



City of Emeryville

INCORPORATED 1896
1333 Park Avenue
Emeryville, California 94608-3517
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February 21, 2024

Via Email and Regular Mail

Jamie Candelaria (Jamie.candelaria@hcd.ca.gov)
Senior Housing Accountability Unit Manager
Division of Housing Policy Development
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Re: Response to HCD's Review of Emeryville's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, Code, § 65852.2)

Dear Jamie Candelaria:

Thank you for your review regarding the City of Emeryville (City) accessory dwelling unit (ADU) Ordinance No. 20-027 (Ordinance).

For context, the City of Emeryville has not had exclusive, single-family zoning since at least 1959, when the residential zoning district permitted "one family dwellings, two family dwellings, [and] multiple dwelling units" (Ordinance No. 495, July 1959). The current Planning Code, adopted in 2013, remains consistent with this approach by implementing a density-based typology for residential use (i.e., looking at *number of units per lot*) rather than building type (i.e. looking at *number of units per structure*).

To that end, the City does not use the terms "single family" or "multifamily", and instead establishes the following use types (Planning Code Article 2, Chapter 2):

- Single Unit: One (1) dwelling unit located on a single lot, whether detached from or attached to dwelling units on abutting lots.
- Two (2) Unit: Two (2) dwelling units located on a single lot that may be either attached or detached. This use type is distinguished from an accessory dwelling unit, which is an accessory residential unit as defined by State law and Article 7 of Chapter 2.
- Multi-Unit: Three (3) or more dwelling units on a single lot that may be either attached or detached. Typical uses include townhouses, condominiums, and apartment buildings. (See also Article 20 of Chapter 5.)

Please see below for the City's response to HCD letter dated January 22, 2024 and proposed actions for each of HCD's findings, shown in red. Findings are numbered for ease of reference.

1. Section 9-5.1404 – Height Requirements – The Ordinance states: “Nothing in this Article shall be construed to prohibit an Accessory Dwelling Unit with an area of up to 800 square feet, height of up to 16 feet, side setbacks of no less than three feet...” This appears to reference Government Code 65852.2, subdivision (c)(2)(C). However, Government Code 65852.2, subdivision(c)(2)(D), specifies minimum height allowances for different ADU developments, several of which exceed 16 feet. Therefore, the City must amend its ordinance to allow the same by adjusting its height requirements.

The City will revise Section 9-5.1404 to comply with Government Code §65852.2(c)(2)(D) by removing language related to “minimum height requirement of 16 feet”.

2. 9-5.1404.5 (a) – Junior Accessory Dwelling Unit (JADU) Single-Family Zones –The Ordinance states that JADUs “are permitted only in the Residential zones, and in the MUR Mixed Use with Residential and MURS Mixed Use with Residential South zones. However, Government Code section 65852.22, subdivision (a), states that JADUs may only be created in single-family residential zones. The City must amend the Ordinance to comply with State ADU Law.

The City will revise Section 9-5.1405(a) to comply with Government Code §65852.2(a) by clarifying that JADUs are only permitted in the Medium Density (RM) Zoning District and as accessory to a Single Unit principal use.

The “Single Unit” use is prohibited in all zoning districts except the RM Zoning District. Government Code §65865.22(a)(1) states (emphasis ours), “Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.”

While the RM Zoning District is not strictly a single-family residential zone, it does allow for a “single-family residence” typology, among other residential use types.

3. Section 9-5.1407(a) and (b) – *ADU Allowances* – The Ordinance states: “On a lot with one existing or proposed Single Unit, up to one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit are allowed...” before enumerating two types of Accessory Dwelling Units. The sections appear to reference Government Code section 65852.2, subdivision (e)(1)(A) and (B). Pursuant to Government Code section 65852.2, subdivision (e)(1), “Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application...to create any of the following: (A) One accessory dwelling unit and one junior accessory dwelling unit (JADU) per lot with a proposed or existing single-family dwelling...(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure.” Moreover subparagraph (B) permits “One detached, new construction,

accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by an enumeration of by-right ADU types permitted indicate that any of these ADU types can be combined on lots with existing or proposed single-family dwellings. Statute does not use ‘or’ nor “one of” to indicate only one or another would be applicable to the exclusion of the other...

The City will revise Section 9-5.1407(a) to comply with Government Code §65862.2(e)(1) by allowing any combination of the following for a lot with an existing or proposed Single Unit use: one ADU and one JADU within the dwelling or existing accessory structure; and one detached, new construction ADU.

Note that per Finding #2, the JADU is only permitted if the lot is located within the RM zoning district, per Section 9-5.1405(a). There are legal nonconforming Single Unit uses in other residential zoning districts, which would not be eligible for a JADU.

4. Section 9-5.1407(b) – Multi-family ADUs – The Ordinance allows for ADUs “On a lot with more than one existing dwelling unit,” that meet certain qualifications. This language appears to be a reference to Government Code section 5852.2, subdivision (e)(1)(C) and (D). However, ADUs built pursuant to Government Code section 65852.2, subdivisions (e)(1)(C) and (D), may only be built on lots containing primary dwellings that contain more than one dwelling unit, such as a duplex. The Ordinance language “On a lot with more than one existing dwelling unit” could also include, for example, a non-conforming zoning lot with two single-family homes. As this type of lot could not allow for ADUs built pursuant to Government Code section 65852.2, subdivisions (e)(1)(C) and (D), the City must amend its ordinance to correctly reflect ADU allowance on lots with multi-family dwellings.

No action to be taken. The existing language of Planning Code Section 9-5.1407(b) is less restrictive than Government Code §65852.2(e)(1)(C) and (D), and therefore meets the criteria for Government Code §65862.2(g).

As described on page 1 of this response letter, the City of Emeryville’s “Two (2) Unit” and “Multi-Unit” residential use types do not distinguish between traditional “multifamily” buildings (i.e., units per structure) and multiple detached units on a lot. For example, a duplex or two detached units on the same lot would both be considered legal uses under the Two (2) Unit definition (Section 9-2.205).

Section 9-5.1407(b) allows additional opportunities for ADU development on sites with multiple units, compared to Government Code §65852.2(e)(1)(C) and (D), because it does not disqualify detached, multi-unit projects from building ADUs. Per Government Code §65862.2(g), “...This section [of the Government Code] does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.”

Therefore, the City does not need to make changes in response to this finding.

5. Section 9-5.1408(a) – ADU Size – The Ordinance states: “An Accessory Dwelling Unit may not have a floor area less than 150 square feet nor greater floor area than the largest principal Single Unit with which it is associated or 1,200 square feet, whichever is greater. If an Accessory Dwelling Unit is created inside an existing accessory structure, the structure may be expanded by up to 150 square feet for ingress and egress.” However, converted units, created in detached accessory structures and within the primary residence, as well as new construction detached ADUs created with an existing or proposed multifamily dwelling do not have size limitations (Gov. Code § 65852.2, subds.(e)(1)(A), (e)(1)(C)(i), and (e)(1)(D)). Therefore, the City should amend the Ordinance to comply with statute.

The City will revise Section 9-5.1408 to comply with Government Code §65862.2(e) by clarifying that converted ADUs and new construction, detached ADUs created with existing or proposed “multifamily” are exempt from maximum size requirements.

Note that per Finding #4, the City expands on the term “multifamily” to include “a lot with more than one existing dwelling unit”.

6. Section 9-5.1410 (b) – Setbacks – The Ordinance states: “Except as provided in Section 9-5.1404, an Accessory Dwelling Unit shall be subject to the same setback requirements as the existing residential structure(s)...” However, Government Code section 65852.2, subdivision (c)(2)(C), prevents jurisdictions from imposing (emphasis ours): “... any requirements for a zoning clearance or separate zoning review... based on... front setbacks... that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. As “the same setback requirements” could include front setbacks along with side and rear setbacks, the City must amend its ordinance to clarify that local front setback standards will not preclude the development of an accessory dwelling unit pursuant to Government Code section 65852.2, subdivision (c)(2)(C).

No action to be taken. The existing language of Planning Code Section 9-5.1410(b) is compliant with Government Code §65852.2(c)(2)(C).

Section 9-5.1410(b) cross-references Section 9-4.301, which establishes side setback requirements that are less restrictive than the 4-foot side setbacks established by Government Code §65852.2(c)(2)(C). Residential zones (RM, RMH, and RH) have a minimum setback requirement of 3 feet. All other zones, including mixed-use zones, would establish a minimum side setback between 0 to 3 feet for ADUs.

In addition, Section 9-5.1410(b) also cross-references Section 9-5.1404, which states that “Nothing in this article shall be construed to prohibit an accessory dwelling unit with an area of up to eight hundred (800) square feet, height of up to sixteen feet (16’), side setbacks of no less than three feet (3’) and rear setbacks of no less than four feet (4’).” *Note per Finding #1, the reference to 16 feet will be removed.*

Section 9-5.1404 supersedes any other requirements within the ADU Ordinance, including adherence to the front setback.

7. Section 9-5.1410(c) – ADU Height – The Ordinance states: “The maximum height limit of an Accessory Dwelling Unit shall be 30 feet, except that it shall step down at an angle from a maximum height of 30 feet at 15 feet from the rear lot line to a maximum height of 16 feet at four feet from the rear lot line.” However, maximum height requirements of 16 feet are not lawful for certain ADUs. The maximum height for detached and attached ADUs may range from 16, 18, 20, or 25 feet pursuant to Government Code section 65852.2, subdivision (c)(2)(D). Therefore, the City must amend its ordinance to meet the maximum height requirements for ADUs that are determined by State ADU Law.

The City will revise Section 9-5.1410(c) to comply with Government Code §65862.2(c)(2)(D) by increasing the maximum height limit for detached ADUs to be 20 feet and increasing the maximum height limit for attached ADUs to 25 feet.

The proposed height limit of 20 feet for detached ADUs will meet or exceed the height minimums established by §65862.2(c)(2)(D)(i), (ii), and (iii). The proposed height limit of 25 feet for attached ADUs will meet the criteria established by §65862.2(c)(2)(D)(iv).

8. Section 9-5.1410 (e) – Useable Open Space – The Ordinance states that: “For lots with an Accessory Dwelling Unit attached to or detached from the principal unit (adding to the building footprint on the lot), a common open space accessible to both the principal unit and the Accessory Dwelling Unit must be provided. However, Government Code section 65852.2, subdivision (c)(2)(C), prevents jurisdictions from imposing (emphasis ours): “... any requirements for a zoning clearance or separate zoning review... based on... open space... that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. Therefore, the City must amend its ordinance to clarify that open space requirements will not preclude the development of ADUs pursuant to Government Code section 65852.2, subdivision (c)(2)(C).

The City will revise Section 9-5.1410(e) to comply with Government Code Section §65862.2(c)(2)(C) by incorporating a cross reference to Section 9-5.1404.

Section 9-5.1404 states, “Nothing in this article shall be construed to prohibit an accessory dwelling unit with an area of up to eight hundred (800) square feet, height of up to sixteen feet (16’), side setbacks of no less than three feet (3’) and rear setbacks of no less than four feet (4’).” *Note per Finding #1, the reference to 16 feet will be removed.*

9. Section 9-5.1412(a) – Separate Conveyance – The Ordinance states: “An Accessory Dwelling Unit and its associated residential structure may not be sold separately by conversion to condominiums, division of the lot on which they are located, or by other means.” However, Government Code section 65852.26, creates a narrow exception to allow separate conveyance of an ADU to a qualified buyer if the property was built or developed by a qualified nonprofit corporation, among other things. Therefore, the City must amend its ordinance to note this exception. Please note that recent amendments to

the statute now provide for a local agency to allow the separate sale or conveyance of a primary dwelling and an ADU as condominiums pursuant to Government Code section 65852.2, subdivision (a)(10).

The City will revise Section 9-5.1412(a) to comply with Government Code §65852.26 by providing a cross-reference to Government Code §65852.26, in order to meet the existing requirements for separate conveyance and anticipate future legislation.

10. Section 9-5.1412 (b); section 9-5.2103 – Short-term Rental – The Ordinance states: “Short-term Rentals are prohibited in Accessory Dwelling Units and Junior Accessory Dwelling Units, even if they are single detached units.” This appears to reference Government Code 65852.2 subdivisions (a)(8)(C) and (e)(5), which require or provide the option to require rental terms of greater than 30 days for ADUs. However, “short term rental”, as mentioned in the ordinance, is not further defined, leaving room for subjective judgement as to what constitutes such a rental. According to Government Code section 65852.2, subdivision (a)(1)(B)(i), local agencies are only authorized to impose “objective standards” for ADU development, which must “...involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal” (Gov. Code § 65852.2, subd. (j)(7)). Therefore, the city must clearly define: “short term rentals”. Further, Government Code section 65852.22 that governs the creation of JADUs by ordinance states that “Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones...” The short-term rental prohibition in Government Code section 65852.2, subdivisions (a)(8)(C) and (e)(5), is not applicable to JADUs. JADUs do not have a similar requirement in Government Code section 65852.22. Therefore, the City must remove this short-term rental requirement for JADUs.

The City will revise Section 9-5.1412(b) to comply with Government Code §65852.2(a)(1)(B)(i) by incorporating a cross-reference to Planning Code Article 21, Chapter 5. Article 21, Short-Term Rentals, establishes the City’s definition for short-term rental: “rental of all or part of a dwelling unit for fewer than thirty (30) days” (Section 9-5.2101).

No actions will be taken regarding the City’s prohibition on short-term rentals for JADUs. Per email correspondence with HCD’s Nicholas Green dated February 6, 2024 : “After some further internal discussion, HCD has determined that the City’s ADU Ordinance language that prevents JADUs from being occupied as short-term rentals does not violate State ADU Law”.

11. Section 9-5.1412(d) – Fire Sprinklers – The Ordinance states: “Fire sprinklers are only required for the Accessory Dwelling Unit if they are required for the principal unit or largest unit on the site.” However, Government Code section 65852.2, subdivision (a)(1)(D)(xii) states, “Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.” As there is no statutory

requirement for fire sprinklers based on “the largest unit on site”, the City must amend its ordinance to remove this language.

The City will revise Section 9-5.1412(d) to comply with Government Code §65852.2(a)(1)(D)(xii) by removing language related to the “largest unit on the site”.

Once the HCD acknowledges that our responses and proposed changes outlined in this letter are acceptable, the City plans to initiate the changes in late Spring 2024 with Council approval anticipated in late summer 2024.

If there are any questions or clarifications, I can be reached at alyssa.chung@emeryville.org or at 510-596-4362.

Sincerely,



Alyssa Chung
Assistant Planner

Attachment:

1. Email correspondence with Nicholas Green, HCD (February 6, 2024)

cc: Chadrick Smalley, Community Development Director
Miroo Desai, Planning Manager
Navarre Oaks, Senior Planner

Nicholas Green, HCD (Nicholas.Green@hcd.ca.gov)

From: [Green, Nicholas@HCD](mailto:Green,Nicholas@HCD)
To: [Alyssa Chung](mailto:Alyssa.Chung)
Cc: [Garza, David@HCD](mailto:Garza,David@HCD); [Navarre Oaks](mailto:Navarre.Oaks); [Miroo Desai](mailto:Miroo.Desai); [Chadrick Smalley](mailto:Chadrick.Smalley)
Subject: Re: Emeryville ADU Ordinance Findings Letter
Date: Wednesday, February 21, 2024 1:33:41 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Outlook-k3w2lcci.png](#)
[Outlook-1464742637.png](#)
[Outlook-1464742632.png](#)
[Outlook-1464742627.png](#)
[Outlook-lpyhka0c.png](#)

Hello Alyssa,

Happy to help. Thank you as well for these thoughtful questions. Answering each below in red.

You suggest the following definition for primary dwelling: “principal building that is used for living purposes”. Does this then apply to multifamily developments with ADUs (i.e., the residential building is considered holistically the “primary dwelling”, vs. an individual unit within)? We may need to refer to Section 65852.2 (g), but I want to make sure we fully understand the intent/scope of the term first.

Re: residential building as "primary dwelling" vs "individual unit", that is correct. In the event that there are two such buildings on the same lot, then "principal" of the two may be considered the primary dwelling. A further thought here is that Gov Code section 65852.2 (a)(1)(D)(viii) states that local ADU ordinances shall require ADUs to comply with local building code requirements that apply to detached dwellings. Accordingly, a definition of “primary dwelling” contained within local building code could apply to the ministerial approval of accessory dwelling units.

§65852.22(a)(2) requires owner-occupancy in the single family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization. Our understanding is that the owner may reside in:

- the principal, single-family unit;
- the JADU; OR
- an ADU located within the same structure as the above (e.g., conversion), as clarified by the language “remaining portion of the structure”

Correct.

In addition, our reading of § 65852.22(a)(2) doesn't allow for the City to exceed these requirements (e.g., remove the owner-occupancy requirement). Is that correct?

Correct. This is because § 65852.22 lacks the equivalent of GC 65852.2 (g) that would allow for less restrictive requirements than state law.

Please let me know if you have any further questions or clarifications.

Best Regards,



Nick Green, MPP (he/him)

Housing Policy Analyst

Housing & Community Development

2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833

Work Cell: (916) 841-6665

From: Alyssa Chung <alyssa.chung@emeryville.org>

Sent: Friday, February 16, 2024 4:32 PM

To: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>

Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>; Navarre Oaks <noaks@emeryville.org>; Miroo Desai <mdesai@emeryville.org>; Chadrick Smalley <csmalley@emeryville.org>

Subject: RE: Emeryville ADU Ordinance Findings Letter

Hi Nick,

We appreciate the clarification!

You suggest the following definition for primary dwelling: “principal building that is used for living purposes”. Does this then apply to multifamily developments with ADUs (i.e., the residential building is considered holistically the “primary dwelling”, vs. an individual unit within)? We may need to refer to Section 65852.2 (g), but I want to make sure we fully understand the intent/scope of the term first.

In addition, while not covered in the scope of the letter, I’m hoping you can help clarify the following related to the JADU owner-occupancy requirement -- § 65852.22(a)(2) states,

Require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

Our understanding is that the owner may reside in:

- the principal, single-family unit;
- the JADU; OR
- an ADU located within the same structure as the above (e.g., conversion), as clarified by the

language “remaining portion of the structure”

In addition, our reading of § 65852.22(a)(2) doesn't allow for the City to exceed these requirements (e.g., remove the owner-occupancy requirement). Is that correct?

Thank you for your assistance,



ALYSSA CHUNG (SHE/THEY)

Assistant Planner, City of Emeryville

1333 Park Avenue, Emeryville, CA 94608-3517

510-596-4362 (direct)

Please note the Planning Counter Hours:

Open for drop-ins **Monday - Thursday** from **9am - noon**

Open by appointment only **Monday - Thursday** from **1pm - 5pm**

Closed all day on Fridays

From: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>

Sent: Tuesday, February 6, 2024 11:21 AM

To: Navarre Oaks <noaks@emeryville.org>; Miroo Desai <mdesai@emeryville.org>; Chadrick Smalley <csmalley@emeryville.org>

Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>

Subject: Re: Emeryville ADU Ordinance Findings Letter

Hello all,

After some further internal discussion, HCD has determined that the City's ADU Ordinance language that prevents JADUs from being occupied as short-term rentals does not violate State ADU Law. Please let me know if there are any further questions here.

Best Regards,



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Nick Green, MPP (he/him)

Housing Policy Analyst

Housing & Community Development

2020 W. El Camino Avenue, Suite 500 | Sacramento, CA
95833

Work Cell: (916) 841-6665



[\[protect.checkpoint.com\]](https://protect.checkpoint.com)

From: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>
Sent: Monday, February 5, 2024 4:19 PM
To: Navarre Oaks <noaks@emeryville.org>; Miroo Desai <mdesai@emeryville.org>;
csmalley@emeryville.org <csmalley@emeryville.org>
Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>
Subject: Re: Emeryville ADU Ordinance Findings Letter

Good afternoon Navarre,

A pleasure speaking with yourself and the other Emeryville planning folks. As discussed, following up with a bit more guidance regarding the definition of "primary dwelling".

In order to understand the meaning of 'primary' in primary dwelling, we can refer to the constituent parts of the phrase. "Dwelling" has the same meaning as California Residential Code Definition: "Any building that contains one or two [dwelling units](https://protect.checkpoint.com) [\[protect.checkpoint.com\]](https://protect.checkpoint.com) used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes." "Primary" has the plain meaning, according to Webster's dictionary, as "principal", meaning first, or 'original', or 'earlier in time'. "Primary dwelling", then, is the "principal 'building that is used for living purposes'".

If this does not sufficiently clarify which unit is considered primary (perhaps there are two SFDs on a lot), then the "primary" definition would suggest that several buildings are equally used for living purposes, then the earliest built of these would be the primary unit. Unfortunately there is no statutory definition I can point to for immediate clarification. However, it could also be argued that this ambiguity, along with Government Code section 65852.2 (g), would afford jurisdictions the opportunity to define "primary dwelling" in a way that advances that city's housing goals while adhering to State ADU Law.

I hope that helps. Please feel free to respond with any further questions or concerns. In the meantime, I will due some further diligence regarding the JADU short term rental issue.

Best Regards,

Nick Green, MPP (he/him)
Housing Policy Analyst
Housing & Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA
95833



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Work Cell: (916) 841-6665



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From: Navarre Oaks <noaks@emeryville.org>
Sent: Friday, January 26, 2024 2:58 PM
To: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>
Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>
Subject: Re: Emeryville ADU Ordinance Findings Letter

Thank you so much, Nick. A great weekend to you too!

Navarre Oaks

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From: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>
Sent: Friday, January 26, 2024 2:57:12 PM
To: Navarre Oaks <noaks@emeryville.org>
Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>
Subject: Emeryville ADU Ordinance Findings Letter

Hello Navarre,

Thank you for reaching out here - yes, happy to set up a meeting to discuss the letter findings further.

Let's lock in Monday February 5th at 3 pm. Look out for a Teams invite at that time.

Looking forward to discussing further; have a great weekend.

Best,

Nick Green, MPP (he/him)
Housing Policy Analyst
Housing & Community Development



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[\[protect.checkpoint.com\]](https://protect.checkpoint.com)



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2020 W. El Camino Avenue, Suite 500 |
Sacramento, CA 95833
Work Cell: (916) 841-6665

From: Navarre Oaks <noaks@emeryville.org>
Sent: Friday, January 26, 2024 2:01 PM
To: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>
Subject: RE: Emeryville ADU Ordinance Findings Letter

Good afternoon, Nick

Thank you for the letter discussing HCD's findings for the Emeryville ADU Ordinance.

Is it possible to have a meeting with HCD to discuss some of the topics HCD presented, so that our letter may accurately reflect HCD's concerns and Emeryville's proposed next steps?

Right now these times appear to work for our team:

- Monday, February 5th 11am – 12pm
- Monday, February 5th 2pm – 4pm
- Tuesday, February 6th 10am – 12pm
- Thursday, February 8th 10am – 3pm
- Friday, February 9th 10am – 3pm

I will be the primary person attending the meeting, but please CC the following people in the invite:

- Valerie Bernardo vbernardo@emeryville.org
- Chadrick Smalley csmalley@emeryville.org
- Miroo Desai mdesai@emeryville.org

Thank you so much,



Navarre Oaks (they/them)
Senior Planner, City of Emeryville
1333 Park Avenue, Emeryville, CA 94608-3517

510-596-4335 (direct)
noaks@emeryville.org

From: Green, Nicholas@HCD <Nicholas.Green@hcd.ca.gov>
Sent: Monday, January 22, 2024 1:07 PM
To: Chadrick Smalley <csmalley@emeryville.org>
Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>; Candelaria, Jamie@HCD <Jamie.Candelaria@hcd.ca.gov>; Cross, Jay@HCD <Jay.Cross@hcd.ca.gov>; West, Shannan@HCD <Shannan.West@hcd.ca.gov>; Zisser, David@HCD <David.Zisser@hcd.ca.gov>
Subject: Re: Emeryville ADU Ordinance Findings Letter

Hello,

Please disregard our previous message. Attached is the correct, pdf version of HCD's Finding letter; please confirm receipt. We require your written response to these findings by February 21, 2024.

Please feel free to contact us should you have any questions. Otherwise, we look forward to providing any technical assistance you require in complying with State ADU and JADU Laws.

Thank you,

Best Regards,



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[\[protect.checkpoint.com\]](https://protect.checkpoint.com)

Nick Green, MPP (he/him)
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2020 W. El Camino Avenue, Suite 500 |
Sacramento, CA 95833
Work Cell: (916) 841-6665

From: Green, Nicholas@HCD
Sent: Monday, January 22, 2024 12:22 PM
To: csmalley@emeryville.org <csmalley@emeryville.org>
Cc: Garza, David@HCD <David.Garza@hcd.ca.gov>; Candelaria, Jamie@HCD <Jamie.Candelaria@hcd.ca.gov>; Cross, Jay@HCD <Jay.Cross@hcd.ca.gov>; West, Shannan@HCD <Shannan.West@hcd.ca.gov>; Zisser, David@HCD <David.Zisser@hcd.ca.gov>
Subject: Emeryville ADU Ordinance Findings Letter

Hello,

Following the Department of Housing and Community Development's review of Emeryville's newest ADU ordinance, HCD's Housing Accountability ADU Team has several findings. The findings letter is attached, please confirm receipt. We require your written response to these findings by February 21, 2024.

Please feel free to contact us should you have any questions. Otherwise, we look forward to providing any technical assistance you require in complying with State ADU and JADU Laws.

Thank you,



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