



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 16

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: Community Development Department
MEETING DATE: April 05, 2021

SUBJECT:

Ordinance Adoption – Accessory Dwelling Unit and Junior Accessory Dwelling Unit Updates

RECOMMENDATION:

Adopt 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 “Junior Accessory Dwelling Unit” definition, as amended to allow detached accessory dwelling units to be built up to a maximum of 16 feet to top-of-plate and up to 24 feet overall to the highest point of the roof, as measured from existing grade.

BACKGROUND:

The proposed Ordinance was introduced to the City Council at its March 15, 2021 meeting. Staff’s presentation included an overview of recent State accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) legislation, annual ADU application totals dating back to 2013, the proposed timeline (Phase I/II) to comprehensively update the City’s ADU/JADU Ordinance, and notable aspects of the proposed Ordinance update. The two-phased approach provides an avenue for the City to align its local Ordinance with existing State requirements during Phase I, and to conduct community outreach and study other potential Ordinance modifications as Phase II, before returning to the Planning Commission and City Council with a revised draft Ordinance reflective of community input in Summer 2021.

The Council was generally supportive of the two-phased approach proposed by staff, but expressed concern about the recommended detached ADU maximum building height of 16-feet as measured from existing grade to the top of the ridge. The Council expressed concern that in the interim detached ADUs height and method of measurement, which varies from how buildings are generally measured in the City, would prohibit two-story design options for property owners and conflict with the intent of the State regulations to promote ADU production. The Council voted 4-1 to adopt the proposed Ordinance, amended to establish a maximum building height of 16 feet from existing grade to the highest plateline and 24 feet to the highest point of the roof. The proposed Ordinance and Ordinance with track changes are included as [Attachment 1](#) and [Attachment 2](#), respectively.

At the meeting, some concern was expressed as to the feasibility of constructing a two-story ADU, including an ADU above an existing garage, at the amended height limit of 16 feet to top of plate and 24 feet top of ridge, as measured from existing grade. In response, the City’s design review consultant, Larry Cannon of Cannon Design Group, performed a feasibility study on two-story ADU design alternatives utilizing the amended height limit. Mr. Cannon’s analysis illustrates that a variety of two-story ADU designs, including construction over an existing detached garage and entirely new construction, are feasible within the amended maximum building height. Mr. Cannon’s two-story ADU building height study can be found in [Attachment 3](#).

In addition to the above change to the draft Ordinance, Section 27.19.050(n) has been added to address ADU creation within existing multi-family developments. This new section provides a code reference to Government Code Section

65852.2(e)(1) for development standards pertaining to ADUs proposed within an existing multi-family structure or on a lot with an existing multi-family dwelling. These State regulations apply whether or not the local jurisdiction includes the language in its local Ordinance; however, including the information in the local Ordinance provides greater clarity and transparency for customers.

BUDGET IMPACT:

Costs associated with necessary Code amendments, including staff time, are covered under the Community Development Department's existing operating budget.

ENVIRONMENTAL DETERMINATION:

The proposed Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines because it is an accessory dwelling unit ordinance that is implementing the provisions of Government Code § 65852.2 and 65852.22.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Ordinance

Att 2 – Proposed Ordinance (track changes)

Att 3 – Cannon Design Group Two-Story ADU Building Height Study

Att 4 – Public Comments received after March 15, 2021

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