



ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT STANDARDS

City of San Mateo Planning Division
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The State of California recently adopted legislation (SB 13, AB 68 and AB 881) that defined the standards local jurisdictions can apply to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Unit (JADU) development. This legislation is contained in California State Government Code Sections 65852.2 and 65852.22.

Please note, the City is permitted to continue enforcing aspects of its existing local ordinance (San Mateo Municipal Code Chapter 27.19 – *Accessory Dwelling Units and Junior Accessory Dwelling Unit—Residential Zones*) that are not in conflict with state regulations.

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. However, in instances when an ADU or JADU is included as part of a planning application for a new single-family dwelling, the City may delay acting on the ADU or JADU permit application until it acts on the planning application for the new single-family dwelling.

Community Development Department and Public Works Department Phone Numbers:

Building Division – (650) 522-7172

Planning Division – (650) 522-7212

Code Enforcement – (650) 522-7150

Public Works Department – (650) 522-7298

I. What is an Accessory Dwelling Unit (ADU)?

Generally speaking, an ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

ADU General Provisions

- a. Even if requirements such as floor area ratio, proportionality (i.e. 50 percent maximum) to the existing or proposed primary dwelling unit's floor area, or other zoning standards cannot be met, a property owner is permitted to construct an 800 square foot (sq. ft.) "by-right" ADU with setbacks of 4-feet from side and rear property lines, and of at least 16 feet in height (as measured from the existing grade to the top of the highest plate

line). Please note, maximum ADU building height is governed by the underlying zoning district.

- b. ADUs may be constructed within, attached to, or detached from the primary dwelling unit.
- c. There is no limitation on unit size for an ADU conversion within the walls of an existing primary residence or accessory structure.
- d. An ADU conversion of an existing detached accessory structure may be expanded up to 150 sq. ft. beyond the existing footprint provided the expansion is used to accommodate ingress and egress to the ADU.
- e. An attached ADU may be up to a maximum of 50 percent of the floor area of the existing primary residence. Any floor area associated with the new ADU exceeding 800 sq. ft. is applied to the overall maximum floor area allowance of the subject lot as prescribed by the underlying zoning district. In instances when the lot has completely utilized its respective floor area allowance, only an 800 sq. ft. “by-right” ADU would be permitted.
- f. New detached ADUs and ADUs attached to either an existing or proposed primary residence or accessory structure are subject to the development standards of the underlying zoning district provided those requirements do not preclude the construction of an 800 square foot attached ADU of at least 16 feet in height with four-foot side and rear setbacks (i.e. a “by-right” ADU).
- g. A detached ADU may be up to a maximum of 1,200 sq. ft. if the parcel has available floor area allowance remaining as prescribed by the underlying zoning district. Any floor area associated with the new ADU exceeding 800 sq. ft. is applied to the overall maximum floor area allowance specified for the lot as prescribed by the underlying zoning district. In instances when a lot has completely utilized its respective floor area allowance, only an 800 sq. ft. “by-right” ADU would be permitted.
- h. New construction ADUs may be located anywhere on the lot provided a four-foot side and rear setbacks are maintained and the structure does not encroach into the required front yard setback area as prescribed by the underlying zoning district. No additional setback requirements for an ADU conversion of an existing structure or new construction in place of a legally permitted existing structure when built in same location and to the same dimensions as the that structure, including legally permitted structures with non-conforming setbacks. Please note, second-story additions above such structures are required to provide four-foot side and rear setbacks.
- i. A deed restriction is required and must include the following stipulations:
 - i. The property owner must occupy either the single-family residence or the accessory dwelling unit*
 - ii. If an ADU is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days

- iii. Prohibition on the sale of the ADU separate from the sale of the single-family residence
- iv. The approved size and attributes of the ADU

**This requirement is not applicable to ADUs approved between January 1, 2020, and December 31, 2024, per California Gov. Code (Gov. Code, § 65852.2, subd. (a)(6))*

- j. Please review [San Mateo Municipal Code Section 27.19 – Accessory Dwelling Unit and Junior Accessory Dwelling Unit – Residential Zones](#) for additional information regarding ADU development requirements. Please contact the Planning Division (650) 522-7212 for questions related to the development standards listed here or in SMMC 27.19.

II. What is a Junior Accessory Dwelling Unit (JADU)?

A JADU is a specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence, including attached garages.

JADU General Provisions

- a. There is a limit of one JADU per lot zoned for single family residences. The JADU shall be constructed entirely within walls of a proposed or existing single-family residence.
- b. Maximum size is 500 sq. ft..
- 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, at minimum, 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.
- g. A JADU cannot be located in an accessory structure. The creation of a JADU must be located within a single-family residence. However, an attached garage can be converted

into a JADU.

III. ADUs and JADUs on the Same Lot

- a. Both a JADU in an existing space and a new ADU (detached or attached) may be combined with a single-family residence on the same lot.

IV. ADUs Units on Multi-Family Residentially Zoned Properties

- a. Multi-family* buildings may add ADUs up to 25% of the existing unit space, or at least one (1) ADU. These ADUs must be created from converted existing non-livable space (e.g. storage rooms, boiler rooms, et cetera) space.

**For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-family dwellings. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or a new construction detached ADU subject to certain development standards.*

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

V. Parking Requirements

- a. One (1) standard size off-street parking space for each ADU or bedroom, whichever is less. The required ADU parking may be located in a garage, carport, uncovered or tandem space. Required parking for the ADU may be located within 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.
- b. 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 (e.g., Zipcar, Turo, et cetera) 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 consecutive calendar days are prohibited.
- c. No impact fees can be charged for units less than 750 sq. ft.. Impact fees for an accessory dwelling unit of 750 sq. ft. 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. No shared internal access is allowed between existing main house and attached ADU unless otherwise approved by Building Official and Fire Marshal.
- e. Setbacks of less than 5-feet will trigger one hour rated fire protected construction methods
- f. The San Mateo Union High School District (SMUHSD) collects School Impact Fees for ADUs greater than 750 sq. ft.. Please contact SMUHSD for more information at (650) 558-2288.
- g. For an ADU located within an existing structure, payment of a connection fee or capacity charge is not required. For an ADU that is detached from an existing structure, the utility provider may require payment of a connection fee or capacity charge that is proportionate to the ADU's burden.
- h. ADUs will not be required to have fire sprinklers if the primary house does not have fire sprinklers, except when a new ADU exceeds 1,200 sq. ft. in size. Additionally, the following scenarios may require a fire sprinkler system:
 - When the ADU is more than 150 feet from a public way
 - When the water supply in the area is not adequate
 - There is a change of use (e.g., a garage is converted into a living space)

An ADU which is attached to the primary home will be evaluated as square footage applied towards the fire sprinkler threshold.

**Please contact the San Mateo Consolidated Fire Department (650-522-7940) to verify fire sprinkler requirements in instances when an ADU is being attached to the primary dwelling or other structures on the project site.*

- i. Property owners may request delayed code enforcement for five years if there are no health and safety issues (provision sunsets in 2030).

- j. Newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.
- k. Neither an ADU or JADU can be located within an easement.
- l. ADU and JADU designs are required to comply with all applicable California Building Code standards, including Residential, Fire, and Energy Codes.
- m. An application for a building permit for an ADU or JADU must include an application for a separate address assignment (no required fee).