

**CITY OF SAN MATEO
DRAFT ORDINANCE**

APPROVING A DEVELOPMENT AGREEMENT FOR CONCAR PASSAGE MIXED USE PROJECT (PA-2018-052)

WHEREAS, California Coastal Properties has requested construction of up to 961 residential units, 40,000 square feet of commercial space and associate parking, landscaping, roadway improvements and common areas (the "Project");

WHEREAS, the applicant, California Coastal Properties, has requested a development agreement with the City (the "Agreement"); and

WHEREAS, the applicant wishes assurance that it may proceed with the Project under the laws, regulations, and policies as specified in the Agreement, in effect on the date of the approval; and

WHEREAS, the state legislature has authorized cities to enter into development agreements in order to provide assurance to developers that they may proceed with projects in reliance on existing laws, regulations, and policies; and

WHEREAS, the City, in Resolution No. 120 (1990), has adopted procedures for reviewing and entering into such development agreements; and

WHEREAS, the Planning Commission considered the application on July 28, 2020, and recommended adoption of the Supplemental Environmental Impact Report for the Project (PA-2018-052) and Environmental Impact Report for the Rail Corridor Plan as adequate to analyze the environmental impacts of the project; and

WHEREAS, the Planning Commission recommended approval of the construction of 961 residential units, 40,000 square feet of commercial space associate parking, landscaping, roadway improvements and common areas, subject to the Findings for Approval and Conditions of Approval; and

WHEREAS, the applicant has informed City staff that that applicant will not acquire legal or equitable interests in all of the parcels needed for the Project for up to three years; and

WHEREAS, the applicant has asked that the City Council authorize the City Manager to execute the development agreement upon notice from the applicant that the applicant has acquired legal or equitable interests in all of the parcels needed for the Project; and

WHEREAS, the City Council held a public hearing on August 17, 2020, duly noticed, at which all public comments were considered;

THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, FINDS THAT:

1. In accordance with Government Code section 65867.5, the Agreement is consistent with the City's General Plan and the Rail Corridor Transit Oriented Development Plan for the reasons set forth in the Findings for Approval, as attached as Exhibit A in the Administrative Report accompanying this Ordinance, and

2. The Agreement is compatible with the requirements of the City's Zoning Ordinance for the reasons set forth in the Findings for Approval, attached as Exhibit A to the Administrative Report accompanying this Ordinance, and

3. For the reasons set forth in the Administrative Report accompanying this Ordinance, the Agreement provides substantial public benefits to persons residing or owning property outside the boundaries of the development project, beyond the exactions for public benefits required in the normal development review process under federal, state, or local law; and

4. The Council finds that the environmental impacts of the Agreement were analyzed in the Supplemental Environmental Impact Report, before approving the Agreement.

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

Section 1. The Council approves the Development Agreement in substantially the form attached as Exhibit A to this Ordinance and authorizes the City Manager to execute the Development Agreement upon notice from the Applicant that Applicant has obtained legal or equitable interests in all of the parcels needed for the Project, which shall be no later than September 30, 2023. If the Applicant has not notified the City that Applicant has obtained legal or equitable interests in all of the parcels required for the Project by September 30, 2023, this approval terminates.

Section 2. Environmental Determination. A Supplemental Environmental Impact Report was prepared for this project in accordance with Public Resources Code section, section 21061.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

Section 4. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, 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.

Section 5. Recordation. In accordance with Government Code Section 65868.5, the Agreement will be recorded no later than 10 days after execution.

Section 6. Legislative History and Effective Date. This ordinance was introduced on August 17, 2020, and adopted on Clerk to complete., and shall be effective 30 days after its second reading and adoption.