

Board Meeting Date: March 26, 2019
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: An ordinance amending the County's Second Unit Regulations, Chapter 22.5 of the Zoning Regulations, to comply with State law, improve consistency and clarity, and further facilitate production of second units

County File Number: PLN2019-00003

RECOMMENDATION:

Adopt an ordinance amending the County's Second Unit Regulations, Chapter 22.5 of the Zoning Regulations, to comply with State law, improve consistency and clarity, and further facilitate production of second units, previously introduced at the Planning Commission on February 13, 2019, and waiving the reading of the ordinance in its entirety.

BACKGROUND:

In 2017, the County adopted a comprehensive update to the County's Second Unit Regulations (Zoning Regulations Chapter 22.5). The update was intended to bring the County's regulations into compliance with state law, and, consistent with the state's mandate, to facilitate production of second units in unincorporated San Mateo County.

Since adoption of the updated regulations, there have been additional changes to state law, and implementation of the new regulations has also highlighted a number of issues:

- At the time of adoption, the revised regulations included state-mandated standards that were ambiguous in their meaning and/or intent, but which have since been clarified by state guidance.
- The 2017 update incorporated regulations that are difficult to implement as intended in specific situations.
- Application of the regulations has revealed some conflicts between the new standards and other parts of the zoning code.
- The state's additional amendments since 2017 must be adopted by the County to keep the County's regulations consistent with State law.

The proposed updates address these issues, amending the regulations for clarity and ease of implementation, to further facilitate the production of second units, and to incorporate recent changes to state law.

The County Planning Commission considered the proposed updates on February 13, 2019, and voted unanimously to recommend that the Board of Supervisors adopt the proposed amendments.

DISCUSSION:

The proposed changes include provisions:

Clarifying the Community Development Director's discretion in determining, in case of ambiguity, whether a unit is genuinely intended as a second unit.

Ensuring that second units are built as discrete, independent units, rather than simply additions to existing residences that would not otherwise be allowed by zoning.

Clarifying that primary residence floor area should be calculated in the manner described in the relevant zoning district.

Allowing second units on some R-3 zoned parcels that cannot otherwise be built with additional units.

Clarifying that if a primary residence has a non-conforming front setback, a proposed second unit may have an equivalent non-conforming front setback.

Clarifying that for purposes of the regulations, "construction" of a second unit within a garage may include either conversion, or demolition and rebuilding.

Clarifying the state's requirements for second units built above a garage.

Clarifying that, per state law, second units within an existing garage are subject to smaller setback requirements, regardless of location on the parcel.

Clarifying that the required five-foot separation between structures is intended to apply to residential structures.

Reverting, based on state guidance, the newly adopted 1,200 square foot maximum second unit floor area to the prior 1,500 square foot maximum.

Exempting second units constructed entirely within an existing structure from counting as additional or new floor area, clarifying the intent of the 2017 update.

Ensuring that in the case where there are multiple possible lot coverage standards in a given zoning district, the creation of a second unit in and of itself does not trigger more stringent standards.

Exempting second units built atop existing structures from daylight plane requirements

Clarifying that there are some situations in which it is infeasible to place second unit doorways facing the side or rear of the parcel.

Clarifying that, per state law, second units meeting specified criteria shall not be required to provide additional parking.

Clarifying how to calculate distance from a transit stop.

Clarifying that second units in proximity to non-public transit stops are not eligible for parking exceptions.

Clarifying that per the County's zoning definitions, attached and detached garages are considered accessory structures.

Requiring only a maximum of one parking space per second unit, consistent with state law.

Clarifying that demolition and rebuilding of covered parking are considered conversion.

Clarifying that, per state law, any parking removed by conversion of a garage may be replaced as uncovered parking in any allowed configuration on the parcel.

Clarifying that while new parking created for a second unit must be pervious, the reuse of existing impervious surface is allowed.

Clarifying that the various types of parking relief offered by the regulations do not require the granting of a parking exception.

Clarifying that, per state law, second units outside the Coastal Zone are not subject to architectural review.

Clarifying that second units are exempt from district-specific use permit requirements for conversion of accessory structures and conversion, or construction in or on garages.

Clarifying that some exemptions regarding discretionary review, noticing, and public hearings, including by the Planning Commission, do not apply in the Coastal Zone.

Allowing second units to be eligible for, but not guaranteed to receive, a Home Improvement Exception (HIE) regardless of some standards that would normally apply to an HIE for a primary residence.

The adopting ordinance has been reviewed and approved by County Counsel as to form.

Approval of this agreement contributes to the Shared Vision 2025 of a Livable Community by increasing housing availability and affordability with minimal impact on existing neighborhoods.

FISCAL IMPACT:

There is no fiscal impact to the County from adoption of the proposed amendments to the Second Unit regulations.