

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING THE FOSTER CITY ZONING MAP TO IMPLEMENT THE RHNA 6 HOUSING ELEMENT FOR THE 2023-2031 PLANNING PERIOD AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE EIR PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE – RZ2023-0001

CITY OF FOSTER CITY

WHEREAS, there is a shortage of affordable housing in the City of Foster City (City) as documented in the RHNA 6 Housing Element for 2023-2031 Planning Period; and

WHEREAS, California Government Code Section 65580(d) states that all cities have a responsibility to use the powers vested in them to facilitate the improvement and development of housing and to make adequate provision for the housing needs of all economic segments of the community; and

WHEREAS, said zoning amendments will encourage the development and availability of housing opportunities to a broad range of households with varying income levels within the City as mandated by State Law, and is essential for the public welfare; and

WHEREAS, said zoning actions, combined with the City's inclusionary housing requirements of Chapters 17.90 and 17.92 will increase the supply of housing, including Below Market Rate housing to meet the City's regional share of very low-, low- and moderate-income housing needs and the needs of special groups, including the elderly, disabled, small and large families, and local workers; and

WHEREAS, provision of housing at a variety of income levels will reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by providing people at all income levels more opportunities to live near where they work; and

WHEREAS, provision of housing at a variety of income levels will support the local economy by making it easier for employers to attract and retain workers by providing people at all income levels more opportunities to live near where they work; and

WHEREAS, provision of housing at a variety of income levels will affirmatively further the policies and purposes of the Fair Housing Act, also known as "Affirmatively Further Fair Housing" by reducing segregation and concentration of poverty; 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) (State Clearinghouse #2022010509) to evaluate the potential impacts of the project; and

WHEREAS, the Planning Commission conducted 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 adopt CEQA findings, a Statement of Overriding Considerations, and a Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP); and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration at the Planning Commission meeting of May 4, 2023, including as required by Government Code Sections 65856 and 65090, the Notice contained the information required by Government Code Section 65094, and was published in compliance with Government Code Section 6061 on April 19, 2023 in the Foster City Islander, a newspaper of general circulation with the City of Foster City in an advertisement full page size; and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, the Planning Commission of the City of Foster City carefully reviewed and considered the staff report and all attachments thereto presented as part of the agenda for the public hearing regarding the proposed ordinance to amend the Foster City Zoning Map including any and all timely submitted correspondence, all information submitted at or prior to the public hearing, and all public comment and testimony presented at the public hearing (collectively, the Record) and adopted Resolution P-04-23 recommending approval of the amendments to the Zoning Map; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration at the City Council meeting of May 22, 2023, including as required by Government Code Sections 65856 and 65090, the Notice contained the information required by Government Code Section 65094, and was published in compliance with Government Code Section 6061 on May 10, 2023 in the San Mateo Daily Journal, a newspaper of general circulation with the City of Foster City and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, the City Council of the City of Foster City carefully reviewed and considered the staff report and all attachment thereto presented as part of the agenda for the public hearing regarding the proposed ordinance to amend the Foster City Zoning Map any and all timely submitted correspondence, all information submitted at or prior to the public hearing, and all public comment and testimony presented at the public hearing (collectively, the **Record**); now, therefore, be it resolved that

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council does hereby find and determine based upon the aforementioned Record as follows:

- a) The Public Hearing was properly noticed and conducted in accordance with State law and the Foster City Municipal Code; and
- b) The provision of safe and stable housing for households at all income levels is essential for the public welfare of the City. Housing in Foster City, both rental and for-sale housing, has become steadily more expensive and housing costs have gone up faster than incomes. Federal and state government programs do not provide enough affordable housing to satisfy the needs of very low, low, or moderate income households. As a result, there is a severe shortage of adequate, affordable housing for very low, lower, and moderate income households, as evidenced by the findings in the City's Housing Element; and
- c) The proposed amendments to the Foster City Zoning Map are consistent with the General Plan, specifically the 2023-2031 Housing Element including Goal H-D Pursue Public and Private Redevelopment Opportunities to Increase the Supply of Housing and Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory, which specifically calls for additional housing at the subject sites.

Section 3. That the City of Foster City Zoning Map is hereby amended to make the proposed amendments to the Foster City Zoning Map as presented in the attached Exhibits A through C for the three (3) sites as listed below, attached hereto and incorporated herein:

- 1. Foster's Landing Apartments, 700 Bounty Drive, APN: 094-980-070; to change the zoning designation from R-3/PD Medium Density, Multiple-Family Residence District/Planned Development to CM/PD, Commercial Mix/Planned Development District as indicated in Exhibit A, attached hereto and incorporated herein; and
- 2. Eaves Apartments, 700 Marlin Avenue, APN: 094-341-010 to change the zoning designation from R-3 Medium Density, Multiple-Family Residence District to R-4/PD, High Density, Multiple-Family Residence District/Planned Development as indicated in Exhibit B, attached hereto and incorporated herein; and
- 3. 1601 Beach Park Boulevard, APN: 094-211-550 to change the zoning designation from PF Public Facilities to R-2/PD Two-Family Residence District/Planned Development as indicated in Exhibit C, attached hereto and incorporated herein.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this chapter is held to be invalid or unconstitutional including by any court with jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council declares that it would have passed this article, and each section, subsection,

clause, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

Section 4. Taking Effect. This ordinance shall take effect thirty (30) days following its final passage.

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 22nd day of May, 2023, and passed and adopted on the ___ day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JON FROOMIN, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK