
DATE: JULY 20, 2023

STAFF REPORT

AGENDA ITEM NO. 6.1

TO: FOSTER CITY PLANNING COMMISSION

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CASE NO.: GP2023-0001, SAFETY ELEMENT

PROJECT LOCATION: CITYWIDE

REQUESTED ACTION/PURPOSE

Staff recommends that the Planning Commission:

- 1) Conduct the Public Hearing; and
- 2) Adopt Resolution recommending to the City Council adoption of a General Plan Amendment, amending the Local Hazard Mitigation Plan and Safety Element by repealing the existing 2016 Safety Element and adopting the updated 2023 Safety Element and finding the Amendment within the scope of the Certified Environmental Impact Report ("EIR") prepared for the Foster City Housing and Safety Elements Update – GP2023-0001

NOTICING / PUBLIC OUTREACH

Notice of the July 20, 2023, Planning Commission Public Hearing, was made available to the public in the following ways:

- Ad in Foster City Islander – July 5, 2023
- Foster City Website: <https://engagefostercity.org/safety-element> – June 29, 2023
- Foster City TV Channel 27 – June 6, 2023 through July 20, 2023
- Electronic Marquee Sign in Leo Ryan Park – July 6, 2023 through July 20, 2023
- Public Posting Places – June 29, 2023
- Electronic mailing to multiple listservs such as Housing Element Update, Affordable Housing, AHOZ/MFDS, HOA, Harbor Cove, Home is FC, Land Use & Circulation Update, Lantern Cove, and Planning groups – June 29, 2023
- Electronic mailing to persons who expressed interest in receiving project updates – June 29, 2023

BACKGROUND

The Safety Element is one of the seven mandatory elements of the City's General Plan that are required by State law. The principal purpose of the element is the identification of potential risks within the city that pose a threat to the community's welfare, public health, and overall safety and provide a unique set of goals, policies, and implementation actions that address these risks.

The existing Safety Element adopted in 2016 was combined with the 2016 Local Hazard Mitigation Plan (LHMP). The Safety Element is coordinated with LHMP as required by federal law. The latest LHMP is the [2021 San Mateo County Multijurisdictional LHMP](#).

Senate Bill (SB 379), adopted in 2017, requires all cities and counties to update their Safety Elements to include climate adaptation and resiliency strategies upon the next revision to any other element of their general plans. This includes developing a set of goals, policies, and objectives based on a vulnerability assessment to identify those vulnerabilities that are most applicable to the jurisdiction. SB 1035 was built off SB 379, requiring the safety element to be updated every eight (8) years upon the next housing element update.

SB 99 modified Government Code Section 65302(g)(5) to “require the city or county, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.” Additionally, AB 747 was enacted in 2019 and went into effect January 1, 2020. It added Section 65302.15 to the Government Code which states: “(a) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element adopted pursuant to subdivision (g) of Section 65302 shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.” This was modified by AB 1409 (2021) to require identifying evacuation locations as well.

Therefore, as part of the 2023-2031 Housing Element Update, the City has completed a draft update of the Safety Element in order to identify public safety risks and create goals to address those risks. Upon adoption, the update of the Safety Element will create a stand-alone Safety Element. The Safety Element Update focuses on identifying public safety risks and creating a unique set of goals, policies, and implementation actions that address these risks. The update of the Safety Element allows the City to address these conditions by reducing the impacts associated with these hazards or preventing hazardous conditions in the future. It also addresses emergency evacuation in the City and creates policies designed to enhance and streamline the evacuation process during emergency events.

A Planning Commission Study Session was held on May 4, 2023, to provide a presentation and information to members of the public, answer any questions, and/or receive feedback regarding the draft Safety Element. Study Session materials and video are available [here](#).

Public Review Draft of Safety Element

The Draft Safety Element was posted on the [Safety Element Update webpage](#) on March 15, 2023, with updates posted on April 19, 2023, May 4, 2023, and May 30, 2023. Public comments were received from three members of the public and two public agencies, California Office of Emergency Services (CalOES) and California Geological Survey (CGS). The comments and responses including a description of any edits to subsequent drafts are contained in Attachment 2.

ANALYSIS

The Safety Element identifies potential risks within the city that pose a threat to public safety and identifies goals, policies, and strategies to ensure the community's welfare, public health, and

overall safety. Recurrent updates to the Safety Element ensure that the goals, policies, and implementation actions remain relevant and responsive to the community's changing needs.

Per California Government Code Section 65302(g)(1), a safety element is for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The Safety Element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

This Safety Element is organized to be consistent with the other General Plan Elements. The goals, policies, and implementation programs provide declarative statements about the City's approach to safety-related issues.

The update of the Safety Element addresses the City's natural hazards and human activities that may pose a threat to public safety. It is comprised of four (4) main sections, including the following:

- (1) Executive Summary – This section includes discussion on: (A) Conditions in Foster City and the focus of the Safety Element; (B) Purpose of the Safety Element; and (C) Moving Forward to describe how the Safety Element, in conjunction with the 2021 San Mateo County Multi-Jurisdictional Local Hazard Mitigation Plan, is the best avenue to understand and address natural hazard risks within the community of Foster City.
- (2) Introduction – This section includes an overview of the purpose, scope, and element organization; consistency of the Safety Element with other Elements of the General Plan, including Land Use and Circulation, Housing, Parks and Open Space, Noise and Conservation; consistency with the Local Hazard Mitigation Plan; consistency with the Airport Land Use Compatibility (ALUC) Plans; and a summary of the regulatory environment, including the legislative framework for California's Safety Elements.
- (3) Hazards/Trends – This is the most critical of all sections and includes the following sub-sections:
 - (A) Emergency Preparedness describing Foster City's Police and Fire services, and hazard prevention and response strategies for Emergency Management and Evacuation. It identifies three (3) goals, with policies and implementation actions (Goals S-1A, 1-B, and 1-C).
 - (B) Seismic and Geologic Hazards identifying common seismic hazards, including seismic shaking, liquefaction, and tsunami that threaten Foster City and establishes policies and procedures to protect the community during an event. This section also includes a goal with policies and implementation actions.
 - (C) Flood Hazards includes discussion on inland flooding, coastal flooding, and dam inundation. This section also includes a goal with policies and implementation actions.

- (D) Urban Fire discusses the possibility of urban fire and potential actions to reduce the impacts of fire, including water supply. This section includes a goal with policies and implementation actions to minimize the loss of life, injuries, and property damage due to fires.
 - (E) Hazardous Material and Waste includes a discussion of the threat of these materials used by businesses, industry, and in homes.
 - (F) Climate Adaption includes a discussion on the climate effects on Foster City and climate-related hazards such as increasing temperatures, precipitation, and sea-level rise.
- (4) Appendix A: One of the most critical components of this section is 'assessment of emergency evacuation routes to satisfy the requirements of Assembly Bill (AB) 747 which requires that the Safety Element be reviewed and updated to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. Fehr & Peers completed a general, programmatic assessment of the evacuation routes for the City (Appendix A of the Safety Element).

Relationship to Local Hazard Mitigation Plan

Foster City is required to have two (2) documents/plans dealing with safety and hazard mitigation:

- Local Hazard Mitigation Plan (LHMP) – required by the Federal Disaster Mitigation Act of 2000 (which amended the Stafford Act). The LHMP is required to be updated every five (5) years. Having an approved LHMP is a prerequisite to receiving federal disaster grant assistance.
- Safety Element of the General Plan – a mandatory element of the General Plan required by California Government Code Section 65302(g), which also requires an update of the Safety Element to cover certain topics concurrent with any update of the Housing Element.

California Government Code Section 8685.9 (also known as Assembly Bill, AB 2140) limits California's share of disaster relief funds paid out to local governments to 75 percent of the funds not paid for by federal disaster relief efforts. However, if the jurisdiction has adopted a valid hazard mitigation plan consistent with Disaster Mitigation Act 2000 and has incorporated the hazard mitigation plan into the jurisdiction's General Plan, the State may cover more than 75 percent of the remaining disaster relief costs.

Updating of the LHMP is required by Federal Emergency Management Agency (FEMA) every five (5) years in order for the City to remain eligible for the waiver of local matching fund requirements following a disaster. The requirements of the LHMP and the Safety Element are very similar.

The current Safety Element adopted by the City Council in 2016 is a combined Safety Element/LHMP. For the following update, the City participated in the [San Mateo County Multijurisdictional Local Hazard Mitigation Plan \(MJLHMP\)](#), and on December 13, 2021, the City Council adopted Resolution approving 2021 MJLHMP with Foster City annex. The MJLHMP consists of Volume 1 – Planning Area-Wide Elements (584 pages), Volumes 2a-2d that include the "Annexes" for each jurisdiction, and Volume 2e containing Appendices. The [Annex for Foster City is in Volume 2b](#).

Airport Land Use Compatibility Plan

An Airport Land Use Compatibility Plan (ALUCP) is the primary document used by an airport land use commission to help promote compatibility between an airport and its surrounding environment. An ALUCP acts as a guide for the airport land use commission and local jurisdictions in safeguarding the general welfare of the public as the airport and the area surrounding the airport grows. Foster City is located within two (2) ALUCPs, San Francisco International Airport (SFO), and San Carlos Airport. Pursuant to California Public Utilities Code (PUC) Section 21676(b), city staff forwarded the draft Safety Element Update to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in both San Carlos and SFO ALUCPs.

The draft update of the Safety Element includes a section, “Consistency with Airport Land Use Compatibility Plans”, which references the applicable airport land use compatibility criteria for each ALUCP. Also included is a specific goal to “Minimize risks of potential hazards in the vicinity of SFO and San Carlos Airports”, and an associated implementation action to “Comply with the project referral, airspace protection, real estate transaction disclosure and overflight notification policies of the SFO and San Carlos ALUCPs”.

On [June 22, 2023, the C/CAG Airport Land Use Committee \(ALUC\)](#) has approved the recommendation to C/CAG Board of Directors that determines the Foster City Safety Element Update is consistent with the applicable airport/land use policies and criteria contained in both San Carlos and SFO ALUCPs. Furthermore, on [July 13, 2023, C/CAG Board of Directors](#) will review and approve Resolution 23-67 determining that the Foster City Safety Element Update is consistent with both San Carlos and SFO ALUCPs.

California Geological Survey Department of the Department of Conservation (CGS)

Government Code Section 65302.5(a) requires that the draft amendment to the Safety Element be sent to the California Geological Survey Department of the Department of Conservation (CGS) 45 days prior to adoption. As per the requirement, staff sent the draft of the Safety Element to CGS. On April 27, 2023, staff received recommendation from CGS to include mapping on liquefaction susceptibility from CGS rather than mapping from the United States Geological Survey (USGS) (see Attachment 2). The revised Figure S-3 on page 22 reflects the CGS mapping.

Environmental Review

A program-level Environmental Impact Report (EIR) was prepared to evaluate the environmental impacts of the Housing and Safety Element Updates Project pursuant to the California Environmental Quality Act (CEQA). The Draft EIR found that the project would result in several potentially significant impacts. The Final EIR identified one (1) impact related to transportation, one (1) impact related to utilities (water supply), and one (1) impact related to aesthetics were found to be significant and unavoidable, even after mitigation. All remaining impacts identified could be mitigated to a less-than-significant level with implementation of the recommended mitigation measures. A Statement of Overriding Consideration was also adopted by the City Council for those significant unavoidable impacts.

On May 22, 2023, the City Council adopted City Resolution No. 2023-48 certifying the Final EIR, adopting environmental findings, adopting a Statement of Overriding Consideration, and adopting a standard conditions of approval and mitigation monitoring and reporting program (File No. EA2021-0004, State Clearinghouse No. 2022010509).

No substantive changes were made to Safety Element Update that would result in significant environmental impacts beyond those identified in the certified EIR. Therefore, the project has been determined to be within the scope of and consistent with the certified Final EIR and therefore no addendum or supplement to the EIR are necessary.

SUMMARY

The Safety Element update identifies the potential risks within the City that pose a threat to the community's welfare, public health, and overall safety and provides a unique set of goals, policies, and implementation actions that address these risks. The Safety Element Update complies with State general plan requirements and will retain the City's eligibility for federal disaster grants in the event of a disaster.

NEXT STEPS

The City Council will hold a Public Hearing to consider final approval of the Safety Element Update at the next available City Council Regular Meeting.

ATTACHMENTS

Attachment 1 – Resolution and Exhibit
Attachment 2 – All Public Comments to Drafts