

ADU/Secondary Unit Information & Worksheet

This information summarizes the San José Municipal Code standards for accessory dwelling units (ADUs), also called secondary units or granny units. For more information, go to: www.sanjoseca.gov/ADUs

■ ZONING DISTRICTS THAT ALLOW ADUs

Where most single-family homes exist, one ADU may be allowed if it meets the standards outlined in the Municipal Code (summarized on this handout) and as applicable in planned development (PD) districts. Specifically, ADUs are allowed in residential R-1, R-2, and R-M zones, and in PD zones as allowed by the covenants of the PD zone.

■ MINIMUM LOT SIZE: 3,000 sf

■ MAXIMUM HEIGHT

1-story ADU: 18 ft.
2-story ADU over a detached structure: 24 ft.
2-story ADU over the main dwelling: The height limitation is that of the main dwelling.

■ MAXIMUM SIZE & NUMBER OF BEDROOMS

Lot Size (sf)	Maximum ADU Size	2 Bedrooms Allowed?
3,000 - 5,444	600 sf	No
5,445 - 9,000	700 sf	No
9,001 - 10,000	800 sf	Yes
10,001 - Up	900 sf	Yes

■ CONVERSIONS AND SETBACKS

Detached ADU - A detached garage or accessory structure may be converted to an ADU.

- A detached ADU may have zero rear and side setbacks, however, other fire regulations will apply to ensure the safety of the unit for anything less than a three foot setback.
- If the detached ADU has a second story, the second story must set back at least 5 feet from the rear and side property lines.

Conversions and parking - If a garage is converted to an ADU, the main dwelling parking spaces must be replaced; they may be uncovered and located in front or side setback areas. The homeowner may be eligible for a reduction of one space of required parking per Municipal Code Section 20.90.220.B.1.b. Onsite parking spaces may be configured per state law.

Attached ADUs - Setback rules that apply to the main dwelling unit will also apply to an attached ADU.

■ FRONT YARD ADUs

Detached ADU - Not allowed in the front yard.

Attached ADU - Allowed as long as the entrance door to the ADU does not fall on the same face as the entrance to the main dwelling.

■ MAXIMUM COVERAGE OF REAR YARD

With or without an ADU, no more than 40% coverage of the rear yard is allowed. This includes coverage by a detached garage, shed, gazebo, or any other structure.

■ ARCHITECTURAL DESIGN STANDARDS

Detached ADU - A detached ADU does not need to meet any specific architectural design standards unless the property is listed on the Historic Resources Inventory at www.sanjoseca.gov/HistoricResourcesInventory.

Attached ADU or if property is listed on Historic Resources Inventory - Attached ADUs and detached ADUs on properties listed on the Historic Resources Inventory must incorporate the architectural style of the primary dwelling.

■ PARKING REQUIREMENTS

In alignment with State laws, an ADU requires one parking space unless the property qualifies for an exemption:

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.

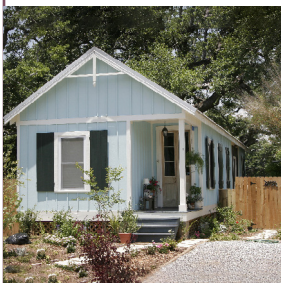
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Building an ADU requires plan review and a building permit. We're here to help you with the steps. Plan review will be conducted prior to permit issuance through our Residential Plan Review service. Come to the Permit Center with:

- A completed Building Permit Application, found at www.sanjoseca.gov/building.
- A signed **Secondary Unit Worksheet**, attached.
- **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 Development Services Permit Center where staff will provide guidance, at no charge, on what your plans should include.

The image shows a 'Building Permit Application' form from San Jose. It includes sections for 'PROJECT IDENTIFICATION', 'APPLICANT INFORMATION', 'DESIGN PROFESSIONAL IN CHARGE', and 'PERMIT TYPE'. There are checkboxes for 'NEW CONSTRUCTION' and 'REPAIR/ALTERATION'. The form also contains a 'DECLARATIONS' section with several numbered items regarding contractor licensing and insurance.

COMMON QUESTIONS ABOUT ADUs



detached single story ADU



attached ADU



detached 2nd-story ADU

- 1. How much is the building permit?** The building permit fee depends on the ADU square footage. In addition to the permit fee, school fees (<http://www.sanjoseca.gov/index.aspx?nid=58200>) and Park Impact fees (<http://www.sanjoseca.gov/DocumentCenter/View/78236>) may also apply. Use our [Permit Cost Estimate Worksheet](#) to obtain a free estimate.
- 2. 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: www.sccassessor.org
- 3. How long does it take to get my plans approved?** Typically 20 business days unless your plan requires more than a first review.
- 4. Can I build a new house and ADU at the same time?** Yes.
- 5. Can I build an ADU on a property where the single-family house is a rental property?** Yes.
- 6. May I rent the house and ADU to different parties?** Yes.
- 7. Can I build an ADU on a property with a duplex or apartment building?** No.
- 8. 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.
- 9. 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.
- 10. Is an ADU required to have its own address?** Yes. An address will be assigned as part of the permit approval.
- 11. Is an ADU required to have separate utilities?** Utilities can be combined with the main residence or can be separate. A key issue for an ADU is ensuring your electric panel can support the electrical needs of the ADU.
- 12. Is an ADU required to have fire sprinklers?**
 - If the main house has fire sprinklers, the ADU must also have fire sprinklers.
 - If the main house isn't sprinklered, other fire protection requirements may apply. For example, sprinklers may still be required for a detached ADU that is built with less than a three foot setback.
 - Read the San José Fire Department ADU Requirements bulletin at www.sanjoseca.gov/DocumentCenter/View/73358.
 - For questions, call 408-535-7750 and ask to speak with a fire permit specialist.

ADU/Secondary Unit Review Worksheet

INSTRUCTIONS:

Required. When submitting a building permit application for a secondary unit, the property owner must provide the signed declaration in Section 3 below.

Not required but advised. Additionally, this form enables a free consultation with a City planner who will evaluate whether your project proposal complies with the Municipal Code standards for secondary units, which is an important step before you invest in plans or a building permit application. Development standards are expressed in Municipal Code [Section 20.30.150](#) and [Section 20.30.200](#) (www.sanjoseca.gov/municipalcode) and summarized at www.sanjoseca.gov/ADUs. Only projects that comply with all such requirements may obtain a building permit. Submit the completed worksheet to staff at the Planning Counter at the Development Services Permit Center, 1st floor, City Hall. We recommend that you bring a rough sketch of your parcel showing the location of the primary dwelling and proposed secondary unit on the parcel. For projects that meet the zoning requirements, the planner will initial the worksheet and return it to you.

USE THE COMPUTER-FILLABLE FORM AT WWW.SANJOSECA.GOV/PLANNING OR PLEASE USE INK AND PRINT CLEARLY.

1. PROPERTY INFORMATION

PROJECT ADDRESS:

ASSESSOR'S PARCEL NUMBER (APN) FIND APN AT WWW.SCCASSESSOR.ORG:

ZONING DISTRICT FIND ZONING DISTRICT AT WWW.SJPERMITS.ORG:

PD ZONES: Is the property located within a PD-Planned Development Zone? Yes No

If yes, the project may require a planning permit prior to issuance of a building permit; please speak with a planner on how to proceed.

EASEMENTS: Does the property have any dedicated easements? Yes No

To determine easements, view your Parcel Map at <http://www.sanjoseca.gov/index.aspx?NID=5207>.

HISTORIC: Is the property located within a Historic District identified in the [California Register of Historic Resources](#)? Yes No

Find the California Register at: <http://www.ohp.parks.ca.gov/ListedResources/>

If yes, the project may require a planning permit prior to issuance of a building permit; please speak with a planner on how to proceed.

TYPE OF UNIT PROPOSED CHECK ONE:

- ADU Attached to Primary Dwelling Attached Garage Converted to ADU Detached Garage or Accessory Building Converted to ADU
 ADU Adjoins Detached Garage or Accessory Building

2. CONTACT INFORMATION

PROPERTY OWNER NAME:

MAILING ADDRESS:

PHONE:

EMAIL:

3. OWNER'S DECLARATION

SIGN THIS DECLARATION AT THE TIME OF SUBMITTING THE BUILDING PERMIT APPLICATION.

I hereby affirm, under penalty of perjury, that I am the owner of the property identified in this application, and that I do not intend the secondary dwelling for sale, separate from the primary residence.

• SIGNATURE of Property Owner

PRINT Name

DATE [MM/DD/YYYY]

DEVELOPMENT STANDARDS			STAFF	
Zoning	ADUs are allowed in R-1, R-2, and R-M districts where there is one single-family dwelling on the lot. ADUs are also allowed in Planned Development (PD) districts that are a) subject to the standards and allowed uses of an R-1 Zoning District, or b) ADUs are not expressly prohibited and they conform to the development and use standards of the PD district.			
Lot Size	Minimum 3,000 sq. ft.			
Maximum Floor Area Allowed	<i>Lot Size</i>			
	<i>Maximum Floor Area</i>			
	<i># Bedrooms Allowed</i>			
	3000 sq. ft. - 5,444 sq. ft.	600 sq. ft.		Studio or 1 bedroom; bedroom maximum size is 400 sq. ft.
	5,445 sq. ft. - 9,000 sq. ft.	700 sq. ft.		
9,001 sq. ft. - 10,000 sq. ft.	800 sq. ft.	2 bedrooms		
Greater than 10,000 sq. ft.	900 sq. ft.			
The area of attached units may not exceed 50% of the primary dwelling unit area. The square footage of all areas connected by a door or other opening must be counted toward the allowable square footage of the unit.				
Storage	60 sq. ft. maximum for the entire unit.			
Kitchen	One kitchen is required with sink, food preparation counter, storage, cabinets, and permanent cooking facilities such as oven and range or cooktop.			
Bathroom	Only one bathroom is allowed. Must include sink, toilet, and shower and/or bath facilities.			
Setbacks	New attached units: Same requirements as the zoning district.			
	New detached units and conversions – May have zero rear and side setbacks, however, other fire regulations will apply to ensure the safety of the unit for anything less than a three foot setback. If the detached ADU has a second story, the second story must be set back 5 feet from both rear and side property lines (20.30.150.K.1.c). A 60-foot minimum setback from front property line is required. For corner sites, a 10-foot setback is required on the street side.			
	Riparian setback of minimum 100 feet is required for lots that are ½ acre or greater (20.30.150.J.8.).			
Height	Attached units: Same height requirements and limitations as the main dwelling unit.			
	Detached units: One-story - 18 feet max., 14 feet avg.; Two-story - 24 feet max., 18 feet avg.			
Location	Attached units: Must share a wall or have an integral roof structure with primary residence and be separated by no more than 10 feet (20.30.150.K.2).			
	Detached units: Must be located in the rear yard, with a minimum 6-foot separation from the main dwelling unit (20.30.150.K.3 & 4). Or may be attached to an existing or proposed accessory building, if it meets Building and Fire Code (20.30.150.K.6).			
Parking	One space in addition to the required parking spaces for the primary dwelling, unless the unit qualifies for parking exemptions; visit www.sanjoseca.gov/ADUs for a description of exemptions.			
	All parking spaces must be located on a mud-free, dust free surface, and may be located within the front and side setbacks of the property, with a minimum driveway length of 18 feet.			
Rear Yard Coverage	Cumulative total of the rear yard covered by the secondary unit, accessory buildings, and accessory structures cannot exceed 40% (20.30.150.K.7).			
Design Standards	If located on a site that is listed on the California Register of Historic Resources, all new attached units and new detached units must incorporate architectural style, and similar materials and colors, including but not limited to roofing, sidings and windows and doors (20.30.150.L.1 & 2).			
	Front door cannot be on same street-facing façade as that of primary residence with exceptions (20.30.150.L.3).			
	Sill height for openings for second story units must be a minimum 5 feet at building walls nearest to rear and side property lines (20.30.150.L.4).			
REVIEWED BY:			DATE:	