

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY MAKING TEXT AMENDMENTS TO TITLE 17, "ZONING" OF THE FOSTER CITY MUNICIPAL CODE CHAPTER 17.86, "DENSITY BONUSES", TO ENSURE COMPLIANCE WITH RECENT CHANGES IN STATE LAW AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT – RZ2023-0007

CITY OF FOSTER CITY

WHEREAS, California Government Code Section 65915 ("State Density Bonus Law") requires all cities to adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and;

WHEREAS, in 2022, the Legislature adopted three (3) bills, Assembly Bills (AB) 2334, 1551, and 682, that make various amendments and clarifications to State Density Bonus Law, Government Code (GC) Section 65915; and

WHEREAS, on June 15, 2023, a Planning Commission Study Session was held to update the public and the Planning Commission on most recent State Laws affecting land uses, including additional revisions to the requirements density bonus law; and

WHEREAS, the proposed amendments are required to be adopted to comply with State Density Bonus Law, which would preempt inconsistent provisions of the Municipal Code if such amendments were not adopted, and therefore the Municipal Code amendments would not result in a direct or indirect foreseeable physical change to the environment and are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines (14 CCR 15000 et seq.) Section 15061(b)(3), Common Sense Exemption; and

WHEREAS, on August 17, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the amendments to Chapter 17.86, and after conducting the public hearing, adopted Resolution No. ____ with the Planning Commission recommending City Council approval of the amendments to Chapter 17.86; 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 _____, 2023; and

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 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 through implementation of the Housing Element.
4. The proposed Zoning amendments comply with, and are required by, applicable State law, including Government Code Section 68915 – 65918, and the Health and Safety Code Section 17980.12.
5. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City.
6. The proposed amendments are exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

Section 2. Amendment. Chapter 17.86 “Density Bonuses” within Title 17, “Zoning” of the Foster City Municipal Code are hereby amended by repealing the existing Chapters 17.86 in their entireties and replacing those Chapters to read as set forth in the attached Exhibits 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

DRAFT

EXHIBIT A

Chapter 17.86 Density Bonuses
2023 Updates

DRAFT