

# CITY OF HAYWARD PLANNING DIVISION

## FREQUENTLY ASKED QUESTIONS ON ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs)

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### BACKGROUND

In 2016, the State of California adopted legislation pertaining to ADUs, which significantly reduce barriers and zoning requirements related to their development. On January 1, 2020, new state laws became effective to further streamline the approval process for ADUs, including the creation of JADUs. ADUs and JADUs help alleviate the state's housing crisis by promoting infill housing units in residential neighborhoods, allow for multigenerational properties, provide more affordable housing by design, and give homeowners the ability to rent out an ADU as supplemental income.

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## **GENERAL QUESTIONS\***

### **What is an Accessory Dwelling Unit (ADU)?**

ADUs, also commonly known as in-law units, guest houses, or cottages, are complete and independent residential dwelling units for one or more persons which include amenities for living, sleeping, eating, cooking and sanitation located on the same property with a single-family home. With recent state legislation effective this year, ADUs are also now allowed on properties with existing multi-family residential units.

### **What is a Junior Accessory Dwelling Unit (JADU)?**

A JADU is a semi-independent residential dwelling unit that is no more than 500 square-feet in floor area and is created through the conversion of existing floor area of a single-family home such as a master bedroom or an attached garage. JADUs require kitchen facilities that include a wet bar sink area with counter space and storage cabinets but cannot include a permanent stovetop or range oven. JADUs have the option of having their own private bathroom or having full access to a bathroom within the existing single-family home. JADUs are required to have separate exterior entrances into the unit as well as internal connections to the main home.

### **What is the difference between ADU and JADU?**

Good question! The difference between ADUs and JADUs is that ADUs are completely independent from the main residential unit and do not require sharing any amenities. ADUs have the flexibility in coming in various configurations and sizes on properties such as being attached to a single-family home, detached from all structures, or internal conversions of existing space (e.g. garages or storage rooms), and can be located on both single-family and multi-family properties.

On the other hand, JADUs are limited to internal conversions of existing space that need to be within an existing single-family home or an attached garage that maintains an internal connection. In addition, a requirement to having a JADU is the property owner shall record a deed restriction on the property which binds the legal property owner to reside in either the JADU or main single-family home as their primary residence.

### **Where are ADUs and JADUs allowed?**

ADUs and JADUs are generally allowed on properties that are zoned for residential or mixed-use development. Persons interested in building and ADU or JADU in Hayward can search the zoning district for a property using City's online GIS map at the following website: [webmap.hayward-ca.gov](http://webmap.hayward-ca.gov)

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Interested persons are also able to contact the Planning Division at (510) 583-4216 or [planning.division@hayward-ca.gov](mailto:planning.division@hayward-ca.gov) during City Hall business hours to verify whether a property is eligible for an ADU or JADUs.

### **How many ADUs and JADUs are allowed on my property?**

- Single-Family Properties: On a lot with an existing or proposed single family home, the maximum is one (1) ADU and one (1) Junior ADU provided the structure can meet the zoning and building code standards.
- Multi-Family Properties: On a lot with an existing multifamily dwelling unit (2 units or more), multiple attached ADUs are allowed up to 25% of the number of existing units. Attached ADUs must be created through the internal conversion of area not used as livable space, such as, storage rooms, boiler rooms, passageways, attics, basements, or garages. In addition, a maximum of two (2) detached ADUs are also allowed on existing multi-family properties.

IMPORTANT: Properties with single-family homes that include existing or proposed ADUs are **not** considered multi-family properties.

### **Can I convert a portion or the entirety of my garage into an ADU or JADU?**

Yes, it is possible to convert an existing garage to an ADU or JADU. Keep in mind that the California Residential Code also has requirements for converting non-habitable space to habitable space. Refer to the California Building Code and consult a qualified design professional or licensed architect for more information about building code requirements. If an ADU is attached to a garage or main home, then fire resistive construction will be needed between the two.

### **Are there restrictions on the size of an ADU?**

The size limitations for ADUs are based on bedroom count as listed below:

- Studio or 1-bedroom units may be up to 850 square-feet, and
- Units with 2-bedrooms or more may be up to 1,000 square-feet.

For ADUs greater than 1,000 square-feet, the total floor area of the ADU cannot exceed 50% of the floor area of the primary dwelling(s) or 1,200 square feet, whichever is less. Floor area is defined as interior areas of dwelling units with ceiling heights of 7 feet or more including basements, storage rooms, and attics but does not include garages, patio covers, or porches. There is no limit on the number of bedrooms.

### **Can ADUs or JADUs be sold separately from the primary residence(s)?**

No.

### **Can ADUs and JADUs be rented separately from the main units?**

Yes, however, short term rentals with lease arrangements less than 30-days such as AirBNB and VRBO are not allowed. For JADUs, the property owner must live on the property in either the primary residence or the JADU, and the other unit may be rented.

### **Can new single-family homes and ADUs be built at the same time?**

Yes, you can apply to build a new single-family home and ADU on a vacant parcel of land at the same time; however, the single-family home shall meet the zoning standards of their underlying zoning district.

### **Do ADUs and JADUs require separate addresses from the main residential units?**

ADUs will require separate addresses from the main home(s), but JADUs will not require a separate address. Address assignments will occur at the building permit process.

### **How far from the property lines do ADUs need to be?**

Generally, any ADU or JADU needs to be at least 4-feet from the side and rear property lines and 20-feet from the front property line, as well as 6-feet away from any other structure. This can vary based on specific site conditions and whether your property has any recorded easements. Please note that these are only the minimum zoning requirements so depending on your project, there may be different standards required from the California building and fire codes.

### **Is there a height limit on detached ADUs?**

Yes. ADUs may be up to 16-feet tall. The maximum height of 16-feet is measured from grade to the highest point of the roof for flat roof, to the top roof line for a mansard roof and to the mid-point of the highest gable for a pitched/hip roof (allowing for a ridge over 16 feet). Per the Building Code, the detached ADU height limit allows for a maximum of 2 floors. ADUs attached to primary structures shall not exceed the height allowed by the underlying zoning district. There is no height limit for conversions within existing, permitted structures.

### **Can an ADU be built on top of an existing, permitted detached garage?**

Yes. However, the total building height including the ADU must be limited to 16-feet tall.

### **Is parking required for an ADU?**

JADUs are always exempt from providing parking. ADUs do not need to provide parking but have the option to do so in a covered, uncovered, or tandem form provided it complies with the City's code requirements.

### **Are ADUs and JADUs subject to impact fees?**

Depends. JADUs and ADUs less than 750 square-feet (749 or less) are exempt from affordable housing, park dedication, and school impact fees. ADUs that are 750 square-feet or greater are subject to impact fees. Please understand that utility connection and capacity charges for water and sewer are not considered impact fees and still apply.

*\*Please note that this is not an exhaustive list of questions and proposed ADUs/JADUs shall comply with all local requirements and the state provisions found within Sections 65852.2 and 65852.22 of the Government Code.*

## PERMITTING PROCESS

### Where should I start?

Property owners interested in building an ADU should contact the Planning Division first to determine whether their property is eligible for an ADU. After that, the property owner should consult with a qualified building designer who is familiar with preparing plans in accordance with building codes, or a licensed architect/engineer to develop plans based on your specific conditions and your individual needs and goals. The City cannot recommend design professionals to the public, but property owners are encouraged to use websites such as Angie's List, Yelp, Houzz.com, and the Yellow Pages.

### Are permits required to build or legalize an ADU/JADU?

Yes, there is a permitting process for ADUs and JADUs:

**Step One – Planning & Zoning:** Determine if an ADU or JADU is possible at the subject property. Visit the ADU website at [www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020](http://www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020) then feel free to contact the Planning Division at (510) 583-4216 or [planning.division@hayward-ca.gov](mailto:planning.division@hayward-ca.gov) during normal City Hall hours.

**Step Two – Application and Submittal Requirements:** Complete all the Building Permit submittal requirements including the appropriate ADU/JADU checklist. The checklists can be found at [www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020](http://www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020).

**Step Three – Building & Plan Check Review:** Submit your completed construction-level plans and checklist to the Building Division by contacting them at (510) 583-4005 or visit <https://www.hayward-ca.gov/services/permit-center>. This will consist of a technical review from Building, Engineering, Planning, Fire, Solid Waste, and Utilities (for water and sewer) to ensure you meet all requirements prior to permit issuance.

**Step Four – Construction & Inspections:** Once the building permit has been issued, your team can begin with construction at the site and have your designated contractors call the Building Division for periodic rough and final inspections prior to occupancy of your new ADU and/or JADU.

### Is neighborhood notification required when building an ADU or JADU?

No, there is no public notification required as part of an application for an ADU or JADU, and under state law, the ADU permit process shall be limited to non-discretionary review unless there are unique circumstances on the property that present an adverse health and life safety issue.

## ASK US MORE QUESTIONS!

### Have more questions on Planning and Zoning?

No problem! Visit our website at [www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020](http://www.hayward-ca.gov/content/accessory-dwelling-unit-ordinance-update-2020) first then feel free to contact the Planning Division at (510) 583-4216 or [planning.division@hayward-ca.gov](mailto:planning.division@hayward-ca.gov) during normal City Hall hours.

### Additional Resources:

- Building Division: Questions on the building permit process, including plan check fees, site inspections, timeframes, submittal requirements and address assignments? Please contact the Building Division at (510) 583-4005 or visit <https://www.hayward-ca.gov/services/permit-center>. In addition, please review the link below for all permit fees within the City's Master Fee Schedule including, but not limited to, applicable plan check, inspection, administration, impact fees, and building construction taxes:
  - o **Permit Fees**: [www.hayward-ca.gov/content/permit-fees](http://www.hayward-ca.gov/content/permit-fees)
- Fire Department: Do you have questions on fire sprinkler or fire code requirements? Contact the City's Fire Prevention Office at (510) 583-4900.
- Utilities (Water and Sewer): ADUs may require a new or upgraded water meter connection and new sewer connection fees. For more information, visit the City's website at [www.hayward-ca.gov/water-service](http://www.hayward-ca.gov/water-service) or contact the City's Development Review Specialist Michelle Tran at (510) 583-4722 or [michelle.tran@hayward-ca.gov](mailto:michelle.tran@hayward-ca.gov)

**Important Note:** Most of Hayward is served by the City's water and sewer services, but some portions of Hayward are served by the East Bay Municipal Utilities District (EBMUD) for water and Oro Loma Sanitary District. If you are in EBMUD's or Oro Loma's service area, please contact them for questions on how to build an ADU at your property. The City of Hayward does not have jurisdiction over gas and electricity, please contact your local PG&E office for questions on development and utility connections.

- Encroachment Permits: Will your project involve work within the public right-of-way such as the sidewalk, curb/gutter, driveway apron? Contact Assistant Civil Engineer Claudia Moran-Garcia at (510) 583-4212 or [claudia.moran-garcia@hayward-ca.gov](mailto:claudia.moran-garcia@hayward-ca.gov).
- Engineering: Do you have questions on specifications for water mains, sewer mains, and appurtenances? Visit the City's website at [www.hayward-ca.gov/your-government/departments/engineering-division](http://www.hayward-ca.gov/your-government/departments/engineering-division) or contact the Engineering Division at (510) 583-4730 and ask to speak with a land development civil engineer.