

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY FOR 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 FINAL ENVIRONMENTAL IMPACT REPORT (“EIR”) PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE - GP2023-0001

CITY OF FOSTER CITY

WHEREAS, the Safety Element is one of the seven mandatory elements of the City’s General Plan that are required by State law; and

WHEREAS, the update of the Safety Element focuses on identifying public safety risks and creating a unique set of goals, policies, and implementation actions that address these risks; and

WHEREAS, the update of the Safety Element also addresses emergency evacuation in the City and creates policies designed to enhance and streamline the evacuation process during emergency events; and

WHEREAS, Senate Bill (SB) 1035 requires jurisdictions to review their Safety Element at least every eight years and revise it as necessary to address climate change and resiliency strategies; and

WHEREAS, SB 99 requires jurisdictions to review their Safety Element concurrently with the update to the City’s Housing Element and revise it as necessary to identify residential developments in any hazard area identified in the Safety Element that do not have at least two emergency evacuation routes; and

WHEREAS, the City of Foster City has prepared the maps required under SB 99 as well as supplemental text for the Safety Element to summarize the implications of the mapped data for land use and emergency preparedness planning; and

WHEREAS, Assembly Bill (AB) 747 requires jurisdictions to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios; and WHEREAS, the City has prepared an update to the Safety Element pursuant to the requirements of SB 1035, SB 99, and AB 747; and

WHEREAS, Pursuant to California Public Utilities Code (PUC) Section 21676(b), the draft Safety Element was referred 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 Airport Land Use Compatibility Plans; and

WHEREAS, the existing Safety Element adopted in 2016 was combined with the Local Hazard Mitigation Plan (LHMP) through City Council Resolution No. 2016-85 (GP-15-001); and

WHEREAS, on December 13, 2021, the City Council adopted Resolution No. 2021-176 approving 2021 San Mateo County Multijurisdictional Local Hazard Mitigation Plan (MJLHMP) with Foster City annex; and

WHEREAS, the update of the Safety Element was completed concurrently as part of the Housing Element for 2023-2031 and will be a stand-alone Safety Element upon adoption; and

WHEREAS, 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); and

WHEREAS, the Final EIR, Statement of Overriding Consideration, and all associated analysis was certified on May 22, 2023 through City Council Resolution No. 2023-48 (File No. EA2021-0004, State Clearinghouse No. 2022010509); and

WHEREAS, the draft update of the Safety Element was publicly made available on March 15, 2023 and a total of four written comments were received from members of the public and two comments were received from public agencies; and

WHEREAS, pursuant to Government Code section 65302(g)(8), the draft update of the Safety Element was made available for review to the California Geological Survey of the Department of Conservation (CGS) and the Office of Emergency Services as well as the state Board of Forestry and Fire Protection; and

WHEREAS, all comments received, including comments received from CGS, were considered in the preparation of the draft update of the Safety Element and responses, including a description of any edits to subsequent drafts, are contained in Attachment 4 to the Staff Report accompanying this agenda item; and

WHEREAS, pursuant to California Public Utilities Code (PUC) Section 21676(b), the draft update of the Safety Element Update was referred to C/CAG, acting as the San Mateo County Airport Land Use Commission (ALUC), for a determination of consistency with relevant airport/land use compatibility criteria in the Comprehensive Airport Land Use Compatibility Plan for the environs of both San Carlos and San Francisco airports; and

WHEREAS, on June 22, 2023, ALUC recommended to C/CAG Board of Directors to determine the update of the Foster City Safety Element to be consistent with the applicable airport/land use policies; and

WHEREAS, on July 13, 2023, C/CAG Board of Directors approved Resolution 23-67 determining that the Foster City Safety Element Update is consistent with the applicable airport/land use policies; and

WHEREAS, as provided in Government Code Section 65353, the Planning Commission shall hold at least one public hearing before approving a recommendation on the adoption or amendment of a general plan; and

WHEREAS, on July 20, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding draft Safety Element, and after conducting the public hearing, adopted Resolution No. P-09-23 with a majority of the Planning Commission (3-0, with two absences) recommending City Council approval of the Draft Safety Element Update; and

WHEREAS, on August 9, 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 August 21, 2023; and

WHEREAS, the update of the Safety Element, labeled as Exhibit A, attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The proposed General Plan Amendment to amend the 2016 Local Hazard Mitigation Plan and Safety Element to repeal the existing 2016 Safety Element and adopt the updated 2023 Safety Element conforms to the provisions and standards of the General Plan in that 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.
3. The proposed amendments are necessary to implement the goals and policies of the General Plan by identifying public safety risks and creating a unique set of goals, policies, and implementation actions that address these risks, including but not limited to natural hazards and emergency evacuation.
4. The proposed General Plan Amendment complies with, and is required by, applicable State law, including Government Code Section 65302(g).
5. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City.

BE IT FURTHER RESOLVED, the City, as lead agency under CEQA, has certified the Foster City Housing and Safety Elements Update EIR for the Housing and Safety Elements Update by adoption of City Resolution No. 2023-48 on May 22, 2023, including CEQA findings, a Statement of Overriding Considerations, and a Standard Conditions of

Approval Mitigation Monitoring and Reporting Program. The City, as lead agency, has determined that the update of the Safety Element does not include substantive changes that would result in new or more impacts than those identified, analyzed, and adopted as part of the “project” and is within the scope of and consistent with the Final EIR certified by City Council through Resolution No. 2023-48. Therefore, the update of the Safety Element 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.

BE IT FURTHER RESOLVED that the City Council of the City of Foster City hereby adopts 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 as set forth in Exhibit A, attached hereto.

PASSED AND ADOPTED as a resolution of City Council of the City of Foster City at the regular meeting held on the 21<sup>st</sup> day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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JON FROOMIN, MAYOR

ATTEST:

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PRISCILLA SCHAUS, CITY CLERK

## **Exhibit A**

Safety Element Update 2023