



# CITY OF SAN MATEO

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## Agenda Report

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**TO:** City Council

**FROM:** Drew Corbett, City Manager

**PREPARED BY:** Community Development Department

**MEETING DATE:** September 07, 2021

**SUBJECT:**  
Accessory Dwelling Unit Ordinance Amendments – Study Session

### RECOMMENDATION:

Review the proposed draft Accessory Dwelling Unit ordinance and provide direction to staff on any changes needed prior to the draft ordinance introduction.

### BACKGROUND:

On January 1, 2020, several accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) related housing bills signed into law by Governor Newsom became effective. These new laws eased local zoning controls, established minimum development standards, reduced associated development fees, and expedited the permit processing associated with ADU and JADU development.

In March and April of 2021, the City Council reviewed an interim ADU ordinance intended to align the City's ADU ordinance with the State legislation. The interim ordinance included a maximum building height for detached ADUs of 16 feet to top plateline and 24 feet to roof peak from existing grade. Due to concerns that the height limit might be too restrictive and that additional community input was needed, the Council declined to adopt the interim ordinance and directed staff to conduct outreach to engage the community on the updated ADU regulations and to bring back a revised ADU ordinance informed by public input.

Public outreach was conducted over the summer and included two virtual ADU workshops at the end of June, and an online community survey which ran from mid-July to late August. The specifics of the community workshops and survey are discussed in greater detail in the corresponding sections of this report. The community feedback collected during these outreach efforts was used in part to inform the proposed ordinance that updates San Mateo Municipal Code Chapter 27.19 – "Accessory Dwelling Units and Junior Accessory Dwelling Units."

On August 24, 2021, the Planning Commission held a public hearing to consider the updated ADU ordinance. The updated ADU ordinance was informed by the requirements of the Department of Housing and Community Development (HCD); community input received during outreach; peer review of the development standards adopted by other jurisdictions in the county; staff recommendations based on experience processing ADU permits; and the recommendations and instruction received from both the Planning Commission and City Council previously. Following public comment and deliberation, the Commission voted to recommend approval of the updated ADU ordinance with a number of modifications for the City Council to consider. A summary of the Planning Commission's recommended modifications to the updated ADU ordinance are discussed later in this report. A tracked changes draft of the ordinance that reflects the Planning Commission's recommended modifications is included as Attachment 1, a tracked changes draft of the overall changes to the City's existing ordinance is included as Attachment 2, and a clean copy of the draft ordinance is included as Attachment 3. The Planning Commission agenda report from the August 24, 2021, meeting, which includes a detailed

discussion of the updated ADU ordinance and workshop poll and community survey results is included as [Attachment 4](#).

## **DISCUSSION:**

### Community Outreach

The City held virtual community workshops on Thursday, June 24, 2021 (evening) and Saturday June 26, 2021 (morning), with a total of 65 attendees participating in both workshops. The purpose of the workshops was to provide an overview of the changes to State ADU law to the community, outline the areas of local discretion and potential ordinance options, and solicit community feedback on each subject area by asking nine targeted questions at the end of each presentation. The questions were focused on ADU and JADU development standards, including building height, architecture and design, size standards, and parking requirements. A summary of the community workshop events, including the discussion, poll questions, and aggregated poll data are included as an attachment in the Planning Commission agenda report.

In addition to the community workshops, the City conducted an informal online survey, which ran from July 15, 2021, to August 22, 2021, and posed the same questions asked during the workshops. An email notification providing a direct link to the survey was sent to more than 2,850 individual email addresses, including the City's "900 List," which contains individuals and organizations interested in citywide planning projects, interested parties list, and both the Planning Commission's and City Council's "Notify Me" lists, and was also included in the Planning Division's eNewsletter update. Additionally, notification of the survey was updated on the City's social media channels. The survey was accessed 452 times, of which 233 visitors completed the survey. A comprehensive summary of the survey results is included as an attachment in the Planning Commission agenda report.

### Planning Commission Recommendations

The Planning Commission's recommendation to adopt the updated ADU ordinance included a number of modifications for the City Council to consider as summarized below:

- Increase the maximum allowable size of a JADU from 500 square feet to 650 square feet.
- Allow ADUs to be built up to the maximum size permitted by the underlying zoning district's floor area ratio, rather than establishing a maximum size limit (such as 1,200 square feet).
- Eliminate the proposed five-foot windowsill requirement for second-story ADU windows that face a side or rear property line.
- Prohibit second-story balconies and decks on two-story ADUs that face a neighboring residential property with a shared side or rear property line.
- Require obscured glazing on second-story windows with windowsills lower than five feet from the finished floor only when located on walls built four feet from a shared side or rear property line of an adjacent residential property.
- Eliminate the provision that would reinstate the owner-occupancy requirement after 2024.
- Include incentives to apply REACH codes that go beyond what is currently required for ADUs, as determined feasible by staff.

In addition to these recommended revisions to the ADU ordinance, the Planning Commission also recommended that the City Council consider removing the R-1 daylight plane requirements on ADUs. The Commission was concerned that the daylight plane could negatively impact the ability of a property owner to construct a reasonably sized two-story ADU on top of a garage when built at or near the four-foot side yard setback. Graphic exhibits that show how the daylight plane would be applied to a two-story ADU will be provided during the study session presentation. The presentation will also outline the City's existing REACH code requirements for ADUs and seek input from Council regarding whether additional REACH codes for ADUs should be incentivized.

### Additional Staff Recommendations

Based on the input received at the Planning Commission meeting, staff is also recommending some additional revisions to the updated ADU ordinance for the City Council's consideration. These recommended changes are reflected in the Proposed Ordinance in Attachment 1 and are as follows:

- Remove the prohibition on front entrances for attached ADUs facing the street. This is a vestige of the City's older ADU ordinance and unnecessarily limits the ability of a property to best design a new attached ADU. In addition, both Planning Commissioners and City Council members have identified this provision as no longer being necessary or practical.
- Remove the requirement that all properties that build an ADU need to record a deed restriction against the property that contains provisions related to the permitted size of the ADU and that it must be rented for a period of at least 30 days. These provisions are already documented in the permit and the Zoning Code, and can be enforced if a violation occurs, thus the deed restriction is not necessary to ensure that these provisions are maintained.
- Revised the parking requirements section to more clearly list the exceptions for when an ADU is not required to provide off-street parking.
- Added language that specifies when an ADU is attached to an accessory structure, it shall provide a uniform and integrated design with that accessory structure.

#### Proposed ADU Ordinance

The proposed ADU ordinance, as informed by public input and as recommended by the Planning Commission and staff, is included as Attachment 1. This ordinance has been drafted to be fully compliant with the updated State laws pertaining to ADUs and JADUs, and to include local requirements and standards, where permitted by State law, that best meet the interests of the local community. Staff is asking the City Council to provide direction on the following aspects of the draft ordinance:

- Maximum size for ADUs (attached and detached);
- Maximum height for detached ADUs (minimum of 16 feet);
- Objective architectural design standards for ADUs; and
- Objective design requirements for two-story detached ADUs

The proposed ordinance also includes setback requirements of four feet for the side and rear yards, and that a new ADU must meet the front yard setback requirement on the underlying zoning district in which it is located, which is consistent with State law. The necessary findings to support these setback requirements, pursuant to Government Code Section 65852.2(h)(2)(B)(ii), are included in the proposed ordinance, which will be provided to HCD for review and comment.

#### **NEXT STEPS:**

Staff will revise the draft ordinance per the Council's direction and will send it to HCD for preliminary review to ensure compliance with State regulations. Staff will make any modifications deemed necessary by HCD and then bring back a revised draft ordinance for introduction and a second reading for adoption. The ordinance goes into effect 30 days after its formal adoption. The City is then required to submit the approved ordinance to HCD within 60 days of adoption for final review and acceptance by the State.

#### **BUDGET IMPACT:**

There is no impact to the General Fund for this action.

#### **ENVIRONMENTAL DETERMINATION:**

In accordance with Public Resources Code Section 21065, a study-session is not a project under the California Environmental Quality Act (CEQA) because the City Council is not taking action at this time.

#### **PUBLIC COMMENTS:**

A total of 14 comments have been formally submitted since the March 15, 2021, City Council meeting, including a letter from the Sugarloaf Homeowners Association Board. The comments have been included as Attachment 5.

#### **NOTICE PROVIDED**

All meeting noticing requirements were met.

**ATTACHMENTS**

Att 1 – Draft Ordinance (tracked changes –Planning Commission)

Att 2 – Draft Ordinance (tracked changes – comparison to existing code)

Att 3 – Draft ADU Ordinance (clean copy)

Att 4 – August 24, 2021, Planning Commission Agenda Report with Attachments

Att 5 – Public Comments

**STAFF CONTACT**

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