

## Accessory Dwelling Units (ADUs) – Single Family Zoning

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Accessory Dwelling Units (ADUs), also known as “secondary dwelling units” or “in-law units,” are attached or detached units that are subordinate to a primary dwelling on the same lot. ADUs include separate, independent, and permanent facilities for living, sleeping, eating, cooking, and sanitation.

Junior Accessory Dwelling Units (JADUs) are smaller units converted out of existing space in a home that have an efficiency kitchen but may share bathroom facilities with the main home.

This informational handout is designed to help provide **general** guidance on the City’s requirements pertaining to ADUs and JADUs. Please note, the Fremont Municipal Code (FMC) and State law take precedence over this handout in any case of conflicting information.

For questions, contact the Planning Division at (510) 494-4455 or [planinfo@fremont.gov](mailto:planinfo@fremont.gov).

### HOW TO SUBMIT YOUR APPLICATION

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Applications must be submitted online using the Accela Citizen Access portal at [www.Fremont.gov/CitizenAccess](http://www.Fremont.gov/CitizenAccess). Please review the [Document Standards for Electronic Plan Review](#) prior to submitting your application.

ADU applications require:

1. Ministerial Design Review Permit – See [Planning Project Submittal Requirements](#)
2. Building Permit – See [Building Permit Submittal Requirements](#)
3. New Address – See [Addressing & Street Name](#)

**Concurrent Review.** The processing of a Ministerial Design Review Permit and Building Permit at the same time is referred to as concurrent review. ADU applications are eligible for concurrent review of the Ministerial Design Review Permit and Building Permit. To request a Concurrent Review in Accela Citizen Access, applicants should select “Apply for Permit”, then “Building”.

### UTILITIES

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New or separate utility connections may be required for an ADU. It is strongly recommended to contact the utility agencies early in the planning stage when considering an ADU to understand the requirements, fees, and estimated timeline for electric, gas, water, and sewer service.

- Pacific Gas & Electric (PG&E)
- Alameda County Water District (ACWD)
- Union Sanitary District (USD)

## NEW FLOOR AREA

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The following development regulations apply to a ADU proposed with new floor area.

	<b>Attached ADU</b>	<b>Detached ADU</b>
Maximum Size	1,000 square-feet	1,200 square-feet
Maximum Building Height	30 feet Or the building height of the underlying zoning district, whichever is lower	16 feet <sup>1</sup>
Minimum Setbacks	4' side and rear yard. Minimum front yard setback of primarily dwelling. <sup>2</sup>	

<sup>1</sup>If the lot on which the ADU will be created is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Cal. Pub. Res. Code § [21155](#), the ADU shall be limited to a building height of 18 feet. An additional building height of two feet shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the single-family dwelling.

<sup>2</sup>An ADU shall be subject to the front yard setbacks applicable to the primary dwelling, unless such a requirement would preclude the construction of a statewide exempt ADU as described in Fremont Municipal Code Section [18.190.005 \(e\)](#).

## CONVERSION OF EXISTING FLOOR AREA

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The following development regulations apply to an ADU that is proposed from converting existing floor area, except that a small addition of up to 150 square feet shall be allowed if necessary for ingress or egress for the ADU.

- **Maximum Size of Conversion.** No size limitations.
- **Maximum Building Height of Conversion.** No building height limitations.
- **Minimum Setbacks of Conversion.** No setbacks required for an ADU located within the existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is in the same location and to the same dimensions as the structure being replaced.

## OTHER ADU REGULATIONS

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The following regulations apply to all proposed ADUs:

1. **Maximum Number of ADUs.** One ADU is permitted.<sup>1</sup>
2. **Fire Sprinklers.** The installation of fire sprinklers shall not be required for an ADU if fire sprinklers are not required for the primary dwelling unit.

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<sup>1</sup> Unless otherwise qualified for more under State law.

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3. **Historic Property.** An ADU that involves exterior modifications to structures listed in the California Register of Historical Resources shall be designed and constructed in conformance with the objective standards for preservation provided in the Secretary of the Department of the Interior’s Standards for the Treatment of Historic Properties.
4. **Owner Occupancy.** Owner occupancy is not required for either the primary dwelling unit or the ADU.
5. **Separate Entrance.** The ADU shall provide at least one exterior entrance that is separate from the main entrance of the primary dwelling.
6. **Separate Address.** The ADU shall provide a separate address from the primary dwelling.
7. **Parking.** No additional parking spaces required for an ADU. Additionally, no replacement parking is required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU.
8. **Short-term rental.** An ADU shall not be rented for a term of less than 30 days.

### **JUNIOR ADU (JADU)**

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The following development regulations apply to Junior ADUs (JADUs). An application for a home addition is allowed to be processed concurrently as a JADU, in compliance with the development regulations for JADUs and the Fremont Municipal Code.

1. **Maximum Number of JADUs.** One JADU is permitted.
2. **Maximum Size.** A JADU is limited to a maximum size of 500 square feet and is contained entirely within a single-family residence, including an attached garage.
3. **Separate Entrance.** A JADU shall provide at least one exterior entrance that is separate from the main entrance of the single-family residence.
4. **Separate Address.** A JADU shall provide a separate address from the single-family residence.
5. **Owner Occupancy.** Owner occupancy in the single-family residence in which the JADU will be permitted is required. The owner of the single-family residence may occupy either the remaining portion of the structure or the newly created JADU. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
6. **Separate Sale.** A JADU shall not be sold or otherwise conveyed separate from the single-family residence. A recordation of a deed restriction, which shall run with the land, shall be filed with the city, and shall include the following:
  - A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and

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- A restriction on the size and attributes of the JADU that conforms to Cal. Gov't. Code §[65852.22](#), as may be amended.

7. ***Short-term rental.*** A JADU shall not be rented for a term of less than 30 days.