COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT A

Attachment A

County of San Mateo
Planning and Building Department

## RECOMMENDED ACTION

Permit or Project File Number: PLN 2020-00239 Hearing Date: August 11, 2021

Prepared By: Will Gibson, Project Planner For Adoption By: Planning Commission

## RECOMMENDED ACTION

That the Planning Commission recommend that the San Mateo County Board of Supervisors adopt an ordinance amending the County's Accessory Dwelling Unit Regulations applicable to the County's Coastal Zone, Chapter 22.5.1 of the County Zoning Regulations, and Section 3.22 of the County's Local Coastal Program, to accept and adopt modifications suggested by the California Coastal Commission.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT B

## CHAPTER 22.5. 1. ACCESSORY DWELLING UNITS – COASTAL ZONE

**SECTION 6439.1. PURPOSE.** Accessory dwelling units are a residential use that provide an important source of housing. The purpose of this Chapter is to:

1. Increase the supply and diversity of the County's housing stock, in particular the number of smaller and more affordable units, by allowing accessory dwelling units to be built on existing residential properties, while preserving the neighborhood character.

2. Increase the housing stock of existing neighborhoods in a manner that has less impact on the environment than development of housing in undeveloped areas.

3. Allow more efficient use of existing residential areas and supporting infrastructure.

4. Provide a means for residents to remain in their homes and neighborhoods.

5. Provide opportunities for homeowners to earn supplemental income from renting an accessory dwelling unit.

6. Establish standards for accessory dwelling units in the County's Coastal Zone to ensure that they are safe, habitable, compatible with existing development, and consistent with the policies of the County's Local Coastal Program and the California Coastal Act.

**SECTION 6439.2 DEFINITIONS.**

1. Primary Residence. A "primary residence" is the main residence located or proposed to be located on the parcel on which an accessory dwelling unit(s) is located or proposed to be located.

2. Accessory Dwelling Unit. An "accessory dwelling unit" is a dwelling unit located or proposed to be located on a lot which contains, or will contain, a primary residence. Accessory dwelling units may be detached from or attached to the primary residence on the property. Accessory dwelling units may also be (1) efficiency units, as defined in Section 17958.1 of the California Health and Safety

Code, or (2) manufactured homes, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are "accessory dwelling units" as that term is used in Government Code Section 65852.2. An accessory dwelling unit includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code or a manufactured home as defined in Section 18007 of the Health and Safety code. A "second unit" or "secondary unit" is an accessory dwelling unit. Accessory dwelling units are not "accessory buildings" as defined in Section 6102.19. Any secondary structure that provides independent facilities for living; sleeping; eating; cooking; and sanitation, may be considered an accessory dwelling unit, at the discretion of the Community Development Director, unless an applicant can provide compelling evidence to the contrary to the satisfaction of the Community Development Director.

3. Detached Accessory Dwelling Unit. A "detached accessory dwelling unit" is a unit that is an independent structure, entirely separated from the structure of the primary residence. Accessory dwelling unit constructed within, or as an extension of an existing detached structure other than the primary residence are considered detached accessory dwelling units.

4. Attached Accessory Dwelling Unit. An "attached accessory dwelling unit" is a unit that is built as an addition to, extension of, or within the primary residence.

5. Junior Accessory Dwelling Unit. A "junior accessory dwelling unit" is an accessory dwelling unit built entirely within the walls of an existing or proposed primary residence, not exceeding five hundred square feet in size, and including an efficiency kitchen, as described in Government Code Section 65852.22. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.

6. Efficiency Kitchen. An efficiency kitchen, as defined in Government Code Section 65852.22, is a kitchen that contains at least a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

7. Floor Area. For purposes of this Chapter, the "floor area" of an accessory dwelling unit is the area of each floor level included within the walls enclosing each dwelling unit. The floor area shall be measured from the outside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, including habitable basements and attics, but not including unenclosed porches, balconies, or any enclosed garages or carports. For purposes of calculating allowable floor area of accessory dwelling units based on a proportion of the size of the primary residence, only the livable floor area of the primary residence shall be counted. The floor area of any other structures, for purposes of calculating total floor area, lot coverage, or other calculations, shall be calculated in the manner described in the relevant zoning regulations.

8. Owner Occupancy. Owner occupancy is the condition and requirement that the owner of a parcel on which a junior accessory dwelling unit is constructed live in one of the units on the property in perpetuity.

9. Stepback. A setback above the ground floor, where the building is "stepped back" an additional distance from the outermost point of the building at the ground level.

**SECTION 6439.3 LOCATIONS PERMITTED.** Accessory dwelling units shall be allowed in the R-1, R-2, and R-3 zoning districts in the County's Coastal Zone, regardless of any regulations that might otherwise prohibit accessory dwelling units in any specific district.

**SECTION 6439.4 APPROVAL.** Accessory dwelling units meeting all of the applicable requirements of Section 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9, as applicable, shall be approved ministerially, without public notice, public hearing, or discretionary review, in the manner and to the extent described in Section 6439.~~18~~17.

Accessory dwelling units not meeting the applicable standards set forth in Section 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9 will be considered a conditionally permitted use within the districts specified in Section 6439.3 and may be permitted by a conditional use permit pursuant to a public hearing before the Zoning Hearing Officer, as described in Section 6431. Conditionally permitted units may also still be subject to other permitting requirements and approvals pertaining to the County's Coastal Zone, as described in Section 6439.18.

**SECTION 6439.5 DEVELOPMENT STANDARDS FOR ALL ACCESSORY DWELLING UNITS.** New accessory dwelling units shall be subject to the requirements and standards described in this chapter. Where not superseded by the specific requirements described in this chapter, accessory dwelling units shall also be subject to the requirements applicable to any dwelling unit on the same parcel in the same district. Development standards applicable to all accessory dwelling units include the following:

1. Minimum Lot Area. Accessory dwelling units shall be exempt from the minimum lot area per dwelling unit provisions in the applicable district.

2. Minimum Lot Size. Accessory dwelling units shall be exempt from all minimum lot size requirements.

3. Maximum Density of Development. Accessory dwelling units shall be exempt from any and all provisions limiting the maximum density of development in the applicable district.

4. Setbacks. Notwithstanding the required setbacks in the applicable district, minimum setbacks for accessory dwelling units shall be:

a. Front Setbacks. With the exception of accessory dwelling units created entirely within the space of an existing structure, for all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the front property line of the subject parcel than the lesser of:

(1) The front setback required by the relevant zoning district, or

(2) The distance from the front property line of the primary residence located or proposed to be located on that parcel. For purposes of this section, the primary residence includes attached garages.

In cases where an existing primary residence is closer to the front property line than the front setback normally required in the same district, the accessory dwelling unit shall also be allowed to be located as close to the front property line as the primary residence.

In cases where an accessory dwelling unit is proposed to be built atop an existing detached garage that is located within the required front setback, a conditional use permit shall be required.

b. Side and Rear Setbacks. For accessory dwelling units created entirely within the space of an existing structure, setbacks shall be those already existing for that structure, unless such setbacks present demonstrable safety issues.

For all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the property line than: Side: 4 feet; Rear: 4 feet.

c. Stepbacks. Accessory dwelling units, whether attached or detached, exceeding 16 feet in height shall have the following stepbacks, located at a point no higher than 16 feet on the structure: Side: 5 feet; Rear: 10 feet.

5. Floor Area. The allowable floor area of an accessory dwelling unit shall be calculated in the manner described in Sections 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9, but in no case shall these regulations be applied in such a way as to preclude an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.

6. Lot Coverage. Accessory dwelling units shall count against the allowed lot coverage on a parcel, except that no lot coverage restriction shall preclude creation of an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.

7. Height. The maximum height of the accessory dwelling unit shall be twenty-six feet. Building height shall be measured as the vertical distance from any point on the lower of (a) finished grade, or (b) natural grade, to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend up to eight feet beyond the building height, as required for safety or efficient operation. Accessory dwelling units built entirely within an existing building shall be subject to the greater of the height limit applicable to that building in the relevant district, or the maximum height of the existing primary residence, measured in the manner described in the Zoning Regulations of the relevant district.

8. Daylight Plane. Neither accessory dwelling units built above an existing detached or attached garage or accessory structure, nor detached accessory dwelling units taller than sixteen (16) feet in height, shall be subject to daylight plane requirements.

9. Balconies and Decks. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no rooftop decks, and no portion of any balcony or deck shall be located above ten (10) feet in height, exclusive of railings, measured in the same manner as height in Section ~~6429~~6439.7, except on the side of the accessory dwelling unit facing the primary residence. Accessory dwelling units that meet the setback requirements that would apply to a primary residence in the same district may have rooftop decks and balconies to the extent otherwise allowed in the relevant district.

10. Windows. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no windows located above or extending above ten (10) feet on the accessory dwelling unit, measured from finished grade, except on: (1) the side(s) of the accessory dwelling unit facing the primary residence, and (2) the side(s) of the accessory dwelling unit that comply with the normal setback requirements of the district. On the sides of the accessory dwelling unit that do not meet the normal setback requirements of the district, clerestory windows located above ten (10) feet on the accessory dwelling unit shall be allowed, if they have a lower sill height of no less than six feet from the nearest interior floor of the accessory dwelling unit, and a total window height no greater than twenty-four (24) inches. Skylights shall be allowed.

11. Ingress and Egress. Accessory dwelling units shall have an independently accessible entrance that does not require passage through the primary residence.

12. Required Facilities. With the exception of junior accessory dwelling units, which are subject to the requirements described in Section 6439.8, all attached or detached accessory dwelling units must include the following:

    a. Independent facilities for living, sleeping, eating, cooking, and sanitation.

b. A kitchen area containing a refrigerator, sink, and permanently installed cooking appliance, which must include at least a fixed stovetop.

c. A fully plumbed bathroom including sink, shower, and toilet.

13. Parking Requirements

a. Required Parking. Parking for accessory dwellings units shall be provided as follows: ~~One new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit.~~

(1) Outside of the designated areas shown in LCP Maps 3.1, "ADU Parking Area – Montara and Moss Beach," and 3.2, "ADU Parking Area – El Grenada and Pillar Point Harbor," one new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit, unless the accessory dwelling unit meets the parking exemption criteria of subsection b. below. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit outside of such designated areas, those off-street parking spaces are not required to be replaced.

~~(1)~~(2) Within the designated areas shown in LCP Maps 3.1 and 3.2, at least one off-street parking space shall be required for each accessory dwelling unit, and all off-street parking requirements associated with other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed or converted to accommodate an accessory dwelling unit.

b. Parking Exemptions. Accessory dwelling units located outside of the designated areas shown in LCP Maps 3.1 and 3.2 and meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel, or in the case of a concurrent application for a new primary and accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence:

(1) Accessory dwelling units located within one-half (1/2) mile of a public transit stop or station, measured as a direct line from the transit stop. Public transit stops must be served by a transit line serving the public, and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders.

(2) Accessory dwelling units located within a designated architecturally and historically significant historic district.

(3) Accessory dwelling units that are part of the existing primary residence

or an existing accessory structure, including attached or detached garages.

(4) Accessory dwelling units located within one (1) block of a car share vehicle pick-up/drop-off location.

c. Conversion of Covered Parking. Any covered parking removed in order to create an accessory dwelling unit, if required to be replaced, may be replaced with uncovered parking of any type and configuration allowed by Section 6439.5.13(f), below. For purposes of this Section, conversion includes partial or full demolition of covered parking required to create an accessory dwelling unit.

d. Garage conversion. If an existing attached or detached garage is converted to an accessory dwelling unit, the parking previously provided by that garage may be replaced by uncovered parking of any type and configuration allowed by Section 6439.5.13(f), below, and no additional parking related tothe accessory dwelling unit is required. For purposes of this Section, conversion includes partial or full demolition of the garage and partial or full replacement with an accessory dwelling unit.

e. Use of Existing Parking. If the parking already existing on the parcel exceeds that required for existing development on the parcel, excess parking spaces shall be counted toward the new parking required for the accessory dwelling unit.

f. Provision and Location of Parking. Parking spaces shall be provided in the following manner:

(1) Pervious Surfaces. All new parking spaces created for the accessory dwelling unit must be provided on pervious surfaces. The maximum amount of impervious surfaces designated to satisfy the accessory dwelling unit parking requirement shall be no greater than the amount of impervious surfaces existing at time of application. Existing impervious surface area may be used for parking and need not be converted to pervious surface.

(2) Uncovered Parking. All parking required for the accessory dwelling unit may be uncovered.

(3) Front or Side Yard Parking. Up to three parking spaces may be provided in the front or side yard. Not more than 600 sq. ft. of the front yard area shall be used for parking.

(4) Tandem Parking. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem parking arrangement consists of one car behind the other. No more than three total cars in tandem may be counted toward meeting the parking requirement.

(5) Compact Spaces. All parking required for the accessory dwelling unit may be provided by compact parking spaces, as defined in Section 6118.a.

14. Requests for Parking Exceptions. If the required parking for an accessory dwelling unit outside the designated areas shown in LCP Maps 3.1 and 3.2 cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 6120. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.

15. Design Review. Accessory dwelling units shall not be subject to design review, except to the extent that they are located in the County's Coastal Zone. Accessory dwelling units in the County's Coastal Zone are subject to relevantdesign review requirements incorporated in the County's Local Coastal Program and Zoning Regulations, however such units shall not be reviewed by a Design Review Committee, nor shall their design be subject to consideration at any public hearing. Compatibility with applicable design standards for such units shall be determined by the Community Development Director or the Director's designee.

16. Architectural Review. Accessory dwelling units located in scenic corridors in the County's Coastal Zone shall be subject to architectural review as normally required.

17. Concurrent Application for Development of Primary Residence and Accessory Dwelling Unit. In the case of a concurrent application for development of a new primary residence and new accessory dwelling unit on the same parcel, whichever unit is first issued a certificate of occupancy must conform to all applicable regulations for the primary residence in the relevant district.

18. Conversion of Existing Residence. An existing residence may be converted to an accessory dwelling unit in conjunction with development of a new primary residence, if the existing residence, once converted, will meet all the standards applicable to development of a new accessory dwelling unit described in this Chapter.

19. Conversion of Accessory Buildings. An accessory dwelling unit may be constructed within or above an existing, detached accessory building, provided the resulting unit conforms to all applicable provisions of this Chapter.

    Accessory dwelling units constructed within or above an existing, detached accessory building that conforms to all applicable provisions of this Chapter shall not be required to obtain a use permit, regardless of the requirements of the applicable district.

    Accessory dwelling units built within or above existing garages are subject to the specific provisions of this Chapter regarding such units, regardless of any regulations to the contrary in the Zoning Regulations.

20. Creation of Accessory Dwelling Unit Entirely Within a Non-Conforming Primary

Residence. In the case of an existing primary residence that does not conform to one or more zoning regulations, creation of an accessory dwelling unit that will be entirely within the existing primary residence shall not, in itself, create a requirement that the nonconformities be rectified. However, no other provisions that may require rectification of existing nonconformities are waived merely due to approval of an accessory dwelling unit, unless specifically described in this Chapter.

21. Short Term Rental. Accessory dwelling units created pursuant to the provisions of this Chapter, if rented, shall only be rented for a term longer than 30 days.

22. Impact Fees. Accessory dwelling units of less than 750 sq. ft. in size shall be exempt from all impact fees. Accessory dwelling units of greater than 750 sq. ft. in size shall only be charged impact fees in an amount equal to the standard impact fee for such a unit, multiplied by the proportion of the accessory dwelling unit to the primary dwelling unit.

**SECTION 6439.6 STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS.**
New detached accessory dwelling units shall be subject to the requirements described in Section 6439.5, and to the following requirements:

1. Distance between Detached Accessory Dwelling Units and Other Residential Structures. The distance required between a detached accessory dwelling unit and any other residential structure on the same parcel must be a minimum of five (5) feet, measured from foundation to foundation. If a separation distance greater than five (5) feet is required by any other section of the Zoning Regulations, it shall be disregarded, and the standards of this Chapter shall govern.

2. Floor Area of Detached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:

    a. The floor area of a detached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or thirty-five percent (35%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.

    b. The floor area of a detached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:

        (1) Regardless of floor area limitations, a single eight hundred (800) square foot detached accessory dwelling unit shall be allowed on a parcel, so long as that ~~second~~ accessory dwelling unit can meet the setback and stepback requirements described in Section 6439.5.4.

3. Detached Accessory Dwelling Units and Junior Accessory Dwelling Units. One detached accessory dwelling unit may be built in combination with one junior accessory dwelling unit built on the same parcel, as long as both units comply with all relevant provisions of this Chapter.

**SECTION 6439.7 STANDARDS FOR ATTACHED ACCESSORY DWELLING UNITS.** New attached accessory dwelling units shall be subject to the requirements described in 6439.5, and to the following requirements:

1. Floor Area of Attached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:

   a. The floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or fifty percent (50%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.

   b. The floor area of an attached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:

      (1) Regardless of floor area limitations, a single eight hundred (800) square foot attached accessory dwelling unit shall be allowed on a parcel, so long as that ~~second~~ accessory dwelling unit can meet the setback and stepback requirements in Section 6439.5.4.

      (2) For attached ~~second~~ accessory dwelling units built entirely within the walls of an existing or proposed primary residence, an additional one-hundred fifty (150) sq. ft. of floor area is allowed regardless of other floor area limitation, solely for the purpose of providing ingress/egress, and not for expanded living space. Such space for ingress and egress typically includes, but is not limited to, stairs, porches, foyers, and other similar areas.

2. Ingress and Egress for Attached Accessory Dwelling Units. With the exception of junior accessory dwelling units, attached accessory dwelling units shall only be allowed a connecting doorway or other permanent ingress or egress between the primary residence and the accessory dwelling unit with the approval of the Community Development Director, at the Director's discretion. In all cases, such doorways must be independently securable from within the accessory dwelling unit and from within the primary residence. Junior accessory dwelling units are permitted to have a connecting doorway or other permanent ingress or egress between the primary residence and the junior accessory dwelling unit, but such doorway must also be independently securable from within both the junior

accessory dwelling unit and the primary residence.

For accessory dwelling units attached to the primary residence, any new entrances and exits may face the front of the parcel only if they are 1) located so as not to be visible from the front of the parcel, or 2) unless otherwise, required by clearance and or landing requirements, or 3) unless permitted by the Community Development Director, at the Director's discretion.

3. No Combining of Attached Accessory Dwelling Units and Other Accessory Dwelling Units. An attached accessory dwelling unit that does not meet the definition of, and comply with all relevant standards relating to, a junior accessory dwelling unit, may not be built in combination with any other attached or detached accessory dwelling unit on the same parcel.

**SECTION 6439.8 STANDARDS FOR JUNIOR ACCESSORY DWELLING UNITS.**

New attached junior accessory dwelling units shall be subject to the requirements described in 6439.5, with the following exceptions:

1. Location. Junior accessory dwelling units must be constructed entirely within the walls of an existing or proposed primary single-family residence, except that an additional one hundred fifty (150) sq. ft. may be built solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.

2. Floor area. The floor area of a junior accessory dwelling unit may be no greater than five hundred (500) sq. ft. under any circumstance, except that an additional one-hundred fifty (150) sq. ft. may be created outside of the primary residence, solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.

3. Required Facilities. Junior accessory dwelling units must have a sleeping area, sink, and efficiency kitchen as defined in Government Code Section 65852.22. JADUs may share a bathroom with the primary residence.

4. Internal Ingress and Egress. Junior accessory dwelling units must have external ingress and egress, as described in Section 6539.5.11. However, junior accessory dwelling units may have internally connecting doorways between the junior accessory dwelling unit and the primary residence. The internally connecting doorway must be independently securable from both the junior accessory dwelling units and the primary residence.

5. Owner Occupancy. The owner(s) of the parcel on which a junior accessory dwelling unit is proposed shall be required to occupy one of the units on the parcel. The owner(s) shall be required to record a deed restriction enforcing this requirement, which shall run with the land, and which shall be provided to the Planning and Building Department. The deed restriction shall also include a prohibition on the sale of the junior accessory dwelling unit separate from the sale

of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

**SECTION 6439.9 STANDARDS FOR MULTIPLE ACCESSORY DWELLING UNITS ON PROPERTIES WITH EXISTING MULTIFAMILY STRUCTURES.** On parcels with existing multi-family structures, including multi-family structures with two or more units, multiple accessory dwelling units shall be allowed, subject to the requirements described in Section 6439.5, and to the following requirements:

1. Accessory Dwelling Units within Multifamily Structures:

    a. Multiple accessory dwelling units may be created within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

    b. A minimum of one accessory dwelling unit shall be allowed within an existing multi-family dwelling, and a maximum number of accessory dwelling units not exceeding twenty-five percent (25%) of the existing multi-family dwelling units on the parcel, if those accessory dwelling units meet all required standards of this Chapter.

2. Detached Accessory Dwelling Units on Parcels with Multifamily Structures. No more than two detached accessory dwelling units shall be allowed on a parcel that has an existing multi-family dwelling, subject to the provisions of this Chapter.

**SECTION 6439.10 DEVELOPMENT STANDARDS FOR EXISTING ACCESSORY DWELLING UNITS.**

1. Building permits may be issued for existing accessory dwelling units which were constructed without required permits, under the following conditions:

    a. The accessory dwelling unit conforms to all applicable provisions of this Chapter, and all other applicable required standards for habitability.

    b. All applicable fees for construction completed without permits have been paid.

    Accessory dwelling units constructed without permits that do not meet the provisions of this Section may apply for a conditional use permit, as described in Section 6439.11.

**SECTION 6439.11 REQUIREMENTS FOR CONDITIONALLY PERMITTED ACCESSORY DWELLING UNITS.**

1. Accessory dwelling units not meeting all applicable standards of this Chapter may be conditionally permitted, subject to a conditional use permit.

2. With the exception of accessory dwelling units described in Section 6439.11.4, below, the process for application for and issuance of a conditional use permit for an accessory dwelling unit shall be that set forth in Section 6503 of the County Zoning Regulations, except that the granting of the permit shall be at the determination of the Zoning Hearing Officer. The determination of the Zoning Hearing Officer shall be appealable to the County Planning Commission only, subject to the procedures specified in Chapters 24 and Chapter 30 of the Zoning Regulations.

3. In the case of accessory dwelling units within the Coastal Zone which are proposed in conjunction with other development that is required to be reviewed by the Planning Commission, the conditional use permit will be reviewed and granted by the Planning Commission only, and shall not be appealable. The Planning Commission's review may not consider issues related to design review.

4. Accessory dwelling units requiring a conditional use permit which are within the Coastal Development (CD) District may require a Coastal Development Permit that may be appealable to the Coastal Commission.

5. In the event that the creation or legalization of an accessory dwelling unit creates conflicts with standards specific to the base or overlay zoning of the parcel, or other standards for which specific exceptions are not provided in this Chapter, those conflicts must be addressed by whatever relief, if any, and through whatever procedures, are normally required by the regulations in which those standards are contained.

6. In the case of accessory dwelling units meeting all applicable standards of this Chapter except those related to parking requirements, a parking exception may be requested as provided in Section 6439.5.14, and a conditional use permit shall not be required.

**SECTION 6439.12 HOME IMPROVEMENT EXCEPTIONS.**

Home Improvement Exceptions. For accessory dwelling units that may be allowed contingent on approval of a Home Improvement Exception (HIE), as described in Section 6531, accessory dwelling units are exempt from the requirements of Section 6531 that:

1. *The improvement may not result in the creation of a new story*. Accessory dwelling units permitted contingent on an HIE may result in creation of a new story.

2. *At least 75 percent of the existing exterior walls (in linear feet) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of linear feet of existing walls remaining.

3. *At least 50 percent of the existing roof (in sq. ft.) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of existing roof remaining.

4. *The addition will be located at least three feet from a property line*. In the case of accessory dwelling units located within an existing structure, as described in 6439.5.4, accessory dwelling units may be permitted contingent on an HIE regardless of setbacks.

5. *The existing structure is located in an area with an average slope of less than 20 percent*. Accessory dwelling units may be permitted contingent on an HIE regardless of the average slope.

These exceptions to HIE standards are applicable only to the accessory dwelling unit, not to the primary residence or any other development on the subject parcel.

Home Improvement Exceptions may not be used to allow an accessory dwelling unit of greater floor area than that allowed by Section 6439.5.5.

~~**SECTION 6439.13 DECISIONS.** Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 6431, shall be approved or denied ministerially, on the basis of the objective criteria included in this Chapter and other applicable regulations. Consideration of other permits associated with development of the proposed accessory dwelling unit only, that might otherwise be discretionary, including but not limited to Tree Removal and Grading Permits, shall also be ministerial, except as provided in Section 6431. No public notice or public hearing shall be required for review and approval or denial of an accessory dwelling unit, unless an applicant requests exceptions to the standards set forth in this Chapter.~~

~~In the case of accessory dwelling units that are within the Coastal Zone's Appeals Jurisdiction, and/or require a Coastal Development permit, all public notice required by the applicable provisions will be provided.~~

**SECTION 6439.~~14~~ 13 APPEALS.** Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal.

**SECTION 6439.~~15~~ 14 APPLICABILITY IN SAN MATEO COUNTY COASTAL ZONE AND COASTAL DEVELOPMENT DISTRICT.** These regulations shall only be applicable in areas inside San Mateo County's Coastal Zone.

**SECTION 6439.~~16~~ 15 APPLICABILITY OF COUNTY REGULATIONS.** With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Section 6100 et seq.) and the Building Regulations (Section 9000 et seq.).

**SECTION 6439.~~17~~ 16 COASTAL DEVELOPMENT DISTRICT**. In the Coastal Development (CD) District, all accessory dwelling units shall comply with all of the applicable regulations of the district, including but not limited to the Sensitive Habitats, Visual Resources, and Hazards policies of the Local Coastal Program. Nothing in this Chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, the San Mateo County Local Coastal Program, or the CD District regulations, except that no public hearing shall be required for accessory dwelling units that meet all relevant standards of this Chapter, and approval of such accessory dwelling unit applications shall be made ministerially, at the staff level. Accessory dwelling units shall count toward the total residential development limits described in Section 1.23 and 3.22 of the County's Local Coastal Program.

**SECTION 6439.~~18~~ 17 DECISIONS**. Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 6439.~~7~~11, shall be approved or denied ministerially, on the basis of the objective criteria included in this Chapter and other applicable regulations as defined in Section 6434. Consideration of other permits associated with development of the proposed accessory dwelling unit only, that might otherwise be discretionary, including but not limited to Tree Removal, Coastal Development, Resource Management, and Grading Permits, shall also be ministerial, except as provided in Section 6439.11. Except for units that are within the Coastal Zone's Appeals Jurisdiction and/or that require a Coastal Development Permit, no public notice or public hearing shall be required for review and approval or denial of an accessory dwelling unit, unless an applicant requests exceptions to the standards set forth in this Chapter. In the case of units that are within the Coastal Zone's Appeals Jurisdiction, and/or require a Coastal Development permit, all required public notice will be provided.

**SECTION 6439.~~19~~ 18 APPEALS**. Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal, except if located in the Coastal Commission appeals area of the CD District, in which case the decision may be appealable as provided in the CD District Regulations, Section 6328.3(s).

**SECTION 6439.~~20~~ 19 APPLICABILITY OF COUNTY REGULATIONS**. With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Section 6100 et seq.) and the Building Code (Section 9000 et seq.).

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT C

# ORDINANCE NO. _____

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA**

*** * * * * ***

**AN ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, DIVISION VI, PART ONE (ZONING REGULATIONS) CHAPTER 22.5.1 (ACCESSORY DWELLING UNITS COASTSIDE) AND AMENDING SECTION 3.22 OF THE COUNTY'S LOCAL COASTAL PROGRAM, TO ADOPT THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO THE COUNTY'S CONDITIONALLY CERTIFIED REGULATIONS**

The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows

**SECTION 1.** The Board of Supervisors of the County of San Mateo ("County") hereby finds and declares as follows:

**WHEREAS**, in November 2020 the Board of Supervisors adopted amendments to Zoning Regulations Chapter 22.5.1 addressing accessory dwelling units within the Coastal Zone, to comply with the most recent amendments to Government Code section 65852.2, which require local ordinances to be consistent with State law; and

**WHEREAS**, in November 2020 the Board of Supervisors also adopted amendments to the standards regarding accessory dwelling units in the County's Local Coastal Program, in order to achieve consistency with current State law; and

**WHEREAS**, the adopted amendments were subsequently submitted to the California Coastal Commission ("Coastal Commission") for the Coastal Commission's review and certification, as required by law for any amendments to land use regulations in the County's Coastal Zone; and

**WHEREAS**, the Coastal Commission considered the proposed amendments on July 8, 2021, and conditionally certified the amendments, contingent on modifications to the parking provisions incorporated in the amendments; and

**WHEREAS**, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications, as reflected in this ordinance; and

**WHEREAS**, the San Mateo County Planning Commission considered the proposed modifications on August 11, 2021, and voted to recommend that the Board of Supervisors adopt the amendments.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22.5.1 (Accessory Dwelling Units – Coastal Zone), is hereby amended to read as follows:

## CHAPTER 22.5. 1. ACCESSORY DWELLING UNITS – COASTAL ZONE

**SECTION 6439.1. PURPOSE.** Accessory dwelling units are a residential use that provide an important source of housing. The purpose of this Chapter is to:

1. Increase the supply and diversity of the County's housing stock, in particular the number of smaller and more affordable units, by allowing accessory dwelling units to be built on existing residential properties, while preserving the neighborhood character.

2. Increase the housing stock of existing neighborhoods in a manner that has less impact on the environment than development of housing in undeveloped areas.

3. Allow more efficient use of existing residential areas and supporting infrastructure.

4. Provide a means for residents to remain in their homes and neighborhoods.

5. Provide opportunities for homeowners to earn supplemental income from renting an accessory dwelling unit.

6. Establish standards for accessory dwelling units in the County's Coastal Zone to ensure that they are safe, habitable, compatible with existing development, and consistent with the policies of the County's Local Coastal Program and the California Coastal Act.

**SECTION 6439.2 DEFINITIONS.**

1. Primary Residence. A "primary residence" is the main residence located or proposed to be located on the parcel on which an accessory dwelling unit(s) is located or proposed to be located.

2. Accessory Dwelling Unit. An "accessory dwelling unit" is a dwelling unit located or proposed to be located on a lot which contains, or will contain, a primary residence. Accessory dwelling units may be detached from or attached to the primary residence on the property. Accessory dwelling units may also be (1) efficiency units, as defined in Section 17958.1 of the California Health and Safety

Code, or (2) manufactured homes, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are "accessory dwelling units" as that term is used in Government Code Section 65852.2. An accessory dwelling unit includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code or a manufactured home as defined in Section 18007 of the Health and Safety code. A "second unit" or "secondary unit" is an accessory dwelling unit. Accessory dwelling units are not "accessory buildings" as defined in Section 6102.19. Any secondary structure that provides independent facilities for living; sleeping; eating; cooking; and sanitation, may be considered an accessory dwelling unit, at the discretion of the Community Development Director, unless an applicant can provide compelling evidence to the contrary to the satisfaction of the Community Development Director.

3. Detached Accessory Dwelling Unit. A "detached accessory dwelling unit" is a unit that is an independent structure, entirely separated from the structure of the primary residence. Accessory dwelling unit constructed within, or as an extension of an existing detached structure other than the primary residence are considered detached accessory dwelling units.

4. Attached Accessory Dwelling Unit. An "attached accessory dwelling unit" is a unit that is built as an addition to, extension of, or within the primary residence.

5. Junior Accessory Dwelling Unit. A "junior accessory dwelling unit" is an accessory dwelling unit built entirely within the walls of an existing or proposed primary residence, not exceeding five hundred sq. ft. in size, and including an efficiency kitchen, as described in Government Code Section 65852.22. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.

6. Efficiency Kitchen. An efficiency kitchen, as defined in Government Code Section 65852.22, is a kitchen that contains at least a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

7. Floor Area. For purposes of this Chapter, the "floor area" of an accessory dwelling unit is the area of each floor level included within the walls enclosing each dwelling unit. The floor area shall be measured from the outside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, including habitable basements and attics, but not including unenclosed porches, balconies, or any enclosed garages or carports. For purposes of calculating allowable floor area of accessory dwelling units based on a proportion of the size of the primary residence, only the livable floor area of the primary residence shall be counted. The floor area of any other structures, for purposes of calculating total floor area, lot coverage, or other calculations, shall be calculated in the manner described in the relevant zoning regulations.

8. Owner Occupancy. Owner occupancy is the condition and requirement that the owner of a parcel on which a junior accessory dwelling unit is constructed live in one of the units on the property in perpetuity.

9. Stepback. A setback above the ground floor, where the building is "stepped back" an additional distance from the outermost point of the building at the ground level.

**SECTION 6439.3 LOCATIONS PERMITTED.** Accessory dwelling units shall be allowed in the R-1, R-2, and R-3 Zoning Districts in the County's Coastal Zone, regardless of any regulations that might otherwise prohibit accessory dwelling units in any specific district.

**SECTION 6439.4 APPROVAL.** Accessory dwelling units meeting all of the applicable requirements of Section 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9, as applicable, shall be approved ministerially, without public notice, public hearing, or discretionary review, in the manner and to the extent described in Section 6439.17.

Accessory dwelling units not meeting the applicable standards set forth in Section 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9 will be considered a conditionally permitted use within the districts specified in Section 6439.3 and may be permitted by a conditional use permit pursuant to a public hearing before the Zoning Hearing Officer, as described in Section 6431. Conditionally permitted units may also still be subject to other permitting requirements and approvals pertaining to the County's Coastal Zone, as described in Section 6439.18.

**SECTION 6439.5 DEVELOPMENT STANDARDS FOR ALL ACCESSORY DWELLING UNITS.** New accessory dwelling units shall be subject to the requirements and standards described in this chapter. Where not superseded by the specific requirements described in this chapter, accessory dwelling units shall also be subject to the requirements applicable to any dwelling unit on the same parcel in the same district. Development standards applicable to all accessory dwelling units include the following:

1. Minimum Lot Area. Accessory dwelling units shall be exempt from the minimum lot area per dwelling unit provisions in the applicable district.

2. Minimum Lot Size. Accessory dwelling units shall be exempt from all minimum lot size requirements.

3. Maximum Density of Development. Accessory dwelling units shall be exempt from any and all provisions limiting the maximum density of development in the applicable district.

4. Setbacks. Notwithstanding the required setbacks in the applicable district, minimum setbacks for accessory dwelling units shall be:

   a. Front Setbacks. With the exception of accessory dwelling units created entirely within the space of an existing structure, for all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the front property line of the subject parcel than the lesser of:

      (1) The front setback required by the relevant zoning district, or

      (2) The distance from the front property line of the primary residence located or proposed to be located on that parcel. For purposes of this section, the primary residence includes attached garages.

      In cases where an existing primary residence is closer to the front property line than the front setback normally required in the same district, the accessory dwelling unit shall also be allowed to be located as close to the front property line as the primary residence.

      In cases where an accessory dwelling unit is proposed to be built atop an existing detached garage that is located within the required front setback, a conditional use permit shall be required.

   b. Side and Rear Setbacks. For accessory dwelling units created entirely within the space of an existing structure, setbacks shall be those already existing for that structure, unless such setbacks present demonstrable safety issues.

      For all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the property line than: Side: 4 feet; Rear: 4 feet.

   c. Stepbacks. Accessory dwelling units, whether attached or detached, exceeding 16 feet in height shall have the following stepbacks, located at a point no higher than 16 feet on the structure: Side: 5 feet; Rear: 10 feet.

5. Floor Area. The allowable floor area of an accessory dwelling unit shall be calculated in the manner described in Sections 6439.5, 6439.6, 6439.7, 6439.8, and 6439.9, but in no case shall these regulations be applied in such a way as to preclude an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.

6. Lot Coverage. Accessory dwelling units shall count against the allowed lot coverage on a parcel, except that no lot coverage restriction shall preclude creation of an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.

7. Height. The maximum height of the accessory dwelling unit shall be twenty-six feet. Building height shall be measured as the vertical distance from any point on the lower of (a) finished grade, or (b) natural grade, to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend up to eight feet beyond the building height, as required for safety or efficient operation. Accessory dwelling units built entirely within an existing building shall be subject to the greater of the height limit applicable to that building in the relevant district, or the maximum height of the existing primary residence, measured in the manner described in the Zoning Regulations of the relevant district.

8. Daylight Plane. Neither accessory dwelling units built above an existing detached or attached garage or accessory structure, nor detached accessory dwelling units taller than sixteen (16) feet in height, shall be subject to daylight plane requirements.

9. Balconies and Decks. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no rooftop decks, and no portion of any balcony or deck shall be located above ten (10) feet in height, exclusive of railings, measured in the same manner as height in Section 6439.7, except on the side of the accessory dwelling unit facing the primary residence. Accessory dwelling units that meet the setback requirements that would apply to a primary residence in the same district may have rooftop decks and balconies to the extent otherwise allowed in the relevant district.

10. Windows. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no windows located above or extending above ten (10) feet on the accessory dwelling unit, measured from finished grade, except on: (1) the side(s) of the accessory dwelling unit facing the primary residence, and (2) the side(s) of the accessory dwelling unit that comply with the normal setback requirements of the district. On the sides of the accessory dwelling unit that do not meet the normal setback requirements of the district, clerestory windows located above ten (10) feet on the accessory dwelling unit shall be allowed, if they have a lower sill height of no less than six feet from the nearest interior floor of the accessory dwelling unit, and a total window height no greater than twenty-four (24) inches. Skylights shall be allowed.

11. Ingress and Egress. Accessory dwelling units shall have an independently accessible entrance that does not require passage through the primary residence.

12. Required Facilities. With the exception of junior accessory dwelling units, which are subject to the requirements described in Section 6439.8, all attached or detached accessory dwelling units must include the following:

    a. Independent facilities for living, sleeping, eating, cooking, and sanitation.

    b. A kitchen area containing a refrigerator, sink, and permanently installed cooking appliance, which must include at least a fixed stovetop.

    c. A fully plumbed bathroom including sink, shower, and toilet.

13. Parking Requirements

    a. Required Parking. Parking for accessory dwellings units shall be provided as follows:

        (1) Outside of the designated areas shown in LCP Maps 3.1, "ADU Parking Area – Montara and Moss Beach," and 3.2, "ADU Parking Area – El Grenada and Pillar Point Harbor," one new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit, unless the accessory dwelling unit meets the parking exemption criteria of subsection b. below. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit outside of such designated areas, those off-street parking spaces are not required to be replaced.

        (2) Within the designated areas shown in LCP Maps 3.1 and 3.2, at least one off-street parking space shall be required for each accessory dwelling unit, and all off-street parking requirements associated with other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed or converted to accommodate an accessory dwelling unit.

    b. Parking Exemptions. Accessory dwelling units located outside of the designated areas shown in LCP Maps 3.1 and 3.2 and meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel, or in the case of a concurrent application for a new primary and accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence:

        (1) Accessory dwelling units located within one-half (1/2) mile of a public transit stop or station, measured as a direct line from the transit stop. Public transit stops must be served by a transit line serving the public,

and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders.

(2) Accessory dwelling units located within a designated architecturally and historically significant historic district.

(3) Accessory dwelling units that are part of the existing primary residence or an existing accessory structure, including attached or detached garages.

(4) Accessory dwelling units located within one (1) block of a car share vehicle pick-up/drop-off location.

c. Conversion of Covered Parking. Any covered parking removed in order to create an accessory dwelling unit, if required to be replaced, may be replaced with uncovered parking of any type and configuration allowed by Section 6439.5.13(f), below. For purposes of this Section, conversion includes partial or full demolition of covered parking required to create an accessory dwelling unit.

d. Garage conversion. If an existing attached or detached garage is converted to an accessory dwelling unit, the parking previously provided by that garage may be replaced by uncovered parking of any type and configuration allowed by Section 6439.5.13(f), below, and no additional parking related to the accessory dwelling unit is required. For purposes of this Section, conversion includes partial or full demolition of the garage and partial or full replacement with an accessory dwelling unit.

e. Use of Existing Parking. If the parking already existing on the parcel exceeds that required for existing development on the parcel, excess parking spaces shall be counted toward the new parking required for the accessory dwelling unit.

f. Provision and Location of Parking. Parking spaces shall be provided in the following manner:

(1) Pervious Surfaces. All new parking spaces created for the accessory dwelling unit must be provided on pervious surfaces. The maximum amount of impervious surfaces designated to satisfy the accessory dwelling unit parking requirement shall be no greater than the amount of impervious surfaces existing at time of application. Existing impervious surface area may be used for parking and need not be converted to pervious surface.

(2) Uncovered Parking. All parking required for the accessory dwelling unit may be uncovered.

(3) Front or Side Yard Parking. Up to three parking spaces may be provided in the front or side yard. Not more than 600 sq. ft. of the front yard area shall be used for parking.

(4) Tandem Parking. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem parking arrangement consists of one car behind the other. No more than three total cars in tandem may be counted toward meeting the parking requirement.

(5) Compact Spaces. All parking required for the accessory dwelling unit may be provided by compact parking spaces, as defined in Section 6118.a.

14. Requests for Parking Exceptions. If the required parking for an accessory dwelling unit outside the designated areas shown in LCP Maps 3.1 and 3.2 cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 6120. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.

15. Design Review. Accessory dwelling units shall not be subject to design review, except to the extent that they are located in the County's Coastal Zone. Accessory dwelling units in the County's Coastal Zone are subject to relevant design review requirements incorporated in the County's Local Coastal Program and Zoning Regulations, however, such units shall not be reviewed by a Design Review Committee, nor shall their design be subject to consideration at any public hearing. Compatibility with applicable design standards for such units shall be determined by the Community Development Director or the Director's designee.

16. Architectural Review. Accessory dwelling units located in scenic corridors in the County's Coastal Zone shall be subject to architectural review as normally required.

17. Concurrent Application for Development of Primary Residence and Accessory Dwelling Unit. In the case of a concurrent application for development of a new primary residence and new accessory dwelling unit on the same parcel, whichever unit is first issued a certificate of occupancy must conform to all applicable regulations for the primary residence in the relevant district.

18. Conversion of Existing Residence. An existing residence may be converted to an accessory dwelling unit in conjunction with development of a new primary residence, if the existing residence, once converted, will meet all the standards applicable to development of a new accessory dwelling unit described in this Chapter.

19. Conversion of Accessory Buildings. An accessory dwelling unit may be constructed within or above an existing, detached accessory building, provided the resulting unit conforms to all applicable provisions of this Chapter.

    Accessory dwelling units constructed within or above an existing, detached accessory building that conforms to all applicable provisions of this Chapter shall not be required to obtain a use permit, regardless of the requirements of the applicable district.

    Accessory dwelling units built within or above existing garages are subject to the specific provisions of this Chapter regarding such units, regardless of any regulations to the contrary in the Zoning Regulations.

20. Creation of Accessory Dwelling Unit Entirely Within a Non-Conforming Primary Residence. In the case of an existing primary residence that does not conform to one or more zoning regulations, creation of an accessory dwelling unit that will be entirely within the existing primary residence shall not, in itself, create a requirement that the nonconformities be rectified. However, no other provisions that may require rectification of existing nonconformities are waived merely due to approval of an accessory dwelling unit, unless specifically described in this Chapter.

21. Short Term Rental. Accessory dwelling units created pursuant to the provisions of this Chapter, if rented, shall only be rented for a term longer than 30 days.

22. Impact Fees. Accessory dwelling units of less than 750 sq. ft. in size shall be exempt from all impact fees. Accessory dwelling units of greater than 750 sq. ft. in size shall only be charged impact fees in an amount equal to the standard impact fee for such a unit, multiplied by the proportion of the accessory dwelling unit to the primary dwelling unit.

**SECTION 6439.6 STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS.** New detached accessory dwelling units shall be subject to the requirements described in Section 6439.5, and to the following requirements:

1. Distance between Detached Accessory Dwelling Units and Other Residential Structures. The distance required between a detached accessory dwelling unit and any other residential structure on the same parcel must be a minimum of five (5) feet, measured from foundation to foundation. If a separation distance greater than five (5) feet is required by any other section of the Zoning Regulations, it shall be disregarded, and the standards of this Chapter shall govern.

2. Floor Area of Detached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:

    a. The floor area of a detached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or thirty-five percent (35%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.

    b. The floor area of a detached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:

        (1) Regardless of floor area limitations, a single eight hundred (800) square foot detached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements described in Section 6439.5.4.

3. Detached Accessory Dwelling Units and Junior Accessory Dwelling Units. One detached accessory dwelling unit may be built in combination with one junior accessory dwelling unit built on the same parcel, as long as both units comply with all relevant provisions of this Chapter.

**SECTION 6439.7 STANDARDS FOR ATTACHED ACCESSORY DWELLING UNITS.**
New attached accessory dwelling units shall be subject to the requirements described in 6439.5, and to the following requirements:

1. Floor Area of Attached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:

    a. The floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or fifty percent (50%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.

    b. The floor area of an attached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:

        (1) Regardless of floor area limitations, a single eight hundred (800) square foot attached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements in Section 6439.5.4.

        (2) For attached accessory dwelling units built entirely within the walls of an existing or proposed primary residence, an additional one-hundred fifty (150) sq. ft. of floor area is allowed regardless of other floor area limitation, solely for the purpose of providing ingress/egress, and not for expanded living space. Such space for ingress and egress typically includes, but is not limited to, stairs, porches, foyers, and other similar areas.

2. Ingress and Egress for Attached Accessory Dwelling Units. With the exception of junior accessory dwelling units, attached accessory dwelling units shall only be allowed a connecting doorway or other permanent ingress or egress between the primary residence and the accessory dwelling unit with the approval of the Community Development Director, at the Director's discretion. In all cases, such doorways must be independently securable from within the accessory dwelling unit and from within the primary residence. Junior accessory dwelling units are permitted to have a connecting doorway or other permanent ingress or egress between the primary residence and the junior accessory dwelling unit, but such doorway must also be independently securable from within both the junior accessory dwelling unit and the primary residence.

For accessory dwelling units attached to the primary residence, any new entrances and exits may face the front of the parcel only if they are 1) located so as not to be visible from the front of the parcel, or 2) unless otherwise, required by clearance and or landing requirements, or 3) unless permitted by the Community Development Director, at the Director's discretion.

3. No Combining of Attached Accessory Dwelling Units and Other Accessory Dwelling Units. An attached accessory dwelling unit that does not meet the definition of, and comply with all relevant standards relating to, a junior accessory dwelling unit, may not be built in combination with any other attached or detached accessory dwelling unit on the same parcel.

**SECTION 6439.8 STANDARDS FOR JUNIOR ACCESSORY DWELLING UNITS.**

New attached junior accessory dwelling units shall be subject to the requirements described in 6439.5, with the following exceptions:

1. Location. Junior accessory dwelling units must be constructed entirely within the walls of an existing or proposed primary single-family residence, except that an additional one hundred fifty (150) sq. ft. may be built solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.

2. Floor area. The floor area of a junior accessory dwelling unit may be no greater than five hundred (500) sq. ft. under any circumstance, except that an additional one-hundred fifty (150) sq. ft. may be created outside of the primary residence, solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.

3. Required Facilities. Junior accessory dwelling units must have a sleeping area, sink, and efficiency kitchen as defined in Government Code Section 65852.22. JADUs may share a bathroom with the primary residence.

4. Internal Ingress and Egress. Junior accessory dwelling units must have external ingress and egress, as described in Section 6539.5.11. However, junior accessory dwelling units may have internally connecting doorways between the junior accessory dwelling unit and the primary residence. The internally connecting doorway must be independently securable from both the junior accessory dwelling units and the primary residence.

5. Owner Occupancy. The owner(s) of the parcel on which a junior accessory dwelling unit is proposed shall be required to occupy one of the units on the parcel. The owner(s) shall be required to record a deed restriction enforcing this requirement, which shall run with the land, and which shall be provided to the Planning and Building Department. The deed restriction shall also include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

**SECTION 6439.9 STANDARDS FOR MULTIPLE ACCESSORY DWELLING UNITS ON PROPERTIES WITH EXISTING MULTIFAMILY STRUCTURES.** On parcels with existing multi-family structures, including multi-family structures with two or more units, multiple accessory dwelling units shall be allowed, subject to the requirements described in Section 6439.5, and to the following requirements:

1. Accessory Dwelling Units within Multifamily Structures:

    a. Multiple accessory dwelling units may be created within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

    b. A minimum of one accessory dwelling unit shall be allowed within an existing multi-family dwelling, and a maximum number of accessory dwelling units not exceeding twenty-five percent (25%) of the existing multi-family dwelling units on the parcel, if those accessory dwelling units meet all required standards of this Chapter.

2. Detached Accessory Dwelling Units on Parcels with Multifamily Structures. No more than two detached accessory dwelling units shall be allowed on a parcel that has an existing multi-family dwelling, subject to the provisions of this Chapter.

**SECTION 6439.10 DEVELOPMENT STANDARDS FOR EXISTING ACCESSORY DWELLING UNITS.**

1. Building permits may be issued for existing accessory dwelling units which were constructed without required permits, under the following conditions:

    a. The accessory dwelling unit conforms to all applicable provisions of this Chapter, and all other applicable required standards for habitability.

    b. All applicable fees for construction completed without permits have been paid.

Accessory dwelling units constructed without permits that do not meet the provisions of this Section may apply for a conditional use permit, as described in Section 6439.11.

**SECTION 6439.11 REQUIREMENTS FOR CONDITIONALLY PERMITTED ACCESSORY DWELLING UNITS.**

1. Accessory dwelling units not meeting all applicable standards of this Chapter may be conditionally permitted, subject to a conditional use permit.

2. With the exception of accessory dwelling units described in Section 6439.11.4, below, the process for application for and issuance of a conditional use permit for an accessory dwelling unit shall be that set forth in Section 6503 of the County Zoning Regulations, except that the granting of the permit shall be at the determination of the Zoning Hearing Officer. The determination of the Zoning Hearing Officer shall be appealable to the County Planning Commission only, subject to the procedures specified in Chapters 24 and Chapter 30 of the Zoning Regulations.

3. In the case of accessory dwelling units within the Coastal Zone which are proposed in conjunction with other development that is required to be reviewed by the Planning Commission, the conditional use permit will be reviewed and granted by the Planning Commission only, and shall not be appealable. The Planning Commission's review may not consider issues related to design review.

4. Accessory dwelling units requiring a conditional use permit which are within the Coastal Development (CD) District may require a Coastal Development Permit that may be appealable to the Coastal Commission.

5. In the event that the creation or legalization of an accessory dwelling unit creates conflicts with standards specific to the base or overlay zoning of the parcel, or other standards for which specific exceptions are not provided in this Chapter, those conflicts must be addressed by whatever relief, if any, and through whatever procedures, are normally required by the regulations in which those standards are contained.

6. In the case of accessory dwelling units meeting all applicable standards of this Chapter except those related to parking requirements, a parking exception may be requested as provided in Section 6439.5.14, and a conditional use permit shall not be required.

**SECTION 6439.12 HOME IMPROVEMENT EXCEPTIONS.**

Home Improvement Exceptions. For accessory dwelling units that may be allowed contingent on approval of a Home Improvement Exception (HIE), as described in Section 6531, accessory dwelling units are exempt from the requirements of Section 6531 that:

1. *The improvement may not result in the creation of a new story*. Accessory dwelling units permitted contingent on an HIE may result in creation of a new story.

2. *At least 75 percent of the existing exterior walls (in linear feet) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of linear feet of existing walls remaining.

3. *At least 50 percent of the existing roof (in sq. ft.) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of existing roof remaining.

4. *The addition will be located at least three feet from a property line*. In the case of accessory dwelling units located within an existing structure, as described in 6439.5.4, accessory dwelling units may be permitted contingent on an HIE regardless of setbacks.

5. *The existing structure is located in an area with an average slope of less than 20 percent*. Accessory dwelling units may be permitted contingent on an HIE regardless of the average slope.

These exceptions to HIE standards are applicable only to the accessory dwelling unit, not to the primary residence or any other development on the subject parcel.

Home Improvement Exceptions may not be used to allow an accessory dwelling unit of greater floor area than that allowed by Section 6439.5.5.

**SECTION 6439.13 APPEALS.** Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal.

**SECTION 6439.14 APPLICABILITY IN SAN MATEO COUNTY COASTAL ZONE AND COASTAL DEVELOPMENT DISTRICT.** These regulations shall only be applicable in areas inside San Mateo County's Coastal Zone.

**SECTION 6439.15 APPLICABILITY OF COUNTY REGULATIONS.** With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Section 6100 et seq.) and the Building Regulations (Section 9000 et seq.).

**SECTION 6439.16 COASTAL DEVELOPMENT DISTRICT**. In the Coastal Development (CD) District, all accessory dwelling units shall comply with all of the applicable regulations of the district, including but not limited to the Sensitive Habitats, Visual Resources, and Hazards policies of the Local Coastal Program. Nothing in this Chapter shall be construed to supersede or in any way alter or lessen the effect or

application of the California Coastal Act, the San Mateo County Local Coastal Program, or the CD District regulations, except that no public hearing shall be required for accessory dwelling units that meet all relevant standards of this Chapter, and approval of such accessory dwelling unit applications shall be made ministerially, at the staff level. Accessory dwelling units shall count toward the total residential development limits described in Section 1.23 and 3.22 of the County's Local Coastal Program.

**SECTION 6439.17 DECISIONS**. Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 6439.11, shall be approved or denied ministerially, on the basis of the objective criteria included in this Chapter and other applicable regulations as defined in Section 6434. Consideration of other permits associated with development of the proposed accessory dwelling unit only, that might otherwise be discretionary, including but not limited to Tree Removal, Coastal Development, Resource Management, and Grading Permits, shall also be ministerial, except as provided in Section 6439.11. Except for units that are within the Coastal Zone's Appeals Jurisdiction and/or that require a Coastal Development Permit, no public notice or public hearing shall be required for review and approval or denial of an accessory dwelling unit, unless an applicant requests exceptions to the standards set forth in this Chapter. In the case of units that are within the Coastal Zone's Appeals Jurisdiction, and/or require a Coastal Development permit, all required public notice will be provided.

**SECTION 6439.18 APPEALS**. Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal, except if located in the Coastal Commission appeals area of the CD District, in which case the decision may be appealable as provided in the CD District Regulations, Section 6328.3(s).

**SECTION 6439.19 APPLICABILITY OF COUNTY REGULATIONS**. With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Section 6100 et seq.) and the Building Code (Section 9000 et seq.).

**SECTION 3.** The San Mateo County Local Coastal Program is hereby amended as follows:

References to "Second Unit(s)" are replaced by "Accessory Dwelling Unit(s)" on pages 1.16, 2.26, 2.30, 2.38, 2.45, 2.46, 3.3, 3.7, and PA.7.

**SECTION 4.** The San Mateo County Local Coastal Program, Chapter, 3, Section 3.22 is hereby amended to read as follows:

3.22. Accessory Dwelling Units in the Coastal Zone

Permit accessory dwelling units subject to the standards incorporated in the County's Zoning Regulations Chapter 22.5.1 (Accessory Dwelling Units – Coastal Zone), subject to the following restrictions:

a. Limit the total number of approved accessory dwelling units to 466 in the Coastal Zone.

b. Comply with all applicable policies and procedures as required by the LCP.

**SECTION 5.** The San Mateo County Local Coastal Program, Chapter, 3, is hereby amended to add the two attached maps, labeled as Map 3.1, "ADU Parking Area – Montara and Moss Beach," and Map 3.2, "ADU Parking Area – El Granada and Pillar Point Harbor."

**SECTION 6.** The San Mateo County Local Coastal Program Table of Contents, Page iii, "LCP FIGURES" is hereby amended to add maps 3.1 and 3.2, as follows:



**SECTION 7.** Adoption of this Ordinance is exempt from environmental review, per CEQA Section 21080.17 and CEQA Guidelines Section 15282(h), which state that adoption of ordinances relating to accessory dwelling units to implement specific Government Code sections (Sections 65852.1 and 65852.2) are exempt from CEQA.

**SECTION 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

**SECTION 9.** The Clerk shall publish this Ordinance in accordance with applicable law.

**SECTION 10.** This Ordinance shall be effective immediately upon certification by the California Coastal Commission.

WSG:cmc – WSGFF0742_WCU.DOCX
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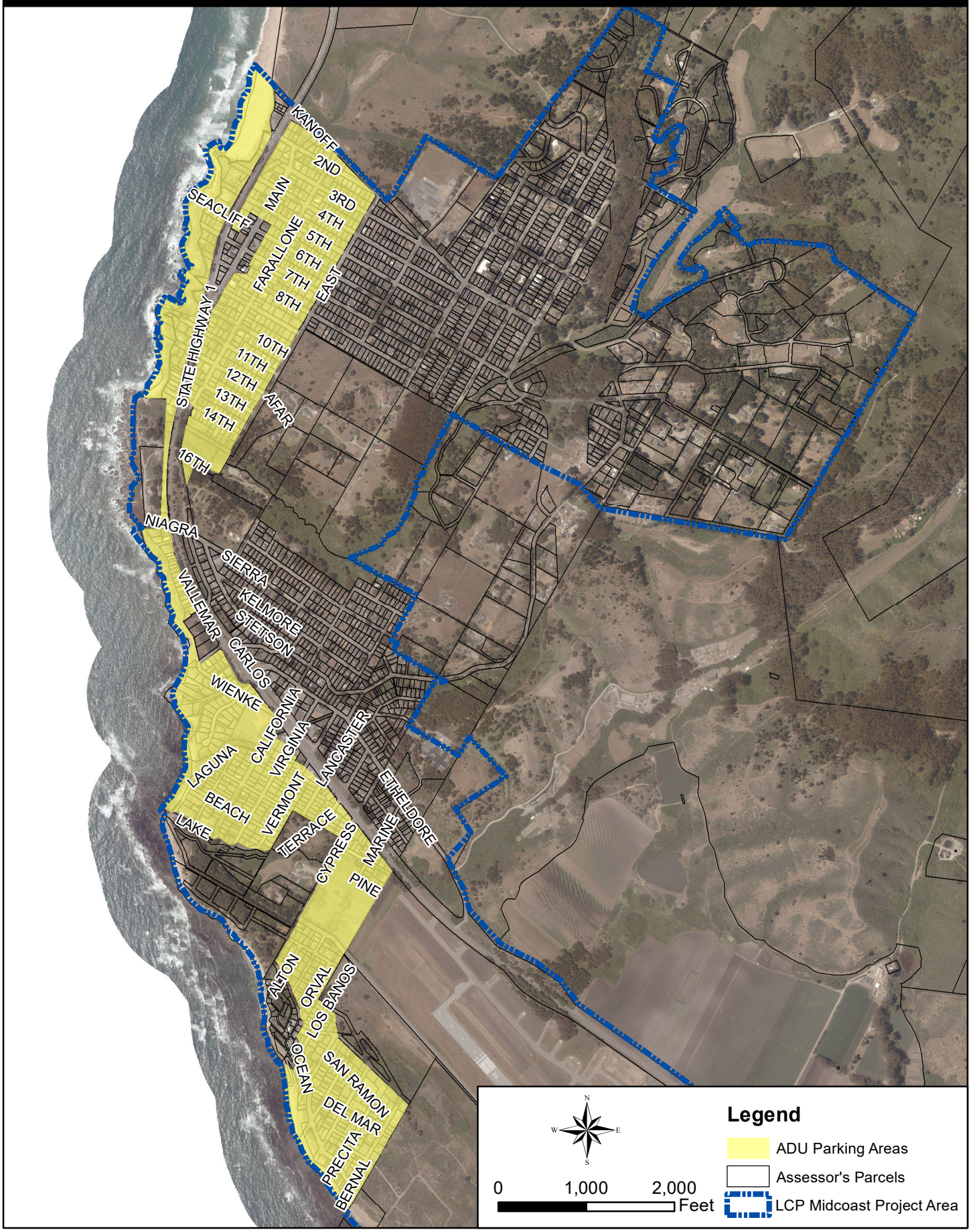
COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT D

# Map 3.1 ADU Parking Areas - Montara and Moss Beach



# Map 3.2 ADU Parking Areas - El Granada and Pillar Point

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT E

**CALIFORNIA COASTAL COMMISSION**
NORTH CENTRAL COAST DISTRICT OFFICE
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94105-2421
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV

# NOTIFICATION OF ACTION ON LOCAL COASTAL PROGRAM AMENDMENT

**Date:** July 13, 2021

**To:** San Mateo County
County Government Center
455 County Center, 2nd Floor
Redwood City, CA 64063

**From:** Stephanie Rexing, North Central Coast District Manager
Erik Martinez, North Central Coastal Planner

**Subject:** **San Mateo County LCP Amendment Number LCP-2-SMC-21-0001-1 (Accessory Dwelling Unit Regulations)**

Dear Mr. Gibson:

At its July 8, 2021 remote meeting, the California Coastal Commission took action on the San Mateo County LCP Amendment No. LCP-2-SMC-21-0001-1 (Accessory Dwelling Unit Regulations). The Commission approved the proposed amendments to the LCP, if modified as suggested. A copy of the findings and suggested modifications is enclosed.

This letter formally transmits to you the Commission's resolution of certification and findings pursuant to Section 13544 of Title 14 of the California Code of Regulations. Pursuant to Section 13544, effective certification of LCP Amendment No. LCP-2-SMC-21-0001-1, whereby the County may begin implementing the Accessory Dwelling Unit regulations subject to this amendment, will occur after:

1. The County, by action of the Board of Supervisors: (a) acknowledges receipt of this resolution of certification, including the suggested modifications; (b) accepts and agrees to the modifications and takes whatever formal action is required to satisfy the modifications (e.g., implementation of ordinances); and (c) agrees to issue coastal development permits subject to the approved amendment.

**Notification of Commission Action**
LCP-2-SMC-21-0001-1

2. The Commission's Executive Director reports to the Commission his/her determination that the County's actions are legally adequate, and the Commission does not object to the Executive Director's determination.

3. Notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency.

Coastal Commission staff will take care of items #2 and #3 above, following completion of item #1 by the County. Note that the Commission's regulations provide that the Commission's action of certification with the suggested modifications shall expire six months from the date of the Commission's action, or on January 8, 2022.

Please let us know if we can assist you in any way in completing action on this LCP amendment, or if you have any questions.

Sincerely,

DocuSigned by:
Stephanie Rexing
035096250A8E49E...

Stephanie Rexing
District Manager
North Central Coast District Office

cc: Commissioners/File

Encl.: Coastal Commission Staff Report

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT F

**CALIFORNIA COASTAL COMMISSION**
NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

# Th15a

**Prepared June 25, 2021 for July 8, 2021 Hearing**

**To:** Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager
Erik Martinez, Coastal Planner

**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-21-0001-1 (Accessory Dwelling Unit Regulations)**

## SUMMARY OF STAFF RECOMMENDATION

San Mateo County proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to incorporate revised accessory dwelling unit (ADU) regulations designed to help bring the County's applicable regulations for ADUs inside the coastal zone into compliance with State law. Specifically, the proposed LUP amendment modifies references from 'second units' to ADUs, removes ADU size limits and prohibitions related to non-conforming parcels less than 5,000 square feet Zone, and retains the requirement that these units comply with all applicable policies and procedures of the LCP. The proposed IP amendment provides for ADUs and Junior ADUs (JADU) in certain zoning districts where residential use is allowed, specifies the maximum numbers of ADUs/JADUs allowed per parcel, streamlines ADU/JADU review and permit processing, and provides ADU/JADU development standards (e.g., related to setbacks, parking, owner occupancy, etc.).

The proposed changes would generally update the LCP ADU provisions consistent with recent changes in state ADU law, while simultaneously protecting important coastal resources, particularly as it relates to new development and protection of coastal resources. The changes proposed are mostly straightforward and should help to facilitate ADUs in the County's coastal zone areas. In fact, a significant portion of the County's coastal zone where ADUs would be allowed per the amendment consists of already developed residential areas with adequate public services that lend themselves to appropriate ADU development, including where ADUs can be developed without any significant coastal resource concerns. Where there are potential coastal resource issues (e.g., related to the protection of sensitive habitat, shorelines and beaches, public views), existing LCP policies will still apply and are generally adequate to appropriately safeguard such resources.

The one area where some modifications are needed is in terms of ensuring that ADU development does not adversely impact on-street public parking availability in areas that

are significant coastal visitor destinations in the County, generally at specific popular coastal accessways along the immediate shoreline. To address this issue, staff worked with County staff to craft a set of tailored modifications to protect public access parking in these key visitor destination areas near the coast. Generally speaking, the areas where ADUs are allowed in the coastal zone encompasses approximately fifteen percent of unincorporated San Mateo County. Meanwhile, the areas in which the tailored modifications would require additional parking is limited to roughly eight percent of the coastal zone of unincorporated San Mateo County. In addition, Commission staff have consulted with the California Department of Housing and Community Development (HCD) on these issues, and HCD has not objected here. With the suggested modifications, the LCP's ADU provisions will be appropriately tailored to protect coastal resources while also encouraging development of ADUs, thus helping to to increase ADU stock, and more affordable housing options, in the County's coastal zone. At the same time, more specific parking requirements can avoid critical public access impacts, and specifically potential problems that could arise if ADU development were allowed to take over public recreational parking stock, in a narrowly defined range of areas where on-street parking is critical for maintaining visitor access to the coast. Thus, the proposed amendment, as modified, will not adversely affect coastal resources and is consistent with and adequate to carry out the certified LUP.

Therefore, staff recommends that the Commission approve the proposed amendment with the suggested modifications, and County staff is in agreement with the staff recommendation. The required motions and resolutions are found on page **4-5** below.

**Staff Note: LCP Amendment Action Deadline**
This proposed LCP amendment was filed as complete on February 16, 2021. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the 90-working-day action deadline was June 24, 2021, however on June 9, 2021 the Commission extended the action deadline, and has until June 24, 2022 to take a final action on this LCP amendment.

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**EXHIBITS**

# 1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make three motions on the LCP amendment in order to act on this recommendation. First, the proposed LUP amendment needs to be approved as submitted, then the IP amendment needs to be denied as submitted, and finally the IP amendment needs to be approved as modified, to complete the staff recommendation.

### A. Certify the LUP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the LUP portion of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only by an affirmative vote of the majority of the appointed Commissioners.

> ***Motion:*** *I move that the Commission* ***certify*** *Land Use Plan Amendment Number LCP-2-SMC-21-0001-1 as submitted by San Mateo County, and I recommend a yes vote.*
>
> ***Resolution to Certify:*** *The Commission hereby certifies Land Use Plan Amendment Number LCP-2-SMC-21-0001-1 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the Amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Amendment may have on the environment.*

### B. Deny the IP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the IP amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

> ***Motion:*** *I move that the Commission reject LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County, and I recommend a yes vote.*
>
> ***Resolution to Deny:*** *The Commission hereby denies certification of LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County and adopts the findings set forth below on grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment would not meet the requirements of the California Environmental*

*Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

### C. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the IP amendment with suggested modifications and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

***Motion:*** *I move that the Commission certify LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1 as submitted by San Mateo County if it is modified as suggested in this staff report, and I recommend a yes vote.*

***Resolution to Certify:*** *The Commission hereby certifies LCP Implementation Plan Amendment LCP-2-SMC-21-0001-1, if modified as suggested, and adopts the findings set forth below on grounds that the Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified LCP Land Use Plan, as amended. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## 2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP Implementation Plan amendment, which are necessary to make the requisite Land Use Plan consistency findings. If San Mateo County accepts the suggested modifications within six months of Commission action (i.e., by January 8, 2022), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~single cross out~~ and <u>single underline</u> format denotes proposed text to be deleted/added by the County. Text in ~~double cross-out~~ and <u>double underline</u> denotes text to be deleted/added by the Commission.

1. **Modify IP Section 6439.4 to correct reference 6439.18 to 6439.17.**

2. **Modify IP Section 6439.5.9 to correct reference 6429.7 to 6439.7.**

3. **Modify IP Section 6439.5(12)(a) as follows (and adjust the subsequent numbering accordingly):**

*~~10.~~12. Parking Requirements*
*<u>a.</u> ~~Parking exemptions. Second~~ <u>Required Parking.</u> ~~One new covered or uncovered~~*

~~*parking space, in addition to those already existing on the parcel, shall be provided onsite for each new attached or detached accessory dwelling unit.*~~ *Parking for accessory dwellings units shall be provided as follows:*

*(1) Outside of the designated areas shown in LCP Figure "ADU Parking Required,"*[1] *one new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit, unless the accessory dwelling unit meets the parking exemption criteria of subsection b. below. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit outside of such designated areas, those off-street parking spaces are not required to be replaced.*

*(2) Within the designated areas shown in LCP Figure "ADU Parking Required," at least one off-street parking space shall be required for each accessory dwelling unit, and all off-street parking requirements associated with other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed or converted to accommodate an accessory dwelling unit.*

**4. Modify IP Section 6439.5(12)(b) as follows:**

~~*a.*~~ *b. Parking Exemptions. Accessory dwelling units located outside of the designated areas shown in LCP figure "ADU Required Parking" and meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel,or in the case of a concurrent application for a new primary and ~~second~~ accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence ~~only:~~*

*(1) ~~Second~~ Accessory dwelling units located within one-half (1/2) mile of a public transit stop or station, measured as a direct line from the transit stop. Public transit stops must be served by a transit line serving the public, and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders. …*

**5. Modify IP Section 6439.5(13) as follows:**

*~~11.~~13. ~~d.~~ Requests for Parking Exceptions. If the required parking for ~~a second~~ an accessory dwelling unit outside the designated areas shown in LCP Figure "ADU Parking Required" cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 6120. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.*

**6. Delete IP Section 6439.13 and adjust the subsequent numbering**

[1] See Exhibit 3.

**accordingly.**

**7. Modify IP Section 6439.18 (with renumbering 6439.17, per suggested modification #4) as follows:**

*Applications for ~~second~~ accessory dwelling units, except for those requiring a conditional use permit as specified in Section ~~6431~~ 6439.~~7~~11 …*

# 3. FINDINGS AND DECLARATIONS

## A. Description of Proposed LCP Amendment

The proposed LCP amendment would update accessory dwelling unit (ADU) provisions in the County's Land Use Plan (LUP) and Implementation Plan (IP) to comply with recent changes to state housing law, including changes established by Assembly Bills 68 and 881, and Senate Bill 13, which all took effect on January 1, 2020 (referred to as "ADU laws"). As most recently updated in 2020, the ADU laws authorize local governments to establish ordinances regulating ADUs and to establish minimum requirements for local government ADU regulations that, in general, are designed to streamline the process of review and approval of ADUs in order to alleviate severe housing shortages throughout California.

Since 1984, San Mateo County's zoning regulations have governed the creation of accessory dwelling units (previously referred to as "second units," "in-law units," and various other terms), establishing development standards including placement and design, among other requirements. The County now proposes to update the standards relevant to ADUs to bring the County's applicable regulations for ADUs inside the coastal zone into compliance with the ADU laws. The proposed LUP amendments update the policy relevant to "second units" and now refer to them as accessory dwelling units or ADUs, permit ADUs subject to the amended relevant IP chapter, retain the cap on total number of allowed ADUs for the coastal zone at 466,[2] remove the size limits and the prohibition on such units on non-conforming parcels less than 5,000 square feet, and retain the requirement that these units comply with all applicable policies and procedures of the LCP. Generally speaking, the proposed amended LUP ADU language largely mirrors the County's certified regulations as they pertained to second dwelling units, but changes the reference to instead be to ADUs and makes other conforming changes. Please see **Exhibit 1** for the proposed LUP amendment text.

[2] The ADU cap for the coastal zone at 466 units was previously certified by the Commission, and has not to-date affected the rate of ADU construction. In fact, the County estimates that the cap would not be reached at the current rate of ADU construction for some 60 years. Even if the pace were to double (e.g., as the ADU rules are relaxed and ADUs are thus further facilitated), it would still take 30 years. In other words, the cap should not actually limit ADU construction during the normal planning horizon for the LCP (e.g., typically 10 to 20 years), and there are no coastal resource reasons suggesting that changes associated with the cap would be necessary.

The proposed IP amendments generally divide standards in Chapter 22.5 (the former "Second Dwelling Unit" chapter, and now proposed to be the "Accessory Dwelling Unit" Chapter) into two relevant subchapters, those standards applicable to ADUs outside the coastal zone, and those standards applicable to ADUs inside the coastal zone. Specifically, relevant to ADUs in the coastal zone, the most significant proposed IP changes would: replace all references to "second units" with "accessory dwelling units" or "ADUs"; remove minimum lot size requirements for ADUs so they can be constructed on substandard lots; add the requirement that no applicable development standards should preclude the creation of ADUs of at least 800 square feet in size, 16 feet or less in height, with 4-foot side and rear setbacks; allow for combined detached ADU and Junior ADU (JADU) allowing for one internal and one external ADU on the same parcel; allow for multiple internal and external ADUs on parcels with existing multifamily housing; expand allowable zoning districts for ADUs to all single-family residential zones (R-1, -2, and -3 zones); and separate standards for attached, detached, and junior ADUs. In addition, the proposed IP changes set maximum ADU numbers per parcel, streamline ADU review and permit processing, and set ADU development standards (e.g., for requirements related to setbacks, height, size, parking, owner occupancy, etc.). ADUs are also proposed to be permitted on any site zoned for commercial use which authorizes residential use as a permitted use or for which a permit has been issued to authorize a residential use, and which includes an existing or proposed single-family dwelling or an existing multi-family dwelling. In addition, the IP amendment provides that on a parcel zoned for residential use with an existing or proposed single-family dwelling on the site, one ADU and one JADU are permitted; on a parcel zoned for multi-family use with an existing multi-family dwelling on the site, one ADU or an amount of ADUs up to 25% of the existing number of units on the site are allowed, whichever is greater, if the ADU is contained within the portion of the existing multi-family dwelling that is not already used as livable space; and that on a parcel zoned for multi-family use with an existing multi-family dwelling on the site, two detached ADUs are permitted.

The amendment also proposes 30-day minimum stay requirements (and thus disallowing short term ADU rental); limitations on location and visibility of entrances for attached ADUs; allows only Community Development Director approval to permit connecting doorways between attached ADUs and primary residences; and modifications to required impact fees for ADUs. In terms of setbacks, the amendment proposes 4-foot side and rear setbacks for all ADUs not created entirely within the space of the existing structure, regardless of height. ADUs greater than 16 feet in height are proposed to require a side step-back of 5 feet and a rear step-back of 10 feet, at a point no higher than 16 feet on the structure, in addition to the required setbacks. In terms of sizes of ADUs (Section 6439.6), the amendment proposes to increase square footage allowances for detached ADUs from the 750 square feet or 35 percent of the primary residence to 800 square feet or 35 percent of the primary residence, and for attached ADUs (Section 6439.7) proposes to change the square footage allowances from 750 square feet or 50 percent of the primary residence to 800 square feet or 50 percent of the primary residence. The proposed amendments also incorporate the State's prohibition on any regulations that preclude an 800 square foot attached ADU and allows an additional 150 square feet of floor area for ADUs built entirely within the

primary residence for the purposes of creating ingress or egress. JADUs are limited to 500 square feet, required to be entirely within the walls of the primary residence, have basic facilities as well as external, independent ingress and egress, and can only be created if the owner of the property occupies a unit on the property. Finally, with regard to parking, the proposed amendment would require one off-street parking space for each ADU, but in most cases would exempt ADU projects from meeting that criteria. Specifically, off-street parking would not be required in the following circumstances: if an ADU is located within one-half mile of public transit; for ADUs located within an architecturally and historically significant historic district; when on-street parking permits are required but not offered to the occupant of the ADU; or when there is a carshare vehicle located within one block of the ADU. Similarly, if a garage is converted into an ADU or demolished to construct a new structure for an ADU, the off-street parking spaces of the primary dwelling unit associated with the garage area would not be required to be replaced.

Please see **Exhibit 2** for the proposed IP amendment text.

## B. Evaluation of Proposed LUP Amendment

### 1. Standard of Review

The proposed LCP amendment includes both proposed Land Use Plan and Implementation Plan changes. For the proposed LUP changes, the standard of review is that they must be consistent with and adequate to carry out the Coastal Act Chapter 3 provisions.

### 2. Public Access and Recreation

#### *Applicable Coastal Act Provisions*

The Coastal Act contains objectives and policies designed to protect and provide for sufficient public access, public access parking, and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities. These policies include:

> ***Section 30210.*** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*
>
> ***Section 30211.*** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*
>
> ***Section 30212(a).*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (a) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (b) Adequate access exists nearby; or (c) Agriculture would be adversely affected.*

***Section 30212.5.*** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

***Section 30213****. Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided.*

***Section 30220.*** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***Section 30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

***Section 30222.*** *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

***Section 30223.*** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

***Section 30252.*** *The location and amount of new development should maintain and enhance public access to the coast by: … (4) Providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

Section 30210 of the Coastal Act requires the Commission to provide the general public maximum access and recreational opportunities, while respecting the rights of private property owners. Section 30211 prohibits development from interfering with the public's right of access to the sea where acquired through use or by legislation, including parking on public streets. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Section 30212.5 requires appropriate distribution of facilities, including parking, and Section 30213 protects lower cost visitor and recreational facilities, including with respect to parking on public streets. And Sections 30220 through 30223 protect coastal lands near the shoreline, including parking areas, for their ability to accommodate public access and recreation. Finally, the Coastal Act Section 30210 direction to maximize access and recreational opportunities represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. Namely, it is not enough to simply *provide* access to and along the coast, and not enough to simply *protect* access; rather such access must also be

*maximized*. This terminology distinguishes the Coastal Act in certain respects, and provides fundamental direction with respect to proposed LCP amendments along the California coast that raise public access issues, like this one.

***Consistency Analysis***

The LUP portion of the proposed amendment would remove standards limiting the size of units to 700 square feet or 35% of the floor area of the existing principal residence and standards prohibiting ADUs on non-conforming parcels less than 5,000 square feet, essentially deferring all ADU development standards to the IP. The LUP's existing standards would continue to cap the total number of accessory dwelling units in the coastal zone at 466 units and would continue to require that all ADUs comply with applicable policies and procedures as provided in the LCP, including the IP. In fact, the proposed LUP changes are intended to facilitate production of ADUs in unincorporated San Mateo County by consolidating development standards into one place in the IP, making it easier to understand and implement development of ADUs, therefore providing additional living opportunities on the coast at a lower cost. As such, the proposed LUP changes really actually extend to the IP, as the proposal essentially defers resolution of coastal resource issues to the IP. Thus, only to the degree that the IP changes can be found adequate in that regard can the LUP changes be found consistent with the above Coastal Act requirements, particularly in terms of public access parking. Fortunately, as discussed in the IP amendment portion of this report, the IP changes, with some minor changes, can be found adequately protective in that regard (which analysis is incorporated herein by reference), and the proposed LUP changes can thus be found consistent with the Chapter 3 policies of the Coastal Act.

**3. Other Coastal Resource Protection**

***Applicable Coastal Act Provisions***

The Coastal Act requires that new development be located in areas within, contiguous with, or in close proximity to, existing developed areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. Coastal Act provisions also require that new development minimize energy consumption and vehicles miles traveled. These policies include:

> ***Section 30250(a).*** *New development except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The Coastal Act also has specific policy directives requiring protection for other types of coastal resources, including for coastal watercourses and their habitats, environmentally sensitive habitat areas (ESHAs), agricultural lands, cultural resources, public views, and minimization of the potential for adverse impacts related to coastal hazards. These provisions include:

> ***Section 30230.*** *Marine resources shall be maintained, enhanced, and where*

*feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***Section 30233.*** *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities. …*

***Section 30240.*** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

***Section 30241.*** *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses…*

***Section 30242.*** *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

***Section 30243.*** *The long-term productivity of soils and timberlands shall be protected…*

***Section 30244.*** *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

***Section 30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

***Section 30252.*** *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

***Section 30253.*** *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that,*

*because of their unique characteristics, are popular visitor destination points for recreational uses.*

***Consistency Analysis***

Taken together, these Coastal Act provisions generally direct new residential development such as ADUs and JADUs to be located in existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity) where coastal resources will not be significantly impacted. In other words, the Coastal Act encourages the concentration of development in existing developed areas that are able to accommodate it, including areas within San Mateo County's coastal zone.

As the Commission is aware, the State is experiencing a significant housing crisis, and in particular an affordable housing crisis, and those issues are even more acute in the coastal zone. To address this critical need, the California Legislature has enacted a number of housing laws in the last several years that are designed to eliminate barriers to providing housing, and to help foster additional housing units – particularly critically needed affordable units – where they can be appropriately accommodated by adequate public services and where, in the coastal zone, they will not adversely affect coastal resources. Toward this end, the past several year's legislative sessions included a series of changes to statewide housing law designed to facilitate more ADUs and affordable housing units. The overarching goals of the statewide ADU laws—to encourage and streamline approval of ADUs to alleviate housing shortages throughout the State—are consistent with Coastal Act policies discussed above that encourage concentrating development in existing developed areas of the coastal zone in order to minimize impacts to coastal resources. However, the ADU laws have prompted a need for local governments to update their LCPs to incorporate new requirements for ADUs in the coastal zone. Importantly, the ADU laws continue to require that Coastal Act (and by extension LCP) coastal resource protection is not suspended when considering ADUs, and thus updated local government ADU provisions must continue to ensure coastal resource protection. In short, the goal of updating LCPs related to ADUs is to synthesize the ADU laws with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to ADUs.

Specifically, a significant portion of the County's coastal zone where ADUs would be allowed per the updated ADU provisions consists of already developed residential areas with adequate public services that lend themselves to appropriate ADU development, both inside and, even more so, outside of the coastal zone. Within the coastal zone, there are infill areas where ADUs can be developed without any significant coastal resource constraints. As discussed above, the proposed LUP amendment removes outdated ADU development standards (e.g., limiting the size of ADU units and prohibiting ADUs on non-conforming parcels) that are now inconsistent with state ADU laws. However, ADUs are still subject to more generalized development limitations based in coastal resource protection provisions including, but not limited to, standards related to ESHA, wetlands, riparian corridors, significant public views, and coastal hazards, and the proposed amendment includes language clarifying that nothing in the proposed amendment is intended to supersede, alter, or lessen the effect of the Coastal Act or LCP, which means that the specific standards applicable to ADUs adopted herein

are minimum requirements and do not override or supersede LCP requirements for all new development, such as required buffers from ESHA or public view corridors. Thus, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

### 4. LUP Amendment Conclusion

In summary, the proposed LUP amendment would update the ADU provisions consistent with recent changes in statewide ADU law, while simultaneously protecting important coastal resources, particularly as it relates to new development and protection of coastal resources, consistent with the Coastal Act and the State's ADU laws. Thus, the proposed amendment will not adversely affect coastal resources and is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act.

## C. Evaluation of Proposed IP Amendment

### 1. Standard of Review

The proposed LCP amendment includes both proposed Land Use Plan and Implementation Plan changes. For the proposed IP changes, the standard of review is whether the IP, as modified by the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the LUP.

### 2. Public Access and Recreation

***Applicable Land Use Plan Provisions***

San Mateo's LUP contains objectives and policies designed to protect and provide for sufficient public access and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities. The policies are designed to protect suitable oceanfront land for public recreation, visitor-serving opportunities and commercial recreation facilities. The LUP implements the Coastal Act's public access and recreation provisions, and thus those policy considerations (detailed previously) adhere to the LUP. These policies include:

> ***LUP Policy 10.1. Permit Conditions for Shoreline Access.*** *Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component.*
>
> ***LUP Policy 10.22. Parking.***
> *a. Continue the use of existing official off-street parking facilities for shoreline access areas in order to maintain existing parking levels and to confine negative impacts to areas already disturbed.*
>
> ***LUP Policy 11.1. Definition of Visitor Serving Facilities.*** *Define visitor-serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as*

*lodging, food, water, restroom and automobile services. Visitor-serving facilities include, but are not limited to, hotels, motels, hostels, campgrounds, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.*

***LUP Policy 11.9. Oceanfront Land in Urban and Rural Areas.*** *a. Protect suitable oceanfront land for public recreation, visitor-serving and commercial recreation facilities. Consider sites suitable when they are: (1) not on prime agricultural land or other lands suitable for agriculture unless they are in compliance with the conversion policies of the Agriculture Component, (2) not required for coastal-dependent industry, and (3) large enough to accommodate safety improvements and public use as defined in the Shoreline Access Component.*

***LUP Policy 11.17. Parking.*** *Use the parking standards contained in the Shoreline Access Component (Policy 10.22) and Chapter 3 of the Zoning Ordinance.*

***LUP Policy 11.23. Low Cost Facilities.*** *a. Provide low cost or no cost visitor-serving and public recreation facilities in public facilities.*

***Consistency Analysis***

San Mateo County's LUP requires that shoreline access must be provided as a condition of development approval between the sea and the nearest road and that adequate parking and lower-cost visitor opportunities be provided. Specifically, the policies speak to protecting off-street parking for significant shoreline access areas at existing levels and specifically calls out public parking areas, such as on-street parking, as visitor-serving facilities. The proposed amendments make no change to provisions requiring new development to provide shoreline access and public parking, and therefore, all new ADUs will still be subject to the parking provisions of the County's LUP. At the same time, and consistent with state ADU law, parking requirements for ADUs would be relaxed in terms of how parking can be accommodated onsite (e.g., in setback areas, on a driveway, and tandem), and in terms of when off-street parking would not be required (e.g., when a garage is converted to an ADU, for studio-unit ADUs, and for proposed ADUs located one-half mile from public transit, within an architecturally and historically significant district, when on-street parking permits are required but not offered to the occupant of the ADU, and when there is a car share vehicle located within one block of the ADU).

As proposed, San Mateo County would require one new covered or uncovered off-street parking space for each new attached or detached ADU unless it meets the defined parking exemptions mentioned above. These exemptions would also apply to areas near the coast that are frequented by both local residents and visitors from the bay area and inland communities where on-street parking provides the majority of the public visitor parking supply. It is likely that the additional parking associated with ADU projects in cases in which the parking is not accommodated on-site will instead be pushed onto

public streets which would reduce on-street parking in areas that provide visitor-serving and public recreation services, and thus adversely impact public access. The result will be that the public will be displaced from public on-street parking by ADU parking needs in those cases. This will have adverse impacts both on public access parking at those locations, but also cumulatively as ADU projects are developed in unincorporated San Mateo County over time. It would also eliminate lower cost parking options, here free on-street parking, when the Coastal Act *requires* that this resource be protected, including for those unable to afford other sorts of parking options.

Fortunately, tools are readily available to help foster ADUs while simultaneously appropriately protecting free public street parking, including by being more specific up front at the LCP amendment stage as to where on-street parking issues such as this would most be problematic. In unincorporated San Mateo County's case, areas with potential public access parking concerns are generally limited to areas directly inland of prime shoreline visitor destinations where there is a limited supply of, and high demand for, on-street parking for coastal visitors, and areas where there are significant public viewsheds, or both. Specifically, for this County such areas as Montara State Beach, the bluffs overlooking Fitzgerald Marine Reserve, and Surfer's Beach, immediately west of Highway 1 and the residential community of El Granada, all north of Half Moon Bay, represent significant coastal visitor destinations where coastal visitors are almost entirely limited to scarce public parking on-street. On this point, it is well known that San Mateo County's shoreline is a magnet for coastal visitors from the San Francisco Bay Area, as well as from more inland areas, and its coastal zone is already strained to accommodate all of the public access it provides, including, critically, with respect to parking for those who are not fortunate enough to live there.

San Mateo County's IP, like most LCPs, includes requirements that residential properties account for their parking needs on their own properties, often referred to as 'off-street' parking requirements (e.g., typically in garages, carports, covered parking, etc.). When an ADU is added to a residentially developed site, it typically brings with it additional off-street parking needs, including when existing garages, carports, or other designated parking locations are converted into ADUs. In such cases, there is a potential to reduce the availability of on-street parking for visitors if parking for the ADU and other on-site uses is not accommodated off-street. Recent updates to the ADU laws restrict circumstances when local governments can require that parking demand associated with ADU projects be accommodated onsite, including when it converts a space already used to accommodate site parking needs (e.g., garage conversion). In doing so, the Legislature clearly signaled that ADUs are an important public objective, and thus use of public streets to accommodate some, or all, of their private parking needs is appropriate. At the same time, although such additional private parking needs can often be accommodated on-street in inland areas not near prime visitor destinations, allowing all ADU parking on-street in prime coastal visitor-serving destinations can significantly reduce public visitor access at those prime coastal visitor-serving destinations, especially in the unincorporated San Mateo County context where a majority of shoreline visitor parking is on-street.

In terms of public access parking near these prime shoreline visitor destinations, it is important to ensure that there is adequate on-street public parking as a means of meeting Coastal Act and LCP public access provisions, particularly in terms of ensuring that no-cost and lower-cost public access opportunities are both adequately provided for and ultimately maximized. This is particularly key given that most coastal visitors are not fortunate enough to live close to the coast, and coastal visitors often must drive long distances and either pay to park in private or public parking structures or locate street parking a reasonable distance from the beach in order to enjoy this public resource. In San Mateo County, in particular, there are limited public parking lots with sufficient spaces to meet demand associated with coastal destinations and much of the available coastal visitor parking is on-street. Thus, in order to ensure that public access to the coast is maximized, and not impaired, particularly for coastal visitors who must drive in and find parking in order to access the coast, and to avoid disproportionately impacting inland communities and their rights to coastal access, the proposed ordinance must ensure that it does not lead to a reduction in shoreline and beach-area on-street parking where it accommodates significant access points. Although the ADU laws limit the ability of local governments to require off-street parking to serve ADUs, these laws are also explicit in stating that they are not intended and they do not supersede or alter the effect or application of the Coastal Act. Thus, it is appropriate in cases like this to strike a balance between important statewide policies that encourage housing and construction of ADUs, and the equally important mandate in the Coastal Act to protect and maximize public access to the coast.

In this case, the County's proposed ADU ordinance is largely consistent with the requirements of the County's certified LUP. However, in some limited areas of the County's coastal zone there is a need for a more tailored approach to ADUs to ensure adequate protection of public access to the coast (here, public access parking) consistent with the County's certified LUP. Specifically, the proposed IP amendment will adversely impact public access in that allowing ADUs without adequate off-street parking 1) in areas proximate to the shoreline, and 2) in areas with significant visitor-serving and recreational opportunities, will mean that that parking will be shifted onto the streets where it will reduce already limited public access parking availability. The proposed IP amendment is therefore inconsistent with LUP requirements to protect and provide for sufficient public access, access parking, and coastal access opportunities, as well as to encourage lower cost visitor and recreational facilities.

And while the Commission is generally supportive of reducing energy use and vehicle miles travelled, as well as facilitating multi-modal access to the coast, there is nothing concrete in the record to suggest that these types of alternatives, and particularly transit, could be appropriate and valid alternatives to offset the lost on-street parking spaces in these important coastal access areas that would occur absent the suggested parking modifications. Rather, it appears that coastal access visitors to the San Mateo County coastside predominantly arrive via personal vehicle, which is a function of the limitations associated with transit for such purposes (e.g., for bringing beach and surf equipment, etc.) as well as the distances involved and the remote nature of much of the County coastline, including more developed pockets of it. Thus, solutions to the public access problems that would be engendered are focused on ensuring that visitors who

are not fortunate enough to live near the coast are afforded an equal opportunity to access it.

Therefore, **Suggested Modifications 3, 4, and 5** are necessary to clearly identify where such parking issues exist, and to require that off-street parking requirements are adhered to with ADU projects. Alternatives considered were to require that off-street parking requirements be adhered to in all applicable zones where ADUs would be allowed; or a more discretionary process where the local decision-maker would decide areas where parking impacts were a concern. However, these approaches would apply off-street parking requirements in areas far from the coast that do not cause public access impacts possibly discouraging the construction of ADUs, and would place too much discretion in a permitting process that is required by state ADU laws to be ministerial at the local level. Instead, those discretionary decisions need to be made now, at the LCP amendment stage. With the recommended modifications, off-street parking would be provided for ADUs within the areas outlined in **Exhibit 3**, which denotes significant coastal visitor destinations within the unincorporated County where public on-street parking is critical to meet visitor demand. Such mapped areas where the provision of off-street parking for ADUs would be required are residential areas zoned to allow for ADUs, that are in close association with the previously mentioned prime coastal visitor destinations, such as Montara State Beach, the bluffs overlooking Fitzgerald Marine Reserve, and Surfer's Beach. Put differently, with recommended modifications to the proposed ordinance, parking restrictions are generally relaxed, consistent with the ADU laws, except in prime shoreline visitor destinations where increased demand for on-street parking could have a significant deleterious effect on coastal visitor access to the coast. These areas are mapped in **Exhibit 3**. Generally speaking, the areas where ADUs are allowed in the coastal zone encompasses approximately fifteen percent of unincorporated San Mateo County. Meanwhile, the areas in which the tailored modifications would require additional parking is limited to roughly eight percent of the coastal zone of unincorporated San Mateo County.

Specifically, within these mapped areas, JADUs within existing residential structures would not require additional parking spaces, but ADUs would require one off-street parking space, and all off-street parking requirements associated with all other uses at the site needs to also be accommodated onsite, including replacement parking spaces if any are removed to accommodate an ADU. For ADUs outside of the area shown in **Exhibit 3**, ADUs do not require an off-street parking space if they meet state ADU law criteria, and ADU projects that convert off-street parking spaces (in garages, carports, etc.) are not required to provide replacement off-street parking spaces.

The amendment with the suggested modifications thus strikes an appropriate balance that will encourage and streamline review of ADUs in the coastal zone while protecting public access to the coast in the County's unique coastal zone context, consistent with the County's certified LUP. In addition, Commission staff have consulted with the California Department of Housing and Community Development (HCD) on these issues, and HCD has not objected here. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP.

## 3. Other Coastal Resource Protection

### *Applicable Land Use Plan Provisions*

San Mateo County's certified LUP requires that new development be located in areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. It also requires that new development minimize energy consumption and vehicles miles traveled, and that new or expanded public works be designed and limited to accommodate needs generated by allowed development. These policies include:

> ***LUP Policy 1.18. Location of New Development***
> *a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.*
>
> *b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.*
>
> *c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*

In addition, the LUP speaks to protect the existing availability of low- and moderate-income housing in the coastal zone, including LUP Policy 3.22 as amended above regarding permitting ADUs in the Coastal Zone, as follows:

> ***LUP Policy 3.1. Sufficient Housing Opportunities.*** *Through both public and private efforts, protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone.*
>
> ***LUP Policy 3.4. Diverse Housing Opportunities.*** *Strive to improve the range of housing choices, by location, type, price and tenure, available to persons of low and moderate income.*
>
> ***LUP Policy 3.22. Accessory Dwelling Units in the Coastal Zone.*** *Permit accessory dwelling units subject to the standards incorporated in the County's Zoning Regulations Chapter 22.5.1 (Accessory Dwelling Units – Coastal Zone), subject to the following restrictions: (a) Limit the total number of approved accessory dwelling units to 466 in the Coastal Zone. (b) Comply with all applicable policies and procedures as required by the LCP.*

San Mateo County's certified LUP has specific policy directives requiring protection for coastal resources, including for environmentally sensitive habitat areas (ESHAs), scenic

and visual qualities, and minimization of the potential for adverse impacts from hazards on new development. These provisions include:

***LUP Policy 7.3. Protection of Sensitive Habitats.*** *(a) Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

***LUP Policy 8.6. Streams, Wetlands and Estuaries.*** *(a) Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway. (b) Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies. (c) Retain the open natural visual appearance of estuaries and their surrounding beaches. (d) Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land, in accordance with the Sensitive Habitats Component policies.*

***LUP Policy 8.5.a. Location of Development. On rural lands and urban parcels larger than 20,000 sq. ft.*** *Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; (3) and is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.*

***LUP Policy 9.8.a. Regulation of Development on Coastal Bluff Tops.*** *Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.*

***Consistency Analysis***
Taken together, these LUP provisions generally direct new residential development to be located in existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity) where coastal resources will not be significantly impacted, and the policies require that a diverse range of housing opportunities (especially low- and moderate-income housing) be protected and provided, including through the development of ADUs, in such a way as to protect the existing character and balance of housing in the coastal zone. In other words, the LUP encourages the concentration of development in existing developed areas that are able to accommodate it in San Mateo County's coastal zone.

As mentioned in the LUP consistency section above, the State is experiencing an affordable housing crisis that is particularly acute in the coastal zone, and the California Legislature's recently enacted housing laws are intended to encourage and streamline approval of ADUs to alleviate housing shortages throughout the State. This LCP amendment aims to synthesize the ADU laws with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to ADUs.

As discussed above, a significant portion of the County's coastal zone where ADUs would be allowed per the updated ADU provisions consists of already developed residential areas with adequate public services that can lend themselves to appropriate ADU development, both inside and, even more so, outside of the coastal zone. Within the coastal zone, there are infill areas where ADUs can be developed without any significant coastal resource constraints. The proposed updates to the ADU regulations do not alter, modify, or conflict with any of the provisions relating to the location and planning of new development in the LUP. The LUP's criteria for the location of new development are unmodified, as are the limits on development for units of all types, in aggregate and individually. ADU development would continue to be subject to density, annual/total permit limits and any other regulation found in Section 1 of the LCP. Thus, at a broad level, the proposed amendments should help achieve the objectives of the ADU legislation.

In terms of affordable and diverse housing opportunities, LUP policies 3.1 and 3.4 strive to protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside or work in the coastal zone and the policies are intended to improve the range of housing choices, by location, type, price, and tenure. The proposed amendments do not reduce or eliminate LUP standards related to affordable housing, and do not impact the applicability of such policies for ADUs.

The proposed amendments do provide for some relaxed ADU development standards consistent with state law (e.g., reduced setbacks, increased floor area ratio (FAR), and streamlined permitting for ADUs). However, ADUs proposed within the County's coastal zone are still subject to more generalized constraints analyses based on coastal resource protection policies including, but not limited to, standards related to ESHA, wetlands, riparian corridors, significant public views, and coastal hazards, and the proposed amendment includes language (Section 6439.17) clarifying that nothing in the

proposed amendment is intended to supersede, alter, or lessen the effect of the Coastal Act or LCP, which means that the specific standards applicable to ADUs adopted herein are minimum requirements and do not override or supersede LCP requirements for all new development.[3] Further, the proposed amendments do not eliminate, reduce, or modify any of the definitions, designations, or standards incorporated in Sections 7, 8 and 9 of the LUP, which deal with the protection of sensitive habitats, visual resources and minimization of hazards. All prohibitions and restrictions on development established in these sections would continue to apply to ADUs.

In short, ADUs proposed in areas that do have coastal resource constraints must be evaluated and appropriately sited to protect significant coastal resources, which is consistent with the statement in Government Code Section 65852.2(l) that provisions related to ADUs do not supersede, alter, or lessen the intended effect or application of the Coastal Act. The proposed amendment therefore appropriately facilitates ADUs while protecting coastal resources, consistent with and adequate to carry out the relevant LUP policies.

### 5. IP Amendment Conclusion

In summary, the proposed IP amendment, as modified, would update the LCP's ADU provisions consistent with recent changes in statewide ADU law, while simultaneously protecting important coastal resources, particularly as it relates to public recreational access, consistent with the Coastal Act, the LCP's Land Use Plan, and the State's ADU laws. In other words, the ADU laws allow local governments to tailor their ADU provisions as necessary to protect coastal resources if required to be consistent with the Coastal Act (or a certified LCP). With the suggested modifications the LCP's ADU provisions will be appropriately tailored to protect coastal resources while also encouraging development of ADUs. Commission staff worked with County staff to accomplish this. In addition, the suggested modifications should help to increase ADU stock in the County's coastal zone, including in important coastal resource areas where more specific parking provision requirements are necessary and articulated to avoid coastal resource impacts to coastal access and specifically to address potential problems that could arise if ADU development were allowed to take over public recreational parking stock. Thus, the proposed amendment, as modified, will not adversely affect coastal resources and is consistent with and adequate to carry out the certified LUP.

## D. California Environmental Quality Act (CEQA)

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus,

[3] The County also has a residential categorical exclusion order that would allow for ADUs without a CDP when they are in the allowed exclusion area and meet the terms and conditions of the order.

under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The County's LCP amendment consists of both a LUP and an IP amendment. As discussed above, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP, as proposed to be amended. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP consistent with the requirements of the Coastal Act.

Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts, either individually or cumulatively, and the proposed IP amendment, as modified, conforms with CEQA.

# 4. APPENDICES

## A. Substantive File Documents[4]

- San Mateo County Adopted Ordinance No. 4836
- San Mateo County Chapter 22.5 Second Units (Original Certified Regulations)
- San Mateo County Local Coastal Program Consistency Analysis
- San Mateo County Board of Supervisors Staff Report

[4] These documents are available for review from the Commission's North Central Coast District office.