

Guide to Accessory Dwelling Units (ADU)



City of Oakley
3231 Main Street
Oakley, CA 94561
Ph. (925) 625-7000
Fax. (925) 625-9194
ci.oakley.ca.us

*An ADU How-to-Guide for Oakley Residents,
Homeowners, and Contractors*

Version 2024-01

TABLE OF CONTENTS

INTRODUCTION	1
GETTING STARTED	2
STEP 1: REVIEW BASIC ADU REQUIREMENTS	3
STEP 2: DESIGN YOUR ADU	11
STEP 3: PREPARE AND SUBMIT YOUR ADU APPLICATION	12

INTRODUCTION

ADU = ACCESSORY DWELLING UNIT

Sometimes called "in-law units," "secondary dwelling units," or "backyard cottages," an **Accessory Dwelling Unit (ADU)** is a complete, independent living facility for one or more persons. These structures can be *detached from* or *attached to* a primary residence, *converted from* existing square footage of a primary residence, or *converted from* an existing accessory structure such as a garage or workshop.

The California Legislature found and declared that allowing ADUs in zones that allow single-family and multi-family residential uses is essential in addressing the State's housing needs. ADU law has been revised over the years to improve its effectiveness. The City of Oakley has followed suit by keeping informational documents up to date with the most up to date ADU information.

A **step-by-step guide** to ADUs is provided on the following pages.

GETTING STARTED

Are you interested in constructing an ADU in your backyard? This step-by-step guide will help you navigate the process to construct an ADU in your backyard. Each step is described in more detail on the following pages.



STEP 1. REVIEW BASIC ADU REQUIREMENTS

Your property must meet the basic ADU requirements to qualify for an ADU. Review the **Basic ADU Requirements Checklist** on Pages 3-7 of this guide before proceeding through the ADU permitting process. The Checklist provides a general overview of ADU requirements to help you determine if your ADU qualifies.



STEP 2. DESIGN YOUR ADU

There are two (2) typical ways to design your ADU: **1)** hire an experienced designer, architect, or engineer to design your ADU, or **2)** purchase a pre-fabricated modular ADU.



STEP 3. PREPARE & SUBMIT YOUR ADU APPLICATION PACKAGE

Application Requirements for your ADU project are outlined on Page 10 of this guide. Once you submit a complete and accurate application package and pay your plan check fees, your application will be reviewed for completeness, accepted, routed, and reviewed by the City of Oakley. Building permits will be issued upon approval and then inspections can be scheduled post-construction.

STEP 1: REVIEW BASIC ADU REQUIREMENTS



The following is a checklist of basic ADU project requirements. This checklist is not an official determination, but rather a quick guide to help you understand the requirements for your proposed ADU concept and help you prepare your application for a building permit. Once you've reviewed the requirements, we recommend the "**Finding Your ADU Fit**" exercise on Page 10 to help determine which square footage is appropriate for your property.

NEED HELP?

For assistance and official determination of whether your concept meets these requirements, please contact the City of Oakley Planning Division at (925) 625-7000. For additional information referenced below, please visit the following links (click to access):

- [City of Oakley Zoning Map](#)
 - [City of Oakley Municipal Code Section 9.1.1102 Accessory Dwelling Units \(ADU\)](#)
 - [City of Oakley Residential Design Guidelines](#)
 - [Ironhouse Sanitary District](#)
 - [Diablo Water District](#)
 - [Contra Costa Department of Environmental Health](#)
-

DEFINITIONS

Before getting started, review the following definitions to familiarize yourself with ADU terms.

What is an Accessory Dwelling Unit (ADU)? An ADU is an accessory dwelling unit with complete living facilities (e.g. bathroom, kitchen, etc.) for one or more persons. These structures can be *attached*, *detached*, or an *internal conversion*. Of note, an ADU cannot be sold separately from a primary residence.

What is an Attached ADU? An Attached ADU is an ADU that is attached to a primary dwelling unit (i.e., an ADU attached to a single-family or a multi-family residence).

What is a Detached ADU? A Detached ADU is an ADU that is detached, or separated, from a primary dwelling unit (i.e., an ADU that is separate from a single-family or a multi-family residence).

What is an Internal Conversion? An Internal Conversion is an ADU or JADU within an existing or proposed primary dwelling unit (i.e., from existing square footage of a single-family residence or multi-family residence) or within an existing accessory building (e.g. a garage or backyard workshop).

What is a Junior ADU (JADU)? A JADU is no more than 500 sf. in size and is contained entirely within a single-family residence. A JADU may include a separate bathroom or kitchen, or may share facilities with the existing structure.

ADU BASIC REQUIREMENTS CHECKLIST

Part A: Permitted Locations

1. **Zoning.** Is the property in a **single-family residential zone** abbreviated as AL, R-6, R-7, R-10, R-12, R-15, R-20, R-40? **or** is the property in a **multi-family residential zone** abbreviated as M-9, M-12, M-17 or M-H? Find your property's zoning designation (click to access): [City of Oakley Zoning Map](#).

Result: If 'no', an ADU is not allowed. If 'yes', see table below and Standards contained in Parts B-C.

Zoning	ADUs Allowed
Single-family	One ADU and one JADU; subject to standards below.
Multi-family	<ul style="list-style-type: none"> On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot. On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

Part B: Development Standards

2. **ADUs Allowed By-Right.** The following ADUs are allowed "by-right," meaning that if you meet the minimum standards below, and the ADU meets all applicable building code standards and all applicable sewer and water requirements, the ADU(s) will be approved and cannot be denied.

If the ADU(s) proposed meet the requirements in this section (B-2), skip to Part C

Single-Family Residential Lots	Requirements
Detached ADU	<ul style="list-style-type: none"> The side and rear setbacks must be a minimum of four (4) ft. as measured to the closest portion of the building; and The ADU shall not exceed 850 sf. in floor area;

ADUs Allowed By-Right Continued

If the ADU(s) proposed meet the requirements in this section (B-2), skip to Part C

Single-Family Residential Lots (continued)	Requirements
Detached ADU	<ul style="list-style-type: none"> • The ADU shall comply with the following height regulations: <ul style="list-style-type: none"> (a) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit. (b) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. (c) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. (d) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
Attached ADU	<ul style="list-style-type: none"> • The internal conversion has independent exterior access not visible from a public or private street; and • The side and rear setbacks are sufficient for fire safety; and <p>An internal conversion may include an expansion of not more than 150 sf. beyond the physical dimensions of an existing building only if the expansion is limited to accommodating ingress and egress.</p>

ADUs Allowed By-Right Continued

If the ADU(s) proposed meet the requirements in this section (B-2), skip to Part C

Multi-Family Residential Lots	Requirements
<p>Detached ADU (Up to 8 allowed on existing Multi-family lot).</p> <p>Detached ADU (Proposed Multi-family lot: No more than 2 detached)</p>	<ul style="list-style-type: none"> • The side and rear setbacks must be a minimum of four (4) ft. as measured to the closest portion of the building; and • The ADU shall not exceed 800 sf. in floor area; The ADU shall comply with the following height regulations: <ul style="list-style-type: none"> (a) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit. (b) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. (c) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. (d) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
<p>Attached ADU</p>	<ul style="list-style-type: none"> • One or more ADUs that are internal conversions within the non- livable space of an existing multiple-family dwelling. • The number of internal conversions permitted within an existing multiple-family dwelling under this subsection may not exceed twenty-five percent (25%) of the number of existing multiple-family dwelling units in the dwelling being converted.

3. ADUs Allowed with Additional Standards. ADUs that do not meet the requirements listed above are permitted, subject to the following requirements.

a. Size

ADU Type	Size Requirements (Maximums)
Detached ADU	<ul style="list-style-type: none"> • 800 sf. in compliance with items identified in Part B-2 above of this section when the detached ADU is proposed to result in more than 50% total lot coverage when combined with all existing and proposed on-site structures. • 850 sf. for units with only one bedroom. • 1,000 sf. for units with more than one bedroom. • 1,200 sf. for units that have more than one bedroom and are located on estates lots (zoned P-1, R-15, R-20, R-40 or AL and are at least fifteen thousand (15,000) square feet in size).
Attached ADU	<ul style="list-style-type: none"> • An attached ADU may not exceed the smaller of the following sizes: • The size limitations outlined above for detached ADUs. • 50% the living area of an existing primary dwelling unit. • 800 sf.

b. Yards, Height, and Other Property Development Standards*. ADUs must comply with all requirements relating to required yard setbacks, required yard coverage, projections into yards, and building height, that are generally applicable to residential construction in the applicable zoning district except as otherwise provided below:

A setback is not required for an ADU that is an internal conversion or that is constructed in the same location and to the same dimensions as an existing building. A setback of four (4) ft. from the side and rear property lines is required for an ADU that is not an internal conversion and is not constructed in the same location and to the same dimensions as an existing building.

An ADU shall comply with the following height regulations:

- a) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
- b) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a...

...roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

- c) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
- d) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

**For complete requirements, please see [Oakley Municipal Code](#) (click to access) Section 9.1.402 (properties zoned AL), Section 9.1.404 (properties zoned R-6, R-7, etc.), or Section 9.1.406 (properties zoned M-9, M-12, or M-17). Determine your zoning in Part A above.*

c. Living Provisions. An ADU must provide complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

d. Permanent Foundation. A permanent foundation is required for all ADUs.

e. Architecture. An ADU must have independent exterior access separate from that of the primary dwelling unit, and must not be visible from the public or private street.

f. Parking. A lot containing an ADU must provide an additional off-street parking space (except for internal conversions).

- The additional space may be within a setback area, such as an existing legal driveway, or in tandem, unless specific findings are made that parking in a setback area or in tandem is not feasible based on topographical or fire and life safety conditions.
- A covered parking space is not required for the ADU.

Part C: Requirements Applicable to all ADUs

4. Other Requirements. The following are required for all ADUs, including those allowed by-right.

g. Sewer and Water

- If the applicant proposes to use a private sewage disposal system, water system, or both for the ADU, the system must meet all applicable regulations of the City and Contra Costa County, and the County Health Officer must approve the system.
- Any such private sewage or water system must be designed by a licensed civil engineer to meet the increased load of the ADU and in accordance with the requirements of the most recent version of the California Plumbing Code.
- The design of the private sewage disposal or water system must be approved prior to the issuance of any permits for the ADU.

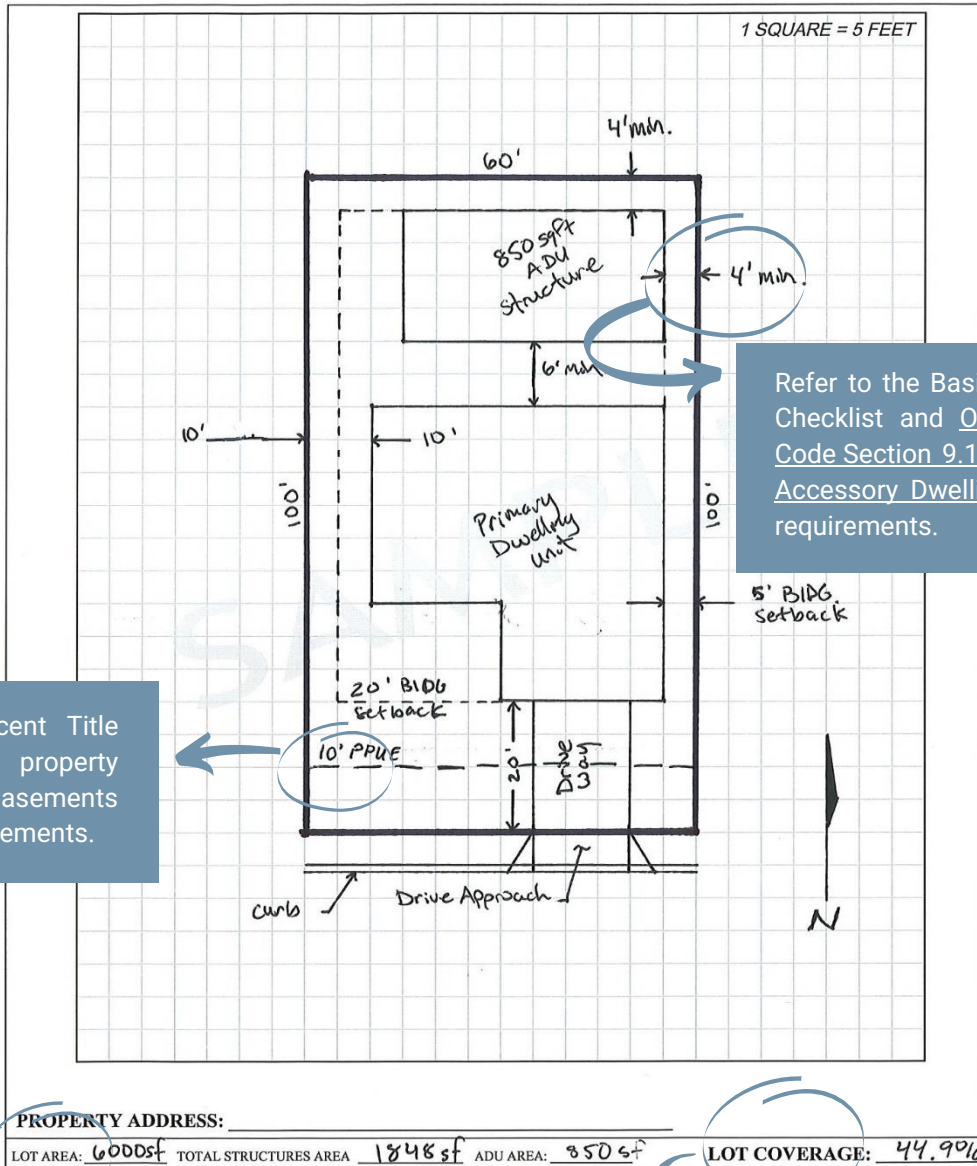
h. Occupancy. Per requirement of a recorded Deed Restriction, no ADU or JADU may be rented or offered for rent for a term of less than 30 days.

i. Fire Sprinkler Requirements. In cases where the primary dwelling unit has a fire sprinkler system, then the ADU will be required to have fire sprinklers. Sprinkler plans are submitted to the Fire Marshal's office for review and approval. If the primary house does not have a sprinkler system, and the ADU is 1,200 sf. or less, then the ADU does not require a sprinkler system. For ADUs created on lots with multi-family residential structures, the entire residential structure shall serve as the "primary dwelling unit." Therefore, if the multi-family residential structure has fire sprinklers, then the ADU would be required to install fire sprinklers.

j. Solar Panel Requirements. Newly constructed ADUs may be subject to the California Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Confirm applicability with your Title 24 Consultant and refer to the California Energy Commission's Newsletter, "Blueprint," Issue 129 for more information. If panels are required, they can be installed on the ADU or on the primary dwelling unit. A solar installation permit is required to be approved by the Oakley Building Department. ADUs that are conversions from existing square footage are not subject to the Energy Code requirement to provide solar panels.

FINDING YOUR ADU FIT

To determine an ADU layout that fits your property (i.e., which square footage meets setback and lot coverage requirements), we recommend using the [Plot Plan Template](#) (click to access) to sketch out your property. For any questions, contact the City of Oakley Planning Division, 3231 Main St, Oakley, CA 94561, (925) 625-7000.



Refer to the Basic Requirements Checklist and [Oakley Municipal Code Section 9.1.1102 Accessory Dwelling Units](#) for all requirements.

Refer to a recent Title Report for your property to locate any easements or special requirements.

Don't know your lot size? Locate your property details by visiting the [Contra Costa County Assessor's Maps and Property Information](#) webpage (click to access) and use your Assessor's Parcel Number (APN) to search.

Calculate lot coverage by dividing total square footage of existing and proposed structures by lot size and multiplying by 100. If this is greater than 50%, only the 500 sf. ADU can be utilized.

STEP 2:**DESIGN YOUR ADU** 

Once you determine that your ADU concept will comply with the City's Zoning Ordinance, you can start to strategize your ADU design. There are three (3) typical ways to design your ADU:

- 1** Hire an experienced designer, architect, or engineer to design and prepare your ADU plans. Be sure to refer to the Basic Requirements Checklist and [Oakley Municipal Code Section 9.1.1102 Accessory Dwelling Units](#) for all requirements.
- 2** Purchase a pre-fabricated modular ADU. Be sure to refer to the Basic Requirements Checklist and [Oakley Municipal Code Section 9.1.1102 Accessory Dwelling Units](#) for all requirements.

.....

Have your own design in mind or opting to purchase a pre-fabricated modular ADU? See Step 3 on Page 12.

.....

STEP 3:**PREPARE & SUBMIT YOUR APPLICATION** 

The final step in the ADU permitting process is to prepare and submit your application package. The [ADU Building Permit Application](#) is available for download (click to access). To help you prepare your application package, review the following overview of submittal requirements. For details on each requirement, review the Checklist for Submittal Requirements attached to the Building Permit Application.

OVERVIEW OF SUBMITTAL REQUIREMENTS

For details, please refer to the [ADU Building Permit Application](#) (click to access).

- Building Permit Application & Fees - Plan Check Fees and Impact Fees. Note: Impact Fees are not required for ADUs under 750 sf.
 - Building Plans: floor plan, roof plan, elevations, foundation plan and cross section, framing plan, truss information and calculations, structural calculations.
 - Title 24 Energy information and calculations, as applicable. Note: a certified third-party consultant will be required.
 - Preliminary Title Report
 - Letter from water, natural gas, electricity, and sewer service providers
 - Plot Plan
 - Color photos of the site and adjacent properties
-

CONTACTS

ADU Process and Requirements

- City of Oakley Planning Division, 3231 Main St, Oakley, CA 94561, (925) 625-7000
- City of Oakley Building Division, 3231 Main St, Oakley, CA 94561, (925) 625-7005

Service Providers

- Diablo Water District, 87 Carol Ln, Oakley, CA 94561, (925) 625-3798
- Ironhouse Sanitary District, 450 Walnut Meadows Dr, Oakley, CA 94561, (925) 625-2279
- Pacific Gas and Electric Company, (877) 660-6789
- Contra Costa Department of Environmental Health, 2120 94520, Diamond Blvd Ste 100, Concord, CA 94520, (925) 608-5500

ADU APPLICATION REVIEW AND PERMIT PROCESS

What is the application review and permit process? ADUs are subject to review by the City of Oakley Community Development Department to verify all requirements are met. The processing time will depend on the project size and quality of the submittal package, but typically will consist of the following steps.

- **Submit Complete Application Package**
 - Completeness Review
 - Modifications or Additional Information Requested (If Needed)
 - Application Acceptance
- **Application Processing**
 - Route Application
 - Review Application
 - Application Approval
- **Application Approval**
 - Building Permit Issued
 - Proceed with Construction
- **ADU Construction**
 - Hire Contractor
 - Construct ADU
 - Schedule Inspections
- **ADU Ready to Occupy**
 - Complete Inspections
 - Move in!



City of Oakley
3231 Main Street
Oakley, CA 94561
Ph. (925) 625-7000
Fax. (925) 625-9194
ci.oakley.ca.us