

Guide to Applying for Accessory Dwelling Unit (ADU) On Lot with Single Family Home



Guide to Applying for Accessory Dwelling Units (ADUs) on Lot with Single-Family Primary Home

Overview

The City of Oakland is taking another step to make it easier for property owners and contractors to apply for ADUs on parcels with Single-Family homes using our Online Permit Center. To apply for a permit, you must register for an account. For more information on registration, <u>watch our instructional video</u>.

Get Started

Visit our <u>ADU guidance webpage</u> for information on project requirements by category, what's permitted in your Zone, and what you'll need to prepare for your application. Once you are ready, click on the "Apply for Your ADU" button under Step 2 to begin the online application process.



2 Zoning & Planning Permits

Subtep 1: Submit Application Online

- Once you have completed your application and reviewed the Zoning Requirements and Criteria Checklist and finalized your design and plans, you are ready to apply for your Zoning & Planning Permits.
- <u>Apply for Your ADU</u> through our Online Permit Center*

 * NOTE: You will need a registered account before applying (see

 "Create an Online Permit Center Account" info box above for details)

Subtep 2: Await Planning Approval

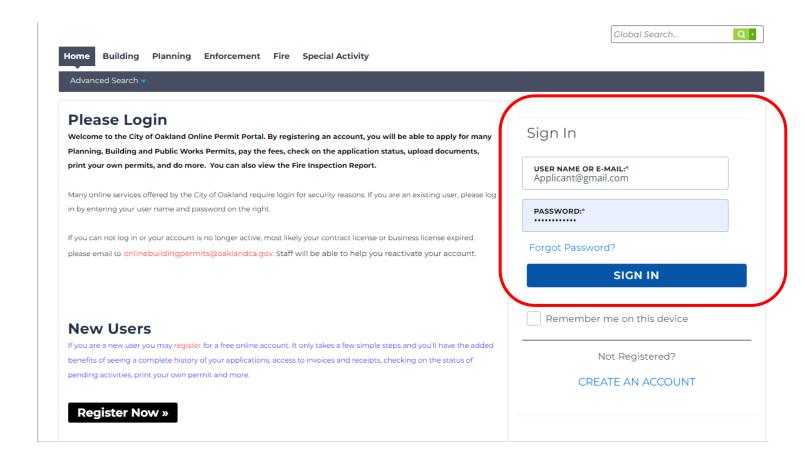
- Please wait while our team reviews your application and materials.
- A team member will contact you if any information or paperwork is missing or unclear.
- Once you receive written approval from our team, you are ready to move on to the next major step, your Building Permits.

From the login screen:

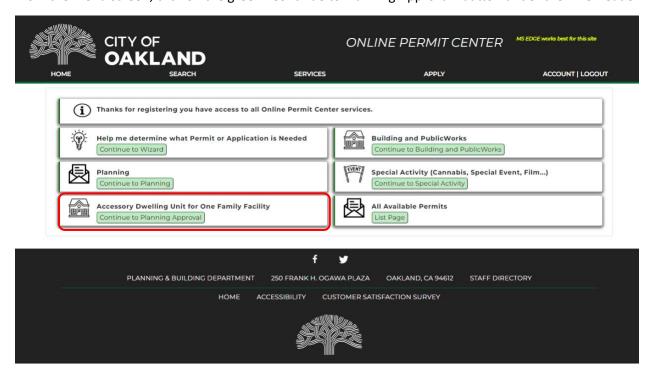
- 1. Enter your email address or user name.
- 2. Enter your password.
- 3. Click the "Sign In" button.

If you forget your password, click Forgot Password at the bottom of the screen and follow the prompts.





From the menu screen, click on the green "Continue to Planning Approval" button under the ADU header:



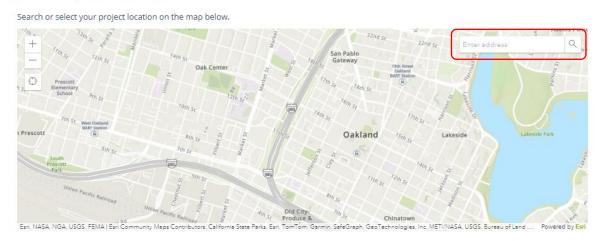


Complete each of the following steps to ensure that city staff can begin reviewing your completed application.

ADU - Project Location

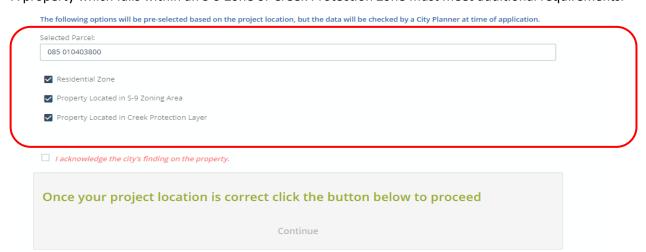
1. Select or search for the property/location of your project by navigating the map or entering the project address in search box.





- 2. Based on location of the project, the following attributes will be pre-populated:
 - a) Residential Zone
 - b) Property Located in S-9 Zoning Area (Fire Safety Protection Combining Zone)
 - c) Property Located in Creek Protection Layer

A property which falls within an S-9 Zone or Creek Protection Zone must meet additional requirements.



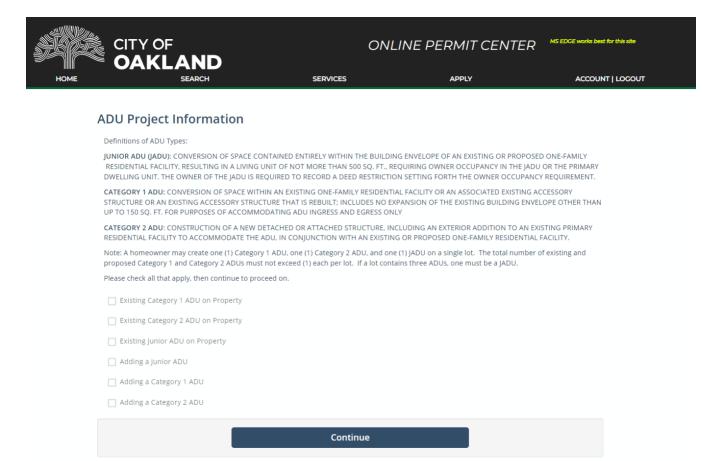
Acknowledge the City's findings for your property by clicking the checkbox, as applicable. Click Continue.

Zoning details for your property can be verified using City of Oakland's Planning & Zoning Map Services.



ADU Project Information

1. Select the ADU category(ies) for which you are applying. Mark the appropriate checkbox(es) next to an existing category(ies) of ADUs on your property. Then click the Continue button.



Please Note: A homeowner may create one (1) Category 1 ADU, one (1) Category 2 ADU, and one (1) JADU on a single lot. The total number of existing and proposed Category 1 and Category 2 ADUs must not exceed (1) each per lot. If a lot contains three ADUs, one must be a JADU.

ADU Zoning Criteria Information

Please review the Zoning Criteria Checklist for all Accessory Dwelling Units (ADUs), plus specific Category ADUs:

All ADUs Information

- 1. **ZONING DISTRICT**: The ADU/JADU must be in a zoning district where Residential Facilities are allowed.
- 2. **INDEPENDENT ENTRANCE:** The ADU/JADU must have an entrance that is independent from the primary Residential Facility.
- MINIMUM SQUARE FEET: The floor area of the Accessory Dwelling Unit (ADU) and Junior Accessory
 Dwelling Unit (JADU) should contain at least the minimum square footage required for an Efficiency
 Dwelling Unit.



- 4. **INDEPENDENT KITCHEN:** The ADU/JADU must have a kitchen that is independent from the primary Residential Facility. This kitchen shall include all the following: a sink, cooking facility with appliances, refrigerator, a food preparation counter, and storage cabinets that are of a reasonable size in relation to the size of the dwelling unit. The kitchen must be within the building envelope of the proposed ADU/JADU.
- 5. **ADU LIMITS PER LOT:** The total number of existing and proposed JADU, Category 1 and Category 2 ADUs should not exceed one (1) each per lot. A homeowner may create one (1) Category One ADU, one (1) Category Two ADU, and one (1) JADU, in any order, totaling up to three (3) units.
- 6. **LOT AREA COVERAGE:** Lot Coverage, Rear Setback Coverage, and Floor Area Ratio (FAR) must be consistent with regulations of the underlying zone, except where these requirements would preclude one ADU of no more than 850 sq. ft. and up to 18 feet in height.
- 7. **SETBACK REQUIREMENTS:** The regularly required front setback of the underlying zone is met, except when lot conditions preclude creating of one ADU of no more than 850 sq. ft. and up to 18 feet in height anywhere else on the lot.
- 8. **UPPER BALCONIES/DECKS:** Any upper story balconies, decks, or rooftop terraces associated with the ADU meet the regular requirements of the underlying zone.
- 9. **MECHANICAL EQUIPMENT SETBACKS:** Mechanical equipment, including but not limited to water heaters, heating/cooling condensers, or similar equipment, is not proposed within the minimum required side setbacks. If any equipment is proposed within the required setbacks, it must comply with OMC Section 17.108.130 (I) and meet the noise performance standards outlined in OMC Section 17.120.050.
- 10. **SHORT-TERM RENTALS:** The ADU/JADU shall not be used as a short-term rental facility. Rentals must be for periods longer than 30 consecutive days.
- 11. FIRE SAFETY ZONE: If your lot is within the S-9 Fire Safety Protection Combining Zone, you may be required to provide additional information subject to Fire Safety Zone regulations.
 Please follow the link below to verify if your lot is inside or outside the S-9 Zone: Planning & Zoning Map.

Category 1 ADU Information

- 1. **ADU LOCATION:** The Category 1 ADU should be located either:
 - (a) within the existing building envelope of a primary Residential Facility or existing accessory structure.
 - (b) within a new accessory structure rebuilt in the same location and to the same exterior dimension as an existing detached accessory structure.
- 2. **SETBACK ENCROACHMENT:** The Category 1 ADU must not exceed the size of the existing building envelope, with an allowance of up to 150 square feet for expansion to accommodate ingress and egress. If the existing structure is expanded beyond 150 square feet, the maximum total size, including the expansion, should be 850 square feet for a studio or one-bedroom unit, and 1,000 square feet for a unit with two or more bedrooms. All expansions must comply with setback requirements.
- 3. **SETBACK FIRE & SAFETY:** The Category 1 ADU must have exterior access, side and rear setbacks for fire and safety.
- 4. **EXPANSION:** If the Category 1 ADU proposes an expansion of up to 150 square feet exclusively for accommodating ingress and egress, such expansion must:
 - (a) not encroach on front setbacks established by the underlying zone, and
 - (b) maintain a minimum distance of 4 feet from side and rear setbacks.
- 5. **ADDITIONAL PARKING:** No additional parking is required if the Category 1 ADU is located within the mapped "No Parking for ADUs":



- (a) one-half (½) mile of a public Transit Stop;
- (b) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the General Plan's Historic Preservation Element;
- (c) an area where on-street parking permits are required but not offered to the ADU occupant; or
- (d) one block of a dedicated car share parking space.
- 6. **BATHROOM:** The Category 1 ADU must have its own private bathroom.
- 7. **FIRE SAFETY ZONE:** If the Category 1 ADU is outside of the existing envelope of a primary Residential Facility it is not located within the S-9 Fire Safety Protection Combining Zone. Please follow the link below for a map to verify whether your lot is located outside the S-9 Zone. If your lot is within the S-9 Zone, please complete Section 3 above first. (Please check N/A only if the Category 1 ADU is within the existing building envelope of a primary Residential Facility.) Check your Fire Safety Zone here: https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=adfa58efbcc849f89819f7b4bec96534

Category 2 ADU Information

- 1. **EXTERIOR ADDITION LIMITS**: For an attached (exterior addition) Category 2 ADU, the floor area must not exceed:
 - a) 850 sq. ft. for a studio or one bedroom, and 1,000 sq. ft. for a two-bedroom or more; or
 - b) 50% of the floor area of the primary Residential Facility, as long as it does not exceed 1,200 sq. ft.
- 2. **DETACHED AREA LIMITS:** For a detached Category 2 ADU, the floor area should not exceed 850 sq. ft. for a studio or one bedroom, and 1,000 sq. ft. for two bedroom or more. The total floor area includes all areas within the ADU.
- 3. **EXTERIOR ADDITION LIMITS:** Any portion of the attached (exterior addition) or detached Category 2 ADU must have a setback of at least 4 feet from the rear and side lot lines, or meet the regularly required setback of the zoning district, whichever is less. However, in no case shall the ADU have a setback of less than 3 feet from the rear and side lot lines.
- 4. **HEIGHT LIMITS:** The height of the Category 2 ADU should not exceed 20 feet. (If the ADU meets all regular setback requirements of the underlying zoning district, then the maximum height is controlled by the underlying zoning district regulations and may exceed 20 feet.)
- 5. **AREA/LOT COVERAGE:** Existing Floor Area Ratio (FAR), lot coverage, and rear setback coverage requirements of the underlying zone must be satisfied, except where these requirements would preclude the construction of one (1) Category 2 ADU of no more than 850 square feet and 18 feet in height, with at least 4-foot rear and side setbacks (or 3 feet if permitted by the underlying zone).
- 6. **BATHROOM:** The Category 2 ADU must have its own private bathroom.
- 7. **ADDITIONAL PARKING REQUIREMENTS:** No additional parking is required for the Category 2 ADU if it is located within the mapped 'No Parking for ADUs' Zone, which includes:
 - (a) one-half (½) mile of a public Transit Stop;
 - (b) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the General Plan's Historic Preservation Element;
 - (c) an area where on-street parking permits are required but not offered to the ADU occupant; or
 - (d) one block of a dedicated car share parking space.
 - If the requirements in the above checklist are not met, one parking space per unit must be provided for the ADU in all zones. Tandem parking is permitted according to the regulations in Section 17.116.240.



1. Application Questionnaire

Accessory Dwelling Units (ADUs) may only be granted if you can answer "YES" or "N/A" (as provided) to EACH of the following questions related to the Zoning criteria for your project.

- a) All ADU Questionnaire: Enter the inputs for Questions related to Zoning Criteria for All ADUs
- b) S-9 Fire Safety Questionnaire:

ADUS/JADUS IN S-9 FIRE SAFETY PROTECTION COMBINING ZONE (S-9 ZONE) must be complete/answers the questions associated to Zoning for the S-9 Zone. To verify if a lot is within the S-9 Zone please see the map.

ADUS/JADUS IN S-9 FIRE SAFETY PROTECTION COMBINING ZONE (S-9 ZONE) This Section must be completed only if the lot is located within the S-9 Zone.

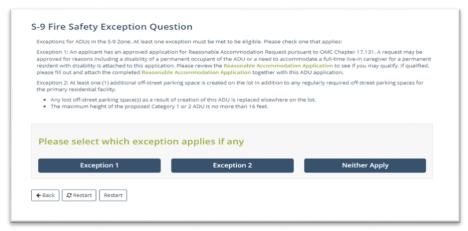
1.) Total number of existing and proposed ADUs + JADUs of any type does not exceed one (1) per lot.



2.) Category 1 or Category 2 ADU is a conversion of space within the existing primary residence.



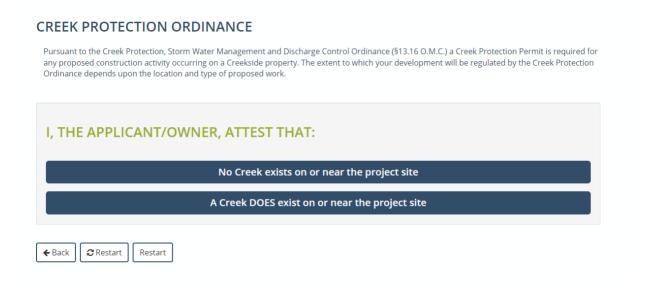
If you answer No, at least one exception must be met to be eligible for ADUs in the S-9 Zone. Please check one that applies:



c) Category Specific Questionnaire: Answer all questions based on your selected ADU Category(ies).



2. Questionnaire for Creek Protection: If your property falls under Creek Protection Zoning, your development will be regulated by the Creek Protection Ordinance depending upon the location and type of proposed work.



CREEK PROTECTION ORDINANCE

A Creek DOES exist on or near the project site and select one of following options that applies to your project:

- (a) The proposed project only entails interior construction.
- (b) The proposed project entails exterior work that does not include earthwork and is located more than 100 feet from the centerline of the Creek.
- (c) The proposed project entails:
 - (a) exterior work that is located between 20 feet from the top of the Creek bank and 100 feet from the centerline of the Creek.
- (b) exterior work that includes earthwork involving more than three (3) cubic yards of material located beyond 20 feet from the top of the Creek bank.
- (d) The project entails exterior work conducted from the centerline of the Creek to within 20 feet from the top of the Creek bank.





3. ADUs Tree Preservation Ordinance:

Pursuant to the Tree Preservation Ordinance (§12.36 O.M.C.) a Tree Preservation/Removal Permit is required for any proposed construction activity within 10 feet of a Protected Tree, even if such trees are not being removed or if they're located on a neighbor's property or in the public right-of-way (e.g., sidewalk).

Acknowledge and attest by selecting the appropriate answer that is compliant with your property:

ADUs Tree Preservation Ordinance

The following are "Protected Trees" under the Tree Preservation Ordinance:

- Any Coast Live Oak tree that is larger than 4 inches in diameter at breast height (dbh)
- Any tree (except Eucalyptus or Monterey Pine) that is larger than 9 inches dbh⁴
- Any tree of any size located in the public right-of-way (including street trees)

*dbh: "diameter at breast height" is determined by measuring the trunk at 4'-6" from the ground. Multi-trunked trees are measured by combining the diameters of all trunks at 4'-6" from the ground.

✓ I. THE APPLICANT/OWNER. ATTEST THAT:

I, THE APPLICANT/OWNER, ATTEST THAT:

There are no existing Protected Trees anywhere on the subject property or within 10 feet of the proposed construction activities

No Protected Trees are to be removed and No construction activity will occur within 10 feet of any Protected Tree

No Protected Trees are to be removed and Construction activity will occur within 10 feet of any Protected Tree

Protected Trees will be removed

4. Green Building Requirements:

Pursuant to the California Green (CALGreen) Building Standards Code, all new residential construction requires completion of a <u>CALGreen Checklist</u>. Further, Title 24, Part 11, Section 301.1.1 states that the "mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration." As such, any Accessory Dwelling Unit (ADU) that meets these conditions is also subject to Chapter 4 CALGreen requirements, which are outlined here: <u>2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE</u> <u>24, PART 11 (CALGREEN) | ICC DIGITAL CODES (iccsafe.org)</u>

✓ I, THE APPLICANT/OWNER, ATTEST THAT:

(1) I am submitting a completed CALGreen Checklist with my application.

(2) If constructing an Accessory Dwelling Unit (ADU) that meets the conditions as quoted above in code Section 301.1.1, I acknowledge that I also MUST comply with all Chapter 4 CALGreen mandatory measures and obtain verification by a qualified third-party inspector. I am submitting any additional green building plans with this application.

Both (1) and (2) Apply

← Back **②** Restart Restart



5. Review Section: Before you continue, you can review the questionnaire responses you entered by clicking the "Review Information" button. Once you are ready, click the "Apply Now" button.

Can Apply for ADU using City of Oakland's Online Permit center

Based on your selections, we can initiate Step #1 of the ADU application process online using a City of Oakland's Online Permit center. By clicking apply now below the information collected in this wizard will be transferred to the Online Permit Center and allows you to complete and finalize the remaining components.

✓ When selecting Apply Now, you will not be able to make any further changes to your responses.

Apply Now Review Information

6. Click on the "Complete on Online Permit Center" button.

Wizard Completed

Please use the link below to continue your application on the Oakland Online Permit Center.

Use the below link to complete the Application

Application ID: 24TMP-001058

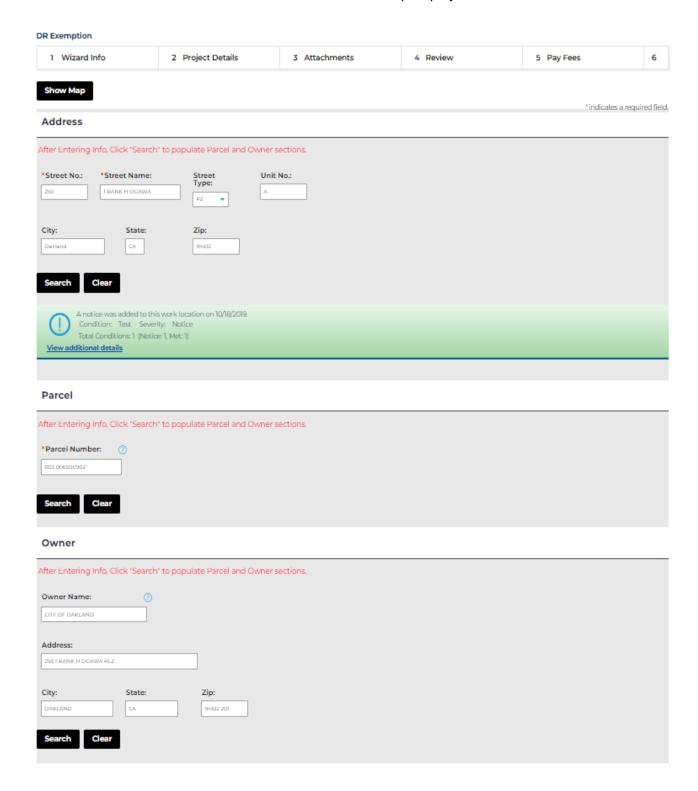
Application Type: DR Exemption

Complete on Online Permit Center



At this stage, your answers from the previous session are transferred to Online Permit Center automatically.

Step 1: Confirm or edit the Address and Parcel - Owner information for your project.





Step 2: Complete your Project Details.

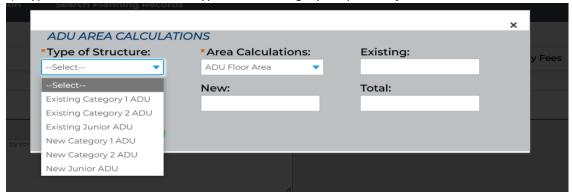
a) Detailed Description: briefly describe the details related to project (e.g., Conversion of garage to ADU):



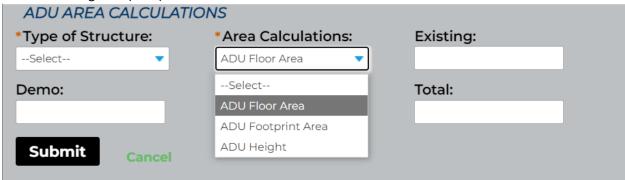
- b) ADU AREA CALCULATIONS: Enter the details related to ADU dimensions:
 - ADU Floor Area
 - ADU Footprint Area
 - ADU Height

Note: If you already have an ADU on your property, enter the dimensions for the existing ADU as well.

1.) Type of Structure: select the type of ADU category for your Project:



2.) Area Calculations: Choose the dimension type under Area Calculations for your Accessory Dwelling Unit (ADU) one at a time.

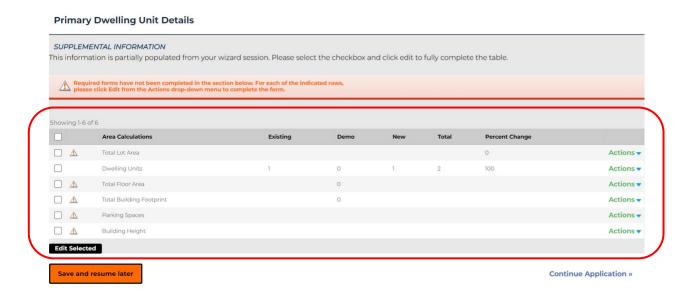


Enter the details for Existing Area, Demolition Area, New Area



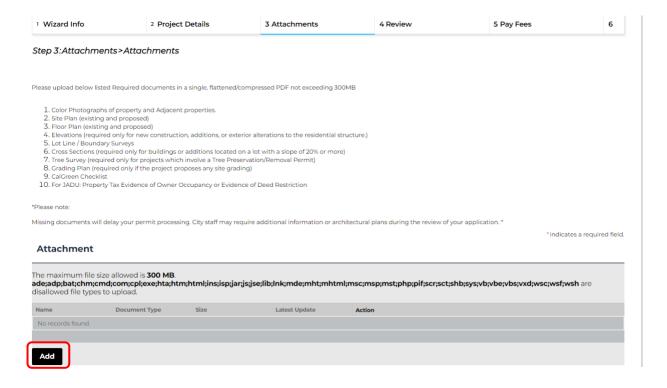
- c) Primary Dwelling Unit Details: Enter the information related to Primary Dwelling Unit:
 - Total Lot Area
 - Total Floor Area
 - Building Footprint Area

- Parking Spaces
- Building Height



Step 3: Attachments: Upload all the required documents for the project using the "Add" button.

Please ensure that all supporting documents for this project, including structural calculations, energy forms, soil reports, Conditions of Approval, and similar materials, are uploaded here. Please note that PDF files may not exceeding 300MB. Photographs of documents will not be accepted. Be advised that incomplete submissions or missing documents may cause delays in processing your application.



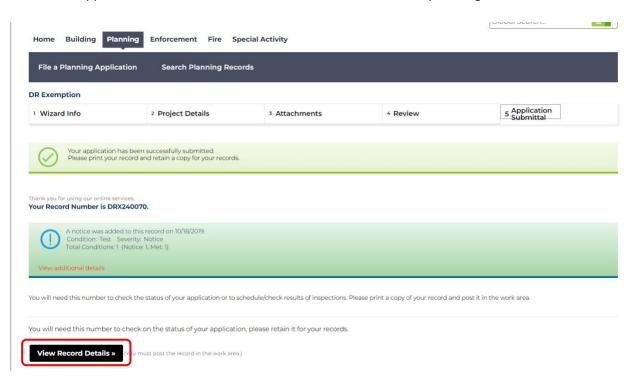


Enter the description of <u>each</u> uploaded document (e.g., ADU Structural Plans) and click "Save":

Attachment The maximum file size allowed is 300 MB. ade;adp;bat;chm;cmd;com;cpl;exe;hta;htm;html;ins;isp;jar;js;jse;lib;lnk;mde;mht;mhtml;msc;msp;mst;php;pif;scr;sct;shb;sys;vb;vbe;vbs;vxd;wsc;wsf;wsh are disallowed file types to upload. Name Document Type Size Latest Update Action No records found File: EEE Inspection Form.pdf 500% Description: ADU Structural Plans Add Remove All Save Add Remove All Continue Application »

Step 4: Review your application. When ready, click the "Continue Application" link.

Step 5: Your ADU application has been submitted! You can view the details by clicking "View Record Details":



You will receive a confirmation email regarding your submission of your ADU Application for Single Family Residential Facility from the City of Oakland.

- To check the status of your application, please visit <u>City of Oakland's Online Permit Center</u>.
- For Planning and Building questions, please use our Permit Questions Portal.
- For information on Permit Processing Turnaround Times, click here.