

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE; ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM, INCLUDING ACCEPTANCE AND APPROVAL OF THE WATER SUPPLY ASSESSMENT AS ADOPTED BY THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT (SCAMMRP) – EA2021-0004

CITY OF FOSTER CITY

WHEREAS, California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS, the City of Foster City has prepared an update to its Housing and Safety Elements and associated General Plan and Zoning amendments as required by California Government Code Section 65300 et. seq.; and

WHEREAS, the Housing Element update includes analysis of existing and projected housing needs and updates goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories; and

WHEREAS, the updated Housing Element identifies sites on which housing development is allowed at sufficient densities to accommodate a specific number of units at various levels of affordability, pursuant to the Regional Housing Needs Allocation (RHNA) set forth by the Association of Bay Area Governments (ABAG); and

WHEREAS the updated Safety Element is intended to comply with state law through updates to address: public safety risks and create a unique set of goals, policies, and implementation actions that address these risks; evacuation; climate adaptation and resiliency strategies; and coordination with the Local Hazard Mitigation Plan (LHMP); and

WHEREAS, the proposed updates of the Housing Element and Safety Element and the associated General Plan, Zoning Ordinance and Zoning Map amendments are referred to collectively as the Housing and Safety Elements Update project (Project); and

WHEREAS, the Project requires discretionary approvals from the City, including adoption of resolutions amending the General Plan to update the Housing Element, update the Safety Element, update the Land Use and Circulation Element including the Land Use Map, adoption of ordinances amending the City's Zoning regulations (Foster City Municipal Code Title 17) and the City's Zoning Map; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) (CEQA), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, Section 15000 et seq.), the City is the lead agency for the Project; and

WHEREAS, the City of Foster City, in accordance with the requirements of the CEQA, the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has prepared an EIR which analyzes the potential environmental impacts of the proposed project and identifies recommended measures to reduce potential impacts (SCH #2022010509, EA2021-004); and

WHEREAS, the City issued a Notice of Preparation (NOP) of an EIR for the project and circulated the NOP to each responsible agency, trustee agency, the Office of Planning and Research (OPR), and interested parties, including members of the public who had requested such notice, for the required 30-day public review period commencing on January 26, 2022 and ending on February 26, 2022; and

WHEREAS, on February 17, 2022, a Public Scoping Session, that allowed for both in-person and virtual participation, was held in conjunction with the Planning Commission meeting to further solicit comments on the scope of the Draft EIR; and

WHEREAS a Draft EIR was prepared by Urban Planning Partners, Inc. and circulated by the City for the required 45-day public review period commencing on February 16, 2023 and ending on April 2, 2023; and

WHEREAS, on February 16, 2023, the City issued a Notice of Availability (NOA) of the Draft EIR and initiated a 45-day public review and comment period, in accordance with requirements of CEQA and provisions of the State CEQA Guidelines, forwarded the Draft EIR to the State Clearinghouse for distribution to those State agencies having discretionary approval of, or jurisdiction by law over, natural resources affected by the Project; and

WHEREAS, the City provided notice to all interested persons and agencies inviting comments on the Draft EIR in accordance with the provisions of CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and

WHEREAS, on March 16, 2023, the Planning Commission held a public meeting, that allowed for both in-person and virtual participation to receive comments on the adequacy of the Draft EIR; and

WHEREAS, the City received oral comments from five Planning Commissioners and none from individual members of the public during the March 16, 2023 public meeting; and

WHEREAS, pursuant to State CEQA Guidelines Section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the public review and comment period; and

WHEREAS, the City received 15 letters or emails from individual members of the public during the 45-day Draft EIR public review and comment period; and

WHEREAS the City has prepared a Final EIR, consisting of the comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions to the Draft EIR. For the purposes of this Resolution, EIR shall refer to the Draft EIR, as revised by the Final EIR, together with all the other sections of the Final EIR; and

WHEREAS, a Notice of Public Hearing was duly posted and published on April 19, 2023 for consideration of the Final EIR dated April 2023 at the Planning Commission meeting on May 4, 2023, and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, at their meeting of May 4, 2023, the Planning Commission recommended, by adoption of Resolution No. P-03-23, that the City Council certify the Final EIR, adopt environmental findings pursuant to CEQA, adopt a Statement of Overriding Considerations, and adopt a SCAMMRP; and

WHEREAS, a Notice of Public Hearing was duly posted and published on May 10, 2023 for consideration of the Final EIR dated April 2023 at the City Council meeting on May 22, 2023, and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, the City Council has reviewed and considered the proposed project, all written correspondence, verbal testimony, staff reports, and supporting documents and reports prepared, and the information contained in the Final EIR; and

WHEREAS, copies of the Final EIR and other documents and materials which constitute the records of the proceedings upon which this decision is based are available for public review on the City of Foster City website (<https://engagefostercity.org/housing-element>) and from the custodian of these

records, namely, the Community Development Department, located at City Hall, 610 Foster City Boulevard, Foster City; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation of the EIR under Public Resources Code Section 21092.1 or State CEQA Guidelines Section 15088.5; and

WHEREAS, all required public notices and public hearings were duly given and held according to law; and

WHEREAS, the EIR identified certain potentially significant adverse impacts on the environment caused by the proposed Project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the proposed Project and rejecting alternatives and suggested mitigation measures is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the City Council would have made its recommendation on the basis of any one of those reasons; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the proposed Project that the City Council believes justify the occurrence of those impacts; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated;

WHEREAS, as required by Water Code Sections 10910 through 10915, on May 15, 2023, the Estero Municipal Improvement District adopted a Resolution Approving the Water Supply Assessment (WSA) Report for the Final EIR, and the City Council is also required to accept and approve the WSA as part of Certifying the Final EIR;

NOW, THEREFORE, BE IT RESOLVED that the City Council, based on the facts and analysis in the Final EIR, all written and oral testimony, and evidence submitted in connection with the Final EIR and exhibits, finds that:

1. The foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

2. The Final EIR, including the approved WSA and documents incorporated by reference, including the information contained therein prior to adoption of this Resolution, has been reviewed and considered by the City Council; and
3. The Final EIR has been completed in accordance with CEQA, the State CEQA Guidelines, and the City of Foster City Environmental Review Guidelines; and
4. The Final EIR adequately describes the environmental impacts of the proposed project; and
5. The Final EIR reflects the City's independent judgment and analysis.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Foster City does hereby certify the Final EIR prepared by Urban Planning Partners, LLC as complete and adequate and make the findings with respect to the proposed Project's significant effects on the environment as identified in the EIR, as required under Sections 15091, 15092, and 15093 of the State CEQA Guidelines and adopted the Statement of Overriding Considerations as set forth in Exhibit A, attached hereto and incorporated herein and the SCAMMRP as set forth in Exhibit B, attached hereto and incorporated herein; the City Council further does hereby accept and approve the WSA as adopted by the Estero Municipal Improvement District on May 15, 2023

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the special meeting held on the 22nd day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JON FROOMIN, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK