

Legalizing Housing: Zoning Reform Best Practices

Elaine Uang

Van Meter Williams Pollack

Alfred Twu

Berkeley Planning Commission (and etc.)



The background of the slide is a vibrant blue sunburst pattern. Numerous thin, light blue lines radiate from a central point in the upper left, creating a sense of energy and focus. The overall color palette is various shades of blue, from light to deep navy.

Why we're here

Agenda

1. Context: Why update zoning?
2. Basics of zoning
3. Zoning barriers in SMC (+mini Q&A)
4. Best practices for zoning reform
5. Beyond zoning
6. Engaging in San Mateo and beyond
7. Q&A!

Speakers

Elaine Uang, Van Meter William Pollack



- Elaine is a housing architect and advocate. At VMWP, she led teams to realize affordable senior, educator, veterans, and family housing. She lives with her family in Palo Alto, and served on the Comprehensive Plan and Housing Element committees & co-founded Palo Alto Forward

Alfred Twu

Berkeley Planning Commissioner & Rent Board Commissioner

- Alfred has worked on Berkeley's Southside Plan, Middle Housing ordinance, and also works as an architect and artist.



Basics of Zoning (Alfred)

Height

Floors and/or Feet

Yards

Setbacks, Open Space,
Lot Coverage

Parking

Minimums &
Maximums

Density

Units and/or
Floor Area Ratio

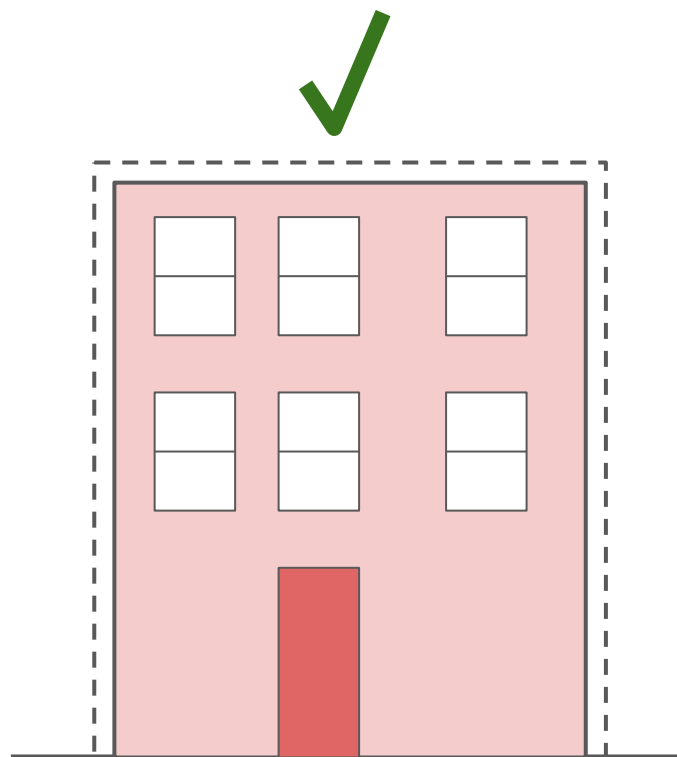
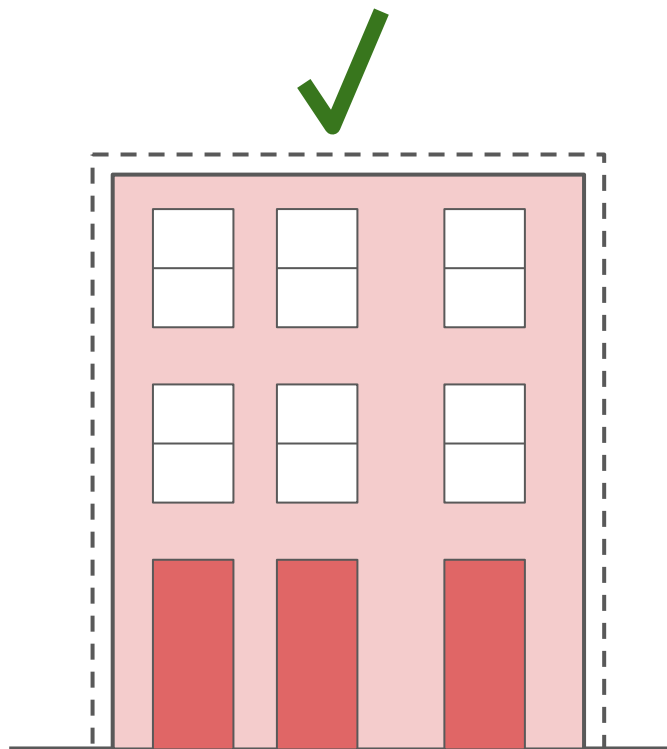
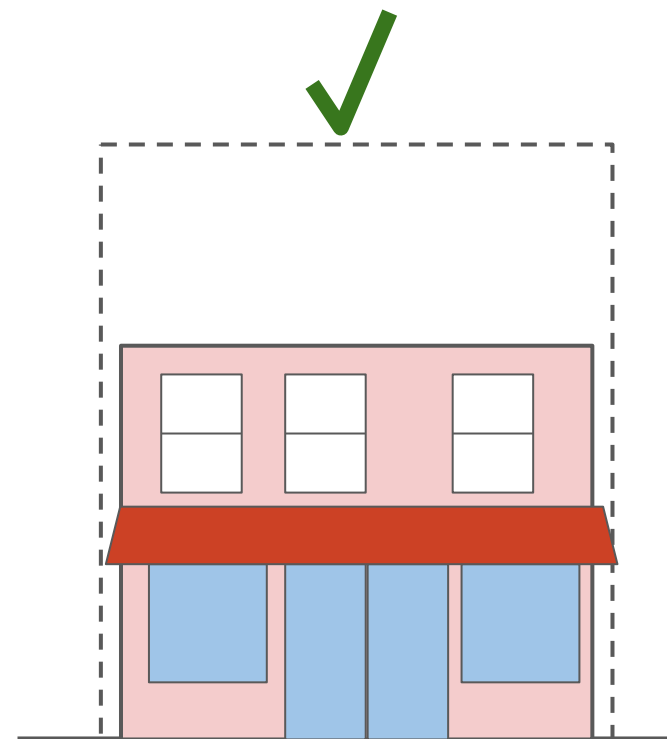
Uses

Permitted &
Conditionally Permitted



Form Based Code

Any Number of Homes as Long as it Fits!

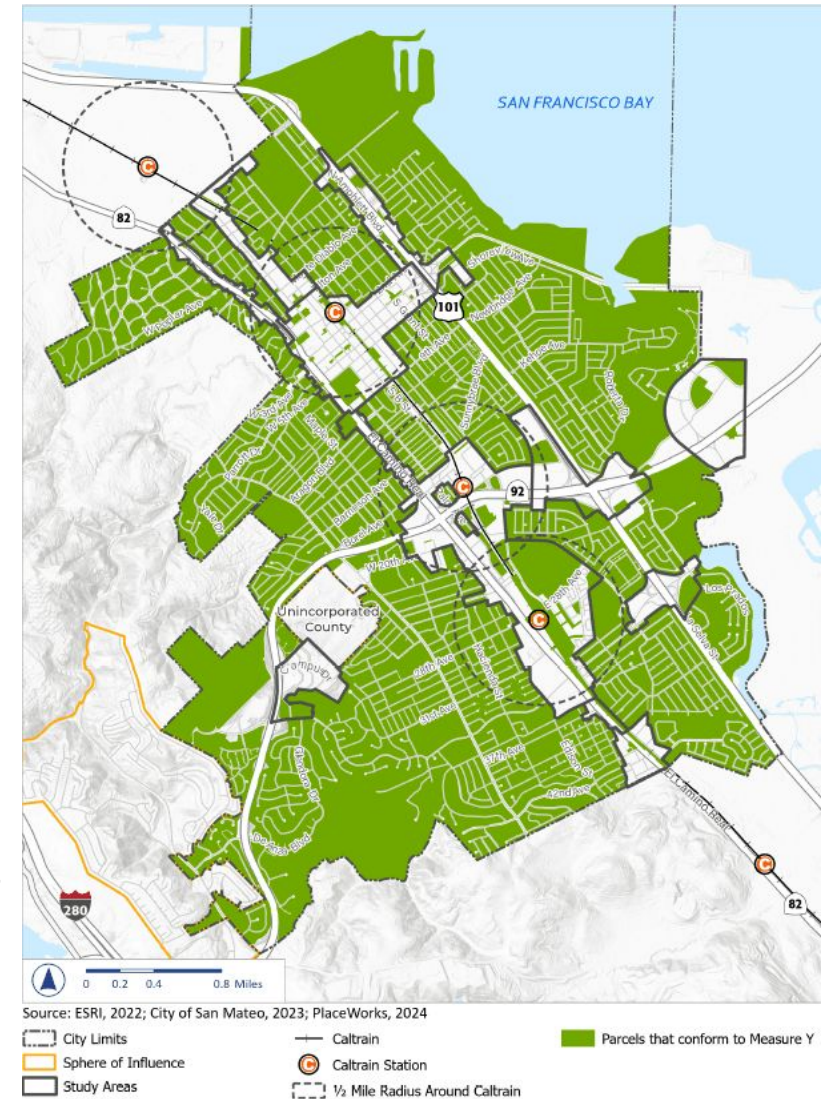


Some also allow nonresidential uses

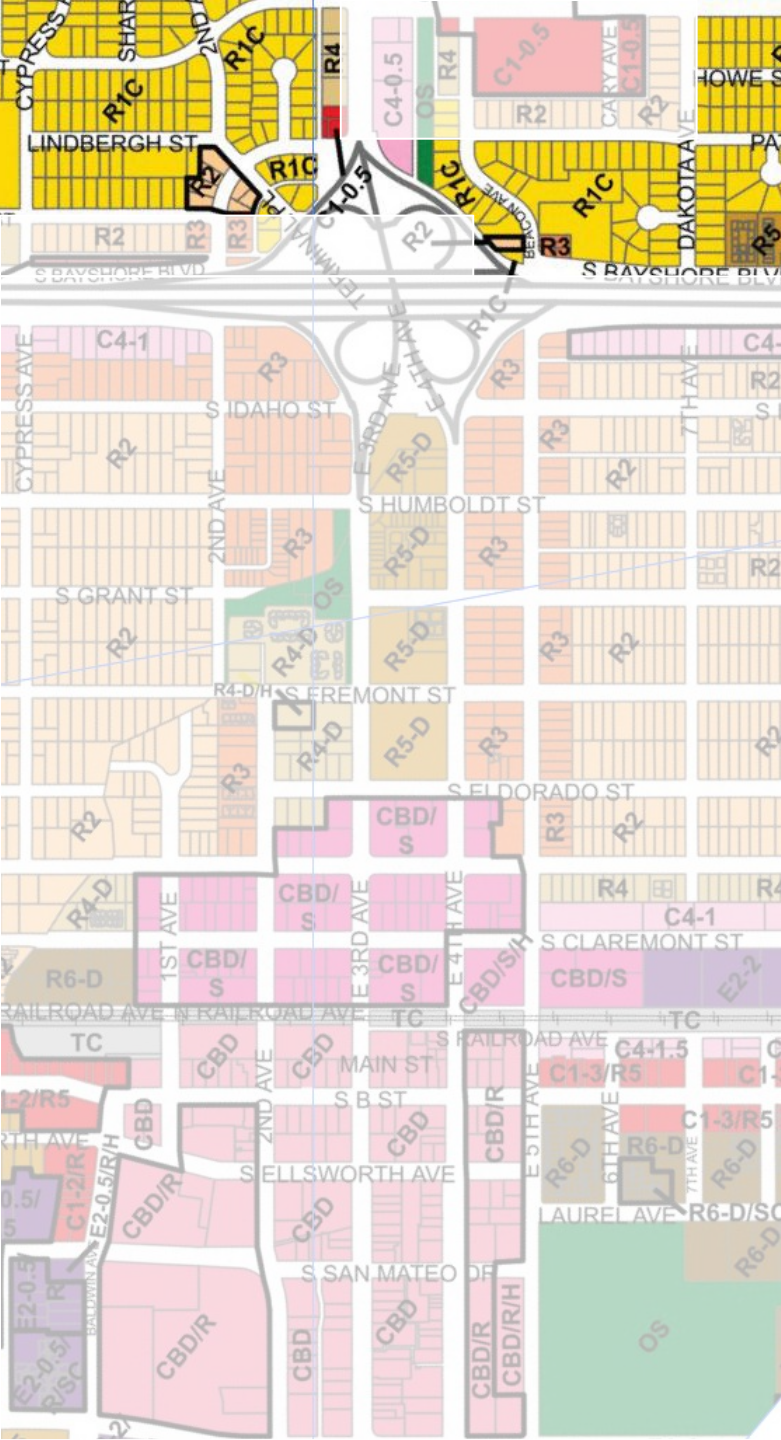
Why update zoning?

- Cities must plan for new homes
- Many communities updating zoning now
 - Redwood City Downtown Area Plan
 - San Carlos Downtown Plan
 - Daly City, SSF, San Carlos, Belmont, Menlo Park, and many others updated zoning for HE

In San Mateo, Measure T was just the beginning!



Zoning Barriers in SMC (Elaine)

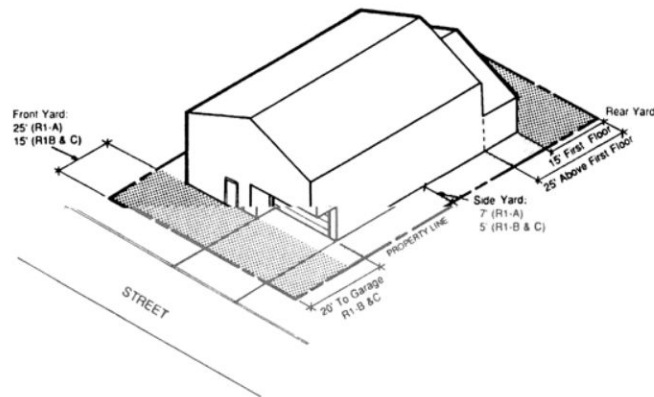


R1 SINGLE FAMILY ZONING BARRIERS

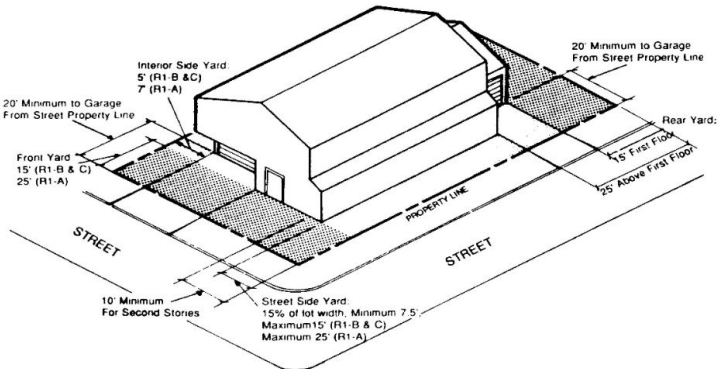
- SETBACKS
- FAR-FLOOR AREA RATIO
- DAYLIGHT PLANES & HEIGHTS
- PARKING REQUIREMENTS

R1 ZONING CODE SNIPPETS

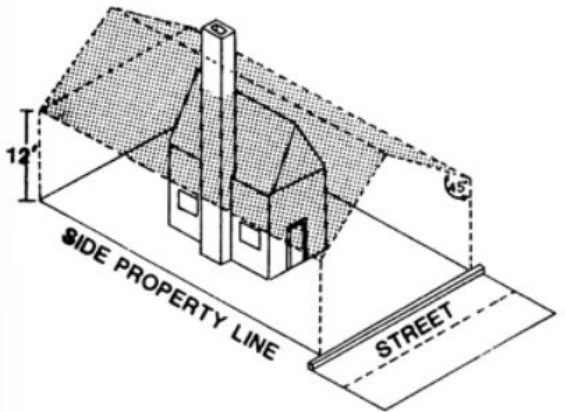
YARDS (SETBACKS)
Interior Lots



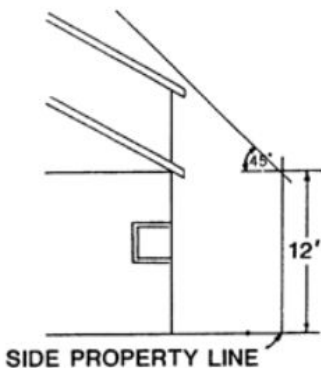
YARDS (SETBACKS)
Corner Lots



THE DAYLIGHT PLANE



CROSS SECTION OF
THE DAYLIGHT PLANE



Single-Family Dwellings	
Under 3,000 sq. ft. of floor area*	2 garage spaces
3,000-3,749 sq. ft. of floor area*	2 garage spaces plus 1 additional space. Additional space may be uncovered.
3,750 sq. ft. of floor area* and above	Requirements above plus 1 additional space for each 750 sq. ft. of floor area*. Additional spaces may be uncovered.
* Excluding enclosed parking facilities, uninhabitable accessory structures and covered patios.	

(c) Location in required yards. Required parking may not be located within a required front yard or side yard.

YOU CAN'T USE A WHOLE LOT – R1 SINGLE FAMILY ZONES

- **SETBACKS**

- FRONT 20',
- INTERIOR SIDE 5-7'
- STREET SIDE: 7.5' OR 15% WIDTH
- REAR 15' LEVEL 1, 25' LEVEL 2

- **DAYLIGHT PLANES**

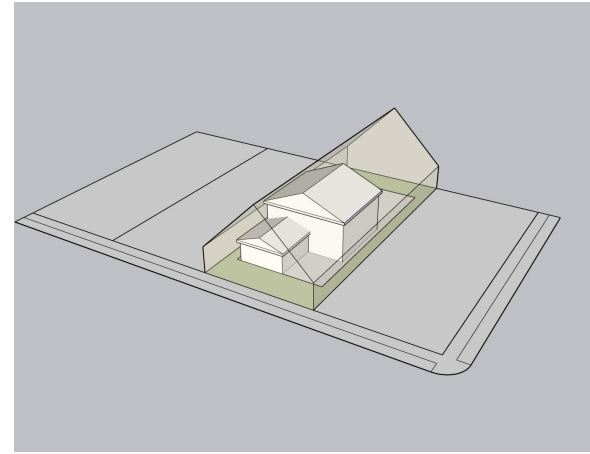
- 12' AT PROPERTY LINE, 45 DEGREE ANGLE

- **HEIGHT -**

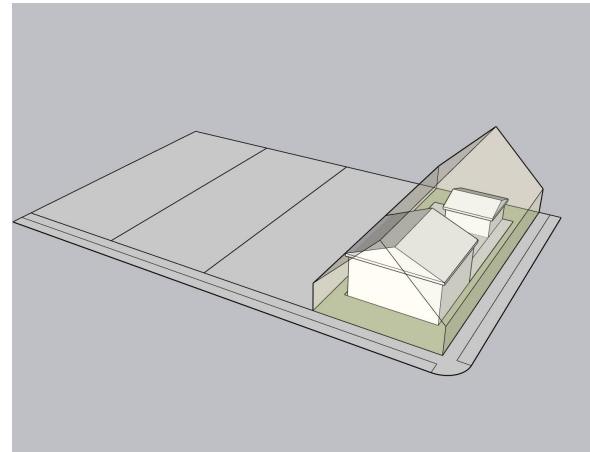
- 24' WALL PLATE (2 STORIES)
- 32' TO ROOF

- **FLOOR AREA RATIO**

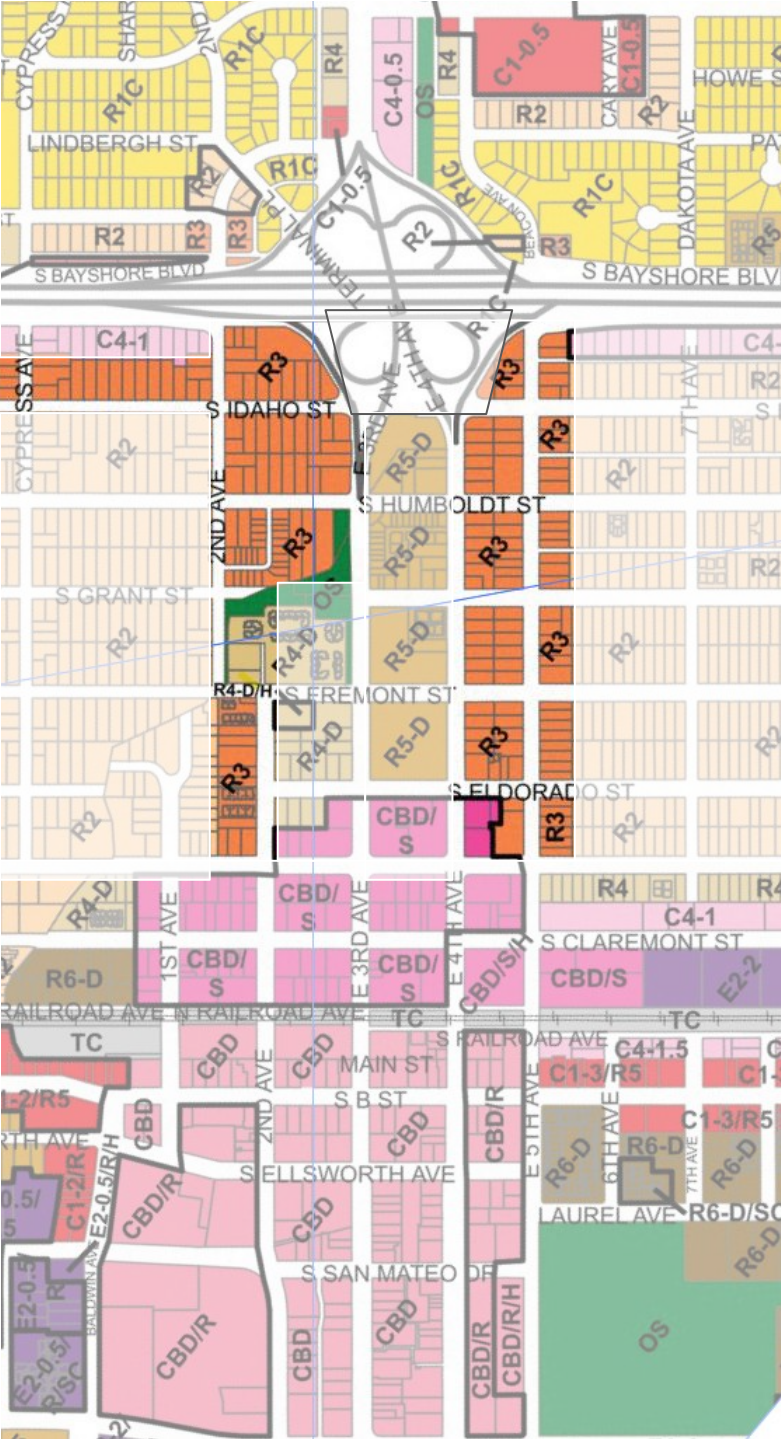
- 0.4 FOR R1-A, 0.5 FOR R1-B & R-1C



TYPICAL R1 LOT, 50' X 120', INFILL



TYPICAL R1 LOT, 50' X 120', CORNER



R3 MIDDLE HOUSING ZONING BARRIERS

- SETBACKS
- HEIGHTS/STORIES
- OPEN SPACE REQUIREMENTS
- PARKING REQUIREMENTS

MISSING MIDDLE: R3 MULTI FAMILY ZONES

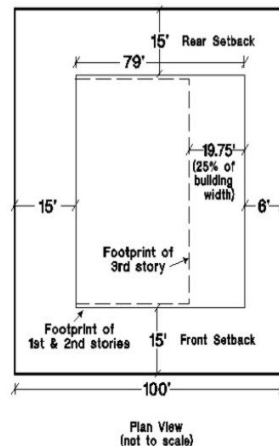
- **SETBACKS:**

- FRONT 15' MIN
- SIDE 6' MIN 2 STORIES, ½ HEIGHT 3 STORIES
- REAR 15' MIN OR ½ HEIGHT

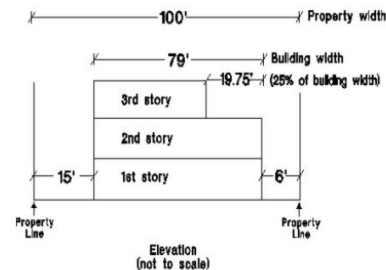
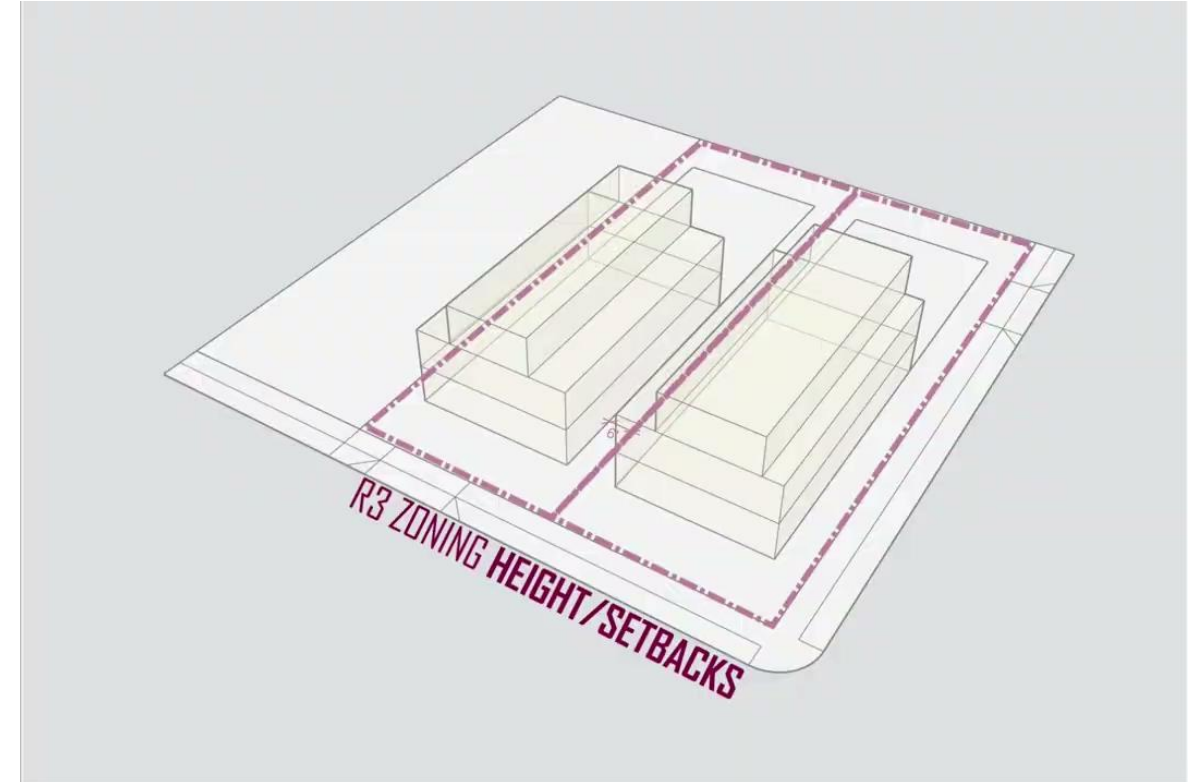
- **HEIGHT: GENERAL PLAN 2040**

- **FLOOR AREA RATIO (FAR) 0.85**

Building Height/Setback Example
R3 Zoned, 3-story, Interior Lot, Multi-family Project
(If not directly adjacent to an R1 or R2 property)



- This concept is illustrated for the right side, but would be applicable along any point along the building perimeter.
- Setback on right side may be 6 feet since the 3rd story is set back at least 25% of the building width on that side.
- Setback on left side must be 1/2 half the building height (15' based on assumed 30' plate height)



R3 MIDDLE HOUSING MULTI FAMILY ZONES

- **MINIMUM UNIT SIZE STANDARDS**

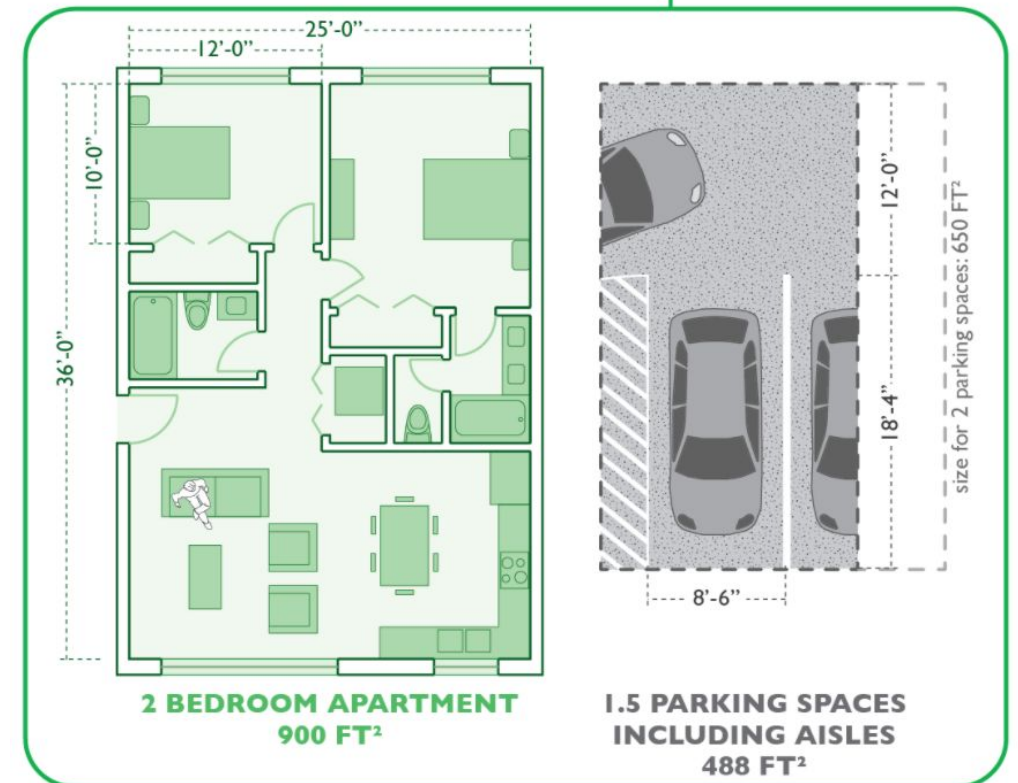
- 1 BEDROOM - 540 SF
- 2 BEDROOM - 750 SF
- 3 BEDROOM - 960 SF

- **PARKING REQUIREMENTS**

- 1 BEDROOM - 1.8 SPACES/UNIT ~540 SF
- 2 BEDROOM - 2.0 SPACES/UNIT ~600 SF
- 3 BEDROOM - 2.2 SPACES/UNIT ~660 SF

- **OPEN SPACE REQUIREMENT 200 SF/UNIT**

- 1 BEDROOM - 200 SF
- 2 BEDROOM - 400 SF
- 3 BEDROOM - 600 SF



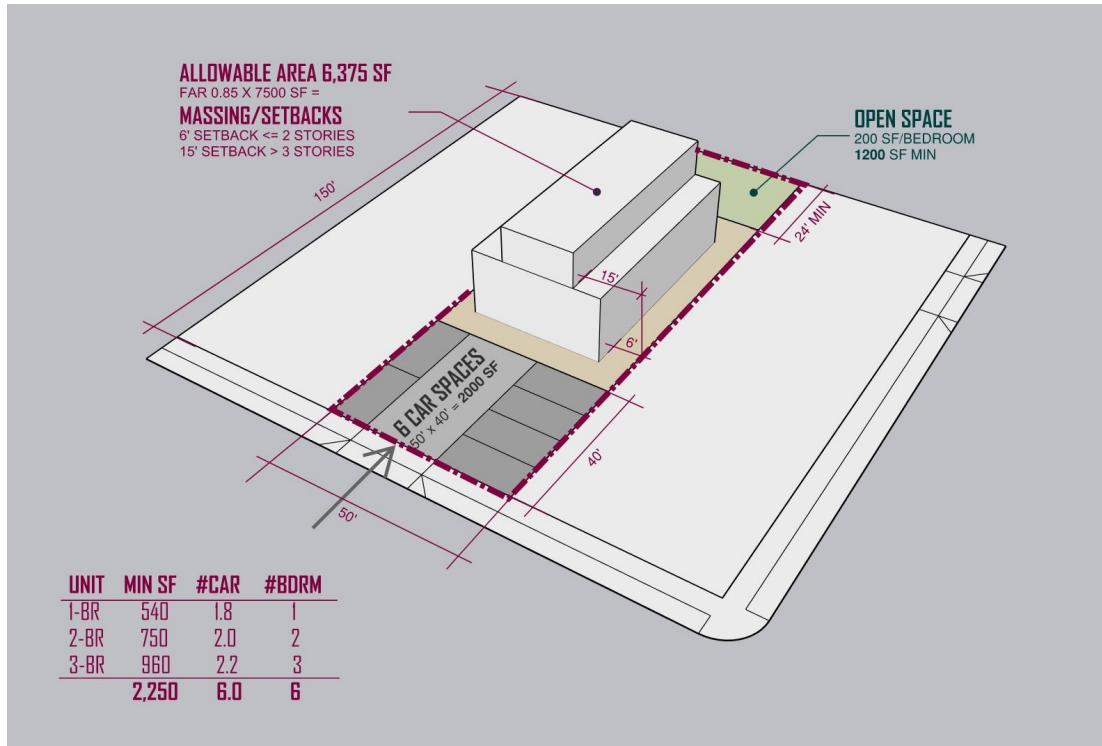
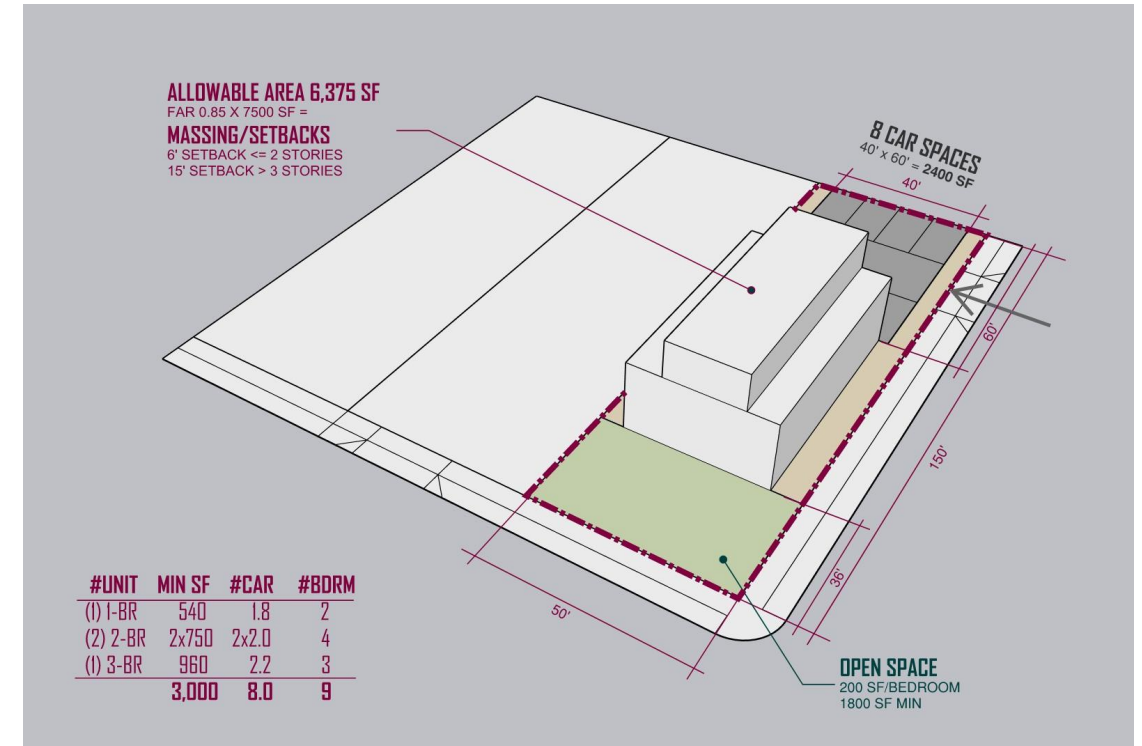
CASE STUDY: R3 MULTI FAMILY ZONES

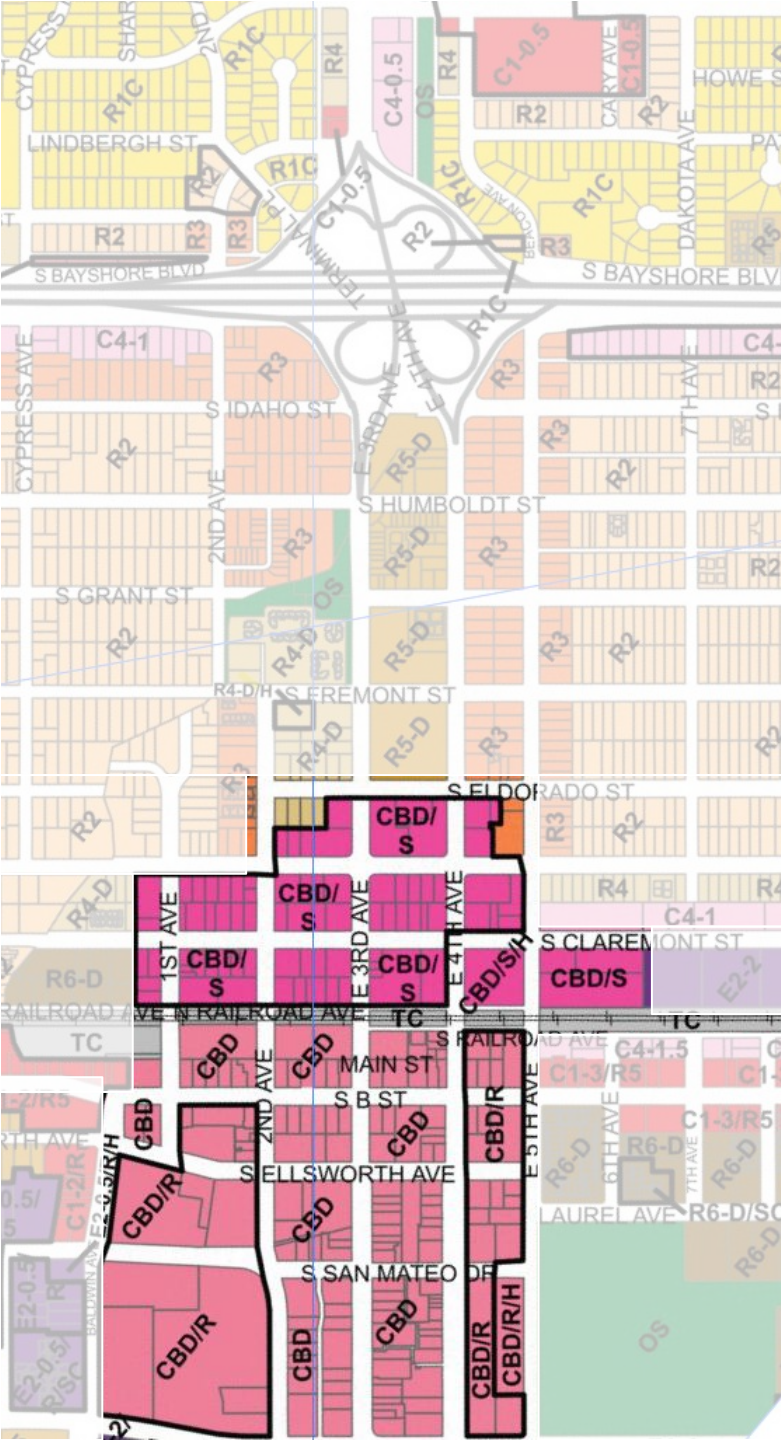
- **TYPICAL 50 x 150 LOT = 7,500 SF**
- **FAR 0.85 x 7500 SF = 6,375 SF**
 - INCLUDES RESIDENTIAL UNIT & COVERED PARKING SQUARE FEET
- **SETBACKS & BUILDABLE AREA**
 - FOR 2 STORY BLDG = 4380 SF
 - FOR 3 STORY BLDG = 2120 SF

UNIT TYPE	MIN UNIT SIZE	#PARKING SPACES (300 SF/SPACE)	MIN TOTAL BLDG SF	OPEN SPACE (200 SF/BDRM)
1-BDRM	540 SF	1.8 SPACES X 300 SF = <u>540 SF</u>	540 SF + 540 SF = <u>1080 SF</u>	200 SF
2-BDRM	750 SF	2.0 SPACES X 300 SF = <u>600 SF</u>	750 SF + 600 SF = <u>1350 SF</u>	400 SF
3-BDRM	960 SF	2.2 SPACES X 300 SF = <u>660 SF</u>	960 SF + 660 SF = <u>1620 SF</u>	600 SF

- **HOW MANY & WHAT TYPE OF UNITS FIT IN 6,375 SF?**

CASE STUDIES: R3 MULTI FAMILY ZONES





MIXED USE CBD – ZONING BARRIERS

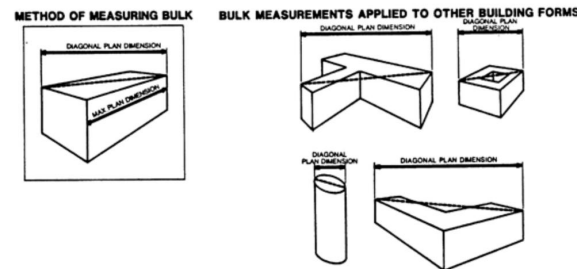
- SETBACKS
- UPPER FLOOR DAYLIGHT PLANES
- PARKING REQUIREMENTS
- FIRE EXITING
- HEIGHT MEASUREMENT DATUM

CBD ZONING CODE SNIPPETS

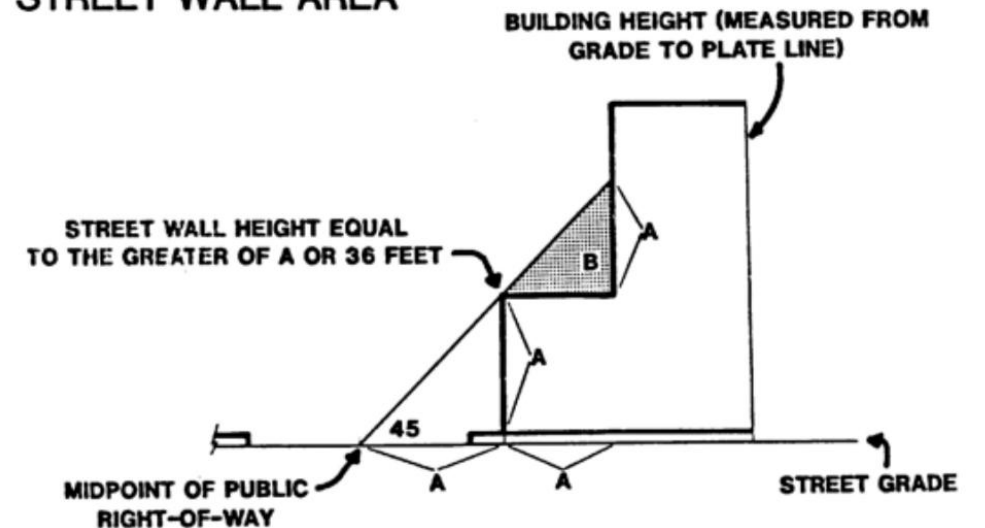
Yard Requirement	Building Height Standard	Additional Yard Requirement
Buildings shall be set back a minimum of 15 feet to a maximum of 20 feet from the Third and Fourth Avenue property lines for at least 60% of the building frontage.	Building height at the setback line shall be a minimum of 20 feet to a maximum of 30 feet.	Portions of the building over 30 feet in height shall be setback a minimum of 8 feet behind the front building facade as established in conformance with the "yard requirement" column.

Building/Structure Height (Feet)	Bulk Dimensions
0 thru 55	No limitation
56 thru 75	Above fifty-five (55) feet maximum building dimension of 150 lineal feet and maximum diagonal dimension of 170 lineal feet.

(2) Bulk is measured as illustrated in the following diagrams:



STREET WALL AREA

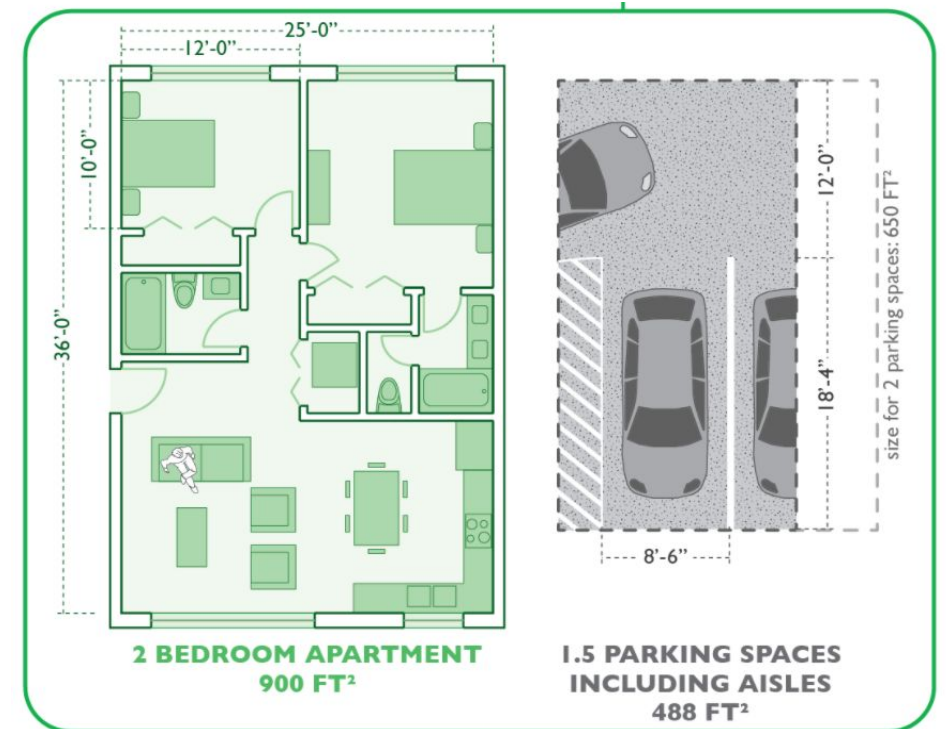


CBD PARKING REQUIREMENTS

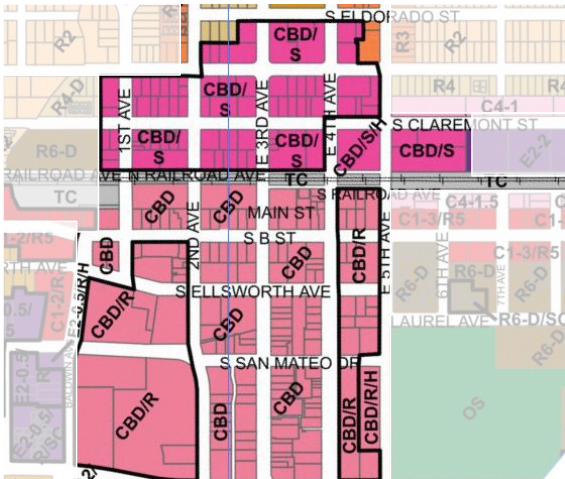
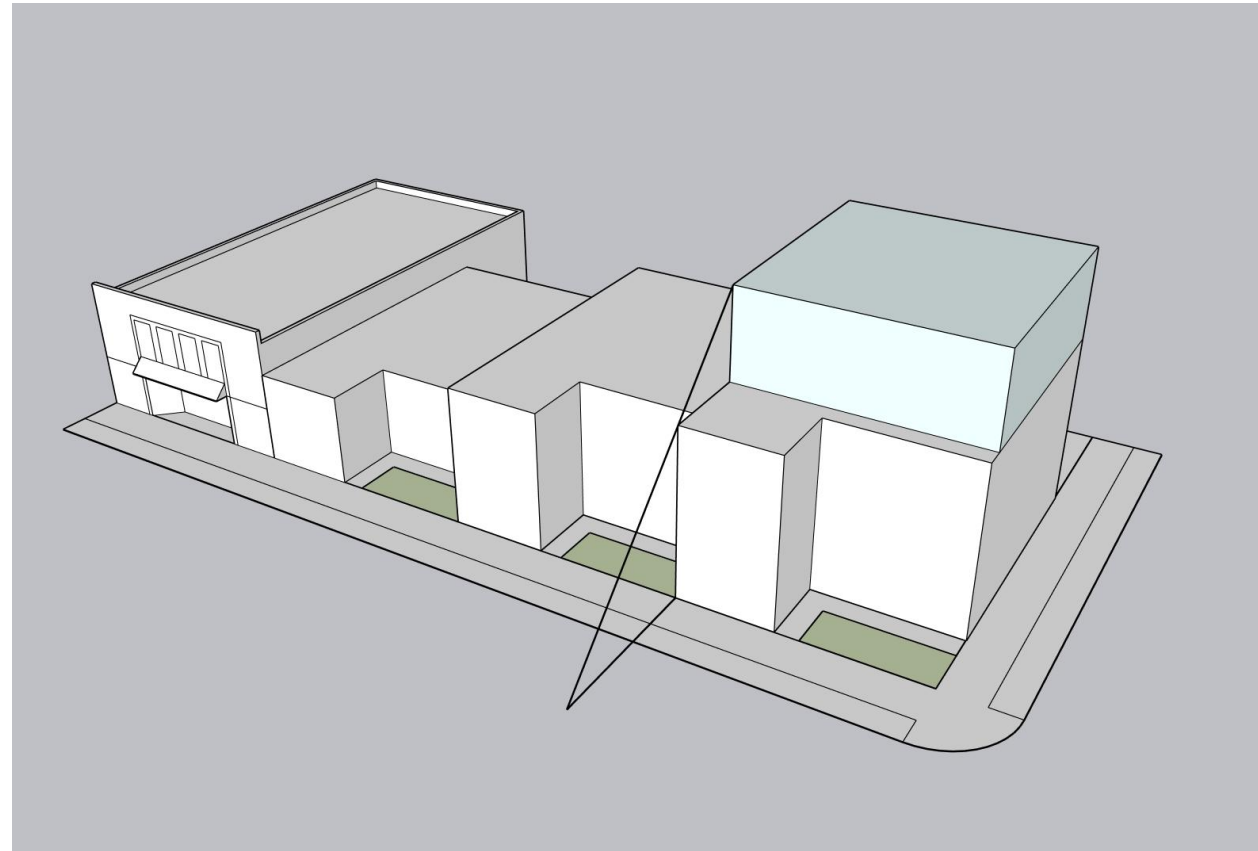
MINIMUM PARKING STALLS REQUIRED
STALLS PER 1,000 GROSS SQUARE FEET OF FLOOR AREA
EXCEPT WHERE OTHERWISE INDICATED

Use	Employee/ Resident	Visitor/ Customer	Total
(D) Residential uses (within the Retail Core Subarea as defined in the Downtown Specific Plan)			
Studio	1.0 per unit	0.2	1.2 per unit
1 bedroom	1.3 per unit	0.2	1.5 per unit
2 bedrooms	1.5 per unit	0.2	1.7 per unit
3 or more bedrooms	1.8 per unit	0.2	2.0 per unit

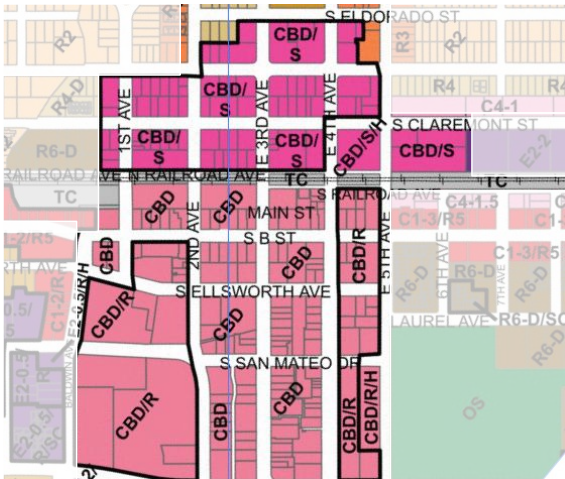
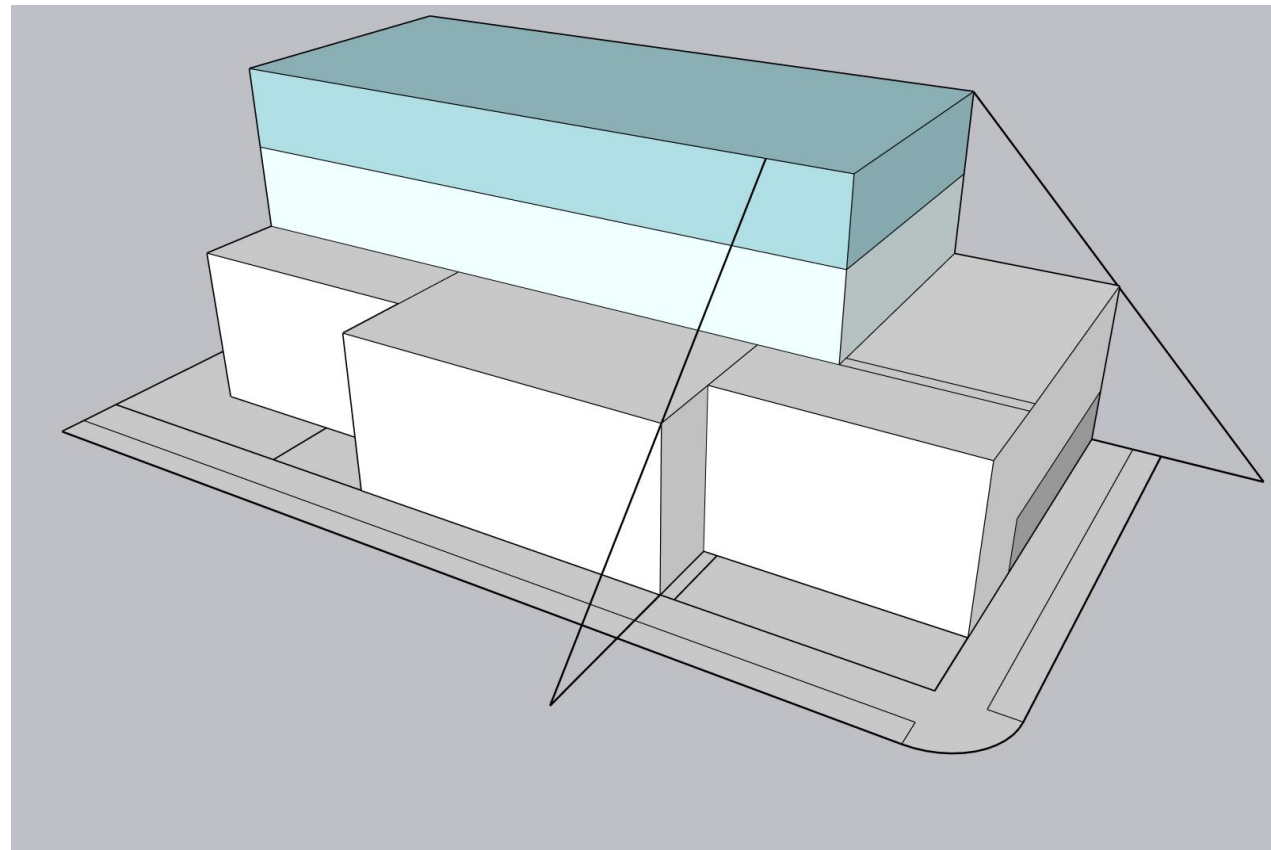
(5) Location of Parking. Surface parking shall not be permitted within 50 feet of property lines designated for required retail frontage and shall be required to be located behind a building meeting the requirements of [this title](#).



CASE STUDY: CBD MULTI FAMILY ZONES



CASE STUDY: CBD MULTI FAMILY ZONES



The background of the slide is a vibrant blue with a sunburst or radial pattern. Numerous lines of varying shades of blue emanate from a central point on the left side, creating a dynamic, starburst effect that fills the entire frame.

Break: Q&A

Best Practices + Case
studies (Alfred in general,
Elaine focused on
“residential”)

Berkeley Southside Plan – C-T Zone

- Commercial district
- Small lots
- Transit access

Height: 85 feet max
Yards: None Required
Density: No Limit
Parking: None Required

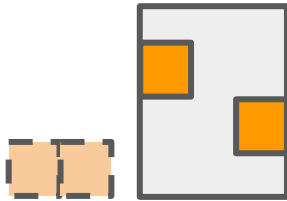


Berkeley Demolition Ordinance

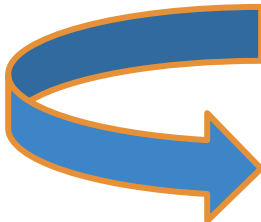
Protects existing tenants when their building is redeveloped.



- Relocation Payment



- Replacement Units



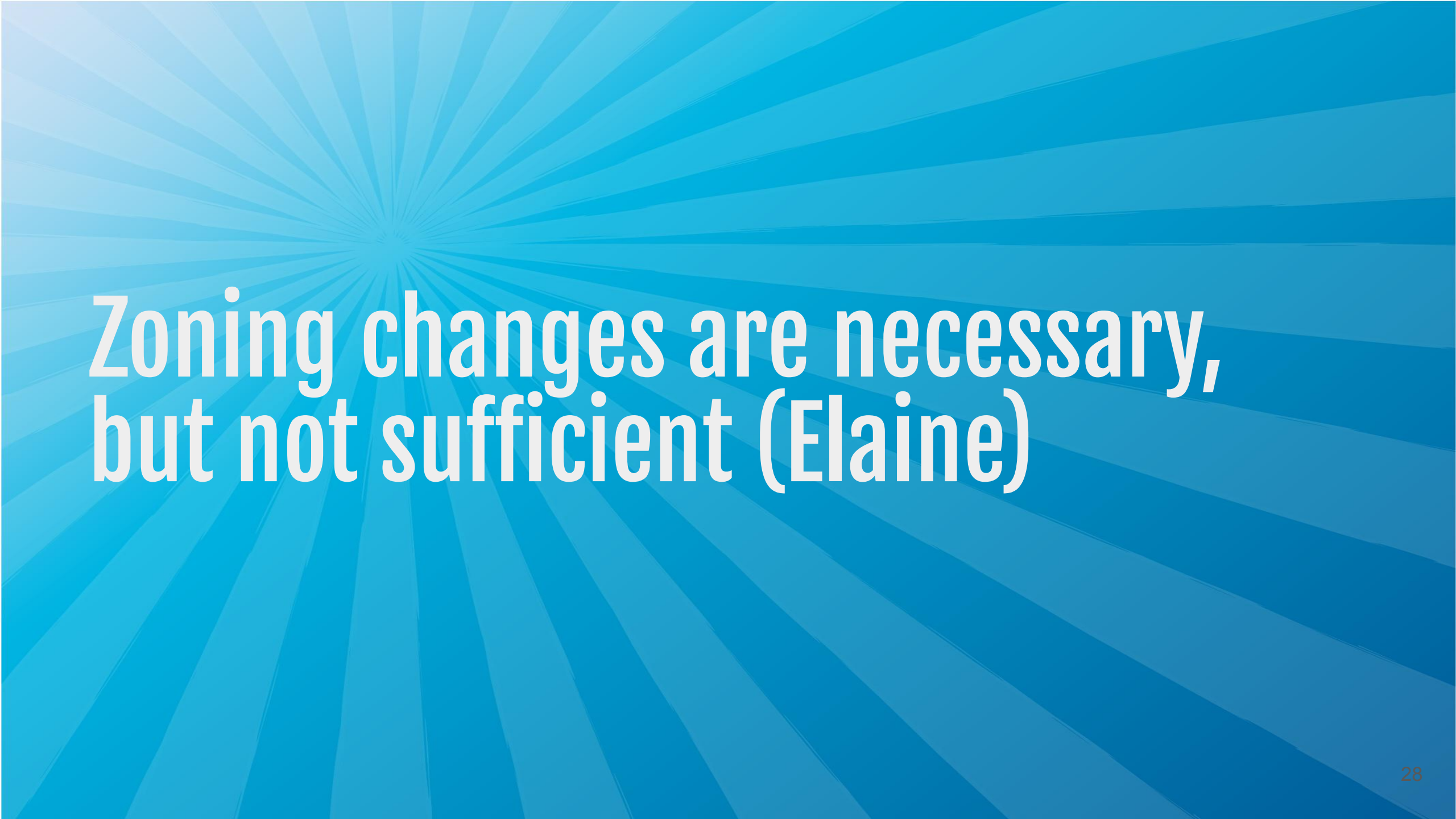
- Right to Return

Ground Floor Retail

How to avoid vacancies

- Floorplan shape & size
- Live-work units
- Sidewalk width



The background of the slide is a vibrant blue with a sunburst or radial pattern. Numerous lines of varying shades of blue emanate from a central point on the left, creating a sense of dynamic movement and energy.

**Zoning changes are necessary,
but not sufficient (Elaine)**

MO' AGENCIES, MO' PROBLEMS

- **PLANNING DEPARTMENT - ZONING COMPLIANCE**
- **BUILDING DEPARTMENT - BLDG/STRUCT/MEP PERMIT**
- **FIRE DEPARTMENT - FIRE ACCESS, ALARM/SPRINKLERS**
- **PUBLIC WORKS**
 - TENTATIVE/FINAL MAPS, LOT SPLITS
 - SIDEWALKS, STREET WORK, CURB CUTS, STREET LIGHTS, TREES
 - STORMWATER, SEWER CONNECTION
- **ELECTRIC & GAS CONNECTION (PG&E)**
- **WATER CONNECTION (CAL WATER)**
- **COMMUNICATIONS (AT&T, COMCAST, SONIC)**

ZONING IS ONLY STEP ONE IN THE PROCESS TO BUILDING HOUSING!!

THERE ARE MANY OTHER AGENCIES TO WORK WITH AND REGULATORY HURDLES TO DEAL WITH

FEES, FEES, FEES

Childcare Development Fee

SMMC Chapter [23.65](#) established a childcare development fee to fund childcare facilities necessitated by new development.

Land Use Category	Unit	Fee
<i>Residential</i>		
Single-family	Per Dwelling	\$4,677.29
Multi-family	Per Dwelling	\$3,373.46

Park In-Lieu/Impact Fee

The City's Park In-Lieu and Impact fees on new residential development were established to accommodate the increased demand for park and recreation facilities. SMMC Chapter [13.05](#) established the impact fee on new residential development that does not include a subdivision map, and SMMC Chapter [26.64](#) established the in-lieu fee on new residential developments that includes a subdivision map.

Dwelling Unit Types	Fee
Single Family.....	\$28,627.00/unit
Multi-family 2-4 Units.....	\$28,140.00/unit
Multi-family 5+ Units.....	\$20,448.00/unit

Transportation Improvement Fee

SMMC Chapter [27.13](#) established a transportation improvement fee for new development to fund City-wide traffic improvements to mitigate the cumulative impacts of new development and to accommodate future development.

Land Use Category	Unit	Fee
<i>Residential</i>		
Single-family	Per Dwelling	\$7,348.46
Multi-family	Per Dwelling	\$3,711.23

Wastewater Capacity Charge

SMMC Chapter [7.38](#) established a wastewater capacity charge for all new developments to recover a proportionate share of costs for existing and future wastewater system facilities and assets from new or expanded connections to the City wastewater systems.

Residential	Unit	Fee
Single-Family	Per Dwelling	\$11,772.66
<i>Multi-Family</i>		
Studio/1-bedroom	Per Dwelling	\$5,885.74
2-bedroom	Per Dwelling	\$9,810.36
3+-bedroom	Per Dwelling	\$11,772.66

Housing Impact Fees for Residential Development Projects

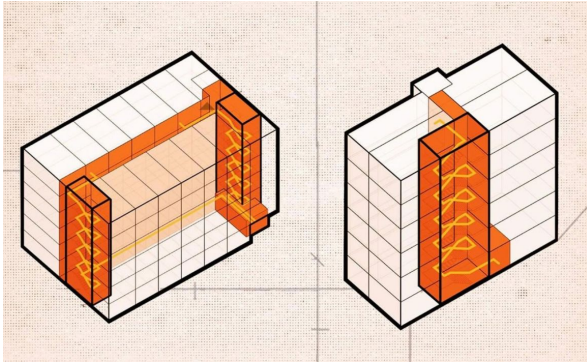
Type of Residential Unit	Fee Per Square Foot of Net New Residential Floor Area
Single-Family Detached Home (1 unit)	\$0 per square foot for the first 2,500 sq ft \$5.00 per each square foot over 2,500
Single-Family Detached Home (2 to 4 units)	\$5 per square foot for the first 2,500 sq ft \$12.50 per each square foot over 2,500
Single-Family Detached Home (5 or more units)	\$15
Townhomes & Condominiums (4 or fewer units)**	\$5 per square foot for the first 2,500 sq ft \$12.50 per each square foot over 2,500
Apartments (any development size)	\$10

OTHER AGENCY REVIEW FEES

THE FOLLOWING FEES ARE SET BY OTHER ORDINANCES AND ARE SUBJECT TO CHANGE

Department of Public Works	
Review	\$400
Each additional service (Review or Site Inspections, see Note 6)	\$100
Environmental Health Services	
Planning Application Review (septic and/or well, hazardous material, food facility)	\$1,640
Sewered Land Division Application	\$1,312
Unsewered Land Division Application (12 hr retainer)	\$3,936
Land Use Service Hourly Rate	\$328
Resubmittal	\$1,640
San Mateo County Fire Review (See Note 7)	
Single Family	\$187
Multi Family	\$374
New Commercial	\$748
Commercial Tenant Improvement	\$187

DESIGN CHALLENGES



FIRE EXITS/STAIRS

4.106.4.2.1 New Construction. Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Note: The total number of EV spaces should be one-hundred percent (100%) of dwelling units or one-hundred percent (100%) of parking spaces, whichever is less.

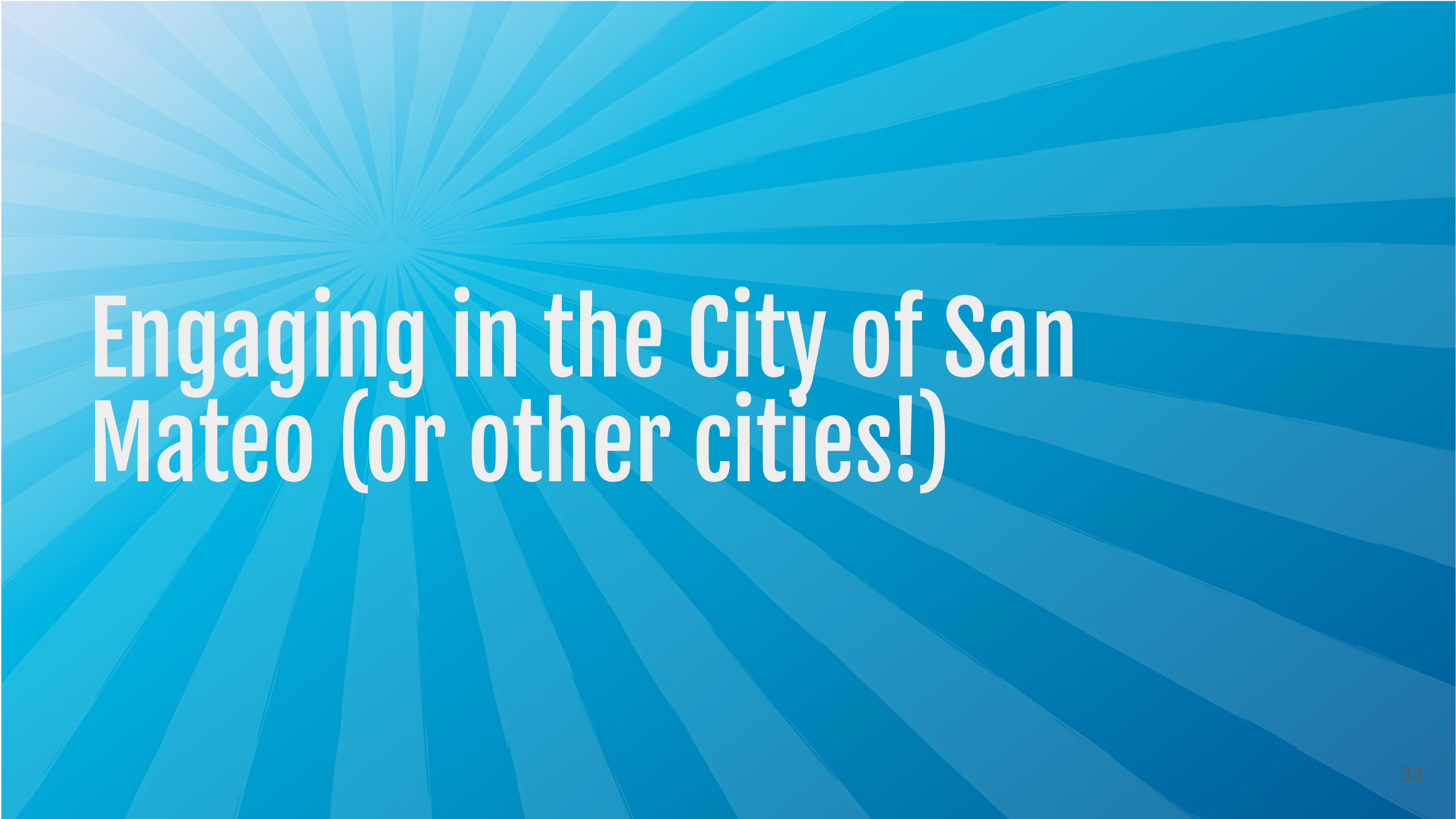
EV CHARGING

Residential Long-term stay multiple-family facilities (R-2) and Short-term (R-1) (i.e., apartments, convents, dormitories, fraternities and sororities for R-2; hotels and motels for R-1) NFPA 13 Sprinklers 100% Open Perimeter				
	Type IIIA	Type IIIB	Type VA	Type VB
Maximum stories	5	5	4	3
Maximum building height (ft)	85	75	70	60
Total building area (at maximum permitted stories) (ft²)	270,000	180,000	135,000	78,750
Single floor area (ft²)	90,000	60,000	45,000	26,250
Total building area (ft²), single-story building	114,000	76,000	57,000	33,250
Total building area (ft²), two-story building	180,000	120,000	90,000	52,500

ZONING/BUILDING CODE MISALIGNMENT

The background of the slide is a vibrant blue with a sunburst or radial pattern. Numerous lines of varying shades of blue emanate from a central point on the left side, creating a dynamic, starburst effect that fills the entire frame.

Break: Q&A

The background of the slide is a vibrant blue sunburst pattern. Numerous thin, light blue lines radiate from a central point on the left side, creating a dynamic, starburst effect that fills the entire frame. The lines vary in length and angle, giving the background a sense of movement and energy.

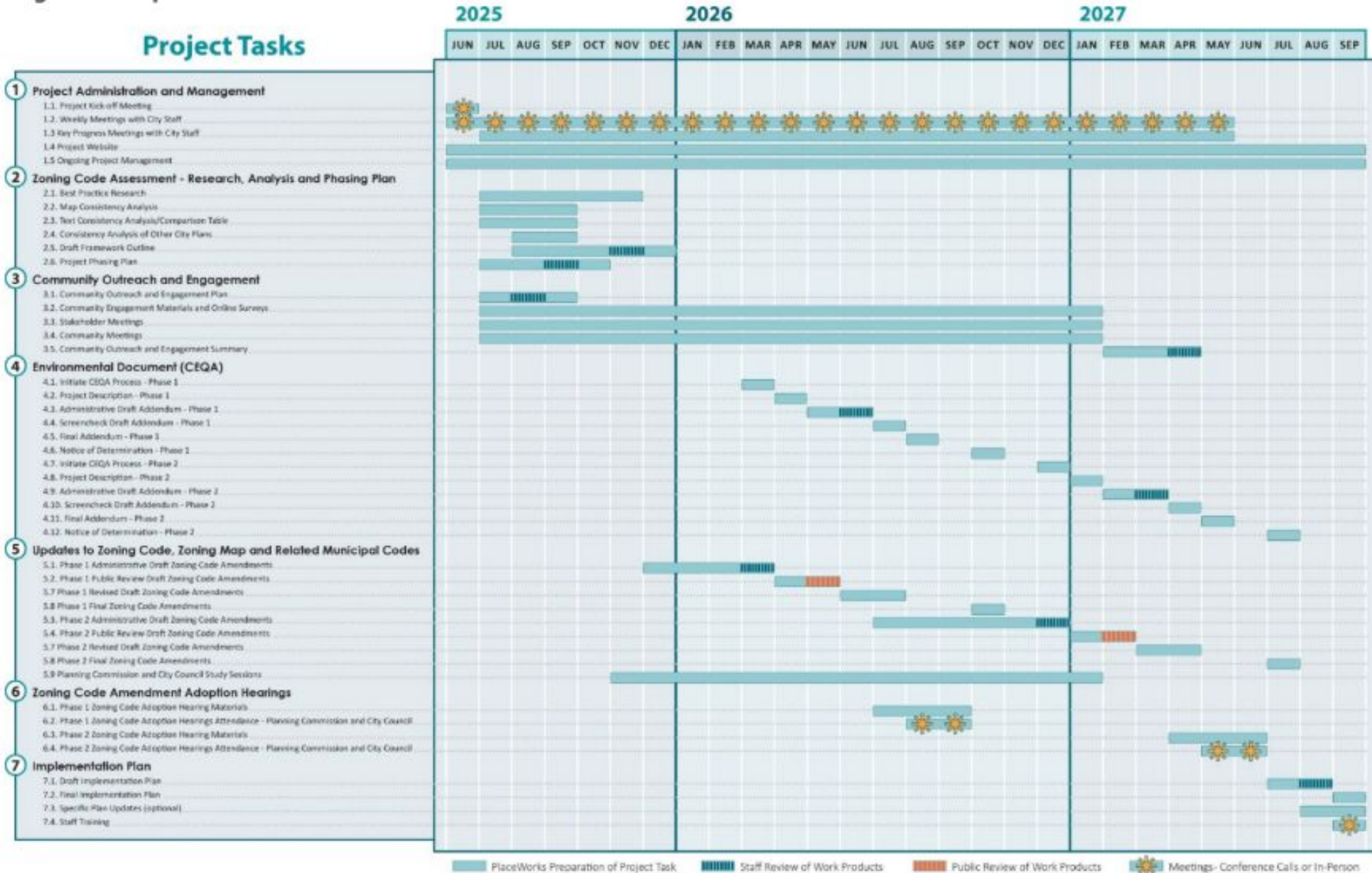
Engaging in the City of San Mateo (or other cities!)

Next Steps



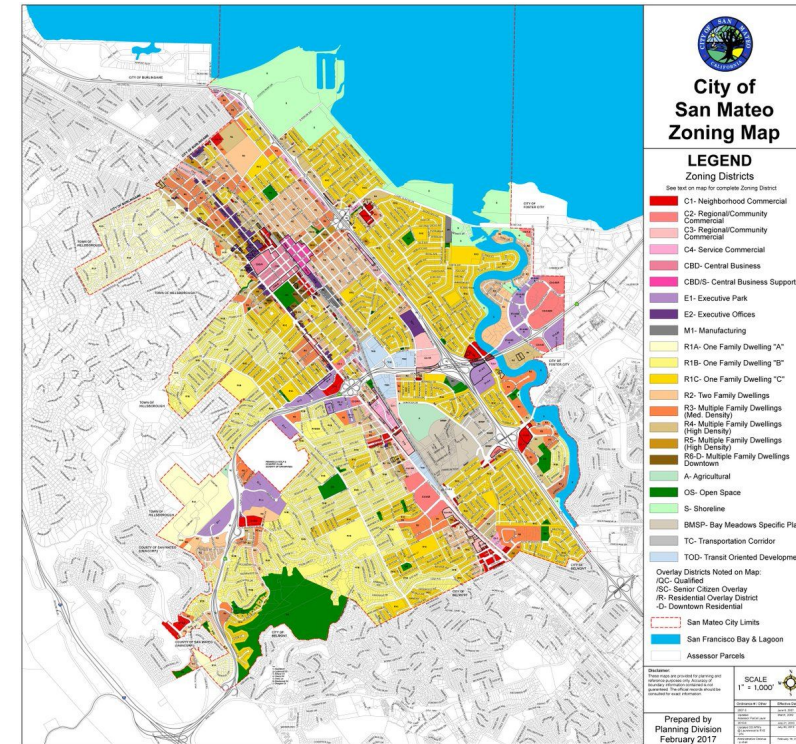
Zoning District	R6 (Multiple Family Dwellings (High Density))	R7 (Multiple Family Dwellings (High Density))	MU-MII (Mixed-Use Medium II)	MU-H (Mixed-Use High)
Building Type	Mid-Rise	High-Rise	Mid-Rise	High-Rise
Density (du/net ac)				
Minimum				
If within 1/2 mile radius of a Caltrain Station (TOD area) per the GP Land Use Map with 5+ units	50	50	50	50
All other projects with 5+ units	-	-	30	50
Maximum	99	130	99	130
Height by Project Type (max.) (ft. / stories)	Residential Only: 68 / 6	Residential Only: 90 / 8	Non-Residential: 62 / 4 Mixed-Use with Residential: 75 / 6	Non-Residential: 76 / 5 Mixed-Use with Residential: 98 /
Parcel Size (min.)				
Parcel Area (sq. ft.)	10,000			
Length (ft.)	100			
Width (ft.)	100			
Setbacks (min.) (ft.)				
Front and Street Side	0			
If Across from Very-Low/Low Density District	5			
If Abutting Very-Low/Low Density District	10			
Side	0			
If Abutting Very-Low/Low Density District	10			
Rear	5			
If Adjacent to Very-Low/Low Density District	15			
Open Space (per unit) (min.) (ft.)				
Common Usable	200 (10 ft. min. dimension)			
Private Usable	50 (5 ft. min. dimension)			

Project Timeline



What should you ask for?

- Make zoning simple!
- Standardize wherever possible
- Allow maximum rules
- Support mixed use neighborhoods
- Neighborhood retail is good
- Provide incentives, not mandates



A few more asks

Legalize Missing Middle

- Opt into SB 10
- Encourage small apartments
- Remove arbitrary barriers to small-lot development
 - Minimum lot size, width, FAR, etc
 - Focus on basic form, ODS

Leverage State Law

- SB 79 is good—let's encourage its use!
- Streamlining reduces staff work, community opposition
- ADUs, SB 9, AB 1123 all have potential

When should you ask for it?

City Council Meeting February 23

Write personal letters to
citycouncil@cityofsanmateo.org

City Survey on zoning reform

Write personal letters to
citycouncil@cityofsanmateo.org



Support your friendly neighborhood housing orgs!



Stay up to date with HLC
Newsletters or contact Jeremy



Contact Karyl Eldridge at
keldridge@cbnorcal.com to join

Share feedback with us!



Link at <https://forms.gle/US5PnLGxX7JWAHpU8>



What is in a housing element?

Analysis

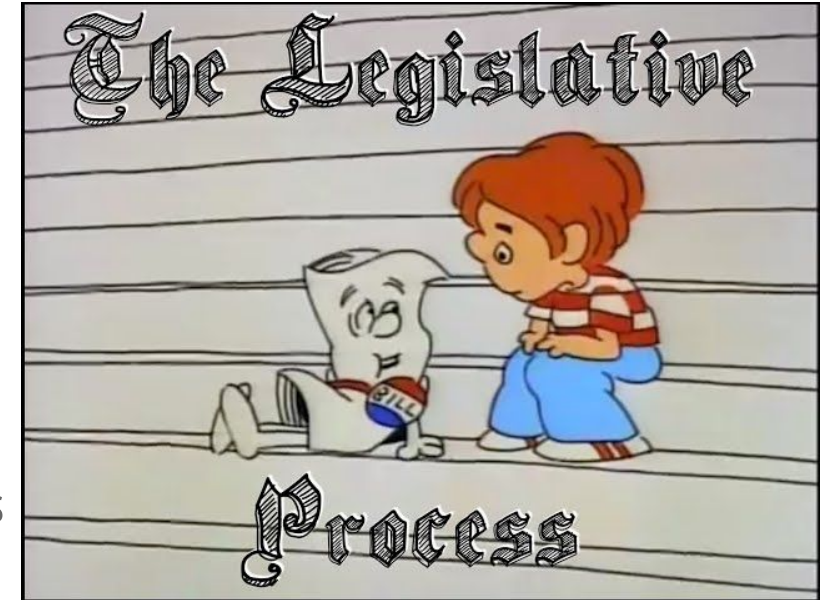
- **Needs** of community
- **Constraints** to affordable homes
- **Affirmatively Furthering Fair Housing** focused primarily on sites and zoning

Site Inventory

- Law enforced more strongly
- Cities must respond to public comments
- Larger scope, including equity

Legislative Process in Cities

- Council member has an idea
- Majority of council likes the idea
- Staff drafts ordinance
- May have “community input”
 - Surveys, letters to properties
 - Special public meetings, study sessions
- First reading, second reading...
 - Can be waived or adopted without readings
 - Each “reading” has a public hearing
- Approval by majority vote



YOU CAN'T USE A WHOLE LOT – R1 SINGLE FAMILY ZONES

- **SETBACKS**

- FRONT 20',
- INTERIOR SIDE 5-7'
- STREET SIDE: 7.5' OR 15% WIDTH
- REAR 15' LEVEL 1, 25' LEVEL 2

- **DAYLIGHT PLANES**

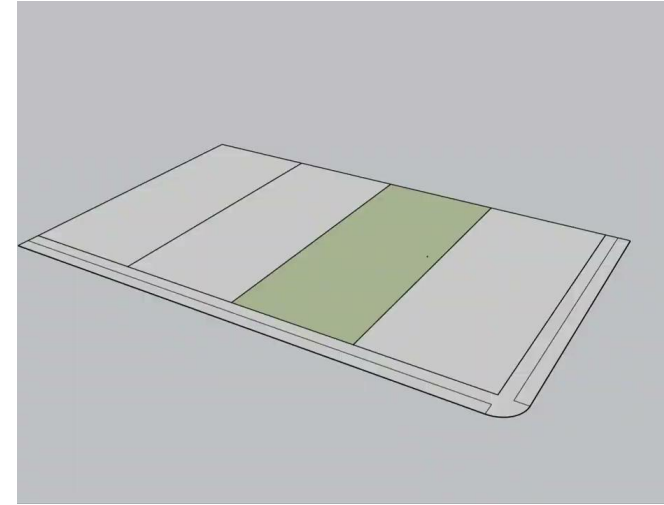
- 12' AT PROPERTY LINE, 45 DEGREE ANGLE

- **HEIGHT -**

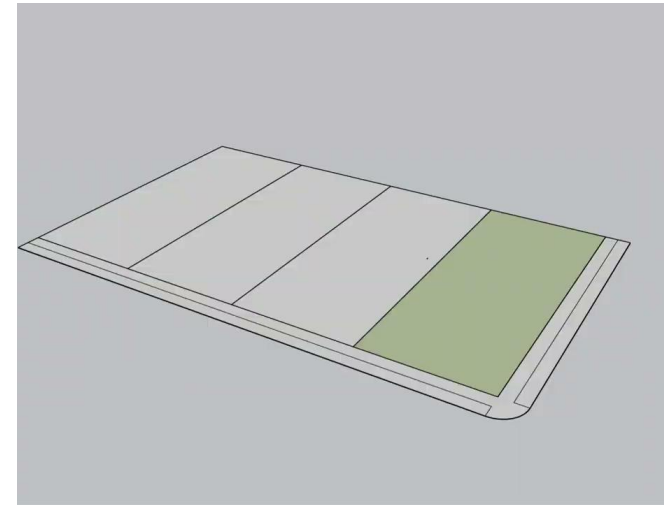
- 24' WALL PLATE (2 STORIES)
- 32' TO ROOF

- **FLOOR AREA RATIO**

- 0.4 FOR R1-A, 0.5 FOR R1-B & R-1C



TYPICAL R1 LOT, 50' X 120', INFILL



TYPICAL R1 LOT, 50' X 120', CORNER

CASE STUDIES: R3 MULTI FAMILY ZONES

