



**Best Practices for Accessory Dwelling Units in Santa Clara County:
Creating housing opportunities for the missing middle (July 2019)**

SV@Home’s Recommendations For Local Reforms

The ultimate goal of an ADU ordinance update should be to simplify the process. The table below highlights key reforms aimed at simplifying zoning and application requirements. It is important to keep in mind however that successful ADU programs include education, and outreach that connect interested homeowners to resources and assistance that increase the chances of production. Proactive programming continues to be a major contributor to heightened construction year over year in many jurisdictions.

Criterion	Recommendation	Rationale
Lot/Rear Yard Coverage	Allow for 50-60% rear yard coverage.	A lot coverage requirement, when paired with setback requirements, determines whether a lot’s size is suitable for an ADU, while being easier to calculate than FAR.
Minimum Lot Size	Eliminate minimum lot size requirements.	Minimum Lot Size requirements exclude parcels where it would be feasible to build within or above existing structures. In addition, a minimum lot size requirement is not necessary, as setback and lot coverage requirements dictate the minimum lot size needed for eligibility.
Floor Area Ratio	Exclude ADU square footage from FAR standards of the underlying zoning district.	Lot coverage along with setbacks meet the same goals as the FAR limits, while being easier to calculate and understand for a homeowner inexperienced with the development process.
Fees	Eliminate fees, or ensure they are proportional to impact.	Impact fees remain one of the major barriers to ADU development. Currently, most fees are levied based on the same assumptions used for larger scale developments, however the impact of ADUs on services, including schools, affordable housing,

		and infrastructure are not the same as for large single family homes. Lowering or eliminating fees serves a larger public interest in promoting housing opportunities.
Minimum Setbacks	Allow zero setbacks for all ADUs.	Eliminating setback requirement will allow more homeowners to locate an ADU on their property. For visibility reasons, some restrictions on window heights may be necessary for second story units. This would also increase opportunities to convert existing accessory structures on the property that may not conform to existing setback requirements.
Maximum Unit Size	Rather than a tiered maximum unit size based on lot size, establish one overall maximum size, e.g 1200 square feet.	In most cases, the rear yard coverage requirement effectively limits the maximum unit size, thus accomplishing the same goal as a tiered maximum size requirement. This standard thus serves as an overall cap particularly for large lots where other requirements do not otherwise constrain the maximum ADU size.
Parking Requirements	Consider eliminating parking requirements for ADUs. Or as a secondary alternative, expand areas exempted from ADU parking requirements – for example, exempt lots within 1 mile of public transit. Allow for flexibility regarding replacement parking (e.g. do not require widths or setbacks for driveways created to replace parking that was lost due to a construction of an ADU).	Research shows that ADU residents have low rates of car ownership and high rates of transit use. Additionally, many single-family homes are underutilized and consequently, over-parked. In addition, state legislation has waived parking requirements near transit.
Design Standards	Allow for a design that is complementary, but not necessarily identical to the primary dwelling.	Flexible design standards can allow homeowners to consider the use of modular/prefab units that can reduce costs and time required for construction.
Existing Unpermitted	Create opportunities to bring	While the units themselves may not

ADUs	non-conforming units to current standards.	be legal, they are often rented below market rents. Allowing homeowners with unpermitted units to bring non-conforming ADUs, including garage conversions, to existing building code creates a safer living environment for tenants and retains much needed naturally affordable housing.
Short Term Rentals	Restrict ADUs from being used for short term rentals.	Mechanisms to create more ADU standards are intended to increase housing stock within a city. Due to the significant housing shortage experienced throughout the region, holding units off the market for tourists decreases overall housing capacity and puts increased pressure on an already limited housing stock.
Junior ADUs	Develop policies to facilitate this type of development.	Junior ADUs are similar to traditional ADUs, but are located within the primary dwelling, tend to be smaller (less than 500 square feet) and are more affordable to build. Junior ADUs do not always have a private bathroom, and have their own small kitchen. Junior ADUs are an option in those cases where where a site would otherwise not be eligible for ADU production.
Second Story	Allow Second Story ADUs on top of existing garages, accessory structures, and primary dwellings. Also allow new construction ADUs that are two stories.	Maximizes space and maintains rear yard. Can be built above existing garages, or built as standalone two stories to maximize square footage. Design can maximize privacy for both tenant and neighbors.
Bedroom Limit	Rather than a bedroom maximum, rely on a unit size maximum requirement.	Setbacks and lot coverage requirements will indicate what size unit is possible. Unit size often informs how many bedrooms are feasible.
Conversion of Existing Structures	Allow for zero setbacks for conversion of existing structures. Define conversions clearly. If a structure must be demolished or is unfit for	Conversions of existing accessory structures to include independent facilities, that maintain the same building footprint of the existing structure should be allowed reduced setback requirements. Examples

	renovations, then the ADU should be allowed to take advantage of exceptions if rebuilt on the original footprint.	include detached garages, detached offices or storage buildings. This decreases costs for property owners and maintains existing open space.
Permitting Process	ADU permits should be ministerial, and should be completed within 60 days.	Complex and uncoordinated planning and permitting processes cost time and raise costs, increasing the likelihood that homeowners are deterred from building. Efforts should be made to continue to simplify the experience for the owner, including but not limited to: designating a single point of contact within the city, coordinating review process and guidelines between city departments, and creating pre-approved base plans.