



# Accessory Dwelling Units

## Amendments to Address State Law and HCD

Public Hearing  
September 19, 2023



Image Source: Manzanita Design Build

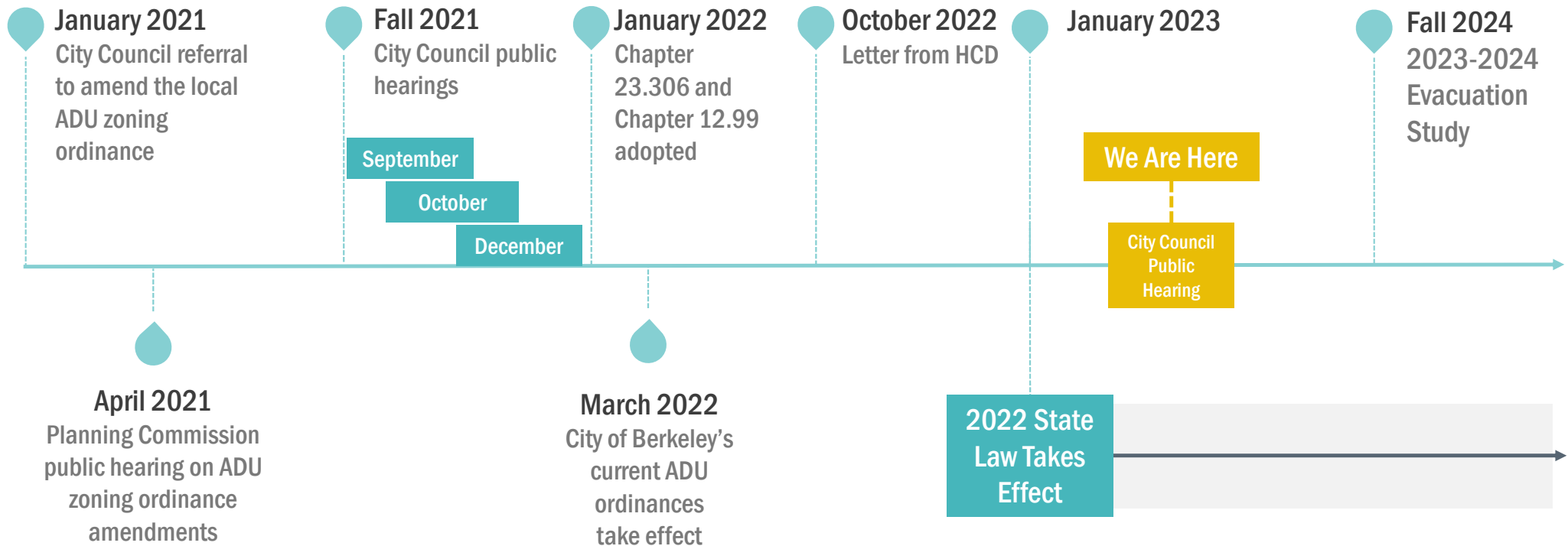
# ADU ORDINANCE GOAL

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City staff have prepared amendments to the Berkeley Municipal Code (BMC) to reflect:

- I. Feedback from HCD
- II. Recent changes in state laws
- III. City staff and commission-initiated edits

# ADU Regulations in the City of Berkeley



# Changes to Comply with HCD's Findings

**REMOVES STANDARDS SPECIFIC  
TO THE HILLSIDE OVERLAY  
RELATING TO QUANTITY AND SIZE  
& REPEAL CH. 12.99**



**ALLOWS FOR  
ONE ADU AND  
ONE JUNIOR ADU  
PER LOT\* IN THE  
HILLSIDE OVERLAY**

\* Single-family lots

# Required Updates - 2022 State Law

1

**INCREASES MAXIMUM  
HEIGHT LIMITS  
(SB 897)**

2

**REQUIRES  
CONNECTION BETWEEN  
A JUNIOR ADU AND THE  
MAIN DWELLING UNIT  
(SB 897)**

3

**STATEWIDE  
PERMISSIBLE ADU +  
FRONT SETBACKS  
(AB 2221)**

# Proposed Changes for Consistency with HCD Guidance

**1**

**ADUS DON'T COUNT  
TOWARDS UNDERLYING  
DENSITY**

**2**

**ALLOWS 2 DETACHED AND  
1 INTERIOR ADU FOR  
DUPLEXES OR MULTI-  
FAMILY DWELLINGS**

# City Staff and Commission-initiated Edits

1 Balconies and bay windows

2 Noticing to occupants

3 Front of through lot setbacks

4 Building separation minimum

5 Flexible configuration for replacement off-street parking

6 Alterations to windows, doors, or other openings in existing non-conforming structures



Planning  
Commission



In consultation with Fire  
and Building & Safety

# Supplemental Material – Substantive Edits since 7/25

1

## Conversion ADU Time Limit

Removed the three year conversion time limit to comply with HCD guidance

2

## Maximum Building Height, Detached ADUs

Outside of the Hillside Overlay: *Remain the same* (20 ft)

Within the Hillside Overlay: Match state law

3

## Minimum Building Separation + Attached ADUs

Outside of the Hillside Overlay: 5 ft | Within the Hillside Overlay: 8 ft

Attached is defined as sharing a common wall with a primary dwelling

4

## Minimum Parking Required in Hillside Overlay

Changed the definition of public transit to match PRC Section 21155 definition of major public transit or high-quality transit corridor



# Supplemental Material – Policy Alternatives

1

## Front Setbacks – Additional Standards

Additional prescriptive standards to ensure that ADUs that need to go into front setbacks are sited far from the front lot line

Additional Standards

2

## Converted ADUs – Keep As-Is

Maintain 3 year time limit for conversions based on when the accessory building or structure was created

Keep As-Is

3

## Neighbor Noticing – Keep As-Is

Keep procedures as they are except remove noticing to owner(s) of subject property

# ADU Regulations in the City of Berkeley



## Contact information:

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