

**From:** [Eric Holm](#)  
**To:** [Joe Goethals](#); [Rick Bonilla](#); [Amourence Lee](#); [Eric Rodriguez](#); [Diane Papan](#)  
**Cc:** [Phillip Brennan](#)  
**Subject:** Proposed ADU ordinance  
**Date:** Tuesday, September 7, 2021 3:21:19 PM

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Dear City Council Members,

I'm sorry this letter comes shortly before your meeting to review the issues tonight and I appreciate all the hard work you've done to get us here. I'd like to thank you for the thoughtful effort and process to develop a revised ADU ordinance in alignment with the State legislature and the City's goals. City Staff and the Planning Commission have proposed some bold changes based on community input and their own thoughts on encouraging and stimulating an increase in housing units that are desperately needed. The proposed direction of the ordinance is, in my opinion, an improvement over the discussions last spring but there are still some opportunities to capture.

I am an architect in San Mateo but I do not practice residential architecture. I am also a lifelong San Mateo resident. Below are some of my thoughts and comments on specific sections of the proposed ordinance and some reflections on conversations we are having at the local San Mateo Chapter of the American Institute of Architects (AIA) however the opinions expressed herein are my own.

#### 27.19.050(c) State Exempted "By Right" ADUs.

The ordinance is not explicit in the application of the 800 sf of the state exempted "by right" area. The proposed ordinance states the additional 800 sf applies to NEW ADUs but does not address existing ADUs, or an ADU built before the FAR is maximized. An AIA lecture on this issue to our members highlighted that past practice of city staff and other cities has been to apply the 800sf allowed ADU area above the FAR only on NEW ADU applications and not retroactively on a lot when an ADU is present. This precludes a homeowner from building an ADU first and then remodeling their home, converting a garage into an ADU and then determining later that they would like to rebuild a garage, or building an ADU and then later deciding they need to remodel and add square footage to their primary residence.

When architects meet with clients, many homeowners would be interested in building an ADU to live in first and then remodeling their home. That is not possible under the practice. Without the added savings of living in the ADU during a whole house remodel, it sometimes is easier and more cost effective to scrape a site and build new. Typically, remodeling an existing home has tradeoffs in dealing with the existing structure vs building new. Those tradeoffs are considered in any project. As a result, in many more cases architects are recommending clients tear down their existing residence and build a new house and ADU at the same time rather than incrementally due to the tradeoffs and the unintended consequence of the sequence of

building impacting your overall max buildable FAR and ADU Far on a site. This has an adverse effect of adding cost to a building plan as well as demolition of a structure that could otherwise be remodeled.

I strongly recommend that the 800 sf “by right” area be applied across the board to ADUs under 1200sf regardless of when they are built on a site. This would allow a homeowner to build the ADU first and then later make alterations to their home as long as the combined total did not exceed the FAR plus the 800 “by right” allotment. The 800 sf could then be looked at as a credit of 800 that can be applied to an ADU under 1200sf.

#### 27.19.050(d) Maximum Unit Size

This modification proposed by the Planning Commission is a creative and essential change. This will allow lots with existing smaller homes to plan on a larger structure as the ADU rather than remodeling and enlarging the existing structure. This will be a critical piece in providing ADU housing capacity for families in our city as it will facilitate a three-bedroom ADU more suitable for families with children. With any development, often the hardest housing stock to build are the 3 or 4 bedroom units that families need. This will help fill that essential void for families that otherwise cannot afford to live here. I think this modification makes a lot of sense and strikes a happy medium between building larger ADUs while at the same time preserving open space by not allowing the extra “800 by right” amount.

#### 27.19.050(j)(2)(B) Architectural Standards of Detached Accessory Dwelling Unit- window placement

The requirement for offset windows in many ways negates the need for those windows to be obscured. There are numerous houses throughout the city that are built next to each other and aligning windows is typically not an issue. Additionally, several primary residences 2nd floor windows overlook backyards regardless of ADUs. While a homeowner that has not had a 2-story house next to them may object to the invasion of privacy, that privacy can always be changed via a second story addition to a primary residence. While standard R1 additions go through design review, they do not restrict windows from looking onto a neighbor’s lot nor do they require obscure glass. On the other hand, requiring obscure glass for the ADU will foster a lesser quality of the interior space in the ADU.

#### 27.19.050(j)(2)(E) Architectural Standards of Detached Accessory Dwelling Unit- second story decks

The planning commission discussed the second story decks and balcony restrictions as originally proposed by the initial draft staff ordinance. The commission recognized the value that decks and balconies provide and struggled with the restriction of them. Similar to second floor windows, exterior space on the second floor provides an improved quality of the space of

an ADU. They provide a moment of serenity to a hectic day, a chance to be above the world and take pause. The restriction of balconies provides privacy for homeowners in their backyards but a balcony on an ADU is no different than a balcony on a primary residence. Similar to the design review of windows, there are no restrictions on balconies or decks on the primary structure other than the daylight plane. A homeowner may object to a balcony looking into their property but the primary residence could do the same just as easily. If the city's goal is to create the best dwellings possible, balconies should be allowed.

Personally, I gave three balconies that overlook my property due to my unique configuration. On the occasion that I see my neighbors on their balcony it is a chance for a neighborly waive.

#### 27.19.050(j)(2)(F) Architectural Standards of Detached Accessory Dwelling Unit- daylight plane

The Planning Commission also struggled with the daylight plane and rightfully so. The daylight plane is an arbitrary concept that may or may not affect daylight in a space depending on orientation and building placement respective to adjacent properties. The goal of the ADU ordinance is to encourage infill housing and the proposed modifications allowing a 24ft plate height are intended to support 2 story ADU units. The addition of a daylight plane restricts that opportunity for 2 story building height. Effectively, the daylight plane requirements restrict the ADU to a 16' plate height if built at the 4' setback.

Several Planning Commissioners expressed a desire to remove daylight plane requirements. Given that most ADUs will be built 4ft from a side and rear property line, the daylight plane restriction applied to both property lines will limit overall building height and restrict roof and building forms to mansard roofs that follow the daylight plane rather than provide unique building forms with shed or gable roofs. In many cases, the ADUs that follow the daylight plane will start to take on a similar form across town as people stretch to reach 2 stories within the limiting confines of the daylight plane.

With the current provisions, an Architect can get creative with shed dormers or gable intrusions but that is a lot of gymnastics to create an interior volume that is desired when a much simpler form likely could have been built. Effectively the daylight plane requirements increase the cost of designing and ultimately building an ADU due to the added complexity of roof forms that have to be built to adhere to the arbitrary boundary. If the Council feels the daylight plane is absolutely necessary, they would serve the ADU building public better by requiring the daylight plane on one property line only which would allow more diverse roof forms and greater height flexibility.

Another reason to remove the daylight plane is an environmental one. The effective reduced building height of the daylight plane pushes more site development that makes it harder to maintain or incorporate trees and pervious landscaping in our built environment. While we

must solve our housing challenges, the more we develop properties horizontally, the less room there is for trees and other vegetation in our community. The City's commitment and recognition of the benefit of trees to our overall well-being is expressly contradicted by the notion of limiting two-story ADU development via the daylight plane provisions.

In addition to the amount of green space and pervious landscaping, the varying weather patterns create more infrequent but intense storm surges. Restricting the daylight plane also limits 2 story ADUs to slab on grade construction. Many of our older homes are built 3-4 feet above grade making them naturally resilient in storm surge events. Removing the daylight plane allows homeowners to build their ADU structures in a similar resilient fashion with an elevated ground floor. At a minimum, if the City maintains the daylight plane, then it should adopt the exception similar to primary dwellings that give an additional 2 ft of daylight plane height when the primary house is 3ft above grade.

If you drive through some of our older single-family neighborhoods such as San Mateo Park, you will notice that many of the large houses were built before the daylight plane and setback requirements existed. Many of the stately, beautiful homes are 2 story, built within the required 7' setback (oftentimes as close as 3'), exceed the daylight plane (often by 10ft or more), and have balconies and non-obscured windows that overlook the adjacent property lines. Those homes and streets are beautiful. There is no reason allowing ADUs to be built in the same fashion won't be equally as beautiful.

I appreciate the tremendous amount of work put forth on this revised ordinance and believe the City has a chance to make some legitimate headway in the expansion of family housing in our great city.

Thank you,

Eric Holm

SM resident and Parks and Recreation Commissioner

**From:** [joanne bennett](#)  
**To:** [Phillip Brennan](#)  
**Subject:** ADU Height Limits  
**Date:** Wednesday, September 8, 2021 4:00:25 PM

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Hi Phillip,

Was watching last night's City Council meeting on ADU's and had a question on the height limits being considered.

As it stands now the state interim ordinance of 16' plate line 24' feet to roof peak is being considered as well as the 20' plate line 28' roof peak and the 24' plate line 32' roof peak.

My question is this, if 1,200 is to be the maximum square footage allowed for ADU's **how many more bedrooms/bathrooms could be built with the various heights? What would the actual difference be between the three heights?**

My understanding is all of these height limits would be two story units correct? Would like to get a better understanding of what is being proposed based on my own experience living in North Central. Personally I think anyone with a lot larger than 10,000. sq feet could be allowed to build a larger ADU but I do not feel the "one size fits all" should be considered.

Not totally against 4' side and rear setbacks as my own home in North Central built in 1929 has a variety of side setbacks from a little over 4ft to 6 ft, on opposite sides.

Privacy also seems to be a concern as well and I would highly recommend the City implement landscaping requirements as part of the permitting of ADU's to have owners plant trees or tall bushes that would do well in the setbacks being implemented. Greenery and some yard space would add to the overall aesthetics of the homes.

Look forward to your answers regarding the three different height limits being proposed.

Thank you,

Joanne Bennett



**From:** [Diane Papan](#)  
**To:** [Phillip Brennan](#)  
**Subject:** Fw: Re:  
**Date:** Wednesday, September 8, 2021 10:16:12 AM

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**From:** Peter Mandle [REDACTED]  
**Sent:** Wednesday, September 8, 2021 10:13 AM  
**To:** Diane Papan <[dpapan@cityofsanmateo.org](mailto:dpapan@cityofsanmateo.org)>  
**Cc:** Joan Diskin <[diskin@cityofsanmateo.org](mailto:diskin@cityofsanmateo.org)>; Patrice Olds <[polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)>  
**Subject:** Re:

Hi Ms. Papan,

After watching last night's City Council meeting, I would like to go on record as supporting staff recommendations to establish a Daylight Plane and to limit balconies and unglazed windows facing property immediately adjacent to the ADU. My opinion is that the height of ADU's should be limited to two stories or about 20 feet--10' floor-to-floor is very comfortable. The higher limit--especially with dormer windows--would permit construction of three story dwellings, which I would be opposed to.

Prior to building new homes, I've often seen owners construct simple stick framing outlining the size and shape of the home. Would it be possible to require such construction prior to approval of a new ADU?

Better yet, to help the public and Council Members envision the implications of alternative floor plate and roof height limits, could the City's Public Works Department build an ADU stick structure (or structures) showing the heights now under consideration and their relationship to an adjacent building or dwelling?

Thank you for considering my comments.

Regards,  
Peter Mandle

On Mon, Aug 23, 2021 at 8:44 AM Diane Papan <[dpapan@cityofsanmateo.org](mailto:dpapan@cityofsanmateo.org)> wrote:

Thank you Mr. Mandle for your email.  
Copying our City Clerk to ensure that it is a part of the record for this matter.  
With best regards,  
Diane Papan

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**From:** Peter Mandle <[REDACTED]>  
**Sent:** Sunday, August 22, 2021 12:41 PM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>  
**Subject:**

**To: Members of the City of San Mateo City Council**

**This is to express my opposition to the proposed at-large mayor position. As San Mateo changes to electing Council members by district, I hope you will maintain the current system of rotating the responsibility for mayor among the individual Council members. I also hope that as you define the new districts, you will attempt to respect the existing neighborhood and neighborhood association boundaries.**

**Both the associates and mayor responsibilities have worked for many years.**

**Thank you for considering this request.**

**Regards,  
Peter Mandle**

**[REDACTED]**

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**From:** [Susan Rowinski](#)  
**To:** [Phillip Brennan](#)  
**Cc:** [Patrice Olds](#); [Christina Horrisberger](#); [Julia Klein](#)  
**Subject:** Comments for Draft ADU and JADU ordinance  
**Date:** Thursday, September 30, 2021 1:25:13 PM

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Dear Mr. Brennan

Thank you for the outreach efforts the community development dept has conducted for the ADU/JADU ordinance revision. I have found the outreach efforts to be comprehensive and easy to understand.

Below are comments following the Sept 7 city council study session. I encourage staff to consider my comments when drafting the next version of the ADU ordinance.

The current draft ordinance assumes a one size fits all approach. However, 5200 SF lots, and their neighborhoods, will be **more** impacted by the installation of JADUs and ADUs than lots greater than 10,000 SF. As a result, I request staff consider a more nuanced approach to drafting the ADU and JADU ordinance and take into considerations the impacts on neighborhoods with smaller lots sizes.

I am a 22 yr. resident in the city of San Mateo and I live on the most common lot size in the city, a 5100 SF lot.

As noted in staff's meeting packet for the Sept. 7 study session, 29 % of the lots in the city are over 10,000 SF and 71 % of the lots in the city are less than 10,000 SF.

Based on research 70 % of the 10,000 SF lots are less than 5200 SF. Another words the majority of lots in the city are less than 5200 SF and these neighborhoods already host high residential housing density.

5200 SF lots, and their neighborhoods, will be **more** impacted by the installation of JADUs and ADUs than lots greater than 10,000 SF.

The impact is due to higher residential housing density. Increased residential housing density means more noise and the loss of privacy, parking spaces, trees and architectural continuity to the neighborhood and the residential properties adjacent to the JADU and ADU.

Some of these impacts to smaller lots size ( ie 5200 SF lots or less) can be mitigated in the JADU and ADU city ordinance. Below are my suggestions for mitigation.

- JADUs maximum size is 500 SF ( lots over 10,000 SF JADUS can be 650 SF).
- For ADUs use the underlying zoning district floor area ratio.
- Ensure architectural continuity between the primary residence and the ADU and JADU.
- Prohibit second story balconies and decks on 2<sup>nd</sup> story ADUs that share a side or rear property line with neighboring residential properties.
- Require obscured glazing on 2<sup>nd</sup> story windows of ADUs that share a side or rear property line with neighboring residential properties. (lots over 10,000 SF glazing may not be needed)
- Require evergreen trees be planted on the property when trees were removed to build the ADUs and JADU and require additional trees to be planted. The evergreen trees can be planted along property's front, back and side perimeter and other areas of the property to improve privacy for the ADU and adjacent rear and side residential properties. The trees will also help to break up the visual monotony created by installing the ADU and JADU and increasing housing density in the neighborhood.



Thank you for the opportunity to submit my comments related to the impact of the installation of JADUs and ADUs on smaller lot sizes and their neighborhoods.

As noted the current draft ADU and JADU ordinance assumes a one size fits all approach. However, 5200 SF lots, and their neighborhoods, will be **more** impacted by the installation of JADUs and ADUs than lots greater than 10,000 SF. As a result, I request staff consider a more nuanced approach to drafting the ADU and JADU ordinance for those neighborhoods with smaller lot sizes.

Susan Rowinski

San Mateo CA 94403.

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**Subject:** FW: ADU Restrictions :

**From:** Barbara van Dillen <[REDACTED]>  
**Sent:** Monday, January 10, 2022 4:12 PM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>  
**Subject:** ADU Restrictions :

Dear City Councilor,

We feel strongly about R1A Zoned areas. Please do not loosen the restrictions and consider the following:

- Limit Size to 800 square feet
- Height Limit 16 feet allowance - no second floors!
- Proximity to property lines and backyards - *This could be a huge problem since we all live so close to each other already!*
- Each neighborhood in SM is different so a uniform law will not work.
- Proper setbacks from road and neighbors!

We understand the need for more housing, but cramming more housing on already existing properties is not an answer.

See you Tuesday night.

Thank you,  
Barbara van Dillen

**From:** [Patrice Olds](#)  
**To:** [Joan Diskin](#); [Zachary Dahl](#)  
**Subject:** FW: Proposed ADU rules  
**Date:** Monday, February 7, 2022 9:57:00 AM

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-----Original Message-----

From: Elaine Diani [REDACTED]  
Sent: Friday, February 04, 2022 6:19 PM  
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>  
Cc: Ali Tamaseb [REDACTED]; Amin [REDACTED]; John Ramacciotti [REDACTED]; Stan Low [REDACTED]; Erol Erensel [REDACTED]; Ellie Wong [REDACTED]; Bridgette Birdie [REDACTED]; Richard Miles [REDACTED]; Henry and Muya Louie [REDACTED]; Kristen Berni [REDACTED]; Melisa Yajimi [REDACTED]; Patricia and John Demiris [REDACTED]  
Subject: Proposed ADU rules

Dear Council members,

My husband and I have recently become aware of the fact that the Council will be considering local ADU rules at your meeting on February 22. We are writing to strongly object to second stories on these ADU's.

It is our understanding that State rules indicate that a local agency cannot impose rules limiting ADU's to less than 850 square feet or 16 feet in height. However, a local agency may require dimensions in excess of these rules. It is also our understanding that permits for these structures are ministerial which means that no notice regarding these structures are sent to the neighbors.

We live at 860 Viewridge and we are very concerned that the Council is considering approving two story ADU's in excess of 16 feet. While we have no problem with one story ADU's, we believe that two story ADU's would be disastrous in our neighborhood. The 800 block of Viewridge was constructed in the early 60's with the goal of providing each home with a view of the Bay over the rooftop and back yard of the house below. If a second story is built on an existing home or on an ADU it would compromise the uphill neighbor's view, severely reducing the neighbor's enjoyment of their view and adversely affecting the worth of their home. If a second story was written into the local rules, we would have no ability to bring this problem to the attention of the permitting department since apparently permitting of these units are ministerial and do not call for any notice to the neighbors!

In late 2020, our downhill neighbor proposed a second story on his house. No one in our neighborhood had ever proposed such a project since every one was well aware that a second story would have a very adverse effect on his neighbor. This neighbor was new to the neighborhood and very private. We had no idea he was planning such a project until we received notice from the planning department. Fortunately, the entire neighborhood rallied around and we were able to convince the neighbor in question to consider other alternatives. To his credit, he withdrew his plans for a second story. I shudder to think what would have happened if we had not been notified by the planning department of this proposed project.

We do not believe a second story ADU is appropriate for every neighborhood in San Mateo. If you allow second stories in your rules and there is no provision for notification to neighbors some very unfortunate results can occur. Please do not lock San Mateo into such a rule! A 16 foot height limit, which is apparently a fait accompli per State rules, is certainly high enough.

Please do not approve a rule that would raise the height limits of an ADU above that required by the State, particularly if there is no notification to neighbors or a chance for input.

Thank you for your careful consideration of this matter.

Sincerely yours,

Elaine Diani and Joe Kolko

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Sent from my iPad

February 10, 2022



Dear City Council Members,

- Our Board has carefully reviewed the 3 proposed heights from the Planning Commission presentation to Council on September 7, 2021. **We feel strongly that the maximum height of ADUs should not exceed the 16' plate line and 800 sq. ft mass mandate from the State of California legislation.** The State legislature decided these parameters for ADU height and mass were sufficient to encourage needed housing development.
- One size does not fit all. Our recommendations here are specific to R1A zone. We hope Council recognizes and accommodates the different needs and preferences of the varied R1 code areas.

In addition to height and mass limits, we think it is important that the City's ADU Ordinance include:

- R1 daylight plane to reduce light, air, bulk, and mass impacts on adjacent properties
- No balconies overlooking neighbors
- Privacy glass required where necessary
- Architecture to be consistent with the primary house

We hope that the Council will consider these issues and vote accordingly.

Sincerely,

San Mateo Park Neighborhood Assn. Board of Directors:

President:	Virginia McIsaac
Secretary:	Bill Yang
Treasurer:	Alicia Woodfall-Jones
Trees & Islands:	Linda Bogue
Web & Newsletter:	David Long
At Large:	Dave Pearson
	Patrick Calihan
	Kathryn Collins