

**ORDINANCE NO. 1603**

**AN ORDINANCE OF THE CITY OF SAN CARLOS TO CREATE OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY DEVELOPMENT BY AMENDING SAN CARLOS MUNICIPAL CODE TITLE 18 – ZONING: CHAPTER 18.03 - RULES OF MEASUREMENT; 18.04 - RESIDENTIAL DISTRICTS; 18.12 - HILLSIDE OVERLAY DISTRICT; 18.15 - GENERAL SITE REGULATIONS; 18.20 - PARKING AND LOADING; 18.26 - PLANNING AUTHORITIES; 18.27 - COMMON PROCEDURES; 18.29 - DESIGN REVIEW; 18.40 - USE CLASSIFICATION; AND 18.41 - TERMS AND DEFINITIONS; AND ADDING A NEW SUBSECTION 18.23.310 - URBAN INFILL UNITS, UNDER 18.23 - STANDARDS FOR SPECIFIC USES AND ACTIVITIES.**

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

**WHEREAS**, recent changes to state law (Government Code Section 65589.5, SB 35, SB 330, SB 9) require that cities adopt and ministerially act on residential development applications based on whether the project complies with objective design standards; and

**WHEREAS**, on January 23, 2023, the City adopted the focused General Plan Housing Element identifying policies and actions to accommodate additional residential units and to eliminate impediments to the creation of more housing; and

**WHEREAS**, the City currently relies on a combination of objective and subjective design standards, implemented through a design review process with staff, the Residential Design Review Committee (RDRC) and Planning and Transportation Commission (PTC) and sometimes City Council to regulate the design of applicable housing projects; and

**WHEREAS**, there is an immediate need for the City to update its standards for all residential projects to ensure orderly, streamlined development in an effort to be in compliance with the state law and help meet the Regional Housing Needs Allocation (RHNA) of at least 2,735 new housing units; and

**WHEREAS**, on May 4, 2022, the City conducted a community workshop to introduce the project and identify neighborhood elements that are integral to the character of San Carlos and where walkability, safety, diversity in design, availability of open and green spaces were discussed; and

**WHEREAS**, on June 6, 2022, the PTC and RDRC conducted a joint study session to receive an update on the progress on the standards and SB 9 permanent ordinance, provide input on the emerging standards for single-family developments, received public comments, and identified and provided direction on the overarching elements that are most valued by the community through the objective design standards project; and

**WHEREAS**, on Monday November 28, 2022, the City Council approved the extension of the SB 9 Urgency Ordinance for a period of one year to December 2023 to adopt the Permanent SB 9 Ordinance with the citywide objective design standards as this approach would result in one

set of objective design standards for all residential development, which includes single-family, SB 9, accessory dwelling units (ADUs), and duplex and townhouse development types; and

**WHEREAS**, on January 31, 2023, a citywide online survey was published and advertised through the City's website, e-notify, social media and citywide postcards to encourage public participation, comments, and input on various design aspects pertaining to single-family objective design standards, over 420 responses were received; and

**WHEREAS**, on March 20, 2023 and May 3, 2023, the PTC conducted study sessions to discuss preliminary draft standards and specifically studied the articulation, massing, setback and step back requirements, received updates on the progress made to the draft recommendation, received public comments and provided direction on developing the final single-family objective design standards; and

**WHEREAS**, on June 7, 2023, the PTC conducted a study session specifically focused to discuss regulations to be incorporated within the permanent SB-9 Units (Urban Infill Units) Ordinance pertaining to their maximum permitted size, applicable objective design standards to Urban Infill Units, received public comments and provided direction to staff to integrate the new Urban Infill Units chapter within the municipal code in conjunction with the objective design standards project, thus recommending to replace the Urgency Ordinance, and

**WHEREAS**, throughout the process, staff conducted meetings and outreach with subject matter experts through two stakeholder meetings and two roundtable meetings with peer-architects and received valuable feedback on the preliminary recommendations; and

**WHEREAS**, prior to the community workshops, survey, study sessions and public hearings, City of San Carlos staff conducted robust community outreach to encourage maximum participation. This included social media posts on San Carlos' Facebook, Nextdoor, Instagram, and Twitter accounts. Announcements about the project and workshops were made at public meetings of the City Council, PTC, and RDRC. In addition, the public participation opportunities were promoted through the *City of San Carlos Spotlight Newsletter*, citywide postcards, *Good Living Newsletter*, and San Carlos' e-notify (email) communication; and

**WHEREAS**, pursuant to Government Code Section 65853 and 65850 and San Carlos Municipal Code Chapter 18.136, when a change in the Zoning Ordinance (Title 18 of the San Carlos Municipal Code) is found necessary, the PTC shall hold a public hearing to consider such change and render its decision to the City Council; and

**WHEREAS**, pursuant to San Carlos Municipal Code Chapter 18.136.030 and California Government Code Section 65090 and 650901 a public hearing notice was published on June 5, 2023, for the Draft Zoning Ordinance and the San Carlos Municipal Code Draft Amendments in the newspaper, distributed to interested agencies, added to the City's website and announced through e-notify, citywide postcard, and other social media platforms; and

**WHEREAS**, the PTC conducted a public hearing on amendments to the San Carlos Municipal Code to hear and consider all comments of all persons interested in or concerned with a proposed amendments of Title 18 of the City of San Carlos Municipal Code on June 19, 2023 in consideration of a recommendation to the City Council regarding adoption of an Ordinance; and

**WHEREAS**, the proposed amendments would help to ensure orderly, streamlined residential single-family development while being compliant with the state law; and

**WHEREAS**, the City Council has received a recommendation from the PTC as a result of a Public Hearing held at the PTC Meeting June 19, 2023 and has considered the recommendation of the PTC for regulations in the San Carlos Municipal Code including PTC findings for amendments to the Title 18 and the reasons for the recommendations, the relationship of the proposed ordinance or amendments to the Zoning Ordinance (Title 18), and 2030 General Plan and 2023 Housing Element; and

**WHEREAS**, the City Council finds that the desired outcome of the Ordinance update is to ensure orderly and streamlined residential single-family development while being compliant with the state law; and

**WHEREAS**, the City Council finds the Ordinance update process evaluated current issues and successes with the existing ordinance and explored options for changes based on evidence and best practices in other communities and industry experts; and

**WHEREAS**, the City Council finds that the preferred options were identified with the goals to increase clarity, efficiency in review procedures, and effectiveness of Ordinance implementation, and adopts the following amendments to the San Carlos Municipal Code Title 18.

**SECTION 2: Findings.** The City Council makes the following findings:

**A. The proposed ordinance amendments are consistent with the General Plan.**

The recently updated 2023-2031 Housing Element includes the following goal:

- Goal HOU-4 which states: "Remove or mitigate governmental constraints inhibiting the provision of adequate, affordable housing throughout San Carlos."

*Basis for Finding:* The proposed amendments include revisions to the design review chapter to help enhance the efficiency of the review procedures for single-family development. These changes aim to streamline the project review process, ultimately facilitating the faster generation of housing. As such, adoption of the proposed Ordinance amendments will facilitate an efficient project application process and high-quality residential development in San Carlos and comply with State objectives and law.

**B. The ordinance amendment is consistent with the purpose of the 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.**

The recently updated 2023-2031 Housing Element includes the following action:

- Action HOU 4.4 outlines action to prepare Objective Design Standards for residential developments by reviewing the Zoning Ordinance and crafting revisions that support objective design standards consistent with the Housing Accountability Act.

*Basis for Finding:* The proposed Ordinance amendments proposes to objectively regulate, as required by State Law, building materials, massing, articulation, landscaping, and parking design consistent with the *General Plan* policies identified below.

The 2030 General Plan Land Use Element also includes:

- Goal LU-8, “Ensure excellence in all development design.” The policies identified to achieve this goal that are consistent with the single-family objective design standards project includes:
  - LU-8.1 “Require all development to feature high quality design that enhances the visual character of San Carlos”;
  - LU-8.2 “Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood”;
  - LU-8.5 “Optimize architectural quality by encouraging the use of quality materials, particularly as accents and authentic detailing, such as balconies and window trims”;
  - LU-8.7 “Require new residential development to provide outdoor areas and landscaping or native vegetation, or tree canopy to enhance the surroundings”;
  - LU-8.10 “On all sides of buildings, require the incorporation of quality architectural design elements for all building façades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines”;
  - LU-8.12 “Require residential building entrances to be related to the street”;
  - LU-8.13 “Require parking areas associated with development to be located and designed to minimize visual impact to the greatest extent feasible. This may include locating parking behind buildings street frontage, below grade, or screening through the use of natural landscaping”;
  - LU-8.19 “Residential structures shall be designed to be compatible with existing structures in the vicinity, avoid obstructing views from adjacent structures or views of community importance, avoid interference with the right or ability to use solar energy and be consistent with the community design principles”.

*Basis of Finding:* The proposed amendments address the neighborhood character through objectively regulating the architectural design elements and Hillside Overlay requirements while being consistent with the *General Plan* goals and policies.

The General Plan 2030 Land Use Element includes the following goal:

- Goal LU-9 stating, “Protect and enhance all residential neighborhoods”, and Goal LU-10, stating, “Minimize the impacts of development in hillside areas”.

*Basis of Finding:* The proposed zoning amendments address the neighborhood character through objectively regulating the architectural design elements and Hillside Overlay requirements while being consistent with the *General Plan* goals and policies.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of San Carlos as follows:

**SECTION 3: Replacement of Code.** The City Council hereby approves the Municipal Code Ordinance Title 18 amendment attached as Exhibit A to amend San Carlos Municipal Code Section 18.03 (Rules of Measurement), 18.04 (Residential Districts), 18.12 (Hillside Overlay District), 18.15 (General Site Regulations), 18.20 (Parking and Loading), 18.26 (Planning Authorities), 18.27 (Common Procedures), 18.29 (Design Review), 18.40 (Use Classification), and 18.41 (Terms and Definitions) and adding a new subsection 18.23.310 (Urban Infill Units) under 18.23 (Standards for Specific Uses and Activities) for the creation of single-family objective design standards. This Ordinance in part replaces the terms of Urgency Ordinance #1595, which shall become null and void as of the effective date of this Ordinance.

**SECTION 4: Pending Applications.** As to planning applications for new homes and residential additions, which have been submitted and deemed complete, processing, or under review before the Ordinance goes into effect, such applications, may continue, and shall not be subject to the regulations and requirements listed in Exhibit A. Notwithstanding the above, a planning applicant may resubmit using the new regulations once they become effective.

**SECTION 5: California Environmental Quality Act Determination.** The City Council hereby finds that this Ordinance is not subject to the provisions of the California Environmental Quality Act (“CEQA”). The proposed amendments to the San Carlos Municipal Code as mentioned above are 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 15060(c)(2) Preliminary Review and Section 15061(b)(3) “common sense exemption”. In addition, Government Code Section 65852.21(j) and 66411.7(n) concludes that an Ordinance adopted to implement Senate Bill 9 is not a project under CEQA.

**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 23<sup>rd</sup> 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 13<sup>th</sup> day of November, 2023 by the following vote:

**AYES, COUNCILMEMBERS:** \_\_\_\_\_

**NOES, COUNCILMEMBERS:** \_\_\_\_\_

**ABSENT, COUNCILMEMBERS:** \_\_\_\_\_

\_\_\_\_\_  
**CITY CLERK** of the City of San Carlos

APPROVED:

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**MAYOR** of the City of San Carlos

Exhibit A: Proposed Amendments to Title 18