

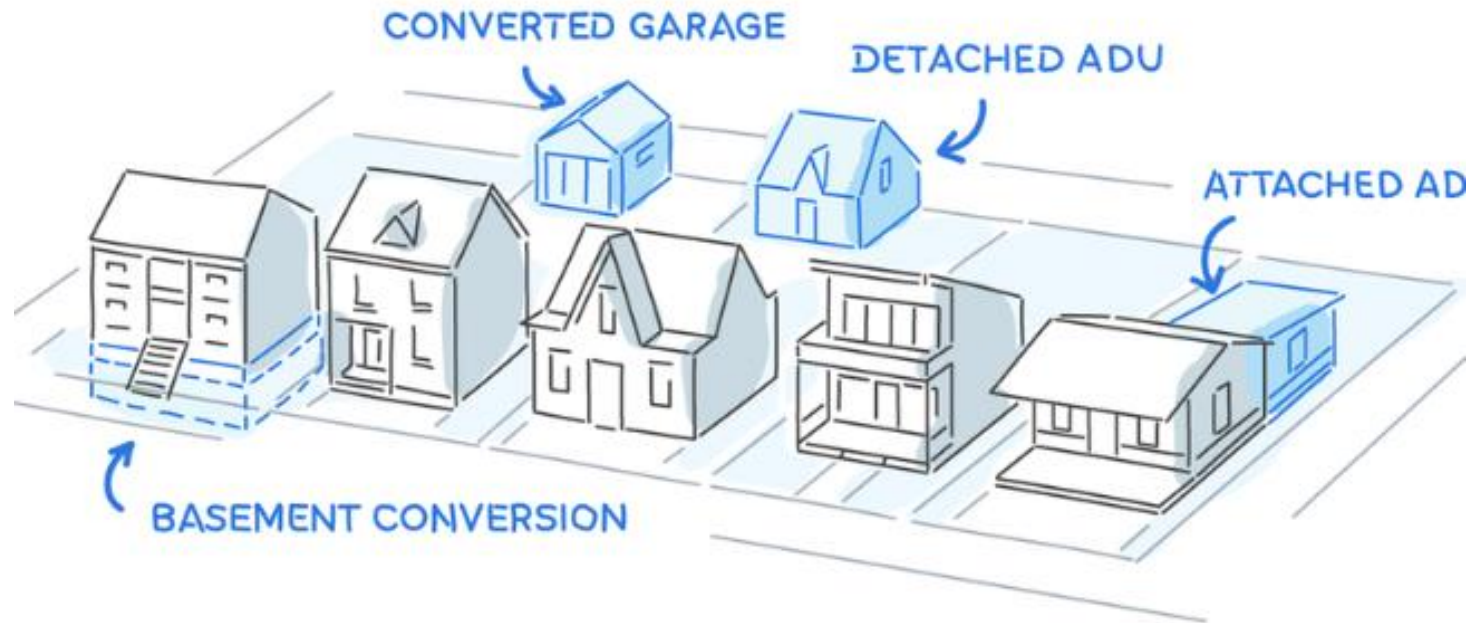
ACCESSORY DWELLING UNIT ORDINANCE UPDATES

PLANNING BOARD STUDY SESSION

MAY 11, 2026



WORKSHOP OVERVIEW



Purpose: Staff is seeking input from the Planning Board on a number of policy questions related to updating the City's ADU ordinance.

- Context and reason for updates.
- Key policy questions to address.

Feedback requested:

- Specific direction on policy options.
- Input on the structure of the ordinance itself.
- Any other related topics you would like to see addressed.

BACKGROUND

Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) are an innovative option for increasing the density of units on residential lots.

ADUs account for a significant proportion of the City's new residential housing production in recent years.

ADUs are inherently affordable (Garcia. 2017. Early Lessons and Impacts of California's State and Local Policy Changes. Turner Center for Housing Innovation).

ADUs have historically been prohibited from being sold or otherwise conveyed separately from the primary dwelling(s) on the same site.

Some ADUs, called 66323 units, are exempt from local development standards because they meet state requirements including 800 sq. ft. maximum floor area and 4 ft. rear and side yard setbacks.



City of Alameda
2023-2031 Housing Element

Adopted | November 15, 2022



HOUSING ELEMENT PROGRAMS

Adopted Housing Element, Program 5: Accessory Dwelling Units

“Annually monitor the production and affordability of ADUs and the progress made according to the assumptions in the inventory. Take alternative actions . . . if not meeting the assumptions.”

RELEVANT STATE LAWS AND REGULATIONS

AB 1033 – Allows local jurisdictions to choose to adopt procedures and policies to support the conversion of ADUs into condominiums, thereby allowing their separate sale and conveyance.

SB 1211 – Expanded the number of detached ADUs for multifamily properties up to eight units at one ADU per multifamily unit.

AB 2533 – Legalization of unpermitted ADU conversion without significant penalties.

AB 1154 – JADU regulation clarifications, including limitations on owner occupancy requirements and short-term rentals.

SB 543 – Reinforces required completeness and review timelines and clarifies certain requirements such as fire sprinklers in JADUs and how ADU floor area is measured.

KEY POLICY QUESTIONS

Issues that require input from the Planning Board:

- Whether ADUs should be permitted to convert into condominiums, and if so by what process.
- Whether non-State-exemption ADUs should be subject to a front yard setback.
- Number and type allowed.
- Whether additions to existing nonconforming accessory structures, as part of an ADU project, can extend along an existing nonconformity.
- Clarifications to the requirements associated with the removal of existing parking.
- Impact fees exemptions.
- Deed restriction requirements.



Attached Above Garage ADU



Interior Converted Garage ADU



Interior Converted Basement or Attic ADU



Attached ADU



Detached ADU

ADU CONDOMINIUM CONVERSION

Proposed change: New State law allows the City to permit conversion of ADUs into condominiums. Currently, ADUs must be owned by the property owner of the primary dwelling but can be rented (no short-term rentals allowed).

Example: A property owner of a single-family home constructs an ADU, and because of concerns managing a rental unit, chooses to instead convert the ADU to a condominium unit so it can be sold independently.

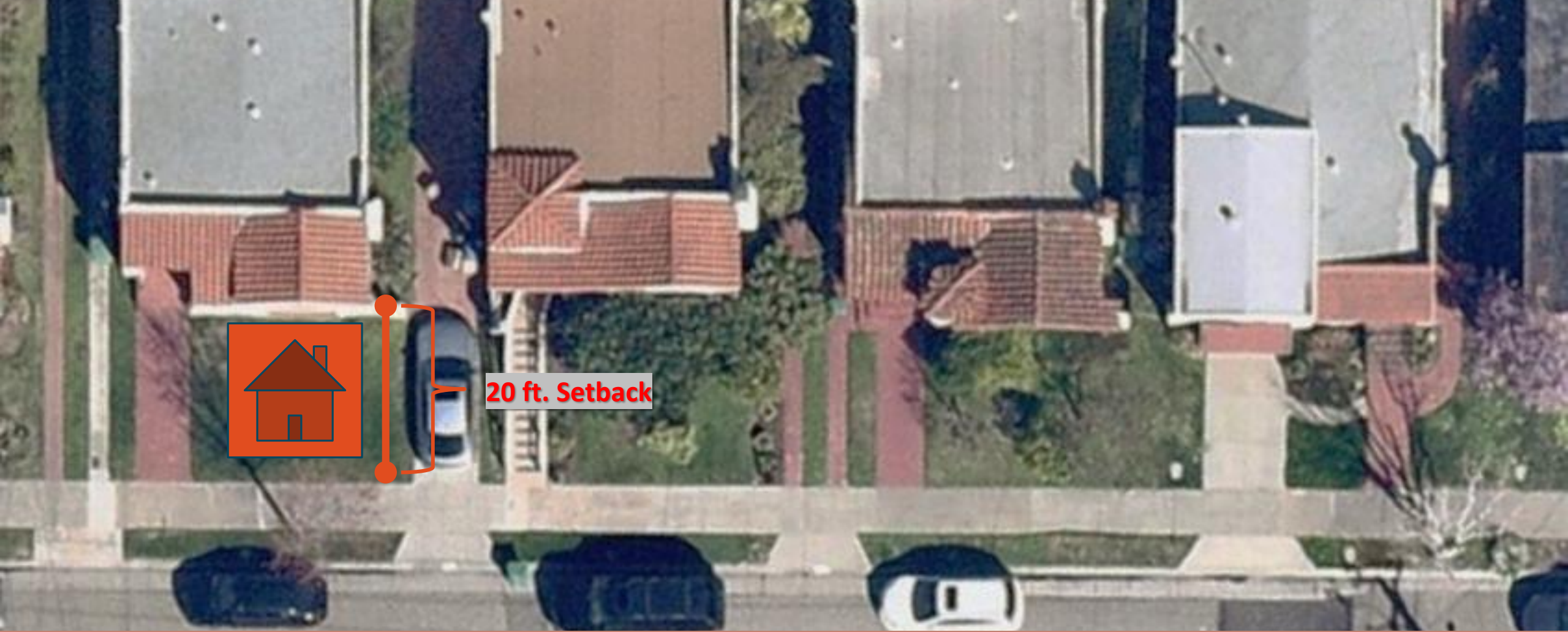


FRONT YARD SETBACK

Proposed change: Clearly apply the front yard setback provisions (20 ft. on typical residential lots) to new non-exemption ADUs.

Example: A property owner with a typical lot would need to either locate a proposed detached ADU outside of the front yard area, or design the ADU such that it is a 66323 unit, exempt from local development standards under State law.





Front Yard Setback Example

NUMBER AND TYPE ALLOWED

Proposed Change: The current number of ADUs permitted on a multifamily lot converted from existing space is uncapped, meaning a property owner may propose any number of new ADUs converted from existing space within a multifamily structure. State law allows only one ADU conversion per existing unit up to eight.

Example: A property owner with an existing or proposed multifamily development would be limited in the maximum number of ADUs that they could propose as compared to the existing regulations.



Conversion of existing area not already a unit

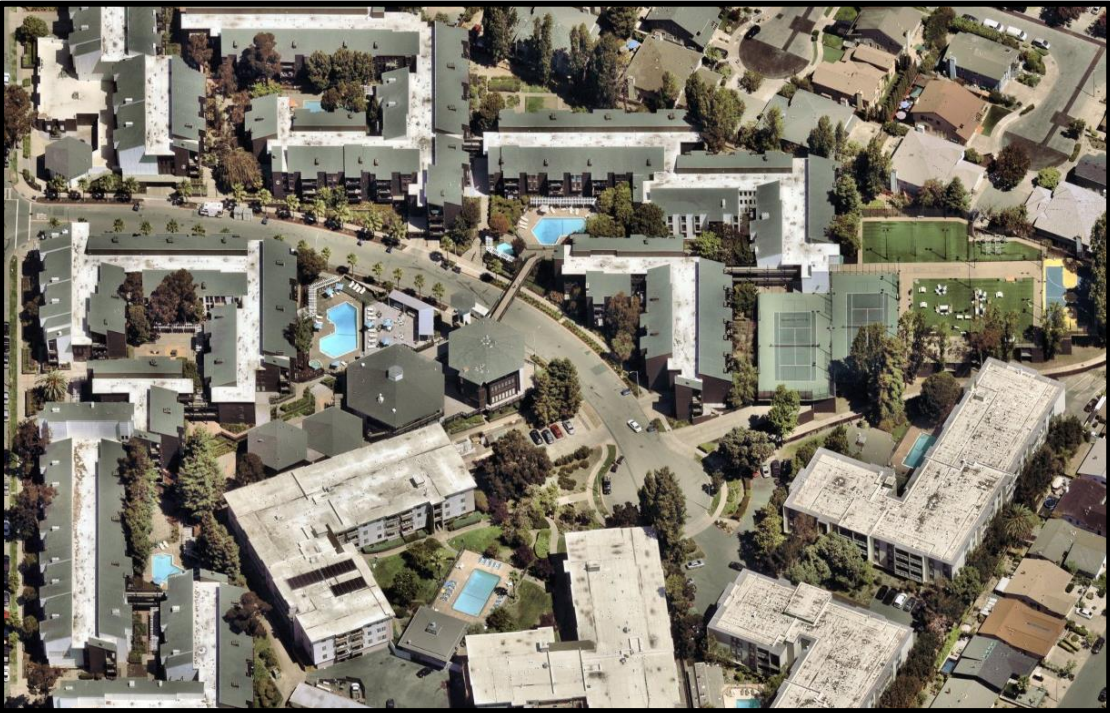


Detached new construction ADU

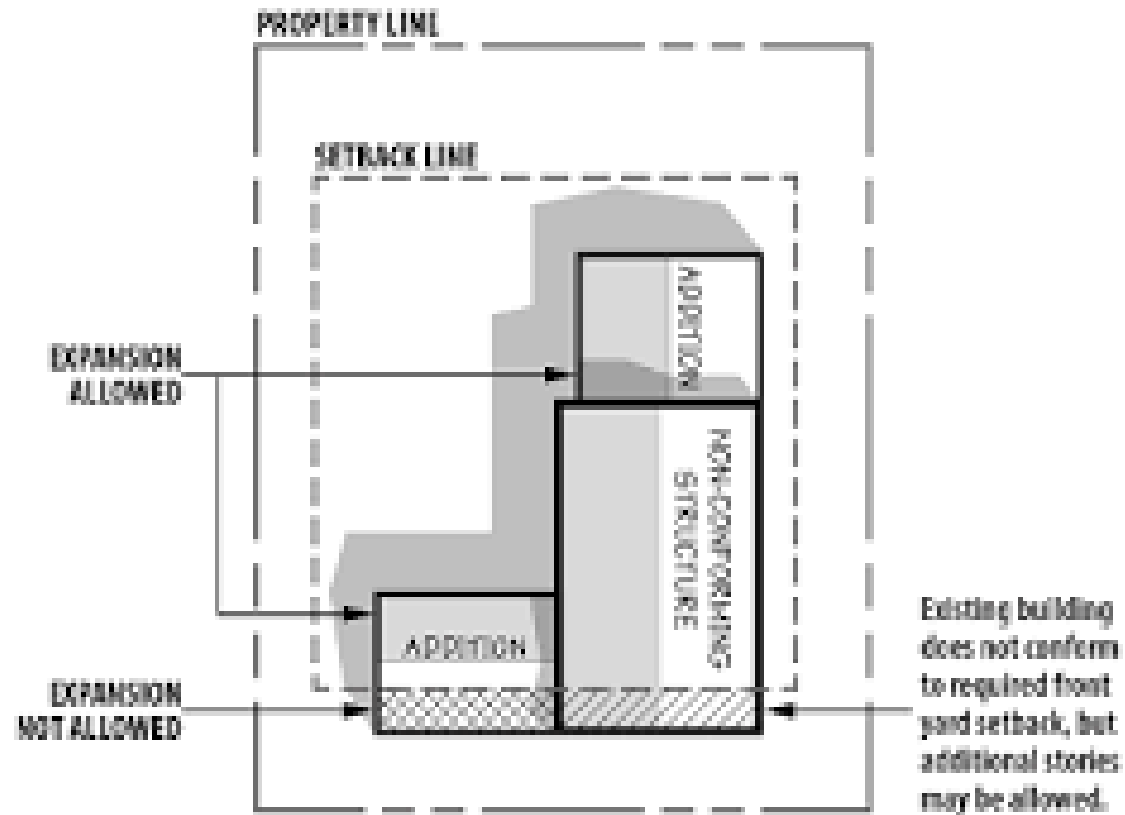
Number of ADUs Permitted to be Converted Based on Existing Multifamily Units

# of Existing Multifamily Units	# ADUs Allowed by State Law	# ADUs Allowed by Ordinance
2	2	∞
3	3	∞
4	4	∞
5	5	∞
6	6	∞
7	7	∞
8	8	∞
9	8	∞
10	8	∞
11	8	∞
n	a=n for $n \leq 8$, a=8 for $n > 8$	a= ∞

Number and Type Allowed Examples



LEGAL NONCONFORMING ADDITIONS



Proposed Change: Clarify the provisions related to expansions made to existing legal nonconforming accessory structures to allow expansions along existing nonconformities that do not exacerbate any existing nonconformity.

Example: A converted detached garage that runs along the rear yard property line, may include an addition that extends along that existing noncompliant setback where it would otherwise not be permitted.

Legal Nonconforming Additions Example



REMOVAL OF EXISTING PARKING

Proposed Change: Clarify the regulations regarding removal of existing nonconforming driveways and curb cuts to explicitly apply when garages are converted to ADUs in such a way that no safe off-street parking space remains.

Example: Existing parking spaces lost to ADU conversion need not be replaced, however leaving short (>18') driveways results in parked cars encroaching into sidewalks, impeding pedestrians.



IMPACT FEES

Proposed Change: Currently the City does not charge any impact fees on ADUs that we have discretion over. However the City could apply limited impact fees on ADUs over 750 square feet. Housing Element Program 5 does commit to continuing to waive impact fees for ADUs.

Example: If there was some reason that the City felt it was not meeting revenue expectations for impact fees, including large ADUs could help bridge that gap. This would result in the additional cost hurdle for property owners considering ADU construction.





DEED RESTRICTIONS FOR JADUS

Proposed Change: Changes to State law limit the City's ability to require deed restrictions for most ADUs and JADUs, rendering much of the existing requirement moot. The City could amend this to preserve the deed restriction requirement for owner occupancy only on JADUs with an internal connection to the primary dwelling.

Example: A proposed JADU project that has internal connectivity with the primary dwelling would be required to record a deed restriction for owner occupancy prior to issuance of a building permit. No other ADU projects would be subject to a deed restriction requirement.

OTHER AMENDMENTS

All other amendments are either intended to adhere to changes in state law, such as:

- Removing the design requirements, or replacing them with design *considerations*, to match the external features of the primary unit.

Intended to update obsolete references, such as:

- References to specific Government Code sections.

Or, intended to clean up the formatting of the ordinance, such as:

- Creating a new subsection for the ADU ordinance, and if ADU condo conversions are included as a Board direction, another separate subsection for ADU conversions.
- Separating the exemptions for 66323 units into their own subsection to be more concise.

QUESTIONS?



KEY POLICY QUESTIONS REVISITED

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