



**FREQUENTLY ASKED QUESTIONS AND ANSWERS
ACCESSORY DWELLING UNIT REGULATIONS
FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
PIEDMONT CITY CODE DIVISION 17.38**

1. How do I apply for an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) permit?

It is recommended that you begin by scheduling an appointment with a planner in the Planning & Building Department by calling 510-420-3050 or emailing the planning staff at ondutyplanner@piedmont.ca.gov, who can walk you through the process, answer questions, and provide you with the materials needed for your application. An accessory dwelling unit permit application is available at the Planning & Building Department counter at City Hall, 120 Vista Avenue, and on the City website at www.piedmont.ca.gov. It is specifically arranged to help determine the options available to you. Once you complete and submit the application, the application will be reviewed by planning staff to determine if your proposed ADU or JADU conforms to the development standards in the City Code (Division 17.38). If it does, the application will be approved by the planning staff and a letter confirming the decision will be sent to you. This is a “ministerial” process in which no notice will be sent by staff to your neighbors and no public hearing is held. This process usually takes about 30-40 days, provided that your application is complete in accordance with the required application materials listed in the application form. If your application does not comply with the development standards for ADUs or JADUs, the planning staff will contact you to discuss steps you will need to take in order to modify the plans to conform to the standards. Once an ADU permit application is approved, an application for a Building Permit will need to be submitted and issued prior to the commencement of construction.

2. Are accessory dwelling unit permit applications subject to design standards?

Yes, an application for ADU permit will be reviewed for conformance to Design Guidelines specific to ADUs. While ADU applications are subject to design standards, they are not subject to a design review permit.

3. Will my application be reviewed at a public hearing?

No. All ADU and JADU applications are processed “ministerially” by the Planning & Building Department, with no public notice or hearing occurring. The Director shall review each application ministerially to determine if the development standards in section 17.38.060 are met, and shall within 60 days of a completed application approve or deny the application, except if the application to create an ADU or JADU is submitted with an application to create a new primary dwelling on the lot. In this case, the Director shall delay acting on the permit application for the ADU or JADU until permits for the new single-family dwelling are approved. The Director will review the ADU or JADU application without notice or public hearing.

4. If my proposed accessory dwelling unit requires exterior construction, will my accessory dwelling unit permit application be considered at a public hearing?

No. All construction specific to the proposed ADU or JADU is reviewed for conformance with City Code Chapter 17 under the ADU permit application and for compliance with building code requirements under the associated building permit. Proposed construction that is not specific to the development of an ADU or JADU shall require a separate permit and shall be subject to other city processes for approval.

5. What are the development standards for an accessory dwelling unit (ADU)?

As provided in Section 17.38.060.B, the development standards for an ADU permit are as follows:

- Unit Size: An attached ADU may not exceed 50% of the existing living area up to a maximum of 850 square feet, or 1,000 square feet if the accessory dwelling unit will include more than one bedroom, except where a restriction to 50% of existing living area would result in a maximum size of less than 800 square feet, an attached ADU of no more than 800 square feet shall be permitted, subject to the zoning regulations and development standards in this section.

A detached ADU may not exceed 850 square feet, or 1,000 square feet if the ADU will include more than one bedroom. The minimum floor area for an ADU shall be 150 square feet. (Section 17.38.060.B.1). However, an exception to unit size may be sought under section 17.38.070.C.1.

- Access: The ADU and JADU must have independent, exterior access.
- ADU limitations per parcel: There may be no more than one detached new construction ADU on a parcel with a single family residence (Section 17.38.060.B.4). Additionally, one attached ADU or JADU per parcel is allowed. The JADU may be attached to the new construction detached ADU.
- Floor area, Lot coverage, and Landscaping: An ADU of up to 800 square feet in area shall have no maximum lot coverage and floor area ratio requirements, and no minimum landscaping requirements. This does not apply to JADUs. (Please note that approval of an ADU under 800 square feet for which lot coverage, floor area ratio, and landscape limits do not apply may have implications for subsequent future applications to expand the primary dwelling unit, as the primary dwelling unit will be subject to requirements to maintain applicable lot coverage, floor area ratio, and landscape requirements for the lot.) If a proposed ADU is more than 800 square feet in unit size, the lot coverage, landscaping, or floor area ratio requirements shall be that of the underlying zoning district.
- Building Height: ADUs may have a maximum building height of 16 feet, measured from grade. See Section 17.90 for measurement of building height.

Planning department staff is available to help you determine how the standards and criteria are applied to your proposed application.

6. What are the development standards for a junior accessory dwelling unit (JADU)?

As provided in Section 17.38.060.C, the development standards for a JADU permit are as follows:

- Unit Size: A JADU may have a maximum size of 500 square feet.
- Unit Location: A JADU shall be contained within: a) an existing single-family residence or existing accessory structure, or b) the space of a proposed new single-family residence, or c) attached to a new detached ADU structure. An expansion of not more than 150 square feet shall be permitted for purposes of accommodating ingress and egress without design review permit. Construction of a new single-family residence will continue to require the review of a design review permit. Construction of a new accessory structure will also require a design review permit unless the accessory structure shall be used for and meets all of the standards for a detached ADU.
- Access: The JADU must have independent, exterior access.
- Sanitary facilities: The JADU may share sanitation facilities with the existing, proposed or approved structure or have separate sanitation facilities. The sanitation facilities must be located in the same building as the JADU. However, a JADU shall include an efficiency kitchen that provides a cooking facility, appliances, cabinets, and food preparation counter in proportion to the size of the JADU, and subject to Building Code requirements.
- Setbacks: If an expansion of up to 150 square feet is proposed in order to meet ingress or egress; the rear and side yard setbacks are 4 feet measured from the property line.

7. What is the difference between an ADU and a JADU?

A Junior Accessory Dwelling Unit or JADU is defined as an accessory dwelling unit that has maximum floor area of 500 square feet, and is constructed within the space of a proposed single-family dwelling or existing single family dwelling or accessory structure. A JADU can share sanitary facilities with the main residence. A JADU is not required to have the 1-hour-rated fire separation between the primary residence and the JADU. A JADU will require a covenant recorded on the deed that requires the property owner to occupy the property if their JADU is rented.

An Accessory Dwelling Unit or ADU can be detached from existing structures and can be constructed up to 1,200 square feet in size, depending on lot size, bedroom count, and rent restriction. An ADU must have sanitation facilities that are separate from those for the primary residence. An attached ADU must have 1-hour-rated fire separation between the primary residence and the ADU. An 800-square-foot or less ADU is not subject to FAR, structure coverage, or landscape coverage limits for the zoning district in which it is located. An ADU approved after January 1, 2020 does not require a covenant recorded on the deed requiring the property owner to occupy the property if the ADU is rented.

For more information, see the development standards above or 17.38.060 of the City Code.

8. What if I want the biggest possible ADU?

If the Planning & Building Director approves an exception to the maximum unit size, the ADU shall be subject to all the requirements set forth below:

- A unit with more than one bedroom may be built up to 1,000 square feet without meeting any affordability requirements.
- A unit that includes one bedroom or less can be approved up to 1,000 square feet, upon imposition of rent restrictive covenants making rent affordable to households of low income (50% to less than 80% area median income for Alameda County). A unit with one bedroom or less may be expanded up to 1,200 square feet if made affordable to very low income (less than 50% area median income for Alameda County).
- A unit with more than one bedroom may be built up to a maximum of 1,200 square feet upon imposition of rent restrictive covenants requiring an affordable rent level to households of very low income (less than 50% area median income for Alameda County).

9. How does the City measure floor area?

Floor area is defined in Section 17.90.020 of the City Code. In practice, floor area in Piedmont is always measured to the exterior wall surface. If it is an interior wall, it is measured to the middle of the interior wall.

10. What if my proposed ADU does not comply with the zoning regulations?

If the construction of the building intended to house the proposed ADU requires one or more variances, such as setback or building height variances, the ADU or JADU cannot be approved. The application must meet the zoning regulations laid out in Section 17.38.060. See the section regarding combined project applications in item 4, above.

11. Do I need to provide an on-site parking space for my proposed accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU)?

State law forbids local jurisdictions, such as Piedmont, from requiring parking for accessory dwelling units located within ½ mile of public transit or when a unit is developed within an existing building. Since all of Piedmont is within ½ mile of a bus stop, no on-site parking is required for an ADU or a JADU. However, JADUs created in the attached garage are not subject to the same parking protections and could be required by the local agency to provide replacement parking.

12. Do I need to provide on-site parking spaces for the primary unit if I propose to demolish the existing garage or carport when developing the ADU, or if I propose to convert the existing garage or carport to an ADU?

No. Under City Code Section 17.38.060.B.6.a, when garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require the replacement of on-site parking spaces.

13. What if I want to replace my garage with a structure housing an ADU and also a larger garage? Can I add a new garage if I convert my existing garage into an ADU?

All new construction and expansions of the building envelope proposed as part of an ADU application must conform to ADU standards like building height and setbacks. If the proposed unit exceeds 800 square feet, then development standards such as floor area, landscape coverage, and structure coverage come into effect. As mentioned in Section 4, construction not directly related to construction of a JADU or ADU requires approval of separate permits.

If you are proposing to construct a new garage in order to replace the garage that was converted into an ADU, then all of the development standards of the underlying zoning district apply for the garage structure and a design review permit would be required.

When a garage is converted into an ADU and a new garage or living space is proposed (not to be included with the ADU), the other work would require a design review permit.

14. Can I demolish my garage and build an ADU in the same location?

Yes. You may demolish a garage and construct an ADU within the same location as long as it has the same dimensions as the garage without being subject to 4 foot setback requirements. However, the new ADU must be constructed to the same dimensions of the previous structure, and shall be subject to structure coverage, landscape coverage, and floor area ratio limits for the zone if over 800 square feet.

15. If I remove my parking spaces for an ADU and want to expand my house in the future, will I need a variance at that time? What if I want to construct an addition to the primary residential unit that exceeded lot coverage and FAR, will I need a variance at that time?

An addition to the primary residence will require a design review permit. An application for design review permit seeking the addition of bedrooms without satisfying applicable parking requirements in the City Code, or increases floor area or structure coverage beyond that allowed for in the zone, then the application would require a variance from those regulations. Any addition to a primary dwelling needs to satisfy all of the zoning requirements for the parcel's underlying zoning district.

The structure coverage and floor area of an ADU or a JADU would be included in the calculation of the total floor area for the property once a building permit has been issued for the construction of the ADU or JADU.

16. My house is already developed with structure coverage and FAR that exceed the zoning standards. If I want to modify the exterior of my house so that the new ADU does not make my property any more non-conforming for structure coverage or FAR, does that require a design review permit?

No, all ADU applications do not require a design review permit. However, a proposed ADU will need to comply with Design Guidelines specific to ADUs. For ADUs 800 square feet and less, the ADU is exempt from structure coverage, landscape coverage, and floor area limits for the zone. For ADUs larger than that, the ADU must meet the structure coverage, landscape coverage, and floor area ratio limits for the zone. If the proposed unit does not meet the development standard maximums, then the ADU cannot be approved. A variance from the code requirements is not allowed. The alterations to the house that are not part of the ADU space will be subject to a Design Review Permit. See question 4.

17. Can I build an accessory dwelling unit as an expansion of my house or as a separate building?

ADUs can be built within the building envelope of your existing house, as an expansion of your house, or as a new building, as long as the proposed construction meets all of the development standards and zoning regulations.

18. Does my accessory dwelling unit have to have exterior access?

Yes. Section 17.38.060.B.2 and 17.38.060.C.1.e require that the ADU and JADU must have independent, exterior access.

19. Can my attached ADU or JADU have interior access to the main residence?

Yes, the attached unit may have interior access to the main residence or attached structure. The connecting door of an ADU must be a 1-hour rated door pursuant to the fire protections in the Building Code.

20. Am I required to install solar panels on my new detached ADU?

As required by the Building Code, all newly constructed detached housing units with habitable space must have solar panels to comply with State of California requirements.

21. Am I required to install a separate electric, gas or water connection from the utility to my new detached ADU?

PG&E regulations, specifically Electric Rule 18 and Gas Rule 18, require all ADUs, either detached or part of the main house, to have electric and gas service separate from the main house. If the ADU is all electric, no gas meter or supply is necessary. We recommend that applicants or their contractors contact PG&E directly to determine the requirements and fees for installing separate utility connections for a new ADU.

No separate water connection is required.

22. Can I construct a prefabricated or manufactured detached ADU?

A prefabricated or manufactured ADU may be permitted pursuant to City Code section 17.38.060.D.2 or 17.38.060.D.3. If the proposed detached ADU meets the development standards and applicable Piedmont Design Guidelines, then a prefab ADU can be constructed. However, an [HCD](#) approved ADU may not be subject to Piedmont Design Guidelines. Please contact Planning staff at ondutyplanner@piedmont.ca.gov for more information.

The Piedmont Design Guidelines provide that the new ADU must be consistent with the architecture of the main residence which includes but not limited to roof pitch, roof form, exterior wall material, exterior ornamentation, and window and door design.

23. I have an approved accessory dwelling unit on my property and want to make some modifications to its exterior. Does this require an ADU permit?

After receiving approval for an ADU or JADU, any other exterior changes would require the completion and submission of an application for Change to Approved ADU permit.

24. I have an existing (nonconforming) unit on my property that has not been used for rental purposes for many years. How do the rules apply to me? It is over the allowable square footage.

Modifications to an existing and lawfully constructed non-conforming accessory dwelling unit must meet development standards laid out in Section 17.38 of the City Code. Otherwise, Section 17.50.020 allows exterior design and material modifications to legal nonconforming accessory dwelling units, provided that:

- a) they make the accessory dwelling unit architecturally consistent with the primary unit and compliant with the current Building Code;
- b) they comply with the Piedmont Design Guidelines; and
- c) there is no increase in the size or change to the location of the accessory dwelling unit, no increase in structure coverage or decrease in landscape coverage related to the accessory dwelling unit, and no increase in the number of bedrooms.

Alternatively, the existing unit may be replaced by submitting an application for a new ADU, which may require the applicant to reduce the size of the ADU.

25. Does a pool house that contains all the facilities that an accessory dwelling unit require an accessory dwelling unit permit?

Yes, a pool house, detached cottage, or developed basement or attic that includes complete independent living facilities, and makes permanent provisions for living, sleeping, eating, cooking and sanitation and that meets the definition of an accessory dwelling unit must have an ADU permit Any unit meeting these requirements that does not have an ADU permit cannot be occupied.

26. Can a family member live in the ADU?

If there is no rent restriction placed upon your unit at the time the ADU permit is granted, any family member can occupy the unit. However, if there are rent restrictions or affordability covenants imposed on the ADU, rentals must comply with all income and affordability requirements in such covenants, which may not permit a family member to occupy the unit in all instances. You will typically be required to file the required Affordable Rent Certification for the occupant(s) of the ADU if the ADU is a rent-restricted ADU.

27. If my ADU/JADU is being used by my adult son/au pair/mother-in-law, do I still need an ADU permit?

Yes, all ADUs and JADUs require a permit in order to be used for occupancy unless the unit is one of the legal dwelling units defined in City Code section 17.38.030.A.2 - 17.38.030.A.5. If the unit is being rented out for money, then rental tax requirements (see below- #35) will apply.

28. What does it mean to rent-restrict an ADU?

A rent-restricted ADU may only be occupied by a low-income or very low-income household. If you choose to charge rent for the ADU, the rent must be affordable to the household that occupies the unit. You are not, however, obligated to keep the unit occupied.

If you agree to rent-restrict your unit, a deed restriction will be recorded against your property deed when the rent-restricted ADU permit is issued. The deed restriction will remain in effect for a minimum of 10 years and will remain in force if you sell your property within that time period. The deed restriction will automatically terminate at the end of the period, or by the City recording a document terminating the restriction. (See Section 17.38.070.C.2.)

Owners of rent-restricted ADUs will be required to file an Affordable Rent Certification with the City once a year. This form is used to verify the income status of the household living in the accessory dwelling unit and to ensure that the rent being charge is affordable to that household. Copies of the Affordable Rent Certification are available on line at www.piedmont.ca.gov and at the planning counter at City Hall.

29. Who may occupy a rent-restricted ADU?

When being used as an independent dwelling unit, a rent-restricted ADU may only be occupied by a tenant who qualifies as a low-income or very low-income household.

A rent-restricted ADU might be especially appealing to you if you want to provide housing for a low-income caregiver, school or city employee, elderly parent, friend or family member who qualifies as a low-income independent household.

30. How are moderate-, low-, very low- and extremely-low income households defined?

The California State Department of Housing and Community Development (HCD) defines income categories based on the area median income (AMI) of a particular region. Piedmont's region encompasses all of Alameda County. Income categories are determined as a percentage of the area median income as follows: moderate income is between 80% and 120% of median income; low income is between 50% and less than 80% of median income; very low income is 30% to less than 50% of median income, and extremely low income is below 30% of median income. Family size is also taken into account when determining income limits for households.

31. How are affordable rent levels determined?

A particular rent is considered to be affordable if the cost of rent and utilities comprise no more than 30% of a household's annual income. The City determines rent levels by using the 30% rule and standardizing the household size according to the type of ADU. In this manner, a studio is counted as a one-person household, a 1-bedroom unit as a two-person household, a 2-bedroom unit as a three-person household, and a 3-bedroom unit as a four-person household. More people may occupy the unit, but the stipulated rent level does not change. Similarly, the unit size does not affect how required rent levels are determined. Rent levels are updated annually in late May to reflect changes in the Alameda County Income Limits. To confirm current limits, contact www.hcd.ca.gov

The affordable rent levels are *maximum* monthly rents. You are, of course, free to charge less or even no rent at all.

32. Why has the City implemented a Rent-Restricted Accessory Dwelling Unit Program?

The City is required by State law to provide its "fair share" of housing to help solve the regional housing shortage, including affordable housing opportunities for people in all income categories. Since housing prices are high in Piedmont, and since there is no land available for multi-family housing developments, the City has determined that the best way to meet our affordable housing requirement for low-income households is through a rent-restriction program that "trades" exceptions to ADU unit size standards for a deeded rent restriction. The program is entirely voluntary and does not limit a property owner's right to develop an ADU that meets the development standards in the City Code.

The rent-restricted ADU program provides more housing opportunities for lower-income residents: caregivers, school or city employees, household workers, elderly parents, and adult children who would not otherwise be able to afford to live in Piedmont. The program also provides a greater opportunity for our seniors who live on limited, fixed-incomes to continue to live in Piedmont by moving into their accessory dwelling unit and renting out their houses at the prevailing market rate.

33. May I rent out both the main house and the accessory dwelling unit?

Only if the ADU permit was issued after January 1, 2020. Pursuant to state law, owner-occupancy requirements can no longer be required for units approved after January 1, 2020. However, the owner of an ADU approved prior to January 1, 2020 must occupy either the ADU or the primary residence. Additionally, state law provides that the owner of a JADU must occupy either the JADU or the primary residence.

34. May I rent out both the main house and the junior accessory dwelling unit?

No, the owner must live in either the main residence or the JADU, as laid out in Section 17.38.060.C.3.b.

35. Am I required to pay any taxes related to the renting of an ADU or JADU?

All owners of ADUs and JADUs that are being rented are required to pay an annual rental tax of 1.395% of gross annual receipts, or \$200, whichever is greater. For more information, please visit the webpage at <http://www.piedmont.ca.gov/cityclerk.shtml>. Please contact the Alameda County Assessor regarding changes that may be made to the assessment of the property after construction of the ADU. Issued building permits and plans are routinely shared by the City with the County Assessor.

36. May I rent my ADU to short-term guests, such as by posting it on an online house-sharing platform such as Airbnb?

The ADU program was primarily established to help make a range of housing types available to residents. An ADU or JADU is prohibited from being used for short-term rentals (guests staying fewer than 30 consecutive days). Pursuant to Section 17.40.030.A of the Piedmont City Code, a short-term rental unit may not be located in an accessory dwelling unit (including JADU and intended or unintended ADU) or a multi-family unit. Subsequent to the approval of a Short-Term Rental Permit, rooms within a primary single-family residence, or the primary single-family residence as a whole, may be rented to short-term guests.

37. How can I remove deed restrictions from my previously constructed second unit permit or accessory dwelling unit permit?

For a previously constructed ADU with a deed restriction stating that the property must be owner-occupied or that the unit must be rented out to a low or very-low income individual or family, there is currently no option to remove either of the deed restrictions required prior to January 1, 2020. Please contact the Planning & Building Department to talk to a planner about an ADU approved prior to January 1, 2020 but not constructed.

38. Which jurisdiction controls the ADU or JADU permit application and construction if a property is in both Piedmont and Oakland?

If work is 100% within the geographical boundaries of a single jurisdiction, then all permitting may be approved by that jurisdiction. If the proposed unit is split along city boundary lines, the homeowner may be required to obtain approval from both jurisdictions. If an ADU or JADU falls under this criterion, please contact the Planning & Building Department prior to submitting plans for review at ondutyplanner@piedmont.ca.gov.

39. Does my neighbor's ADU or JADU require public notice? What if it blocks my view?

No public noticing is required as per Section 17.38.040. The maximum allowed height for an ADU is 16 feet. A notice alerting adjacent neighbors of pending construction is required to be provided by the applicant at least 2 weeks prior to the date when construction commences.

40. How do I appeal a decision approving the construction of an ADU on my neighbor's property?

Because of state law requirements requiring ministerial consideration, an ADU or JADU permit may not be appealed.

41. How long will it take to get my ADU or JADU permit approved?

You will be required to prepare and submit an ADU application for an ADU or JADU permit. If you have properly provided the required information and plans and the project meets the criteria for approval, your application(s) should be able to be processed within 30 days from the date the application was submitted. Within 60 days of deeming the application complete, you will be sent a decision letter.

State law requires that local jurisdictions act on an application to create an ADU or a JADU within 60 days from receipt of a completed application. The City may delay acting on a permit application where the lot does not already have an existing single family or multi-family dwelling, until the application for the single-family or multi-family dwelling is processed. Note that the City of Piedmont requires approval of a building permit and an ADU permit to construct an ADU or JADU, so for the purpose of determining the 60 day period, the City will not deem an application package for an ADU or JADU complete until the City has received a complete building permit application as well as an ADU permit application.

42. How much does it cost to get an accessory dwelling unit approved?

The ADU permit application fee is listed on the application form, which can be found at: https://www.ci.piedmont.ca.us/government/forms_applications. The fee must be paid at the time your application is submitted. There is no additional fee to the ADU permit application if an exception to unit size is requested. A building permit will be required for any interior or exterior construction you propose, and the building permit fee varies based on the construction costs.

43. The ADU Design Guidelines specify requirements for “entry doors.” Does that include any exterior door on the proposed ADU or JADU?

Any new door used to access the ADU or JADU is an “entry door” for the purposes of the ADU Design Guidelines. Existing doors that provide entry and existing or proposed doors that don’t provide entry would not be subject to the requirements for new entry doors. Doors to crawlspaces or cabinets or niches, concealing utilities or water heaters, are not “entry doors.”

44. Can I add an architectural feature to my ADU that is not found on the main residence, such as a bay window, clerestory windows, pergola, chimney, etc.?

Architectural features on the ADU or JADU must match an existing feature on the main residence. If the main residence does not have an architectural feature, such as a pergola, then the ADU may not.

45. How do I start the process of requesting an accessory dwelling unit permit?

Planning staff are available Monday through Friday from 8:30 a.m. to noon and 1:00 p.m. to 5:00 p.m. to help you with your ADU permit application. The City has a general "property file" for your property that may contain information that will be useful to you in the preparation of your application, and you are welcome to request copies of the information in your file. It is recommended that you make an appointment with a planner who can help determine what permits and processes are required for your project. The planner will help familiarize you and your architect or contractor with the steps, timing, and application materials associated with the permit application(s). You are also encouraged to call planning staff at (510) 420-3050 or send an email to ondutyplanner@piedmont.ca.gov with any questions.