

**CITY OF SAN MATEO  
DRAFT ORDINANCE**

**Redline**

**27.04.165 DWELLING.**

"Dwelling" means a building or portion thereof, designed or used exclusively for residential occupancy, including a one-family dwelling unit, an accessory dwelling unit, a junior accessory unit, a two-family dwelling unit, and a multiple-family dwelling unit but does not include a hotel, motel, boarding or lodging houses or other lodging facilities, or a vessel or boat, or a house trailer.

(a) "Accessory dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, is accessory to the primary single-family residential dwelling unit, and includes permanent provisions for living, sleeping, eating, cooking facilities and sanitation on the same parcel as the primary residential dwelling unit.

(b) "Bachelor, efficiency or studio unit" means a dwelling unit consisting of one principal room used for living and sleeping purposes, plus cooking facilities, a bathroom, and closets.

~~(c) "Junior accessory dwelling unit" means an additional, independent living unit created through the conversion of an existing bedroom in a single-family dwelling subject to defined standards, as specified in Chapter 27.19 of this Title. Junior accessory dwelling units are distinguished from accessory dwelling units in that they: (1) must include the conversion of an existing legally permitted bedroom(s) within an existing single-family dwelling (no new or additional building area); (2) are smaller in size (maximum size of 500 square feet); (3) contain either independent or shared bathroom facilities with the existing primary residence; (4) contain a small "efficiency food preparation area"; and (5) are subject to unique standards that are not applicable to accessory dwelling units, as specified in Chapter 27.19.~~

(c) "Junior accessory dwelling unit" means an additional, independent living unit constructed within the walls of a proposed or legally existing single-family residence, including attached garages.

(d) "Multiple-family dwelling" means a building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

(e) "One-family dwelling" means a building containing one cooking facility only and designed exclusively for use and occupancy by one family, including the provision of interior access to all bedrooms, and may include a junior accessory dwelling unit within the principal dwelling.

(f) "Two-family dwelling" means a building(s) designed or altered to provide attached (duplex) or detached dwelling units for occupancy by two families living independently of each other.

Chapter 27.19

ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT—RESIDENTIAL ZONES

## Article I Accessory Dwelling Unit

### 27.19.010 PURPOSE.

The purpose of this Article is to set forth regulations to permit accessory dwelling units ~~on residential zoned properties (R1-A, R1-B, R1-C, R2, R3, R4, R5, R4D, R5D, R6D and BMSP)~~(ADUs) in accordance with a single-family residential use. ~~A parcel with a single-family residential use, may have only one accessory dwelling unit (ADU) or one junior accessory dwelling unit (JADU), but not both~~state law.

### 27.19.020 PROHIBITION ON SUBDIVISION. RESERVED.

~~Properties with approved accessory dwelling units may not be subdivided at the time the units are approved or thereafter.~~

### 27.19.030 PROHIBITION ON SALE AND LIMITATION ON RENTAL.

(a) An ~~accessory dwelling unit~~ADU shall not be sold separately from the primary residence.

(b) If an ~~accessory dwelling unit~~ADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.

### 27.19.040 MINISTERIAL PERMIT APPROVAL.

An ~~accessory dwelling unit~~ADU permit application for either an attached or a detached ~~accessory dwelling unit~~ADU is required in order to demonstrate that a unit is in compliance with the provisions of this Article. If the ~~accessory dwelling unit~~ADU is in full compliance with the provisions of this Article, a ministerial, non-discretionary permit will be issued. Notwithstanding anything to the contrary in this Code, the issuance of a ministerial ADU permit is not appealable.

### 27.19.045 DISCRETIONARY REVIEW AS ALTERNATIVE TO MINISTERIAL APPROVAL.

(a) As an alternative to ministerial review, an applicant may submit an application for discretionary review of an ADU proposal that is not in full compliance with the provisions of this Article.

(b) The application for discretionary approval shall be granted if the Zoning Administrator finds each of the following:

(1) The proposed ADU is consistent with all applicable objective design standards in the adopted R1 Single-Family Dwelling Design Guidelines;

(2) The proposed ADU would not result in a negative privacy impact on an abutting residential lot; and

(3) The proposed ADU would not result in a negative impact to public health, safety, or welfare.

(c) The decision of the Zoning Administrator shall not preclude the ability of an applicant to receive a ministerial permit pursuant to Section 27.19.040 for an ADU that is in full compliance with the provisions of this Article.

(d) The decision of the Zoning Administrator may be appealed to the Planning Commission in accordance with SMMC 27.08.090 (a). The decision of the Planning Commission shall be final.

## **27.19.050 DEVELOPMENT STANDARDS**

An ~~accessory dwelling unit~~ADU, as defined in Section 27.04.165, shall comply with the following development standards:

~~(a) Permitted Zoning Districts. Accessory dwelling units shall only be constructed on residential zoned properties, specifically R1-A, R1-B, R1-C, R2, R3, R4, R5, R4D, R5D, R6D and BMSP, that have been developed with a single-family dwelling unit or an accessory dwelling unit is proposed to be built in conjunction with a single-family dwelling unit, where the single-family dwelling is the primary residential dwelling unit. The residential property shall not be part of a condominium, townhouse, or other multi-family development~~ADUs shall only be constructed on a lot zoned to allow residential uses.

~~(b) Number of Units. No more than one accessory dwelling unit~~the number of ADUs allowed by state law may be constructed on any ~~site~~lot.

~~(b)(c) State Exempted "By Right" ADUs. An accessory dwelling unit shall not be allowed on a site with more than one unit.~~attached or detached ADU of at least 800 square-feet in size and of at least 16 feet in building height with four-foot side and rear setbacks may be constructed on a lot regardless of any size limitation based on the size of the proposed or existing primary dwelling, lot coverage, floor area ratio, daylight plane, open space, or minimum lot size that would otherwise preclude or limit its construction. The floor area of any new ADU in excess of 800 square feet shall be applied to the maximum floor area allowance of the subject lot as prescribed by the underlying zoning district.

~~(c) Owner Occupancy. One of the dwelling units on the site shall be owner occupied.~~

~~(d) Maximum Unit Size. The floor area of an accessory dwelling unit shall not exceed 640 square feet including attic and basement areas as defined in Floor area size maximums for the applicable both attached and detached ADU development in excess of 800 square feet are governed by the floor area maximum established by the underlying zoning district, provided that the total and remaining floor area for allowance available on the parcel or lot does not exceed. In instances when the maximum allowable existing floor area.~~

~~(e)(d) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the accessory dwelling unit (both attached and detached) shall be considered to be allowance of a part of the principal use of subject site and shall be subject to the same requirements of the underlying zoning district, including standards for lot coverage, setbacks, and height, unless otherwise provided in this Article has been fully utilized, only the state exempted "by right" ADU of up to 800 square feet is permitted.~~

~~(f) Maximum Coverage of Rear Yard. Accessory buildings shall not occupy more than 50% of a required rear yard.~~

~~(1) Existing Accessory Structure. When any accessory dwelling unit is proposed to be attached to Dwelling Unit Conversions. An ADU conversion within the walls of an existing primary residence or accessory structure, the entire structure must comply with all standards for the principal use of the is not subject site to size requirements. ADU conversions may be expanded up to 150 square feet beyond the existing footprint provided the expansion is used to accommodate ingress and underlying zoning district, and not these standards for an accessory structure. egress to the ADU.~~

~~(g) Separate Entry, Cooking Facility/Kitchen and Bathroom. The accessory dwelling unit, attached or detached, shall contain a separate entrance, cooking facility/kitchen, and bathroom.~~

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

~~(2) Location of Detached Accessory Dwelling Unit and Junior Accessory Dwelling Unit. The accessory dwelling unit may be within, attached to, or Subject to the floor area requirements, one new detached ADU may be constructed on a lot with a junior accessory dwelling unit (JADU).~~

~~(e) Height. The specific height maximums are applicable to all zoning districts which permit ADUs.~~

~~(1) Attached Accessory Dwelling Units. Maximum building height for an attached ADUs is <16, 20 or 24> feet to top plateline and <24, 28 or 32> feet to roof peak as measured from the primary dwelling unit. existing grade.~~

~~(2) Setback Exceptions.~~

~~(2) Detached Accessory Dwelling Units. Maximum building height for a detached ADU is <16, 20 or 24> feet to top plateline and <24, 28 or 32> feet to roof peak as measured from existing grade.~~

~~(f) Setbacks. An ADU shall have setbacks as follows:~~

~~(3)(1) No setback shall be required for an existing legally permitted garage or accessory structure that is converted to an accessory dwelling unit ADU which is constructed in the same location and to the same dimensions as the existing structure.~~

~~(2) A minimum setback of fivefour feet shall be required from the side and rear lot lines for an accessory dwelling unit that is all new ADU construction not meeting the criteria set forth in subsection (1) above, including ADUs constructed above an existing legally permitted garage.~~

~~(4)(3) A minimum setback from the front lot line, as required in the lot's underlying zone district, shall be required for all new ADU construction not meeting the criteria set forth in subsection (1) above, including ADUs constructed above an existing legally permitted garage.~~

(g) The ADU, whether attached or detached, shall provide a separate exterior entrance, and permanent provisions for living, sleeping, eating, cooking, and sanitation.

(h) Location of Accessory Dwelling Unit. The ADU may be within, attached to, or detached from the primary dwelling unit. ADUs shall be accessory to the primary residence and are permitted in the same locations on the parcel as the primary residence as specified in the underlying zoning district.

(i) Number and Type of Required Parking Spaces.

~~(1) General Requirements. There shall be a minimum of one (1) standard size off-street parking space for each accessory dwelling unit or bedroom, whichever is less. The required accessory dwelling unit parking may be located in a garage, carport, uncovered or tandem space. In addition, the required parking for the primary residential dwelling unit must comply with current code standards, as specified by the underlying zoning district.~~

~~(2) Location of Required Parking for Accessory Dwelling Unit. The required parking for the accessory dwelling unit may be located on the rear one-third of the property, including the required rear yard setback and a portion of the required side yard and street side yard setback areas. The required parking shall not be located within the required front, interior side yard, or street side yard setback areas outside of the rear one-third of the property.~~

~~(3) Replacement Parking for Primary Dwelling. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, and the required off-street parking spaces for the primary single-family dwelling unit must be replaced, the replacement spaces shall be located on the same parcel as the accessory dwelling unit in the following configurations, or a combination thereof:~~

- ~~● Garage parking spaces;~~
- ~~● Carport parking spaces;~~
- ~~● Uncovered parking spaces; or~~
- ~~● Tandem parking spaces.~~

~~(A) The required replacement parking may be located within the required front yard setback, street side setback, and rear yard setback areas. It may also be located within a portion of the interior side yard setback provided that minimum five-foot wide side yard clearance with no obstruction is maintained.~~

~~(B) Landscape and Limits on Paving Standards. The required replacement parking located on the subject property shall be designed to comply with the landscape and paving standards set forth in Section 27.18.070(d) and 27.18.080(b)(4), "Limits on paving" standards.~~

(4)(1) ADU. All required parking spaces shall be a minimum of 10 feet wide by 18 feet long without any obstructions. Parking associated with ADU or JADU development, whether required or voluntary, must be located entirely on the same lot, and may be provided in a garage, carport, uncovered, or in tandem orientation. Additionally, maximum driveway width for single-car garages may

be up to 20 feet to accommodate additional off-street parking. The required parking for the primary residential dwelling unit must comply with current standards, as specified by the underlying zoning district.

(2) Location of Parking for Accessory Dwelling Units. Parking for the accessory dwelling unit may be located in the required front, side, and rear yard setback areas.

(3) Replacement off-street parking is not required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

~~(5)~~(4) Parking Exemptions. No additional off-street parking shall be required for an accessory dwelling unit-ADU in the following instances:

(A) The accessory dwelling unit-ADU is located within one-half (1/2) mile walking distance of public transit ~~stop~~; or

(B) The accessory dwelling unit-ADU is located within an architecturally and historically significant historic district; or

(C) The accessory dwelling unit-ADU is in part of the proposed or existing legally permitted primary residence or an existing legally permitted accessory structure; or

(D) In an area requiring on-street parking, permits are required but not offered to the occupant of the accessory dwelling unit-ADU; or

(E) When the accessory dwelling unit-ADU is located within one block of a car sharing pick-up/drop-off/share location.

(5) Voluntary Parking. If no parking space is required, a maximum of one off-street parking space per ADU or JADU may be voluntarily provided.

(j) Architectural Standards. New accessory dwelling units-ADUs and conversions of an existing legally permitted structure shall be designed to comply with the following standards:

(1) Attached Accessory Dwelling Units. Accessory dwelling units-ADUs that are attached to the primary ~~residential~~ dwelling unit shall:

~~(A) Locate the primary entrance to the accessory dwelling unit no closer to the street than the primary residential dwelling unit;~~

~~(B)~~(A) Be of the same architectural style as the primary structured dwelling unit;

~~(C)~~(B) Be constructed of ~~the~~ similar exterior materials, finishes, and family of colors as the primary ~~residential~~ dwelling unit; ~~and~~

~~(D)~~(C) Offset windows from neighbor's windows to maximize privacy-; and

(D) Be designed to meet the daylight plane requirements of the R-1 zoning district as applied to the nearest adjacent side and rear lot lines.

(i) Application of the daylight plane requirement shall not preclude a State Exempted "By Right" ADU as defined in this Chapter.

(2) Detached Accessory Dwelling ~~Units. Accessory dwelling units~~Unit. An ADU that ~~are~~is detached from the primary ~~residential~~dwelling unit shall:

~~(A) Comply with the architectural standards listed above under~~In instances when an ADU is attached to an accessory ~~dwelling units~~;

~~(B)(A) Be designed to minimize the visibility of the structure, provide a uniform and integrated design with that~~ accessory ~~dwelling unit from the street(s), with the exception that corner lots are excluded from this requirement;~~ and ~~structure~~;

~~(C)(B) Offset windows from neighbor's windows to maximize privacy;~~

~~(C) Heritage Tree Standards. New accessory dwelling units~~Provide and ~~conversions~~maintain obscured glazing on second-story windows up to five feet from the finished floor when the windows are located within five feet of a lot line with an existing legally permitted structureabutting residential lot;

(D) When an exterior staircase is proposed, it shall have a setback of at least five feet from the nearest lot line and the size of the second story landing shall be limited to the minimum area required to allow ingress and egress as specified by the California Building Code;

(i) For an ADU on the second story that seeks to have a larger second story deck or balcony, an application for discretionary review, pursuant to Section 27.19.050, shall be submitted.

~~(E) Be designed to comply with the standards for the preservation of heritage trees~~meet the daylight plane requirements of the R-1 zoning district as applied to the nearest adjacent side and rear lot lines.

(k) Development Impact Fees. Development impact fees for ADUs shall be established in Chapter 13.52, "Heritage Trees," an amount set forth by resolution of the City Council.

(l) Utility Service. If an ADU is constructed within existing space, a separate water connection, a ~~separate~~ sewer service connection, ~~and/or~~ power connection ~~as water, sewer, and power service~~is not required for an ~~accessory dwelling unit~~ADU. If an ADU is not constructed within existing space, the City may require new or separate utility connections.

~~(m) Utility Fees. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating City connection fees or capacity charges for utilities, including water and sewer service. For an accessory dwelling unit~~For an ADU located within an existing structure, ~~neither the installation of a new or~~

~~separate utility connection nor the~~ payment of a connection fee or capacity charge is not required. For an ~~accessory dwelling unit~~ADU that is separate from an existing structure, the City will require payment of a new or separate utility connection directly between fee or capacity charge that is proportionate to the accessory dwelling and the utilityADU's burden.

~~(m)(n)~~ Address Assignment. An application for a building permit for an ADU must include application for a separate address assignment.

~~(n)(o)~~ Other Requirements. All other zoning requirements shall be complied with unless an authorized variance is approved.

~~(p)~~ For ADUs proposed within an existing multi-family structure or on a lot with an existing multi-family dwelling, the provisions of Government Code Section 65852.2(e)(1) apply.

#### ~~27.19.060~~ RECORDATION OF DEED RESTRICTION. RESERVED.

~~(a)~~ A deed restriction shall be recorded to run with the land and submitted to the City prior to building permit issuance which indicates the following:

~~(1)~~ Only one unit may be occupied solely by persons other than the owner or owners of record.

~~If an accessory dwelling unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.~~

~~(2)~~ Sale of the accessory dwelling unit separately from the sale of the single-family residence is prohibited.

~~(3)~~ The approved size and attributes of the accessory dwelling unit.

~~(b)~~ A copy of this deed restriction must be given to each prospective occupant.

### Article II Junior Accessory Dwelling Unit

#### **27.19.070 PURPOSE.**

The purpose of this Article is to set forth regulations to permit junior accessory dwelling units ~~on one- and two-family residential zoned properties (R1-A, R1-B, R1-C, and R2). A parcel with an existing legally permitted single-family use may have only one accessory dwelling unit or one junior accessory dwelling unit, but, not both.~~(JADUs).

#### **27.29.080 PROHIBITION ON SUBDIVISION. RESERVED.**

~~Properties with approved junior accessory dwelling units may not be subdivided at the time said unit is approved or thereafter.~~

## 27.19.090 PROHIBITION ON SALE AND LIMITATION ON RENTAL.

(a) A ~~junior accessory dwelling unit~~JADU shall not be sold separately from the primary residence.

(b) If a ~~junior accessory dwelling unit~~JADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.

## 27.19.100 MINISTERIAL PERMIT REQUIRED.

A JADU permit application is required in order to demonstrate that the unit is in compliance with the provisions of this Article. If the ~~junior accessory dwelling unit~~JADU is in full compliance with the provisions of this Article, a ministerial, non-discretionary permit shall be issued.

## 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~~JADUs shall only be constructed on ~~one- and two-family residential lots~~ zoned ~~properties, specifically R1-A, R1-B, R1-C, and R2, with an existing legally permitted to allow~~ single-family ~~dwelling residential use, or for which a single-family residence exists or is proposed to be built.~~ The residential ~~property~~lot 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~~JADUs is limited to one per residential ~~parcel zoned for one-family dwelling unit or two-family dwelling units~~lot with a single-family ~~residence. Lots with multi-family housing or more than one detached single-family dwelling already built on the parcel are not eligible for JADUs.~~

(c) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the ~~junior accessory dwelling unit~~JADU 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~~JADU shall not exceed ~~500~~650 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.~~

(e) Construct within Existing Structure. The ~~junior accessory dwelling unit~~JADU shall be constructed within the ~~existing~~ walls of ~~an existing, the proposed or~~ legally ~~permitted~~existing single-family dwelling unit ~~and, including an attached garage. Detached accessory structures, including detached garages or carports, are not permitted to be converted into JADUs.~~

~~(e)(f) Unit Access. A JADU must include the conversion of an existing, legally permitted bedroom.;~~

~~(f) Unit Access.~~

(1) A separate exterior entry from the main entrance to the ~~one~~single-family dwelling, which shall be provided to serve the ~~junior accessory dwelling unit~~JADU only; and

(2) An interior entry access between the ~~junior accessory dwelling unit~~JADU 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~~single-family dwelling. This interior entry access may be a door equipped with a double lock. A permitted ~~junior accessory dwelling unit~~JADU may include a second interior door for sound attenuation.

(g) Efficiency Food Preparation Area. ~~A junior accessory dwelling unit~~A JADU shall include ~~a small~~an efficiency ~~food preparation area~~kitchen that ~~is limited to~~includes 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;~~

~~(1) A~~Cooking facility with appliances; and

~~(3) Food preparation counter and storage~~ with cabinets ~~which do not exceed six feet in total length.~~

~~(4)(2) Wetbar. One wetbar is permitted in a dwelling unit in a common living area room only. A single half that are of reasonable size or smaller refrigerator is permitted, but a microwave is not in relation to the size of the JADU.~~

(h) Sanitation Facilities. A JADU may include its own separate sanitation facilities or may share sanitation facilities with the primary dwelling unit.

~~(h)(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~~JADU. No fire sprinklers are required for the ~~junior accessory dwelling unit~~JADU, unless the associated improvements meet the threshold for a "substantial remodel" as defined by Chapter 23, Building and Construction, of the San Mateo Municipal Code. ~~The junior accessory dwelling unit~~The JADU 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~~JADU and shall be connected to the smoke alarm in the main residence.

(2) ~~The junior accessory dwelling unit~~The JADU shall be equipped with a carbon monoxide detector.

~~(i)(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 unitJADU.

~~(j)(k)~~ Parking. No additional off-street parking is required for a ~~junior accessory dwelling unit~~JADU.

~~(k)(l)~~ Address Assignment. An application for a building permit for a JADU must include application for a separate address assignment.

**Section 2.** Section 27.19.120 of the San Mateo Municipal Code is amended as follows:

**27.19.120 RECORDATION OF DEED RESTRICTION.**

(a) A deed restriction shall be recorded to run with the land and submitted to the City prior to building permit issuance which indicates the following:

~~(1) Only one unit may be occupied solely by persons other than the owner or owners of record.~~

(1) The property owner must occupy either the single-family residence or the JADU.

(2) If ~~a junior accessory dwelling unit~~the JADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.

(3) Sale of the ~~junior accessory dwelling unit~~JADU separately from the single-family residence is prohibited.

(4) The approved size and attributes of the ~~junior accessory dwelling unit~~JADU.

(b) A copy of this deed restriction must be given to each prospective occupant.