



ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT STANDARDS

City of San Mateo Planning Division
330 West 20th Avenue
San Mateo, CA 94403
(650) 522-7212

Community Development Department
www.cityofsanmateo.org
planning@cityofsanmateo.org
January 1, 2020

The State of California recently adopted legislation (SB 13, AB 68 and AB 881) that defines the standards local jurisdictions can apply to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Unit (JADU). This legislation is contained in California State Government Code Section 65852.2.

This state legislation supersedes the City's provisions for ADUs and JADUs as outlined in City of San Mateo Municipal Code *Chapter 27.19 Accessory Dwelling Units And Junior Accessory Dwelling Unit—Residential Zones*. The City's specific requirements will be examined in early 2020, in the meantime, the provisions of state law, as outlined below, will be used to evaluate applications for ADUs and JADUs.

The approval process for ADUs and JADUs is ministerial, which means that only a building permit and related permits are required, no planning application with public notice is required. Both ADU's and JADU's are permitted in all residential zoning districts.

I. Accessory Dwelling Unit (ADU) General Provisions

- a. Floor area of an attached ADU cannot exceed 50% of the floor area of the existing or proposed primary dwelling. Please see subsection (c) of this section for minimum floor area provision exception.
- b. Floor area for detached ADU cannot exceed 1,200 square feet.
- c. Even if requirements such as floor area ratio, proportionality (i.e. 50% threshold) to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, the City must still allow an 800 square foot unit with setbacks of 4 feet from side and rear property lines, and up to the maximum building height (as measured from the existing grade to the top of the highest plate line) permitted by the underlying zoning district.
- d. No additional setback required for ADU if constructed in same location and with same dimensions as existing structure.
- e. The requirement for owner occupancy of one of the units on the property is suspended and not required for the years 2020-2025.

- f. A deed restriction is required and must include the following stipulations:
 - i. Prohibition on the sale of the ADU separate from the sale of the single-family residence
 - ii. Restriction on the size and attributes of the ADU
 - iii. If an ADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days

II. Junior Accessory Dwelling Unit (JADU) General Provisions

- a. There is a limit of one JADU per lot zoned for single family residences. The JADU shall be constructed within walls of proposed or existing single-family residence.
- b. Maximum size is 500 square feet, however, an additional 150 square foot expansion beyond the physical dimensions of existing structure is permitted strictly to accommodate ingress and egress to JADU.
- c. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
- d. The JADU shall include an efficiency kitchen, which includes:
 - i. Cooking facility with appliances (240-volt service outlets now permitted)
 - ii. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU
 - iii. No restriction on maximum waste line diameter
- e. A deed restriction is required and must include the following stipulations:
 - i. Prohibition on the sale of the JADU separate from the sale of the single-family residence
 - ii. Restriction on the size and attributes of the JADU
 - iii. If a JADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days
 - iv. Owner occupancy of one of the units on-site is required*

**Owner-occupancy is not required if the owner is another governmental agency, land trust, or housing organization.*

- f. The JADU may share sanitation facilities (i.e. bathroom/shower) with primary residence.

III. Accessory Dwelling Units and Junior Accessory Dwelling Units on the Same Lot

- a. Both a JADU in an existing space and a new detached ADU up to 800 square feet, maximum height 16 ft., may occur on the same single-family lot, with some limitations (see CA Gov Code 65852.2.(e)(1)(A) and (B)).

IV. Accessory Dwelling Units and Junior Accessory Dwelling Unit on Multi-Family Residentially Zoned Properties

- a. Multi-family buildings may add ADUs up to 25% of the existing unit space (example: 4-unit building would be allowed one ADU), or at least one (1) ADU. These ADUs must

meet building code requirements and the existing space must not be currently used for living (storage units and garages would qualify).

- b. Spaces required as part of a condition of approval or zoning requirement (e.g. long-term bike storage room) cannot be converted.
- c. Not more than two detached units may be added to a lot with a multi-family building if no more than 16 feet high with 4-foot side and rear setbacks.

V. Parking Requirements

- a. No parking for an ADU is required if:
 - i. Within ½ mile walking distance of public transit.
 - ii. Located within an architecturally and historically significant historic district.
 - iii. ADU is part of the proposed or existing primary residence or accessory structure.
 - iv. When on-street parking permits are required but not offered to the ADU occupant.
 - v. When there is a car share vehicle located within one block of the ADU.
- b. No parking is required for a JADU.
- c. No replacement parking for the primary residence is required when a garage, carport or covered parking is converted to an ADU or is demolished to provide an area for an ADU.

VI. Other Standards and Additional Considerations

- a. Correction of Nonconforming structures is not permitted as condition of approval for ADUs.
- b. Rentals for fewer than 30 days are prohibited.
- c. No impact fees can be charged for units less than 750 square feet. Impact fees for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Such units must have an independent exterior access from the existing residence, and provide side and rear setbacks sufficient for fire safety.
- d. For attached ADUs that are within an existing single family dwelling, or proposed to be constructed within a single family dwelling, no utility connection or additional capacity can be required, nor a related connection fee imposed unless the ADU is constructed along with a new single family dwelling.
- e. For detached ADUs, the City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The new connection may be subject to a connection fee or capacity charges based on either square footage or number of drainage fixtures is required. However, any connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size, square footage or the number of its plumbing fixtures.

- f. Fire sprinklers are not required for an ADU unless they are also required for the primary dwelling.
- g. Property owners may request delayed code enforcement for five years if there are no health and safety issues (provision sunsets in 2030).