



# CITY OF BERKELEY LAND USE PLANNING ADU INFORMATION

FOR LOTS IN ALL DISTRICTS THAT PERMIT RESIDENTIAL USE

[planning@berkeleyca.gov](mailto:planning@berkeleyca.gov) • Phone (510) 981-7410, TDD (510) 981-7450  
ADU DEVELOPMENT STANDARDS

Planning and Development  
1947 Center St, 2nd Floor  
Berkeley, CA 94704

### GENERAL INFORMATION

An **Accessory Dwelling Unit (ADU)** is an attached or detached secondary dwelling unit that contains permanent places for living, sleeping, and cooking. The minimum size of an ADU is 190 square feet.

A **Junior Accessory Dwelling Unit (Junior ADU)** is a secondary unit that is contained within the habitable floor area of a single-family dwelling. It may share a bathroom with the primary dwelling unit.

ADU and Junior ADUs are allowed with an approved building permit, and are not subject to discretionary review. They must meet all applicable codes, including the objective standards in the zoning code.

This handout offers general guidelines effective March 30, 2025, and is not intended to be comprehensive.

### MORE INFORMATION

[Berkeley Webpage](#)

### ADU ZONING CODE

[CHAPTER 23.306](#)

### CALIFORNIA GOVERNMENT CODE

[CHAPTER 13](#)

### PROPERTY LOOKUP MAP

[GIS PORTAL](#)

HOW MANY ADUS/JADUS ARE ALLOWED PER LOT?		
Primary use	Outside Hillside Overlay <sup>1</sup>	Within Hillside Overlay <sup>1</sup>
Single-family building, one unit on lot	1 Conversion ADU <sup>2</sup> + 1 New Construction ADU <sup>3</sup> + 1 JADU	
Single-family building, more than one unit on lot	1 ADU	
Existing Multifamily Building(s)	8 New Construction ADUs <sup>3</sup> , provided that the number of ADUs does not exceed the number of existing units, and at least one interior ADU <sup>4</sup> . The number of interior ADUs shall not exceed 25% of the total number of existing dwelling units on the lot.	8 Detached ADUs, provided that the number of ADUs does not exceed the number of existing units, and at least one interior ADU up to 25% of the total number of existing dwelling units on the lot.
Proposed Multifamily Building	2 New Construction ADUs <sup>3</sup>	2 Detached ADUs
Group Living Accommodation	1 ADU	
WHICH STANDARDS APPLY?		
Development Standard	Outside Hillside Overlay <sup>1</sup>	Within Hillside Overlay <sup>1</sup>
Maximum Size (GFA)	1,200 sf	850 sf (studio or 1 bedroom) 1,000 sf (2+ bedrooms)
Building Height, Maximum - Conversion ADU	Same as existing structure	
Building Height, Maximum - Detached ADU (new construction)	25 ft	20 ft
Building Height, Maximum - Attached ADU (new construction)	25 ft	25 ft or height limit applicable to the existing building, whichever is lower.
Rear and side (interior or street) setbacks, Minimum	4 ft	
Parking	None Required	
Roof Decks	Permitted	
Projections	Architectural features <sup>5</sup> are permitted to project 2 ft into required front and side setbacks, so long as there remains at least a 2 ft setback from property lines	Not Permitted
Entrance	Exterior or independent entrance required	
Kitchen	ADU: Kitchen; Junior ADU: Efficiency kitchen	
Bathroom	ADU: Full bathroom; Junior ADU: May share with primary dwelling	

- Hillside Overlay is a designated area in the Berkeley hills, shown on the City's Zoning Map with the "H" label. Properties in this area are subject to special requirements and limitations in addition to the standard zoning rules that apply to their base zoning district.
- Conversion ADU is created by converting an existing accessory building or structure or interior non-livable space, such as a garage or workshop, into a habitable space. The converted structure may retain its current size and location and maintain any existing nonconformities, provided it meets fire and safety requirements.
- New Construction ADUs may be either attached or detached from the main building(s) and/or other ADUs, in any configuration.
- Interior ADU(s) must be created entirely through non-livable residential portions of the existing single-family or multi-family buildings that are not within the living space of a dwelling unit (e.g. basements, attics, garages, storage rooms, boiler rooms, passageways).
- Architectural features include: Chimneys, water heater enclosures, flues, heating and cooling equipment, eaves, cornices, awnings, bay windows, and balconies.



# ADU FREQUENTLY ASKED QUESTIONS

This resource provides guidance on Berkeley’s local Accessory Dwelling Unit (ADU) Ordinance ([BMC Chapter 23.306](#)).

- 1. General Information (pg 2)
- 2. Permit Process and Fees (pg 2-3)
- 3. ADU Design Considerations (pg 3)
- 4. Definitions, Standards and Measurements (pg 3)
- 5. Junior ADU Considerations (pg 4)
- 6. Conversions of Existing Structures (pg 4)
- 7. Parking (pg 4)
- 8. Rental, Occupancy and Ownership (pg 5-6)
- 9. ADU Condominiums (separate sale) (pg 6)

The California Department of Housing and Community Development’s [Accessory Dwelling Unit Handbook](#) provides additional information about ADU’s and Junior Accessory Dwelling Units (Junior ADU’s).

The [Permit Service Center](#) can help direct questions related to the California Building Code, Fire Prevention, Building Permit Processing, Public Works Engineering, and

**Referenced links can be found on page 6.**

## GENERAL INFORMATION

### 1. What is an ADU?

An attached or detached secondary dwelling unit that contains permanent places for living, sleeping, and cooking. The minimum size of an ADU is 190 square feet.

### 2. What is a Junior ADU?

A secondary unit that is contained within the walls of an existing or proposed single-family dwelling or a single family dwelling unit’s attached garage. A Junior ADU must include a separate exterior entrance and, at minimum, an [efficiency kitchen](#). It may share a bathroom with the main dwelling unit, and may not be more than 500 square feet.

### 3. Which zoning district standards apply to my lot?

Find your zoning district using the [Community GIS Portal](#). The property and planning view contains zoning information.

### 4. Are ADUs subject to lot size requirements, lot coverage and gross floor area, or density limitations?

Lot size: Any lot that is zoned to allow residential use and has an existing or proposed dwelling unit is eligible for an ADU.

Lot coverage and floor area: Up to 800 square feet is excluded from both lot coverage and gross floor area calculations. (See BMC Section 23.106.020(B)(5) and BMC 23.106.030(B)(6)).

Density: ADUs do not count towards density maximums or minimums of the underlying lot.

### 5. Are ADUs subject to the Creeks Ordinance ([BMC Chapter 17.08](#)) and the Coast Live Oak Ordinance ([BMC Chapter 6.52](#))?

Yes, ADUs are subject to both.

Creeks: If construction of the ADU takes place over or near an open or culverted creek, please review the [Creek Protection Instructions](#).

Coast Live Oaks: Removal or excessive pruning is prohibited. Please review the [Tree Protection Instructions](#).

## PERMIT PROCESS AND FEES

### 1. Which type of permit is required?

All ADUs and Junior ADUs require a [building permit](#). A zoning

permit, such as an Administrative Use Permit (AUP) or Use Permit (UP), is not required, except in certain circumstances related to other components of the development proposal. Compliance with the ADU zoning and development standards is reviewed as part of the building permit process. Submit applications through [Permits Online](#) or by making an in-person appointment for the [Permit Service Center](#).

### 2. How much are the permit and impact fees?

There is a \$250 zoning plan check fee, as well as a \$500 neighbor noticing fee, both assessed at the time of building permit submittal. Land Use Planning does not assess impact fees. Building permit fees are based on the valuation of the project, which can be estimated using the [fee estimator tool](#).

Residential developments of more than 500 square feet of livable space will be assessed one-time Developer Fees, known as School Facility Fees, by the Berkeley Unified School District. Visit [Berkeley Unified School District's webpage](#) to learn more about fees for residential development. Proof of payment must be provided to the Permit Service Center before issuance of a building permit.

### 3. What are the neighbor notification requirements?

When a building permit application is submitted, City staff mail out a notice of the application to tenants of the subject property (if any) and owners and tenants of adjacent, confronting, and abutting properties within 10 working days of application submittal. A fee of \$500 neighbor noticing fee is collected with the building permit application. If you received a notice of an ADU application in the mail, you can check the permit status on [Permits Online](#). These are courtesy notices alerting neighbors to ADU construction; ADUs are not appealable.

### 4. Do I need to obtain a separate address for an ADU? A Junior ADU?

An ADU requires a separate address. Please submit the [Address Assignment Request](#) with the building permit application. An address will be assigned to the ADU as part of the building permit process.

A Junior ADU cannot have a separate address because it does not meet the definition of a separate dwelling unit under the

# ADU FREQUENTLY ASKED QUESTIONS

Building Code.

## 5. How do I record a deed restriction?

A deed restriction must be filed with the Alameda County Recorder for all **ADUs** and **Junior ADUs**. The deed restriction prohibits the use of the ADU or JADU as a short-term rental. The deed restriction must be recorded prior to issuance of the building permit. Please contact the **Clerk Recorder's Office of Alameda County** for more information on how to record a deed restriction, including recording instructions and fees.

## 6. How can I legalize an existing unpermitted ADU?

Unpermitted ADUs are eligible for review under the City's ADU amnesty program. ADUs qualifying for amnesty shall not be treated as new construction for zoning purposes and may be legalized subject to the amnesty standards and procedures.

### ADU DESIGN CONSIDERATIONS

#### 1. Can I place my ADU within the front setback of my lot?

Yes.

#### 2. Can I build a front porch as part of the ADU?

Yes. The porch is not considered gross floor area, but it cannot project into any required setback.

#### 3. Can the main dwelling unit be connected to an attached ADU? Yes, an internal connection is allowed if the connection is fire rated and secure.

#### 4. Can I build a roof deck on an ADU in the Hillside Overlay?

Yes. Roofs on ADUs may be designed, converted, or used as usable open space with a maximum additional height allowance of nine feet (beyond the height maximum allowed by development standards) only to enable rooftop access and protective railings (BMC Section 23.306.030 (D))

#### 5. Does the 'bedroom ordinance' apply to construction of an ADU and Junior ADU?

No. ADUs and Junior ADUs are not subject to the requirements of the "Bedroom Ordinance" (**BMC Section 23.202.030(B)**).

#### 6. What kind of permit do I need to build an ADU as an addition to my house?

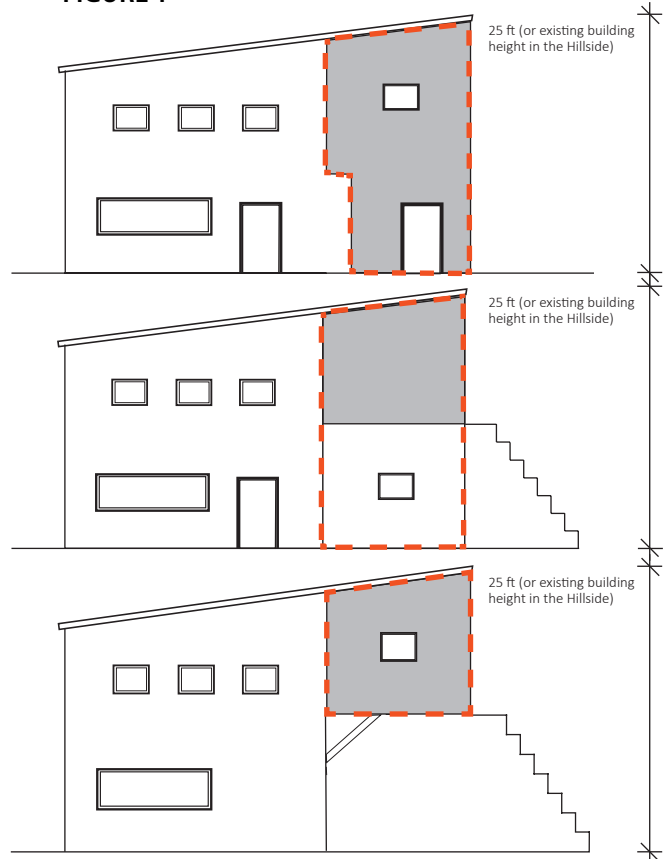
An addition of up to 25 ft. in height (20ft. within Hillside Overlay) is subject to ADU standards in BMC 23.306.020 and permitted with a Zoning Certificate (ZC). Refer to **Figure 1** for configurations to which either ADU development standards alone, or both ADU and main-building development standards, apply and that will likely require only a Zoning Certificate.

### DEFINITIONS, STANDARDS, AND MEASUREMENTS

#### 1. Which development and permitting standards apply?

ADUs are primarily subject to the development standards in BMC **Chapter 23.306., Table 23.306-2.**

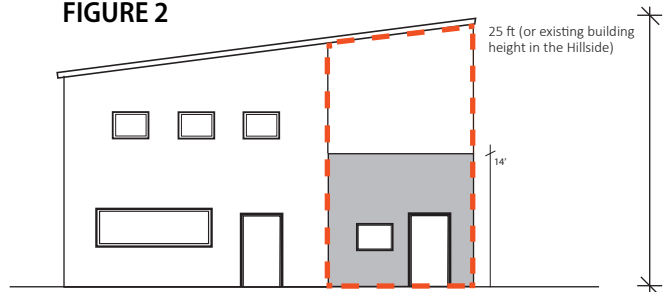
FIGURE 1



If a project includes an addition to the primary dwelling, the addition is subject to the development and permitting standards of the underlying zoning district.

For example and as illustrated in **Figure 2**, in the Hillside Overlay District, residential additions that exceed an average height of 14 feet may require an Administrative Use Permit (AUP), pursuant

FIGURE 2



to the applicable Hillside Overlay standards.

#### 2. How is an attached ADU defined?

An ADU is considered attached if it shares a common wall with a



# ADU FREQUENTLY ASKED QUESTIONS

primary dwelling.

### 3. What is an efficiency kitchen?

A cooking facility with appliances, such as a microwave, toaster oven, or hot plate, and food preparation counter space and cabinets, provided that the space and power supply are permanent.

### 4. How is maximum height measured?

Maximum height is measured from finished grade to the highest point of the roof or parapet walls, as described in the Maximum Height Instructions (see [BMC Section 23.106.090\(B\)](#)).

## JUNIOR ADU DESIGN CONSIDERATIONS

### 1. Where can I build a Junior ADU?

A Junior ADU must be contained entirely within the walls of an existing or proposed single family dwelling, which includes attached garages, and have no more than 500 square feet of interior livable space. It must have, at minimum, an [efficiency kitchen](#).

### 2. Are there any design requirements that apply for a Junior ADU?

A Junior ADU must have its own separate exterior entrance and, if the Junior ADU shares a bathroom with the main dwelling, an interior entry to the main dwelling is required.

## CONVERSIONS OF EXISTING STRUCTURES

### 1. Can I convert an existing, legally non-conforming Accessory Building or Accessory Structure to an ADU?

Yes. The non-conforming conditions may be maintained in the same location and dimensions as the existing accessory building or accessory structure, provided that the ADU meets fire and safety regulations in the California Building Standards Code (adopted locally in [BMC Title 19](#)). Any physical addition associated with an ADU to an existing building or structure shall comply with the ADU development standards

### 2. Can I convert existing space into an ADU if that space exceeds the maximum allowable size?

Yes. An ADU created entirely through conversion of existing space with no modifications to the existing building envelope that exceeds the maximum allowable size is allowed.

### 3. Can I add new windows, doors, or other openings to a conversion ADU within a required setback or above the maximum height limit?

Yes; as long as the alterations are to a lawful, nonconforming existing structure or building that was converted or will be converted into an ADU, you can add new windows, doors, or other openings with a Zoning Certificate.

### 4. Can I convert existing space into an ADU if it requires excavating within a required setback?

Yes. The first step is to obtain an Administrative Use Permit (AUP) to allow an extension or alteration of a building within a non-conforming setback ([BMC Section 23.324.050\(D\)\(2\)](#)). After the AUP is approved and effective, apply for a building permit. See the [Berkeley ADU website](#) for more information about the permit process when there are lawful non-conforming conditions.

### 5. Can I convert non-habitable space within a duplex or multifamily building into an ADU?

Yes, non-habitable space, such as a garage, basement, attic, or storage space, may be converted into an ADU.

### 6. Can I convert an existing commercial space within a mixed-use structure into an ADU?

No, conversion of existing space is only allowed if that space is associated with a residential use or the residential portion of a mixed-use structure.

### 7. Can ADUs be in the mixed use buildings?

Yes. ADUs are allowed on any lot that has existing or proposed dwelling units.

## PARKING

### 1. Is parking required?

Parking is not required for ADUs or Junior ADUs

### 2. Can I provide replacement parking?

Replacement parking is allowed when a garage, carport, covered parking structure, or designated uncovered parking space is physically replaced by an ADU. An uncovered replacement parking space is allowed by-right and does not need to comply with Parking Maximums ([BMC Section 23.322.070](#)) nor Parking Layout and Design ([BMC Section 23.322.080](#)).

The uncovered parking space may be located in any configuration, including within the front setback. A replacement parking space that would require construction of a new accessory structure is subject to the requirements of [BMC Section 23.304.060](#).

## RENTAL, OCCUPANCY AND OWNERSHIP

### 1. Can I rent the primary dwelling unit(s) and the ADU to different parties?

Yes, the primary dwelling unit and the ADU may be rented to different parties.

### 2. Does the property owner have to live onsite?

If the property contains an ADU, the owner does not have to live onsite; however, if the property contains a Junior ADU, the owner must live in either the primary dwelling unit or the Junior ADU if the Junior ADU has shared sanitation facilities with



# ADU FREQUENTLY ASKED QUESTIONS

the existing structure. Owner-occupancy shall not be required if the Junior ADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.

### 3. Can an ADU or Junior ADU be rented on a short-term basis?

No, except for ADUs established before April 1, 2017 that meet certain criteria (please see [BMC Section 23.314.040\(D\)](#)).

### 4. Can an ADU be sold separately from the primary dwelling unit?

Yes. Certain ADU types may be sold separately under [Government Code Section 66341](#). Most privately owned ADUs may be sold separately after being converted to ADU condominiums pursuant to BMC Chapter 21.29., Accessory Dwelling Unit Condominium Subdivision.

### 5. Is it possible to rescind and replace a notice of limitation regarding owner-occupancy for ADUs?

Yes. Berkeley’s prior local ADU ordinance required owner-occupancy of either the ADU or the primary dwelling unit. Recent changes in State law and the local ADU ordinance have removed most owner-occupancy requirements related to ADUs and JADUs to increase flexibility and expand housing options.

Property owners may rescind and replace a previously recorded ADU Notice of Limitation (NOL), in compliance with the codes in effect at the time of the request, to remove the owner-occupancy requirement. Written approval from the Zoning Officer is required. A \$500 fee applies for preparation of the rescission letter and notarization by the Zoning Officer.

Junior ADUs (JADUs) that share sanitation facilities with the primary dwelling unit remain subject to owner-occupancy requirements.

Complete and submit the [Application to Remove Deed Restriction](#). Land Use Planning staff will review the submittal and prepare the Notice of Rescission of Prior Restriction and new NOL. Then, the owner must sign, notarize and record the documents with the Alameda County Recorder and provide copies to the Land Use Division.

## ADU CONDOMINIUM SUBDIVISION (SEPARATE SALE OF ADUs)

### 1. What is ADU Condominium Subdivision?

The City of Berkeley allows the separate sale of ADUs through an ADU Condominium Subdivision under Berkeley Municipal Code Chapter 21.29. This process allows creation of condominium units so an ADU may be sold separately from the primary dwelling unit on the same lot. Applications are reviewed ministerially when all eligibility requirements are met.

### 2. Which properties are eligible?

A property may qualify only if it contains at least one legally established primary dwelling unit and at least one legally established ADU, or if there is a valid building permit for a new ADU. The ADU must comply with BMC Chapter 23.306. The subdivision must result in 10 or fewer total condominium units on the lot, including any residential, commercial, and ADU units. Junior ADUs (JADUs) are not eligible. Applicants must apply for either a parcel map or a tentative and final map for the ADU condominium subdivision. Approval does not legalize unpermitted construction.

### 3. Additional requirements

If the ADU is a Covered Rental ADU and is currently rented, tenant protection requirements apply. Existing tenants may have the right to continued occupancy after conversion and may be entitled to an exclusive right to purchase the unit. In these cases, the application must include proof that the tenant notice was served within the required timeframe.

Additional authorizations may also be required, including lienholder consent and, where applicable, written authorization from an existing homeowners association.

### 4. How to apply

Submit an ADU Condominium Subdivision application with the required submittal materials. A complete application generally includes:

- A parcel map or tentative and final map
- A condominium plan
- Evidence of the required ADU safety inspection
- Lienholder consent, if applicable
- Required tenant protection notice documents, if applicable
- Notice to utility providers
- Existing HOA authorization, if applicable

A licensed surveyor or engineer will typically prepare the map and condominium plan. Applicants should review the full submittal checklist and contact Planning staff early to confirm eligibility



# ADU INFO SHEET REFERENCED LINKS



**ABAG/MTC TRANSIT ROUTES (2020) MAP** - <https://opendata.mtc.ca.gov/datasets/MTC::transit-routes-2020/explore?location=37.874918%2C-122.279388%2C13.04>



**COMMUNITY GIS PORTAL** - [https://berkeleyca.gov/city-services/community-gis-portal?config=config\\_PlanningandProperty.json](https://berkeleyca.gov/city-services/community-gis-portal?config=config_PlanningandProperty.json)



**ACCESSORY DWELLING UNIT HANDBOOK** - <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>



**CREEK PROTECTION INSTRUCTIONS** - <https://berkeleyca.gov/sites/default/files/2022-02/Creek-Protection-Instructions.pdf>



**ADDRESS ASSIGNMENT REQUEST** - <https://berkeleyca.gov/sites/default/files/2022-02/Address-Assignment-Request.pdf>



**FEE ESTIMATOR TOOL** - <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/estimate-permit-fees>



**APPLICATION TO REMOVE DEED RESTRICTION** - [https://berkeleyca.gov/sites/default/files/documents/2020-02-26\\_Application%20to%20Remove%20Deed%20Restriction.pdf](https://berkeleyca.gov/sites/default/files/documents/2020-02-26_Application%20to%20Remove%20Deed%20Restriction.pdf)



**GOVERNMENT CODE CHAPTER 13** - [https://leginfo.legislature.ca.gov/faces/codes\\_](https://leginfo.legislature.ca.gov/faces/codes_)



**BUILDING PERMIT** - <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/building-permits>



**GOVERNMENT CODE CHAPTER 13, ARTICLE 3 (Junior ADUs)** - [https://leginfo.legislature.ca.gov/faces/codes\\_displayText](https://leginfo.legislature.ca.gov/faces/codes_displayText)



**CITY OF BERKELEY ADU WEBSITE** - <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/residential-additions-and>



**PERMIT FORMS** - <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms>



**CLERK RECORDER'S OFFICE OF ALAMEDA COUNTY** - <https://www.acgov.org/auditor/clerk/>



**PERMIT SERVICE CENTER** - <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>