

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 to ensure that they are safe, habitable, and compatible with existing development.

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 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 & Safety Code, or (2) manufactured homes, as defined in Section 18007 of the California Health & Safety Code. Accessory dwelling units are "accessory dwelling units" as that term is used in Government Code Section 65852.2. Accessory dwelling units are not "accessory buildings" as defined in Section 6102.19. "Second units" or "secondary units" are accessory dwelling units for the purposes of this section. 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.
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. 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.

SECTION 6439.3. LOCATIONS PERMITTED.

1. Accessory dwelling units shall be allowed in the R-1 District within the Coastal Zone.
2. Per Section 3.22 of the County’s Local Coastal Program, accessory dwelling units are not allowed on non-conforming R-1 parcels of less than 5,000 square feet within the Coastal Zone.

SECTION 6439.4. APPROVAL. Accessory dwelling units meeting all of the requirements of Section 6439.5 shall be approved ministerially, without public notice, public hearing, or discretionary review.

Accessory dwelling units not meeting the standards set forth in Section 6429 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 6439.7.

SECTION 6439.5. DEVELOPMENT STANDARDS FOR NEW ACCESSORY DWELLING UNITS. New accessory dwelling units shall be subject to the same requirements as any dwelling unit located on the same parcel in the same district, including but not limited to the requirements of Chapters 20 and 22 of the Zoning Regulations, with the following exceptions:

1. Minimum Lot Area. Accessory dwelling units shall be exempt from the minimum lot area per dwelling unit provisions in the applicable district.
2. 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.

3. Setbacks. Notwithstanding the required setbacks in the applicable district, minimum setbacks for accessory dwelling units shall be:
- a. Front Setbacks. Front Setbacks. With the exception of accessory dwelling units created within an existing garage, which shall remain governed by the provisions of Section 6439.5.3(e) regardless of location, 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 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.

In cases where an existing primary residence may be 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.

- b. Detached Accessory dwelling units of sixteen (16) feet or less in height:
Side Setback: Five (5) Feet
Rear Setback: Five (5) Feet
- c. Detached accessory dwelling units greater than sixteen (16) feet in height:
Side Setback: Five (5) Feet
Rear Setback: Ten (10) Feet
- d. Setbacks Between Attached Accessory Dwelling Units and Property Lines. Attached accessory dwelling units shall be subject to the same setback requirements as a primary residence in the same district, except as described in Section 6439.5.17, below.
- e. Accessory Dwelling Units Constructed Entirely Within an Existing Attached or Detached Garage. Accessory dwelling units constructed entirely within an existing garage shall not be subject to setback requirements. For purposes of this Section, this shall include accessory dwelling units constructed within the building envelope of a garage partially or fully demolished or converted in order to create an accessory dwelling unit.
- f. Accessory Dwelling Units Constructed Above an Existing Attached or Detached Garage. Accessory dwelling units constructed above an existing garage, regardless of height, shall be subject to the setbacks in Section 6439.5.3(b).

- g. Setbacks Between Detached Accessory Dwelling Units and Property Lines. The setbacks required between a detached accessory dwelling unit and any property lines shall be as specified in this Chapter. If different setbacks to property lines are required by any other section of the Zoning Regulations, those requirements shall be disregarded, and the standards of this Chapter shall govern.
 - h. 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.
4. Floor Area. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:
- a. Floor Area of Detached Accessory Dwelling Units. The floor area of a detached accessory dwelling unit shall not exceed seven hundred fifty (750) sq. ft. or thirty-five percent (35%) of the 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.

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.

- b. Floor Area of Attached Accessory Dwelling Units. The floor area of an attached accessory dwelling unit shall not exceed seven hundred fifty (750) sq. ft. or fifty percent (50%) of the 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.

With the exception of accessory dwelling units built entirely within an existing structure, 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.

- c. Floor Area of Internal Accessory Dwelling Units. Accessory dwelling units built entirely within an existing primary residence or accessory structure, including existing garages, shall not count as additional floor area for purposes of calculating the total floor area allowed on a parcel, regardless of the limitations of the base or overlay zoning district.

5. Lot Coverage. Accessory dwelling units shall count against the allowed lot coverage on a parcel.

However, should the base or overlay Zoning Regulations applicable to the parcel establish lot coverage limitations that vary based on the characteristics of existing or proposed development or the characteristics of the parcel, the accessory dwelling unit, independently or in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel, shall be subject only to the least restrictive lot coverage limitation in the applicable district.

The least restrictive lot coverage calculation shall apply to the accessory dwelling unit regardless of the characteristics of the accessory dwelling unit, the subject parcel, and/or the primary residence which might otherwise trigger more restrictive lot coverage standards.

This limitation applies only to the accessory dwelling unit, and does not provide an exemption or relaxation of any standards applying to the primary residence or any other structures. Any subsequent proposed conversion of the accessory dwelling unit to any other type of development shall also remain subject to the lot coverage standards that would normally apply in the relevant zoning district.

6. Height. The maximum height of the accessory dwelling unit shall be twenty-six (26) 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 (8) 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.
7. 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.

8. 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, measured in the same manner as height in Section 6439.5.6.6 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.
9. 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 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 seven (7) 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.
10. Ingress and Egress. Accessory dwelling units shall have an independently accessible entrance that does not require passage through the primary residence. For accessory dwelling units attached to the primary residence, any new entrances and exits shall face the side and rear of the parcel only, except in the case that clearance and/or landing requirements preclude door placement on the side or rear of the parcel, in which case the required entrance may face the front of the parcel.
11. Ingress and Egress for Attached Accessory Dwelling Units. Attached accessory dwelling units having a connecting doorway or other permanent ingress or egress between the primary residence and the accessory dwelling unit must ensure that such doorway is independently securable from within the accessory dwelling unit and must obtain a use permit in the manner described in Section 6439.7.
12. Parking.
 - a. 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 dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence only:

- (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.
- b. For all other accessory dwelling units, the following parking standards shall apply:
- (1) Required Parking. One (1) new 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.
 - (2) 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 6439.5.12(c), below. For purposes of this Section, conversion includes partial or full demolition of covered parking required to create an accessory dwelling unit.
 - (3) 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 6439.5.12(c), 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.
 - (4) 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 against the new parking required for the accessory dwelling unit.
- c. 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. 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.
- d. 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.
13. 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, and are subject to relevant design review requirements incorporated in the County's Local Coastal Program and Zoning Regulations. Accessory dwelling units subject to design review within the County's Coastal Zone 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 staff, at the discretion of the Community Development Director.
 14. Architectural Review. Accessory dwelling units located in scenic corridors outside the County's Coastal Zone are not subject to architectural review. In the Coastal Zone, such units shall be subject to architectural review as normally required.

15. 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.
16. 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.
17. 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.

18. 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.

SECTION 6439.6. DEVELOPMENT STANDARDS FOR EXISTING SECOND 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 6439.7.

SECTION 6439.7. 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 6439.7.3, 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 6439.5.12(d), and a conditional use permit shall not be required.

SECTION 6439.8. 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 seventy-five percent (75%) 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 fifty percent (50%) 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 garage, as described in 6429.3(e), 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 twenty percent (20%).* 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 6439.5.4.

SECTION 6439.9. 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 at the staff level. Accessory dwelling units shall count toward the total residential development quotas described in Section 1.23 of the County's Local Coastal Program.

SECTION 6439.10. DECISIONS.

Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 6439.7, 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 6431. 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 6439.11. 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 6439.12. 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.).

(Chapter 22.5.1 - Added by Ordinance No. 4834 – September 15, 2020)