



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PLANNING AND BUILDING

**File #:** 21-666

Board Meeting Date: 9/14/2021

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development Director

**Subject:** Amendment of the County's Accessory Dwelling Unit Regulations applicable to the County's Coastal Zone to accept and adopt modifications suggested by the California Coastal Commission.

County File Number: PLN 2020-00239

### **RECOMMENDATION:**

Recommendation to:

- A) Adopt an ordinance amending the County Ordinance Code, Division VI, Part One (Zoning Regulations) Chapter 22.5.1 (Accessory Dwelling Units Coastal Zone) and amending Section 3.22 of the County's Local Coastal Program, to adopt the California Coastal Commission's suggested modifications, previously introduced to the Planning Commission on August 11, 2021 and waive reading of the ordinance in its entirety; and
- B) Adopt a resolution acknowledging receipt of the California Coastal Commission resolution of conditional certification of the County's Accessory Dwelling Unit Regulations; agreeing to issue Coastal Development permits subject to the Accessory Dwelling Unit Regulations, and the Local Coastal Program, incorporating the California Coastal Commission's modifications; and directing submittal of the amended Accessory Dwelling Unit regulations and Local Coastal Program to the Executive Director of the California Coastal Commission for review.

### **BACKGROUND:**

In November of 2020, the Board of Supervisors adopted various amendments to the County's Accessory Dwelling Unit (ADU) regulations applicable to the County's Coastal Zone (Chapter 22.5.1 of the Zoning Regulations), and to the County's Local Coastal Program, in order to bring the ADU regulations and the LCP into compliance with State ADU law (Government Code Section 65852.2), and to facilitate the production of accessory dwelling units in unincorporated San Mateo County.

Per State law, amendments to the County's zoning regulations applicable in the Coastal Zone, and

amendments to the County's LCP, cannot take effect until they are reviewed and certified by the California Coastal Commission. The Coastal Commission considered the County's amendments on July 8, 2021, and conditionally certified the amendments, with minor modifications related to parking requirements in designated areas in proximity to beach access, as well as minor corrections of errors and redundancies in the adopted regulations. For the certified regulations to take effect, the County Board of Supervisors must acknowledge receipt of the Coastal Commission's action, accept and adopt the modifications to the zoning regulations and the Local Coastal Program, as certified by the Coastal Commission, and agree to issue coastal development permits subject to the modified regulations.

The modifications proposed by the Coastal Commission are shown in redline/strikethrough format in Attachment A. The ordinance proposed for the Board's adoption, to accept and adopt the Commission's modifications, is Attachment B.

## **DISCUSSION:**

### **A. COASTAL COMMISSION MODIFICATIONS**

The only substantive modifications proposed by the California Coastal Commission in its conditional certification of the County's updated regulations are in regard to the amount of parking required for ADUs in certain designated areas that are in close proximity to the coast. Those areas are shown on Attachment D, which are proposed to be added to Section 3 of the County's LCP as Map 3.1, "ADU Parking Area - Montara and Moss Beach," and Map 3.2, "ADU Parking Area - El Granada and Pillar Point Harbor."

The County's adopted regulations, Section 6439.5.13, impose the following parking requirements on new ADUs:

*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.*

The Coastal Commission's modifications amend this provision as follows (underlined portions for emphasis):

- 1. Outside of the designated areas shown in LCP Figure "ADU Parking Required," 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.*

Subsection (b) of this section provides parking exemptions for ADUs that meet certain locational criteria:

*b. Parking Exemptions. Accessory dwelling units 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: [...]*

The Coastal Commission's suggested modifications do not alter the locational criteria, but would amend this provision as follows:

*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 accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence only [...]*

In addition, the County's regulations provide a process for requesting additional parking exceptions, in Section 6439.5(13)11.13.d:

*11.13. d. Requests for Parking Exceptions. If the required parking for an accessory dwelling unit 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.*

The Coastal Commission modifies this provision as follows:

*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.*

In each case, the Coastal Commission's modification ensures that in the mapped areas, which are in close proximity to coastal access, both ADUs and primary residences on a property have sufficient on-site parking to serve these units. The addition of the mapped parking areas to the LCP, and the modification of parking exemptions and exceptions for new ADUs in these areas are the extent of the Coastal Commission's suggested changes to County policies. As shown in the redlined amendments in Attachment A, there are also several other minor edits, agreed on by Coastal Commission and County staff, that resolve various errors and redundancies in the adopted regulations. These changes have no impact on the substance of the regulations.

## B. COASTAL COMMISSION REVIEW AND ACTION

As described above and detailed in Attachment E, in order for the conditionally certified amendments to take effect, the Board of Supervisors must acknowledge receipt of the resolution of certification, including the suggested modifications, accept and adopt the

modifications, and agree to issue coastal development permits subject to the approved amendment. Once this action is completed, the amended regulations will be submitted to the Coastal Commission for the Executive Director's determination of the adequacy of the County's actions, and should the amended regulations be found adequate, the Coastal Commission will submit notice of certification with the Secretary of the Resources Agency.

C. PLANNING COMMISSION ACTION

The San Mateo County Planning Commission reviewed the proposed modifications at its regularly scheduled hearing on August 11, 2021 and recommended that the Board of Supervisor adopt the modifications. The Planning Commission's consideration and recommendation constituted a first reading of the proposed ordinance.

D. ENVIRONMENTAL REVIEW

Per CEQA Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of ordinances relating to accessory dwelling units to implement specific Government Code Sections (Sections 65852.1 and 65852.2) is exempt from CEQA. In addition, the Coastal Commission process of reviewing LCP amendments has been certified by the Secretary of Resources as being functionally equivalent to a CEQA review, thereby exempting LCP amendments from CEQA review by local governments.

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

**FISCAL IMPACT:**

There is no fiscal impact to the County from adoption of the proposed amendments to the County's Accessory Dwelling Unit (Second Unit) Regulations.

**ATTACHMENTS:**

- A. Amended Accessory Dwelling Unit Regulations in redline/strikethrough.
- B. Ordinance amending the Zoning Regulations and Local Coastal Program to incorporate the Coastal Commission modifications.
- C. Resolution acknowledging receipt of the California Coastal Commission resolution of conditional certification of the County's Accessory Dwelling Unit Regulations; agreeing to issue Coastal Development permits subject to the Accessory Dwelling Unit Regulations and Local Coastal Program that incorporate the California Coastal Commission's modifications; and directing submittal of the amended Accessory Dwelling Unit regulations and Local Coastal Program to the Executive Director of the California Coastal Commission for review.
- D. Proposed LCP Maps 3.1, "ADU Parking Area - Montara and Moss Beach," and 3.2, "ADU Parking Area - El Granada and Pillar Point Harbor."
- E. Coastal Commission Notification of Action on Local Coastal Program Amendment
- F. Coastal Commission Staff Report on San Mateo County LCP Amendment, Number LCP-2-SMC-21-0001-1 (Accessory Dwelling Unit Regulations)