

CITY OF SAN MATEO
DRAFT ORDINANCE

AMENDING THE ZONING MAP OF THE CITY OF SAN MATEO TO RECLASSIFY
THE SITE AT 31-57 SOUTH B STREET
FROM C1-2/R5 (NEIGHBORHOOD COMMERCIAL/RESIDENTIAL OVERLAY – MIXED USE)
TO CBD (CENTRAL BUSINESS DISTRICT) IN ORDER TO IMPLEMENT THE
GENERAL PLAN LAND USE POLICIES AND LAND USE MAP

WHEREAS, the property owner (DTSM Donut Delite Ventures, LLC) has submitted a planning application (PA-2022-002) requesting zoning reclassification of the property located at 31-57 South B Street (APN 034-154-030); and

WHEREAS, the California State law (Government Code Section 65400) provides the legislative body of the city with the authority to implement the general plan, or elements of the general plan, so that it will serve as an effective guide for orderly growth and development; and

WHEREAS, the City Council, as the legislative body of the City of San Mateo, adopted the City of San Mateo's General Plan "Vision 2030" on October 18, 2010, which included land use policies and land use designations for properties within the City; and

WHEREAS, the General Plan land use designation of Downtown Retail Core was established to provide for development of land pursuant to the goals and policies of the General Plan and Downtown Area Plan; and

WHEREAS, the CBD (Central Business District) zoning designation and Downtown Retail Core Design Guidelines were established to work together to implement the General Plan and Downtown Plan goals and policies, to improve the quality of the retail core, and to encourage and foster a thriving Downtown Retail Core area and; and

WHEREAS, the City Council desires that the zoning classifications for all properties be consistent with the land use policies and the land use map of the General Plan; and

WHEREAS, the subject property has a current General Plan land use designation of Downtown Retail Core and a zoning designation of C1-2/R5 (Neighborhood Commercial/Residential Overlay – Mixed Use); and

WHEREAS, the zoning reclassification from C1-2/R5 to CBD would be compatible with the subject property's Downtown Retail Core land use designation; and

WHEREAS, the zoning reclassification would ensure that subsequent new development at the subject property would be subject to CBD development standards and Downtown Retail Core Design Guidelines to ensure that new development would contribute to a thriving retail core; and

WHEREAS, the Planning Commission held a duly noticed study session on May 10, 2022, at which time the Commission received and considered written and oral evidence, and provided feedback on the Pre-Application for the Zoning Reclassification and conceptual design of a development project; and

WHEREAS, in accordance with California Government Code Section 65090 and 65091, the Planning Commission held a public hearing on July 26, 2022 pursuant to the notice required by law for zoning reclassifications, at which time the Commission received and considered written and oral evidence; and

WHEREAS, the Planning Commission, by a majority of its members, recommended that the City Council ____.

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

Section 1. LEGISLATIVE FINDINGS. At a duly noticed public hearing on _____, the City Council of the City of San Mateo reviewed and considered the staff report dated _____, and attachments thereto, the Categorical Exemption, together with comments received during the public review process, and hereby finds and determines as follows:

- (a) **CONFOMANCE WITH GENERAL PLAN.** The City Council finds and determines that the proposed zoning map amendment and zoning reclassification of the subject property is in conformance with the Downtown Retail Core land use designation of the General Plan of the City of San Mateo, because one of the main intents of the CBD (Central Business District) is to maintain downtown’s commercial vitality and continuity within the retail core.
- (b) **CONFORMANCE WITH DOWNTOWN AREA PLAN.** The City Council finds and determines that the proposed zoning map amendment and zoning reclassification is in conformance with 2009 Downtown Area Plan because the zoning standards for the CBD (Central Business District) includes development standards that were established to provide a good mix of ground floor retail uses that will contribute to foster retail vitality and downtown’s pedestrian-oriented environment in the Downtown Retail Core sub-area.
- (c) **INTENT OF ZONING CODE.** The zoning reclassification conforms to the purpose of Municipal Code Section 27.38.010(c) in that the reclassification ensures that the zoning code provisions regarding the required retail frontage area, as designated by the Downtown Plan, would apply to the subject property. Additionally, the reclassification provides standards for the use of properties designated as CBD District (Central Business District) that regulate and guide future development of the site.
- (d) **CONSISTENCY WITH STATE LAW.** The City Council finds and determines that the proposed zoning map amendment and zoning reclassification of the property located at 31-57 South B Street from C1-2/R5 to CBD is consistent with Senate Bill 330 (Housing Crisis Act, Government Code Section 66300(b)(1)(A)) in that:
 - 1) the proposed change in zoning designation would not reduce the allowable building height, maximum allowable density, or floor area ratio (FAR) for residential developments; nor would it increase requirements for lot size requirements, setbacks, or other development standards that would reduce residential density;
 - 2) the proposed CBD zoning designation allows for a maximum residential density of 50 dwelling units per acre, which is the same maximum residential density allowed for properties in the C1-2/R5 zoning district; and

3) therefore, there is no net loss in residential capacity.

Section 2. ZONING MAP. The Zoning Map of the City of San Mateo is hereby amended to indicate as follows: the property generally known as 31-57 South B Street (APN: APN 034-154-030) as depicted in Exhibit A, attached hereto, shall be rezoned from C1-2/R5 to CBD, and the Zoning Map shall be amended to reflect this reclassification.

Section 3. CEQA. In accordance with California Environmental Quality Act (CEQA) Guidelines Class 5, Section 15305 (Minor Alterations in Land Use Limitations), adoption of this zoning reclassification to amend the City's zoning map is categorically exempt because the affected area has an average slope of less than 20 percent and the reclassification would not result in changes in land use or density. The subject property's General Plan land use designation of Downtown Retail Core, and maximum density of 50 units per acre would remain unchanged after the reclassification. The project is also separately and independently exempt under the "common sense" exemption, CEQA Section 15061(b)(3), because it can be seen with certainty that the adoption of the zoning reclassification does not involve the construction or alteration of facilities that will have a significant effect on the environment. The reclassification to CBD is consistent with the General Plan land use designation for the property. Furthermore, any future development of the site would be subject to a project specific environmental assessment consistent with the CEQA statutes and guidelines in effect at that time.

Section 4. 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 5. PUBLICATION. In accordance with City Charter Section 2.15, this Ordinance shall be published once in a newspaper of general circulation before becoming effective.

Section 6. EFFECTIVE DATE. This Ordinance was introduced on _____, adopted on _____, and shall take effect 30 days after adoption.

The foregoing ordinance was adopted by the City Council of the City of San Mateo, California by the following vote:

AYES:

NOES:

ABSENT:

ATTEST: