

ACCESSORY DWELLING UNIT (ADU) SUMMARY

An ADU is a detached or attached residential dwelling unit that is located on the same parcel as a proposed or existing primary dwelling. ADUs must include living and sleeping areas, a kitchen, and a full bathroom. ADUs also include efficiency units and manufactured homes.

- ◆ **Types of ADUs.** There are two types of ADUs:
 - Detached – Physically separate from a primary dwelling.
 - Attached – Contained within the space of and/or physically attached to a primary dwelling.
- ◆ **Parcel Requirements.**
 - Permitted Zones – An ADU is allowed on a parcel zoned for single-family or multi-family residential use: R-1, R-D, R-M, R-1D, RMH, HR, and RC zones.
 - Dwelling unit – An ADU is allowed on a parcel that includes a proposed or existing primary dwelling.
- ◆ **Number.**
 - Single-family development – Not more than one ADU may be permitted on a lot with a proposed or existing primary dwelling.
 - Multi-family development – Not more than a number equal to 25 percent of the existing multi-family dwelling units rounded-up to the next whole number, within the portions of an existing multi-family dwelling not used as livable space (such as storage rooms, boiler rooms, passageways, attics, basements, or garages), and two detached accessory dwelling units, may be permitted on a lot with a proposed or existing multi-family dwelling
- ◆ **FAR Standards.** To encourage development of ADUs, the Town provides a 10 percent increase in the floor area ratio allowed for a property. This additional floor area can only be used toward construction of an ADU. *Exception:* Up to 800 square feet of gross floor area of an ADU shall be exempt from the applicable FAR standards. This does not apply to junior accessory dwelling units (JADUs).

- ◆ **Maximum Size.** The maximum size of an ADU is 1,200 square feet.
- ◆ **Location.**
 - A detached ADU may be not constructed in front of the primary dwelling except in the HR and RC zones.
 - An ADU may not be constructed in front of or added to an existing second story of a primary dwelling that is historic.
- ◆ **Lot Coverage.** ADUs are exempt from lot coverage standards.
- ◆ **Setbacks.** The following setback and building separation requirements apply to new construction detached and attached ADUs. ADUs created through conversion of existing space within the primary dwelling shall meet setbacks sufficient for fire safety.

Required ADU Setbacks	
Front	Per applicable zoning district
Rear	4 feet
Side	4 feet
Separation from any other structure	5 feet

- ◆ **Maximum Height.** Most ground-floor ADUs are limited to a maximum height of 16 feet. ADUs added to the second story of an existing two-story residence are limited to a maximum height of 25 feet.
- ◆ **Stories.** ADUs shall be contained within one story. ADUs may be added directly above an existing one-story accessory structure on a property with a proposed or existing two-story primary dwelling in the R-1, R-D, R-M, RMH, and R-1D zones. These second-story ADUs may not be internally connected to the accessory structure below by an interior staircase

- ◆ **Parking.** One parking space per ADU shall be provided in addition to the required minimum number of parking spaces for the primary dwelling. Any required ADU parking may be provided in a front or side setback abutting a street on a driveway or through tandem parking. For exceptions to ADU parking requirements, See Section 29.10.320 (f)(1) of the Town Code.

- ◆ **Entrance.** Attached ADUs must have a separate entrance from the main entrance to the primary dwelling.
- ◆ **Interior connection.** An interior connection between an ADU and the primary dwelling is allowed.

JUNIOR ADUs (JADU)

A JADU is a dwelling unit that does not exceed 500 square feet and is entirely contained within the space of a proposed or existing single-family residence, including attached garages.

- ◆ **Number.** Not more than one JADU is allowed per residential parcel. A JADU is allowed in addition to an allowed ADU.
- ◆ **FAR Standards.** A JADU is subject to the floor area ratio standards provided for the property.
- ◆ **Maximum size.** A JADU is limited to no more than 500 square feet.
- ◆ **Location.** A JADU must be constructed entirely within the walls of the proposed or existing single-family residence, including attached garages.
- ◆ **Lot Coverage.** A JADU is exempt from lot coverage standards.
- ◆ **Setbacks.** A JADU is subject to the setback requirements of the applicable zoning district for a single-family residence, or the setbacks established by the existing single-family residence within which the JADU is located, whichever is less and sufficient for fire safety.
- ◆ **Kitchen.** A JADU must include a kitchen or an efficiency kitchen.
- ◆ **Entrance.** A JADU must include a separate entrance from the main entrance to the single-family residence. A JADU contained on a second story shall be served by a separate, dedicated, interior or exterior stairway.
- ◆ **Bathrooms.** The bathroom may be shared with the single-family residence, or the JADU may have its own independent bathroom. If shared, an interior entry into the main living area of the primary dwelling shall be provided in addition to the separate entrance from the main entrance to the single-family residence.
- ◆ **Parking.** No additional parking is required for a JADU.
- ◆ **Owner-occupancy.** The property owner shall reside in either the remaining portion of the single-family residence or the newly created JADU.
- ◆ **Deed Restriction.** A Deed Restriction shall be recorded that will run with the land and provide the following:
 - A prohibition on the sale of the JADU separate from the single-family residence.
 - A restriction on the size and attributes of the JADU.
 - Owner-occupancy requirement.

ANSWERS TO COMMON ADU QUESTIONS

- 1. Do I have to live on the property?**
There is no owner-occupancy requirement for an ADU. If the property has a JADU the property owner shall reside in either the remaining portion of the single-family residence or the newly created JADU.
- 2. What is the maximum number of bedrooms allowed in an ADU?**
There is no limit on the number of bedrooms allowed in an ADU.
- 3. Can existing square footage be converted to an ADU?**
Yes. In cases where existing buildings do not meet minimum required setbacks for new construction, the new ADU is only required to meet building regulations for fire safety.
- 4. Is there a minimum size ADU that is allowed to be constructed, regardless of FAR or coverage standards?**
Yes. An ADU can be as small as 150 square feet when created as an efficiency unit. An ADU not exceeding 800 square feet is allowed to be constructed in compliance with other development standards.
- 5. Can I rent the ADU/JADU separately from the main home?**
Yes.
- 6. Can the ADU have separate utility meters?**
Yes.
- 7. Do I have to pay impact fees?**
An ADU less than 750 square feet or a JADU is exempt from impact fees imposed by the Town, special district, or water corporation. ADUs 750 square feet or greater are subject to the Traffic Impact Fee requirements. Any applicable impact fee for an ADU shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- 8. Can I sell the ADU separately from my home?**
No.
- 9. Can I Airbnb my ADU?**
Short-term rentals such as Airbnb and VRBO are prohibited in ADUs approved after February 6, 2018.
- 10. Can I construct a new house and an ADU at the same time?**
Yes; however, a detached ADU requires a separate building permit. Additionally, a Certificate of Occupancy will not be granted for the ADU until the new house is completed.
- 11. What are the requirements for replacement parking when a garage is converted to an ADU?**
When a garage is converted to an ADU, any lost off-street parking spaces required for the primary dwelling do not need to be replaced.
- 12. Do I have to install fire sprinklers?**
ADUs are not required to provide fire sprinklers if they are not required for the primary residence. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- 13. Will my property taxes increase if I build an ADU?**
Yes. Under Proposition 13, the County Assessor will appraise the new construction at fair market value. Learn more at sccassessor.org.
- 14. How do I apply to build an ADU?**
Through the Town's Streamlined ADU Permitting Process. Residents who wish to build a new ADU or JADU can now submit a single application form and proceed through a single plan review process in order to obtain their Building Permit. Guidelines and application forms are available in the [ADU and JADU Application Packet](#).
- 15. Can I legalize an unpermitted ADU?**
Yes, if it can be made to satisfy all current requirements.

ADDITIONAL INFORMATION

More information and resources are available on the Town's ADU website at: www.losgatosca.gov/2481/Accessory-Dwelling-Unit-Information



Questions?

If you have questions about ADUs and JADUs, please contact the Planning Division at (408) 354-6874 or Planning@LosGatosCA.gov.

For questions regarding Building Code requirements or the Building Permit process, please contact the Building Division at (408) 354-6876 or Building@LosGatosCA.gov.

Zoning Ordinance

The complete ADU Zoning Ordinance is available online at the following link. See Division 7 of Chapter 29 for ADU regulations: www.losgatosca.gov/ADUregulations.

Santa Clara County Planning Collaborative

A suite of resources to help homeowners navigate the process of developing an ADU on their property is now available on a new website, www.aduscc.org, developed by the Santa Clara County Planning Collaborative, a joint initiative of all 16 jurisdictions in the County.

Town of Los Gatos

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Town of Los Gatos Community Development Department



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Summary Handout