



# CITY OF SAN MATEO

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## Agenda Report

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**TO:** City Council  
**FROM:** Alex Khojikian, City Manager  
**PREPARED BY:** Community Development Department  
**MEETING DATE:** November 20, 2023

**SUBJECT:**

New Objective Design Standards for Multi-Family and Residential Mixed-Use Development – Ordinance Introduction

**RECOMMENDATION:**

Adopt a Resolution to establish Objective Design Standards (ODS) for multi-family and residential mixed-use projects; introduce an Ordinance to amend the Zoning Code (Title 27) related to ODS and review processes for multi-family and residential mixed-use projects, and align the fence height standards to match building code standards; and determine that the ODS resolution and Zoning Code amendments qualify for an exemption from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

**BACKGROUND:**

Overview

The Community Development Department has developed Objective Design Standards (ODS) for new multi-family and residential mixed-use development projects in response to state legislation focused on increasing housing production ([Attachment 1](#)). Senate Bills (SB) 35, SB 167, and SB 330 establish a streamlined review process for housing development projects. These laws have established requirements for objective design standards to streamline the review of qualifying residential development applications that contain two or more housing units. Amendments to Senate Bill 330 (2019) expanded the scope of the existing Housing Accountability Act (HAA) to include more permit streamlining requirements, limit a local agency's ability to deny a housing project, and require that housing development projects to be reviewed against objective design standards. As defined by State law, objective standards are standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion that is knowable by both the development applicant and the public official.

Many local jurisdictions, including San Mateo, rely on discretionary review processes and design guidelines when considering development applications. Adoption of local ODS will provide the community and developers with a predictable development process that clearly identifies the City's standards and expectations and does not require interpretation or personal judgment. Adoption of Objective Design Standards will also implement Housing Element Policy H 1.8, which commits the City to adopting local ODS as a means of expediting housing production. Staff proposes that the ODS be adopted by Resolution to allow for refinements of these standards during their implementation, which will make it easier to respond to evolving building practices and community goals and objectives. To further these goals, staff also recommends that corrections of typographical or other minor errors within the ODS document may occur by the City Manager, with concurrence from the City Attorney.

Amendments to the City's Zoning Code (Title 27 of the San Mateo Municipal Code (SMMC)) are also proposed in order to implement the ODS. Government Code Section 65400 requires the City's legislative body to implement the City's adopted General Plan, so that it will serve as an effective guide for orderly growth and development. To implement the General Plan, Government Code Section 65860 provides the City Council the authority to review and update the City's Zoning Code

to ensure that the review processes and requirements are compatible with the objectives, policies, and programs specified in the General Plan. The City's Zoning Code (SMMC 27.060.040(c)) authorizes the Planning Commission to review amendments to the Zoning Code and make recommendations to the City Council. The proposed amendments were reviewed by the Planning Commission on October 24, 2023 at a public hearing as described below. The Ordinance with the proposed amendments is included as [Attachment 2](#) and a tracked-changes version of the Ordinance is included as [Attachment 3](#).

These amendments would implement the ODS and streamline development application review processes for new multi-family and residential mixed-use projects. More specifically, the Ordinance includes provisions to expand the types of projects that can be approved by the Zoning Administrator (administrative level review) from five (5) units to up to twenty-five (25) units for residential and mixed-use residential projects that are ODS-compliant. Projects with twenty-six (26) or more units will require Planning Commission or City Council review, as required, with a limited ability to require design changes to an ODS-compliant project. Increasing the administrative review threshold will implement Housing Element Policy H 1.6 (b), which seeks to streamline the development review process and reduce the approval timeline for housing projects. Applicants who opt not to comply with the ODS would be subject to the current discretionary review process.

Please note that the Ordinance also contains an unrelated minor change regarding fence heights to bring that Zoning Code provision into conformity with the Building Code.

#### Applicability & Outreach

Per State law, the ODS would be applicable to multi-family and residential mixed-use projects. This includes duplexes, townhomes, triplexes, multi-unit apartment buildings, and mixed-use housing projects where at least two-thirds of the building's square footage is dedicated to residential uses. The ODS would also apply to single-family residential development of two or more units (i.e., primary unit plus ADU, or a duplex project under Senate Bill 9).

Staff and the MIG consultant team have worked to prepare the proposed ODS based on the City's existing Single-Family Design Guidelines, Duplex Design Guidelines, Small Lot Design Guidelines, Multi-family Residential Design Guidelines, specific plans, input from the public and Planning Commission, and review of best practices. Public outreach efforts have included two Planning Commission Study Sessions (August 2021 and August 2023) and two community workshops and a developer's roundtable (June 2021 and April 2023). The proposed ODS standards were initially published for public review in July 2023 and an updated version was posted for public review in October 2023. Most recently, a Planning Commission public hearing on the proposed ODS was held on October 24, 2023, where the Planning Commission recommended approval of the ODS with modifications to certain standards, as described further below. The draft meeting minutes are included in [Attachment 4](#).

#### Objective Design Standards

The ODS document is divided into three primary sections: 1) General Standards that apply to all projects, 2) Specific Plan Area standards that are additive to the General Standards, and 3) a Definitions section. The ODS address all aspects of project design, from basic site design and building placement principles to architectural detailing to landscaping and lighting treatments. The ODS do not change any of the development standards contained in the Zoning Code. Existing setbacks, height, parking requirements, open space standards, etc. will continue to apply. The ODS are additive to existing zoning regulations.

Recognizing the varying scales of development in San Mateo, the ODS address three distinct building typologies:

- Low-rise Buildings: 1-3 stories and up to 35 feet in height
- Mid-rise Buildings: 4-7 stories and up to 90 feet in height (currently possible under state density bonus law)
- High-rise Buildings: 8+ stories or more than 90 feet in height (currently possible under state density bonus law)

For many standards, the ODS present a menu approach to allow for flexibility of design and project needs. Applicants are directed to select a minimum number of design components from a list. For example, regarding parking structures, the ODS state:

Any stand-alone parking structure located along or facing a public right-of-way shall include at least one (1) of the following treatments:

1. Landscape screening consisting of evergreen species covering at least the first two (2) lower stories of the parking structure;
2. Public murals or art; or
3. Decorative screening elements attached to the structure, such as grills or vertical slats.

*Specific Plan Areas*

Several key areas of the City, including sections of El Camino Real, the Hillsdale Caltrain station, and Downtown, are subject to additional standards contained within various specific plans. A map of these specific plans is included in Attachment 5. Chapter 7 (Specific Plan Areas) of the ODS document converts existing subjective standards of these documents by making them objective and includes a new Spanish Revival architectural style requirement in the Downtown and Vision of the Gateway areas in response to community comments and Planning Commission recommendations.

*Architectural Styles and Downtown*

The Draft ODS reviewed by the Planning Commission at their August 8, 2023 study session did not specify required architectural styles, in order to provide project flexibility and to align with the current Design Guidelines, which do not require specific architectural styles. However, recent public comments and concerns regarding architectural design within the City, with a particular focus within and around the downtown area were discussed at the August 2023 Planning Commission study session. The Commission recommended adding one architectural style, north of Highway 92, with potential other architectural styles to be added in the next iteration of these standards. As recommended by the Planning Commission, a Spanish Colonial Revival architectural style requirement was added to the ODS. This requirement, however, is limited to the Downtown and Vision of the Gateway areas only in response to community concerns about recent changes in these areas.

The addition of a Spanish Colonial Revival architectural style within the Downtown and Vision of the Gateway areas is seen as a first step of introducing architectural styles into the ODS document. The completion of the City’s General Plan Update will result in several initiatives including updates to the City’s specific plan areas (including the Downtown Area Plan). These initiatives will provide the ideal opportunity to review specific areas of the City holistically, conduct the necessary historic reviews and building surveys, and include the robust public and community outreach necessary to closely analyze what makes these areas unique (including the identification of specific architectural styles). Implementation of the ODS document will be an iterative process and staff intends to revisit these standards within three (3) years to evaluate their effectiveness, provide updates as necessary, and incorporate further community input on architectural styles in appropriate areas.

Proposed Code Amendments

In addition to the ODS, the following Zoning Code amendments to Title 27 are proposed to implement the ODS and to bring the Zoning Code into conformity with the Building Code (regarding fence height):

Municipal Code Section	Proposed Change
27.060.020 “Zoning Administrator Powers and Duties”	<p>Increase the Zoning Administrator power and duties to approve projects from less than 6 residential units to up to 25 residential units for projects that meet objective design standards.</p> <p>Increase fence height from six to over seven feet for rear and side yards for when Zoning Administrator Approval is required, to align with the Building Code.</p>
27.060.040 “Planning Commission Jurisdiction”	Clarify that the Planning Commission would review projects over 25 units that meet objective design standards and all projects over 5 units that do not meet objective design standards.

27.08.030 "Site Plan and Architectural Review (SPAR)"	Increase the threshold for when fences require a SPAR from six to seven feet in height, to align with the Building Code.
27.21.030 "Rules of Procedure"	Revise findings for SB 9 projects to require compliance with other adopted plans, policies, or standards (which would include the ODS).
27.39.120 "Residential Development Standards"	Clarify that residential uses permitted as part of mixed-use developments are subject to the ODS.
27.060.040 "Planning Commission Jurisdiction"	Clarify that the Planning Commission would review projects over 25 units that meet objective design standards and all projects over 5 units that do not meet objective design standards.

**DISCUSSION:**

Planning Commission Recommendations

At the October 24, 2023, Planning Commission hearing, the Commission voted 4-1 to recommend the City Council adopt an Ordinance to amend Title 27 and Resolution to establish Objective Design Standards with modifications. These recommended modifications are outlined below along with staff responses.

*Building and Architecture*

**1. Section 4.1.2 - Articulation Details**

Planning Commission Recommendation: Reduce the minimum depth of façade articulations details from 18 inches to 12 inches, reduce the minimum window recess depth from 4 to 3 three inches, and reduce the minimum depth of horizontal mouldings from 18 inches to 3 inches.

Staff Response: These recommendations were incorporated into the current revised draft.

**2. Section 4.1.3 Building Materials and Colors**

Planning Commission Recommendation: Reduce the minimum number of colors of materials from 2 to 3, allow trim and roof materials to contribute to the minimum required colors/materials, remove the requirement that each required color/material constitute least 10 percent of the building elevation or reduce this requirement to 5 five percent, and amend the veneer requirement to either not end at an outside corner, or end at a wall plane break.

Staff Response: The minimum of three different colors and/or materials standard was retained but changes were made to allow trim to contribute to this minimum. Staff recommends that roofing not contribute to the minimum colors/materials standard as not all roofs in mid-rise and high-rise buildings can be seen and not all roofs in low-rise buildings provide visual interest. The standard that each required color/material constitute at least 10 percent of a building’s elevation was retained to ensure that the colors/materials are noticeable, however, changes were made to exclude trim from the 10 percent requirement. A clarification was also added that public art or murals would not contribute to the minimum or maximum colors/materials standard. Veneer requirements were amended to clarify that changes of materials (i.e. stucco to brick etc.) shall not end at an outside exterior corner of a structure as recommended.

**3. Sections, 4.1.4, 4.1.5, 4.1.6, and 4.1.7 - Massing Breaks**

Planning Commission Recommendation: Remove the massing break requirement for low-rise buildings and allow low rise-buildings to adhere to the flat plane variation available for mid-rise and high-rise buildings. Add a minimum sixty (60)-foot length requirement to the rules of thirds standard for when a building must be broken into three primary masses. Revise the body of a building to be a greater number of stories than the base of a building. Clarify that for the flat plane variation wall plane break option, that adjacent building segments should vary from one another. Add balconies (recessed, flushed, or projected) as an allowable option to differentiate a building top from the body and base.

Staff Response: The massing break requirement for low rise buildings was retained and the flat plane variation option was not extended to low-rise buildings which would mostly comprise of single-family, duplex, triplex, and smaller apartment complexes. This better aligns with the existing Single-Family, Duplex, and Small Lot Design Guidelines which seek to prevent sheer two- and three-story walls. Balconies were not added as an option to

differentiate the top of building from its base and body. For high-rise buildings, there are eight options an applicant may choose from to differentiate the top of a build from the base and body. Staff recommends not including balconies on this list as balconies as a means of distinction can make the top of a building feel architecturally heavy and over balanced. This does not mean that balconies cannot be included at a top floor, just that a different method must be used to differentiate the top of a building from the base and body. All other recommendations were incorporated into the current revised draft.

**4. Sections 4.2.2 and 4.3.1 – Mixed-Use Buildings**

Planning Commission Recommendation: Clarify that ground floor residential units and not residential uses shall be separated from the grade. The standard that calls for similar treatment of the base, body, or top needs further clarification to be an objective standard.

Staff Response: The ground floor clarification has been made. Staff amended the consistent design standard to be objective and clarified that mixed-use buildings shall carry the same theme on each elevation across residential and non-residential uses which ultimately seeks to have a cohesive and consistent design across a single structure.

**5. Section 4.4.1 – Neighborhood Transitions**

Planning Commission Recommendation: Revise the screening tree planting interval from a minimum of 15 feet to a maximum of 15 feet.

Staff Response: In consultation with the City Arborist, the planting interval was revised from a minimum of 15 feet to a range of 15 to 30 feet to achieve a 60 to 70 percent screening coverage within five years to allow for the different growth patterns and requirements for a variety of tree species. The 15 feet minimum was retained for health development of trees.

**6. Sections 4.5.1 and 4.5.2 – Roof Form**

Planning Commission Recommendation: Remove section 4.5.2 which provides limits for the maximum amount of roof form variations, and regulations related to roof pitch, eave treatment, and parapets as these requirements may be overly burdensome and partially covered by the Building Code already.

Staff Response: Staff recommends that the regulation limiting a building to no more than two roof forms should be retained to prevent overly complicated roof configurations commonly seen in initial planning applications. Regulations related to consistent roof pitch across a building were removed and a clarification that eave treatment including depth, material, style, and brackets shall match across a building was added. Regulations related to capped parapets and a drip edge were removed as it is covered by the Building Code. The regulation to require coping on a roof parapet (if provided) was retained to provide a finish to the top of a parapet and direct water away from the walls below.

**7. Sections 4.6.1, 4.6.2, and 4.6.5 – Windows, Doors, Entry Design, and Security**

Planning Commission Recommendations: Remove bays from the horizontal and vertical alignment standards as bays can be wider than they are tall. Change the minimum depth a window shall be recessed from four (4) to three (3) inches and add trim as an alternative option to recessing a window. Remove the requirement that controls how deep a retail entry may be recessed in a mixed-use building.

Staff Response: The regulation that limits how deep a retail or commercial entry may be recessed was retained with a change of the maximum recess depth from 24-inches to 36-inches to allow for the swing of a door and shelter from elements. Deeper recesses are not recommended as they create greater separation of active commercial/retail uses from the sidewalk, potential security issues, and areas for trash leaves, or debris to accumulate due to the wind. All other recommended modifications have been incorporated into the current revised draft.

**8. Section 4.7 – Materials and Colors**

Planning Commission Recommendations: Allow all types of wood shingles and fiber cement board and ensure that membrane and other roofing materials common on flat roofs are allowed.

Staff Response: These recommendations were incorporated into the current revised draft.

### *Specific Plan Area Standards*

#### **9. Sections 7.1.1 and 7.1.2 – Specific Plan Standards - Downtown Plan Area**

Planning Commission Recommendations: Revise the horizontal alignment of window standards to permit different sized windows and provide more language on how windows should be aligned. Allow weathered brick and brick veneer to be used on Spanish Colonial Revival buildings.

Staff Response: These recommendations were incorporated into the current revised draft. Language was added that the tops or bottoms of windows should be aligned horizontally on each floor above the second floor for 80 percent of all windows. This allows for different window sizes while still ensuring windows horizontally define each floor above the ground floor.

Additional administrative edits to the document including minor spelling, formatting, page numbering, caption edits, and graphic refinements are also included in the revised ODS document.

#### **PUBLIC COMMENTS:**

Seventeen public comments have been received since the July 2023 publication of the Objective Design Standards. Five of these comments have been received since the October 2023 Planning Commission public hearing. Many comments regarding open space, exterior lighting, building articulation, inclusion of architectural styles, building height limits, historical preservation, and the specific plan areas have been incorporated into the Objective Design Standards. Comments recommending changes to the applicability of the ODS and changes to the standards and/or boundaries of existing specific plan areas have not been incorporated into the document. Staff provided a clarification that the ODS do not seek to change existing specific plan area standards or boundaries and that applicants may opt out of the ODS and pursue a discretionary review process. These comments are included in [Attachment 6](#). Any additional public comments received after the publication of this report will be provided to the City Council as a post-publication attachment.

#### **BUDGET IMPACT:**

There is no fiscal impact on the City. The development of Objective Design Standards is funded by the State's SB 2 Planning Grants Program, which requires the project to be completed by December 31, 2023, unless substantial additional documentation is provided to the State.

#### **ENVIRONMENTAL DETERMINATION:**

In accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), adoption of this ordinance is covered by the "common sense exemption" that CEQA applies only to projects which have the potential to cause a significant effect on the environment. Here, it can be seen with certainty that the proposed amendments create objective design standards and a streamlined review process for small projects up to twenty-five (25) residential dwelling units subject to objective design standards would not cause a physical change in the environment and therefore would not have a significant effect on the environment. Proposals for multi-family or residential mixed-use development will be considered as individual projects and will be evaluated pursuant to CEQA at the time of application submittal.

#### **NOTICE PROVIDED:**

In accordance with Government Code Sections 65090 and 65091 and the City's Municipal Code public noticing requirements, the notice for this public hearing was published in a local newspaper of general circulation, posted in three public facilities, and noticed to the following parties at least ten (10) days in advance of Planning Commission meeting:

- The City's social media sites;
- The City's Planning "Notify Me" email list; and
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

The updated ODS document was also provided for public review on November 10, 2023, at least 10 days before this public hearing and in advance of the agenda report being published.

**ATTACHMENTS**

- Att 1 – Proposed Resolution (Adopt Objective Design Standards)
- Att 2 – Draft Ordinance
- Att 3 – Draft Ordinance (Tracked Changes)
- Att 4 – Planning Commission Hearing Draft Minutes October 24, 2023
- Att 5 – Specific Plan Areas Map
- Att 6 – Public Comments

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**Planning Application Number:** PA-2019-016