



REFERENCE

Municipal Code

[20.30.510 - Yard Coverage](#)

[17.28 - Enclosures](#)

DETERMINE YOUR ZONING

Use the online [Zoning Map](#)
or enter your address at:

www.sjpermits.org

HOW TO GET A NO-COST PRELIMINARY REVIEW

No appointment is needed.
Come to the Permit Center
and bring your Site Plan.
Upon arrival, sign in at
the Development Services
Counter. Allow at least 90
minutes for sign-in, possible
wait time, and the Plan
Review.

San José Permit Center

San José City Hall
200 E. Santa Clara St.
San José, CA 95113
408-535-3555

www.sanjoseca.gov/building

Swimming Pool and Spa Setback and Safety Requirements

The San José Municipal Code regulates the location and size of swimming pools and spas; these criteria are summarized below, along with safety requirements for pools and spas.

SETBACK REQUIREMENTS

For single-family properties, this bulletin focuses on setbacks for pools and spas in the R Zoning District. For other zones, contact the [Permit Center](#) and ask to speak with a planner. The best way to determine size limitations and setback requirements for pools and spas is through a **no-cost preliminary review**. For this review, bring a Site Plan to the Permit Center that shows:

- The location, shape, and dimensions of the lot
- All buildings on the lot with building dimensions
- Building setbacks, measured from the face of the building to the property line
- Distance between the main dwelling and accessory structures

Staff will review the Site Plan and check for easements and applicable zoning regulations. Generally, it is not permissible to build on an easement, but swimming pools may be installed under a Wire Clearance Easement (WCE) if allowed by the terms of the easement and if clearances from overhead wires are maintained per the National Electric Code.

Setbacks are measured from the waterline of the pool or spa and are required as follows:

- **All lots:** *Minimum setback from front property line to the pool/spa: 30 feet*
- **Interior lots:** *Minimum setback to rear and side yard property lines: 5 feet*
- **Corner lots:** *Minimum setback to rear yard and non-street side yard property lines: 5 feet*
Minimum setback on the side yard adjacent to street: 9 feet
- **Multifamily lots:** *Minimum setback to pool/spa fence enclosure: 4 feet*

Size Restrictions. Built-in pools, spas and accessory structures altogether may have a maximum rear yard lot coverage of 60 percent of lot size. Accessory structures include detached garages, gazebos, sheds, playhouses, freestanding patio covers, and similar structures. Accessory structures have a cumulative maximum rear yard lot coverage of 30 percent and a maximum cumulative area of 650 square feet. See the [Accessory Buildings and Structures Bulletin](#) for more information.

SAFETY REQUIREMENTS

As of January 1, 2007, state law requires that every residence for which a building permit is issued for a new or remodeled in-ground or above-ground swimming pool; non-portable wading pool; or portable or non-portable spa or hot tub must comply with these requirements if the depth is greater than 18 inches.

SINGLE-FAMILY DWELLING REQUIREMENTS

1. **Locking covers.** Pools, hot tubs, and spas must have locking covers, either a manual or powered-operated cover that meets the ASTM specifications F1346-9.
2. **Mesh enclosure.** Pools must be enclosed with a mesh barrier that meets ASTM F 2286:
 - a) The barrier needs to provide continuous and constant protection of the pool, hot tub, or spa, and provide 360 degree protection or be attached to another building or barrier that prevents unsupervised access to the pool.
 - b) Minimum enclosure height: 60 inches
 - c) Maximum vertical clearance from the ground to the bottom of the enclosure: 2 inches
 - d) Keep outside enclosure surface free of protrusions, cavities, or other attributes that could serve as handholds or footholds enabling a child below the age of five to climb over.

- e) The mesh barrier must be constructed without any gaps or voids so as to prohibit the free passage of a 4-inch diameter rigid sphere.
 - f) Any gate through the barrier must open away from the pool, be self-closing, self-latching, and lockable. Self latching and lockable devices must be placed no lower than 54 inches above the ground and be mounted on outside of gates.
 - g) The barrier shall have at least 40% open space to allow visibility from outside to inside of the pool area.
 - h) Vertical posts of the mesh barrier must extend a minimum of 3 inches below grade level and be spaced no greater than 40 inches apart.
 - i) Patio deck sleeves (vertical post receptacles) placed inside the patio surface must be of a nonconductive material.
 - j) A latching device must attach each barrier section at a height no lower than 45 inches above grade. Common latching devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring actuated retaining lever (commonly referred to as a safety gate hook).
- 3. Doors of house walls that are part of an enclosure.** If the house walls are used as part of the enclosure, any door providing direct access to the pool must be equipped with: a) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor, OR b) An exit alarm listed and labeled as a “Residential Water Hazard Entrance Alarm” per UL 2017. This alarm must be mounted at least 54 inches above threshold, may be battery powered, and must detect either the door or the screen door. The alarm must make audible, continuous alarm sounds when any door that permits access from the residence to the pool area— that lacks an intervening enclosure— is opened or is left ajar. Exit alarms may be either battery-operated or connected to the electrical wiring of the building.

MULTIFAMILY AND PUBLIC POOL REQUIREMENTS

Multifamily and public pool and spa enclosure requirements must comply with state codes CBC 1141A and CBC 318 as follows, EXCEPT enclosure and gate requirements are to apply only to pool enclosures constructed on or after July 1, 1994. Notwithstanding the foregoing effective date, no fence enclosure shall be less than 4 feet in height.

- 1. Deck area.** A continuous, unobstructed, minimum 4-foot wide slip-resistant, cleanable, nonabrasive deck area of concrete or like material must be installed flush with the top of the pool coping, extending completely around the pool. The deck area must further extend 4 feet on both sides and rear of any slide, diving board, or fixed accessibility assistance device and their appurtenances. The 4-foot is measured from the poolside edge of the coping lip.
- 2. Enclosure.** Pool enclosure must meet these standards:
 - a) Minimum enclosure height: 60 inches
 - b) The enclosure is to be built over material as hard as concrete, and constructed so that it cannot be readily climbed by small children. Horizontal and diagonal designs are not allowed. Horizontal members are to be spaced minimum 48 inches apart. A 5-foot area outside the enclosure shall be common area open to the public without any planters or other structures that can be climbed. 1¾ -inch maximum opening chain link fence may be used.
 - c) Openings, holes, and or gaps in enclosure doors and or gates, if any, are not to allow passage of a 4-inch diameter sphere.
 - d) Doors, windows, or gates of living units or associated private premises shall not be permitted to be part of the pool enclosure.
- 3. Gates and Emergency Exit.** All persons must pass through common pool enclosure gates or doors in order to gain access to the pool area. All gates and doors exiting the pool area must open into a public area or a walkway accessible by all patrons of the pool.
 - a) Gates are to be equipped with self-closing, self-latching devices, and open outwardly away from the pool. Hand activated door or gate hardware is to be located between 42 to 44 inches above the deck or walkway. Doors are to be capable of being locked during times when pool is closed.
 - b) The enclosure is to have at least one means of egress without a key for emergency purposes. Unless all doors are so equipped, those gates or doors which will allow egress without a key shall have a sign in letters at least 4 inches high stating EMERGENCY EXIT.

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