



Accessory Dwelling Units Zoning Code Amendments

AGENDA ITEM NO. 8

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. State Law Requirements**
- 2. Staff Proposed ADU Development Standards**
- 3. Movable Tiny Homes**

State Law Requirements

1) Allow Junior ADU's (JADU)

- Maximum size of 500 sq. ft., must be attached to an SFR or ADU, allows three units per property

2) Parking Requirements

- New ADUs require 1 parking space, garage/carport conversions do not require parking replacement, JADU's do not require parking

3) Owner occupancy not required for ADUs, required for JADUs

4) ADUs and JADUs cannot be rented for less than 30-days

5) Other State Requirements

- 60-day building permit review,
- request for code enforcement delay of 5 years,
- replace legal non-conforming structures with an ADU and allow a 150 sq. ft. expansion



New ADU Development Standards

State law defines specific development standards for ADUs:

Setbacks

- Minimum ADU side and rear yard setback no less than **4** feet

Height

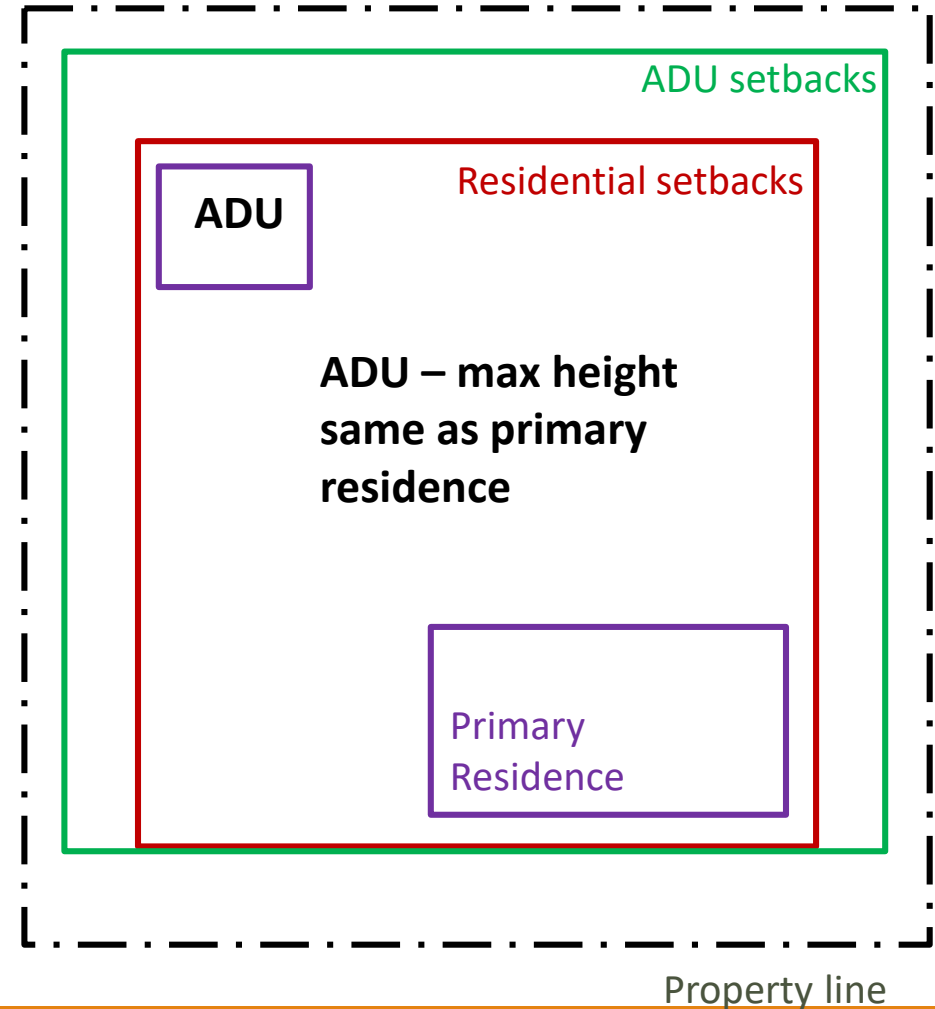
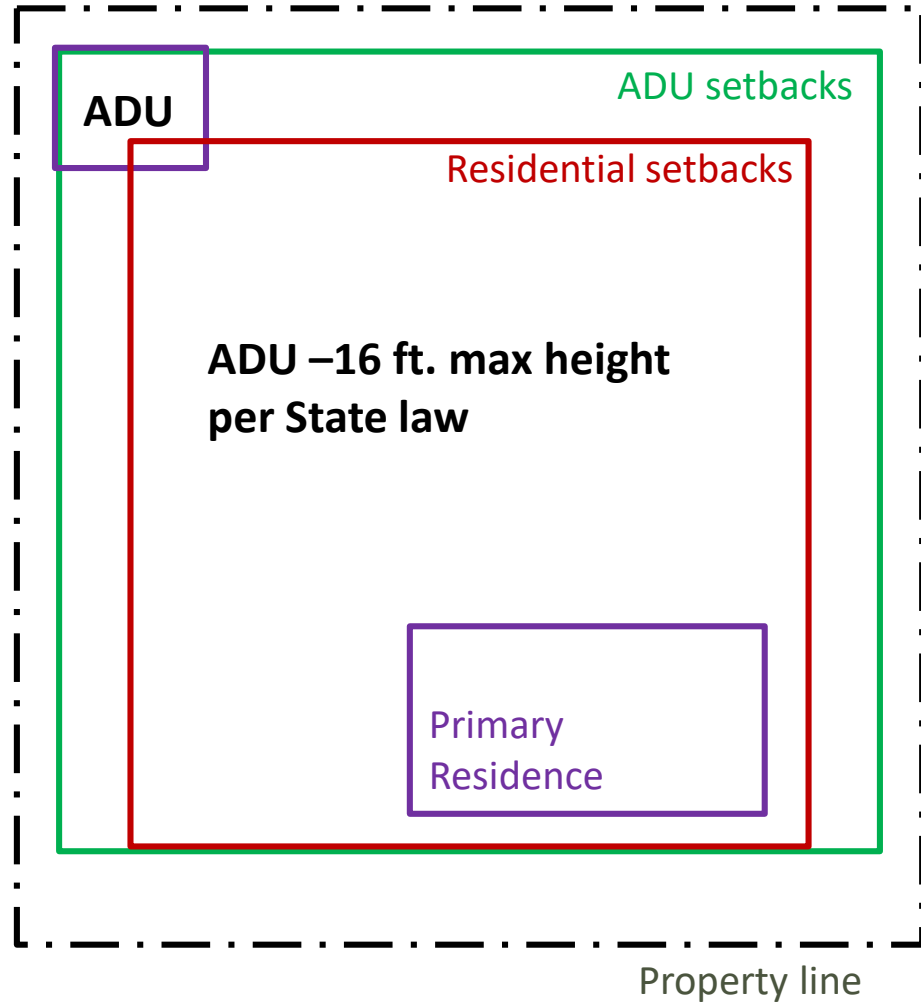
- Minimum ADU height requirement of no less than **16** feet

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

Height – Proposed by Department



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)

- Staff proposes 1,200 sq. ft. ADU and 500 sq. ft. JADUs 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
- Comply with state fire safety regulations
- Are certified by a third party
- Cannot move under their own power
- Shall resemble a cottage or bungalow
- Have at least 100 square feet of enclosed space
- Requires a permit for utility hook ups



San Martin Planning Advisory Committee (SMPAC) & Planning Commission

1) SMPAC

- Forward a favorable recommendation to amend the Zoning Ordinance for the purpose of regulating ADUs, including JADUs, **but excluding Movable Tiny Homes**
- The Committee is not rejecting the potential for Movable Tiny Homes, but is instead requesting additional research and analysis of various issues

2) Planning Commission

- Forward a favorable recommendation for **all proposed amendments** and request staff to add language that movable tiny homes are not RVs or travel trailers, and to remove the highway width requirement from the movable tiny home definition.

Recommendation

Possible actions:

- i. Adopt Ordinance amending the Zoning Code for the purpose of regulating of Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with State law and adding Movable Tiny Homes;

OR

- ii. Adopt Ordinance amending various sections of the Zoning Code for the purpose of regulating of Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with State law

Questions?

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