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Ordinance making findings, repealing Title 20 of the South San Francisco Municipal Code, and adopting the South San Francisco Ordinance and Map Update

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WHEREAS, in 2019 the City Council of the City of South San Francisco initiated the comprehensive update to the General Plan, including preparation of the 2040 General Plan Update, preparation of the Climate Action Plan Update, preparation of the Zoning Ordinance Update and preparation of an Environmental Impact Report; and

WHEREAS, the City Council of the City of South San Francisco appointed a General Plan Community Advisory Committee (“GPCAC”) to advise the City Council regarding the 2040 General Plan Update and over a three-year period, the GPCAC held monthly public meetings including, hosting several community informative meetings; and

WHEREAS, the City held numerous community workshops, both in person and virtually, including sub-area meetings and pop-up meetings to discuss community issues, vision, guiding principles, to receive comments on the Draft 2040 General Plan Update policy framework, draft Elements, Draft Climate Action Plan Update and Draft Zoning Ordinance Update; and

WHEREAS, the City has prepared a comprehensive update to the City’s Zoning Ordinance, as codified in Title 20 of the South San Francisco Municipal Code, which update includes (i) revisions to the majority of Chapters within Title 20 (attached hereto as Exhibit A) and replacing those Chapters in the existing Zoning Ordinance; and (ii) an entirely new Zoning Map (attached hereto as Exhibit B) replacing the City’s existing Zoning Map (collectively, “Zoning Ordinance Update” or “ZOU”), and such Zoning Ordinance Update was prepared to ensure consistency with the 2040 General Plan Update and the Climate Action Plan Update; and

WHEREAS, all draft documents, meeting minutes and meeting videos were made available to the public through the project website as well as information gathering through online surveys; and

WHEREAS, the Planning Commission and City Council held several Study Sessions at key milestones to guide the preparation of the Zoning Ordinance Update; and

WHEREAS, the Zoning Code and Zoning Map Amendments were prepared to ensure consistency with the 2040 General Plan Update and the Climate Action Plan; and

WHEREAS, the draft Zoning Ordinance Update was published for public review and comment on June 8, 2022 and public comments have been received and incorporated into the final Zoning Ordinance Update; and

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared to evaluate the 2040 General Plan Update, Climate Action Plan Update, and Zoning Ordinance Update and the DEIR was published on June 24, 2022 for public review and comment; and

WHEREAS, the Planning Commission conducted a duly notice public hearing on the Zoning Ordinance Update on September 15, 2022 and adopted Resolution \_\_\_\_ recommending the City Council adopt of the Zoning Ordinance Update by Ordinance; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the City of South San Francisco Planning Commission by separate resolution recommended that the City Council: certify a Final Environmental Impact Report ("FEIR") for the 2040 General Plan Update, Climate Action Plan Update and Zoning Ordinance Update; make findings relating to significant impacts, mitigation measures and alternatives, and adopt a Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 12, 2022 to hear and consider all comments of all persons interested in or concerned with proposed amendments to the Zoning Ordinance Update in consideration of adoption of and Ordinance; and

WHEREAS, the City Council desires to make findings for the proposed amendments to the South San Francisco Zoning Ordinance Update relative to implementation of the 2040 General Plan Update and Climate Action Plan Update and for consistency with the Zoning Code (title 20).

NOW, THEREFORE, BE IT FOUND, DETERMINED AND 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 Environmental Impact Report; the South San Francisco Municipal Code; the South San Francisco 2040 General Plan Update; the South San Francisco Zoning Ordinance Update; the South San Francisco Climate Action Plan Update; the Draft and Final EIR prepared for the 2040 General Plan Update, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the EIR and all appendices thereto; the Project applications; all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed September 15, 2022 meeting; all reports, minutes, and public testimony submitted as part of the City Council's duly noticed October 12, 2022 meeting; and any other evidence (within the meaning

of Public Resources Code §21080(e) and §21082.2), the City Council of the City of South San Francisco hereby finds as follows.

## **SECTION 1. FINDINGS**

### **A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Record for these proceedings, and upon which this Ordinance is based, includes without limitation, the documents referenced above, and all reports, minutes, submittals and public testimony submitted as part of the Planning Commission's duly noticed meeting and the meetings at which the City Council considered this Ordinance, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).
3. 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.

### **B. Zoning Ordinance Amendment Findings**

1. The Zoning Ordinance Update is consistent with the 2040 General Plan because the land uses, rules and regulations proposed in the Zoning Ordinance Update are compatible with the goals, policies and land use designations established in the 2040 General Plan.
2. The Zoning Ordinance Update meets all of the requirements as contained in Planning and Zoning Law (Government Code sections 65800-65912).
3. The Zoning Ordinance Update has been prepared and adopted in accordance with the requirements of Planning and Zoning Law (Government Code, sections 65853-65860).

## **SECTION 2. ADOPTION OF ZONING ORDINANCE UPDATE**

Based on the entirety of the record, as described above, and the Findings contained in Section 1 of this Ordinance, the City Council for the City of South San Francisco does hereby:

- (1) Repeal the entire existing Title 20 of the South San Francisco Municipal Code, except for the following Chapters which will remain in effect without amendment:
  - a. 20.030 "Rules of Construction for Language", adopted by Ordinance No. 1432-2010
  - b. 20.140 "Planned Development (PD) District", adopted by Ordinance No. 1432-2010

- c. 20.170 “Special Environmental Studies (ES) Overlay District”, adopted by Ordinance No. 1432-2010
- d. 20.370 “Antennas and Wireless Communications Facilities”, adopted by Ordinance Nos. 1585-2019, 1457-2012 and 1432-2010
- e. 20.380 “Inclusionary Housing Regulations”, adopted by Ordinance No. 1565-2018
- f. 20.390 “Bonus Residential Density”, adopted by Ordinance No. 1566-2018
- g. 20.410 “Regulation on Cannabis Activities”, adopted by Ordinance Nos. 1554-2018, 1551-2018, 1548-2017 and 1442-2011.
- h. 20.420 “Prohibition on New Significant Tobacco Retailers”, adopted by Ordinance Nos. 1588-2019 and 1455-2012
- i. 20.450 “Common Procedures”, adopted by Ordinance No. 1432-2010
- j. 20.460 “Environmental Review”, adopted by Ordinance No. 1432-2010
- k. 20.500 “Variances”, adopted by Ordinance No. 1432-2010
- l. 20.530 “Specific Plans and Plan Amendments”, adopted by Ordinance No. 1432-2010
- m. 20.540 “Amendments to General Plan”, adopted by Ordinance Nos. 1469-2013 and 1432-2010
- n. 20.550 “Amendments to Zoning Ordinance and Map”, adopted by Ordinance Nos. 1469-2013 and 1432-2010
- o. 20.560 “Pre-zoning Procedure”, adopted by Ordinance No. 1432-2010
- p. 20.570 “Appeals and Calls for Review”, adopted by Ordinance Nos. 1511-2016 and 1432-2010
- q. 20.580 “Enforcement and Abatement Procedures”, adopted by Ordinance No. 1432-2010; and

(2) Adopt the South San Francisco Zoning Ordinance Update, including the City Council/Public Review Zoning Ordinance (South San Francisco Municipal Code, Title 20) and Zoning Map, attached as Exhibit A and Exhibit B, respectively (ZA22-0003 and RZ22-0002).

### **SECTION 3. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 4.****PUBLICATION AND EFFECTIVE DATE**

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.