

San Mateo Municipal Code Title 27 (Zoning Code)

27.08.030 SITE PLAN AND ARCHITECTURAL REVIEW (SPAR).

- (a) The following projects, as well as other projects that may be designated in this code, require a site plan and architectural review and no such project shall commence until the approval body has approved a planning application for site plan and architectural review: any building, new parking lot, fence over six feet in height, or an extension, alteration, or addition of or to an existing building or parking lot; historic buildings within the Downtown Specific Plan area as specified in Chapter 27.66. Single family and accessory buildings that conform to the standards contained in Chapter 27.18, or minor facade modifications as defined in Section 27.04.313, and which conform with Section 27.08.031, are exempt from this requirement, unless they are specifically designated by this section as requiring review. In making its review, the Zoning Administrator, Development Review Board, and Planning Commission shall be guided by the standards adopted by the Planning Commission and City Council. The application shall be approved if the Zoning Administrator or Commission finds all of the following to exist:
- (1) *The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;*
 - (2) *The development will not be detrimental to the harmonious and orderly growth of the City;*
 - (3) *The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;*
 - (4) *The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;*
 - (5) *The development will not adversely affect matters regarding police protection, crime prevention, and security.*
- (b) All buildings, structures, landscaping, and other establishments shall be constructed in accordance with the approved drawings.
- (c) The City Council shall review and make the final determination on all buildings exceeding 55 feet in height or where required by express General Plan provisions.

27.38 Central Business District

27.38.110 REQUIRED RETAIL FRONTAGE. Where a lot or parcel is located within the Required Retail Frontage area, as shown in the Land Use Plan in the Downtown Specific Plan, the following standards shall be met for all ground floor uses:

- (a) Permitted uses:
- (1) Retail Sales - Uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller

on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the internet or other means of telecommunications are not considered “retail” for the purposes of this section; the establishment of these types of businesses on the ground floor of buildings within the Required Retail Frontage area, as shown in the Land Use Plan in the Downtown Specific Plan, is prohibited.

- (2) Personal Services - Uses principally providing services of a personal convenience nature to the individual consumer. These types of uses are primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical personal services uses include, but are not limited to beauty and hair salons, shoe repair shops and tailor shops. This definition of “Personal Services” does not include professions as defined in Section 5.24.170 of the City of San Mateo Municipal Code or any similar professions.
 - (3) Eating and Drinking Services - Uses principally engaged in the preparation and retail sale of food and/or beverages, but excluding uses principally involving food preparation for off-site catering.
 - (4) Theaters and Cultural Facilities - Uses providing entertainment such as motion pictures, plays or operas or cultural facilities such as a museum.
 - (5) Banks - Uses providing financial services including banks, savings and loan institutions, lending institutions, and credit unions unless located at the intersection of two streets within the Downtown Required Retail Frontage area as designated in the Downtown Specific Plan; banks and other financial services shall be prohibited at these corner locations. Such uses shall be retail service in nature, dedicated to serving the general customer, and not be open by appointment only. At least 50% of the ground floor area shall be devoted to this type of retail, customer serving use.
- (b) Special Uses, subject to approval of a Special Use Permit
- (1) Ground Floor Dependent Offices - Offices used for on-site property management, for professional or consulting services including, but not limited to, travel agencies, insurance agencies, income tax preparers, real estate agencies and notary publics, when not exceeding 2,500 square feet per building and not located at the intersection of two streets within the Downtown Required Retail Frontage area as designated in the Downtown Specific Plan. Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.
 - (2) Other Uses - Any other use deemed similar in nature and operation to the above listed uses, and found to be consistent with the purposes of this chapter and the policies of the Downtown Specific Plan, may be authorized upon approval of a Special Use Permit by the Planning Commission, subject to the provisions of Chapters 27.08 Rules of Procedure and 27.74 Special Use Permits.
- (c) Second floor offices, including medical and dental clinics, and financial institutions are permitted only if the ground floor of the structure complies with the Required Retail Frontage Area use regulations listed in section (a) above.

- (d) For lots fifty (50) feet wide or less, not more than one-third (1/3) of street frontage shall be devoted to entrances to uses other than those described in subsection (a) above. For lots over fifty (50) feet wide, not more than twenty five percent (25%) of the street frontage shall be devoted to entrances to uses other than those described in subsection (a) above.
- (e) All uses credited toward meeting required retail frontage standards specified in subsection (a) above shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.
- (f) New or reconstructed building walls at the ground level shall have at least seventy five percent (75%) of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two feet in depth, or windows affording a view of retail, office, or lobby space.
- (g) Surface parking shall not be permitted within fifty (50) feet of property lines designated for Required Retail Frontage and shall be required to be located behind a building meeting the requirements of this Title.

27.38.140 DOWNTOWN ECONOMIC DEVELOPMENT. To encourage development of large, vacant, underutilized parcels as designated in the Downtown Specific Plan, exceptions from land use standards contained in this title may be granted upon approval of a Downtown Economic Development Permit by the City Council for properties in the Central Business District (CBD). Approval of such an application shall be based on the following findings:

- (a) *The project is consistent with the goal statements of the Downtown Specific Plan,*
- (b) *The project is of an excellent design quality and is consistent with the Downtown Retail Core and Downtown Historic District Design Guidelines,*
- (c) *The project is a significant development which presents a substantial economic development opportunity for the City and attempts to maximize use of the site,*
- (d) *The project has a minimum building floor area ratio of 1.0 (not including surface and structured parking) or includes a substantial public improvement such as a public parking garage, open space plaza, public marketplace or other public facility; and*
- (e) *Any unmitigated significant impacts are outweighed by the project's economic, social or other benefits.*

In no case, however, shall the project exceed the maximum height and bulk standard and building intensity standard as set forth in Chapter 27.40 Building Height and Bulk Overlay District and the Building Height and Intensity Plan of the General Plan.

27.74 Special Use Permit

27.74.020 POWER TO GRANT. Power to grant a special use permit shall be limited to those uses designated as "special use" within the districts established under this title. Other nondesignated uses which the planning commission concludes are so similar to any specifically allowed use in the district as to be virtually identical thereto in terms of impact and land use requirements may also be allowed as special uses. *The appropriate approval body shall have the*

power to hear evidence that the granting of such permit will or will not adversely affect the general health, safety and/or welfare of the community, and that the use, if permitted, will not cause injury or disturbance to adjacent property by traffic or by excessive noise, smoke, odor or noxious gas, dust, glare, heat or fumes, or industrial waste. Any physical alteration, physical expansion, or change of an existing approved special use shall require a review by and be final with the Planning Commission. Any use designated as a "special use", but which does not currently have a Special Use Permit, shall be required to procure a Special Use Permit from the appropriate approval body for any physical alteration, physical expansion, or change of the use. (Ord. 1992-15 § 29, 1992; Ord. 1982-22 § 44, 1982; Ord. 1978-18 § 102, 1978; prior code § 152.08(B)).