



# CITY OF SAN MATEO

City Hall  
330 W. 20th Avenue  
San Mateo CA 94403  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

## Agenda Report

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**TO:** City Council  
**FROM:** Drew Corbett, City Manager  
**PREPARED BY:** Community Development Department  
**MEETING DATE:** March 1, 2021  
**SUBJECT:**  
Zoning Code Amendments – Ordinance Introduction

### RECOMMENDATION:

Introduce an Ordinance to amend the San Mateo Municipal Code Chapters 27.04, “Definitions” to add a paving definition; Chapter 27.18, “R1 Districts - One Family Dwelling” to clarify limits on paving, landscaping, uncovered decks, and add a map for San Mateo Park Planning Area; Chapter 27.20 “R2 Districts – Two Family Dwellings” to replace the Floor Area Ratio maps; and Chapter 27.32 “C2 Districts – Regional/Community Commercial” to update emergency shelter provisions.

### BACKGROUND:

The proposed amendments are intended to correct or clarify existing requirements which are ambiguous, contain errors or omissions, and generate confusion for staff and customers that results in additional time to respond to customers and process permit applications, and may also result in inconsistent application of code. The changes are discussed below, and included in Att 1 – Ordinance and shown in track changes in Att 2 – Proposed Amendments.

Changes to Chapter 27.04 (Definitions) & 27.18 (R1 District) pertaining to Paving, Landscaping, Uncovered Decks & Map  
The Zoning Code currently defines paving and impervious surfaces in Chapter 27.18 “R1 District – One Family Dwelling”. The proposed amendment moves the definition under Chapter 27.04 “Definitions” as a new “paving” definition to make the definition easier to find and aligns it with the “pervious” definition in Chapter 23.72 “Water Conservation in Landscaping”.

Additionally, there has been confusion regarding limits on paving and landscaping in the front and street side yards in R1 districts. Section 27.18.010, “Purpose,” states:

“The R1 Single-Family Residence Districts are intended to create, preserve and enhance areas suitable for single-family dwellings with a substantial presence of open space and opportunities for outdoor living. The R1 districts are intended to protect the character and variety of neighborhoods, preserve privacy and prevent burdens on public facilities, while allowing reasonable housing opportunities for families.”

Staff has interpreted this section to mean that the required front and street side yards should be improved with landscaping and for outdoor living, and that the “Limits on Paving” are intended to minimize the portion of required yards that is covered with paving including pervious and non-pervious surfaces. This conclusion is also supported by the City’s adoption of complementary code requirements for heritage tree protection and preservation (Chapter 13.52) and water conservation in landscaping (Chapter 23.72), both of which would be negatively impacted by paving. The proposed amendment clarifies language pertaining to “limits on paving” and adds a new “Landscaping” subsection to clarify use of front yards and street side yards, and areas where parking is not allowed (Sections 27.18.070 and 27.18.080).

The current language for uncovered decks in R1 Districts requires clarification (Section 27.18.110, 9). The proposed amendment rephrases the requirement to clarify that uncovered decks 18 inches or shorter in height are allowed in all yards, and that uncovered decks between 18 inches and 30 inches in height must be setback 5 feet from property lines.

The zoning code currently references an “Exhibit A” for the boundary of the San Mateo Park Planning Area; however, the map is not imbedded in the code and creates confusion for readers. The boundary was established in 2000 as part of a zoning code update and the boundary is shown on a black/white map as Exhibit A. A new color map of the boundary has been created and is recommended to be included in the zoning code. The boundary is the same, and the color map is more legible.

#### Changes to Chapter 27.20 (R2 District) pertaining to Maps

The proposed amendment includes replacement of black/white maps with new color maps to provide clarity and improve legibility. There are currently two black and white maps identifying portions of the Central Neighborhood and North Central Neighborhood where the maximum floor area is different than the rest of the R2 district. For review purposes, both the black/white maps and new maps are shown in Attachment 1.

#### Change to Chapter 27.32 (C2 Districts) pertaining to Emergency Shelters

California Senate Bill 2 (SB 2) was approved in 2007 with the goal of removing zoning barriers for emergency shelters, and transitional and supportive housing. SB 2 requires cities to permit emergency shelters in at least one zoning district without a special use permit or other discretionary action. In certifying the City’s 2015 Housing Element, the state required the City to remove the requirement that shelters be located a certain distance from parks and schools. Specifically, Program H 2.14: The Homeless, states:

“2. Allow emergency shelters as a permitted use in Regional/Community Commercial land use categories consistent with the provisions of SB2, which requires emergency shelters as permitted uses without conditional use permits or other discretionary action. Emergency shelters shall be subject to the same development and management standards that apply to other allowed uses in the designated land use and zoning districts.

Implementation Goal: Ongoing permitted uses. Review 300 foot buffer zone around parks and schools as adopted by City for compliance with State legislation.”

The zoning code includes provisions for the location of Emergency Shelters in C2 Districts as a permitted use (Chapter 27.32); however, it includes a buffer requirement that shelters be located 300 feet from parks and schools. The proposed amendment would implement the above Housing Element policy by removing the words “parks and schools”.

#### Planning Commission

The Planning Commission held a duly noticed public hearing on January 26, 2021, and voted unanimously to recommend that the City Council adopt the Ordinance.

#### Next Steps

Consistent with State law, the proposed Ordinance would take effect 30 days after the second reading, which is tentatively scheduled for March 15, 2021.

#### **BUDGET IMPACT:**

This zoning code amendment has no fiscal impact on the General Fund.

#### **ENVIRONMENTAL DETERMINATION:**

This Zoning Code amendment is exempt from CEQA under the “common sense exemption” (CEQA Guidelines Section 15061(b)(3)) because it implements an existing Housing Element policy, provides clarification and improves legibility, and it can be seen with certainty that the changes will not result in direct or indirect physical changes in the environment.

#### **NOTICE PROVIDED**

All meeting noticing requirements were met.

**ATTACHMENTS**

Att 1 – Proposed Ordinance

Att 2 – Proposed Amendment in track changes

**STAFF CONTACT**

Julia Klein, Principal Planner

[jklein@cityofsanmateo.org](mailto:jklein@cityofsanmateo.org)

(650) 522-7216