

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY APPROVING NEW ZONING ORDINANCE ARTICLE 48 (FLOOR AREA RATIO FOR SINGLE FAMILY HOMES) AND AMENDING ARTICLES 2 (DEFINITIONS), 5 (RESIDENTIAL – HILLSIDE AND RESIDENTIAL SINGLE FAMILY), 6 (RESIDENTIAL – DUPLEX), 8 (RESIDENTIAL – LOW DENSITY), 9 (RESIDENTIAL – MEDIUM DENSTY), 10 (RESIDENTIAL – HIGH DENSITY), 53 (MIXED-USE CORRIDOR), 54 (MIXED-USE NEIGHBORHOOD), AND 55 (MIXED-USE LIVE/WORK)

WHEREAS, the City of Redwood City (“City”) controls the discretionary review of certain single-family home development projects in part through the issuance of Architectural Permits, pursuant to Article 45 of the Zoning Ordinance; and

WHEREAS, decisions regarding an Architectural Permit are based upon meeting the required development standards, as well as findings in Section 45.4; and

WHEREAS, on July 23, 2018, the City Council held a study session to consider the Architectural Permit process for single-family homes and discussed additional tools and development regulations that would help new two-story homes and substantial remodels address neighborhood compatibility; and

WHEREAS, on November 19, 2018, the City Council held a study session regarding a proposed neighborhood compatibility and design review process for second-story additions and two-story single-family homes. The City Council also directed staff to prepare a Floor Area Ratio (FAR) ordinance for consideration as an additional tool for reviewing single-family home design; and

WHEREAS, on December 3, 2018, the City Council adopted a resolution establishing residential development guiding principles to be used when evaluating one of the Architectural Permit findings related to neighborhood compatibility; and

WHEREAS, on May 21, 2019, the Planning Commission reviewed an Interim FAR ordinance at a public hearing. The ordinance included a threshold approach where projects over 0.50 FAR would require Planning Commission review and approval. The

Planning Commission continued the public hearing to June 18, 2019 in order to review additional data and analysis; and

WHEREAS, on June 18, 2019, the Planning Commission reviewed three “hard-cap” options for an FAR ordinance at a public hearing. Staff also prepared amendments to Zoning Ordinance Articles 2, 5, 6, 8, 9, 10, 48, 53, 54, and 55. These revisions are collectively referred to as the “Zoning Ordinance Amendments”; and

WHEREAS, at its June 18, 2019 public hearing, the Planning Commission reviewed and recommended approval of the Zoning Ordinance Amendments, specifically the option of limiting the maximum dwelling size to 2,500 square feet or an FAR of 40 percent, whichever is greater; and

WHEREAS, on August 14, 2019, a public hearing notice was published in the San Mateo Daily Journal; and

WHEREAS, on August 26, 2019, City Council held a public hearing on the Zoning Ordinance Amendments and considered the whole of the record including the Planning Commission recommendation and materials, staff report and presentation, public correspondence, and public comments received. The record included facts and evidence that continuing to review single-family homes without a FAR poses an immediate threat to public peace, health and safety because the homes and their size, scale and massing have been injurious to the equal rights of the neighboring property owners. Specifically, these approvals were incompatible with neighborhood character, compromised privacy, affected light and air, impacted property values, and posed security concerns; and

WHEREAS, the City Council, pursuant to its police powers, has broad authority to maintain public health and safety by protecting the wholesome condition of the community at large and preserving the quality of urban life, including through the adoption of regulations that advance aesthetic interests; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety because thirteen applications for Architectural Permits for a new home or a second story have been

submitted and would be deemed complete and/or issued between now and the time a traditional ordinance would be adopted (following a second reading on September 9, 2019 and becoming effective on October 9, 2019); and

WHEREAS, Government Code section 36937(b) authorizes the adoption of an urgency ordinance to protect the public peace, health or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by four-fifths of the Council; and

WHEREAS, failure to adopt this urgency ordinance could result in development that is inconsistent with the City Council's objectives to protect adjacent and nearby property owners as well as the broader community from homes that are too large and inconsistent with neighborhood character; and

WHEREAS, the City Council further finds that this urgency ordinance is a matter of local and City-wide importance and is not directed towards any particular person or entity that currently seeks approvals to construct single-family homes in Redwood City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AS FOLLOWS:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council hereby finds that the proposed Zoning Ordinance Amendments are in the public interest and consistent with the Redwood City General Plan.

Section 3. This Ordinance is adopted pursuant to the provisions set forth in Government Code section 36937(b) and pursuant to other applicable law.

Section 4. In accordance with the authority granted the City under its police powers and Government Code section 36937(b), and pursuant to the evidence in the record referenced herein, the City Council hereby finds as follows:

(1) There exists a current and immediate threat to the public peace, health, and safety, requiring this urgency Ordinance because there is evidence in the record to show that the size, scale, and massing of large homes have been or have the potential to be injurious to the equal rights of the neighboring property owners, causing incompatibilities with neighborhood character, compromising privacy, affecting light and air, impacting property values, and posing security concerns.

(2) Action must be taken immediately to preserve the public peace, health, and safety because but for the Zoning Ordinance Amendments becoming effective immediately, thirteen architectural permits for a new home or a second story addition will be deemed complete and/or issued by the time a traditional ordinance would go into effect.

Now, therefore, the City Council hereby declares and imposes an urgency Ordinance for the immediate preservation of the public peace, health, and safety as set forth below:

Section 5. The City Council of the City of Redwood City hereby adopts the Zoning Ordinance Amendments including new Zoning Ordinance Article 48 as shown in Exhibit A, attached hereto and incorporated herein by reference, by adding text shown in underline (example) and deleting text shown in ~~strikeout (example)~~. Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

Section 6. Pursuant to Government Code section 36937(b), this Ordinance shall take effect immediately.

Section 7. The proposed Zoning Ordinance Amendments have been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The project is exempt from CEQA as it can be seen with certainty that there is no impact

on the environment. (See CEQA Guidelines 15061 (b) (3)) as described in the staff report.

Section 8. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

Section 9. This Ordinance shall not apply to Architectural Permit applications deemed complete or, if no Architectural Permit is required then to building permit applications submitted, for single-family home projects prior to the Ordinance's effective date.

Section 10. The City Clerk is directed to cause this ordinance to be published in the manner required by law.

THE FOREGOING URGENCY ORDINANCE was introduced and adopted, effective immediately, at a regular meeting of the City Council of the City of Redwood City held on August 26, 2019, by the following vote:

* * *

**EXHIBIT A
ZONING ORDINANCE AMENDMENTS**

[Article 2 (Definitions), Section 2.2 is amended as follows]

2.2 - Definitions.

Floor Area, Gross

[Subsections A-D remain unchanged]

E. For the purpose of determining gross floor area for Single-Family Dwellings, See Article 48, Floor Area Ratio Ordinance.

[All other definitions remain unchanged]

[Article 5 (Residential – Hillside and Residential – Single-Family), Section 5.5 is amended as follows]

5.5 – Lot Coverage and Floor Area Ratio.

A. Total lot coverage is limited to forty (40) percent of the lot area. Not more than fifty (50) percent of the required rear yard shall be covered by any combination of accessory buildings or an accessory dwelling unit subject to Section 36.5 (Accessory Buildings) and Article 37 (Accessory Dwelling [Units]).

B. Total Floor Area Ratio for single-family dwellings is limited to a maximum dwelling size of 2,500 sq. ft. or 40 percent, whichever is greater.

See Article 48 (Floor Area Ratio) for methods of calculations and exceptions.

[All other sections remain unchanged]

[Article 6 (Residential – Duplex), Section 6.8 is amended as follows]

6.8 – Lot Coverage and Floor Area Ratio.

A. Not more than forty (40) percent of the lot shall be covered by buildings.

B. Total Floor Area Ratio for single-family dwellings is limited to a maximum dwelling size of 2,500 sq. ft. or 40 percent, whichever is greater.

See Article 48 (Floor Area Ratio) for methods of calculations and exceptions.

[All other sections remain unchanged]

[Article 8 (Multi-Family – Low Density), Section 8.8 is amended as follows]

8.8 – Lot Coverage and Floor Area Ratio.

A. Not more than sixty (60) percent of the lot shall be covered by buildings.

B. Total Floor Area Ratio for single-family dwellings is limited to a maximum dwelling size of 2,500 sq. ft. or 40 percent, whichever is greater.

See Article 48 (Floor Area Ratio) for methods of calculations and exceptions.

[All other sections remain unchanged]

[Article 9 (Multi-Family – Medium Density), Section 9.8 is amended as follows]

9.8 – Lot Coverage and Floor Area Ratio.

A. Not more than sixty (60) percent of the lot shall be covered by buildings.

B. Total Floor Area Ratio for single-family dwellings is limited to a maximum dwelling size of 2,500 sq. ft. or 40 percent, whichever is greater.

See Article 48 (Floor Area Ratio) for methods of calculations and exceptions.

[All other sections remain unchanged]

[Article 10 (Residential – High Density), Section 10.8 is amended as follows]

10.8 – Lot Coverage and Floor Area Ratio.

A. Not more than sixty (60) percent of the lot shall be covered by buildings.

B. Total Floor Area Ratio for single-family dwellings is limited to a maximum dwelling size of 2,500 sq. ft. or 40 percent, whichever is greater.

See Article 48 (Floor Area Ratio) for methods of calculations and exceptions.

[All other sections remain unchanged]

[New Article 48 is added to read as follows]

Article 48

Floor Area Ratio for Single-Family Homes

Sections

- 48.1 Purpose**
- 48.2 Applicability**
- 48.3 Definitions**
- 48.4 Floor Area Ratio**

48.1 – Purpose.

The intent of this Article is to establish an additional development standard, Floor Area Ratio, for the review of single-family dwellings.

48.2 – Applicability.

This Article shall apply to all single-family dwellings in any zoning district, including single-family dwellings with an accessory dwelling unit.

48.3 – Definitions.

For the purposes of this Article, the following words and phrases shall have the following meanings:

- A. “Gross Floor Area” means the total covered area of all floors of a single-family dwelling which includes attached garages, measured to the outside of stud walls except as described below:
 - 1. Basements that are no more than twenty-four inches above average finished grade; and
 - 2. Detached structures including: Accessory Buildings and Accessory Dwelling Units; and
 - 3. Features as described in Section 32.3 E (Architectural Features).

48.4 – Floor Area Ratio.

Total Floor Area Ratio for single family dwellings shall be limited to a maximum of 2,500 square feet, or forty (40) percent of lot area, whichever is larger.

[Article 53 (Mixed-Use Corridor), Table 53-3 is amended as follows]

Table 53-3: Height, Density, and Intensity Development Standards

| Development Standards | MUC-ECR | MUC-VB | MUC-RC | MUC-SB | MUC-GB | Specific Regulations |
|--|---------------------------------------|------------------|------------------|------------------|------------------|--|
| Maximum Height - Residential Use (Max) | 4 stories/50 ft. | 4 stories/50 ft. | 4 stories/50 ft. | 4 stories/50 ft. | 4 stories/50 ft. | |
| Maximum Height - Commercial Use | 4 stories/60 ft. | 4 stories/60 ft. | 4 stories/60 ft. | 4 stories/60 ft. | 4 stories/60 ft. | |
| Maximum Height - Bonus Height (Max) | 6 stories/85 ft. | 6 stories/85 ft. | 6 stories/85 ft. | 6 stories/85 ft. | 6 stories/85 ft. | 53.7.B.3 |
| Minimum Height - All Uses | 2 stories/20 ft. | 2 stories/20 ft. | 2 stories/20 ft. | 2 stories/20 ft. | 2 stories/20 ft. | 53.7.B.2 |
| Maximum Density - Residential Only | 60 du/ac | 60 du/ac | 60 du/ac | 60 du/ac | 60 du/ac | |
| Maximum Density - Mixed-Use | 60 du/ac | 60 du/ac | 60 du/ac | 60 du/ac | 60 du/ac | |
| Maximum FAR - Commercial Only | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | |
| Maximum FAR - Mixed-Use | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | FAR applicable to commercial use only. |
| <u>Maximum FAR – Single-Family</u> | <u>See Article 48 (FAR Ordinance)</u> | | | | | |

[Article 54 (Mixed-Use Neighborhood), Table 54-3 is amended as follows]

| Development Standards | MUN | Specific Regulations |
|---|------------------|---|
| Maximum Height - Residential Only | 3 stories/40 ft. | |
| Maximum Height - Commercial Use Only | 2 stories/35 ft. | |
| Maximum Height – Mixed-Use* | 4 stories/50 ft. | Section 54.7.B, D |
| Minimum Height - All Uses | 2 stories/20 ft. | Section 54.7.C |
| Maximum Density - Residential Only | 40 du/ac | |
| Maximum Density - Mixed-Use | 40 du/ac | |
| Maximum FAR - Commercial Only | 0.6 | |
| Maximum FAR - Mixed-Use* | 0.8 | FAR applicable to commercial use only. Section 54.7.E |
| Maximum FAR – Mixed-use/Public Amenity Bonus FAR* | 1.0 | FAR applicable to commercial use only. Section 54.7.E |

| | | |
|--|---------------------------------------|----------------------|
| Development Standards | MUN | Specific Regulations |
| <u>Maximum FAR – Single-Family Dwellings</u> | <u>See Article 48 (FAR Ordinance)</u> | |
| After approval, a mixed-use building shall not be converted to an entirely residential or entirely commercial use. | | |

[Article 55 (Mixed-Use Live/Work), Table 55-3 is amended as follows]

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|------------------------------------|---------------------------------------|---|
| | | |
| Development Standards | MUN | Specific Regulations |
| Maximum Height | 3 stories/40 ft. | |
| Maximum Density | 20 du/ac | Live/Work developments shall be subject to both maximum density and maximum FAR requirements. |
| Maximum FAR | 2.0 | |
| <u>Maximum FAR – Single-Family</u> | <u>See Article 48 (FAR Ordinance)</u> | |