



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 24

Section Name: {{section.name}}

Account Number: 25-3112

File ID: {{item.tracking_number}}

TO: City Council
FROM: Christina Horrisberger, Interim City Manager
PREPARED BY: Community Development Department
MEETING DATE: July 17, 2023

SUBJECT:

Zoning Code Amendments for City Projects, Modifications to Planning Applications, and Height Limitations and Exemptions – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to amend the San Mateo Municipal Code Sections 27.02.060 (Height Limitations and Exemptions), 27.02.140 (Exceptions), 27.06.020 (Zoning Administrator – Powers and Duties), 27.06.050 (Council Consideration and Determination), and 27.08.080 (Planning Application Modifications) to streamline the review process for city projects, clarify the modification process for approved planning applications, and clarify height limitations and exemptions; and determine the amendments qualify for exemption from further environmental review pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3).

BACKGROUND:

As part of the Community Development Department’s ongoing effort to update the City’s Zoning Code to address deficiencies, improve clarity, and streamline the review process, several amendments are proposed to clarify the review process for City projects, set thresholds for processing modifications to approved planning applications and update the definition for building height limitations and exemptions. Amendments to the Zoning Code require a recommendation from the Planning Commission and adoption by the City Council. The proposed amendments are described in more detail below, with the Draft Ordinance included as Attachment 1. To help explain existing and proposed language, a track-changes version of the proposed amendments is included as Attachment 2.

Government Code Section 65400 requires the City 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 requires City Zoning Code review processes and requirements to be compatible with the objectives, policies, and programs specified in the General Plan. State law and the City’s Zoning Code (SMMC 27.06.040(c)) requires the Planning Commission to review amendments to the zoning code and make a recommendation to the City Council.

On May 9, 2023, the Planning Commission held a duly noticed public hearing to receive a staff presentation, hear public comment, and review the proposed Zoning Code amendments. There were no public speakers on this item and the Commission expressed general support for the proposed amendments. Following discussion, the Planning Commission voted unanimously (5-0) to recommend that the Council adopt the ordinance as drafted.

DISCUSSION:

City Projects:

The proposed amendments to San Mateo Municipal Code (SMMC) Sections 27.02.140 (Exceptions), 27.06.020 (Zoning Administrator – Powers and Duties), and 27.06.050 (Council Consideration and Determination) are intended to clarify and update the review process for City projects. This includes an exemption for certain project types (such as play structures

and pump stations), allowing for staff-level review of minor projects (such as ancillary structures) by the Zoning Administrator (ZA), and requiring fewer public hearings before multiple Commissions that make a recommendation to the City Council.

Under current provisions, a City project may be subject to multiple recommendation hearings (i.e., from Parks and Recreation Commission, Sustainability and Infrastructure Commission, and the Planning Commission), with an ultimate decision by City Council. Under the proposed amendments, one commission that is most applicable to the proposed project, would review and make a recommendation directly to City Council. The proposed amendments would not alter or limit the Council's ability to direct review by additional commissions for City projects that may have broader community interest, unique design or site challenges, or for any other reason. However, the amendments would provide a streamlined path for the review of smaller, less complicated City projects.

Modifications to Approved Planning Applications:

The proposed amendments to SMMC Section 27.08.080 (Planning Application Modifications) are intended to distinguish between different levels of project changes and provide clear criteria for simple changes, minor modifications, and major modifications to projects with an approved planning application. These amendments would also allow for Zoning Administrator discretion in determining the level of modification required based upon the project changes, context, scale and proportion to original approval, and community or decisionmaker interest in the areas affected. The three modification levels are summarized below. The proposed code language can be viewed in the Draft Ordinance (Attachment 1).

Simple Modifications are changes that are substantially consistent with the original planning application approval and would be reviewed and approved through the building permit process. Examples include changes in tree species (due to blight/disease or supply issues), minor changes in parking lot layout with no reduction in parking spaces, revised exterior colors/materials that are similar to the original (due to issues with shipping supplies, original manufacturer being out of business), smaller windows on one or more elevations, or small changes in height or floor area layout, that are still compatible with the overall building design and consistent with applicable policy and code requirements.

Minor Modifications are changes that do not significantly change the nature of the approved use(s), do not significantly intensify the approved uses(s), and would not result in any new or substantially greater environmental effects than the original approved project. Minor Modifications would be reviewed administratively by the Zoning Administrator and may be appealed to the Planning Commission. Examples include change in multiple dwelling unit sizes or floor plans that do not alter the number of dwelling units and changes to site plans due to unavoidable conflicts with underground utilities.

Major Modifications are changes that are substantive changes to the approved site plan or project design; significant changes to the nature or intensification of the approved use; changes that would result in new or substantially greater environmental impacts than the originally approved project; or changes that involve major policy decisions or unique land use characteristics, as determined by the Zoning Administrator. Major Modifications would be subject to the review and approval of the Zoning Administrator, Planning Commission and/or City Council, depending upon the complexity of the changes and the original approving body. Examples include increase/decrease in the number of dwelling units, number of stories, major project redesigns, etc.

Height Limitations and Exemptions:

Currently, SMMC Section 27.02.060 (Use and Bulk) identifies the types of elements that are exempt from the height limit. These include "parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, monuments, ornamental towers, FCC licensed radio transmitters, dish antennae, scenery lofts, spires, water towers, and necessary mechanical appurtenances shall be permitted to exceed the maximum bulk provisions." This section was last updated in 1981 and is not reflective of roof top elements needed in newer developments, such as HVAC systems, photovoltaic arrays, or generators.

The proposed amendment would modify the title and purpose of this Zoning Code Section and clarify for staff, applicants, and members of the public, the different types of elements/features that are exempt from height standards. The

amendment retitles the section from “Use and Bulk” to “Height Limitations and Exemptions,” and provides an updated list of exemptions that include:

- a. Pergolas, trellises, skylights, attached flagpoles, parapet walls, roof gardens, screens, and similar features related to architectural style;
- b. Roof top mechanical equipment (such as cooling towers), elevators (including related equipment and bulkheads), solar collectors, and other mechanical equipment required for the property’s use and size;
- c. Antennas mounted on a building or property by a public agency for public safety purposes; and
- d. Other accessory architectural features, subject to a Site Plan and Architectural Review (SPAR) planning application reviewed and approved by the Zoning Administrator.

These proposed amendments could also improve opportunities for rehabilitation or adaptive reuse by providing flexibility for existing and/or historic structures.

The proposed amendments also correct errors where codes are incorrectly cross-referenced and updates references to the chapter-level instead of citing specific code sections. This would reduce the likelihood of errors with future code amendments.

General Plan Consistency:

The proposed amendments are consistent with the general goals and policies of the General Plan in that they support City projects and help facilitate the rehabilitation or adaptable reuse of buildings by streamlining review process, clarifying modification levels and the review process, clarifying limitations and exemptions to building height, and includes clean-up of code cross-references.

NEXT STEPS:

If the Council approves introduction of the Ordinance at the public hearing, the item would be brought back for adoption at a subsequent City Council meeting. If adopted, the Ordinance would become effective 30-days later.

BUDGET IMPACT:

There is no impact to the General Fund. These code amendments are fully funded in the Community Development Department’s annual budget through the Advanced Planning Fund.

ENVIRONMENTAL DETERMINATION:

In accordance with California Environmental Quality Act (CEQA) Guidelines, section 15061(b)(3), introduction and adoption of these ordinance amendments are 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 ordinance amendments, which include updates to streamline review process for city projects, provide clarity regarding different types of project changes, and provide clarification regarding height limitations and exemptions for roof top elements, will not have a significant effect on the environment per Guidelines Section 15061(b)(3).

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, the San Mateo Daily Journal, posted at three public facilities (City Hall, Main Library and King Center), and noticed to the following parties at least ten (10) days in advance of public hearing:

- 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.

PUBLIC COMMENTS:

As of the publication of this agenda report, staff has not received any public comments. Any public comments received after publication of this agenda report will be forwarded to the Council for consideration at the public hearing and will be

posted to this item online as “Post Packet Public Comments.” There were no written or verbal public comments provided for the Planning Commission public hearing either.

ATTACHMENTS:

Att 1 - Proposed Ordinance

Att 2 - Proposed Ordinance (track changes)

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