

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY MAKING TEXT AMENDMENTS TO TITLE 17, "ZONING" OF THE FOSTER CITY MUNICIPAL CODE CHAPTER 17.90, "BELOW MARKET INCLUSIONARY HOUSING PROGRAM" AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINE SECTION 15061(B)(3) - RZ2023-0008

CITY OF FOSTER CITY

WHEREAS, the Community Development Department (CDD) oversees Affordable Housing programs, including Deed Restricted Ownership Units, Below Market Rate (BMR) program, Existing Unit Purchase Program, HIP Home Sharing Program, and Housing Rehabilitation Loan Program; and

WHEREAS, the BMR program covers all rental and ownership properties subject to an affordable housing deed restriction or agreement that restricts units to extremely low, very low, moderate, or workforce units; and

WHEREAS, on March 21, 2022, the City Council adopted Ordinance 644 establishing Chapter 17.90 Below Market Rate Inclusionary Housing Program to Title 17, Zoning, of the Foster City Municipal Code; and

WHEREAS, Chapter 17.90 Below Market Rate Inclusionary Housing Program focuses on the development of the BMR units, including the required number of BMR units, level of affordability for rental and ownership projects, payment of BMR in-lieu fee, standards for new BMR units, BMR housing plan and agreement, alternatives to BMR requirements; waiver of BMR requirements; affordable housing fund and enforcement; and

WHEREAS, in recent months, the CDD staff reviewed Chapter 17.90 and the related documents, including the BMR Guidelines, and determined that the responsibilities pertaining to overseeing and monitoring of the existing BMR program could be further improved with the proposed revisions to the Chapter 17.90; and

WHEREAS, on October 5, 2023, a Planning Commission Study Session was held to discuss the proposed revisions to the Chapter 17.90 Below Market Inclusionary Housing Program and BMR guidelines; and

WHEREAS, the periodic updates to the Municipal Code without a physical change to the environment is exempt under the CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and

WHEREAS, on October 19, 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 17.90, and after conducting the public hearing,

adopted Resolution No. ____ with the Planning Commission recommending City Council approval of the amendments to Chapter 17.90; 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. Components of the proposed amendments have been reviewed for compliance with the provisions of the California Environmental Quality Act (CEQA) and are found to be exempt from review as follows:
 - a. Amend Chapter 17.90 Below Market Inclusionary Housing Program to conform to state law requirements is exempt pursuant to CEQA Guidelines Section 15061(b)(3);

Section 2. Amendment. Chapter 17.90 “Below Market Inclusionary Housing program” within Title 17, “Zoning” of the Foster City Municipal Code are hereby amended by repealing the existing Chapters 17.90 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

EXHIBIT A

Chapter 17.90 Below Market Inclusionary Housing Program

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