

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING TITLE 17, "ZONING" ADDING A NEW CHAPTER 17.96 MULTIFAMILY AND RESIDENTIAL MIXED USE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS AND FINDING THAT THE PROPOSED AMENDMENTS TO TITLE 17 ARE EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) - RZ2021-0001

CITY OF FOSTER CITY

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 Objective Design Standards 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, on November 16, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and considered a Resolution recommending City Council adoption of amendments to Title 17, Zoning, adding a new Chapter 17.96, and after conducting the public hearing, adopted Resolution No. _____ recommending City Council adoption of the Ordinance approving amendments to Title 17, Zoning, adding a new Chapter 17.96; and

WHEREAS, on _____ 2023, a public hearing notice was published posted in three public places, and mailed pursuant to California Code Section 65090 for the City Council public hearing on December 18, 2023.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. The City Council does hereby find and determine based upon the aforementioned Record as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. The adoption of a new Chapter 17.96 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 objective design standards and 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 adoption of a new Chapter 17.96 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.

Section 2. Amendment. A new Chapter 17.96 “Multifamily and Residential Mixed Use Objective Design and Development Standards” is hereby added within Title 17, “Zoning” of the Foster City Municipal Code to read as set forth in the attached Exhibit A, as listed below and attached hereto and incorporated herein by reference:

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the ____ day of ____, 2023, and passed and adopted on the ____ day of ____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JON FROOMIN, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK

EXHIBIT A

Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards

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