

CITY OF BERKELEY

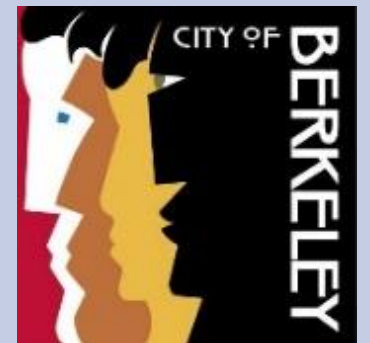
PLANNING COMMISSION

October 7, 2026

2026 ADU and JADU Ordinance Amendments

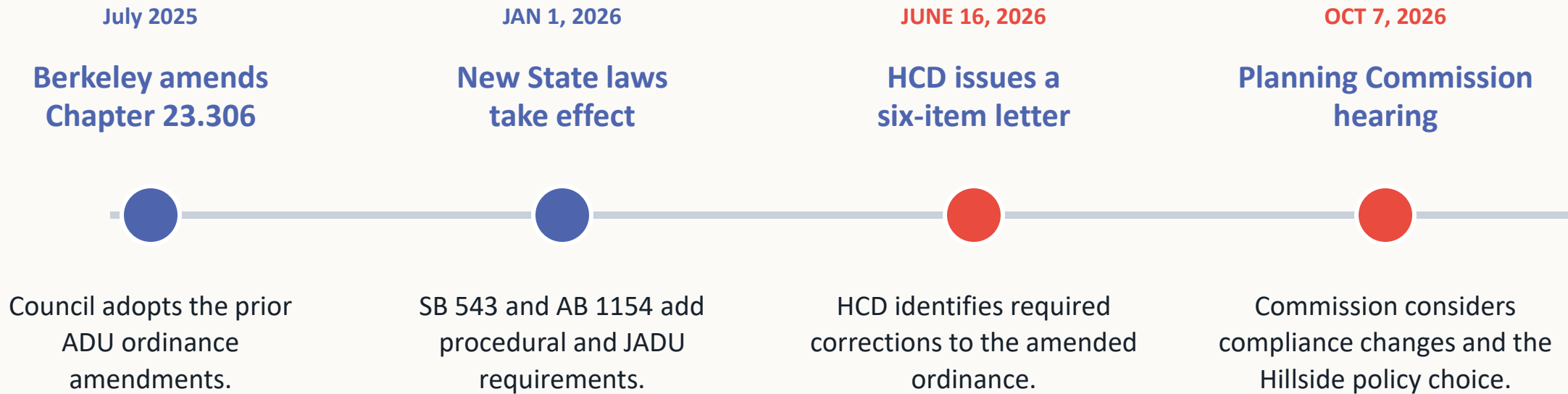
HCD compliance; 2026 State law updates;
and Hillside Overlay size standards

Branka Tatarevic
Associate Planner



Why the ordinance is back

This round combines HCD corrections with State laws already effective in 2026



ADU size standards

HCD requires the City to allow protected State Standard ADU categories plus at least one Local Standards ADU

LOCAL STANDARDS ADUs

ADU allowed under Berkeley's locally adopted standards

1200 sf outside Hillside Overlay

850sf / 1000 sf within Hillside Overlay

NEW STATE STANDARDS ADUs

Protected unit categories and combinations

Applicable detached new-construction ADUs may be limited to

800 sf

Proposed draft: meet the required counts and configurations, then apply Local Standards to all ADU categories.

Why is the Hillside question

1

PLANNING COMMISSION, 2025

Larger ADUs citywide

Recommended 1200 sf maximum for all new construction ADUs, including the Hillside.

2

CITY COUNCIL, 2025

Minimum compliance in the Hillside

The ordinance applied local standards (850 / 1,000 sf) because it did not distinguish State Standards and Local Standards ADUs.

3

HCD INTERPRETATION, 2026

More units and two possible size standards

HCD now requires the full state standards allowance plus at least one local standards ADU. Qualifying detached State Standards ADUs may be 800 sf; the Local Standards ADU remain 1200 sf outside Hillside and 850 / 1,000 sf within Hillside.

DRAFT BEFORE THE COMMISSION

Full required unit count + local standards for every ADU

COMMISSION DIRECTION

Retain the draft, or apply the 800 sf maximum to detached State Standards ADUs in the Hillside?

Required corrections

#	HCD finding	Proposed ordinance response
1	One single-family dwelling	Allow up to 3 ADUs and 1 JADU
2	Multiple detached single-family dwellings	Allow up to 2 ADUs and 1 JADU
3	Multifamily primary dwellings	Add at least 1 Local Standards ADU
4	Application completeness	Add the 15-business-day review and cure rules
5	ADU deed restrictions	Remove the recording requirement for ADUs; retain it for JADUs
6	Measurement of unit size	Use Interior Livable Space for maximum size

Findings 1–3 change unit allowances. Findings 4–6 change procedures and ordinance language.

Unit allowances

Primary dwelling on the lot	Current ordinance	Proposed ordinance	Change
One single-family dwelling	2 ADUs + 1 JADU Conversion or interior ADUs and new-construction ADUs	Up to 3 ADUs + 1 JADU Conversion or interior ADUs and new-construction ADUs	+1 ADU
More than one detached single-family dwelling	1 ADU No separate JADU allowance stated	Up to 2 ADUs + 1 JADU One conversion or interior ADU and one detached new-construction ADU	+1 ADU +1 JADU
Existing multifamily dwelling	Up to 8 detached ADUs, not exceeding existing units Interior ADUs up to 25% of existing units, with at least 1	Retains current allowance Adds 1 conversion, interior, or new-construction ADU	+1 ADU
Proposed multifamily dwelling	2 new-construction ADUs	Up to 3 new-construction ADUs	+1 ADU

Hillside comparison: single-family lots

Primary dwelling	Current	State law + HCD minimum	Proposed draft	Council minimum approach
One SFR	2 ADUs + JADU Detached max: 850 / 1,000 sf	3 ADUs + JADU 1 qualifying detached ADU may be 800 sf; additional Local Standards ADU is 850 / 1,000 sf	3 ADUs + JADU All detached ADUs: 850 / 1,000 sf	Apply 800 sf to 1 qualifying detached ADU
More than one detached SFR	1 ADU Detached max: 850 / 1,000 sf	2 ADUs + JADU 1 qualifying detached ADU may be 800 sf	2 ADUs + JADU All detached ADUs: 850 / 1,000 sf	Apply 800 sf to 1 qualifying detached ADU

The proposed draft changes unit counts and retains larger size limits.

Hillside comparison: multifamily dwellings

Primary dwelling	Current	State law + HCD minimum	Proposed draft	Council minimum approach
Existing multifamily	Up to 8 detached + interior ADUs Detached max: 850 / 1,000 sf	Currently allowed up to 8 detached + interior ADUs + 1 ADU Up to 8 qualifying detached ADUs may be 800 sf; additional Local Standards ADU is 850 / 1,000 sf	Current allotment + 1 ADU All detached ADUs: 850 / 1,000 sf	Apply 800 sf to up to 8 qualifying detached ADUs
Proposed multifamily	2 detached ADUs Detached max: 850 / 1,000 sf	3 ADUs 2 qualifying detached ADUs may be 800 sf; additional Local Standards ADU is 850 / 1,000 sf	3 ADUs All detached ADUs: 850 / 1,000 sf	Apply 800 sf to 2 qualifying detached ADUs

The 800 sf option applies only to detached State Standards ADUs.

Commission direction and staff recommendation

Hillside policy question

Which maximum size should apply to qualifying detached State Standards ADUs?

Staff recommends that the Commission

- Conduct the public hearing and receive public comment
- Identify the preferred Hillside size approach
- Recommend that the City Council adopt the compliance amendments

Thank you!

Branka Tatarevic, Associate planner
btatarevic@berkeleyca.gov