



Legislation Text

File #: 20-281, **Version:** 1

Ordinance amending Title 20 (Zoning) of the South San Francisco Municipal Code pertaining to accessory dwelling units and determination that the proposed amendments are statutorily exempt from the California Environmental Quality Act (CEQA).

WHEREAS, in 2016, 2018, and 2019, the California legislature amended California Government Code section 65852.2 and 65852.22 outlining the standards by which local jurisdictions must approve and regulate the development of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU), the purpose of which is to reduce governmental barriers and to increase the supply of smaller and affordable housing; and

WHEREAS, in 2019, Governor Gavin Newsom signed into law Assembly Bill 881 (Bloom, Chapter 659, Statutes of 2019), Assembly Bill 68 (Ting, Chapter 655, Statutes of 2019) and Senate Bill 13 (Wieckowski, Chapter 653, Statutes of 2019), which all became effective on January 1, 2020; and

WHEREAS, among other requirements, these new bills amended Government Code sections 65852.2 and 65852.22 and require cities to further relax their regulation of ADUs and JADUs by facilitating the conversion of existing buildings into ADUs; reducing, and in some cases removing altogether, the parking requirements for ADUs and JADUs; requiring cities to permit multiple ADUs on most or all lots containing multifamily dwellings, to permit up to two ADUs on most or all lots containing existing single family dwellings, to permit JADUs on most or all lots containing single-family dwellings; and generally prohibiting the imposition of a connection fee or capacity charge for utilities serving the ADU and JADUs; and

WHEREAS, Government Code Section 65852.2(a)(4), as amended, provides that any existing local ADU ordinance failing to meet the requirements of the new state law shall be null and void unless and until the local agency adopts a new ordinance complying with California Government Code Section 65852.2; and

WHEREAS, in the absence of a valid local ordinance, the new state law instead provides a set of default standards governing local agencies' regulation and approval of ADUs and JADUs; and

WHEREAS, the City of South San Francisco's ("City") current ordinance regarding ADUs and JADUs was updated in 2016 and 2018, and, as the City desires to continue enforcing its current ordinance, now must be further updated to comply with newly amended state law; and

WHEREAS, the City has prepared a draft ordinance amending existing Section 20.350.035 (Accessory Dwelling Units) of Title 20 (Zoning) and other related land use definitions and zoning regulations of the South San Francisco Municipal Code in order to comply with current state law; and

WHEREAS, the amendments to the City's Zoning Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact, and would implement the requirements of Government Code Sections 65852.1 and 65852.2; and

WHEREAS, on April 16, 2020, the South San Francisco Planning Commission held a duly noticed public hearing to review the proposed draft ordinance, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, on April 16, 2020, the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the CEQA finding and the proposed zoning ordinance amendments, take public testimony, and adopted Resolution No. 2852-2020 making a recommendation to the City Council on the project; and

WHEREAS, on May 13, 2020, the City Council for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the CEQA finding and the proposed zoning ordinance amendments, take public testimony, and adopt the recommendation of the Planning Commission on the proposed revisions to the City's Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the Record before it, both written and oral, including without limitation the public comment, staff reports, minutes, and other relevant materials, the City Council of the City of South San Francisco does hereby ORDAIN as follows:

SECTION I. FINDINGS.

Based on the entirety of the record as described above, the City Council of South San Francisco hereby makes the following 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, 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; the Zoning Ordinance Text Amendments; and all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed April 16, 2020 meeting and the City Council's duly noticed May 13, 2020 meeting; 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, Sailesh Mehra.

B. CEQA Findings

1. The City Council hereby finds and determines that the adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines because it is an accessory dwelling unit ordinance that is implementing the provisions of Government Code Sections 65852.1 and 65852.

C. Zoning Text Amendment Findings

1. The proposed Zoning Text Amendment is consistent with the adopted General Plan because the Zoning Amendment will reinforce the General Plan policies, is consistent with the relevant specific plans, and is consistent with the City's overall vision for providing a diversity of housing types responsive to household

size, income, and age needs. None of the new or revised requirements for accessory dwelling units and junior accessory dwelling units will conflict with or impede achievement of any of the goals, policies, or land use designations established in the General Plan.

2. The Zoning Text Amendment would encourage the creation of accessory dwelling units and junior accessory dwelling units on residentially zoned properties to provide opportunities for affordable housing stock. The zoning districts where accessory dwelling units and junior accessory dwelling units are permitted are generally suitable in terms of access, size of parcel, relationship to similar or related uses, and other considerations as deemed relevant by the Planning Commission and City Council because the proposed uses are consistent with General Plan policies, specifically those policies which promote developing a diverse housing stock.
3. The proposed revisions and additions to the accessory dwelling unit regulations will not be detrimental to the use of land in any adjacent zone because the Amendment will refine existing performance standards and introduce new standards for accessory dwelling units to ensure that any future accessory dwelling units are compatible with surrounding residential uses.

SECTION II. AMENDMENTS.

1. The following provisions of Title 20, “Zoning” of the South San Francisco Municipal Code are amended to read as set forth in Exhibit A to this ordinance, with texts in ~~striketrough~~ indicating deletion and double underline indicating addition:

- a. **Section 20.630.002, “Definitions”** of Chapter 20.630, “Terms and Definitions”;
- b. **Section 20.620.002, “Residential Use Classifications”** of Chapter 20.620, “Use Classifications”;
- c. **Land Use Regulations Tables** applicable to the Commercial, Office, and Mixed-Use Districts; Downtown Districts; Transit Village Sub-Districts; El Camino Real/Chestnut Sub-Districts; and Downtown Station Area Specific Plan Sub-Districts;
- d. **Parking Requirement Tables** for Required On-Site Parking Spaces and Required Parking Spaces for Downtown Districts;
- e. **Section 20.320.004, “Alterations and Enlargements to Nonconforming Structures”** of Chapter 20.320, “Nonconforming Uses, Structures and Lots”; and
- f. **Section 20.350.035, “Accessory Dwelling Units”** of Chapter 20.350, “Standards and Requirements for

Specific Uses and Activities”.

2. Sections, subsections, table and other provisions of the South San Francisco Municipal Code that are not amended by this Ordinance are not included in Exhibit A, and shall remain in full force and effect.

SECTION III. 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 IV. 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.