

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING THE FOSTER CITY ZONING MAP TO CHANGE THE ZONING DESIGNATION AT BEACH PARK ELEMENTARY SCHOOL (APN 094-473-030) FROM C-1/PD NEIGHBORHOOD BUSINESS/PLANNED DEVELOPMENT DISTRICT TO PF PUBLIC FACILITIES DISTRICT AND FINDING THE AMENDMENT WITHIN THE SCOPE OF THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE NEW ELEMENTARY SCHOOL IN FOSTER CITY PROJECT AND CERTIFIED BY THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT – RZ2024-0002

CITY OF FOSTER CITY

WHEREAS, there is a shortage of affordable housing in the City of Foster City (City) as documented in the Regional Housing Needs Assessment (RHNA) 6 Housing Element for 2023-2031 Planning Period; and

WHEREAS, California Government Code Section 65580(d) states that all cities have a responsibility to use the powers vested in them to facilitate the improvement and development of housing and to make adequate provision for the housing needs of all economic segments of the community; and

WHEREAS, the Foster City Housing Element for the 2023-2031 Planning Period includes Programs H-D-5-a and H-D-4-j to facilitate the provision of housing at school sites; and

WHEREAS, the City will implement Programs H-D-5-a and H-D-4-j through the use of the PF Public Facilities zoning district; and

WHEREAS, the site of the Beach Park Elementary School is currently zoned C-1/PD Neighborhood Business/Planned Development that was appropriate for the former use of the site as Charter Square Shopping Center; and

WHEREAS, on March 20, 2024, the City Council adopted a Resolution amending the Land Use Map to change the designation for Beach Park Elementary School (APN 094-473-030) from Neighborhood Commercial to School; and

WHEREAS, the City wishes to have zoning consistent with the General Plan and appropriate for the school use of the site; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed to the property owner of the subject site and property owners within 300 feet radius of the subject site, for consideration at the Joint Planning Commission and City Council meeting of March 20, 2024, including as required by Government Code Sections 65856 and

65090, the Notice contained the information required by Government Code Section 65094, and was published in compliance with Government Code Section 6061 on March 6, 2024 in the Foster City Islander, in an advertisement full page size; and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, by adoption of Resolution No. 7/17-18 on January 11, 2018, the Board of Trustees of the San Mateo-Foster City School District certified the New Elementary School in Foster City Project Environmental Impact Report (SCH #2017032039) and adopted California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and

WHEREAS, the Planning Commission of the City of Foster City carefully reviewed and considered the staff report and all attachments thereto presented as part of the agenda for the public hearing regarding the proposed ordinance to amend the Foster City Zoning Map 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 adopted Resolution P- -24 recommending approval of the amendment to the Zoning Map; and

WHEREAS, the City Council of the City of Foster City carefully reviewed and considered the staff report and all attachment thereto presented as part of the agenda for the public hearing regarding the proposed ordinance to amend the Foster City Zoning Map 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**); now, therefore, be it resolved that:

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council does hereby find and determine based upon the aforementioned Record as follows:

- a) The Public Hearing was properly noticed and conducted in accordance with State law and the Foster City Municipal Code; and
- b) The provision of safe and stable housing for households at all income levels is essential for the public welfare of the City. Housing in Foster City, both rental and for-sale housing, has become steadily more expensive and housing costs have gone up faster than incomes. Federal and state government programs do not provide enough affordable housing to satisfy the needs of very low, low, or moderate income households. As a result, there is a severe shortage of adequate, affordable housing for very low, lower, and moderate income households, as evidenced by the findings in the City's Housing Element; and

- c) The proposed amendment to the Foster City Zoning Map is consistent with the General Plan, specifically the 2023-2031 Housing Element including Housing Programs H-D-4-j ADUs and JADUs in Religious and Institutional Uses and School Sites and H-D-5-a School Sites, which specifically call for facilitation of housing at school sites;
- d) The proposed amendment to the Foster City Zoning Map to change the zoning designation to PF Public Facilities is consistent with the General Plan Land Use designation of the site as “School”; and
- e) The change to the Zoning Map is within the scope of the Environmental Impact Report prepared for the New Elementary School in Foster City certified by the San Mateo-Foster City School District on January 11, 2018 by adoption of Resolution No. 7/17-18 (SCH 2017032039).

Section 3. That the City of Foster City Zoning Map is hereby amended as set forth in the attached Exhibit A as listed below, attached hereto and incorporated herein:

Beach Park Elementary School, 1058 Shell Boulevard (APN: 094-473-030) from C-1/PD Neighborhood Business/Planned Development District to PF Public Facilities District.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional including by any court with jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Taking Effect. This ordinance shall take effect thirty (30) days following its final passage.

Section 6. 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 20th day of March, 2024, and passed and adopted on the ___ day of April, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PATRICK SULLIVAN, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK

EXHIBIT A

The City of Foster City Zoning Map is hereby amended to reclassify the 6-acre lands at 1058 Shell Boulevard (APN: 094-473-030) at Beach Park Elementary School to change the Zoning Map Designation from C-1/PD Neighborhood Business/Planned Development District to PF Public Facilities District as indicated below.

