

27.19.110 DEVELOPMENT STANDARDS.

A "junior accessory dwelling unit," as defined in Section 27.04.165, must comply with the following development standards:

- (a) Permitted Zoning Districts. Junior accessory dwelling units shall only be constructed on one- and two-family residential zoned properties, specifically R1-A, R1-B, R1-C, and R2, with an existing legally permitted single-family dwelling. The residential property shall not be part of a condominium, townhouse, or other multi-family development.
- (b) Limit to the Number of Junior Accessory Dwelling Units. The number of junior accessory dwelling units is limited to one per residential parcel zoned for one-family dwelling unit or two-family dwelling units with a single-family dwelling already built on the parcel.
- (c) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal use of subject site and shall be subject to the same requirements of the underlying zoning district.
- (d) Maximum Unit Size. The floor area of a junior accessory dwelling unit shall not exceed 500 square feet, including attic and basement areas as defined in Section 27.04.200 for the applicable zoning district, provided that the total floor area for the parcel or lot does not exceed the maximum allowable floor area.

This 500 foot limitation is already very limiting and truly eliminates the need for the ordinance to further micro-define the kitchen size later on. Every layout is different. After allowing for a small sleeping quarter, bathroom, and living area, the size of the kitchen is already small. There is no need to further put 6' limitations on it. Please see my explanation for kitchen limitation on next page.

- (e) Construct within Existing Structure. The junior accessory dwelling unit shall be constructed within the existing walls of an existing, legally permitted single-family dwelling unit and must include the conversion of an existing, legally permitted bedroom.

This "existing bedroom" clause makes it painful for modification of floor space to create ADU while simultaneously making bedroom. It now requires two separate permitting steps which adds to confusion and cost. Allow people to present one plan that covers both remodel (of existing internal space) and Junior ADU plan at the same time. I personally got burned by this because I thought we had all of our issues resolved to allow for a full ADU once the parking issue was resolved. But, then when I went to get the ADU conversion started, I discovered that you have to have fire walls between ADU and main residence and that no internal passage door was allowed. This was not obvious from the ADU ordinance. This pushed me back to the JADU, but now I am getting burned by the kitchen micro-definition requirements.

- (f) Unit Access.

- (1) A separate exterior entry from the main entrance to the one-family dwelling, which shall be provided to serve the junior accessory dwelling unit only; and
- (2) An interior entry access between the junior accessory dwelling unit and the one-family dwelling that is located off of the common living area of the primary residence, such as the living room, family room, dining room, den, office, home gym, kitchen, or an interior hallway leading to these common living areas. This interior entry access may be a door equipped with a double lock. A permitted junior accessory dwelling unit may include a second interior door for sound attenuation.

Patio door solution (double 24" door = 48" total)?

- (g) Efficiency Food Preparation Area. A junior accessory dwelling unit shall include a small efficiency food preparation area that is limited to the following components:

- (1) A sink with a maximum width and length dimensions of 16 inches and with a maximum waste line diameter of one and one-half inches;
- (2) Food preparation appliances that do not require electrical service greater than 120 volts or natural or propane gas;
- (3) A food preparation counter and storage cabinets which do not exceed six feet in total length.

- (h) Wetbar. One wetbar is permitted in a dwelling unit in a common living area room only. A single half-size or smaller refrigerator is permitted, but a microwave is not.

Sections (g) and (h) need addressing. Please see next page. As written, these sections are problematic for somebody trying to create a useful living space.

- (i) Building and Fire Requirements.

- (1) No fire wall separation or noise attenuation measures are required between the main dwelling and the junior accessory dwelling unit. No fire sprinklers are required for the junior accessory dwelling unit, unless the associated improvements meet the threshold for a "substantial remodel" as defined by Title 23, Building and Construction, of the San Mateo Municipal Code. The junior accessory dwelling unit shall have an adjoining door connected to the main living area for fire separation. A smoke alarm shall be required in the junior accessory dwelling unit and shall be connected to the smoke alarm in the main residence.
- (2) The junior accessory dwelling unit shall be equipped with a carbon monoxide detector.

- (j) Utility Service. A separate water connection, a separate sewer service connection, and power connection as water, sewer, and power service is not required for a junior accessory dwelling unit.

- (k) Parking. No additional off-street parking is required for a junior accessory dwelling unit. (Ord. 2017-5 § 4)

Description of kitchen limitations issues:

1.) SINK SIZE: A 16" sink is going to be 13-14" wide at the bottom. This really is not even big enough to wash a frying pan without scratching finish from sides of sink. Regardless of whether it is a 16" or 20" sink, they both are going to require a 24" wide base cabinet unit to hold them. The water/sewer usage is no different whether it is a 16" or 20" sink. In fact, it might actually be less with a 20" sink because you can now wash a frying pan flat as opposed to pan tilted with water continually running. When I told my mother that she could only have a 16" sink, her reaction was not good.

→I propose letting the 500' limitation of the JADU ordinance dictate the size of the sink. Don't dictate the sink size requirement.

2.) REFRIDGERATOR SIZE: Every situation is different. In practice, trying to fit a fridge into the 500' JADU is going to be challenging. The ordinance allows for a smaller fridge or half-size fridge. I was targeting a 24" wide fridge. But, when I showed this to my 80 year old mother, she complained. She would like to have a 25"-26" fridge. A standard fridge is 30" wide. The electricity usage is not appreciably different for efficient refrigerators. As this is an appliance that is easily removable, this is not an enforceable item anyway. People will simply purchase a cheap fridge that satisfies this code and then replace it with something functional later once the JADU is signed off. In my case, I am driven to a smaller fridge by size constraints. But, please remove the language that states how big the fridge can be.

→I propose letting the 500' limitation of the JADU ordinance dictate the size of the refrigerator. Don't dictate the fridge size requirement.

3.) COUNTER TOP AND CABINETS: The 6' limitation on counter top and cabinet storage serves no purpose. But even if a limitation did serve a purpose, I need to point out that different configurations need different requirements for functional usage. Consider the following:

- I. A sink (16" or 20") requires a 24" base cabinet unit.
- II. In a small apartment, finding a place for a kitchen trash can and recycling is problematic. A convenient solution is a 18" wide base cabinet that can hide both the trash and recycling baskets.
- III. Cabinets on the end near a wall need to be offset by 3" to allow for the swing of the cabinet doors.
- IV. If countertop is not a straight line, but rather has a corner, then each cabinet at the corner needs to be offset by 3" to prevent cabinet door handles from hitting other cabinet when opening.

So, before we have any storage for pots/pans in the allotted 72", we have already lost $24" + 18" + 3" + 3" + 3" + 3" = 54"$. This only allows 18" for actual storage of pots and pans. But a 18" cabinet only has a 15-16" opening. This is very limiting. Additionally, it is not even clear what the definition of counter space is. Is the sink and stove considered part of the space? If the counter top is mixed use, how is it considered? For example, if the right side of the counter space is used for office/study requirements, how do you delineate the definition of space? In a 500' space, this counter top might serve dual purposes and it might not be practical to have two different counter tops or an additional desk. Keep in mind that the main applicants for JADU units are going to be elderly parents. Please do not relegate them to second rate citizens by forcing them to have a toy kitchen.

→I propose letting the 500' limitation of the JADU ordinance dictate the size of the food preparation and cabinet space. Don't dictate the kitchen size requirement, the food preparation size requirement, or the cabinet size requirement. It is just going to be an endless parade of JADU applicants arguing with planning staff over the definition and requirements of the kitchen per code interpretation. This is not an efficient use of staff time. The 500' limitation is already self-limiting enough after you add in the sleeping area, the bathroom, the clothing storage, and the living area. If somebody really has a strong opinion that a kitchen size MUST be micro-defined, please allow for 6' AFTER inclusion of sink's base cabinet, trash base cabinet, and 4(each) times 3" for cabinet door opening clearance to walls/corners. Let the counter top be dictated by base cabinet length. But then add in allowance for the cooktop. This gets complicated quick. My recommendation is JUST DON'T DEFINE IT. Simply let the 500' limitation of the JADU be the limit.

Description kitchen limitation issues:

4.) MICROWAVE: The JADU ordinance as written explicitly prohibits inclusion of a microwave. This makes no sense at all. This is the most efficient means of preparing food that I can possibly imagine.

→I propose striking the language that prohibits microwave ovens in the JADU.

5.) COOKTOP: The JADU language limiting cooktops to 120 volts was most likely inherited from the state law. However, if as a city we have the flexibility to be less restrictive, I would encourage this law to favor 240 volts instead of 110 volts because it 240 volt cooktops are more efficient and there are far more 220 volt cooktops available on the market than 110 volt cooktops. If the intention was to drive people to use hot-plates rather than fixed appliances, this is absolutely crazy because hot plates are more dangerous than fixed appliances.

(If you are wondering why a 220 volt cooktop is more efficient than a 110 volt cooktop, allow me to diverge and explain. Assuming both cooktops deliver the same power ($1.2\text{kW}=120\text{ volts} * 10\text{ amps}$) ($1.2\text{kW} = 240\text{ volts} * 5\text{ amps}$). But the wires carrying the current are made of copper. The copper wire heats up as more current is carried through it. As the copper wire heats up, it becomes more resistive. As it gets more resistive, it wastes more power while delivering energy to the load. This is why your interstate power transmission lines are at extremely high voltage (+100kV) instead of the 120 volts that is delivered to your home – sorry for the diatribe. As an electrical engineer, I found it odd that somebody would think that a 110/120 volt cooktop made sense).

→I propose that if the state law gives the city flexibility to be less restrictive in the legal language such that a 240 volt cooktop can be allowed, it should be allowed in the JADU. It is more efficient. Please do not limit us to hot plates. This is a scary proposition if you have an elderly parent living in your JADU.

Description Other issues:

6.) It is nice that the ordinance allows for an existing bedroom to be converted to a JADU. However, in some cases, the house might be big enough to allow for a family room to be converted to a JADU while simultaneously creating a bedroom from existing internal space. To minimize mistakes during the planning process, there should be an allowance for a JADU to be created in the same permit as the bedroom. This is the situation that I have and I have already made costly mistakes due to the confusion of the two separate permitting actions.

7.) One member of the planning staff informed me that the exterior door of the JADU must be a door of width 36" (it might have been 32"). The solution that I presently have is two doors each 24" wide, that open to a total of 48". This patio door solution is apparently not sufficient as an external door for the JADU. This is a minor complaint, but why can a JADU's exterior door (opening into back yard with a walkway to front driveway) be a patio door solution as described? This item about the door is not the main focus of the JADU ordinance's that I am trying to communicate. It is just a clarification that I would like to have so I can save a few thousand dollars.

From: shawn.fahrenbruch.net
To: [Phillip Brennan](mailto:Phillip.Brennan)
Subject: Re: Updated ADU/JADU ordinances
Date: Tuesday, January 07, 2020 12:00:00 PM

Hi Phillip, thanks for the update. What implication does this have for the 6' maximum counter space and cabinet space? Is that restriction now also removed?

Shawn

-shawn (sent from iPhone with tiny keypad. Please forgive typos that slip through.)

From: Phillip Brennan <pbrennan@cityofsanmateo.org>
Sent: Tuesday, January 7, 2020 11:11:33 AM
To: shawn.fahrenbruch.net <shawn@fahrenbruch.net>
Subject: re: Updated ADU/JADU ordinances

Hello Mr. Fahrenbruch:

I wanted to follow-up with you and share our summary of the new state mandated ADU/JADU requirements. Since our local ordinance now conflicts with the state ordinance, we are required to default to the state's requirements (as of 1/1/2020). We will be doing an ordinance update to clarify and clean up our local regulations, but that will be at a date TBD. Please note the new state law removes the 120 volt limitation and 1.5 inch wasteline diameter maximum.

Please feel free to contact me should you have any questions.

Best-

Phillip B.

- d. The JADU shall include an efficiency kitchen, which includes:

 - i. Cooking facility with appliances (240-volt service outlets now permitted)
 - ii. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU
 - iii. No restriction on maximum waste line diameter



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