

ORDINANCE NO - 1596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS AMENDING MUNICIPAL CODE, TITLE 18, ZONING ORDINANCE, SECTIONS 18.04 - RESIDENTIAL DISTRICTS, 18.05 – MIXED-USE DISTRICTS, 18.20 – PARKING AND LOADING, AND 18.41 – TERMS AND DEFINITIONS.

WHEREAS, the City of San Carlos' Strategic Objective is to actively encourage and support the creation of housing to provide a safe, inclusive, diverse, and affordable supply by facilitating development for all income levels; and

WHEREAS, the City of San Carlos has undertaken a process to update the City of San Carlos Housing Element 2015-2023 in accordance with State law; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of San Carlos adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (RHNA) assigned to the County by the Association of Bay Area Governments of 2,735 housing units, comprised of 739 units affordable to very-low income households, 425 units affordable to low-income households, 438 units affordable to moderate-income households, and 1,133 units affordable to above moderate-income households; and

WHEREAS, on May 26, 2020 the City Council authorized the City Manager to enter into a Professional Services Agreement with MIG for consulting services to prepare a Focused General Plan Update (Land Use, Housing, and Safety Elements), corresponding Zoning Ordinance Amendments and an Environmental Impact Report in response to the City Council's Strategic Objective to study land use and other regulatory options to increase all types of housing pursuant to the State mandate to update the San Carlos Housing Element consistent with State law; and

WHEREAS, as part of the preparations for the Focused General Plan update, including amendments to the San Carlos Zoning Ordinance, the City solicited public input through community surveys from mid-October through early December 2020 and again from early January 2021 through mid-February 2021; and

WHEREAS, the City held public outreach workshops with the community on November 30, 2020; January 20, 2021; May 26, 2021; and August 11, 2021 to discuss housing and environmental safety; community values, issues, and concerns; key housing priorities; land use strategies; housing changes and solutions; and housing changes and zoning strategies; and

WHEREAS, on September 27, 2021 the City Council held a study session to receive a status report on the Housing Element Update process for the 2023-2031 planning period, including proposed zoning density and building height increases; and

WHEREAS, on September 19 and October 17, 2022 the Planning and Transportation Commission reviewed preliminary amendments to the San Carlos Zoning Ordinance; and

WHEREAS, on September 26 and November 28, 2022 the City Council reviewed a preliminary amendments to the San Carlos Zoning Ordinance; and

WHEREAS, prior to surveys, workshops, and Planning and Transportation Commission and City Council Study Sessions, City of San Carlos staff conducted robust community outreach to encourage maximum participation and project updates. 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 including City Council, Planning and Transportation Commission, Economic Development Advisory Council, and Youth Advisory Council meetings. In addition, the workshops were promoted through the City of San Carlos' Spotlight Newsletter, Good Living Newsletter, City Council Newsletter, Adult Community Center Newsletter, Chamber of Commerce Newsletter, and San Carlos' E-notify (email) communication system. Grassroots efforts included booths at the San Carlos Farmer's Market and flyers throughout the Downtown; and

WHEREAS, pursuant to Government Code Sections 65853 and 65850 and San Carlos Municipal Code Chapter 18.35.050, when a change in the Zoning Ordinance (Title 18 of the San Carlos Municipal Code) is found necessary, the Planning and Transportation Commission 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 18.35.050 and the California Government Code Sections 65090 and 65091 a Public Hearing Notice was published December 23, 2022 for the Draft Zoning Ordinance text amendments in the local newspaper, with additional notification via social media posts on San Carlos' Facebook, NextDoor, Instagram, and Twitter accounts and email sent to over 1,000 individuals who have signed up to follow the Focused General Plan Update project, which includes proposed amendments to the Zoning Ordinance; and

WHEREAS, on December 22, 2022 City staff mailed a courtesy letter to over 1,000 property owners who have property zoned as either RM or MU in San Carlos to inform them that their property is proposed to be upzoned to allow additional density and height increases and of the adoption schedule for the proposed Zoning Ordinance amendments; and

WHEREAS, on January 3, 2023 the Planning and Transportation Commission conducted a duly noticed public hearing and received public comments on proposed amendments to the San Carlos Municipal Code, Title 18, Zoning Ordinance, and adopted Resolution No. PTC 2023-04 recommending that the City Council adopt an Ordinance; and

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.35.080, the Planning and Transportation Commission shall make findings regarding a Zoning title text amendment and the recommendation to the City Council shall include the reasons for finding that the recommendation is consistent with the 2030 General Plan, including the Housing Element update for the 2023-2031 planning period, and consistent with Title 18 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; and

WHEREAS, the Planning and Transportation Commission has recommended that the City Council certify the Final EIR as adequate and complete in compliance with CEQA and the State CEQA Guidelines, and as adequate and complete for consideration in making a decision on the merits of the proposed Zoning Ordinance amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CARLOS DOES ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to adopt amendments to comply with the State Planning and Zoning Law, including specifically implementation of the updated Housing Element and for the purpose of “[d]esignating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality’s housing need for all income levels ... essential to achieving the state’s housing goals and purposes of” state housing element law.

SECTION TWO. FINDINGS

The City Council of the City of San Carlos hereby incorporates by reference all of the Recitals and footnotes thereto set forth in this Ordinance.

SECTION THREE. AMENDMENT OT TITLE 18

The following sections are hereby added to Title 18 of the San Carlos Municipal Code:

1. The above recitals and findings are hereby incorporated by this reference and are hereby approved.
2. Findings (San Carlos Municipal Code Section 18.35.030)

- a. Zoning Ordinance Text Amendment Findings.

- i. This ordinance amendment is consistent with the General Plan,
- ii. The ordinance amendment is consistent with the purpose of San Carlos Municipal Code, Title 18, 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 findings: The proposed amendments to the Zoning Ordinance are consistent with the Goals, Policies and Actions of the 2030 General Plan, including the 2023-2031 Housing Element, and as such promote the growth of the City in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare. The amendments also implement the Focused General Plan amendments to the Land Use, Circulation, Environmental Management, Noise, and Environmental Safety and Public Services Elements, which allows for effective implementation of the objectives of the comprehensive Zoning Ordinance update, reasonable enjoyment of private property. Further, the proposed Zoning Ordinance amendments are necessary to implement the 2023-2031 Housing Element, which will allow the City of San Carlos to effectively meet its fair share of the Bay Area’s regional housing needs of at least 2,735 new housing units, as set forth in the City of San Carlos’ Regional Housing Needs Allocation (“RHNA”) as assigned by the Association of Bay Area Governments. The San Carlos Zoning Ordinance is the primary document that implements the provisions of the San Carlos General Plan. There must be consistency between the two documents. The goal of the proposed Zoning Ordinance amendments is to update development standards in Section 18.05 Residential Districts, 18.05 Mixed-Use Districts, 18.20 Parking and Loading, and definitions within 18.41 Terms and Definitions for the

purposes of consistency with the 2023-2031 Housing Element, and the Focused General Plan amendments to the Land Use, Circulation, Environmental Management, Noise, and Environmental Safety and Public Services Elements.

b. Zoning District Boundary Amendment Findings:

- i. The change in district boundaries is consistent with the General Plan.
- ii. The change in district boundaries is consistent with the purpose of this 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.
- iii. The change in district boundaries is necessary to achieve the balance of land use desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district.

Basis for findings: The proposed Zoning Map amendments adjust the allowed densities, including introducing a new minimum density, for the RM-20, RM-59, MU-N, MU-DC, MU-D, MU-SC, MU-NB, and MU-SB zoning districts. In addition, accompanying increases to building height and building stories are also proposed as set forth in the table below. The increase in residential densities and heights to accommodate new

Table 4.4-5: Proposed Changes to Zoning Densities and Heights (2023)

Zone		Maximum Density (du/ac)		Minimum Density (du/ac) ²		FAR		Building Height (feet)			Building Stories (stories)	
Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Proposed	Existing	Proposed
MU-N	MU-N-40	20	40	n/a	30	2.0	2.5	50; 30 along East San Carlos Avenue in MU-N District	50		4	4 ⁽¹⁾
MU-N	MU-N-50	20	50	n/a	38	2.0	2.5		50	35 along East San Carlos Avenue in MU-N District	4	4
MU-N	MU-N-120	20	120	n/a	90	2.0	3.0		75		4	6
MU-DC	MU-DC-100	50	100	n/a	75	2.5	2.5		50		4	4
MU-D	MU-D-100	50	100	n/a	75	2.5	3.0		60		4	5
MU-D	MU-D-120	50	120	n/a	90	2.5	3.0	30 within 40 ft of an RS district	75		4	6
MU-SC	MU-SC-120	59	120	n/a	90	3.0	3.0		75	35 within 40 ft of an RS district	4	6
MU-NB	MU-NB-120	50	120	n/a	90	2.5	3.0		75		4	6
MU-SB	MU-SB-100	50	100	n/a	75	2.5	3.0	40 within 50 ft of an RS district	60	40 within 50 ft of an RS district	4	5
MU-SB	MU-SB-120	50	120	n/a	90	2.5	3.0		75		4	6
RM-20	RM-20	20	20	n/a	15	0.75	0.75	35	35		3	3
RM-59	RM-59	59	59	n/a	45	2.0	2.0	50	50		4	4
--	RM-100	n/a	100	n/a	75	N/A	3.0	n/a	60		n/a	5

(1) 3 stories along E. San Carlos Ave. in MU-N-40 district

(2) The City of San Carlos Zoning Ordinance does not have a minimum density requirement; with this update, a minimum density threshold is proposed.

housing units applies to areas that already allowed residential uses; no new residential uses have been introduced in San Carlos commercial or industrial zoning districts and thus no zoning district boundaries adjustments have been made. The purpose of these amendments is to implement the 2023-2031 Housing Element; these amendments are consistent with the amendments of the Focused General Plan update,

including the Land Use Element and its accompanying Land Use Map. Accordingly, the proposed Zoning Ordinance amendments continue to promote the growth of the City in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare, and effectively achieve the balance of land uses desired by the City, and are consistent with the General Plan, and increase the inventory of land available to accommodate San Carlos' housing needs.

SECTION FOUR. SEVERABILITY

Every section, paragraph, clause, and phrase of this Interim Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses or phrases.

SECTION FIVE. EFFECTIVE DATE

This Ordinance is intended to be adopted in compliance with the requirements of the State Housing and Zoning Law and in accordance with applicable law. 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.

SECTION SIX. ADOPTION OF ZONING ORDINANCE AMENDMENTS

The City Council hereby ordains and adopts the Zoning Ordinance (Title 18) amendments as set forth in Exhibit "A" and adopt the accompanying changes to the Zoning Map as set forth in Exhibit "B".

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 23rd day of January, 2023 and passed and adopted at a regular meeting of the City Council of the City of San Carlos at a regular meeting thereof held on the 13th day of February, 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. San Carlos Municipal Code Title 18 amendments

B. Zoning Map