



CUPERTINO

# ACCESSORY DWELLING UNIT

## INFORMATION SHEET

www.cupertino.org/adu

### TYPES OF ADUs



Internal Conversion



Detached



Attached

### DEVELOPMENT STANDARDS

|                              | Single Family   |  |  | Multi Family   |   |  |
|------------------------------|---|--|--|--|---|--|
|                              | Internal Conversion   | Detached (≤ 800 s.f.)                            | Detached (> 800 s.f.)  | Attached   | Internal Conversion                                       | Detached   |
| <b>Max. Size</b>             | No size limitation <sup>1</sup>   | 800 s.f.   | 1 bd: 850 s.f.<br>2+ bd: 1,000 s.f.<br>Must meet Floor Area Ratio and Lot Coverage | 1 bd: 850 s.f.<br>2+ bd: 1,000 s.f.<br>Must meet Floor Area Ratio and Lot Coverage | No size limitation <sup>1</sup>                           | 1,200 s.f.                                       |
| <b>Setbacks</b>              | Per underlying zoning <sup>2</sup>  | Front per underlying zoning; Rear and sides 4 ft | Must comply with Accessory Structure Ordinance <sup>3</sup>                        | Front per underlying zoning; Rear and sides 4 ft                                   | No increase in size of existing structure                 | Front per underlying zoning; Rear and sides 4 ft |
| <b>Height</b>                | No increase in height of existing structure   | 16 ft  | Must comply with Accessory Structure Ordinance <sup>4</sup>                        | Per underlying zoning <sup>2</sup>   | No increase in height of existing structure               | 16 ft  |
| <b>Number of Units</b>       | Two units are allowed if one is a JADU and one is a detached ≤ 800 s.f. ADU   |  | Only one ADU of this kind is allowed. A JADU is not allowed in addition to these   |  | The greater of: 25% of existing dwelling units or one ADU | No more than 2 ADUs                              |
| <b>Direct Outside Access</b> | <ul style="list-style-type: none"> <li>Independent outside access must be provided without going through the principal unit and must be on a different elevation than the entrance to the principal unit</li> <li>There can be no connection with the principal unit, except for a JADU that shares a bathroom with the principal unit</li> </ul> |  |  |  |   |  |

1. Please see the "Floor Area Ratio (FAR)" info box on the next page for more information.

2. If the structure is non-conforming, the rear and side setbacks must meet fire and life safety requirements.

3. On corner lots, streetside setbacks modified to 4 feet, but ADU may not encroach into required corner triangle.

4. Except that max. height of 16 feet is allowed at farthest point from the rear and side property lines.

\*For detached ADUs, walls less than 5 feet from the property line may have windows if they have obscured glass or have a sill height above 5 feet from the floor (CMC 19.100.030 (2)(i)).

\*Detached ADUs must be set back from the principal unit at least 5 ft from eave to eave (CMC 19.100.030(2)(c)).

## FLOOR AREA RATIO (FAR)

- ADUs will count towards the FAR although all single family homes are permitted to construct an ADU  $\leq 800$  s.f. (living area, exclusive of decks, etc.) as follows:
  - Properties at maximum FAR - ADU s.f. is not limited by lot coverage, FAR, and open space requirements
  - Properties at less than maximum FAR - ADU s.f. applies to FAR till FAR limit; ADU balance up to 800 s.f. is not limited by lot coverage, FAR, and open space requirements
- ADUs  $> 800$  s.f. are limited by lot coverage, FAR, and open space requirements
- ADUs in multi-family developments are not limited by lot coverage, FAR, or open space requirements
- Internal Conversions in multi-family dwellings must be created out of space that is not used as livable space (i.e. attic, basement, storage room)

## WHAT IS A JADU?

- An ADU  $\leq 500$  s.f.
- Contained entirely within an existing or proposed home (not a garage)
- Must fit within the allowed 45% FAR
- Must have an efficiency kitchen at a minimum
- Bathroom may be shared or independent from principal unit
- Converted out of habitable living space

## FREQUENTLY ASKED QUESTIONS

### 1. How many ADUs can I build, at most, on my property?

Pursuant to AB 3182, adopted in 2020, single family properties can construct a JADU and a streamlined detached ADU ( $\leq 800$  sq. ft.) or an ADU that is a conversion of existing space built in accordance to the City of Cupertino's Municipal Code, for a total of two ADUs. Note that a JADU cannot be combined with either an attached ADU, or a detached ADU that is greater than 800 sq. ft.

For multi-family property, you can construct up to two detached ADUs and convert non-habitable spaces to construct up to 25% of the number of existing units (minimum one unit) as ADUs.

### 2. May I sell or rent my ADU?

An ADU may be rented, but not sold, separately from the principal dwelling unit. However, ADUs, including JADUs, may not be used for short-term rental activity. For JADUs, the owner must occupy either the principal dwelling unit or the JADU.

### 3. Can I have a door or any connection between my attached ADU and my primary dwelling unit?

No internal access is allowed except for a JADU that has a shared bathroom with the principal dwelling unit on property with single family uses. All other ADU's must be completely separated from the principal dwelling unit.

### 4. Can I have a two-story ADU?

A two-story ADU is only allowed if you are converting a portion of existing second story space into an ADU.

### 5. Is an ADU required to have its own address?

A detached ADU is required to have its own address. All other types of ADUs may have their own address but are not required to.

### 6. Can I propose a JADU and an attached ADU with my brand new single family home?

No. A JADU cannot be combined with an attached ADU.

### 7. Is there a replacement parking requirement for converting a garage into an ADU?

You do not need to provide replacement parking when converting a garage into an ADU.

### 8. Can an ADU have its own garage and/or covered patio?

Yes, as long as the garage and/or covered patio proposed meet(s) the necessary size, height, and setback regulations; as well as, the FAR and lot coverage restrictions for the property.

### 9. Can I convert a portion of my existing garage into an ADU and use the balance of the sq. ft. for my main home?

Existing garages can be converted into an ADU, however, the balance of the space cannot be used for the principal dwelling unit as a result of this conversion.

### 10. Can I convert my existing attached garage into a JADU?

A JADU is created by converting space within the walls of the principal dwelling unit. Since garages are considered an accessory use to the principal dwelling unit, the resulting ADU would not be considered a JADU. In this situation, on a single family property, you could not have any other type of ADU (including a JADU).

### 11. I want to convert a portion of my existing home that maximizes FAR to an ADU and, concurrently, I want to add some or all of the converted sq. ft. to the primary dwelling unit in another area. Can I do this?

No. Existing square footage, once converted to an ADU, may not be added as new construction elsewhere to the primary dwelling unit. The relaxed provisions afforded by state law which reduce rear and side setbacks and eliminate floor area, lot coverage, and open space limitations, provide flexibility to add an ADU only.

### 12. Can I absorb the space of an ADU built under the relaxed state regulations into the principal dwelling unit?

No. The relaxed floor area and lot coverage standards are to allow additional housing units to become available, not to allow larger principal dwelling units.

### 13. I can add 500 s.f. before I reach the maximum FAR for my property. I want to add a 600 s.f. ADU. Can I do this?

Yes. While ADU s.f. counts toward allowable FAR, you are permitted at least 800 s.f. for an ADU even if you reach the maximum FAR. Not that once FAR is maximized (here, with 500 sq. ft. addition), while future additions to the primary dwelling unit are not permitted, 200 sq. ft. may still be added to the ADU.

### 14. Do I have to pay impact fees?

ADUs  $< 750$  sq. ft. in size will not incur park, or storm drain fees. ADUs larger than this size will incur impact fees. However, ADUs of any size may be subject to school impact fees. Please contact Public Works Department at (408) 777-3354, Cupertino Union School District at (408) 252-3000 ext. 61-373, and Fremont Union High School District at (408) 522-2220 for information.

### 15. Will my property taxes increase if I build an ADU?

Yes. The County Assessor appraises all new construction and remodels, including ADUs, at fair market value. Please visit [www.sccassessor.org](http://www.sccassessor.org) for more information.

**16. Is a water and/or electric meter required for my ADU?** Please contact your water provider and/or PG&E to determine whether these are needed.