



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 1

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: Planning Commission
FROM: Christina Horrisberger, Director
PREPARED BY: Community Development Department
MEETING DATE: October 26, 2021
SUBJECT:
Zoning Code Clean-Up Amendments

RECOMMENDATION:

Recommend to the City Council adoption of an Ordinance to amend the Zoning Code as follows:

- a) Chapter 27.04, "Definitions" to remove curb level and clarify floor area;
- b) Chapter 27.64, "Off-Street Parking and Loading" to clarify on-street loading provisions and Site Plan and Architectural Review (SPAR) provisions;
- c) Chapter 27.71, "Landscape for Planning Applications" to clarify tree provisions;
- d) Chapter 27.78, "Variance" to clarify tree provisions; and
- e) Title 27, "Zoning Code" to update all references to the California Building Code.

BACKGROUND:

The proposed amendments are intended to clarify existing requirements which are ambiguous, contain errors and/or omissions, inconsistent with other provisions of the municipal code, and generate confusion for staff and members of the public. The proposed changes to the zoning code are outlined below. A clean version of the proposed changes is included in Attachment 1 (Draft Ordinance) and shown in strike out and underline in Attachment 2 (Proposed Amendments).

Changes to Chapter 27.04 (Definitions) pertaining to curb level

In 1978, the City Council approved a "curb level" definition. In 1985, the City Council approved an amendment to the building height definition to measure building height from grade rather than curb level. Thus, this remnant curb level definition, which should have been removed as part of the 1985 amendment, is an antiquated definition that no longer serves a purpose and is proposed to be removed.

Changes to Chapter 27.04 (Definitions) pertaining to floor area

For the purposes of calculating floor area ratio, covered structures such as patios and carports are counted as floor area regardless of the number of open sides. The proposed change reformats the list and provides clarity for what is considered a covered structure that counts toward floor area ratio.

Changes to Chapters 27.64 (Off-Street Parking and Loading)

When a proposed new development or new use in an existing building requests relief from the requirement to provide off-street loading berths, a Site Plan and Architectural Review (SPAR) or Variance is required. The current Code language prohibits an applicant from requesting a SPAR to omit the required off-street loading unless it can be demonstrated that only street access to the building is available. The prerequisite language is unclear in that every property that is developed or proposed for development must have access to a street. The result has been that the provision is confusing and has not been applied consistently over the years, resulting in a number of instances where developments have applied for and been granted relief from the City's on-site loading requirements without meeting the prerequisite language. The intent of

the proposed code amendment is to clarify the Code for greater transparency and to promote consistency in how the provision is applied. The process to request and establish loading elsewhere would not be affected by the proposed amendment.

Changes to Chapters 27.71 (Landscape for Planning Applications), Chapter 27.78 (Variance) pertaining to trees.

On May 3, 2021, the City Council repealed Chapters 13.35 Street Trees and 13.52 Heritage Trees, and adopted Chapter 13.40 Protected Tree. The repeal and new ordinance updated the city's requirements in line with current best practices. Changes are proposed to Chapters 27.71 Landscape and 27.78 Variance to align with Chapter 13.40 for internal consistency, incorporate best practices, and provide clarity for customers regarding trees.

Change references to Building Code

The zoning code references the Uniform Building Code (UBC) in multiple places; however, the last publication was in 1997 and it is no longer used. The amendment would replace references to the Uniform Building Code (UBC) with the California Building Code throughout the zoning code.

Next Steps

Once the Planning Commission makes a recommendation, these code amendments will be scheduled for a public hearing before the City Council for introduction at the next available meeting date. After introduction, the code amendments will be brought back to City Council for adoption and will then go into effect 30 days after adoption.

BUDGET IMPACT:

These code amendments are fully funded in the Community Development Department's annual budget, and there is no 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 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 – Draft Ordinance

Att 2 – Proposed Amendments

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