



SPUR

San Francisco | San Jose | Oakland

June 18, 2018

San Jose Mayor and City Council
San Jose City Hall
200 E. Santa Clara Street
San Jose, CA 95113

Re: Amendment to Title 20 of the San José Municipal Code for Residential Zoning Districts.

Dear Honorable Mayor and Councilmembers,

SPUR is pleased to see that there is proposed legislation that aims to further improve the city of San Jose's accessory dwelling unit ordinance and bring it into compliance with state law. We support the steps that are being taken and encourage the city to take them even further.

SPUR has been a long-time supporter of in-law units (a.k.a. accessory dwelling units or secondary units) since our 2006 report *Secondary Units*, and we are glad to see that San Jose continues to take steps toward making them easier to build. As you may well know, these units provide many benefits for neighbors as well as owners and future residents of these units:

- They are typically less expensive to rent than other market-rate units
- They are less expensive to build than new construction units
- They create opportunity for supplemental income for homeowners and can increase property values
- They meet the needs of many kinds of households and families at different phases of life
- They appropriately add density in many kinds of neighborhoods with little impact on neighborhood aesthetics or character

This last reason is particularly compelling in a city like San Jose, where there are many single-family neighborhoods that are unlikely to see radical transformation in the near future but have plenty of room for more residents. In-law units are a compelling solution for these locations, and SPUR is eager for Bay Area jurisdictions of all types to embrace them.

SPUR supports the proposed amendments to Title 20 of the municipal zoning code, and here's how we think the city could have even more of an impact:

- **Increase the number of single-family lots that qualify for ADUs even more by *eliminating restrictions on lot size.*** We support the staff proposal to shrink the minimum lot size from 5,445 to 3,000 square feet, but we would suggest that a minimum lot size is not needed. There are other constraints on the volume of space that in-law units might occupy that are more important considerations: rear and side yard setbacks, open space minimums and overall lot coverage maximums that guide building design and size. These form controls

SAN FRANCISCO

654 Mission Street
San Francisco, CA 94105
(415) 781-8726

SAN JOSE

76 South First Street
San Jose, CA 95113
(408) 638-0083

OAKLAND

1544 Broadway
Oakland, CA 94612
(510) 250-8210

spur.org

should be sufficient for maintaining neighborhood character even without minimum lot size requirements.

- **Eliminate the maximum size of ADUs.** We support the staff proposal to modestly increase the maximum size of ADUs, but we would suggest eliminating maximum floor area altogether. What should matter is the overall lot coverage/cumulative amount of building on the site, not the size of the new unit. For instance, the cumulative impact will be different if a secondary unit is carved (wholly or partially) out of the existing house's square footage.
- **Allow second bedrooms in ADUs.** We do not think it is necessary to regulate the number of bedrooms (or bathrooms or the amount of storage) in ADUs.
- **Remove parking requirements for ADUs.** We are pleased to see the changes proposed to conform to state law, and we would suggest eliminating parking requirements altogether for secondary units.
- **Eliminate the rear yard lot coverage requirement.** To simplify the analysis, we recommend looking at total lot coverage. On smaller lots the rear yard lot coverage requirement has also proven to be a barrier to the creation of new ADUs.

SPUR deeply appreciates the city's efforts to help make in-law units easier to create in San Jose. We have seen that this has become an iterative process of constant improvement in other places — since 2014, we have seen San Francisco take up in-law units at least once a year to expand the scope of the program or address identified barriers, and Senator Wieckowski has authored bills in 2016, 2017 and 2018 to keep pushing for more progress on this front. It would be great to see San Jose return to the accessory dwelling unit ordinance regularly to identify additional improvements. In general, we think San Jose should start from a position of flexibility and openness to fitting in-law units in instead of a set of rigid rules.

For city councilmembers who want to learn more about in-law units, we recommend attending the Housing Trust Silicon Valley's upcoming invite-only ADU conference for public officials on June 29 (8:00 am to 1:00 pm). Register here (<https://www.eventbrite.com/e/accessory-dwelling-units-adus-for-public-officials-tickets-46588503468>) or contact Alison Frost (alison@housingtrustsv.org) for more information.

Please do not hesitate to contact us for more information.

Best,



Teresa Alvarado
San Jose Director