



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.



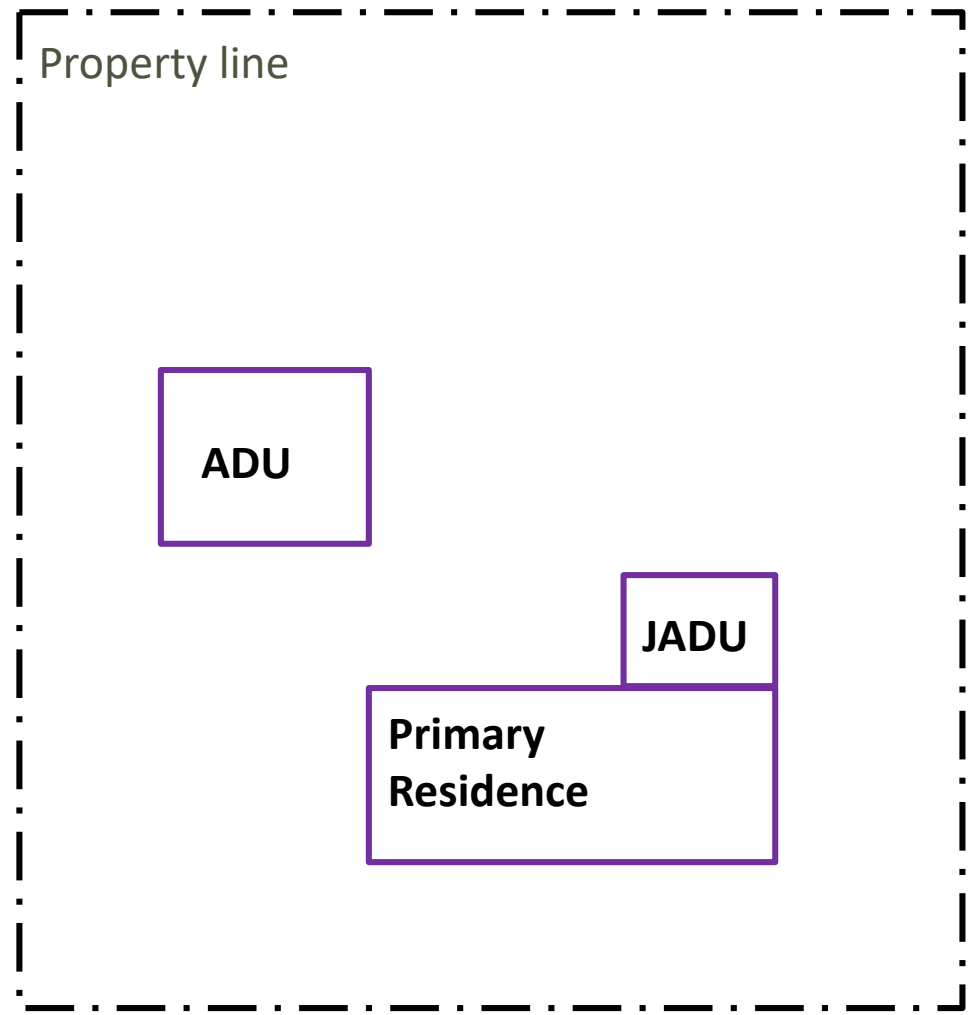
Junior ADUs

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**

Table 4.30-1

**Parking Spaces Required
RESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Single-Family	2 per unit (1 shall be covered)
Two-Family	2 per unit (1 per unit shall be covered)
Multi-Family	1.5 per unit
<u>Accessory dwelling unit</u>	
<u>Standard (attached or detached)</u>	<u>1 per unit [Section 4.10.015(T)]</u>
<u>Movable tiny home</u>	<u>1 per unit [Section 4.10.015(T)]</u>
<u>Junior ADU</u>	<u>None</u>
Agricultural Employee Housing (all)	1 per bedroom
Caretaker's Residences	2 per residence

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



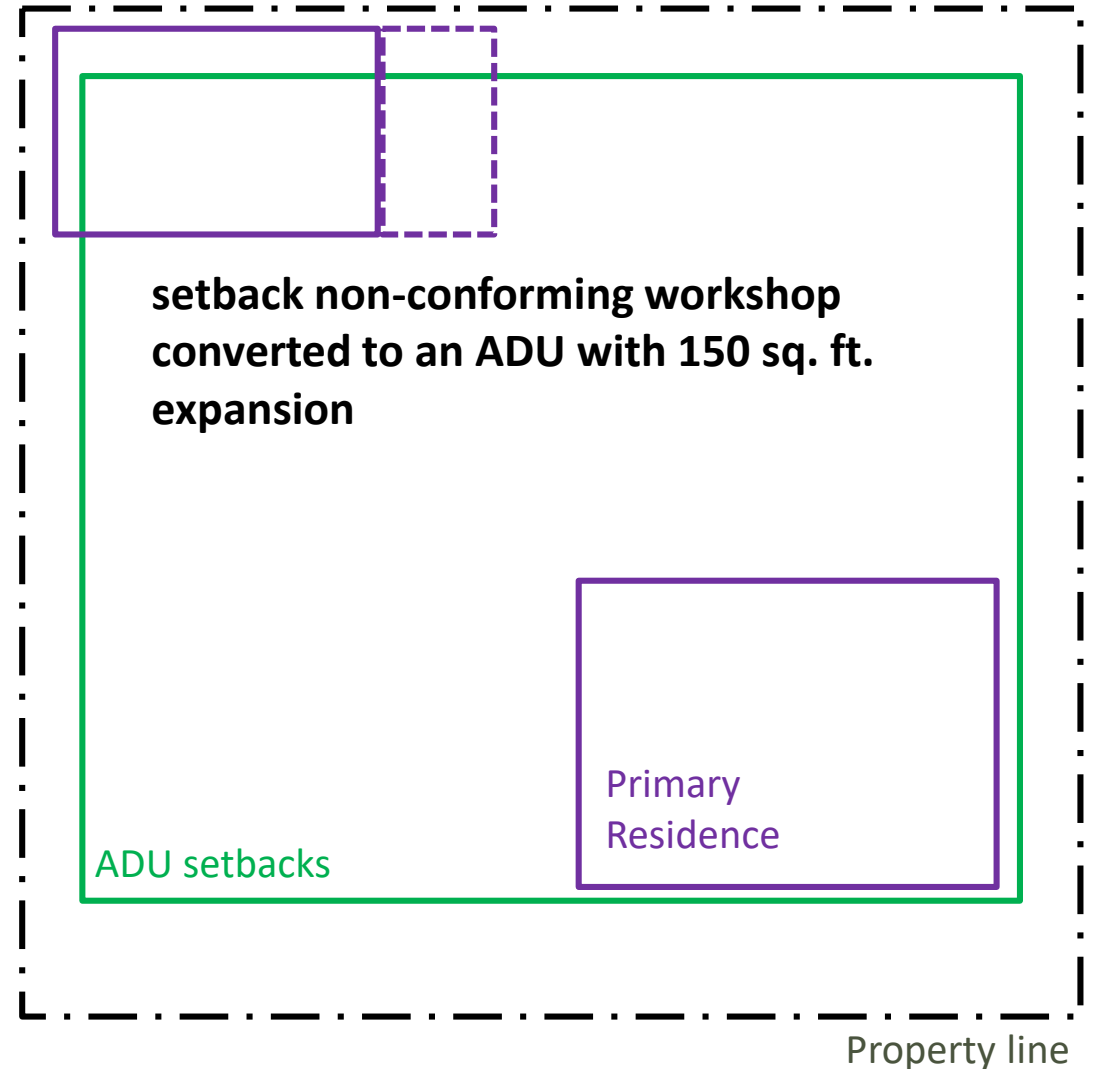
Other Amendments

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

	Previous Code	Proposed Code
Front yard setback Attached & Detached ADU	Same as primary residence	Same as primary residence
Side yard setback Attached & Detached ADU	Same as primary residence	4 feet
Rear yard setback Attached & Detached ADU	Same as primary residence	4 feet

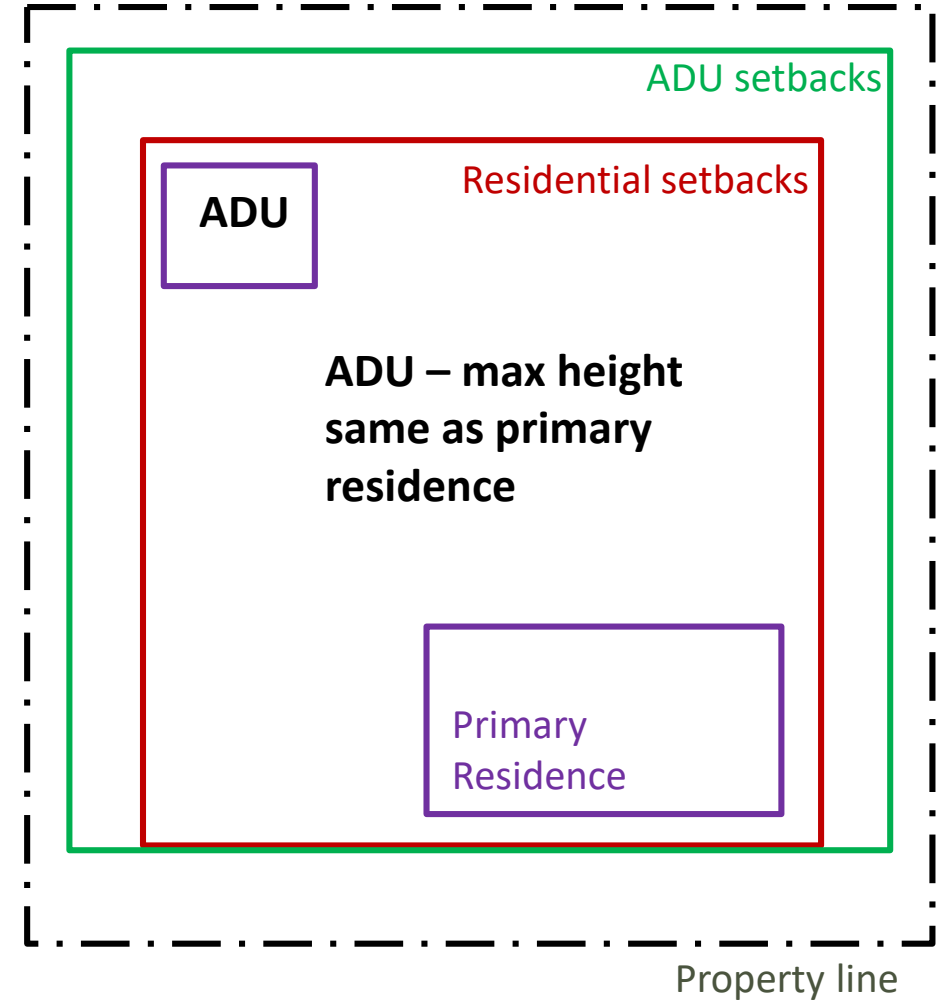
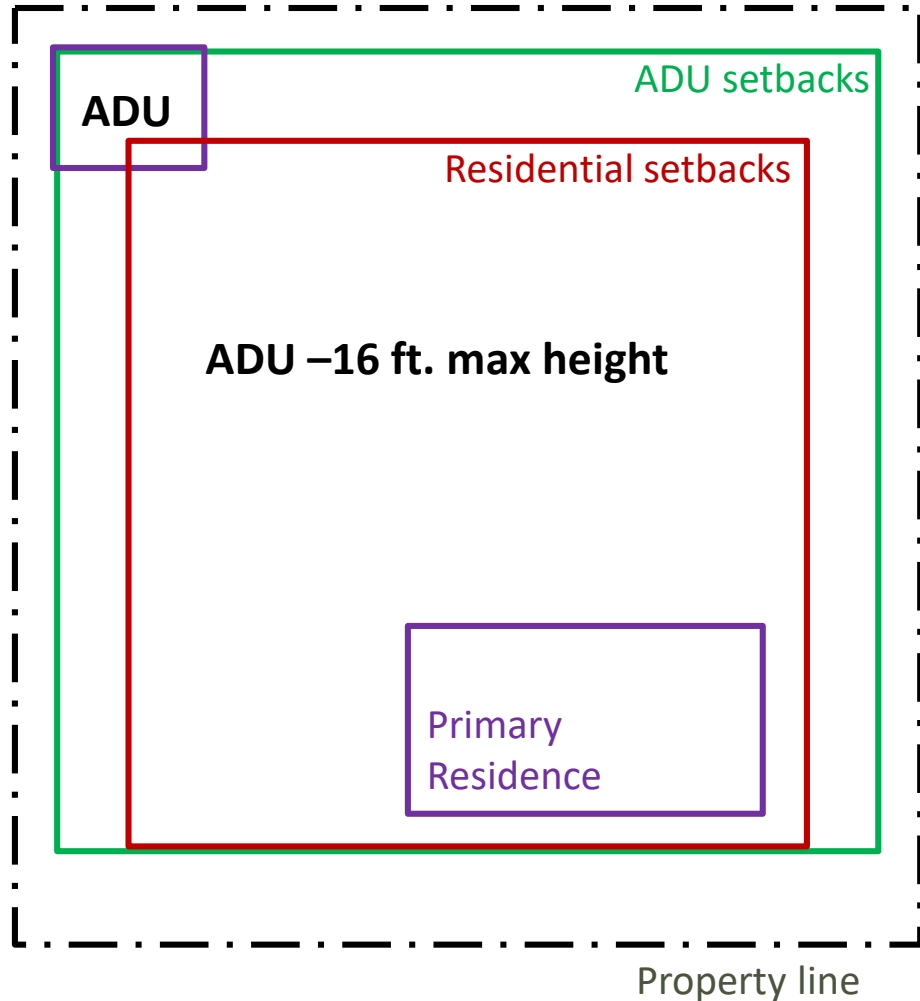
New ADU Development Standards

Height – Proposed by Staff

	Previous Code	Proposed Code
Maximum height Attached & Detached ADU	21 feet or same as primary residence	16 feet <u>or</u> Same as primary residence if complies with residential setbacks

New ADU Development Standards

Height – Proposed by Staff



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

