Accessory Dwelling Units
Zoning Code Amendments

PRESENTED BY JOANNA WILK – ASSOCIATE PLANNER
COUNTY OF SANTA CLARA COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT
Overview

Staff proposes amending ADU regulations (formally known as secondary dwellings) to conform with state law (65852.2 & 65852.22) and to include Movable Tiny Homes

Amendments include:

1. Accessory dwelling unit (ADU) nomenclature
2. Junior ADU’s (JADU)
3. Parking Requirements
4. Removal of owner occupancy
5. 30-day rental requirement
6. Other State Requirements
7. New ADU Development Standards
8. Movable Tiny Homes
ADU Nomenclature

Staff proposes to change all references of “Secondary dwelling unit” to “Accessory dwelling unit” or “ADU” for consistency with state law.

For example:

§ 5.70.040 Parking Variance

For new single-family residential or two-family residential uses, or secondary dwellings accessory dwelling units, the standard variance procedure and findings may be employed to allow a reduction in the number of required spaces, and/or the requirement for covered parking. Other uses necessitating a reduction in the number of required spaces shall be subject to § 4.30.100: Parking Exception.
Junior ADUs

**State law** requires allowance of one Junior ADU (JADU) in addition to a primary residence and an ADU

JADUs shall be:

- no more than 500 square feet
- attached to a primary residence or ADU
- includes a separate entrance

Three units total
Parking

State law requires:

- New ADUs, attached or detached require **one** parking space
- Garage or carport conversions to an ADU **do not require replacement** parking
- JADUs **do not require parking**
Removal of Owner Occupancy

Owner occupancy deed restriction **no longer required** for ADUs pursuant to state law

Owner occupancy deed restriction **required** for JADUs pursuant to state law
30-day rental requirement

ADUs and JADUs not allowed to be rented for less than 30-days pursuant to state law
State law includes other amendments that are procedural or do not have a major impact on most properties within the unincorporated areas:

1. Building permit review from 120 days to 60 days

2. Property owners can request 5-year delay in compliance for existing ADU violation

3. Multi-family properties can have attached ADUs and up to two detached ADUs

4. Legally constructed setback non-conforming structures can be demolished and rebuilt with the same footprint to accommodate a new ADU, with a 150 sq. ft. expansion
Setback Non-Conforming

State law allows a 150- sq. ft. foot expansion for setback non-conforming structures to accommodate an ADU or JADU.
New ADU Development Standards

State law defines specific development standards for ADUs:

Setbacks
• Minimum ADU side and rear yard setback no more than 4 feet

Height
• Minimum ADU height requirement of no less than 16 feet

Floor Area
• Jurisdictions cannot restrict ADUs to be less than 800 square feet, and may allow ADUs to be a maximum of 1,200 square feet
## New ADU Development Standards

Setbacks – required by state law

<table>
<thead>
<tr>
<th></th>
<th>Previous Code</th>
<th>Proposed Code</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front yard setback</strong></td>
<td>Same as primary residence</td>
<td>Same as primary residence</td>
</tr>
<tr>
<td>Attached &amp; Detached ADU</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Side yard setback</strong></td>
<td>Same as primary residence</td>
<td>4 feet</td>
</tr>
<tr>
<td>Attached &amp; Detached ADU</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rear yard setback</strong></td>
<td>Same as primary residence</td>
<td>4 feet</td>
</tr>
<tr>
<td>Attached &amp; Detached ADU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# New ADU Development Standards

## Height – Proposed by Staff

<table>
<thead>
<tr>
<th>Maximum height Attached &amp; Detached ADU</th>
<th>Previous Code</th>
<th>Proposed Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>21 feet or same as primary residence</td>
<td>16 feet or same as primary residence if complies with residential setbacks</td>
</tr>
</tbody>
</table>
New ADU Development Standards

Height – Proposed by Staff

ADU setbacks

ADU – max height

Residential setbacks

Primary Residence

Property line

ADU – max height same as primary residence

Primary Residence

Property line
New ADU Development Standards
Floor Area – proposed by Department

**Detached ADU floor area**
- 1,200 sq. ft. in all zones and lot sizes

**Attached ADU floor area**
- 1,200 sq. ft. or 50% of primary residence, whichever is less. However, at least 800 square feet shall be allowed.
  - *Examples:*
    a. 2,000 sq. ft. - maximum attached ADU of 1,000 sq. ft.
    b. 6,000 sq. ft. - maximum attached ADU of 1,200 sq. ft.
    c. 1,000 sq. ft. - maximum attached ADU of 800 sq. ft

**Floor Area Ratio (FAR)**
- 800 sq. ft. of ADU and/or JADU exempt from FAR
Movable Tiny Homes

Staff proposes to permit Movable Tiny Homes as ADUs to further address regional housing crisis.

Movable Tiny Homes

- Are structures on wheels
- Are certified by a third-party builder
- Cannot move under their own power
- Have at least 100 square feet of enclosed space
- Requires a permit for utility hook ups
- Requires a Planning Clearance
Questions?

Joanna Wilk, Associate Planner
(408) 299 5799
Joanna.wilk@pln.sccgov.org