



CITY COUNCIL STUDY SESSION

ACCESSORY DWELLING UNIT (ADU)/JUNIOR ACCESSORY DWELLING UNIT (JADU) UPDATE (PA19-033)

MARCH 2, 2020

AGENDA

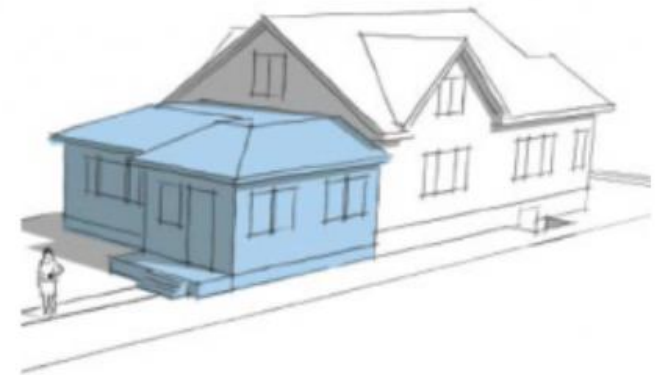
- I. ADUs/JADUs Defined
- II. Background
- III. Staff Efforts
- IV. New State ADU/JADU Legislation
 - Remaining Areas of Local Discretion/Staff Analysis
- V. Questions for Council/Staff Recommendations

ACCESSORY DWELLING UNIT (ADU)

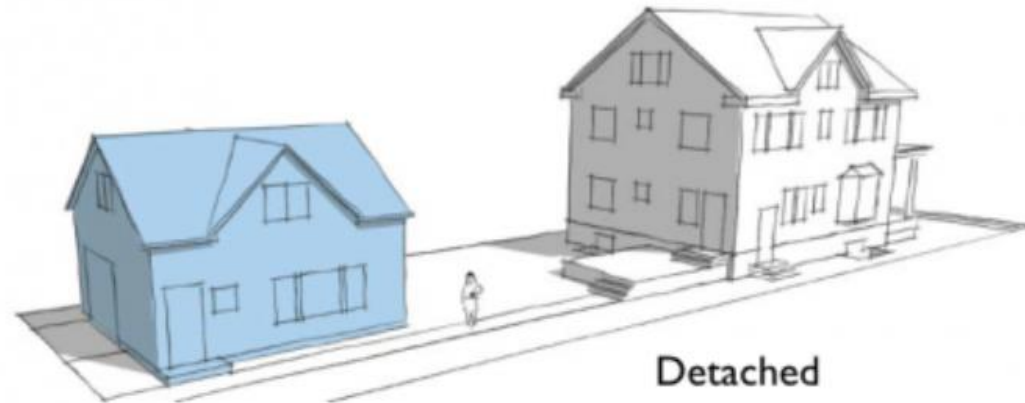
- Independent living facility
- Variety of ADU options
- Also known as: second units, guest cottages, “granny” units, *casitas*, or in-law units



Internal



Attached



Detached

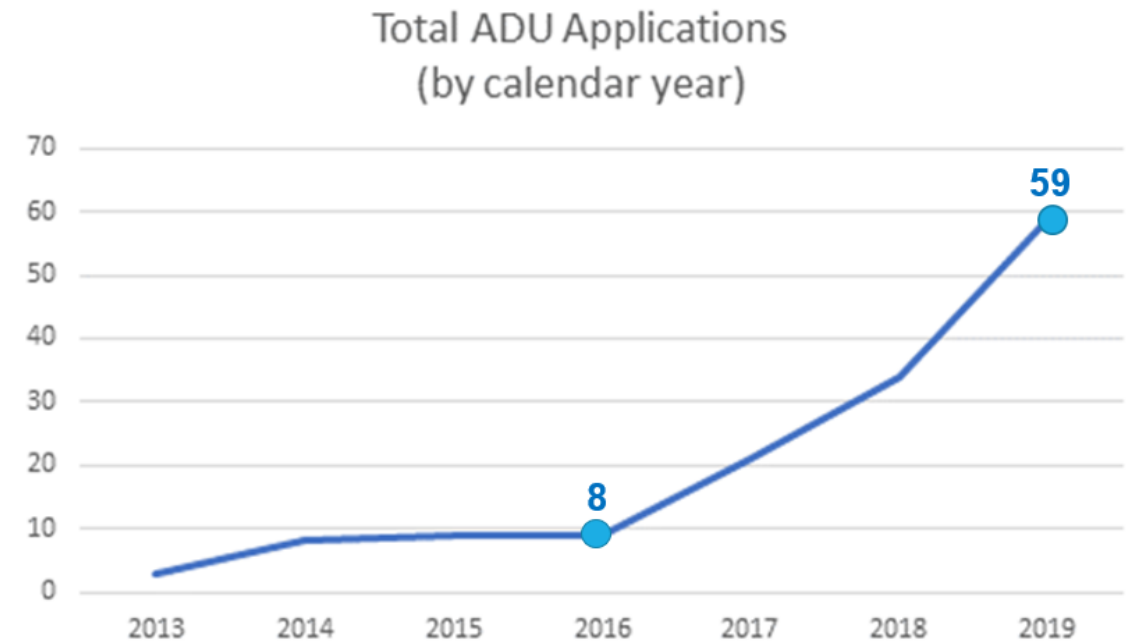


JUNIOR ACCESSORY DWELLING UNIT (JADU)

- Contained entirely within a single-family residence
- Separate exterior entrance required
- 500 sq. ft. maximum in size
- Must include at least an “efficiency kitchen”
- Independent bathroom facilities not required

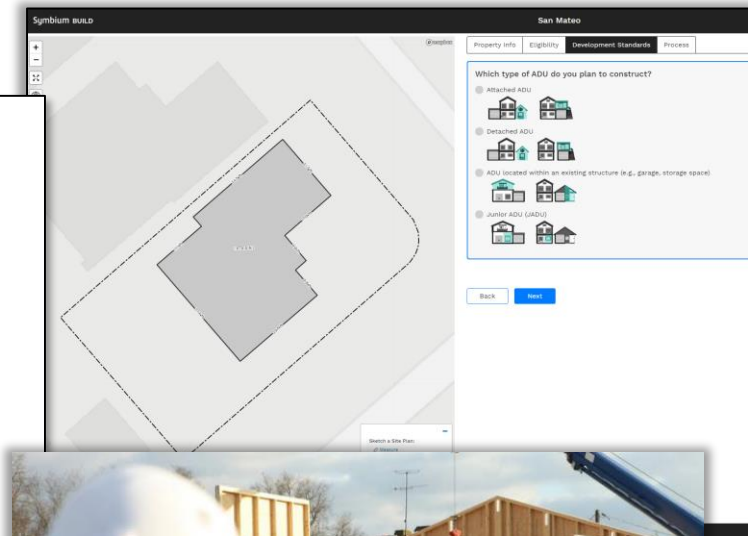
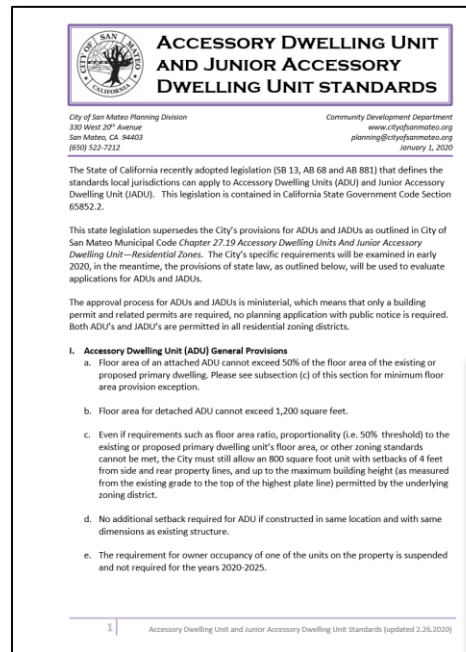
BACKGROUND

- State has passed several ADU/JADU related housing reforms in recent years (2016 & 2017)
- City has performed extensive community outreach regarding housing challenges in San Mateo
- City Council directed staff to study City's regulations and explore opportunities to increase ADU/JADU development



STAFF EFFORTS

- Technology
- Information
- Programs



NEW STATE ADU/JADU LEGISLATION

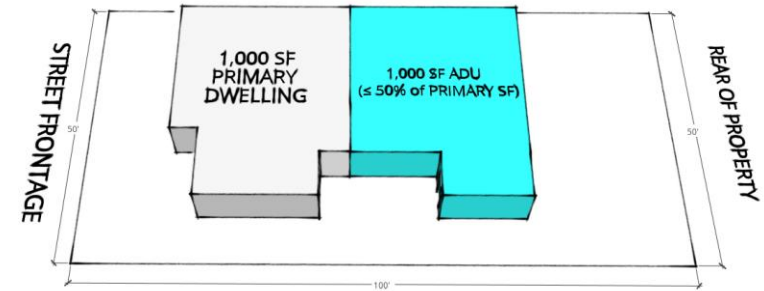
- Jan. 1, 2020 - New ADU/JADU housing legislation became effective
- SB 13, AB 68, and AB 881
- Code cleanup anticipated in 2020

REMAINING AREAS OF LOCAL DISCRETION

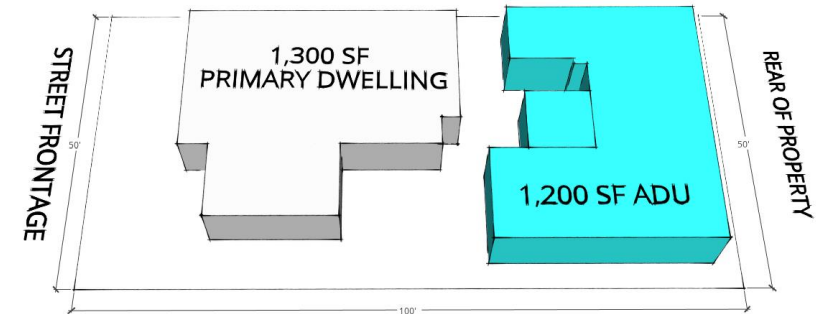
- Expressly limits the ability of local agencies to regulate ADU/JADU development
- Local agencies must default to state law as of Jan. 1, 2020
- Conflicting local ordinances rendered *null and void*

BUILDING SIZE LIMITATIONS

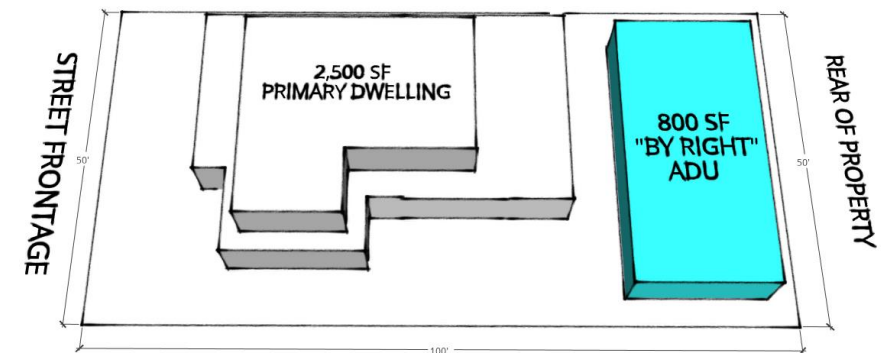
- **Attached ADUs:** No more than 50 percent of the primary dwelling's floor area



- **Detached ADUs:** Up to 1,200 sq. ft.



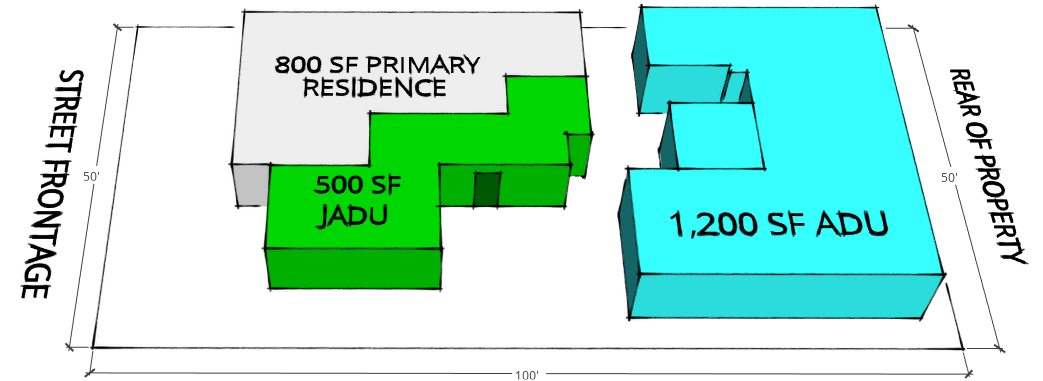
- **“By-Right” ADUs:** 800 sq. ft. (min.) with four-foot side and rear



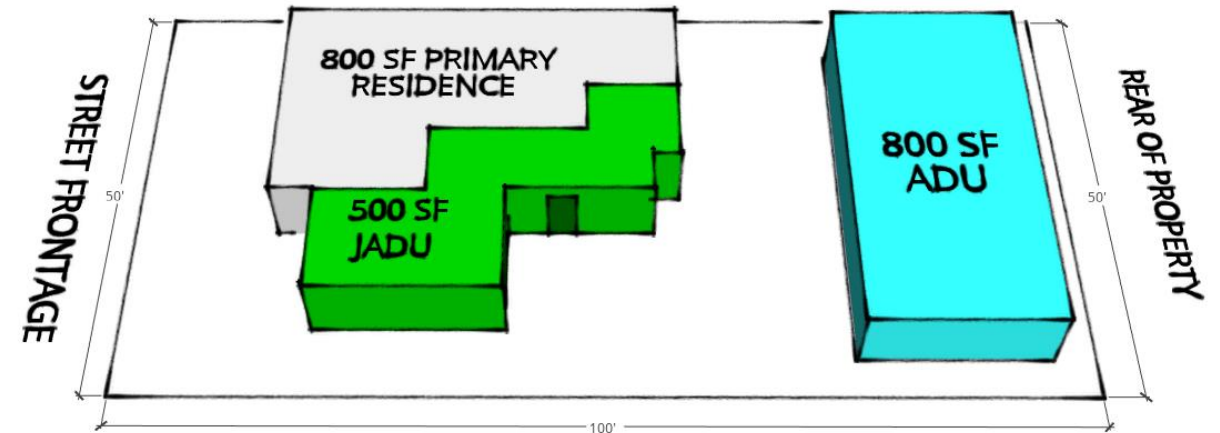
BUILDING SIZE LIMITATIONS

- **JADU + ADU (DETACHED):**
Single-family lots can now be developed with three (3) dwelling units
- The City can choose to impose prescribed size limitations on the ADU (≤ 800 sq. ft.)

*Height can be limited to 16 feet



Build-out potential without imposed size limitations



Build-out potential with state specified conditions*

BUILDING SIZE LIMITATIONS

- The City can establish maximum building size for attached or detached ADUs
 - Must be \geq 850 sq. ft. for studio or 1 bedroom; and
 - \geq 1,000 sq. ft. for two or more bedrooms
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QUESTIONS FOR COUNCIL

1. Should the City increase the exempted minimum “by-right” ADU square footage provision from 800 sq. ft. up to 1,200 sq. ft.?
2. Should the City limit the size of an ADU to 800 sq. ft. when both an ADU and JADU would exist on the same lot?

BUILDING HEIGHT

- Minimum ADU height of 16 feet (attached or detached)
 - State law is silent on two-story ADUs
 - No conflict with existing municipal code
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QUESTION FOR COUNCIL

3. **Should the City defer to the State's prescribed minimum ADU height of 16 feet, or study alternative height restrictions?**

PARKING REQUIREMENTS

- One (1) off-street parking space per ADU or per bedroom, whichever is less
 - Replacement parking no longer required
 - Most of San Mateo eligible for parking exemption
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QUESTIONS FOR COUNCIL

4. **Should the City consider amending the zoning code to accommodate more flexible off-street parking standards (i.e. wider driveways) for lots with an ADU or JADU?**

DEVELOPMENT/IMPACT FEES

- Impact fees for ADUs < 750 sq. ft. eliminated; fees for ADUs > 750 sq. ft. proportional to size of primary dwelling
 - The City does not currently apply impact fees
 - Flat building permit fees: \$2,819 per ADU; \$1,275 per JADU
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QUESTION FOR COUNCIL

5. Should the City consider impact fees for ADU/JADU and conduct a nexus study?

OBJECTIVE STANDARDS

- Objective standards can be applied
 - Examples: privacy glazing for two-story ADUs, address markers, architectural compatibility
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QUESTION FOR COUNCIL

6. Should the City develop objective design standards for ADU/JADUs?

PROHIBIT SHORT-TERM RENTALS

- SB 13 prohibits *short-term* rentals (i.e. rental terms less than 30 days) in specific scenarios
 - New or converted detached ADUs left to local agency discretion
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QUESTION FOR COUNCIL

7. Does the Council want to continue prohibiting short-term rentals for all ADU/JADUs?

DEFERRED ENFORCEMENT

- Property owners can request five-year delay of building code enforcement
 - Cannot require correction of non-conforming zoning condition
 - 19 active cases for unpermitted ADUs (as of Feb. 14, 2020)
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QUESTIONS FOR COUNCIL

8. **Does the Council want to consider developing provisions for permanent amnesty to allow existing illegal non-conforming ADUs to remain in perpetuity?**

STAFF RECOMMENDATIONS FOR COUNCIL

1. Should the City increase the exempted minimum “by-right” ADU square footage provision from 800 square feet up to 1,200 square feet?

Staff recommends defaulting to the state specified “by-right” exemption of 800 square feet, or studying a tiered increase up to 1,200 square feet and limiting all ADUs to a maximum of two bedrooms.

2. Should the City limit the size of an ADU to 800 square feet when both an ADU and JADU would exist on the same lot?

Staff recommends the City Council adopt this provisional condition to limit the size of ADUs on any single parcel that also has a JADU.

STAFF RECOMMENDATIONS FOR COUNCIL

3. Should the City defer to the State statute for building height (“at least 16 feet [...]”), or study alternative building height or other objective standards?

Staff recommends developing ADU building height maximums and objective standards compliant with the State requirements to help mitigate potential view, shade, and privacy impacts on neighboring properties.

4. Should the City consider amending the Zoning Code to accommodate more flexible off-street parking standards (i.e. wider driveways) for lots with an ADU or JADU?

Staff recommends considering exemptions to parking requirements and front yard to account for parking needs associated with ADU/JADU development.

STAFF RECOMMENDATIONS FOR COUNCIL

5. Should the City consider impact fees for ADUs/JADUs and conduct a nexus study?

Staff recommends codifying that no impact fees are charged for ADUs, regardless of size, and continue to charge the flat fee building permit to cover the cost of plan review and inspections.

6. Should the City develop objective design standards for ADUs/JADUs?

Staff recommends that objective design standards related to architectural materials, reducing privacy impacts, and addressing fire and safety concerns are incorporated into the update of our ADU/JADU Ordinance.

STAFF RECOMMENDATIONS FOR COUNCIL

7. Does the City Council want to continue prohibiting short-term rentals for all ADUs/JADUs?

Staff recommends continuing prohibiting short-term rentals by requiring rental terms for all new or converted detached ADUs (and news JADUs) to be no less than 30 days as already required by local ordinance.

8. Does the City Council want to consider provisions for permanent amnesty to allow existing illegal non-conforming ADU's to remain in perpetuity?

Staff recommends preparing provisions for permanent amnesty to allow the existing ADUs to remain in perpetuity, regardless of non-compliance to zoning and building code standards provided the ADUs meet health and safety considerations.

NEXT STEPS

- Staff will develop a draft ADU/JADU ordinance based on comments and direction provided by the City Council. A subsequent community workshop, Planning Commission hearing, and City Council hearings (1st and 2nd readings) will be scheduled on dates to be determined.

