

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 INCLUDING POLICIES AND PROGRAMS TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND RELATED AMENDMENTS TO THE LAND USE AND CIRCULATION ELEMENT IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE EIR PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE – GP2020-0002 AND GP2022-0001

CITY OF FOSTER CITY

WHEREAS, California Government Code Sections 65300, et. seq., require 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 California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 – 65589.11) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Foster City (City) Regional Housing Needs Allocation (RHNA) of 1,896 housing units, comprised of 520 very-low income units, 299 low-income units, 300 moderate-income units, and 777 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Foster City has prepared the Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City's RHNA; and

WHEREAS, as provided in Government Code Sections 65350, et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.4 the City has referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American Tribe has requested consultation; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, in accordance with California Public Utilities Code Section 21676(b), the Draft Housing Element was referred to 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 San Carlos Airport (San Carlos ALUCP); and

WHEREAS, the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission adopted Resolution 23-29 on April 13, 2023 finding the Foster City 2023-2013 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Carlos Airport; and

WHEREAS, the City conducted extensive community outreach over more than three years including twenty-nine (29) public meetings or workshops, tabling at events, an interactive webpage with a housing preferences and priorities survey and an interactive map of potential housing sites, social media, e-news, press releases, emails, and notices; and

WHEREAS, in accordance with Government Code Section 65585 (b), on May 4, 2022, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on July 5, 2022, after responding to public comments, the City

submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on October 3, 2022, the City received a letter from HCD providing its comments regarding the draft Housing Element; and

WHEREAS, on February, 6, 2023, the City published a revised draft Housing Element responding to HCD's comments and requested public comment on the draft during a seven (7) day comment period; and

WHEREAS, on February 16, 2023, the City published a second revised draft Housing Element responding to additional public comment on the draft and requested public comment on the draft during a seven (7) day comment period; and

WHEREAS, on February 24, 2023, the City submitted the revised Housing Element to the HCD for its review; and

WHEREAS, on April 24, 2023, the City received a second letter from HCD providing its comments regarding the revised draft Housing Element; and

WHEREAS, on May 1, 2023, the City published a third revised draft Housing Element responding to HCD's letter of April 24, 2023; and

WHEREAS, on May 15, 2023, the City published a fourth revised draft Housing Element responding to additional verbal comments by HCD on May 1, 2023; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Foster City Housing and Safety Elements Update Environmental Impact Report ("EIR") for the Housing and Safety Elements Update; and

WHEREAS, the Planning Commission held a public hearing to consider comments on the adequacy of the EIR on March 16, 2023; and

WHEREAS, on May 4, 2023, the Planning Commission adopted Resolution No. P-03-23 recommending that the City Council certify the Housing Element EIR and that the City Council adopt CEQA findings, a Statement of Overriding Considerations, and a Standard Conditions of Approval Mitigation Monitoring and Reporting Program; and

WHEREAS, recitals and findings from the Planning Commission adopted Resolution No. P-03-23 are incorporated by reference;

WHEREAS, to ensure the internal consistency of the elements of the General Plan, the City wishes to amend the descriptions of several Land Use Map designations contained in the Land Use and Circulation Element and amend Land Use Map designations for Foster's Landing Apartments (094-980-070) from Condominium Residential to Civic Center Mixed Use and 1601 Beach Park Boulevard from Public/Semi-Public to Two Family Residential; 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 April 19, 2023, a public hearing notice was published, posted in three public places, and mailed pursuant to California Government Code Section 65090 for the Planning Commission public hearing on May 4, 2023; and

WHEREAS, on May 4, 2023 the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed Housing Element and related amendments to the Land Use and Circulation Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments, and adopted Resolution No. P-04-23 recommending that the City Council adopt a General Plan Amendment to repeal the 2015-2023 Housing Element and adopt the Housing Element of the General Plan for the period of 2023-2031 including policies and programs to affirmatively further fair housing, and related amendments to the Land Use and Circulation Element in compliance with State Housing Element Law and finding the amendments within the scope of the EIR prepared for the Foster City Housing and Safety Elements Update, including the following revisions:

- a. Sites Inventory – revise the capacity for Franciscan (from 104 to 83) and Lagoons (from 161 to 121);
- b. Affirmatively Furthering Fair Housing – include the key findings from Appendix B into Chapter 3; and
- c. Amend H-D-6-e to include objective approval findings with amendments to include objective design standards; and

WHEREAS, as provided in Government Code Section 65355, the City Council shall hold at least one public hearing before approving an amendment of a general plan; and

WHEREAS, on May 10, 2023, a public hearing notice was published, posted in three public places, and mailed pursuant to California Government Code Section 65090 for the City Council public hearing on May 22, 2023; 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, 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 the Housing and Safety Element Update;

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 project 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 providing increased housing opportunities for a wider variety of housing options by type and affordability in more neighborhoods throughout the City; maintain land designated for a variety of residential, commercial and other uses which provide a mix of housing types, densities, and tenure (LUC-C); continue to strive to maintain a balance between the number of jobs in the City and the number of housing units available to house workers (LUC-C-2); encourage a range of housing units, including some less conventional choices (LUC-C-3); encourage housing production by allowing mixed residential/commercial projects to be built at an appropriate density to reduce trips to and from and within the City (LUC-C-4); allow for a range of residential densities and housing types (LUC-C-6); promote land use strategies that decrease reliance on automobile use, increase the use of alternative modes of transportation, maximize efficient provision of services, and reduce emissions of GHGs (LUC-H); and encourage the aggregation and redevelopment of under-utilized properties and/or outdated buildings (LUC-K).
4. The proposed General Plan Amendment complies with, and is required by, applicable State law, including that the Housing Element substantially complies with Housing Element Law, as provided in Government Code Sections 65580, et seq., and contains all provisions required by State Housing Element Law, as shown in **Exhibit A** to this resolution, incorporated herein by this reference.
5. As required by Government Code Section 65585(e), the City has considered findings made by the California Department of Housing and Community Development (HCD) included in HCD's letters to the City dated October 3, 2022 and April 24, 2023. Consistent with Government Code Section 65585(f)(1), the City has changed the Housing Element Update in response to the findings of HCD to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD, as described in **Exhibit B and Exhibit C** with the revisions as shown in **Exhibit D** which are incorporated by reference and adopted along with this resolution.

6. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City. The amendments will result in a logical placement of land uses consistent with the overall intent of the General Plan and facilitate housing development opportunities at a range of income levels and household types. The proposed General Plan Amendment will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.
7. Based on substantial evidence in the record, including a strong history of residential development on non-vacant sites in Foster City such as Pilgrim Triton, Marlin Cove, and Miramar as noted on page D-6 through D-8; demonstrating market demand for such development with examples of housing developments constructed on non-vacant land throughout San Mateo and Santa Clara Counties in recent years as noted on pages D-17-D-18; a long history of inclusionary housing requirements to provide affordable housing as noted on pages C-8 through C-11; approvals of housing densities up to 93 units per acre as noted in Table 2 on page D-8; the fact that redevelopment of large existing apartment properties does not require the existing use to be discontinued as noted on pages D-15-D-16; and other incentives for residential development as noted in Table 117 on page C-37; the existing uses on the non-vacant sites identified in the Sites Inventory to accommodate the RHNA do not constitute an impediment to planned residential development on the sites during the planning period.

NOW, THEREFORE BE IT FURTHER RESOLVED that the does hereby amend the General Plan as follows:

- A. Repeal the 2015-2023 Housing Element and adopt the 2023-2031 Housing Element attached hereto as **Exhibit E**, incorporated by this reference (GP2020-0002).
- B. Amend the Land Use Element including the Land Use Plan attached hereto as **Exhibit F**, incorporated by this reference (GP2022-0001).
- C. That the Community Development Director or designee is directed to file all necessary material with HCD for the Department to find that the Housing Element is in conformance with Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.
- D. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Section 65357.

E. The City Council hereby accepts and approves 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:

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JON FROOMIN, MAYOR

ATTEST:

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PRISCILLA SCHAUS, CITY CLERK

## EXHIBIT A

Housing Element Compliance with State Housing Element Law



## EXHIBIT B

Summary of HCD 10/3/22 Comments and City Responses

## EXHIBIT C

Summary of HCD 4/24/23 Comments and City Responses

## EXHIBIT D

2023-2031 Housing Element dated May 15, 2023 – REDLINE VERSION

## EXHIBIT E

2023-2031 Housing Element dated May 15, 2023 – CLEAN VERSION

## EXHIBIT F

Amendments to Land Use and Circulation Element including Land Use Map