
DATE: MAY 04, 2023

STUDY SESSION STAFF REPORT

AGENDA ITEM NO. 9.1

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 review the Draft Safety Element, receive any public comments, and provide directions to staff.

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.

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

Upon adoption, the Safety Element Update 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 Safety Element Update 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 on the Draft Safety Element was scheduled for April 19, 2023. However, due to a conflict with the Task Force meeting for the Recreation Center Rebuild project, staff recommended that the Commission move the item to the May 04, 2023, Planning Commission meeting ([see April 19 staff report](#)). At the April 19 meeting, the Planning Commission approved a motion with a 4-0 vote to move the Study Session on the Draft Safety Element to the May 04, 2023, Planning Commission meeting.

State Requirements

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 2 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.

Foster City is working on Housing Element Update for the planning period 2023-31, and in accordance with the applicable provisions of State Law, it is also updating its Safety Element.

Relationship to Local Hazard Mitigation Plan

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 in 2016 is a combined Safety Element/LHMP. The City participated in the [San Mateo County Multijurisdictional Local Hazard Mitigation Plan \(MJHMP\)](#), 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](#).

Thus, 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.

Environmental Review

A Draft Environmental Impact Report (EIR) has been prepared for the updates of both the Housing Element and Safety Element. The Draft EIR was published on February 16, 2023 for a 45-day

public review period that ended April 2, 2023. A Planning Commission meeting to receive comments on the EIR was held on March 16, 2023. Staff and the consultants are preparing a Final EIR that will incorporate comments received regarding the Draft EIR, responses to those comments, and any necessary or recommended modifications to the Draft EIR. Responses to comments to the Draft EIR and any changes to the Draft EIR will be posted at least 10 days prior to any final decision on the project.

Public Outreach

The Draft Safety Element was posted on the [Safety Element Update webpage](#) on March 15, 2023. A [press release](#) as well as notifications to the City's listserves notified the public that the Draft Safety Element was available for review. People were invited to provide any comments to safetyelement@fostercity.org.

Notice of the April 19, 2023, Planning Commission Study Session, was made available to the public in the following ways:

- ¼ page ad in the Foster City Islander – April 5, 2023
- Electronic mailing to persons who expressed interest in receiving project updates – March 30, 2023
- Electronic mailing to listservs for: Housing Element Update, Affordable Housing, AHOZ/MFDS, HOA, Harbor Cove, Home is FC, Land Use & Circulation Update, Lantern Cove, Planning – March 30, 2023
- Foster City Website: <https://engagefostercity.org/safety-element> – March 30, 2023
- Foster City TV Channel 27 – April 6, 2023, through April 19, 2023
- Electronic Marquee Sign in Leo Ryan Park – April 6, 2023, through April 19, 2023
- Public Posting Places – March 30, 2023

At the April 19, 2023, Study Session, the item was moved to May 04, 2023 Planning Commission meeting. Revised Draft Safety Element electronic notifications and change in hearing date was completed on April 20, 2023. The change in hearing date is also reflected on the Foster City Safety Element website.

ANALYSIS

The Safety Element is one of seven mandatory elements of the General Plan. 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. 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, tsunamis, 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.

Safety Element Sections

Safety Element comprises 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 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 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, and with the Local Hazard Mitigation Plan. The section discusses legislative framework for California's Safety Elements.
- (3) Hazards/Trends – This is the most critical of all sections and includes sub-sections like:
 - (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 areas (Goals S-1A, 1-B, and 1-C).
 - (B) Seismic and Geologic Hazards identify common seismic hazards, including seismic shaking, Liquefaction, Tsunami, that threaten Foster City and establish policies and procedures to protect the community during an event. This section also includes a goal with policies and implementation areas.
 - (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 in the community from hazardous materials and wastes used by businesses and 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 associated with climate change, 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).

Public Review Draft of Safety Element

The Public Review Draft of the Safety Element was posted on March 15, 2023, for public review comments. Staff has made some edits to the posted Draft Safety Element, and the revised Draft Safety Element was posted on April 20, 2023 and is available as Attachment 1 to this staff report. The revised Draft Safety Element has also been posted on the City's website highlighting the changes made. These changes are:

- (1) Additional language regarding the incorporation of the MJHMP on the cover of the Safety Element document. Specifically, that the Safety Element incorporates the 2016 Local Hazard Mitigation Plan, including future updates or amendments to the LHMP, into the Safety Element by reference.
- (2) Airport Land Use Compatibility (ALUC) Plan Compliance: Earlier this year, in January, City received a letter from City/County Association of Governments of San Mateo County which acts as the ALUC for San Mateo County, noting that the ALUC has adopted land use compatibility plans for the three (3) airports within the County, including the Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Carlos Airport (2015, amended in 2022); the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (2012); and the Airport Land Use Compatibility Plan for the Environs of the Half Moon Bay Airport (2014). State law requires that once an airport land use commission has adopted or amended an ALUCP, local agencies amend their general plans and any applicable specific plans, as necessary, in order to be consistent with the ALUCP. Thus, staff included language regarding ALUCP in the Draft Safety Element to comply with state law (Pages 6, 7, 8, 17).
- (3) Revisions to Table S-1: Reorganizing the required safety element hazard topics to demonstrate which topics are covered in the Safety Element and MJHMP, and which topics are not relevant to Foster City (Page 2).

Comments Received

Staff have received four (4) public comments including an email from California Governor's Office of Emergency Services (Cal OES) prior to April 19, 2023. Please refer to Attachment 2 for a list of the comments and responses. The revised Draft Safety Element addresses many of the comments, and staff will continue to review and address public comments received.

NEXT STEPS

The Planning Commission will hold a separate public hearing to make a recommendation to the City Council to adopt the Safety Element

ATTACHMENTS

Attachment 1 – Revised Draft Safety Element, April 2023

Attachment 2 – Comments and Responses Table

Attachment 3 – Additional Comments Received After April 19, 2023