



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 23

Section Name: {{section.name}}

Account Number: 10-3134

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: Community Development Department
MEETING DATE: October 17, 2022

SUBJECT:

"Appeal of Administrative Citation" Amendments – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to amend San Mateo Municipal Code Chapter 1.10, Section 1.10.060 "Appeal of Administrative Citation" and Chapter 2.21 "Community Relations Commission" to create an administrative citation appeal procedure before an impartial hearing officer related to violations of technical building and health and safety codes.

BACKGROUND:

At the June 20, 2022 study session, the City Council received information from staff concerning penalties for repeat violators of the City's Tenant Relocation Ordinance, information about dangerous buildings and the Dangerous Buildings Code, and the City's Code Enforcement penalty structure. Part of the discussion focused on the City's Administrative Citation process in that it has been problematic regarding the appeal process for these citations. Specifically, Code Enforcement has not utilized this administrative penalty because the appeals and hearings associated with the administrative citations are within the powers and duties of the Community Relations Commission. This has been problematic because many of the violations subject to such penalties relate to technical building codes and health and safety codes, which require review by persons with technical expertise in those subject areas. Currently, the Commissioners are not required to have any training or specific knowledge related to interpretation and implementation of technical building codes or health and safety codes. At the study session, staff recommended establishing a process with an impartial hearing officer with subject matter expertise, with a further appeal to Council, and was directed to return to Council with amendments to that affect. The proposed amendments are contained in Attachment 1.

As for tenant relocation procedures and penalties, staff were not directed to make any changes at this time. Staff were directed to return to Council for introduction of a Dangerous Buildings Code Ordinance. That item has been incorporated with the triennial Building Code update, which is also scheduled for introduction during the October 17, 2022 regular Council meeting.

BUDGET IMPACT:

There is no budget impact, as this is simply a change in procedure and minor code amendment prepared by staff.

ENVIRONMENTAL DETERMINATION:

This City Council action is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All meeting noticing requirements have been met.

ATTACHMENTS

Att. 1 – Proposed Ordinance

Att 2 – San Mateo Municipal Code Section 1.10.060 with track changes

Att 3 – San Mateo Municipal Code Chapter 2.21 with track changes

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