



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 9

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: Community Development Department
MEETING DATE: March 07, 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 February 22, 2022, the City Council held a public hearing to consider the introduction of an ordinance to update the City’s regulations for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Following the staff presentation, public comments and clarifying questions, the Council discussed the draft ordinance and voted to continue the item with direction to update it as follows:

- The height limit for attached ADUs should be 24 feet to top plateline and 32 feet to roof peak;
- The height limit for detached ADUs should be 16 feet to top plateline and 24 feet to roof peak;
- Include an option that allows for detached ADUs to increase their height limit when on-site parking is retained/created; and
- The final decisionmaker on an appeal of an ADU subject to the alternative discretionary review process should be the City Council.

For reference, the agenda report from this meeting is included as Attachment 3. In addition, the research on ADU ordinances for other jurisdictions in San Mateo County that was referenced in the staff presentation is included as Attachment 4. This information was compiled by 21 Elements (a collaborative forum for San Mateo County jurisdictions), with some additional updates by staff.

DISCUSSION:

To assist the City Council in setting a height limit for new ADUs in San Mateo, a breakdown of permit data for two-story ADUs from the past two years is outlined below. This permit data reflects ADU development activity since the updated State laws went into effect on January 1, 2020.

- 174 total ADU building permit applications submitted since January 1, 2020.
- Of those applications, 17 were for two-story ADUs (3 attached and 14 detached).
- Of those 17 applications, 10 building permits have been issued, five applications are pending/incomplete and two appear to be abandoned (over one year with no activity).
- Four two-story ADUs have completed construction and received final occupancy.
- Attached two-story ADU application statistics:
 - Median plate height: 18.2 feet, with a range of 16.5 ft – 20.8 ft.

- Median peak height: 24.25 feet, with a range of 21.7 ft – 24.8 ft.
- Average size: 681 square feet, with a range of 578 sq ft – 800 sq ft.
- Two built over existing attached garages.
- Detached two-story ADU application statistics:
 - Median plate height: 18.5 feet, with a range of 15 ft – 24 ft (*12 of 14 had plate heights below 20.5 ft*).
 - Median peak height: 23.3 feet, with a range of 19 ft – 29.6 ft (*12 of 14 had peak heights below 24.7 ft*).
 - Average size: 806 square feet (range: 445 sq ft – 1,200 sq ft).
 - Four built over existing detached garages (no expansion of footprint)¹, three built over existing garage with a first-floor addition, and three included a new detached garage.
- Two of these ADU applications included an exterior stair with landing, and one included a larger second story deck (250 sq ft)

Based on the prior two years of permit data, the vast majority (90%) of ADU applications are for one-story structures. Regarding detached two-story ADUs associated with retained/new on-site parking, staff attempted to discern a height pattern for those already reviewed in order to return to Council with a suggested height limit for such ADUs. However, given the relatively small number of these types of ADUs, staff was unable to establish a clear pattern that could inform the creation of a potentially appropriate height standard. With that, and the above referenced information, in mind, the draft ADU Ordinance has been revised as follows:

- The final decisionmaker on an appeal of an ADU subject to the alternative discretionary review process is the City Council.
- The height limit for attached ADUs is 24 feet to top plateline and 32 feet to roof peak.
- The height limit for detached ADUs is 16 feet to top plateline and 24 feet to roof peak.
- For a detached ADU that seeks to exceed the height limit, an application for discretionary review, pursuant to Section 27.19.045, shall be submitted.

The discretionary review approach for detached two-story ADUs is aligned with state requirements in that it provides for the creation of one and two-story attached and detached ADUs through a ministerial permit when all established objective development standards are met, while providing a pathway toward greater flexibility through a discretionary permit process when an applicant seeks a greater height limit. The proposed permit process would be at staff (Zoning Administrator) level to minimize processing time and cost and would be appealable to the Planning Commission and City Council. It would also allow for neighbor notification and the consideration of site-specific conditions such as adjacent structures/land uses, site topography, existing site configuration, ADU/parking location, etc. Staff would track the permit data for these ADUs (and all ADUs) in order to better understand them and return to Council one year after the Ordinance goes into effect to review what has occurred in the intervening time and make any needed revisions. In order to incentivize retaining on-site parking for ADUs that exceed the height limit, staff level discretionary reviews for such projects could be streamlined. This could be accomplished through a focused application submission checklist, with a decision on the application made within four weeks from the date the application is deemed complete. While this process is not set forth in the draft ordinance, staff will have proposed language ready in the event Council directs that this be implemented.

A clean copy of the draft Ordinance is included as [Attachment 1](#), and a tracked changes version of the Ordinance that reflects the changes made since the last Council meeting is included as [Attachment 2](#).

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

¹ Plate heights for the four ADUs built over an existing garage with not expansion of footprint were 15', 16', 16' and 18.7'.

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:

Since the publication of the February 22nd City Council meeting agenda on February 17, 2022, multiple written public comment letters have been submitted to the City Council. These comment letters are posted to the Public Meeting Portal on the City's website www.cityofsanmateo.org. Comment received since the close of the meeting on February 22 is appended to this Agenda Report.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

- Att 1 – Proposed Ordinance
- Att 2 – Proposed Ordinance in track changes
- Att 3 – City Council Agenda Report 2-22-22
- Att 4 – San Mateo County Jurisdiction ADU Standards Summary Table
- Att 5 – Public Comment

STAFF CONTACT

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