



Resolution 2878-2022

File #: 22-171, Version: 1

Resolution recommending that the City Council adopt an ordinance amending Title 15 (Building and Construction) and Title 20 (Zoning) of the South San Francisco Municipal Code pertaining to large family daycare homes, accessory dwelling units, and design review requirements.

WHEREAS, in July 2010, the City Council for the City of South San Francisco (“City”) adopted a comprehensive update to the City’s Zoning Ordinance, which repealed the then-existing Title 20 of the South San Francisco Municipal Code, and replaced it with an entirely new Title that, among other actions, established new zoning districts, revised and reformatted many then-existing zoning provisions, eliminated inconsistent and outdated provisions, and codified entirely new zoning provisions, including new land use regulations and development standards; and

WHEREAS, since adoption of the Zoning Ordinance in July 2010, the City has identified areas of the Zoning Ordinance that require minor refinement, clarification, and/or correction; and

WHEREAS, City staff has drafted proposed revisions to the City’s Zoning Ordinance to address the identified areas that require correction (“Zoning Amendment” or “Project”); and

WHEREAS, the 2010 Zoning Ordinance was adopted after preparation, circulation, consideration, and adoption of an Initial Study/Negative Declaration (“IS/ND”) in accordance with the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. (“CEQA”), which analyzed the environmental impacts of adopting the Zoning Ordinance and concluded that adoption of the Zoning Ordinance could not have a significant effect on the environment because none of the impacts required to be analyzed under CEQA would exceed established thresholds of significance; and

WHEREAS, the minor refinements, clarifications, and/or corrections set forth in this Zoning Amendment, are minor in nature, the adoption of which would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the IS/ND prepared and circulated for the 2010 Zoning Ordinance, nor do the refinements, clarifications, and/or corrections constitute a change in the project or change in circumstances that would require additional environmental review; and

WHEREAS, the proposed Zoning Amendment also includes modifications to regulations pertaining to accessory dwelling units and large family daycare homes, which are statutorily exempt from CEQA pursuant to Section 21080.17 of the Public Resources Code as implementation of the provisions of Government Code Sections 65852.2, and pursuant to Health and Safety Code Section 1597.45(d) as implementation of the provisions of Health and Safety Code Section 1597.41, et seq.; and

WHEREAS, the proposed Zoning Amendment also includes modifications to regulations pertaining to design review of certain residential development projects under Senate Bill 9 (2021) (“SB 9”), which are exempt from CEQA pursuant to Government Code Sections 65852.21 and 66411.7 as those statutes specifically provide that such ordinances implementing SB 9 requirements are exempt from CEQA; and

WHEREAS, in addition to the foregoing, the City has identified additional provisions under Title 15 of the South San Francisco Municipal Code that require minor refinement, clarification, and/or correction in conjunction with the Zoning Amendment; and

WHEREAS, the proposed amendments to the Municipal Code would not result in a direct or indirect physical change in the environment and would thus be exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) as it would not have a significant effect on the environment.

WHEREAS, on March 17, 2022, the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing, for which the Planning Division provided at least 10 day notice of a public hearing consistent with Chapter 20.450 of the Municipal Code and with applicable state planning and zoning law, to solicit public comment and consider the CEQA finding and the proposed zoning ordinance amendments, and take public testimony.

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §21000, et seq. (“CEQA”) and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco General Plan and General Plan EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; the draft Zoning Text Amendments prepared by City staff; all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed April 16, 2020 meeting and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) (“Record”), the Planning Commission of the City of South San Francisco hereby finds as follows:

SECTION 1 FINDINGS

I. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The proposed Ordinance, attached hereto as **Exhibit A**, is incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3. The Record for these proceedings, and upon which this Resolution is based, includes without limitation, Federal and State law; the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. (“CEQA”)) and the CEQA Guidelines (14 California Code of Regulations § 15000, et seq.); the South San Francisco General Plan and General Plan EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed April 16, 2020 meeting and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).
4. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of Chief Planner, Tony Rozzi.

II. CEQA Findings

1. No further environmental analysis is necessary for the proposed zoning text amendments as the 2010

Zoning Ordinance was adopted after preparation, circulation, consideration, and adoption of an Initial Study/Negative Declaration (“IS/ND”) in accordance with the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. (“CEQA”), which analyzed the environmental impacts of adopting the Zoning Ordinance and concluded that adoption of the Zoning Ordinance could not have a significant effect on the environment because none of the impacts required to be analyzed under CEQA would exceed established thresholds of significance. Based on evidence presented in the record, the adoption of the proposed minor zoning amendments would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the IS/ND prepared and circulated for the 2010 Zoning Ordinance, nor do the proposed minor amendments constitute a change in the project or change in circumstances that would require additional environmental review. Thus, no further actions under CEQA would be required at this time.

2. The proposed Ordinance also includes modifications to regulations pertaining to accessory dwelling units, which are statutorily exempt from CEQA pursuant to Section 21080.17 of the Public Resources Code as implementation of the provisions of Government Code Sections 65852.2, and pursuant to Health and Safety Code Section 1597.45(d) as implementation of the provisions of Health and Safety Code Section 1597.41, et seq. Further, the proposed Ordinance includes modifications to design review regulations pertaining to certain residential development projects under Senate Bill 9 (2021), which are statutorily exempt from CEQA pursuant to Government Code Sections 65852.21 and 66411.7.
3. Adoption of this Ordinance is further exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

III. Zoning Text Amendment Findings

1. The proposed Zoning Ordinance Amendments are consistent with the General Plan because the Ordinance Amendments will continue to reinforce many of the General Plan policies maintaining a balanced land use program and is consistent with the City’s overall vision for the proper location of uses. None of the new or revised definitions, tables, figures and land uses will conflict with or impede achievement of any of the goals, policies, or land use designations established in the General Plan.
2. The areas of the City impacted by the proposed Zoning Ordinance Amendments are suitable for the proposed uses in terms of access, size of parcel, relationship to similar or related uses, and other considerations because the minor revisions, corrections and clarifications will not alter the existing uses permitted in the Zoning Ordinance.
3. The proposed Zoning Ordinance Amendments are not detrimental to the use of land in any adjacent zone because the minor revisions, corrections and clarifications will not result in a change of any existing zoning districts.

SECTION 2 RECOMMENDATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of

South San Francisco hereby makes the findings contained in this Resolution, and recommends that the South San Francisco City Council adopt an Ordinance amending South San Francisco Municipal Code Title 20 (Zoning), attached as Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

* * * * *

I hereby certify that the foregoing resolution was adopted by the Planning Commission of the City of South San Francisco at a regular meeting held on the 17th day of March by the following vote:

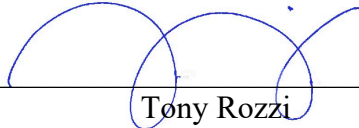
AYES: Chair Shihadeh, Vice Chair Tzang, Faria, Funes, De Paz Fernandez, Murphy, Evans

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

Attest: _____


Tony Rozzi
Secretary to the Planning Commission