

ORDINANCE NO. 1604

**AN ORDINANCE OF THE CITY OF SAN CARLOS
AMENDING THE SAN CARLOS MUNICIPAL CODE SECTION 18.23.210 -
ACCESSORY DWELLING UNITS/JUNIOR ACCESSORY DWELLING UNITS AND
SECTIONS 18.03 - RULES OF MEASUREMENT, 18.12 - HILLSIDE OVERLAY DISTRICT,
18.29 - DESIGN REVIEW, AND 18.40 - USE CLASSIFICATIONS.**

SECTION 1. Findings. The City Council of the City of San Carlos does hereby find and declares as follows:

WHEREAS, in order to amend the San Carlos Municipal Code for compliance with state law regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, to comply with Objective 3 of the 2023 Strategic Work Plan to increase housing production by adopting an updated accessory dwelling unit Ordinance; and

WHEREAS, pursuant to Government Code Sections 65853 and 65850 and San Carlos Municipal Code Chapter 18.35, when amendments to the Zoning Ordinance, Title 18 of the San Carlos Municipal Code are found necessary, the Planning and Transportation Commission (PTC) shall hold a public hearing to consider such changes and render its decision to the City Council as the official recommending body to the City Council on matters concerning land use; and

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.35 and the California Government Code Sections 65090 and 6509, a PTC Public Hearing Notice was published on August 22, 2023 for amendments to the Zoning Ordinance in the *San Mateo Daily Journal*; and

WHEREAS, on September 5, 2023 the PTC conducted a duly noticed public hearing to hear and consider all comments of all persons interested in or concerned with the proposed amendments of the Zoning Ordinance, Title 18 of the San Carlos Municipal Code in consideration of a recommendation to the City Council; and

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.35, the PTC adopted Resolution No. PTC2023-17 recommending to the City Council adoption of zoning text amendments, and including the reasons for the recommendation, and the relationship of the proposed amendment to the applicable General Plan pursuant to Chapter 18.35.

SECTION 2:

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.27.060 and the California Government Code Sections 65090 and 65091, a Public Hearing Notice was published October 12, 2023 for the Amendments to Title 18, Zoning Ordinance in the *San Mateo Daily Journal*; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Section 15168(e), public notice included a statement that the “project” implements the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report (EIR) and no new environmental effects have been found and no new mitigation is necessary; therefore, no additional environmental review was required pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168; and

WHEREAS, the proposed amendments to the Zoning Ordinance text were released for public review on October 19, 2023 and incorporate the recommendations of the PTC as recommended its Resolution No. PTC2023-17; and

WHEREAS, the City Council conducted a duly noticed public hearing to hear and consider all comments of all persons interested in or concerned with a proposed amendments of the City of San Carlos Municipal Code on October 23, 2023 in consideration of adoption of this Ordinance; and

WHEREAS, the City Council desires to make findings for the proposed amendments to the San Carlos Municipal Code Title 18 Zoning Ordinance relative to implementation of the 2030 General Plan and the 2023 Strategic Work Plan.

SECTION 3: The City Council makes the following additional findings:

1. The ordinance amendment is consistent with the General Plan.

Basis for finding: The 2030 General Plan Housing Element includes Goal HOU-3, which states “Assist in the Development of New Housing that is Affordable at All Income Levels,” and Action HOU-3.3, which states “Facilitate the Legalization and Construction of Accessory Dwelling Units (ADUs)” and JADUs. The Housing Element sets a timeframe to accomplish Action HOU-3.3; the timeframe calls for the ADU Ordinance to be updated by June 2023 to be consistent with State laws modifying ADU requirements. One of the primary goals of these proposed amendments is to ensure that San Carlos’s development standards pertaining to ADUs and JADUs are consistent with State law, which is intended to expand housing opportunities by reducing barriers, better streamline approval and expand capacity to accommodate the development of ADUs and JADUs.

2. The ordinance amendment is consistent with the purpose of this zoning title to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.

Basis for finding: The proposed amendments are consistent with the goals, policies, and actions of the 2030 General Plan and as such promote the location, design, and placement of accessory dwelling units and junior accessory dwelling units in an orderly manner while continuing to protect the public health, safety, peace, comfort and general welfare.

SECTION 4: Amendment of Codes. Chapter 18.23.210 – Accessory dwelling units/junior accessory dwelling units is hereby amended with the language in Exhibit A and Sections 18.03 (Rules of Measurement), 18.12 (Hillside Overlay District), 18.29 (Design Review), And 18.40 (Use Classifications) are hereby amended with the language in Exhibit B.

SECTION 5: California Environmental Quality Act Determination. The City Council hereby finds that this project is consistent with the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report (EIR) and no new environmental effects have been found and no new mitigation is necessary. Therefore, no additional environmental review is required pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168.

SECTION 6: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Carlos hereby declares that it would have adopted this Ordinance and such section, subsection, clause, phrase, or portion may be declared invalid or unconstitutional.

SECTION 7: Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

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I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 23rd day of October, 2023 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 13th day of November, 2023 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibits:

- A. Amendments to Section 18.23.210 – Accessory Dwelling Units/Junior Accessory Dwelling Units
- B. Amendments to Sections 18.03 – Rules of Measurement, 18.12 – Hillside Overlay District, 18.29 – Design Review, and 18.40 – Use Classifications