

Accessory Dwelling Unit (ADU) Information

The San José City Council approved new rules, effective July 27, 2018, to enable more properties to qualify for ADUs and to ease requirements. Visit www.sanjoseca.gov/ADUs to learn more.

■WHAT'S CHANGED FOR ADUs?

- Most residential zones now allow ADUs.
- Smaller lots qualify (minimum 3,000 sf).
- ADUs may be bigger and two-story ADUs are allowed.
- A 2-bedroom ADU is allowed for units of 800 sf or greater.
- Rules for setbacks, design, and parking have been eased.

■MORE ZONING DISTRICTS ALLOW ADUs

ADUs are allowed in residential zones R-1, R-2, and now also in R-M, and in PD (planned development) zones, subject to approved development standards. Where ADUs are prohibited in a PD Zone, such prohibition continues. *What this means:* Where most single-family homes exist, one ADU may be allowed, subject to standards outlined in the Municipal Code and in planned development districts.

■SMALLER LOTS QUALIFY FOR AN ADU

Minimum lot size: Now 3,000 sf (formerly 5,445 sf). The impact of this is largely in older neighborhoods that tend to have smaller lots.

■BIGGER ADUs AND 2-STORY ADUs ARE ALLOWED

Maximum height for 1-story ADU is 18 ft. An ADU over a detached structure or a 2-story ADU are now allowed, with a maximum height of 22 ft.

FOR 1-STORY ADU



FOR 2ND-STORY ADU OVER GARAGE
OR A 2-STORY ADU



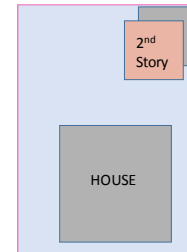
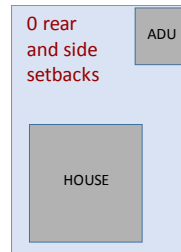
The maximum size of ADUs is now as follows. Note that a 2-bedroom ADU is now allowed for units 800 sf and up:

Lot Size (sf)	Maximum Size
	Allowed
3,000 - 5,444	600
5,445 - 9,000	700
9,001 - 10,000	800
10,001 - Up	900

■CONVERSIONS AND SETBACKS

Detached garages or accessory structures may be converted to an ADU. A converted garage that has zero rear and side setbacks may maintain those setbacks, but any 2nd-story detached ADU must have a minimum 5-foot setback from

the rear and side property lines. Attached ADUs must follow the setback rules for the main dwelling unit.



The 2nd-story ADU over a detached unit must have 5-foot side and rear setbacks.

Note that the current rule of a maximum 40% coverage of the rear yard will continue to be required.

■DESIGN STANDARDS

Detached units do not need to meet any specific design standards. Attached ADUs and detached ADUs on properties listed on the Historic Resources Inventory must incorporate architectural style and elements of the primary dwelling.

■PARKING REQUIREMENTS

In alignment with recently enacted State laws: An ADU requires 1 space unless the property qualifies for an exemption—see the inset below. If a garage has been converted, the main dwelling parking spaces must be replaced. They may be uncovered and located in front or side setback areas. The homeowner may eligible for a reduction of one space of required parking per Municipal Code Section 20.90.220.B.1.b. Parking spaces may be configured on-site per state law.

PARKING EXEMPTIONS

Per State law, no additional parking is required for an ADU that meets any of the following criteria:

- The ADU is located within .5 mile of a public bus stop or rail station, with a path of travel that is publicly accessible. Find transit maps at www.vta.org.
- The ADU is located within a historic district listed in the City's Historic Resources Inventory (visit <http://www.sanjoseca.gov/DocumentCenter/View/35475>).
- The ADU is part of or within the primary residence or existing accessory building.
- The ADU is on a street requiring on-street parking permits but the permit has not been offered to the occupant of the ADU.
- The ADU is located within one block of where a motor vehicle provides hourly and daily service as part of a regional fleet operated by a public agency or publicly-leased motor-vehicle-sharing organization.

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Accessory Dwelling Unit (ADU) Information CONTINUED

Building an ADU requires a building permit. A plan review will be conducted prior to permit issuance through our Residential Plan Review service. We're here to help you with the steps. Come to the Permit Center with:

- A completed [Building Permit Application](#), available at www.sanjoseca.gov/building.
- Accurate project plans. View our Building Handouts and Forms webpage at www.sanjoseca.gov/building for guides on the content of plans. Or visit the Permit Center where staff will provide guidance (at no charge) on what your plans should include.

COMMON QUESTIONS ABOUT ADUs



detached single story ADU



attached ADU



detached 2nd-story ADU

- How much is the building permit for an ADU?** The building permit fee will vary depending on square footage. In addition to the permit fee, school fees (visit <http://www.sanjoseca.gov/index.aspx?nid=58200>) and Park Impact fees (visit <http://www.sanjoseca.gov/DocumentCenter/View/78236>) may also apply. Use our [Permit Cost Estimate Worksheet](#) to obtain a free estimate.
- Will my property taxes increase if I build an ADU?** Yes. Under the rules of Prop. 13, the Office of the County Assessor appraises new construction at fair market value when the improvements are complete, and the value of the new construction is added to the total assessed value of the property. Learn more at www.sccassessor.org.
- How long does it take to get plans for an ADU approved?** Typically 20 business days unless your plan requires more than a first review.
- Can I build a new house and ADU at the same time?** Yes.
- Can I build an ADU on a property where the single-family house is a rental property?** Yes. May I rent the house and ADU to different parties? Yes.
- Can I build an ADU on a property that contains a duplex or apartment building?** No.
- How many bedrooms are allowed in an ADU?** The ADU may be designed as a studio or have one bedroom; ADUs that are 800 sq. ft. or greater may have 2 bedrooms.
- Can an ADU have a porch?** Yes. **Will the porch count in the allowed square footage for the unit?** If the porch is uncovered, it will not count toward the maximum floor area allowed. If the porch is covered and is 50% or more enclosed with walls, then it will count toward the allowable floor area of the ADU.
- Can the ADU be located in the front of the house?** Only an attached ADU may be within the front setback of the primary house. However, the entrance to the ADU may not be on the same façade as that of the primary dwelling.
- Is an ADU required to have its own address?** Yes. An address will be assigned as part of the permit approval.
- Is a ADU required to have separate utilities?** Utilities can be combined with the main residence or can be separate.