

RESOLUTION NO. P - - 23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17, "ZONING" MAKING REVISIONS TO VARIOUS CHAPTERS 17.04 DEFINITIONS; 17.12 R-1 SINGLE FAMILY RESIDENCE DISTRICT, 17.14 R-2 TWO FAMILY RESIDENCE DISTRICT; 17.16 R-T TOWNHOUSE RESIDENCE DISTRICT; 17.18 R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT; 17.20 R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT; 17.26, C-2 GENERAL BUSINESS DISTRICT; 17.28 C-M COMMERCIAL MIX DISTRICT; 17.36 PD PLANNED DEVELOPMENT COMBINING DISTRICT; 17.58 ARCHITECTURAL CONTROL AND SUPERVISION; AND 17.62 OFF-STREET PARKING REGULATIONS AND FINDING THAT THE PROPOSED AMENDMENTS TO TITLE 17 ARE EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) - RZ2021-0001

FOSTER CITY PLANNING COMMISSION

WHEREAS, the recent state laws have limited a local jurisdiction's ability to apply subjective design standards for qualifying housing projects and local jurisdictions can now only rely on the application of objective design standards to multi-family and residential mixed-use projects; and

WHEREAS, objective standards are those that do not involve personal or subjective judgment; and

WHEREAS, on May 3, 2021, the City Council adopted Resolution No. 2021-52, directing staff and the Planning Commission to prepare the Multi-Family and Residential Mixed use Objective Design Standards (ODDS) in a new chapter of Title 17, Zoning, of the Foster City Municipal Code; and

WHEREAS, the City has conducted a robust community engagement process to ensure that residents' views regarding the design of new multi-family developments are captured in the new regulations, including four (4) Planning Commission study sessions (), a data walk, 30-day public comment period on the draft ordinance, a dedicated website, and various tabling events; and

WHEREAS, implementing the ODDS will include new development requirements for parking, height, setbacks, open space, and materials and colors to multi-family and residential mixed-use projects and therefore, as part of the implementation of these ODDS, there are will also updates to other chapters of the Municipal Code, including 17.04 Definitions; 17.12 R-1 Single Family Residence District; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.38 C-M Commercial Mix District; 17.36

PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-Street Parking Regulations; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the amendment to title 17, Zoning, to various chapters including but not limited to 17.04 Definitions; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 Pd Planned Development Combining District; 17.58 Architectural Control And Supervision; And 17.62 Off-Street Parking Regulations at the Planning Commission meeting on November 16, 2023; and

WHEREAS, the Planning Commission of the City of Foster City has carefully reviewed and considered the staff report and all attachment thereto presented as part of the agenda for the public hearing regarding the proposed amendment to Title 17, Zoning, of the Foster City Municipal Code as referenced above including any and all timely submitted correspondence, all information submitted at or prior to the public hearing, and all public comment and testimony presented at the public hearing (collectively, the "Record"); and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The proposed amendments are internally consistent with all other provisions of the General Plan and do not conflict with any of the previously adopted goals, policies, or programs of the General Plan, specifically Housing Element Goal H-D, Pursue Public and Private Redevelopment Opportunities to Increase the Supply of Housing, including to assure excellence in architectural and site planning in all new projects and Land Use and Circulation Element Goal LUC-B Promote Proper Site Planning, Architectural Design and Property Maintenance.
3. The proposed amendments are necessary to implement the goals and policies of the General Plan through implementation of the Housing Element, specifically Housing Element Program H-D-6-e Multi-Family Objective Design Standards that calls for objective design standards and objective approval findings to be adopted by December 2023.
4. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City.
5. The proposed ordinance making various amendments to Title 17 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as the adoption of the proposed amendments to zoning regulations are not a "project" that may cause a

direct, or reasonably foreseeable indirect, physical change in the environment and if a “project,” the proposed amendments to zoning regulations in Title 17 would be exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City does hereby recommend that the City Council adopt an ordinance amending title 17, Zoning, by making revisions to various chapters, including 17.04 Definitions; 17.12 Single Family Residence District; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-Street Parking Regulations, contained in Exhibits A through L, attached hereto and incorporated herein.

PASSED AND ADOPTED as a Resolution by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on November 16, 2023, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

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RAVI JAGTIANI, CHAIR

ATTEST:

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SOFIA MANGALAM, SECRETARY

## EXHIBIT A