



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 12

Section Name: PUBLIC HEARING

File ID: 21-5658

TO: City Council

FROM: Drew Corbett, City Manager

PREPARED BY: Community Development Department

MEETING DATE: February 22, 2022

SUBJECT:
Ordinance Introduction – Accessory Dwelling Unit Ordinance Amendments

RECOMMENDATION:

Introduce an Ordinance to amend San Mateo Municipal Code Chapter 27.19 – “Accessory Dwelling Unit and Junior Accessory Dwelling Unit – Residential Zones” in accordance with changes to State law and to amend San Mateo Municipal Code Section 27.04.165 by adding a definition for “Junior accessory dwelling unit.”

BACKGROUND:

On January 1, 2020, State legislation with updated regulations for accessory dwelling units (ADUs) and junior ADUs (JADUs) went into effect. These regulations established minimum standards and requirements that all jurisdictions were required to comply with and superseded all local ADU ordinances. On March 2, 2020, the City Council held a study session to receive an update on the changes to ADU and JADU regulations. Following public comments and discussion, the Council directed staff to conduct public outreach to receive input from the community on how the City’s ADU ordinance should be updated. Following a delay due to the pandemic, an interim ADU ordinance was brought back to the Council in the spring of 2021, but it was sent back with direction to conduct additional public outreach. In the summer of 2021, additional community outreach, which included an online survey and two virtual community workshops, was conducted. Based on the community input that was received, staff prepared an updated ADU and JADU Ordinance for consideration by the Planning Commission and City Council.

On August 24, 2021, the Planning Commission held a public hearing to consider the updated ADU Ordinance. Following public comments and deliberation, the Commission voted to recommend approval of the updated ADU Ordinance with several modifications for the City Council to consider. These recommended modifications included increasing the maximum allowable size for JADUs to 650 square feet; using a lot’s remaining floor area allowance to govern the size of an ADU rather than establishing a maximum size limit; modifying the objective design standards for second-story windows, balconies, and decks; eliminating the owner-occupancy requirement for ADUs after 2024; and including incentives for ADU construction that exceeds the City’s REACH codes. Additionally, the Commission recommended that the City Council consider removing the R1/R2 daylight plane requirements on ADUs and for staff to provide a graphic study to examine the impacts of imposing the daylight plane on two-story ADUs built at or near the four-foot side yard setback.

On September 7, 2021, the City Council held a study session to consider the updated ADU Ordinance and the Planning Commission’s recommendations. The Council expressed support for allowing the available remaining floor area on a lot to govern the size of an ADU rather than prescribing a specific size maximum and refining the code language related to second-story decks and balconies to allow them in certain instances. The recommendation to incentivize ADU construction that goes beyond the City’s REACH code requirements did not find majority support among the Councilmembers. The Council also deliberated on the appropriate height limit for ADUs, with three height limit options under consideration:

- 16 feet to top plate line/24 feet to roof peak
- 20 feet to top plate line/28 feet to roof peak
- 24 feet to top plate line/32 feet to roof peak

A final height limit was not settled upon, with discussion around whether or not to require a daylight plane to reduce impacts on adjacent properties while also not unduly limiting the ability to build a two-story ADU. Following the discussion, the Council directed staff to provide additional height and daylight plane graphics to illustrate how the daylight plane would affect two-story ADUs of various heights and roof designs.

For reference and additional background, the September 7, 2021 City Council meeting minutes and agenda report (no attachments) are included as [Attachment 4](#) and [Attachment 5](#).

DISCUSSION:

The draft ADU Ordinance that is before the City Council was informed by the requirements of the Department of Housing and Community Development (HCD); community input received during public outreach over the past year; peer review of the development standards adopted by other jurisdictions in the county; staff recommendations based on experience processing ADU permits; and the recommendations previously received from both the Planning Commission and City Council. A clean copy of the draft Ordinance is included as [Attachment 1](#), and a tracked changes version of the Ordinance that reflects the changes from the City's current Ordinance is included as [Attachment 2](#).

ADU Height and Daylight Plane

One of the main issues that remains to be resolved with the updated ADU Ordinance is the height limit. Any of the three height limits under consideration would exceed the minimum 16-foot height requirement specified by State law. All three height limit options would allow for the construction of a two-story ADU, but the two taller height limits would allow for a wider range of two-story ADU sizes and styles. It should also be noted the tallest height option (24 feet/32 feet) is the building height limit in the R1/R2 zoning districts. However, single-family structures in these zoning districts are also required to comply with larger setbacks and the daylight plane.

The R1/R2 daylight plane is applied at each side yard property line, starting at a height of 12 feet and extending into the lot at an angle of 45 degree. All portions of a structure must be within the daylight plane, with the exception of antennas, chimneys, eaves, skylights, and dormers or similar architectural features. The daylight plane is intended to provide for additional light and air between taller structures and to reduce the impacts of bulk and mass on neighboring properties by requiring taller portions of a house to be built toward the interior of the lot. Additionally, single-family residences are required to provide a side yard setback of at least 5-7 feet and a rear yard setback of at least 15 feet, with a setback of 25 feet for second-story elements. These setback requirements are not applicable to ADUs.

To better understand how the daylight plane could impact the height and design of a detached ADU, the City contracted with Larry Cannon of Cannon Design Group to prepare graphics and photo examples of ADUs and how they could be constructed within the height limit and daylight plane. The goal of the graphics is to visualize the effects of the daylight plane on ceiling heights, building heights, and setbacks for two-story detached ADUs of varied roof forms with a zero setback at the side property line (i.e., when built over an existing garage) and new construction ADUs built with a four-foot side setback. This includes conceptual cross-sections and photo examples showing different architectural designs and how they interact with the height limit and daylight plane. These graphics and photographs are included as [Attachment 3](#).

Based on this information, staff is asking Council to determine the appropriate height limit for ADUs in the City and if they should be subject to the R1/R2 daylight plane. The height limit is contained in Section 27.19.050 (e) of the draft Ordinance (highlighted) and can be modified based on the Council's final decision. The daylight plane requirement is contained in Section 27.19.050 (j) of the draft Ordinance.

Second Story Decks

The other main issue for Council consideration is how to best regulate decks for two-story ADUs. Based on previous Council feedback and the Planning Commission's recommendation, there is support for allowing two-story ADUs to have

decks if the property owner is interested. It should be noted that since January 1, 2020, the City has received a total of 174 applications for ADUs and only 18 of those applications proposed a two-story ADU. The limited interest in two-story ADUs is likely related to the higher cost of building a two-story structure and that most new ADUs are between 400-700 square feet, so a second story is not necessary to achieve the desired size. However, given the interest in allowing for two-story ADUs and providing flexibility for second story decks if requested, the following design standards are proposed:

- When an exterior stair is proposed, it shall have a setback of at least five feet from the nearest property 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.
- For a two-story ADU 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.

The wide range of neighborhood contexts, topography and adjacent property relationships present difficulties in establishing objective standards for second story decks while still maintaining a reasonable level of privacy for adjacent properties. Thus, staff is recommending that for new two-story ADUs that include a second story deck, a Zoning Administrator level planning application be submitted to allow for a more context specific review before a new deck or balcony is approved. This discretionary review would be an alternative to the ministerial approval process for applications that meet all of the City's objective standards. Providing an alternative discretionary review process is consistent with guidance from HCD. This is consistent with how the City reviews and approves second story decks for two-story single-family dwellings.

Alternative Discretionary Review Process

In addition to the changes outlined above, Section 27.19.050 has been revised to include a discretionary review as alternative to a ministerial approval for ADUs. This section would allow for an application for discretionary review of an ADU proposal that is not in full compliance with the requirements in the City's ADU Ordinance. This discretionary process would allow staff to review ADU applications individually when there are context-specific circumstances, such as topography or an odd shaped lot, that require unique design elements that may not be consistent with the objective standards in the ADU Ordinance. The Zoning Administrator would need to make findings related to neighborhood scale, privacy and health, safety and welfare, and the decision could be appealed to the Planning Commission.

However, there is an open question as to whether the decision of the Planning Commission on appeal should be final or appealable to the City Council. The draft Ordinance provides that the Commission action on appeal would be final (Section 27.19.045(d), highlighted), which would be consistent with establishing a review process that is not too lengthy. But this is not a legal requirement and can be removed if the preference is for the Council to be the final decisionmaker on an appeal.

An example of the type of ADU design proposal that could utilize this alternative discretionary review process would be a request for a second-story deck that faces an abutting residential property. Staff would be able to review the size of the lot, location of the ADU in relation to the abutting property, and any other existing conditions on the property that could be considered in making the findings for the entitlement.

ADU and JADU Size Limits

As outlined in State law, a jurisdiction must allow (1) ADUs of at least 850 square feet for a studio or one-bedroom and 1,000 square feet for an ADU with more than one bedroom, up to a maximum of 1,200 square feet, and (2) JADUs of at least 500 square feet. However, HCD staff have stated that the City can allow ADUs that exceed 1,200 square feet and JADUs that exceed 500 square feet, if desired. Based on input provided by the Planning Commission and City Council, as noted in the Background section above, the draft Ordinance has a size limit of 650 square feet for JADUs and no size limit for ADUs, provided that they do not exceed the FAR for the underlying zoning district.¹ But, these proposed size limits can be adjusted if there is Council interest.

¹ ADUs up to 800 square feet in size are allowed "by-right" even if they exceed a lot's FAR; ADUs that exceed 800 square feet can be subject to FAR limits.

NEXT STEPS:

Following introduction, the Ordinance will be brought back for a second reading and adoption at the next available City Council meeting, and the Ordinance will go into effect 30 days afterwards. In addition, the City is required to submit the approved Ordinance to HCD within 60 days of adoption for final review and acceptance by the State. If HCD identifies inconsistencies between the City's Ordinance and State law, a follow-up code amendment may be necessary. However, based on prior discussions with HCD and internal review, the draft Ordinance appears to be fully consistent with State law and, in many aspects, it exceeds the minimums established by State law.

Once the ADU Ordinance is adopted, staff will update all ADU related handouts, educational materials and the website to reflect the updated requirements for developing ADUs and JADUs. In addition, one or two community workshops will be scheduled later in the year to provide an overview of the City's updated ADU regulations and a forum to answer resident questions.

BUDGET IMPACT:

Costs associated with the ADU Code amendments, including staff time and other related activities, is funded as part of the Community Development Department's annual budget.

ENVIRONMENTAL DETERMINATION:

In accordance with Public Resources Code Section 21080.17 and California Environmental Quality Act (CEQA) Guidelines, section 15282(h), the portion of this ordinance addressing accessory dwelling units is statutorily exempt from CEQA, because it relates to second units in a single family or multifamily residential zone. In accordance with CEQA Guidelines Section 15061(b)(3), the portion of this ordinance addressing junior accessory dwelling units is exempt from CEQA, because it can be seen with certainty that there is no possibility that amending the City's Zoning Code to comply with state law requirements pertaining to junior accessory dwelling units within existing residences will have a significant effect on the environment.

PUBLIC COMMENTS:

Planning Division staff has communicated with numerous residents about State ADU regulations, the City's updated ADU Ordinance and general ADU permitting and development questions since the September 7, 2021, City Council study session. While all of this correspondence is not included, all communications that specifically addressed the City's draft ADU Ordinance, a total of seven to-date, are included with this agenda report ([Attachment 6](#)).

NOTICE PROVIDED:

All meeting noticing requirements were met.

ATTACHMENTS

- Att 1 – Draft ADU Ordinance
- Att 2 – Draft ADU Ordinance (track changed)
- Att 3 – ADU Height and Daylight Plane Graphics
- Att 4 – City Council Meeting Minutes 9-7-21
- Att 5 – City Council Agenda Report 9-7-21 (no attachments)
- Att 6 – Public Comments

STAFF CONTACT

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**CITY OF SAN MATEO
DRAFT ORDINANCE**

Amend Section 27.04.165 “Dwelling,” to add a definition for “Junior Accessory Dwelling Unit,” and Amend Various Sections of Chapter 27.19, “Accessory Dwelling Unit and Junior Accessory Dwelling Unit – Residential Zones,” of the San Mateo Municipal Code.

WHEREAS, an existing ordinance addressing accessory dwelling units and junior accessory dwelling units is codified at Chapter 27.19; and

WHEREAS, Government Code Sections 65852.2 and 65852.22 govern accessory dwelling units and junior accessory dwelling units and were recently amended; and

WHEREAS, these changes in state law necessitate amendments to Chapter 27.19; and

WHEREAS, Government Code Section 65852.2(a)(1)(B) authorizes cities to impose standards on accessory dwelling units in conformance with state law that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources; and

WHEREAS, Government Code Section 65852.2(h)(A) provides that the state Department of Housing and Community Development (HCD) is to make findings regarding local agency ordinance compliance with Section 65852.2.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Legislative Findings. The City Council of the City of San Mateo finds:

(a) The City’s amended ordinance that establishes development standards for accessory dwelling units and junior accessory dwelling units is consistent with Government Code Sections 65852.2 and 65852.22.

(b) The side and rear setback and parking standards for accessory dwelling units in the City’s amended ordinance are in conformance with Government Code Section 65852.2(a)(1)(B).

(c) In order to allow vehicles exiting lots to see passing pedestrians and vehicles, ADUs are not permitted within a required front yard setback.

Section 2. Subsection (c) of Section 27.04.165 of the San Mateo Municipal Code is amended as follows:

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 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.

Section 3. Section 27.19.010 of the San Mateo Municipal Code is amended as follows:

27.19.010 PURPOSE.

The purpose of this Article is to set forth regulations to permit accessory dwelling units (ADUs) in accordance with state law.

Section 4. Section 27.19.020 of the San Mateo Municipal Code is amended as follows:

27.19.020 RESERVED.

Section 5. Section 27.19.030 of the San Mateo Municipal Code is amended as follows:

27.19.030 PROHIBITION ON SALE AND LIMITATION ON RENTAL.

(a) An ADU shall not be sold separately from the primary residence.

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

Section 6. Section 27.19.040 of the San Mateo Municipal Code is amended as follows:

27.19.040 MINISTERIAL PERMIT APPROVAL.

An ADU permit application for either an attached or a detached ADU is required in order to demonstrate that a unit is in compliance with the provisions of this Article. If the 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.

Section 7. Section 27.19.045 of the San Mateo Municipal Code is added to Chapter 27.19 as follows:

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.

Section 8. Section 27.19.050 of the San Mateo Municipal Code is amended as follows:

27.19.050 DEVELOPMENT STANDARDS

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

(a) Permitted Zoning Districts. ADUs shall only be constructed on a lot zoned to allow residential uses.

(b) Number of Units. No more than the number of ADUs allowed by state law may be constructed on any lot.

(c) State Exempted "By Right" ADUs. An 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.

(d) Maximum Unit Size. Floor area size maximums for 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 and remaining floor area allowance available on the lot. In instances when the existing floor area allowance of a lot has been fully utilized, only the state exempted “by right” ADU of up to 800 square feet is permitted.

(1) Accessory Dwelling Unit Conversions. An ADU conversion within the walls of an existing primary residence or accessory structure is not subject 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 egress to the ADU.

(2) Detached Accessory Dwelling Unit and Junior Accessory Dwelling Unit. 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 ADU is <16, 20 or 24> feet to top plateline and <24, 28 or 32> feet to roof peak as measured from existing grade.

(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:

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

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

(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 standard size off-street parking space for each 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.

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

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

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

(C) The 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 ADU; or

(E) When the ADU is located within one block of a car 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 ADUs and conversions of an existing legally permitted structure shall be designed to comply with the following standards:

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

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

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

(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 Unit. An ADU that is detached from the primary dwelling unit shall:

(A) In instances when an ADU is attached to an accessory structure, provide a uniform and integrated design with that accessory structure;

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

(C) Provide and 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 abutting 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 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 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 sewer service connection, or power connection is not required for an ADU. If an ADU is not constructed within existing space, the City may require new or separate utility connections.

(m) Utility Fees. For an ADU located within an existing structure, payment of a connection fee or capacity charge is not required. For an ADU that is separate from an existing structure, the City will require payment of a connection fee or capacity charge that is proportionate to the ADU's burden.

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

(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.

Section 9. Section 27.19.060 of the San Mateo Municipal Code is amended as follows:

27.19.060 RESERVED.

Section 10. Section 27.19.070 of the San Mateo Municipal Code is amended as follows:

27.19.070 PURPOSE.

The purpose of this Article is to set forth regulations to permit junior accessory dwelling units (JADUs).

Section 11. Section 27.19.080 of the San Mateo Municipal Code is amended as follows:

27.19.080 RESERVED.

Section 12. Section 27.19.090 of the San Mateo Municipal Code is amended as follows:

27.19.090 PROHIBITION ON SALE AND LIMITATION ON RENTAL.

(a) A JADU shall not be sold separately from the primary residence.

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

Section 13. Section 27.19.100 of the San Mateo Municipal Code is amended as follows:

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 JADU is in full compliance with the provisions of this Article, a ministerial, non-discretionary permit shall be issued.

Section 14. Section 27.19.110 of the San Mateo Municipal Code is amended as follows:

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. JADUs shall only be constructed on lots zoned to allow single-family residential use, or for which a single-family residence exists or is proposed to be built. The residential 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 JADUs is limited to one per residential lot with a single-family residence. Lots with multi-family housing or more than one detached single-family dwelling are not eligible for JADUs.

(c) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the 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 JADU shall not exceed 650 square feet, including attic and basement areas as defined in Section 27.04.200 for the applicable zoning district.

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

(f) Unit Access. A JADU must include:

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

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

(g) Efficiency Food Preparation Area. A JADU shall include an efficiency kitchen that includes the following components:

(1) Cooking facility with appliances; and

(2) Food preparation counter and storage with cabinets that are of reasonable size 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.

(i) Building and Fire Requirements.

(1) No fire wall separation or noise attenuation measures are required between the main dwelling and the JADU. No fire sprinklers are required for the 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 JADU shall have an adjoining door connected to the main living area for fire separation. A smoke alarm shall be required in the JADU and shall be connected to the smoke alarm in the main residence.

(2) The JADU 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 JADU.

(k) Parking. No additional off-street parking is required for a JADU.

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

Section 15. 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) The property owner must occupy either the single-family residence or the JADU.

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

(3) Sale of the JADU separately from the single-family residence is prohibited.

(4) The approved size and attributes of the JADU.

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

Section 16. Environmental Determination. In accordance with Public Resources Code Section 21080.17 and California Environmental Quality Act (CEQA) Guidelines, section 15282(h), the portion of this ordinance addressing accessory dwelling units is statutorily exempt from CEQA, because it relates to second units in a single family or multifamily residential zone. In accordance with CEQA Guidelines Section 15061(b)(3), the portion of this ordinance addressing junior accessory dwelling units is exempt from CEQA, because it can be seen with certainty that there is no possibility that amending the City's Zoning Code to comply with state law requirements pertaining to junior accessory dwelling units within existing residences will have a significant effect on the environment.

Section 17. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 18. Publication. This ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 19. Legislative History and Effective Date. This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.

**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 site is not subject 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 those 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 conversionsmaintain 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 treesmeet 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 unitADU. 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 unitFor 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 utility ADU'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 unit~~JADU.

~~(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.



City of San Mateo

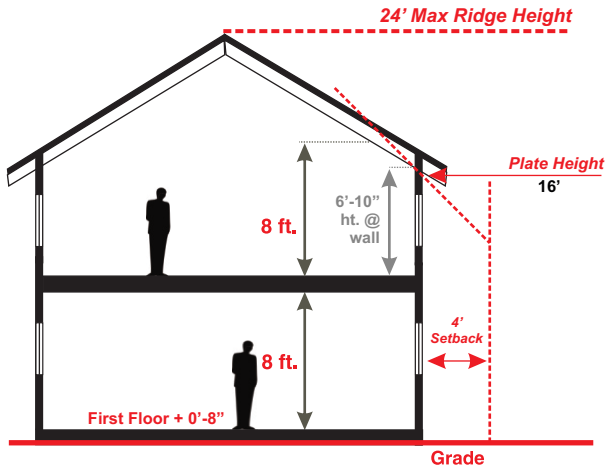
ADU Daylight Plane and Height Study



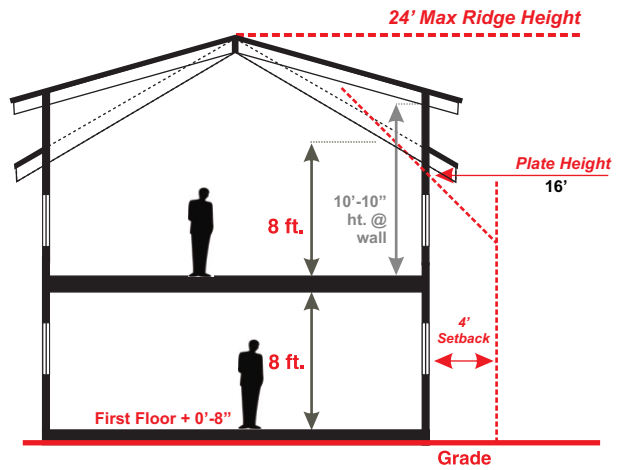
Graphics prepared by: Larry Cannon, Cannon Design Group
Edits prepared by Planning Division Staff

ADU Height Studies

ADU Designs at Different Height Limits

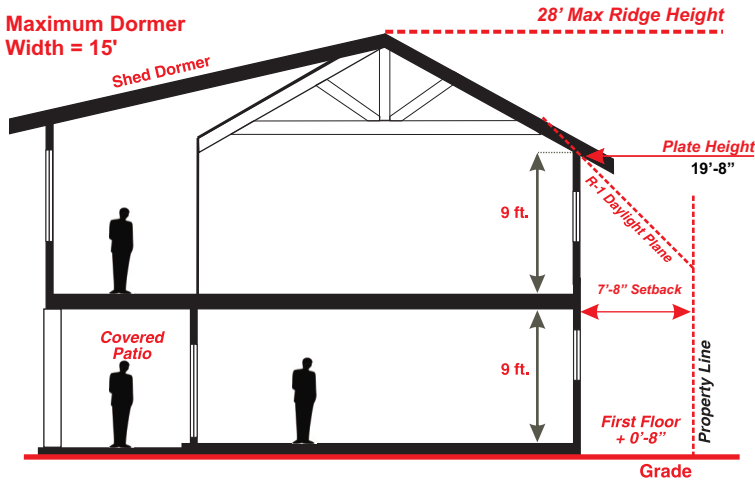


Gable Roof

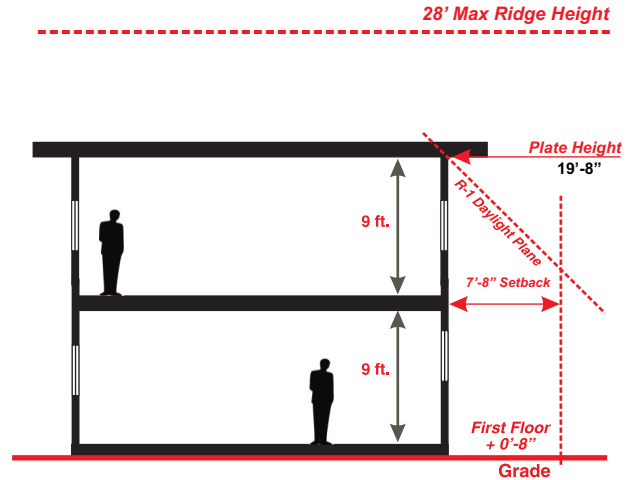


Gable Roof with Dormers

ADUs that Conform to the 16 ft Plate / 24 ft Ridge Height Limit



Gable Roof with Shed Roof Extension

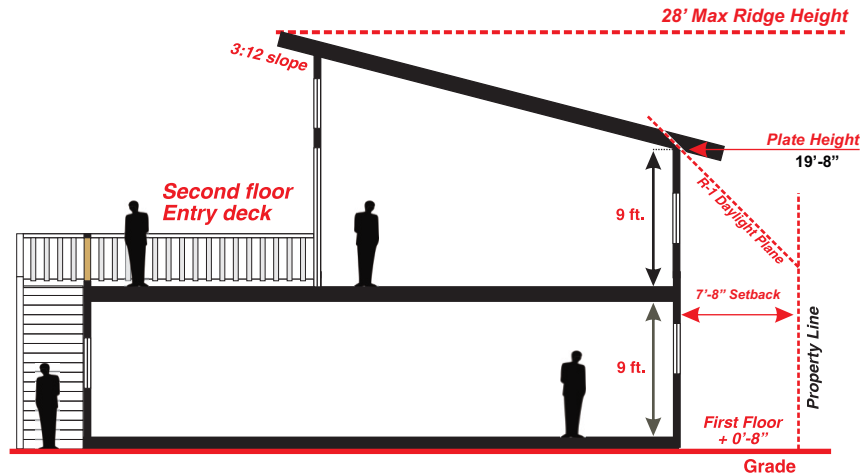


Flat Roof

ADUs that Conform to the 20 ft Plate / 28 ft Ridge Height Limit

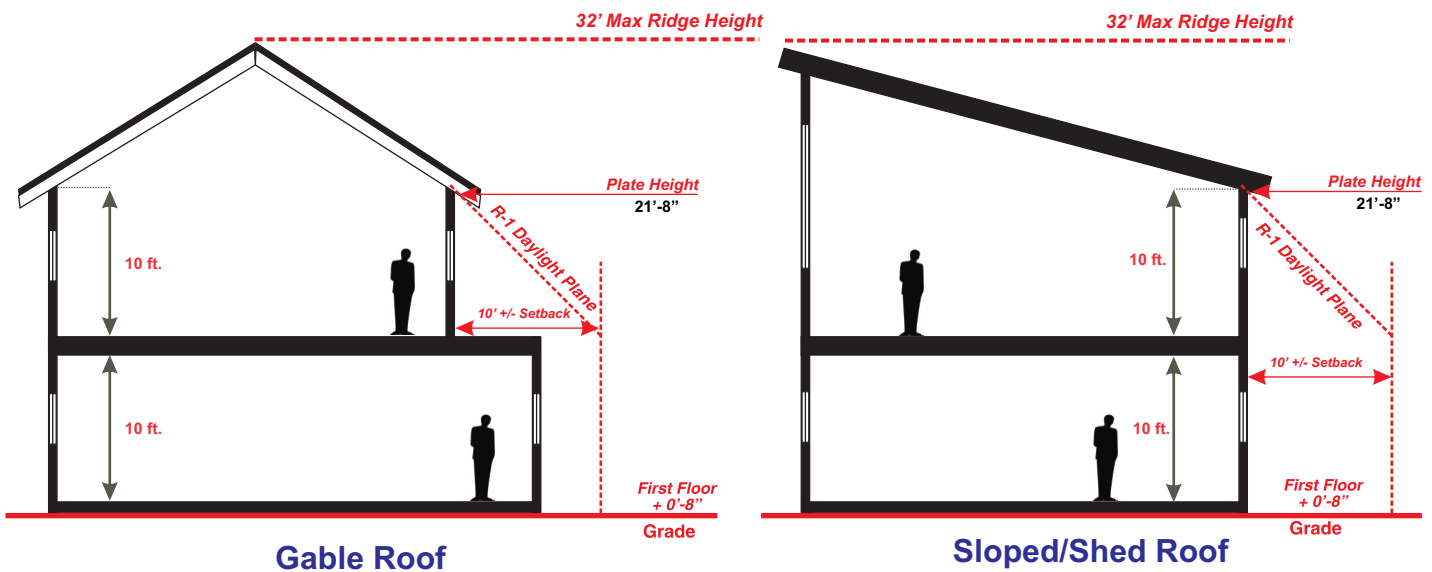
ADU Height Studies

ADU Designs at Different Height Limits



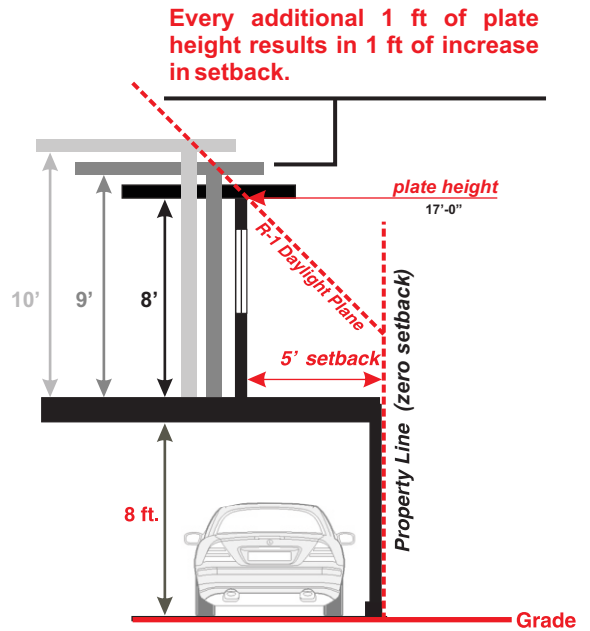
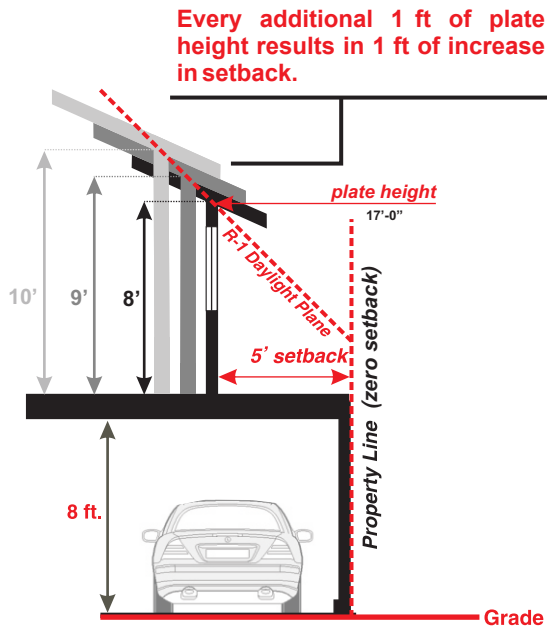
Sloped Roof with Separate Access and Deck

ADU that conforms to the 20 ft Plate / 28 ft Ridge Height Limit

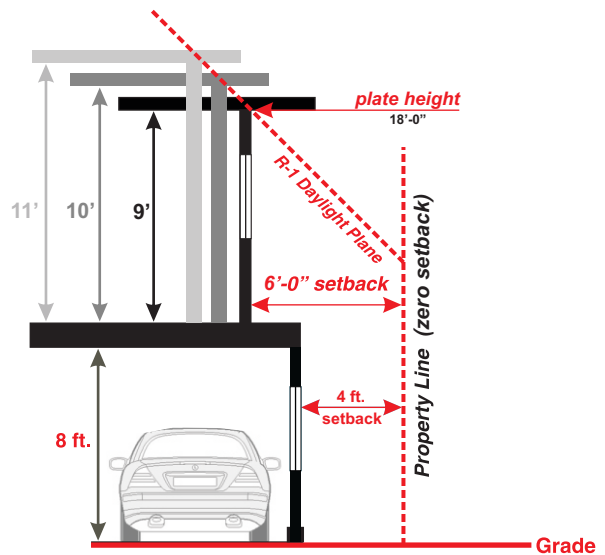
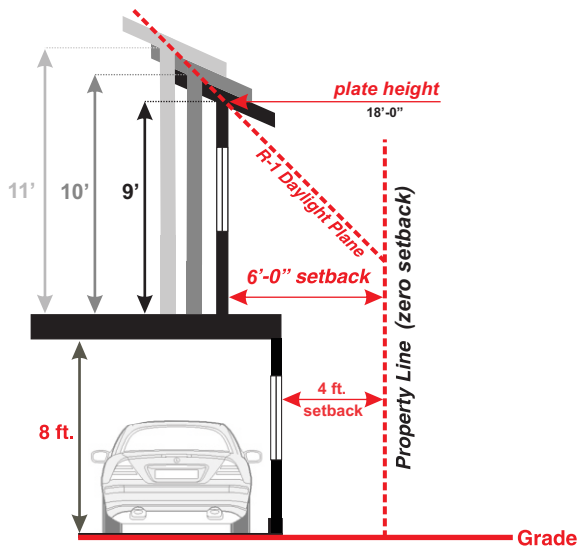


ADUs that conform to the 24 ft Plate / 32 ft Ridge Height Limit

ADU Daylight Plane Studies

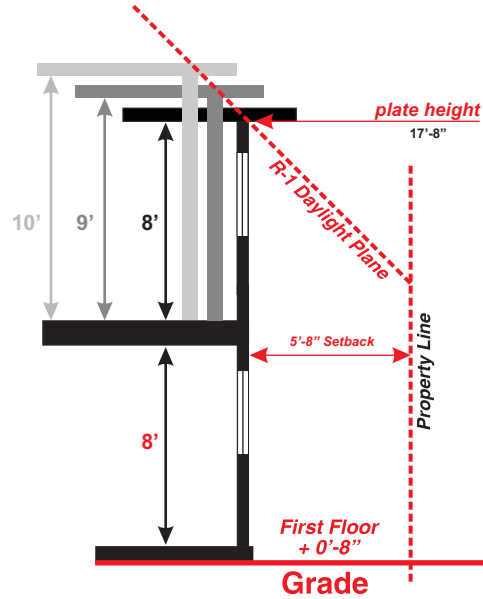
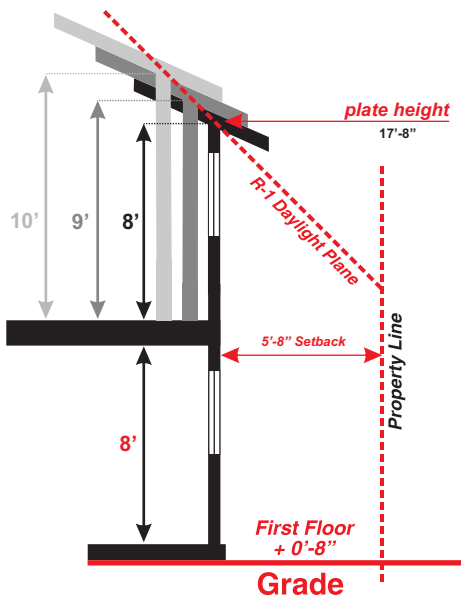


ADU Addition Over Existing Garage 0 ft side yard setback

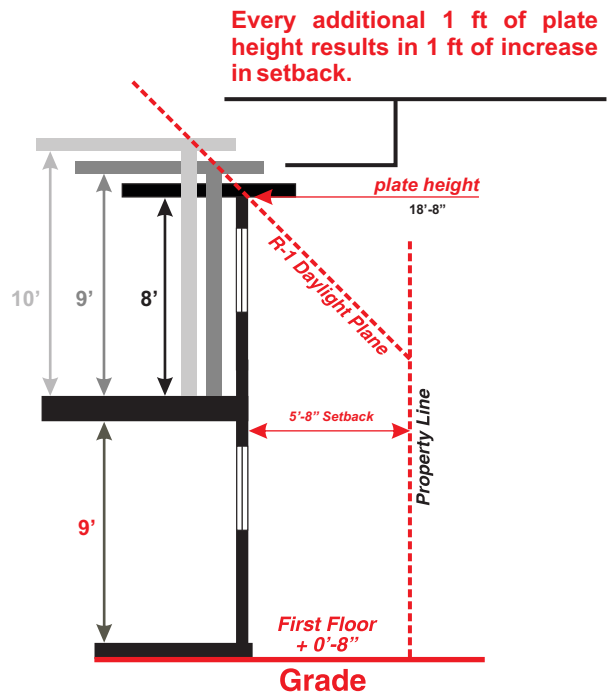
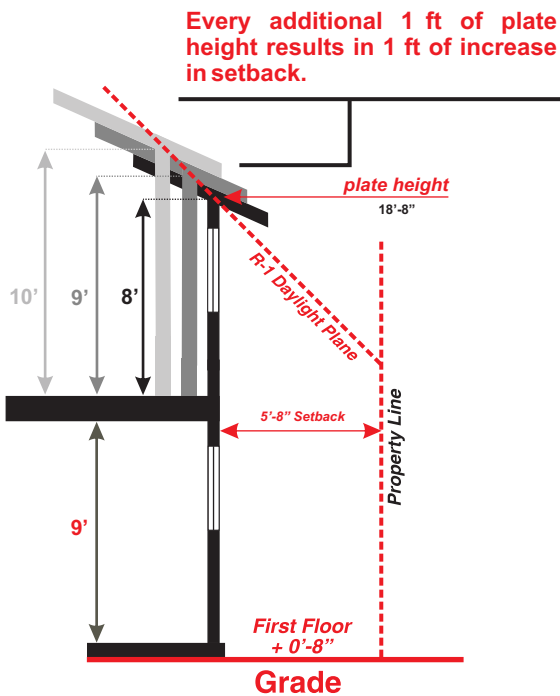


ADU Over Garage - New Construction 4 ft side yard setback

ADU Daylight Plane Studies



**New ADU Construction
First Floor w/ 8 ft Plate**



**New ADU Construction
First Floor w/ 9 ft Plate**



EXTERIOR EXAMPLES OF ADU CONSTRUCTION TYPES

PHOTO CREDITS: Dwell.com / BuildingAnADU.com / Houzz.com
COVER PHOTO CREDITS: Dwell.com



INTERIOR EXAMPLES OF ADU CONSTRUCTION TYPES

PHOTO CREDITS: Dwell.com / BuildingAnADU.com / Houzz.com

CITY OF SAN MATEO

Regular Meeting Minutes

City Council

Monday, September 7, 2021
Remote 7:00 PM
Regular Meeting

CALL TO ORDER - This meeting is being held under the provisions of State of California Governor Gavin Newsom's Executive Order N-29-20; in which Brown Act regulations are relaxed to allow members to remote in due to the Coronavirus Covid-19 health emergency.

Pledge of Allegiance

Roll Call

Remote: Mayor Rodriguez, Deputy Mayor Bonilla, Council Members: Papan, Lee, and Goethals

CEREMONIAL

1. National Emergency Preparedness Month – Kacey Treadway, Emergency Services Specialists, San Mateo Consolidated Fire Department, accepted the proclamation.
2. San Mateo United Homeowners Association Outstanding Home Maintenance Awards –SMUHA representatives gave a presentation on the awards and honorees.

CONSENT CALENDAR

The following items, 3 through 5, and item 7 were considered to be routine by the City Council. Item 6 was removed to be considered separately. After the titles of the items were read by the City Clerk, the public was invited to comment and there were no speakers. Motion passed 5-0.

Moved: Papan, Seconded: Goethals

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

3. Disposable Food Service Ware Ordinance Services – Memorandum of Understanding
Approve a Memorandum of Understanding with the County of San Mateo to provide education and enforcement services for the City's Disposable Food Service Ware Ordinance and authorize the City Manager to execute the agreement in substantially the form presented.
4. Community Wellness and Crisis Response Team Mental Health Partnership Services – Agreement Amendment
Approve an amendment to the Agreement for Services for the Community Wellness and Crisis Response Team, which was originally approved by Council on January 19th, 2021, to reflect the decision by the County of San Mateo to assign the role of hiring clinicians for the program to StarVista; and authorize the City Manager to execute the amendment in substantially the form presented.
5. Residential Parking Permit Program – Update and Revisions
Adopt a Resolution to revise the City's Residential Parking Permit Program Policy and Procedures to authorize the Public Works Director to approve exceptions to the permit eligibility requirements.

Enactment: Resolution No. 90 (2021)

7. Wastewater Treatment Plant Grit, Rag, and Scum Hauling and Disposal - Agreement
Award an agreement to Allied Waste of North America, LLC dba Allied Waste Services of Daly City/Republic Services of Daly City, for wastewater treatment plant grit, rag, and scum hauling and disposal in the amount of \$122,760 and authorize the Public Works Director to execute the contract in substantially the form presented.

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

6. 100% Zero Emission Vehicle Sales in California by 2030 – Resolution of Support
Adam Lorraine spoke in favor of this item.

Motion to Adopt a Resolution declaring the City's support for the goal of reaching 100% zero emission vehicle sales in California by 2030 and urging Governor Gavin Newsom, the State Legislature, and the California Air Resources Board to adopt the 100% zero emission vehicle standard by 2030 to meet greenhouse gas emissions. Motion passed 5-0.

Moved: Bonilla, Seconded: Goethals

Ayes: Rodriguez, Bonilla, Lee, Papan and Goethals

Noes: None

Enactment: Resolution No. 91 (2021)

PUBLIC COMMENT

Public Comment: Rich Hedges – commended the forward thinking of the City for its stormwater work.

STUDY SESSION

8. Accessory Dwelling Unit Ordinance Amendments – Study Session
Phillip Brennan, Associate Planner, presented the review of the proposed draft Accessory Dwelling Unit (ADU) ordinance and requested direction on any changes needed prior to the draft ordinance introduction. Council asked questions of staff.

Public Comment: Anise Graham – hard for homeowners with these constantly changing rules. Lisa Nash – heartened to see lots of community interest but confused why the recommendation is 24' plate line. Adam Lorraine – give support to the recommendation made by staff and the Planning Commission. Dave Porter – trying to build an ADU for the last 7 years; regulations change; wants a 24' plate height. Susan Rowinski – commented on the size of the average lots in San Mateo and the impact on properties and inconsistency between ADU and private residences. Eric Holm – stated that having neighbors looking in the yard is not a big deal. Jordan Grimes – stated staff needs more demographic data on any survey; makes for unfair policy. Raayan Mohtashemi – lending support for the Planning Commission and staff recommendation. Seema Patel – stated there was an extensive amount of conversation at the Planning Commission meeting.

A lengthy discussion ensued, and the Council stated a desire to see more representations of different roof types and orientation of buildings, to better understand the effects of the requirements regarding ADU heights and daylight planes. All acknowledged it was a complicated decision with many trade-offs to consider.

REPORTS AND ANNOUNCEMENTS

City Manager, City Attorney and Council Members reported on their various assignments and liaison roles. Council consensus was to review the eviction moratorium at a future study session which will be prioritized after completing the districting process.

ADJOURNMENT – A moment of silence was held in honor of a true hero, front line essential worker, Kristina Sagala Balagtas. Both her parents were nurses and 11 years ago she entered the specialized field of hospice which she loved. She served and cherished our San Mateo Community and will be greatly missed. The meeting adjourned at 10:04 p.m.

APPROVED BY:

Eric Rodriguez, Mayor

SUBMITTED BY:

Patrice M. Olds, City Clerk



CITY OF SAN MATEO

City Hall
330 W. 20th Avenue
San Mateo CA 94403
www.cityofsanmateo.org

Agenda Report

Agenda Number: 12

Section Name: PUBLIC HEARING

File ID: 21-5658

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

Phillip Brennan, AICP, Associate Planner

pbrennan@cityofsanmateo.org

(650) 522-7218

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

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

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

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

From: Peter Mandle <[REDACTED]>
Sent: Sunday, August 22, 2021 12:41 PM
To: City Council (San Mateo) <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**



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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

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 2nd story ADUs that share a side or rear property line with neighboring residential properties.
- Require obscured glazing on 2nd 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.

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>
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

-----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

[REDACTED]

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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