

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** August 28, 2024

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Zoning Regulations, Building Regulations, and Subdivision Regulations Reorganization.

County File Number: PLN2024-00189

**PROPOSAL**

Planning and Building staff have prepared an ordinance that, upon adoption, would repeal Division VI (Planning and Subdivision Regulations), Division VII (Building Regulations), and Division VIII (Natural Resources Protection) of the San Mateo County Ordinance Code and replace those provisions with Title 8 –Zoning & Development Regulations, Title 9 - Subdivision Regulations, and Title 10 - Building Regulations. The ordinance would also amend Part III of the Local Coastal Program (LCP) Implementation Plan to update the ordinances listed in that part. The purpose of the project is to reorganize the Planning and Building regulations and reincorporate them into the current County Ordinance Code, which is codified as Titles 1 through 7 and hosted and maintained online by the Municode company. The proposal is solely a reorganization of the existing codes as approved by their respective ordinances; no substantive changes or amendments to the regulatory text are proposed. Nevertheless, because many of these regulations are components of the County’s Local Coastal Program (LCP) Implementation Program (IP), the proposed changes to the organization and numbering must be certified by the California Coastal Commission (CCC). It is anticipated that the CCC will be able to process and approve the proposed changes as a minor amendment to the LCP because there are no substantive changes to the content or application of the existing regulations.

**RECOMMENDATION**

That the Planning Commission recommend that the Board of Supervisors adopt the ordinance renumbering the County’s Planning, Building, and Subdivision regulations and amending Part III of the Local Coastal Program Implementation Plan and direct staff to submit the ordinance for Coastal Commission certification.

## **BACKGROUND**

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Applicant: San Mateo County Planning and Building Department

Location: Countywide

Environmental Evaluation: The proposed ordinance is not a project under CEQA pursuant to CEQA Guidelines Section 15378. A project for CEQA purposes is defined as an action that has the potential to result in direct physical change in the environment or indirect physical change in the environment. Because the project is solely a reorganization of the existing Planning and Building regulations, it will not result in any substantive changes or amendments to the regulatory text, and it will not result in any direct or indirect physical change in the environment, it is not a project under CEQA.

## **DISCUSSION**

Prior to 1994 the San Mateo County Ordinance code was divided into eight divisions.

- I. General Provisions
- II. Administration
- III. Public Safety, Morals, and Welfare
- IV. Sanitation and Health
- V. Business Regulations
- VI. Planning
- VII. Building Regulations
- VIII. Natural Resources Protection

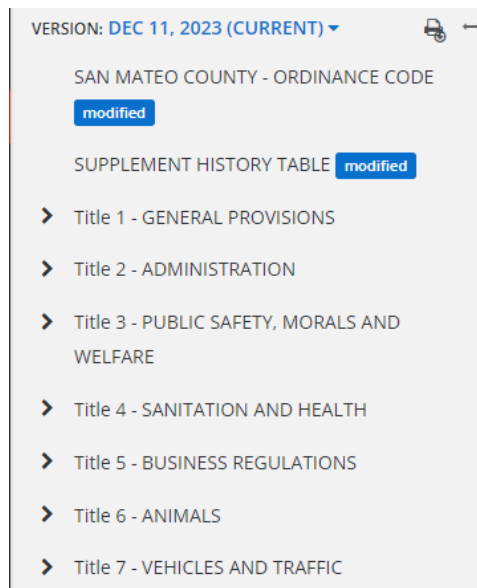


Figure 1-Municode Website Titles

In the late 1990s, Divisions I through V of the San Ordinance Code were renumbered and transferred to the Municode website with all code updates to be managed by Municode, an online service that digitally publishes and tracks all municipal code updates for cities and counties throughout the United States. Divisions I through V were renamed at that time to Titles 1 through 5, with corresponding renumbering of their chapters. Titles 6 (Animals) and 7 (Vehicles and Traffic) were also added to the Ordinance Code. The remaining divisions (VI, VII, and VIII) kept their original code references and have been maintained as separate individual documents, updated manually from time to time with amendments. The proposed ordinance will add Divisions VI, VII, and VIII back into the codified County Ordinance Code maintained by Municode, which will create one comprehensive location for the County Ordinance Code

This reorganization will also integrate code sections that were not repealed but have been excluded from previous updates to Division VI (Planning) and Division VII (Natural Resources Protection) including the following:

- Division VI (Planning), Part 4 (Miscellaneous), Chapter 2: Topsoil Regulations.
- Division VI (Planning), Part 4 (Miscellaneous), Chapter 3: Surface Mining and Reclamation.
- Division VI (Planning), Part 4 (Miscellaneous), Chapter 4: Quarries.
- Division VI (Planning), Part 4 (Miscellaneous), Chapter 5: Inspection Fees Related to Planning.
- Division VI (Planning), Part 4 (Miscellaneous), Chapter 6: Oil and Gas Wells.
- Division VI (Planning), Part 4 (Miscellaneous), Chapter 7: Historic Preservation.
- Division VIII (Natural Resources Protection), Part I (Regulations of Timber Harvesting).

The proposed update to the County Ordinance Code is necessary to ensure that all code sections are available to the public, and to create one cohesive system of County ordinances with consistency in numbering and code references. The renumbering and reorganization of Divisions VI through VIII will ensure that all future amendments to these ordinances are captured in a timely manner and easily referenced on the Municode website. Additionally, the consistent reference numbers and reorganization of the individual chapters will make it easier for the public to find the information they need in one central location.

A. PROPOSED CHANGES

The Planning and Building Department recommends that Planning (Division VI), Subdivision Regulations (Division VI, Part 2), and Building Regulations (Division VII) be reorganized and renumbered as follows:

1. Divisions To Be Repealed and replaced:

a. Divisions VI (Planning)

Part 1 - Zoning.

Part 2 - Subdivisions Regulations.

Part 3 - Streets and Highways.

Part 4 – Miscellaneous

Chapter 1-Stables and Confined Animal Regulations.

Chapter 2-Topsoil Sites.

Chapter 3-Surface Mining and Reclamation.

Chapter 4-Quarries.

Chapter 5-Inspection Fees Related to Planning.

Chapter 6-Oil and Gas Well Regulations.

Chapter 7-Historic Preservation.

Part 5-Consolidated Road Improvement Requirements for Public and Private Roads In The Skyline Area.

Part 6–Historic Preservation

b. Divisions VII-Building Regulations.

c. Division VIII-Natural Resource Protection.

Part 1 - Regulations of Timber Harvesting

Part 2 - Regulations of the Removal of Heritage Trees on Public and Private Property

Part 3 - Regulation of the Removal of Significant Trees on public and Private Property.

2. Replacement Titles:

a. Title 8 – Zoning & Development Regulations

Article 1– Zoning Districts, Overlay, and Combining Districts

Article 2 – Development Procedures

Article 3 – General Development Standards

Article 4 – Standards for Specific Land Uses

Article 5 – Non Conforming Uses, Structures, Parcels, Situations, & Exceptions

Article 6 – Accessory Dwelling Unit Regulations (ADU's)

Article 7 – Trees & Natural Resource Protection

Article 8 – Historic Preservation

Article 9 – Special Housing Requirements & Programs  
Article 10 – Zoning Code Administration

b. Title 9 – Subdivision Regulations

Article 1 – General Provisions  
Article 2 – Subdivision Requirements  
Article 3 – Design & Improvement Requirements  
Article 4 – Exactions  
Article 5 – Exceptions  
Article 6 – Vesting Tentative Maps  
Article 7– Conversion to Condominiums  
Article 8 – Reversion to Acreage  
Article 9 – Parcel Mergers  
Article 10 – Lot Line Adjustment  
Article 11 – Enforcement and Remedies

c. Title 10 – Building Regulations

Article 1 – General Provisions Applicable to Division  
Article 2 – Construction Codes  
Article 3 – Small Rooftop Solar Energy Systems  
Article 4 – Electric Vehicle Charging Stations  
Article 5 – Regulations for Excavating, Grading, Filling, and Clearing

All regulations will follow the same numbering format as show in Figure 2 below. The first number will represent the title, the second number represents the chapter, and third number represents the section.

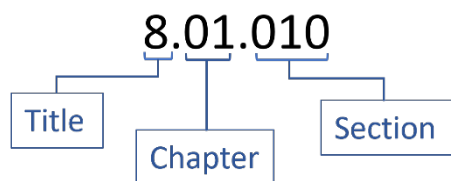


Figure 2-Numbering Format

As shown in Attachments C, D, and E, staff has renumbered all Planning & Development Regulations, Subdivision, and Building sections with the appropriate format. To ensure internal consistency, all internal references to code sections within these documents have also been changed to reflect the new code sections.

### 3. LCP Implementation Plan Amendment

The LCP Implementation Plan is required to summarize the actions necessary to implement the Coastal Act of 1976. Part III of the implementation plan lists the ordinances that the County will continue to use to regulate development in the Coastal Zone. These regulations include the following:

- a. Zoning Ordinance (Division VI, Part one)
- b. Subdivision Regulations (Division VI, Part Two)
- c. Regulation of Grading and Excavating Operations (Division VII, Chapter 8)
- d. Topsoil Site Regulations (Division VI, Part Four, Chapter 2)
- e. Quarry Regulations (Division VI, Part Four, Chapter 3)
- f. Regulations of Timber Harvesting (Division VIII, Part One, Chapters 1-15)
- g. Regulations of the Removal of Heritage Trees on Public and Private Property (Division VII)
- h. Regulations of the Removal of Significant Trees on Public and Private Property (Division VIII, Part Three, Chapters 1-6)

The LCP Implementation Plan will be updated to reflect the replacement titles and sections as detailed in the proposed ordinance.

Upon adoption of the proposed ordinance and certification by the CCC, the reorganized regulations will be uploaded to the Municode website alongside Title 1 through 7 of the County Ordinance Code.

### B. ENVIRONMENTAL REVIEW

The proposed ordinance is not a project under CEQA pursuant to CEQA Guidelines Section 15378. A project for CEQA purposes is defined as an action that has the potential to result in direct physical change in the environment or indirect physical change in the environment. Because the project is solely a reorganization of the existing Planning and Building regulations, it will not result in any substantive changes or amendments to the regulatory text, and it will not result in any direct or indirect physical change in the environment, it is not a project under CEQA.

C. REVIEWING AGENCIES

County Attorney's Office has reviewed the regulations and adopting ordinance as to form.

**ATTACHMENTS**

- A. Ordinance to repeal Divisions VI, VIII, and VIII of the County Ordinance Code and replace those provisions with Title 8 – Zoning & Development Regulations, Title 9 - Subdivision Regulations, and Title 10 - Building Regulations. And amend Part III of the LCP IP.
- B. Resolution directing submittal of the recodified and renumbered planning, building, and subdivision regulations, title 8 – zoning & development regulations, title 9 - subdivision regulations, and title 10 - building regulations of the San Mateo County ordinance code, and the amendment of part III of the county's local coastal program, to the California Coastal Commission for review and certification.
- C. Title 8: Zoning & Development Regulations
- D. Title 9: Subdivision Regulations
- E. Title 10: Building Regulations
- F. LCP Implementation Plan