## ORDINANCE NO. 2010 - 15

## AMENDING CERTAIN SECTIONS OF TITLE 27, THE "ZONING CODE," OF THE SAN MATEO MUNICIPAL CODE TO IMPLEMENT THE 2010 GENERAL PLAN UPDATE

WHEREAS, the Zoning Code of the City of San Mateo is a document which sets forth current development standards and procedures that implement Federal and State law, the City of San Mateo General Plan, and City policy and procedures; and

WHEREAS, Title 27 of the City's Municipal Code constitutes the Zoning Code; and

WHEREAS, the Zoning Code must be changed from time to time to reflect refinements of law, policy or practice; and

WHEREAS, the Planning Commission recommended that Fifth Avenue from S. Eldorado Street to S. Amphlett Boulevard be rezoned from "Multiple Family Dwelling (R3)" to "Two Family Dwellings (R2)"; and

WHEREAS, the City Council declined to rezone Fifth Avenue because it is foreseen that most of the subject properties will redevelop from single family to two family dwelling (R2) density regardless of the existing multi-family medium density designation (R3), and a consequential reduction in allowable FAR under the R2 designation may preclude the floor area necessary to redevelop a single family property to a duplex; and

WHEREAS, the Planning Commission examined the environmental impacts of the 2010 General Plan Update in the Environmental Impact Report that was prepared and circulated for public review pursuant to the California Environmental Quality Act (CEQA), and recommended that the City Council certify the Final Environmental Impact Report, as adequate to assess the environmental impacts of the 2010 General Plan Update, and the amendments to the Zoning Code; and

WHEREAS, the City of San Mateo, in accordance with California Government Code Section 65350 et. seq., and Section 65450, et. seq., through its Planning Commission held a public hearing on September 14, 2010 pursuant to the notice required by law for the adoption of the zoning code amendments, at which hearing the Commission received and considered written and oral evidence; and

WHEREAS, the Planning Commission recommended adoption of the zoning code amendments; and

WHEREAS, the San Mateo City Council held a public hearing on October 18, 2010, pursuant to the notice required by law for the adoption of the zoning code amendments at which hearing the Council received and considered written and oral evidence;

WHEREAS, it is desirable to place the details of the City's Below Market Rate housing program in a resolution rather than codified in the City's Municipal Code; and

NOW, THEREFORE, THE SAN MATEO CITY COUNCIL ORDAINS Title 27, "Zoning Code," of the San Mateo Municipal Code shall be amended as follows:

**Section 1.** Section 27.16.050, "Affordable Housing," Chapter 27.16, "Residence Districts," of the San Mateo Municipal Code is amended to read:

27.16.050 AFFORDABLE HOUSING. To implement the affordable housing goals and policies in the General Plan, the City Council adopted the Below Market Rate (BMR) Program. The BMR Program requires developers of new housing to provide a certain percentage of the units within a project to be affordable to very low, low, or moderate income residents. Specific requirements for the development of affordable units are regulated by resolution adopted by the City Council.

**Section 2.** Section 27.30.010, "Permitted Uses," of Chapter 27.30, "C1 Districts – Neighborhood Commercial," of the San Mateo Municipal Code, subsection (a), is amended to read:

(a) Permitted uses in residential districts. Residential units only on parcels designated with a residential overlay district classification subject to R3 district "Minimum Development Standards" in Section 27.22.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited;

**Section 3.** Section 27.30.020, "Special Uses," of Chapter 27.30, "C1 Districts – Neighborhood Commercial," of the San Mateo Municipal Code is amended as follows:

A new Subsection (o) is added to read:

(o) Residential units on parcels without a residential overlay district classification subject to R3 district "Minimum Development Standards" in Section 27.22.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited;

Subsection (o) is amended to become subsection (p).

Subsection (q) is amended to become subsection (r).

**Section 4.** Section 27.32.010, "Permitted Uses," of Chapter 27.32, "C2 Districts – Regional/Community Commercial," of the San Mateo Municipal Code, subsection (n) is amended to read:

(n) Residential units, only on parcels designated with a residential overlay district classification subject to R4 district "Minimum Development Standards" in Section 27.24.040 and affordable housing requirements as adopted by City Council resolution, except as otherwise specified in Chapter 27.29; however, secondary units are prohibited;

**Section 5.** Section 27.32.020, "Special Uses," of Chapter 27.32, "C2 Districts – Regional/Community Commercial," of the San Mateo Municipal Code, subsection (g) is amended to read:

(g) Residential units on parcels without a residential overlay district classification subject to R4 district "Minimum Development Standards" in Section 27.24.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited;

**Section 6.** Section 27.36.010, "Permitted Uses," of Chapter 27.36, "C4 Districts – Service Commercial," of the San Mateo Municipal Code, subsection (a) is amended to read:

 (a) Permitted uses in the C1, C2, and C3 districts, except that residential uses, office uses on the properties along Palm Avenue between Twentieth and Twenty-fifth Avenues, secondary units, and emergency shelters are prohibited;

**Section 7.** Section 27.36.020, "Special Uses," of Chapter 27.36, "C4 Districts – Service Commercial," of the San Mateo Municipal Code, subsection (a) is amended to read:

(a) Any of the special uses permitted in the C1, C2 or C3 districts, except that residential uses and secondary units are prohibited;

**Section 8.** Section 27.38.020, "Permitted Uses," of Chapter 27.38, "CBD Districts – Central Business District," of the San Mateo Municipal Code, subsection (2) is amended to read:

(2) Multiple family dwellings, when part of a mixed use development, subject to CBD Residential Development Standards and affordable housing requirements as adopted by City Council resolution; however, secondary units are prohibited;

**Section 9.** Section 27.38.030, "Special Uses," of Chapter 27.38, "CBD Districts – Central Business District," of the San Mateo Municipal Code, subsection (20) is amended to read:

(20) Residential Planned Developments, subject to CBD residential development standards and affordable housing requirements as adopted by City Council resolution.

**Section 10.** Section 27.44.020, "Permitted Uses," of Chapter 27.44, "E1 Districts – Executive Park," of the San Mateo Municipal Code is amended as follows:

A new Subsection (g) is added to read:

(g) Residential units, only on parcels designated with a residential overlay district classification subject to R3 district "Minimum Development Standards" in Section 27.22.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited;

Subsection (g) is amended to become subsection (h).

Subsection (h) is amended to become subsection (i).

Subsection (i) is amended to become subsection (j).

Subsection (j) is amended to become subsection (k).

**Section 11.** Section 27.44.030, "Special Uses," of Chapter 27.44, "E1 Districts – Executive Park," of the San Mateo Municipal Code, subsection (f), is amended to read:

(f) Residential units on parcels without a residential overlay district classification subject to R3 District "Minimum Development Standards" in Section 27.22.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited; and

**Section 12.** Section 27.48.020, "Permitted Uses," of Chapter 27.48, "E2 Districts – Executive Offices," of the San Mateo Municipal Code, subsection (b) is amended to read:

(b) Residential units, only on parcels designated with a residential overlay district classification subject to R4 district "Minimum Development Standards" in Section27.24 and affordable housing requirements as adopted by City Council resolution, except as otherwise specified in Chapter 27.29; however secondary units are prohibited.

**Section 13.** Section 27.48.030, "Special Uses," of Chapter 27.48, "E2 Districts – Executive Offices," of the San Mateo Municipal Code, is amended to read:

27.48.030 SPECIAL USES. Special Uses in the E1 district may also be allowed subject to approval of a special use permit. Residential units on parcels without a residential overlay district classification subject to R4 district "Minimum Development Standards" in Section 27.24.040 and affordable housing requirements as adopted by City Council resolution, unless otherwise specified in Chapter 27.29; however, secondary units are prohibited;

**Section 14.** Section 27.56.020, "Special Uses," of Chapter 27.56, "M1 Districts – Manufacturing," of the San Mateo Municipal Code, subsection (a) is amended to read:

(a) Special uses allowed in commercial districts except that residential uses and secondary units are not permitted;

**Section 15.** Section 27.66.020, "Applicability," of Chapter 27.66, "Historic Preservation," of the San Mateo Municipal Code, subsection (b) is amended to read:

(b) The City Council by resolution may add to the provisions of this chapter any building which it finds meets the criteria of contributing to the historic importance of downtown and the City. Such an action shall be based on National Register of Historic Places and California Register of Historical Resources criteria and documented in a form consistent with the City of San Mateo Historic Building Survey.

**Section 16.** CEQA. In accordance with Public Resources Code section 21080, an environmental impact report has been approved and certified for this Project.

Section 17. EFFECTIVE DATE. This Ordinance shall take effect 30 days after the date of adoption.

**Section 18. PUBLICATION.** This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter .and shall be effective 30 days after the date of adoption.

I hereby certify this to be a correct copy of Ordinance 2010-15 of the City of San Mateo, California, introduced on October 18, 2010 and adopted on November 1, 2010, by the following vote of the Council: AYES: Council Members LIM, MATTHEWS, GROTTE, ROSS and LEE NOES: NONE ABSENT: NONE (SEAL) /s/ NORMA GOMEZ, City Clerk