

**CITY OF SAN MATEO  
ORDINANCE 2024-5**

**Amending the Zoning Map of the City of San Mateo to Rezone the Site at 200 S. Fremont St. (APN 033-163-160) from R-D to R-D/H**

WHEREAS, the State Housing Element Law (Government Code Section 65580 *et seq.*) requires that the City Council adopt a Housing Element for the eight-year period of 2023-2031 to accommodate the City of San Mateo (“City”) regional housing need allocation (RHNA) of 7,015 housing units; and

WHEREAS, on May 20, 2024, the City Council adopted a resolution to adopt the revised Housing Element of the General Plan for the period of 2023-2031 (Housing Element); and

WHEREAS, Government Code Section 65583.2(c) requires nonvacant sites identified in a prior housing element and vacant sites that have been included in two or more consecutive planning periods that were not approved to develop a portion of the City’s assigned RHNA to be rezoned to allow for residential use by-right for housing developments in which at least 20 percent of the units are affordable to lower income households; and

WHEREAS, pursuant to Government Code Section 65583.2(c), Policy H 1.10 of the 2023-2031 Housing Element requires amending the Zoning Code to establish a by-right zoning designation for housing sites reused from prior Housing Elements for housing projects that propose a minimum of 20 percent affordable units for lower income households and allows a minimum of 30 dwelling units per acre; and

WHEREAS, the Housing Element has identified sites that can accommodate sufficient housing units to meet the City’s RHNA plus a buffer, and included the site at 200 S. Fremont St. 35 which is a vacant site that was included in two or more consecutive planning periods; and

WHEREAS, the existing zoning designation of 200 S. Fremont St. is in a Multiple Family Dwellings For Downtown (Medium High Density) zoning district; and

WHEREAS, 200 S. Fremont St. is in the Residential Medium II land use designation of the San Mateo General Plan 2040 which allows up to 50 dwelling units per acre (pursuant to Measure Y limitations). The zoning designation for by-right residential uses allowing 30 dwelling units per acre is within the density limits; and

WHEREAS, the Environmental Impact Report (EIR) for the San Mateo General Plan 2040 analyzed new residential development of up to 19,764 new housing units and growth around the City through 2040; and

WHEREAS, on March 18, 2024, at a duly noticed public hearing, the City Council certified the EIR for the San Mateo General Plan 2040, pursuant to the California Environmental Quality Act of 1970, together with related State implementation guidelines promulgated thereunder (CEQA); and

WHEREAS, on May 28, 2024, the Planning Commission held a duly noticed public hearing, received all written and oral public comments, and recommended that the City Council approve the proposed ordinance establishing the Housing Opportunity Overlay District (H) and amending the zoning map to reclassify parcels on housing sites used in previous Housing Elements with the Housing Opportunity Overlay District (H).

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

Rezone the Site at 200 S. Fremont Street

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**SECTION 1. Legislative Findings.** At a duly noticed public hearing on June 17, 2024, the City Council of the City of San Mateo reviewed and considered the accompanying staff report and attachments thereto, the exemption from environmental review, together with comments received during the public review process, and hereby finds and determines that the proposed ordinance is consistent with the adopted General Plan in that it supports the development of housing and achieves the General Plan's stated goals and policies.

**SECTION 2. Environmental Determination.** In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, the zoning amendment to reclassify 200 S Fremont St. with the overlay district ("project") is exempt from further environmental review because the project is consistent with the Residential Medium II land use designation adopted as part of the General Plan 2040 for which an Environmental Impact Report (EIR) was certified by the City Council on March 18, 2024 and the allowed residential development density is also consistent with the development density established by zoning or general plan policies. There are no project specific effects that are peculiar to the project; there are no project specific impacts that the General Plan Update EIR failed to analyze as significant effects; there are no potentially significant off-site and cumulative impacts that the general plan EIR failed to evaluate; and there is no substantial new information which results in more severe impacts than anticipated by the general plan EIR, all as further explained in the CEQA memorandum attached to the staff report. Furthermore, any future development of the site pursuant to these code amendments would not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code pursuant to Government Code Section 65583.2(i).

**SECTION 3. Zoning Map.** The Zoning Map of the City of San Mateo is hereby amended to rezone the property generally known as 200 S. Fremont St. (APN 033-163-160) from R4-D to R4-D/H as depicted in Exhibit A, attached hereto and incorporated by reference. The Zoning Map shall be amended to reflect this amendment.

**SECTION 4. Severability.** In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**SECTION 5. Publication.** This ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

**SECTION 6. Legislative History And Effective Date.** This ordinance was introduced on June 17, 2024, and adopted on July 15, 2024, and shall be effective 30 days after its adoption.

*Ordinance No. 2024-5*  
*Rezone the Site at 200 S. Fremont Street*

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

AYES: Council Members Diaz Nash Newsom, Loraine, and Hedges

NOES: None

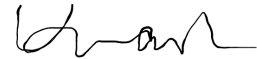
ABSENT: None

ABSTAIN: Council Member Lee

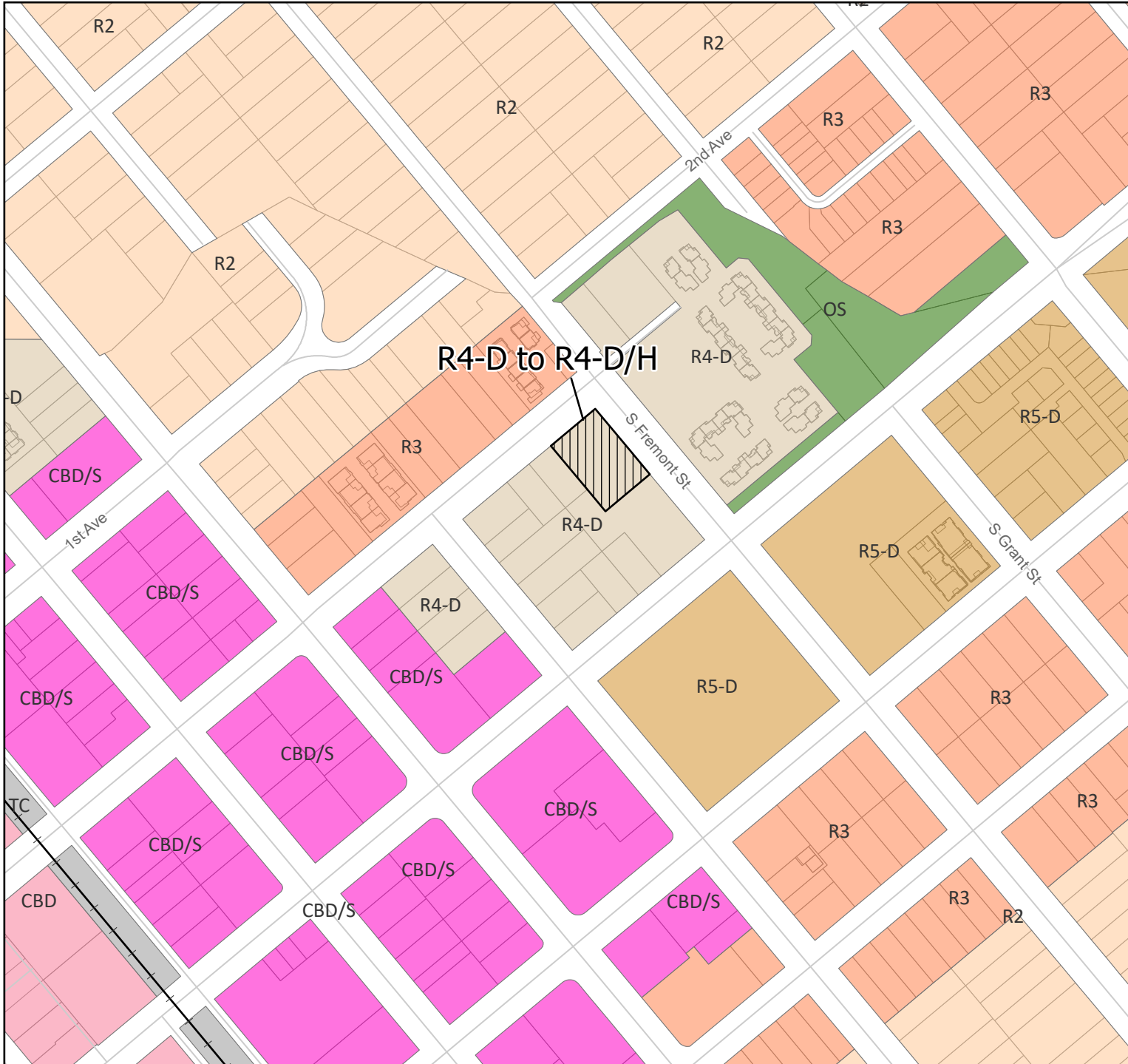
ATTEST:



Martin McTaggart, City Clerk



Lisa Diaz Nash, Mayor



# City of San Mateo H-Overlay

## Legend

- H Overlay
- CBD - Central Business
- CBD/S - CBD - Central Business Support
- OS - Open Space
- R2 - Two Family Dwellings
- R3 - Multi-Family Dwellings (Med. Density)
- R4 - Multi-Family Dwellings (High Density)
- R5 - Multi-Family Dwellings (High Density)
- TC - Transportation Corridor

PREPARED BY  
PLANNING DIVISION



0 120 240  
US Feet

Source: ESRI, 2024; City of San Mateo, 2024.