
Permit Processing Time	The permitting agencies' review time shall be no longer than 60 days, starting from the date a complete application is received, unless the application is part of a proposed new single-family dwelling, in which case, the permitting agency may delay acting on the ADU or JADU application until the permitting agency acts on the new single-family dwelling application. ^d				

N/A = Not applicable

a. Existing means a legally permitted structure as of January 1, 2020.

b. ADU constructed within an existing accessory structure or in the same location and to the same dimension as an existing accessory structure.

c. The total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or shared access facility/private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the shared access facility/private access easement is connected to said dead-end street.

d. Following initial review by Zoning, the Bureau of Building will determine completeness of applications. Note that the 60 days does not include time spent by the applicant revising the submittals to comply with Building Code requirements.

e. Parking can be tandem.

f. Many lots in Oakland are within the "No Parking for ADUs" area, which includes all lots within 1/2 mile walking distance of public transit, any lot within a City of Oakland historic district, where parking permits are required but not offered to occupants of accessory dwelling units, or where there is a carshare vehicle within one block of the unit. The "No Parking for ADUs" area can be found on the City's online zoning map (<https://www.oaklandca.gov/resources/zoning-map>).

g. Unless owner is another governmental agency, land trust or housing organization.

h. If the attached ADU or ADU/JADU expansion for ingress and egress does not encroach within the base zone setback area, the base zone's side setbacks and height limits apply; otherwise, the side setbacks are 4 ft and the maximum height is 16 ft. Conversion or rebuild of existing^a space is allowed even if base zone's development standards, such as height limits, floor area ratios, lot coverage or setbacks, are not met.

i. A lot's base zone can be determined on the City's Online Zoning Map (<https://www.oaklandca.gov/resources/zoning-map>) and regulations associated with each zone designation can be found in the Planning Code (<https://www.oaklandca.gov/resources/planning-code>)

j. All calculations that result in a fractional number shall be rounded down to the nearest whole number.

k. An expansion of up to 150 sqft is permitted for the exclusive purpose of ingress and egress to ADU or JADU.

*ADUs are not allowed in mini-lots.

For more information visit:

bit.ly/OaklandADUs