

**FREQUENTLY ASKED QUESTIONS (FAQ)**  
**Revised Zoning Regulations for Accessory Dwelling Units**  
**(Updated November 2023)**

**TOWN OF LOS GATOS**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

CIVIC CENTER  
110 E. MAIN STREET  
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**What is an Accessory Dwelling Unit (ADU)?**

An ADU is an additional dwelling unit located on the same parcel as a primary dwelling unit (single-family or multi-family). An ADU may be detached or attached to the primary dwelling. An ADU has permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU includes a kitchen with a permanently installed cooking appliance, sink, refrigerator, food preparation counter, and storage cabinets.

**What is a Junior Accessory Dwelling Unit (JADU)?**

A JADU is a dwelling unit that does not exceed a floor area of five hundred (500) square feet and is entirely contained within the enclosed space of a proposed or existing single-family residence, including an attached garage. A JADU may not be attached or contained within the space of a detached ADU. The size of a JADU counts against what is allowed for the residence. At a minimum, a JADU must include provisions for living, sleeping, and an efficiency kitchen (see definition below). A JADU may include separate sanitation facilities (bathroom), or it may share sanitation facilities with the primary dwelling.

*Efficiency kitchen* means a limited kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. Examples of cooking appliances that may be used are: microwave ovens, hot plates, and similar appliances intended for use on top of a countertop. Refrigerator size is not limited.

**What is the intent of the ADU Ordinance?**

The intent of the zoning regulations is to align with new State law allowing ministerial approvals (no public hearing or notice required), and to set standards to increase the supply of affordable housing that is compatible with existing neighborhoods.

**Where are ADU/JADUs allowed?**

An ADU or JADU is allowed on lots zoned to allow single-family or multi-family residential use (R-1, R-D, R-M, R-1D, HR, and RC zones).

**What is the maximum number of bedrooms allowed in an ADU?**

There is no limit on the number of bedrooms allowed in an ADU.

**What is the maximum allowable size of an ADU or JADU?**

The maximum allowable size for an ADU is up to 1,200 square feet. The maximum allowable size for a JADU is 500 square feet. See Exhibit A attached.

**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.

**Is additional square footage provided for the creation of an ADU?**

An additional 10 percent in the FAR standards for all structures, excluding garages, is allowed for an ADU (minimum 800 square feet and maximum 1,200 square feet). This additional 10 percent can be used only for an ADU. The area of any ADU that is larger than this additional 10 percent would count against the FAR standards for all residential structures, excluding garages. See Exhibit A attached. For example:

- *Lots less than 5,000 square feet in R-1, R-D, R-M, and R-1D zones.* An additional 800 square feet is provided for an ADU.
- *Lots between 5,000 and 30,000 square feet in R-1, R-D, R-M, and R-1D zones.* An additional 800 to 1,200 square feet is provided for an ADU. Planning staff should be consulted to calculate the allowable floor area for an ADU based on lot size.
- *Lots in HR and RC zones.* Where the net lot area adjusted for slope is 12,000 square feet or larger (Hillside Development Standards and Guidelines (HDS&G)), the additional floor area for an ADU is 1,200 square feet. Where the net lot area is less than 12,000 square feet, Planning staff should be consulted to calculate the allowable floor area for an ADU per the HSD&G.

**What are the minimum setback requirements for an ADU?**

- *R-1, R-D, R-M, R-1D, HR, and RC zones.* The minimum front setback is the same as required by the zone for the primary dwelling unit; however, front setback requirements cannot prohibit the construction of an ADU, where there is no other alternative to allow for construction of an 800 square foot ADU that meets height limitations and complies with side and rear setbacks. Side and rear setbacks for an ADU are four feet. A detached ADU is not allowed in front of the primary dwelling unit. A separation of five feet is required from any other structure located on the same lot.
- No ADU may be constructed in front of a primary dwelling unit that is a historic resource.

**How much of my lot can I cover?**

An ADU and/or JADU are exempt from the lot coverage limitations of the zone and the accessory structure lot coverage limitations included in Section 29.40.015 (A)(5) of the Town Code.

**Is there a minimum size ADU that is allowed to be constructed, regardless of FAR or coverage standards?**

Yes. An ADU not exceeding 800 square feet is allowed to be constructed in compliance with other development standards.

**What are the maximum allowable height requirements for an ADU?**

The height requirements for an ADU in the *R-1, R-D, R-M, R-1D, HR, and RC zones* are as follows:

- 16 feet for a detached ADU on a lot with an existing or proposed single-family unit;
- 18 feet for a detached ADU on a lot within one-half mile walking distance of a *major transit stop* or *high-quality transit corridor*, with an allowance of an additional two feet to accommodate a roof pitch aligned with the primary dwelling unit. As defined by California Government Code, *major transit stop* means the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods.

*High-quality transit corridor* means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;

- 18 feet for a detached ADU on a lot with an existing or proposed multi-family, multi-story dwelling; and
- 25 feet or the height limit allowed by the zone, for an ADU attached to a primary dwelling.

A detached ADU in the *R-1, R-D, R-M, and R1-D zones* is allowed within existing space, or above an existing one-story accessory building, where a two-story primary dwelling unit exists on the lot.

### **What are the parking requirements for an ADU and/or JADU?**

Parking may be provided in a front setback on a driveway or through tandem parking. One parking space is required per ADU or per bedroom, whichever is less, with the following exceptions (where no parking is required):

- No additional parking shall be required for a junior accessory dwelling unit.
- When the ADU is within one-half mile walking distance of a public transit stop;
- When the ADU is within an historic district;
- When existing square footage is converted to an ADU;
- When on-street parking permits are required, but not offered to the ADU occupant;
- When a car share vehicle is located within one block of the ADU;
- When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the same lot;
- When a garage is demolished in conjunction with the construction of an ADU, the lost parking shall not be required to be replaced; or
- When the Director finds that the lot does not have adequate area to provide parking.

### **What are the requirements for replacement parking when a garage is converted to an ADU or JADU?**

When a garage is converted to an ADU or JADU, any lost off-street parking spaces required for the primary dwelling do not need to be replaced.

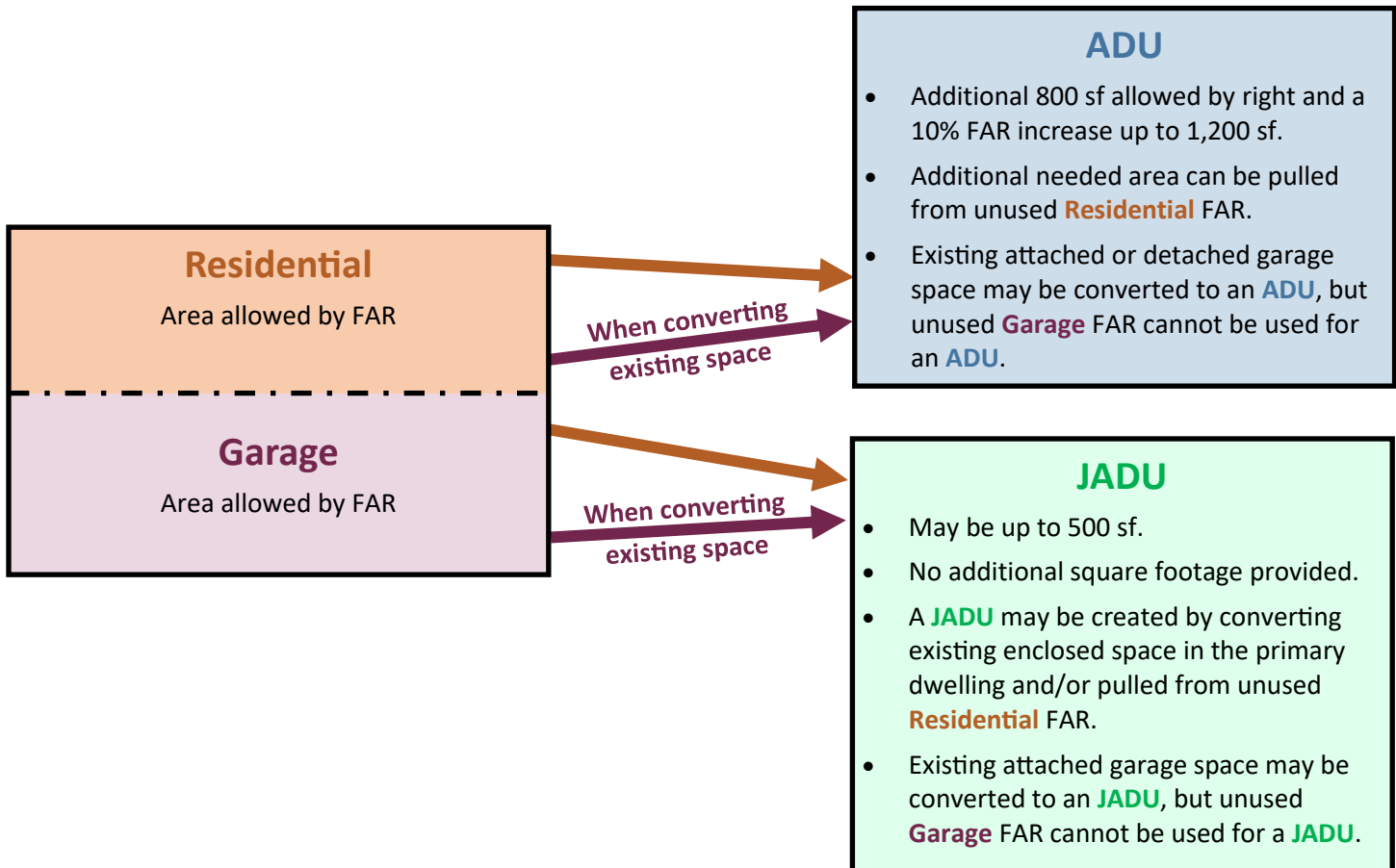
### **What will the fire sprinkler system requirements be for Building permits for an ADU?**

In cases where a fire sprinkler system is required for the primary dwelling unit, a fire sprinkler system will be required for an ADU. Depending on site access and water availability, a fire sprinkler system may be required for any new construction. The construction of an ADU will not trigger requirements to add fire sprinklers in any existing primary dwelling. Please contact the Santa Clara County Fire Department at (408) 378-4010 for information about requirements.

The complete Zoning Ordinance, including the amended regulations, is available online at the following link. See Sections 29.10.305 through 29.10.365 for ADU regulations. Any discrepancy between State law and the Town Code would default to State law.

<https://www.losgatosca.gov/DocumentCenter/View/37021/Adopted-Draft-ADU-Ordinance>

## Exhibit A: Allowable Floor Area Summary



### Town Code References for ADU/JADU FAR

**29.10.310:** *Accessory dwelling unit* means a detached or attached residential dwelling unit that is located on the same parcel as a proposed or existing primary dwelling. It shall provide complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes efficiency units and manufactured homes.

(1) A detached accessory dwelling unit is physically separate from a primary dwelling.

(2) An attached accessory dwelling unit is contained within the space of and/or physically attached to a proposed or existing primary dwelling.

**29.10.310:** *Junior accessory dwelling unit* means a dwelling unit that does not exceed a floor area of five hundred (500) square feet and is entirely contained within the space of a proposed or existing single-family residence. For the purposes of this definition, enclosed spaces within the single-family residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

**29.10.320 (d):** *Floor area ratio (FAR) standards.*

(1) *Accessory dwelling units.* Accessory dwelling units (attached or detached) are allowed a ten (10) percent increase in the floor area ratio standards for all structures, excluding garages. Exception: Up to eight hundred (800) square feet of gross floor area of an accessory dwelling unit shall be exempt from the applicable FAR standards. This subsection does not apply to junior accessory dwelling units.

(2) *Junior accessory dwelling units.* Junior accessory dwelling units are subject to the floor area ratio standards for all structures, excluding garages.