

RESOLUTION NO. P- 01 -23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY  
RECOMMENDING CITY COUNCIL ACCEPTANCE OF THE GENERAL PLAN ANNUAL  
PROGRESS REPORT FOR 2022

CITY OF FOSTER CITY

WHEREAS, California Government Code Section 65400 requires that after the legislative body has adopted all or part of a General Plan, the planning agency shall review an annual report on the status of the General Plan progress and its implementation and provide the annual progress report to the legislative body; and

WHEREAS, the City has made significant progress in implementing the programs contained in the City's General Plan, including the following significant accomplishments in 2022:

- **Housing Element**

- **Future Housing Element Updates** – In May of 2022, the City released its draft Housing Element and received comments back from HCD on October 3, 2022. The letter recommends revisions needed to comply with the State Housing Element Law and the City continues to work on finalizing the 2023-2031 Housing Element Update. The new Housing Element is expected to be adopted in mid-2023 following the completion of the Environmental Impact Report (EIR). (H-A-1-c)
- **Pilgrim/Triton Workforce Housing** – On July 28, 2022, a total of 22 units received a Temporary Certificate of Occupancy. On August 10, 2022 the City purchased 22 Workforce Housing Units in order to address the needs of first responders, public employees, and teachers in the very low, low, and moderate-income households in order to make it possible for public servants to live near where they work. The waiting list for available units are now closed and as of December 31, 2023, 12 of the 22 units are occupied.
- **Post BMR Expiration Rent Agreement** – In 2020, the City worked with Essex Properties on an agreement to set aside approximately \$800,000 in rental assistance for the tenants at Foster's Landing to extend the affordability of the units for another year and prevent homelessness. This was made possible by a 50/50 split between Essex and the City to cover the difference between the tenant paid rent and market rate rent for the below-market rate tenants at Foster's Landing affected by the expiration of the affordable housing covenants. City Council approved the Post BMR Expiration Rent Agreement on September 18, 2020 and in 2021, the City, in partnership with Essex Properties, provided approximately **\$454,626.94** in rental subsidies. In 2022, the City staff worked with Housing Industry Foundation (HIF) to provide ten (10) tenants with Emergency Subsidy while they explored relocation options. As of December 31, 2022, a total of nine (9) tenants remain on-site and in the program. The City plans to continue implementing the program for the years 2023 - 2024. (H-C-5-b City Rental Assistance Program).
- **Cooperation with Other Agencies** – On January 14, 2021, the City submitted an application for the San Mateo County Grant of Permanent Local Housing Allocation (PLHA) Funds. The **\$643,636** grant will be used to assist low-income

tenants facing displacement and finding housing based on their specific needs and financial circumstances. The City was awarded the grant to provide the BMR residents of Foster's Landing with relocation and case management services and rental assistance. On September 1, 2021, the City and the County of San Mateo Department of Housing executed an Agreement to provide funds for the City's Emergency Relocation Assistance and Rent Subsidies Program. In 2022, the City staff worked with HIF to provide ten (10) tenants with Emergency Subsidy while they explored relocation options. As of December 31, 2022, a total of nine (9) tenants remain on site and in the program. The City plans to continue implementing the program for the years 2023 - 2024. (H-A-3 and H-C-5-a)

- **Private Development of Affordable Housing – Inclusionary Requirement** – On March 7, 2022, City Council approved an ordinance to add a new Chapter 17.90, Below Market Rate Inclusionary Housing Program to establish objective standards for inclusionary housing; an ordinance to add Chapter 17.92, Affordable Housing Overlay Combining District; an ordinance to amend certain zoning maps to zone certain properties within the AHO Combining District, and; an ordinance to adopt a BMR Housing in-lieu fee. Inclusionary units were included in all new housing developments in the RHNA 5 cycle, including the various phases of Pilgrim Triton and the Alma Point Senior Apartments in Foster Square.
- **Community Outreach** – In 2022, the City launched a number of community outreach initiatives. (H-A-3-a Community Outreach). For the Housing Element update, the City engaged in extensive community outreach, including the following:
  - Community engagement website: In February 2022, the City launched an updated community engagement website, including a combination of tools from Bang The Table and MapSocial, to provide opportunities for community engagement and feedback on the Housing Element Update.
  - A Housing Preferences and Priorities survey was publicized by the City and available on the City's website from February 23, 2022, until March 28, 2022.
  - Numerous Joint City Council and Planning Commission Study Sessions were held, including March 2, 2022, April 21, 2022, May 17, 2022 and November 15, 2022, on Housing Element Update.
- **Housing unit production** – The City issued building permits for four (4) ADUs (accessory dwelling units) and one (1) single family residence in 2022. As of June 30, 2022, 832 new housing units were completed, including 89 very low-income (60% of RHNA), 50 low-income (57% of RHNA), 14 moderate (18% of RHNA) and 679 above-moderate units. (H-A-1-a Annual Tracking of Housing Activity & H-A-1-b Construction of New Units).
- **Land Use & Circulation Element**

In 2022, the City launched a number of initiatives to address land use & circulation.

  - **System Monitoring** – In April 2022, the construction of the permanent

implementation of the TRPP (Dynamic Signage for Traffic Relief Pilot Program – CIP 301-694) was completed. (LUC-F-1-a)

- **Periodic Monitoring of Land Uses Throughout the City** In 2022, the Planning Commission approved a restaurant/retail pavilion at 1065 East Hillsdale. Furthermore, in 2023, three Use Permits (UP2021-0015 for Century Plaza, UP2021-0023 for 388 Vintage Park Drive, and UP2021-0036 for Parkside Towers) were approved for Research & Development (R&D) uses. Parkside Towers and Century Plaza projects are potential future conversions with the flexibility to maintain office space. The project at 388 Vintage Park Drive is for the removal of retail to allow for R&D use. Planning Commission recommended approval to City Council of the Gilead Master Campus program for the reallocation of 250,000 square feet of office to lab space within their campus. (LUC-C-12-a)
- **Green Building Guidelines and Incentives** – On October 3, 2022 the City Council passed Resolution 2022-119, entering into contract with Integrated Design 360 to provide outreach to public and stakeholders to develop Reach Codes. The City of Foster City also continues to offer residents who install solar photovoltaic technology (solar PV) a \$ 1,000 rebate on qualifying systems. In 2022, nine (9) households qualified and received this rebate incentive. From 2016 through 2022, a total of 89 rebate applications were completed and granted. (LUC-H-1-a)
- **Climate Action Plan** – In 2022, the City hired consultants to conduct “whole community” outreach in support of an update to the Climate Action Plan. The City also reinstated a permanent ten-member Citizens Sustainability Advisory Committee to support the climate action planning process and long-term implementation. (LUC-H-2-a)
- **Parks Facilities Plan** – The City Council approved a contract with Group 4 Architecture to help lead the effort to rebuild the Foster City Recreation Center. A Planning Commissioner was selected for the Joint Parks and Recreation/Planning Commission Committee and full design discussion will begin the first quarter of 2023. (LUC-L-5-a)
- **Wastewater Systems Improvement** – Foster City is working with the City of San Mateo to construct improvements at the jointly owned wastewater treatment plant (WWTP). Startup and commissioning of new treatment facilities are targeted to be completed by fall 2023, followed by the retrofit of existing facilities and commissioning of the integrated WWTP by fall 2024. (LUC-L-13-a).
- **Parks and Open Space Element**
  - **Special Events** – In 2022, Summer Days returned for a three-day festival featuring carnival rides, music, food trucks, and a car show. (PC-y).
  - **Parks Facilities Plan and Improve Facilities** – On November 21, 2022, marking a major step forward for a key project, the City Council unanimously approved hiring Group 4 Architecture to help lead the effort to rebuild the Foster City Recreation Center. Under terms of the consultant agreement, Group 4 will oversee efforts such as project management, community outreach, conceptual

design refinement, design development documents, use permit and construction documents, furniture and equipment selection, signage design, bidding and construction support, and record documents. (LUC-L-5-a & PC-d)

- **Conservation Element**

- **Lagoon Water Quality** – In 2021, additional water quality testing was conducted due to the geese creating high bacteria levels and the records were made available in 2022. (C-f).

- **Local Hazard Mitigation Plan & Safety Element**

- **Local Hazard Mitigation Plan (LHMP) Update** – The City Council adopted an updated LHMP on December 13, 2021. The information in the LHMP will provide a basis for updates to the Safety Element due in 2023 with the Housing Element Update 2023-31.
  - **Levee Protection Planning and Improvements** – In July 2020, the City awarded a contract for construction to Shimmick Construction. Construction is ongoing and is anticipated to be completed in January 2024. The Levee Project is designed to be resilient to the year 2050-2080. (S-A-2-a)
  - **Crime Prevention/Education** – In 2022, the Police Department continued to provide a variety of crime prevention programs to educate and involve the community. (S-D-4-a).
    - **Social Media** – In 2022, social media was used to provide crime alerts, crime prevention tips, traffic information and safety tips to the FC community. Residential and Commercial Crime Prevention Through Environmental Design (CPTED) surveys were conducted.
    - **Coffee with a Cop** forum was held on May 19, 2022.
    - **National Night Out** was celebrated August 2, 2022 to build relationships with the Foster City community.
    - **Open House** was held on October 1, 2022. Scheduled tours of the communication center, booths setup to allow people to try on SWAT gear, and officers allowing members of the public to sit in a patrol vehicles/motorcycles are provided at the Open House in order to give transparent information to the public regarding different functions of the Police Department.
    - In 2022, Drake, the Service Dog, attended 64 events where he provided a comforting and calming presence to people in need, greeted citizens, and strengthened bonds, relationships, and trust.

- **AB 1743 and AB 2094 Reporting**

- In 2022, three (3) housing development applications were received that would result in new units. One of the three (3) projects required discretionary action for a proposed 420 units and the other two (2) were ministerial (ADUs). Additionally, there are three (3) additional building permits that were applied for in 2021 but finalized and approved in 2022. Pursuant to AB 2094, the City approved three (3) units at very low income level, one (1) unit at low income level, and 13 units at above moderate level.

WHEREAS, the Planning Commission considered and reviewed the General Plan Annual Progress Report at the Planning Commission Regular Meeting on February 16, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Foster City, has reviewed and investigated the General Plan Annual Progress Report in conformance with Government Code § 65400(a) and based on facts and analysis in the Staff Report, written and oral testimony, and exhibits presented recommends that the City Council accept the Annual Progress Report on the General Plan for 2022 as attached hereto.

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at the Regular Meeting thereof held on February 16, 2023 by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Jagtiani, Venkat, and Chair Adams

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

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*Evan Adams*  
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EVAN A. ADAMS, CHAIR

ATTEST:

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*Sofia Mangalam*  
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SOFIA MANGALAM, SECRETARY

RESOLUTION NO. P- 02 -23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING TO THE CITY COUNCIL THAT THE PROJECTS BEING CONSIDERED IN THE FISCAL YEAR (FY) 2023-2024 AND/OR FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) ARE CONSISTENT WITH THE FOSTER CITY GENERAL PLAN AND SHOULD BE ACCEPTED FOR INCLUSION IN THE FY 2023-2024 AND FIVE YEAR CIP, RESPECTIVELY AND FIND THAT THE ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15061(B)(3) AND 15262 OF THE CEQA GUIDELINES

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, Sections 65300 and 65400 of the California Government Code require cities to prepare, implement, and monitor the status of the General Plan; and

WHEREAS, Section 65400 of the California Government Code requires that the planning agency (Planning Commission) of a city make recommendations to the legislative body (City Council) regarding reasonable and practical means for putting into effect the General Plan in order that it will serve as a pattern and guide for the orderly and physical growth and development of the city and as a basis for the efficient expenditure of its funds relating to the subjects of the General Plan, the measures recommended may include capital budgets; and

WHEREAS, Section 65401 of the California Government Code allows cities to review the Capital Improvement Program of the city for its consistency with the General Plan; and

WHEREAS, Section 65403 of the California Government Code requires that the city planning agency (Planning Commission) review and report to the City Council on the consistency of the proposed capital improvement projects with the adopted General Plan or parts thereof; and

WHEREAS, pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act adopted by the Secretary of Resources, the Capital Improvement Program is categorically exempt from the California Environmental Quality Act, in that it can be seen with certainty that there is no possibility that recommendation of consistency of the CIP with the General Plan and inclusion of the proposed projects in the Fiscal Year (FY) 2023-2024 and Five-Year CIP will have a significant effect on the environment; and review of the CIP does not involve approval of any specific project that may have a significant effect on the environment. Each project of the CIP will be evaluated, and, as applicable, the appropriate level of environmental analysis conducted; and

WHEREAS, Section 15262 of the Guidelines for the California Environmental Quality Act adopted by the Secretary of Resources includes "Feasibility and Planning Studies" as ministerially exempt from the California Environmental Quality Act; and

WHEREAS, the Five-Year Capital Improvement Program is a feasibility study to fund various City/EMID projects and is not legally binding on future City/EMID actions; and

WHEREAS, the Five-Year Capital Improvement Plan is composed of forty-one (41) projects in six (6) categories (Building, Parks, Stormwater/Lagoon, Streets, Water and Wastewater), as set forth in Exhibit A, attached hereto; and

WHEREAS, engineering and environmental studies will be prepared after each project is included in the Five-Year Capital Improvement Program and prior to project plan approval or actual funding by the City Council/EMID Board or plans being sent out to bid by the City/EMID; and

WHEREAS, all proposed capital improvement projects have been reviewed by the Community Development Department for their consistency with the adopted City of Foster City General Plan; and

WHEREAS, the Planning Commission did duly consider the item at a Public Meeting on April 6, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The approval of this Resolution is exempt under CEQA pursuant to Section 15061(b)(3) and 15262 of the CEQA Guidelines.
2. The Planning Commission's review of the new proposed projects to be considered by the City Council for inclusion in the Fiscal Year (FY) 2023-2024 and/or the Five-Year Capital Improvement Program was held in conformance with, and meets the requirements of, Sections 65400, 65401, and 65403 as provided in the California Government Code.
3. All new projects proposed, specifically as listed in the attached Exhibit A, are consistent with the adopted City of Foster City General Plan and will further the City's ability to implement the General Plan.
4. Where necessary, the General Plan will be amended in conformance with applicable State law prior to actually approving specific project construction plans, or funding or bidding any project that is inconsistent with it.
5. The requirements of the California Environmental Quality Act will be met prior to final construction plan approval, funding, or bidding of any proposed capital improvement project.

BE IT FURTHER RESOLVED that the Planning Commission finds that the capital improvements projects being considered for Fiscal Year 2023-2024 and/or for inclusion in the Five-Year Capital Improvement Program are consistent with the adopted Foster City General Plan and recommends to the City Council inclusion of these projects in the Fiscal Year 2023-2024 and Five-Year Capital Improvement Program, as set forth in Table A in Exhibit A, attached hereto and incorporated herein.

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PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on April 6, 2023, by the following vote:

AYES, COMMISSIONERS: Haddad, Venkat, and Chair Jagtiani

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS: Bronitsky

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*Ravi Jagtiani*  
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RAVI JAGTIANI, CHAIR

ATTEST:

DocuSigned by:  
*Sofia Mangalam*  
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SOFIA MANGALAM, SECRETARY



RESOLUTION NO. P- 03 -23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE; RECOMMENDING ADOPTION OF ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM – EA2021-0004

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the 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 updated Housing Element and an updated Safety Element 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 Environmental Impact Report ("EIR") which analyzes the potential environmental impacts of the proposed project and identifies recommended measures to reduce potential impacts (SCH #2022010509, EA2021-0004); 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, available for remote participation via the internet, 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 also accessible remotely via the Zoom Teleconference video platform 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, the City of Foster City Planning Commission 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 effects on the environment caused by the proposed Project; and

WHEREAS, the Planning Commission 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 Planning Commission would have made its recommendation on the basis of any one of those reasons; and

WHEREAS, the Planning Commission 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 Planning Commission 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, 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 and recommends that the City Council find that:

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

2. The Final EIR, including documents incorporated by reference, including the information contained therein prior to adoption of this Resolution, has been reviewed and considered by the Planning Commission; 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 Planning Commission of the City of Foster City does hereby recommend that the City Council 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 Standard Conditions of Approval and Mitigation and Monitoring Reporting Program (SCAMMRP) as set forth in Exhibit B, attached hereto and incorporated herein.

Resolution No. P- 03 -23  
EA2021-0004

PASSED AND ADOPTED as a Resolution of the Planning Commission at a Regular Meeting held on May 4, 2023, by the following vote:

AYES, COMMISSIONERS: Haddad, Venkat, and Chair Jagtiani

NOES, COMMISSIONERS: Bronitsky

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

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*Ravi Jagtiani*  
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RAVI JAGTIANI, CHAIR

ATTEST:

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*Sofia Mangalam*  
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SOFIA MANGALAM, SECRETARY

RESOLUTION NO. P- 04 -23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING 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 - 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 need 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, as of April 24, 2023 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 two years including twenty-five (25) 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

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GP2020-0002 & GP2022-0001

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 findings regarding the draft Housing Element; and

WHEREAS, on February, 6, 2023, the City published a revised draft Housing Element responding to HCD's findings 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, 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 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-\_\_-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-\_\_-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 and posted in three public places pursuant to California Government Code Section 65090 for the Planning Commission public hearing on May 4, 2023;

WHEREAS, on May 4, 2023 the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission 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.

Resolution No. P- 04 -23  
GP2020-0002 & GP2022-0001

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; 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; a long history of inclusionary housing requirements to provide affordable housing; approvals of housing densities up to 93 units per acre; the fact that redevelopment of large existing apartment properties does not require the existing use to be discontinued; and other incentives for residential development; 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 Planning Commission recommends that the City Council 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.

Resolution No. P- 04 -23  
GP2020-0002 & GP2022-0001

- D. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in manner provided in the Government Code Section 65357.
- E. The Housing Element shall include the following revisions:
  - a. Sites Inventory – revise the capacity for Franciscan (to 83) and Lagoons (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.

Resolution No. P- 04 -23  
GP2020-0002 & GP2022-0001

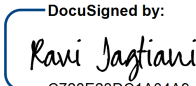
PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission  
at the Regular Meeting thereof held on May 4, 2023 by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Venkat, and Chair Jagtiani


NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

DocuSigned by:  
  
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RAVI JAGTIANI, CHAIR

ATTEST:

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SOFIA MANGALAM, SECRETARY

RESOLUTION NO. P- 05 -23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO 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 PLANNING COMMISSION

WHEREAS, there is a shortage of affordable housing in the City of Foster City (“City”) as documented in the RHNA 5 Housing Element for the 2015-2023 Planning Period and the RHNA 6 Draft Housing Element for the 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”) for the Housing and Safety Elements Update; and

Resolution No. P- 05 -23

RZ2023-0001

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-\_\_-23 recommending that the City Council certify the Housing Element EIR and Resolution No. P-\_\_-23 that the City Council adopt CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; 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 has 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 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. 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
3. 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 Consider Potential Public and Private Redevelopment Opportunities to Increase the Supply of Housing and Program H-D-2-a Tier 1 Housing Opportunity Sites, which specifically calls for additional housing at the subject sites.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council adopt an ordinance making 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.

Resolution No. P- 05 -23

RZ2023-0001

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.

Resolution No. P- 05 -23

RZ2023-0001

PASSED AND ADOPTED as a Resolution of the Planning Commission of the City of Foster City at a Regular Meeting thereof held on May 4, 2023, by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Venkat, and Chair Jagtiani

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

DocuSigned by:

*Ravi Jagtiani*

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RAVI JAGTIANI, CHAIR

ATTEST:

DocuSigned by:

*Sofia Mangalam*

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SOFIA MANGALAM, SECRETARY



RESOLUTION NO. P- 06 -23

CITY OF FOSTER CITY PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING THE CITY COUNCIL ADOPT AN AMENDMENT TO THE FOSTER CITY ZONING MAP TO MODIFY THE PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN FOR THE ±100-ACRE LANDS KNOWN AS METRO CENTER IN THE C-2/PD (GENERAL BUSINESS/PLANNED DEVELOPMENT) DISTRICT TO A C-2/PD (GENERAL BUSINESS/PLANNED DEVELOPMENT) DISTRICT WITH AN AMENDED GENERAL DEVELOPMENT PLAN TO ALLOW COMMERCIAL -OR- MIXED COMMERCIAL/RESIDENTIAL USE UP TO 222 DWELLING UNITS AT 1010 METRO CENTER BOULEVARD IN TOWN CENTER NEIGHBORHOOD (TC) AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE EIR PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE - RZ2023-0002

WHEREAS, On August 2, 2021, the City Council adopted Ordinance No. 637, approving the most recent General Development Plan Amendment/Rezoning to the Metro Center General Development Plan, authorizing a revision to the zoning map (of which the GDP is a part) to modify the previously-approved GDP for the approximately 100-acre Metro Center area to allow for a change in the previously allowed uses to allow up to two (2) hotels with a total of approximately 298 guest rooms, including a seven-story, approximately 89'-0"-tall, ±83,187 square-foot limited-service hotel with 151 guest rooms on the southwest corner of Metro Center Boulevard and Shell Boulevards (APN 094-522-350), on Lot 20 of Tract Map No. 91-83; and

WHEREAS, there is a shortage of affordable housing in the City of Foster City ("City") as documented in the RHNA 5 Housing Element for the 2015-2023 Planning Period and the RHNA 6 Draft Housing Element for the 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

Resolution No. P- 06 -23  
RZ2023-0002

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”) for the Housing and Safety Elements Update; 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-\_\_-23 recommending that the City Council certify the Housing Element EIR and Resolution No. P-\_\_-23 that the City Council adopt CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; 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 has 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 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. 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

Resolution No. P- 06 -23  
RZ2023-0002

3. The proposed amendment to the Foster City Zoning Map is consistent with the General Plan, specifically the 2023-2031 Housing Element including Goal H-D Consider Potential Public and Private Redevelopment Opportunities to Increase the Supply of Housing and Program H-D-2-a Tier 1 Housing Opportunity Sites, which specifically calls for additional housing at the subject sites.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends City Council approval of an amendment to modify the previously approved General Development Plan ±100-acre lands known as Metro Center in the C-2/PD (General Business/Planned Development) district to a C-2/PD (General Business/Planned Development) district with an amended General Development Plan to allow commercial -or- mixed commercial/residential use up to 222 dwelling units at 1010 Metro Center Boulevard (APN 094-281-010) as shown in Exhibits A and B, attached hereto and incorporated herein, including on Exhibit B to remove the reference to 58,000 SF for 1010 Metro Center Boulevard to instead state the allowed uses for this site as commercial – or – commercial and up to 222 apartment or condominium units..

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at a Regular Meeting held on May 4, 2023, by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Venkat, and Chair Jagtiani

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

DocuSigned by:  
*Ravi Jagtiani*  
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RAVI JAGTIANI, CHAIR

ATTEST:

DocuSigned by:  
*Sofia Mangalam*  
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SOFIA MANGALAM, SECRETARY

RESOLUTION NO. P- 07 -23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLE 17, "ZONING" OF THE FOSTER CITY MUNICIPAL CODE INCLUDING AMENDMENTS TO CHAPTER 17.14 R-2, "TWO-FAMILY RESIDENCE DISTRICT" AND CHAPTER 17.82, "EMERGENCY SHELTERS, LOW BARRIER NAVIGATION CENTERS, AND SUPPORTIVE HOUSING", TO IMPLEMENT THE RHNA 6 HOUSING ELEMENT FOR THE 2023-2031 PLANNING PERIOD AND COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE EIR PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE – RZ2023-0003

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, there is a shortage of affordable housing in the City of Foster City ("City") as documented in the RHNA 6 Housing Element for the 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, the staff report dated May 4, 2023, incorporated herein by reference, explains the relevant requirements of State law that require corresponding changes in the Foster City Municipal Code in order for the City's regulations to be compliant with State law; 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, an Environmental Impact Report (2023 EIR) was prepared for the Foster City Housing and Safety Elements Update (State Clearinghouse #2022010509) to evaluate the potential environmental impacts of the project; and

WHEREAS, the Planning Commission considered the proposed zoning text amendments to Title 17, "Zoning," at a noticed Planning Commission public hearing on May 4, 2023; 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 and, on said date, the Public Hearing was opened, held and closed; and

WHEREAS, the Planning Commission of the City of Foster City has 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 Title 17, Zoning, of the Foster City Municipal Code as referenced above 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. 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
3. The proposed amendments to Title 17, Zoning, of the Foster City Municipal Code are consistent with the General Plan, specifically the 2015-2023 Housing Element including Goal H-D Consider Potential Public and Private Redevelopment Opportunities to Increase the Supply of Housing, Policy H-D-9 Reduce Regulatory Constraints, and Goal H-F Address Special Housing Needs, Policy H-F-2 Special Needs, and Policy H-F-3 Housing for the Homeless.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council adopt an ordinance making various text amendments to Title 17, "Zoning" of the Foster City Municipal Code to implement housing sites identified in the Sites Inventory in the Regional Housing Needs Allocation (RHNA), 6th Cycle, as generally presented in the attached Exhibits A and B, as listed below and attached hereto and incorporated herein:

- Exhibit A: Chapter 17.14 R-2, Two-Family Residence District

Resolution No. P- 07 -23  
RZ2023-0003

- Exhibit B: Chapter 17.82 Emergency Shelters, Low Barrier Navigation Centers, and Supportive Housing, including an amendment to Section 17.82.040.A.1 to change from 20 beds to 25 beds.

Resolution No. P- 07 -23  
RZ2023-0003

PASSED AND ADOPTED as a Resolution of the Planning Commission of the City of Foster City at a Regular Meeting thereof held on May 4, 2023, by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Venkat, and Chair Jagtiani


NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

DocuSigned by:  
  
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RAVI JAGTIANI, CHAIR

ATTEST:

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SOFIA MANGALAM, SECRETARY