

ADU ZONING CRITERIA CHECKLIST

Applicant's Name: _____ Project Address: _____

Accessory Dwelling Units (ADUs) may only be granted if the applicant can check "YES" or "N/A" (as provided) to EACH of the following:

1) ALL ADUS/JADUS (must be completed for all proposals) _____

- YES ☐ NO ☐ The ADU/JADU is in a zoning district where Residential Facilities are allowed.
- YES ☐ NO ☐ The ADU/JADU has an entrance that is independent from the primary Residential Facility.
- YES ☐ NO ☐ The floor area of the ADU/JADU contains at least a minimum square-footage that permits an Efficiency Dwelling Unit.
- YES ☐ NO ☐ The ADU/JADU has a kitchen that is independent from the primary Residential Facility, which shall include all of 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.
- YES ☐ NO ☐ N/A ☐ The total number of existing and proposed JADUs, Category 1, and Category 2 ADUs does 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.*
- YES ☐ NO ☐ N/A ☐ Lot Coverage, Rear Setback Coverage, and Floor Area Ratio (FAR) are 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. *(Select N/A only if proposing one ADU of the minimum size and height.)*
- YES ☐ NO ☐ N/A ☐ 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.
- YES ☐ NO ☐ N/A ☐ Any upper story balconies, decks, or rooftop terraces associated with the ADU meet the regular requirements of the underlying zone. *(Please check N/A only if the proposal does not add any upper story balconies, decks, or rooftop terraces.)*
- YES ☐ NO ☐ N/A ☐ No mechanical equipment such as water heaters, heating/cooling condenser, or any other similar equipment is proposed in the minimum required side setbacks. *Please check N/A only if any proposed equipment in the required setbacks is consistent with OMC Section 17.108.130 (I), and mechanical equipment meets the noise performance standards of OMC Section 17.120.050.*
- YES ☐ NO ☐ The ADU/JADU will not be used as a short-term rental facility; rentals must be for periods longer than 30 consecutive days.

(continued)

ZONING CRITERIA CHECKLIST (continued)

2) ADUS ASSOCIATED WITH PROPERTIES LISTED IN THE CALIFORNIA REGISTER OF HISTORIC RESOURCES

ADUs that do not meet the standards set forth in Government Code Section 66323 for by-right approval must meet the following requirements:

To find out if your property is listed on the California Register of Historic Resources, please follow the instructions outlined at the end of this section.

- YES ☐ NO ☐ N/A ☐ ADUs located at the front or side of a primary Residential Facility shall be built with the same roof pitch, visually matching existing or original exterior wall material, door and window trim, sill, recess, and style as the primary residential structure.
- YES ☐ NO ☐ N/A ☐ Attached or detached garages located to the front or side of a primary Residential Facility and converted to an ADU replace the garage doors with visually matching exterior wall materials, and door and window trim as the primary residential structure. **For the option of approving alternative finishes or styles please follow the Small Project Design Review (DS) application process per OMC Section 17.136.030.**
- YES ☐ NO ☐ The proposed ADU is NOT located in front of a primary Residential Facility unless the lot conditions or other zoning requirements preclude an ADU of a minimum size (up to 850 sq. ft. and up to 18 feet in height) elsewhere on the lot. *(Checking Yes indicates the proposed ADU is not in the in front of the primary Residential Facility or visible from the public right-of-way.)*
- YES ☐ NO ☐ The proposed ADU has been considered for location on the lot in the following order of preference: First, behind the primary Residential Facility structure; Second, to the side of the primary Residential Facility; Last, in front of the primary Residential Facility.

(continued)

ZONING CRITERIA CHECKLIST (continued)

How to find out if your property is listed on the California Register of Historic Resources?

STEP 1:

To find out if your property is listed in the California Register of Historic Resources, please review the Built Environment Resources Directory (BERD) for Alameda County, found here: https://ohp.parks.ca.gov/?page_id=30338. The BERD is available as a downloadable spreadsheet for Alameda County.

YES ☐ NO ☐ Property is located in the BERD. If yes, move to Step 2. If no, please skip to Section 3.

STEP 2:

If your property is listed in the BERD, please review the column titled "Evaluation Info," to find your status code. If your status code begins with a "1" or "2," please complete the section below. For further information on the California Register of Historic Resources, please review this [FAQ from the California Office of Historic Preservation](#).

☐ Please write the status code of the property; if beginning with a "1" or "2": _____

Section 2 must be completed only if the property is listed in the BERD and has a status code beginning with a "1" or "2". Please skip to Section 3 if not.

3) 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. Please skip to Section 4 if your lot is not within the S-9 zone. To verify if a lot is within the S-9 Zone please see the map:

<https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=adfa58efbcc849f89819f7b4bec96534>

YES ☐ NO ☐ The total number of existing and proposed ADUs and JADUs of any type does not exceed one (1) per lot.

YES ☐ NO ☐ The Category 1 ADU is a conversion of space within the existing primary Residential Facility. If you select "NO" please review additional Exceptions in section 3A below to confirm eligibility for other ADU types:

3A) Exceptions for ADUs in the S-9 Zone: Complete this portion only if the proposal is for a Category 2 ADU or a Category 1 ADU that is outside the envelope of an existing residential facility. At least one exception must be met to be eligible. Please check one that applies:

- ☐ **Exception 1:** An applicant has an approved application for Reasonable Accommodation Request pursuant to OMC Chapter 17.131. A request may be approved for reasons including a disability of a permanent occupant of the ADU or a need to accommodate a full-time live-in caregiver for a permanent resident with disability is attached to this application.

Please review the Reasonable Accommodation Application to see if you may qualify:

<https://www.oaklandca.gov/files/assets/city/planning-amp-building/documents/pc/forms-and-apps/reasonable-accommodations-form-fillable.pdf>

Please fill out and attach the completed Reasonable Accommodation Application together with this ADU application.

-OR-

- ☐ **Exception 2:** At least one (1) additional off-street parking space is created on the lot in addition to any regularly required off-street parking spaces for the primary residential facility.

YES ☐ NO ☐ Any lost off-street parking space(s) as a result of creation of this ADU is replaced elsewhere on the lot.

ZONING CRITERIA CHECKLIST (continued)

4) **CATEGORY 1 ADU** (This Section must be completed only if proposal includes this type of ADU)

YES ☐ NO ☐

The Category 1 ADU is located either: (a) within the existing building envelope of a primary Residential Facility or existing accessory structure; or (b) within a new accessory structure rebuilt in the same location and to the same exterior dimension as an existing detached accessory structure.

YES ☐ NO ☐ N/A ☐

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.)

<https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=adfa58efbcc849f89819f7b4bec96534>

YES ☐ NO ☐ N/A ☐

The Category 1 ADU does not exceed the size of the existing building envelope, plus up to 150 sq. ft. expansion for ingress and egress. If existing structure is expanded beyond 150 sq. ft., the maximum total size (inclusive of the expansion) is 850 sq. ft. for a studio or one-bedroom or 1000 sq. ft. for two-bedroom or more and the expansion must meet the setbacks. (Please check N/A only if the Category 1 ADU is not a conversion of an existing accessory structure.)

YES ☐ NO ☐ N/A ☐

If the Category 1 ADU proposes an expansion of up to 150 sq. ft. for the exclusive purpose of accommodating ingress and egress to the ADU, such expansion does not exceed a height of 18 ft., unless the underlying zoning permits.

(Please check N/A only if the Category 1 ADU does not propose an expansion or if the expansion is greater than 150 sq. ft.)

YES ☐ NO ☐ N/A ☐

No additional parking is required because 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. (Please check N/A only if the Category 1 ADU requires additional parking.)¹

YES ☐ NO ☐

The Category 1 ADU has its own private bathroom.

YES ☐ NO ☐

The Category 1 ADU has exterior access and side and rear setbacks for fire and safety.²

¹ The “No Parking for ADUs” area can be found on the City’s Zoning Map: oaklandca.gov/Planning-Building/Planning-Zoning/Zoning/View-the-City-Zoning-Map

² See Gov. Code Section 66323, subd. (a)(1). or page 18 of the HCD ADU handbook : <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>

ZONING CRITERIA CHECKLIST (continued)

5) **CATEGORY 2 ADU** (must be completed only if proposal includes this type of ADU)

YES ☐ NO ☐

The Category 2 ADU is outside the S-9 Fire Safety Protection Combining Zone. *Please follow the link below for a map to verify if your lot is outside the S-9 Zone. If your lot is within the S-9 Zone, please complete Section 3 above before continuing with this section.*

<https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=adfa58efbcc849f89819f7b4bec96534>

YES ☐ NO ☐ N/A ☐

For an attached (exterior addition) Category 2 ADU, the floor area does 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. *(Please check N/A only if the Category 2 ADU is not an exterior addition to the primary Residential Facility.)*

YES ☐ NO ☐ N/A ☐

For a detached Category 2 ADU, the floor area does 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. *(Please check N/A only if the Category 2 ADU is not detached ADU.)*

YES ☐ NO ☐ N/A ☐

Detached Category 2 ADU is located at least six (6) feet from all other dwelling units on the lot. *(This requirement shall not apply if it precludes ADUs of a minimum size per section 17.103.080.)*

YES ☐ NO ☐

Any portion of the attached (exterior addition) or detached Category 2 ADU has a setback of at least 4 feet from the rear and side lot lines or meets the regularly required setback of the zoning district, whichever is less, but in no case the ADU has a setback of less than 3 feet from the rear and side lot lines.

YES ☐ NO ☐

The height of the Category 2 ADU does 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.)*

YES ☐ NO ☐

Existing Floor Area Ratio (FAR), lot coverage, and rear setback coverage requirements of the underlying zone are satisfied, except where the requirements would preclude one (1) Category 2 ADU of no more than 850 sq. ft. and 18 ft. in height, with at least 4-foot rear and side setbacks (or 3 feet if permitted by the underlying zone).

YES ☐ NO ☐

The Category 2 ADU has its own private bathroom.

YES ☐ NO ☐ N/A ☐

No additional parking is required because the Category 2 ADU is located within the mapped “No Parking for ADUs”³: (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. *(Please check N/A only if the Category 2 ADU requires additional parking.)*

YES ☐ NO ☐ N/A ☐

If the requirements in the above checklist item are not met, the following parking is provided for the ADU: one parking space per unit in all zones. Tandem parking is permitted according to the regulations in Section 17.116.240. *(Please check N/A only if the Category 2 ADU does not require additional parking.)*

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³ The “No Parking for ADUs” area can be found on the City’s online zoning map: www.oaklandca.gov/resources/zoning-map.

ZONING CRITERIA CHECKLIST (continued)

6) JADU (must only be completed if proposal includes this type of ADU)

- YES ☐ NO ☐ The number of existing and proposed JADUs does not exceed 1 per lot.
- YES ☐ NO ☐ N/A ☐ If the JADU shares sanitation facilities with the primary residence, the owner will reside in either the JADU or the primary residence. Check N/A if the JADU has its own independent bathroom, or if the owner is a governmental agency, land trust, or housing organization. (Ref Gov. Code, § 66333(b))
- YES ☐ NO ☐ The JADU is located within the building envelope of an existing or proposed One-Family Residential Facility, and involves no expansion of the existing building envelope. A JADU may include conversion of enclosed uses within the residence, such as an attached garage.
- YES ☐ NO ☐ The floor area of the JADU does not exceed 500 sq. ft.
- YES ☐ NO ☐ The JADU is not located within a detached or accessory structure.
- YES ☐ NO ☐ The JADU has either its own independent bathroom or it shares a bathroom with the primary residence.
- YES ☐ NO ☐ If the JADU shares a bathroom with the primary residence, there is an internal connection. (Please check N/A only if the JADU does not share a bathroom with the primary residence.)
- YES ☐ NO ☐ N/A ☐ The JADU includes an efficiency kitchen.

JADU Requirement before Building Permit Issuance

The applicant has prepared to execute a deed restriction for the JADU (to be recorded) that: (a) prohibits the sale of the JADU separate from the primary One-Family Residential Facility, (b) restricts the size and attributes of JADU consistent with this application, (c) states owner occupancy in either the JADU or the primary residence is required if the JADU has shared sanitation facilities with the primary residence⁴. (Please attach a notarized JADU Deed Restriction with your application.)

I have reviewed the above checklist and certify that the project conforms to all applicable criteria for Step 1.

Applicant's Signature

Date

Reviewer's Signature

Date

⁴ See p. 14 of the HCD Handbook: <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>