

# ADU Changes and FAQs



County of Santa Clara

Department of Planning and Development

## What is an ADU?

An Accessory Dwelling Unit, previously referred to as a secondary dwelling, is intended to provide a valuable and relatively affordable form of housing for family members, the elderly, students, in-home health care providers, individuals with disabilities, and others, within existing neighborhoods and on existing legal lots. **ADUs may be attached or detached**, newly built spaces or converted from an existing structure. An ADU must have its own living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom. A Junior Accessory Dwelling Unit, or **Jr. ADU, must be contained entirely within a single-family residence or ADU**. It must have a separate entrance and its own kitchen but may share a bathroom with the attached dwelling.

## Can I build an ADU on my property?

If your lot is a legal lot of record that has an existing single family residence (or a single family residence is being constructed on it) in most rural, urban residential, or commercial zones, you may build up to **one ADU and one Jr. ADU IF there are adequate water and sewage services, minimum setback requirements are maintained, AND fire and life safety standards are met**. ADUs are subject to building code standards, including

planning review and building permits, and may have additional requirements, such as parking.

## How do I know if my lot is too small to accommodate an ADU?

There is **no minimum lot size**; even on small lots you can construct an ADU in most cases. **ADUs do not count toward floor area totals.**

## How many ADUs can I build?

You may build up to **one ADU and one Jr. ADU** if you qualify. An **ADU may be attached or detached from the primary residence**. A **Jr. ADU must be attached**.

## How large can I build my ADU?

ADUs may be built **up to 1200 square feet** in some cases. Attached ADUs can never be more than **50% of the primary dwelling size except to allow for a minimum size of 800 square feet**. **ADUs may be up to 16 feet in height**, although taller structures allowed if they meet residential setback requirements. A garage or carport of up to 400 square feet and a deck or porch of up to 400 square feet may be added.

## How large can I build my Jr. ADU?

A Jr. ADU must be **500 square feet or less**.

## Can I rent my ADU?

**Yes**, you may rent your ADU, **but not for terms shorter than 30 days**.

## Must I live on the property if I have an ADU?

In most cases **owner-occupancy is required when there is a Jr. ADU**. The owner may reside in any of the dwellings. **Owner-occupancy is not required for “standard” ADUs**.

## What if my lot is deed restricted or my HOA bars ADUs?

Under California State Law, **deed restrictions and HOA rules that ban ADUs are void**. But restrictions that do not unreasonably increase the construction cost or effectively prohibit construction of an ADU or Jr. ADU are allowed.

## What is a Movable Tiny Home?

A Movable Tiny Home is a **structure on wheels** that **cannot move** under its own power and is used for dwelling purposes. It has **at least 100 square feet** of enclosed space and provides complete independent living facilities for one or more persons. It may be used as an ADU if it meets all ADU requirements and certain design standards. See Zoning Ordinance for details.

**To get started, you must apply for ministerial planning approval and building permits; planning approval will take up to 60 days from the time the application is complete. We encourage you to wait until the new Ordinance is approved to avoid confusion and unintended delays.**

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Quick Reference Sheet for ADU and Jr. ADU construction beginning January 1, 2020.		
	Accessory Dwelling Unit (ADU)	Junior Accessory Dwelling Unit attached to Primary residence (Jr. ADU)
Existing (or Concurrently Planned) Primary Residence on Lot	Yes	Yes
Building Site Approval Required	No	No
Ministerial Planning Approval & Building Permits Required	Yes	Yes
Water and Sewage Requirement	Yes	Yes
Owner Occupancy Required	No	Yes
Parking Requirement	Yes*	No
Movable Tiny Homes	Yes	No
Maximum Size	1,200 square feet; no more than 50% of the primary dwelling unit if attached	500 square feet
Maximum Height	Dependent on Zoning if complies with residential setbacks, or 16 feet otherwise	Dependent on Zoning if complies with residential setbacks, or 16 feet otherwise
Minimum Setback for New or Replacement Structures	Front setbacks determined by Zoning for residential units; 4 feet from side and rear boundaries. Setbacks may be increased for safety and environmental requirements	Front setbacks determined by Zoning for residential units; 4 feet from side and rear boundaries. Setbacks may be increased for safety and environmental requirements

\* Parking requirements are waived if lot is within 1/2 miles walking distance of public transit and certain other cases per Senate Bill 13.

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