



DEPARTMENT OF PLANNING AND BUILDING

250 FRANK H. OGAWA PLAZA. SECOND FLOOR. OAKLAND CA. 94612

ACCESSORY DWELLING UNITS AND CHANGES OF OCCUPANCY

BUILDING BUREAU CODE BULLETIN	No.: 23-001
DATE: 7/25/2023	Type: Codes
	Category: Plan Check

BACKGROUND

CBC 202 CHANGE OF OCCUPANCY

Either of the following shall be considered as a change of occupancy where this code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure.

CEBC 506.1 COMPLIANCE

A change of occupancy shall not be made in any building unless that building is made to comply with the requirements of the California Building Code for the use or occupancy. Changes of occupancy in a building or portion thereof shall be such that the existing building is not less complying with the provisions of this code than the existing building or structure was prior to the change. Subject to the approval of the code official, changes of occupancy shall be permitted without complying with all of the requirements of this code for the new occupancy, provided that the new occupancy is less hazardous, based on life and fire risk, than the existing occupancy.

CA GOVERNMENT CODE 6582.2(D)(viii) (SB 897)

Local building code requirements that apply to detached dwellings, except that the **construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code**, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. **Nothing in this clause shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.**

SUMMARY

1. The construction of an Accessory Dwelling Unit **does not** change the occupancy of an existing Residential Occupancy (e.g. R2, R3, etc....); therefore, the provisions of CEBC 506 are not applicable.
2. The conversion of existing nonhabitable detached structures (e.g. Garage "U" and Storage "S" Occupancies) to Accessory Dwelling Units **constitutes a change of occupancy** invoking the provisions of CEBC 506 and City Ordinances.

Chris Ragland

Jul 26, 2023

Christopher Ragland
Chief Building Official




BUILDING CODE BULLETIN B23-001 ADUs and OCCUPANCY CHANGES

Final Audit Report

2023-07-26

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