

CITY OF SAN MATEO
ORDINANCE NO. 2020-[Click or tap here to enter text.](#)

Amending the San Mateo Municipal Code by Adding Section 27.15.080, “Affordable Housing Projects Near Transit,” to Chapter 27.15, “Density Bonus”

WHEREAS, Government Code Section 65915 provides for a density bonus for housing developments that include affordable units; and

WHEREAS, in conformance with state law, the City has codified an existing density bonus ordinance at Municipal Code Chapter 27.15; and

WHEREAS, the state Legislature has enacted Assembly Bill 1763, which amends Government Code Section 65915; and

WHEREAS, Assembly Bill 1763 provides that housing developments in which 100 percent of the total units, exclusive of a manager’s unit or units, are for lower income households, except that up to 20 percent of the total units in the development may be for moderate-income households, and within a half-mile of a major transit stop, are entitled to: unlimited density, a height increase of up to three additional stories or up to 33 feet, and up to four incentives or concessions as defined by Government Code Section 65915; and

WHEREAS, Measure P amended the City’s General Plan to provide for a height limit of 55 feet; and

WHEREAS, Government Code Section 65915 preempts the City’s General Plan height limit; and

WHEREAS, Government Code Section 65915, as amended by Assembly Bill 1763, provides for unlimited density and additional height, but did not address other land use restrictions impacted by increased density and building height; and

WHEREAS, in order to comply with Assembly Bill 1763, the City wishes to address the land use restrictions impacted by increased density and height for housing developments that are 100% affordable to low and moderate income households as defined by state law and located within a half-mile of a major transit stop;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Chapter 27.15 of the San Mateo Municipal Code, “Density Bonus,” is amended to add a new Section 27.15.080, “Affordable Housing Projects Near Transit,” to read:

“27.15.080 AFFORDABLE HOUSING PROJECTS NEAR TRANSIT.”

(a) Applicability. This Section applies to housing developments in which 100 percent of the total units, exclusive of a manager’s unit or units, are for lower income households (as defined in Section 50079.5 of the Health and Safety Code), except that up to 20 percent of the total units in the development may be for moderate-income households (as defined in Section 50053 of the Health and Safety Code) and located within a half-mile of a major transit stop as defined in Public Resources Code Section 21155 (“Covered Projects”)

(b) Reduced Requirements for Covered Projects. When a development standard would physically preclude a proposed project from achieving allowable density, planning applications submitted for Covered projects may request waivers or reductions from up to six applicable development standards in addition to the incentives or concessions otherwise provided by state law. The request to waive or reduce development standards shall be considered by the decision-making body with the authority to act on the Covered Project, and shall be subject to the following findings:

- (1) The requested deviations will not conflict with the General Plan;
- (2) The development is of an excellent design quality and is consistent with applicable Design Guidelines;
- (3) The development is in the best interests of the public health, safety, or welfare;
- (4) The development will not impair the desirability of investment or occupation in the vicinity;
and
- (5) The project has demonstrated use of all allowable incentives consistent with Government Code Section 65915.

Section 2. ENVIRONMENTAL DETERMINATION. The City has prepared an initial study and negative declaration for this Ordinance.

Section 3. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. PUBLICATION. This Ordinance shall be published in summary in the Daily Journal, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.