

Helpful Tips & Recent Code Changes for ADU Projects

Building Safety Open House
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San José ADU Ally



*Planning, Building and
Code Enforcement*

Overview

- Benefits and Types of ADUs
- Preapproved ADUs
- City vs. State Allowances
- Recent Changes to ADU Rules
- Helpful Tips for a Successful Project
- Your ADU Ally
- Questions & Answers

What is an ADU?



- Also called a secondary unit, granny flat, or backyard house
- Can be:
 - Detached
 - Attached with its own entry
 - Conversion of a garage, basement, or other existing permitted space
- Does not require owner occupancy

BENEFITS

- Rental income
- Living space for family members
- Work space
- Increase in property value
- Increase the housing supply while maintaining the character of the neighborhood

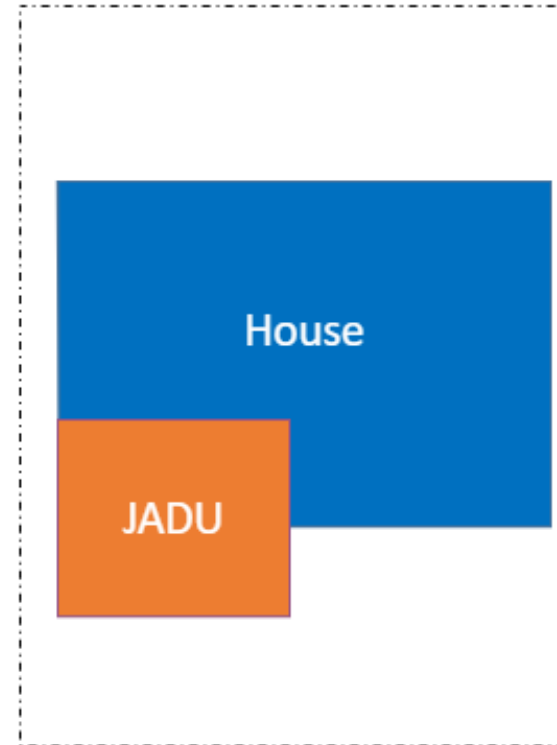
BE AWARE: ADU will increase your property taxes

What is a JADU?

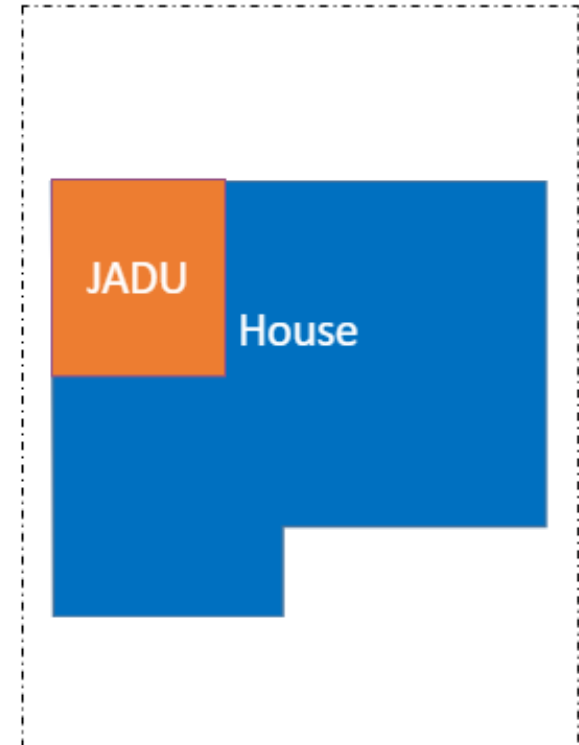
REQUIREMENTS

- 500 square foot maximum
- Within a single-family home or accessory structure
- An outside entry
- Deed restriction and owner occupancy

Garage conversion to JADU

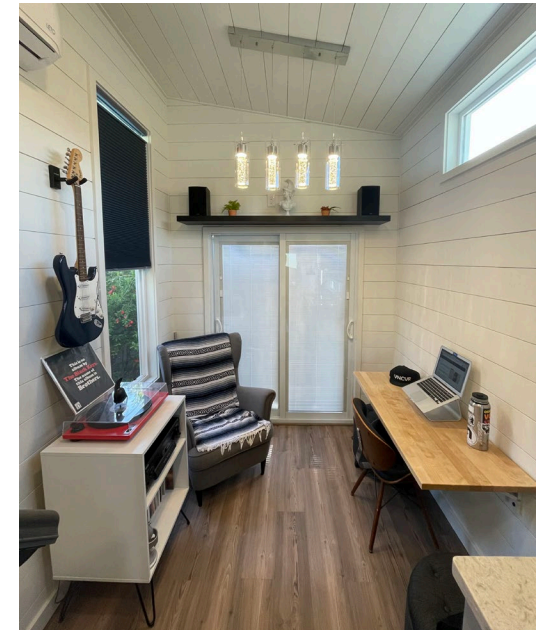


Space within existing residence converted to JADU



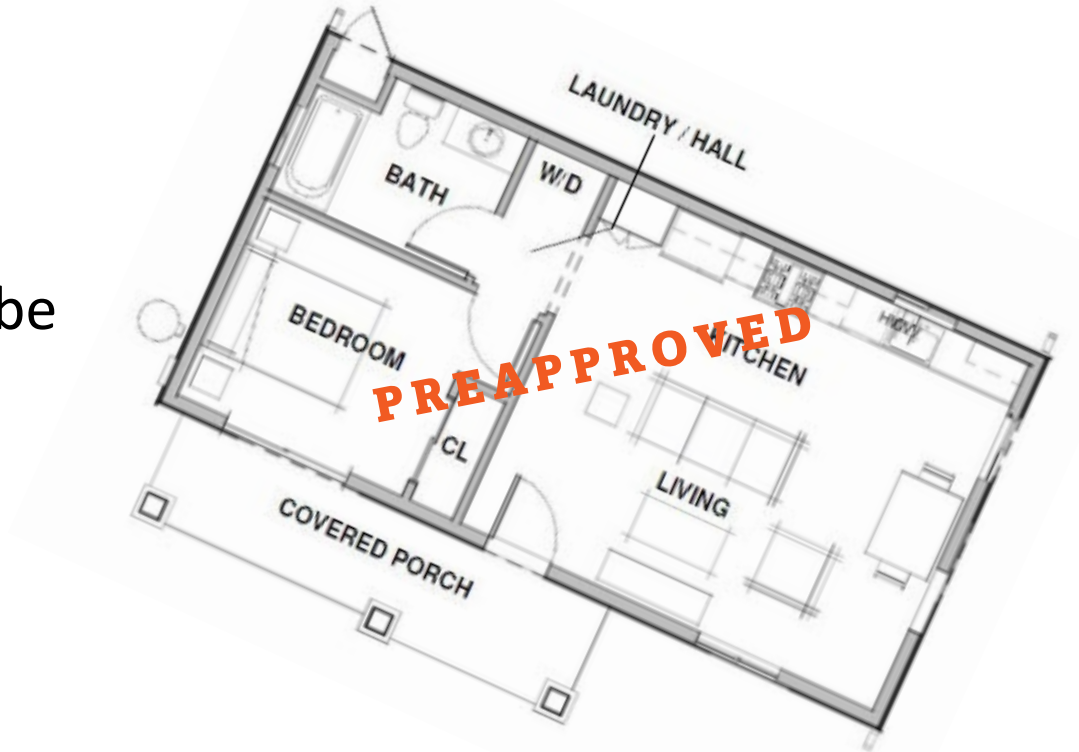
What is a Tiny Home on Wheels (THOW)?

- Cost: \$60,000 - \$100,000
- On wheels, no power to move
- 150-400 sq. ft.
- Locate on single-family lot
- Comply with zoning
- Permit fee averages \$1,000
- Electrical and plumbing permits are required
- No address is required



Preapproved ADUs can be fast

- 22 vendors offer City-approved plans in SJ
- Minimal customization is allowed
- Vendor handles project submittal; permit may be issued on the same day if site plan conforms.
- Project cannot involve:
 - Geohazard or landslide
 - Flood zone
 - Wildland-Urban Interface (WUI) area
 - Fire variance
 - Code Enforcement violation



Find preapproved ADU vendors at
www.sanjoseca.gov/ADUs

**Recent Rule Changes
+
City Allowance vs. State Allowance**

ADU Rule Changes

Eliminated!

- **No more rules or limits on . . .**
 - # of bedrooms, bathrooms, or storage areas
 - Maximum bedroom area
 - Parking requirements
 - 2nd story window-sill height
 - 2nd story balcony placement



Comparison of City vs. State Allowances Single-Family Lots Only

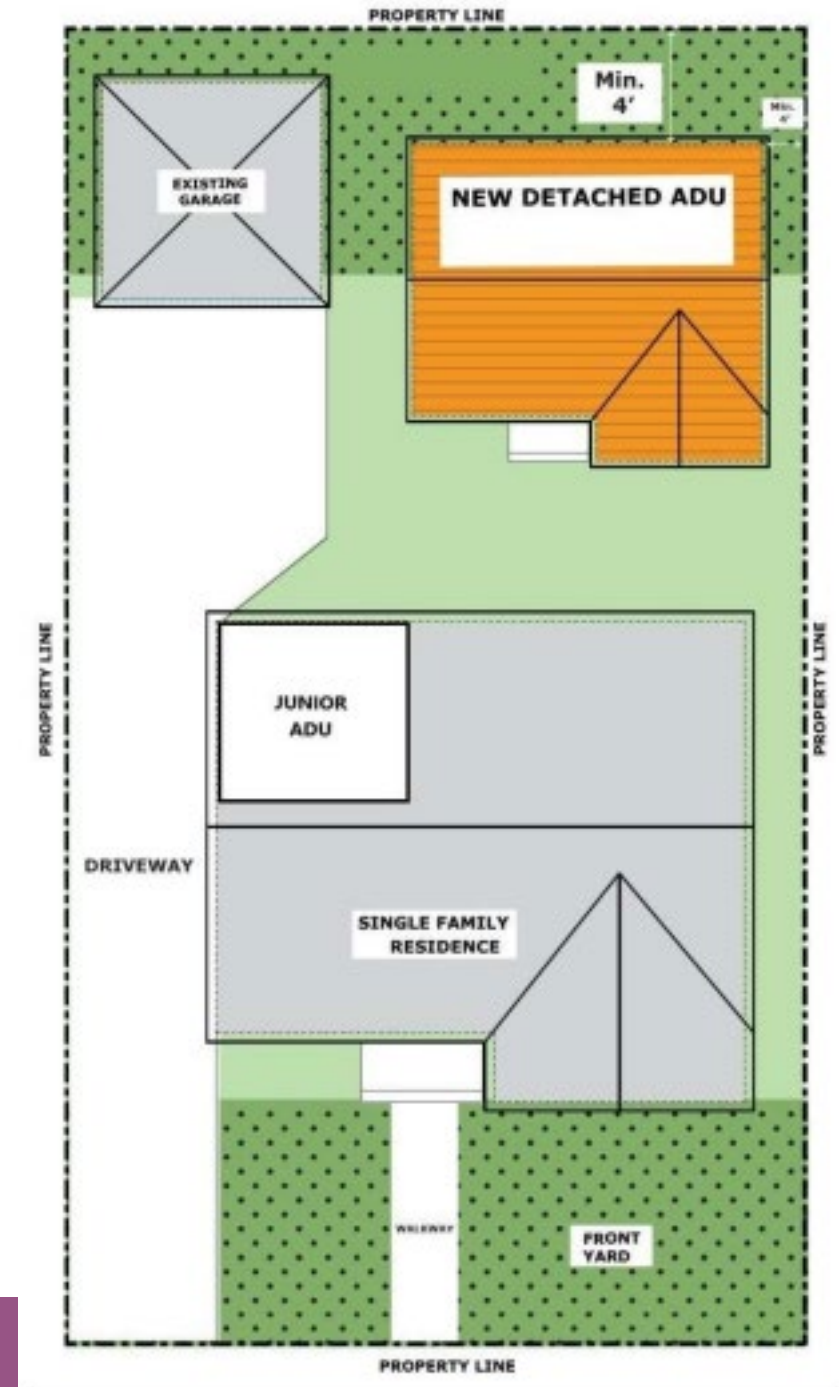
ITEM	CITY Code 20.80.175	STATE Code 20.80.176
Allowed ADUs:	1 attached or detached ADU 1 Junior ADU = 2 total	1 attached or detached ADU 1 Junior ADU 1 converted existing space/structure = 3 total
Maximum allowed Square Footage:	Lot <9,000 sq. ft.: 1,000 sq. ft. Lot >9,000 sq. ft.: 1,200 sq. ft.	New detached ADU: 800 sq. ft. Converted structure: No maximum
Maximum Height:	25 feet	18 feet
Side/Rear Setbacks:	0 feet if complying with fire/building regulations	4 feet
2 nd Story Setbacks:	4 feet	4 feet
Historic properties:	Restrictions apply	Restrictions are flexible

Comparison of City vs. State Rules - Continued

ITEM	CITY Code 20.80.175	STATE Code 20.80.176
Other standards:	<p>Siting / riparian standards apply</p> <p>6-foot separation between detached ADU and house</p> <p>Rear Yard Coverage Rule: ADU plus accessory structures cannot cover more than 40% of rear yard OR 800 sq. ft. minimum regardless</p>	<p>Minimum 800 sq. ft. ADU is always allowed</p>

Scenario #1: 1 ADU + 1 JADU

- Enabled by both City and State allowances.
- City: Allows a larger detached unit with lesser setbacks.
- State: Allows more flexibility in placement.
- If historic, State rules are less restrictive.

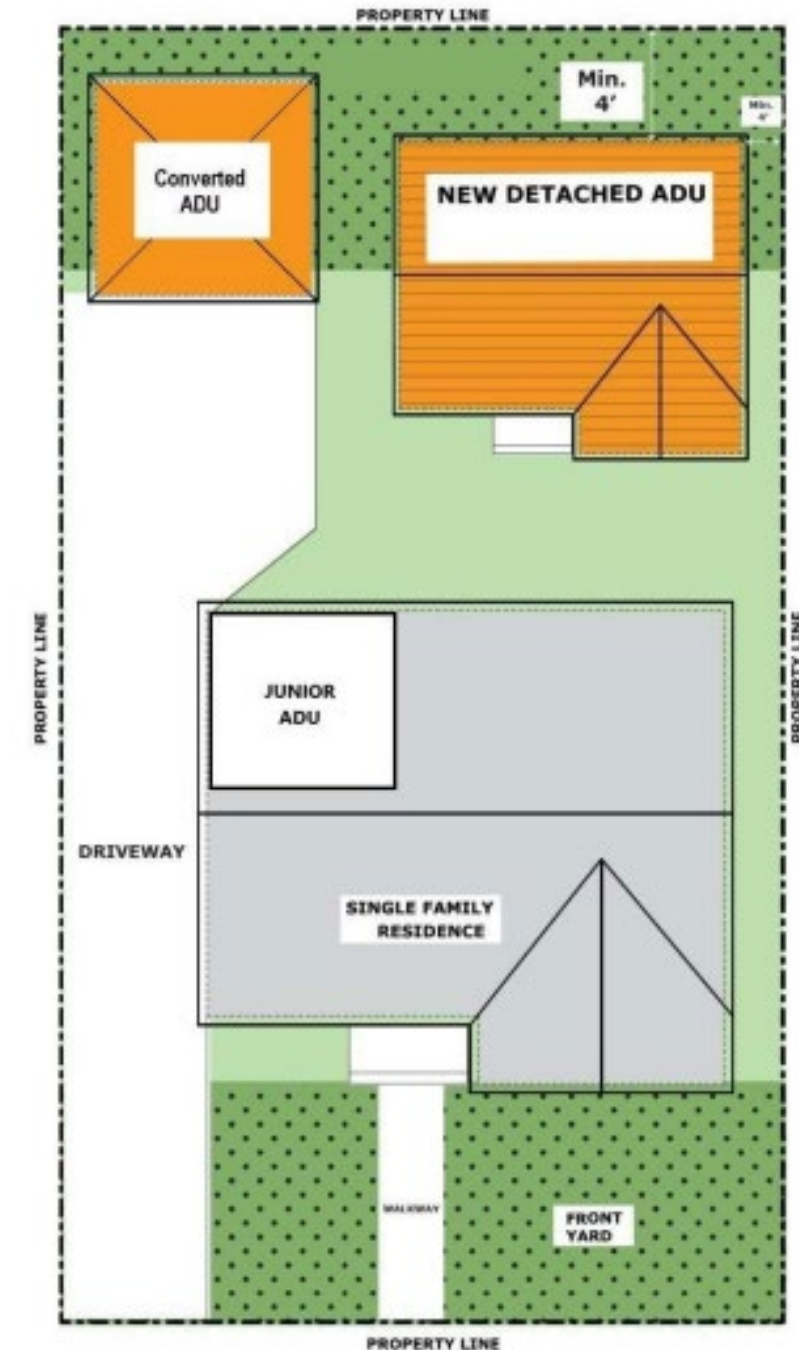


Scenario #2: 2 ADUs + 1 JADU

Only State rules allow this scenario.

- Must have an existing structure or extra space to convert.
- 800 sq. ft. max for the new detached ADU
- No maximum sq. ft. for converted unit

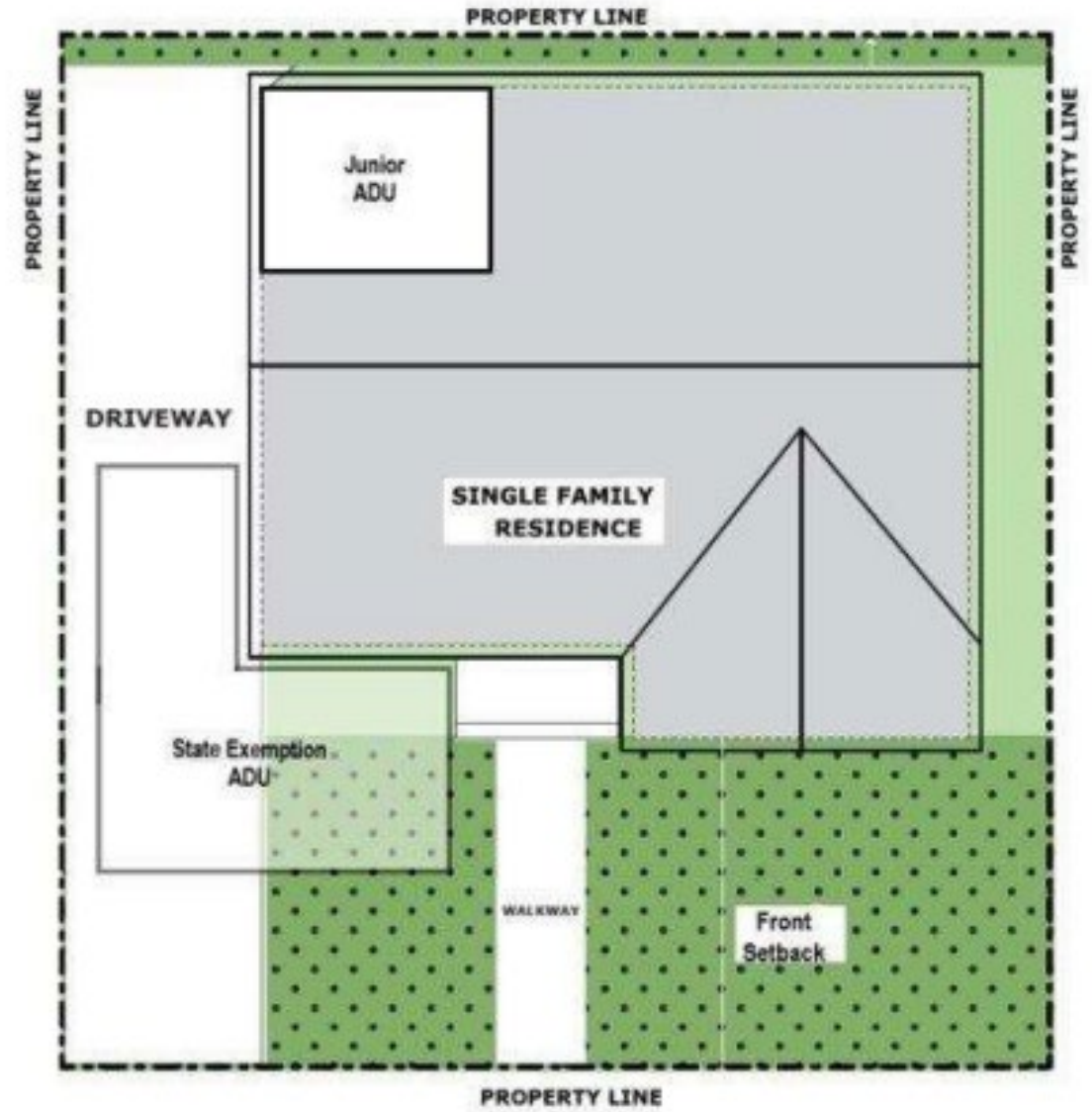
NOTE: If an existing ADU is 801 sq. ft. or 19 feet tall, you cannot build or convert another ADU or use the State Allowance.



Scenario #3: Small Lot

Under State Allowance:

- 800 sq. ft. ADU must be allowed.
- To use State allowance in this scenario, it must be the only option.
- Cannot build in front setback if there is enough space in other areas.



Helpful Tips for Your ADU Project

Tip #1: Confirm Property is in San José

- Real Property Search at sccassessor.org
- Tax Rate Area: **017**

OFFICE OF THE ASSESSOR, COUNTY OF SANTA CLARA
70 W. HEDDING ST. SAN JOSE, CA 95110

Home | [Online Services -](#) | [Property Information -](#) | [Tax Savings -](#) | [Forms and Publications -](#)

Property Search - Real Property

Simple Address Search | [Advanced Address Search](#) | [Search by APN](#)

(Please enter the address where the property resides, do not enter the mailing address.) ⓘ

Property address

I have read, understand, and accept [the terms and conditions](#)

[Search](#)


TAX RATE AREA	MUNICIPAL JURISDICTION	TAX RATE AREA	MUNICIPAL JURISDICTION
002	City of Gilroy	011	City of Los Altos
003	Town of Los Gatos	012	City of Milpitas
004	City of Morgan Hill	013	City of Cupertino
005	City of Mountain View	014	Town of Los Altos Hills
006	City of Palo Alto	015	City of Saratoga *see note below
007	City of Santa Clara	016	City of Monte Sereno
009	City of Sunnyvale	<u>017</u>	City of San Jose
010	City of Campbell	054 to 089	Unincorporated

Tip #2: Use the ADU Universal Checklist

Helps you see project requirements:

- **Neighborhood Type (Zoning)** - downtown or mixed neighborhood, residential, urban village, rural residential, etc.
- **Property Designation** - flood zone, historic property, easements, geohazards, seismic hazards, etc.
- **Development standards** - ADU size, height, setbacks, etc.
- **Fire Safety and Emergency Access** - Hydrant proximity and water flow, fire sprinkles, etc.

**Update is coming soon.*

 BULLETIN #210 UPDATED 03/21/2023 SUBJECT TO CHANGE RESIDENTIAL PROPERTIES

ADU UNIVERSAL CHECKLIST

Are you thinking about building an ADU, JADU, or THOW? If yes, be sure to use this checklist to learn if your lot qualifies for an ADU and if your project concept complies with City zoning and fire codes. Property owners and design professionals: **Avoid having to make costly changes to plans by closely following the directions and standards outlined in this checklist.** We'll help! Share your completed checklist and a sketch of your proposed ADU with a City planner for basic feedback. To obtain feedback, see the [ADU Plan Review & Permit Process](#) webpage and review [HCD Handbook Checklist](#).

*ADU - Accessory dwelling unit, also called a granny flat, secondary unit, or backyard home. May be attached to or detached from the main home. May also be a conversion of a garage or basement.
*JADU - Junior accessory dwelling units are built within the existing footprint of a single-family home. An attached garage may be converted into a JADU. Owner-occupancy of the main home is required.
*THOW - Tiny home on wheels. THOWs are a prefabricated type of ADU mounted on a trailer chassis and have their own checklist; view [Bulletin #291-Tiny Home on Wheels Permit Checklist](#).

Find more details on types of ADUs and ADU requirements at www.sanjoseca.gov/ADUs and [San José Municipal Code Part 4.5](#).

INSTRUCTIONS

To complete on a computer, download the checklist, save it to your hard drive, then use Adobe Acrobat Reader (free) to fill it out. For Parts 1 and 2, please use www.SJPermits.org for property research. Simply tap "Permits & Property Information." Enter your address. On the next screen, click "Select" by your property address. A list of property descriptions will appear.

QUESTIONS	YES	NO
PART 1. DOES YOUR PROPERTY QUALIFY?		
1. DO YOU HAVE A SAN JOSE ADDRESS? You can confirm that a property is in San José at SJPermits.org (see above instructions). At the "Incorporated" data field, "yes" means the property is in the city boundary; "no" means it is in a different jurisdiction. > Outcome: If no, please work with the appropriate jurisdiction. If yes, continue with this worksheet.	<input type="checkbox"/>	<input type="checkbox"/>
2. ZONING. Is the property zoned R-1, R-2, R-M, or PD? Or, is it designated in the General Plan as: - Downtown or Mixed-Use Neighborhood or Mixed-Use Commercial - Residential Neighborhood or Rural Residential or Transit Residential - Urban Residential or Urban Village Find zoning at SJPermits.org . Find designations at the General Plan Map . For questions about a planned development (PD) zone, speak with a City planner at 408-535-3555 during these hours . ENTER ZONING: <input type="text"/> ENTER GENERAL PLAN DESIGNATION: <input type="text"/> > Outcome: If no, an ADU is not allowed. If yes, here are the allowed ADUs: • Single-Family Property - One ADU and one JADU are allowed. • Duplex or Multifamily Property - Two detached ADUs are allowed. For a duplex, one attached ADU may also be allowed. For multifamily lots, a number of attached ADUs equivalent to up to 25% of existing units may also be allowed; for example, a building with 12 units may qualify for 3 attached ADUs. JADUs are not allowed.	<input type="checkbox"/>	<input type="checkbox"/>

BUILDING DIVISION 408-535-3555 SAN JOSE CITY HALL, 200 E. SANTA CLARA ST., SAN JOSE, CA 95113 WWW.SANJOSECA.GOV/BUILDING

Tip #3: Hire Professionals

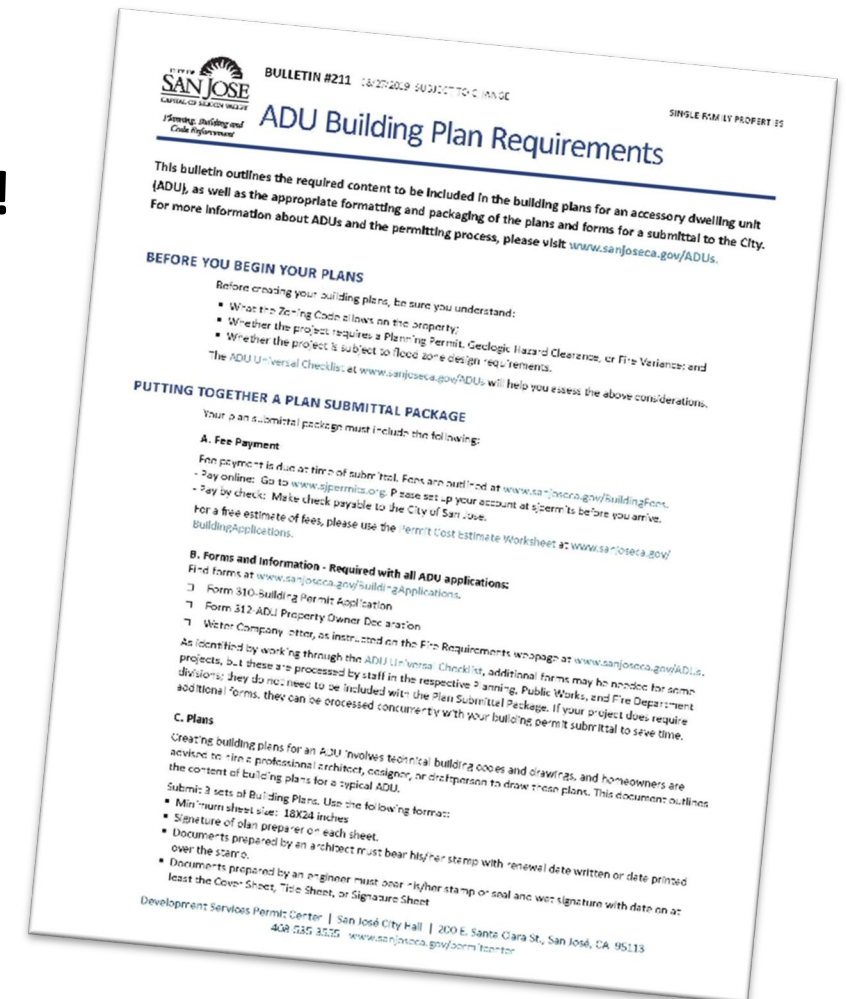
bit.ly/ADUBuildingPlanRequirements

➤ Hire an experienced architect, designer, or licensed contractor to design project plans and build the ADU!

What to submit:

- [ADU Property Owner Declaration](#)
- [JADU Deed Restriction Agreement](#)
- [Water Flow Letter & Hydrant Map](#)
- [Addressing Assignment Request](#)

Find forms at
www.sanjoseca.gov/BuildingBulletins



Tip #4: Avoid Delays

Delays are caused by:

- Incomplete submittal
- Not following upload instructions on SJePlans
- EPlan Applicant fails to respond to comments

Track progress at SJPermits.org

Visit SJEPLANS
for additional resources



SJePlans tech support, email:
onlinepermits@sanjoseca.gov
OR
Buildingpermits@sanjoseca.gov

Or come to the Permit Center,
bring your laptop and request
support from a permit specialist.

ADU Ally

Here to help with:

- General questions
- Intake submittal only for
Multifamily properties
Tiny Home on Wheels
Preapproved ADUs
- Revisions/Resubmittal
- Address Assignment Requests
- Permit Issuance
- Coordinate Consultation Meetings
- Spanish translation



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(408) 793-5302

Resources

For questions or information about:

Fire Inspections	(408) 535-7750	SJFDPermitsSpecialist@sanjoseca.gov
Flood Zone	(408) 535-7803	FloodZoneInfo@sanjoseca.gov
Code Enforcement	(408) 535-7770	BuildingCodeCompliance@sanjoseca.gov
Planning/Zoning	(408)535-3555	ZoningQuestions@sanjoseca.gov

Public Works/Geological Hazard	PWGeneralinfo@sanjoseca.gov
Building Inspections	InfoInspector@sanjoseca.gov
ADU, JADU, THOW	www.sanjoseca.gov/ADUs
ADU Universal Checklist	bit.ly/ADUUniversalChecklist
ADU Building Plan Requirements	bit.ly/ADUBuildingPlanRequirements