



DATE: August 21, 2023

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager
Marlene Subhashini, Assistant City Manager

FROM: Sofia Mangalam, Community Development Director
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DEPARTMENT: Community Development

SUBJECT: SAFETY ELEMENT UPDATE

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution (Attachment 1) for adoption of a General Plan Amendment, amending the Local Hazard Mitigation Plan and Safety Element by repealing the existing 2016 Safety Element and adopting the updated 2023 Safety Element and finding the Amendment within the scope of the Certified Final Environmental Impact Report ("EIR") prepared for the Foster City Housing and Safety Elements Update.

EXECUTIVE SUMMARY

The Safety Element is one of the seven mandatory elements of the City's General Plan that are required by State law. The principal purpose of the element is the identification of potential risks within the city that pose a threat to the community's welfare, public health, and overall safety and provide a unique set of goals, policies, and implementation actions that address these risks. The existing Safety Element adopted in 2016 was combined with the 2016 Local Hazard Mitigation Plan (LHMP). The Safety Element is coordinated with LHMP as required by federal law. The latest LHMP is the [2021 San Mateo County Multijurisdictional LHMP](#).

The City is mandated by Government Code Section 65302(g)(3) to update the Safety Element in conjunction with any Housing Element update, or upon the update of the next Hazard Mitigation Plan. Thus, as part of the 2023-2031 Housing Element Update, the City has completed a draft update of the Safety Element in order to identify public safety risks and create goals to address those risks. Upon adoption, the update of the Safety Element will create a stand-alone Safety Element.

BACKGROUND

Senate Bill (SB) 379, adopted in 2017, requires all cities and counties to update their Safety Elements to include climate adaptation and resiliency strategies upon the next revision to any other element of their general plans. This includes developing a set of goals, policies, and objectives based on a vulnerability assessment to identify those vulnerabilities that are most applicable to the jurisdiction. SB 1035 was built off SB 379, requiring the safety element to be updated every eight (8) years upon the next housing element update.

SB 99 modified Government Code Section 65302(g)(5) to “require the city or county, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two (2) emergency evacuation routes.” Additionally, Assembly Bill (AB) 747 was enacted in 2019 and went into effect on January 1, 2020. It added Section 65302.15 to the Government Code which states: “(a) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element adopted pursuant to subdivision (g) of Section 65302 shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.” This was modified by AB 1409 (2021) to require identifying evacuation locations as well.

Therefore, as part of the 2023-2031 Housing Element Update, the City has completed a draft update of the Safety Element. Upon adoption by the City Council, the update of the Safety Element will create a stand-alone Safety Element. The Safety Element Update focuses on identifying public safety risks and creating a unique set of goals, policies, and implementation actions that address these risks. The update allows the City to address these conditions by reducing the impacts associated with these hazards or preventing hazardous conditions in the future. It also addresses emergency evacuation in the City and creates policies designed to enhance and streamline the evacuation process during emergency events.

Relationship to LHMP

Foster City is required to have two (2) documents/plans dealing with safety and hazard mitigation:

- Local Hazard Mitigation Plan (LHMP) – required by the Federal Disaster Mitigation Act of 2000 (which amended the Stafford Act). The LHMP is required to be updated every five (5) years. Having an approved LHMP is a prerequisite to receiving federal disaster grant assistance.
- Safety Element of the General Plan – a mandatory element of the General Plan required by California Government Code Section 65302(g), which also requires an update of the Safety Element to cover certain topics concurrent with any update of the Housing Element.

California Government Code Section 8685.9 (also known as AB 2140) limits California's share of disaster relief funds paid out to local governments to 75 percent of the funds not paid for by federal disaster relief efforts. However, if the jurisdiction has adopted a valid hazard mitigation plan consistent with Disaster Mitigation Act 2000 and has incorporated the hazard mitigation plan into the jurisdiction's General Plan, the State may cover more than 75 percent of the remaining disaster relief costs.

Updating of the LHMP is required by Federal Emergency Management Agency (FEMA) every five (5) years in order for the City to remain eligible for the waiver of local matching fund requirements following a disaster. The requirements of the LHMP and the Safety Element are very similar.

The current Safety Element adopted by the City Council in 2016 is a combined Safety Element/LHMP. For the following update, the City participated in the San Mateo County Multijurisdictional Local Hazard Mitigation Plan (MJLHMP), and on December 13, 2021, the City Council adopted Resolution approving 2021 MJLHMP with Foster City annex. The MJLHMP consists of Volume 1 – Planning Area-Wide Elements (584 pages), Volumes 2a-2d that include the “Annexes” for each jurisdiction, and Volume 2e containing Appendices. The Annex for Foster City is in Volume 2b.

Airport Land Use Compatibility Plan

An Airport Land Use Compatibility Plan (ALUCP) is the primary document used by an airport land use commission to help promote compatibility between an airport and its surrounding environment. Foster City is located within two (2) ALUCPs, San Francisco International Airport (SFO), and San Carlos Airport. Pursuant to California Public Utilities Code (PUC) Section 21676(b), City staff forwarded the draft Safety Element Update to the City/County Association of Governments (C/CAG), acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in both San Carlos and SFO ALUCPs.

The draft update of the Safety Element includes a section, “Consistency with Airport Land Use Compatibility Plans”, which references the applicable airport land use compatibility criteria for each ALUCP. Also included is a specific goal to “Minimize risks of potential hazards in the vicinity of SFO and San Carlos Airports”, and an associated implementation action to “Comply with the project referral, airspace protection, real estate

transaction disclosure and overflight notification policies of the SFO and San Carlos ALUCPs”.

On July 13, 2023, C/CAG Board of Directors approved Resolution 23-67 determining that the Foster City Safety Element Update is consistent with both San Carlos and SFO ALUCPs (Attachment 3).

California Geological Survey Department of the Department of Conservation (CGS)

Government Code Section 65302.5(a) requires that the draft amendment to the Safety Element be sent to the California Geological Survey Department of the Department of Conservation (CGS) 45 days prior to adoption. As per the requirement, staff sent the draft of the Safety Element to CGS. On April 27, 2023, staff received recommendation from CGS to include mapping on liquefaction susceptibility from CGS rather than mapping from the United States Geological Survey (USGS). The revised Figure S-3 on page 22 of the draft Safety Element reflects the CGS mapping.

Public Review Draft of Safety Element

The Draft Safety Element was first posted on the Safety Element Update webpage on March 15, 2023, with updates posted on April 19, 2023, May 4, 2023, and May 30, 2023. Public comments were received from three (3) members of the public and two (2) public agencies, California Office of Emergency Services (CalOES) and California Geological Survey (CGS).

A Planning Commission Study Session was held on May 4, 2023, to present and provide information to members of the public, answer any questions, and/or receive feedback regarding the draft Safety Element. Study Session materials and video are available [here](#). On July 20, 2023, the Planning Commission considered the Draft Safety Element update at a public hearing. The Planning Commission adopted Resolution P-09-23 (Attachment 2) with a majority of the Planning Commission (3-0, with 2 absences) recommending City Council approval of the Draft Safety Element Update (link to the meeting materials and video are available [here](#)).

ANALYSIS

The Safety Element identifies potential risks within the city that pose a threat to public safety and identifies goals, policies, and strategies to ensure the community's welfare, public health, and overall safety. Recurrent updates to the Safety Element ensure that the goals, policies, and implementation actions remain relevant and responsive to the community's changing needs.

Per California Government Code Section 65302(g)(1), a safety element is for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence (caving in

or sinking of land area); liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The Safety Element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

The Safety Element is organized to be consistent with the other General Plan Elements. The goals, policies, and implementation programs provide declarative statements about the City's approach to safety-related issues.

The update of the Safety Element addresses the City's natural hazards and human activities that may pose a threat to public safety. It is comprised of four (4) main sections, including the following:

(1) Executive Summary – This section includes discussion on:

- (A) Conditions in Foster City and the focus of the Safety Element;
- (B) Purpose of the Safety Element; and
- (C) Moving Forward to describe how the Safety Element, in conjunction with the 2021 San Mateo County Multi-Jurisdictional LHMP, is the best avenue to understand and address natural hazard risks within the community of Foster City.

(2) Introduction – This section includes an overview of the purpose, scope, and element organization; consistency of the Safety Element with other Elements of the General Plan, including Land Use and Circulation, Housing, Parks and Open Space, Noise and Conservation; consistency with the LHMP; consistency with the Airport Land Use Compatibility (ALUC) Plans; and a summary of the regulatory environment, including the legislative framework for California's Safety Elements.

(3) Hazards/Trends – This is the most critical of all sections and includes the following subsections:

- (A) Emergency Preparedness describes Foster City's Police and Fire services, and hazard prevention and response strategies for Emergency Management and Evacuation. It identifies three (3) goals, with policies and implementation actions (Goals S-1A, 1-B, and 1-C).

As part of the City's preparedness initiatives, an Evacuation Analysis was prepared that identifies the routes used for evacuation purposes. Given the geographical makeup of Foster City and its unique infrastructure, the City already has limited egress and ingress routes, creating potential issues during evacuation scenarios. A map (Figure S-1 SB 99 analysis) depicting potential evacuation routes that could be used during a hazard event is included in the

document. The map also identifies constrained roadways (single ingress/egress conditions) and parcels that use these roadways (constrained parcels). There are several implementation actions under Goal S-1C (pages 17-18) that are identified so the community can easily evacuate in the event of an emergency. One of the key actions is to develop an Evacuation Master Plan that identifies routes, potential hazard incidents, and criteria regarding capacity, safety and viability to ensure adequate evacuation capacity and infrastructure is available for existing and new development.

- (B) Seismic and Geologic Hazards identifying common seismic hazards, including seismic shaking, liquefaction, and tsunami that threaten Foster City and establishes policies and procedures to reduce the individual and collective risk of these hazards.

A series of maps have been included in the document, including: figure S-2 identifying the locations of these fault systems and the Alquist-Priolo Special Study zones surrounding the City; figure S-3 depicting the areas of the city potentially susceptible to liquefaction; figure S-4 depicting the potential tsunami inundation areas that may impact the City (it should be noted that this 2022 County map reflects hazard areas based on levee heights prior to the Levee Improvements Project). Several key policies and implementation actions are identified under Goal S-2: A Community More Resilient to Seismic and Geologic Hazards (page 25).

- (C) Flood Hazards includes discussion on inland flooding, coastal flooding, and dam inundation. This section also includes a goal with policies and implementation actions.

Figure S-6 depicts the potential inundation area associated with the failure of Lower Crystal Springs Reservoir dam. Goals S-3: A Community More Resilient to Inundation Resulting from Flood and Dam Failure identifies key policies and implementation actions (page 30) including requiring mitigation for new developments, redevelopments or major remodels within flood and dam inundation zones to reduce future flooding or address evacuation needs.

- (D) Urban Fire discusses the possibility of urban fire and potential actions to reduce the impacts of fire, including water supply in order to minimize the loss of life, injuries, and property damage due to fires.

Foster City adopted stringent fire safety regulations for high-rise buildings (75 feet) and mid-rise buildings four or more stories in height (but below 75 feet) before they were required by later codes. The Fire Department annually conducts fire inspections on high-rise buildings to ensure effective risk reduction measures are implemented. Another aspect is availability of adequate water supply for fire suppression needs. As a standard practice, new

developments and major remodels are required to conduct water pressure/flow testing and mitigate issues if the supply is deemed inadequate in normal and dry years. Goal S-4 Minimize the Loss of Life, Injuries, And Property Damage Due to Fires identifies policies and implementation actions (page 32) including reviewing development proposals for fire safety provisions as required by the most current codes, annual inspections, and maintaining an adequate supply of water for daily use and emergency situations.

- (E) Hazardous Material and Waste includes a discussion of human-caused dangers and threat from various hazardous materials and wastes used by businesses, industry, and in homes.

Goal S-5: A Community Protected from Exposure to Hazardous Materials and Wastes identifies policies and implementation actions (page 33), including, restricting the transport of hazardous materials to identified truck routes throughout the City, requiring Commercial and industrial facilities to participate in a hazardous material and waste mitigation and response program.

- (F) Climate Adaption includes a discussion on the climate effects on Foster City and climate-related hazards such as increasing temperatures, precipitation, sea-level rise, prolonged droughts and wildfire incidents.

Goal S-6: A Community Prepared for Future Climate-Related Impacts, identifies policies and implementation actions (page 36) including collaborating with local, regional, state, and/or federal jurisdictions and agencies on climate resiliency and adaptation strategies and incorporating consideration of sea level rise into the development review and infrastructure planning processes.

(4) Emergency Evacuation Assessment: One of the most critical components of this section is assessment of emergency evacuation routes to satisfy the requirements of AB 747 which requires that the Safety Element be reviewed and updated to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. Fehr & Peers completed a general, programmatic assessment of the evacuation routes for the City (Appendix A of the Safety Element).

Fehr & Peers and City staff worked together to identify evacuation scenarios appropriate for analysis in the context of Safety Element. The four highest risk categories for Foster City in the 2021 San Mateo LHMP, in order, are: (1) Sea Level Rise/Climate Change, (2) Flooding, (3) Dam Failure, and (4) Earthquake. For the purposes of the analysis, a flooding event resulting from a failure at the Lower Crystal Springs Dam, was selected as the representative evacuation scenario. This event was selected based on the LHMP and discussions with Foster City's emergency service providers because it includes several general features that are associated with a range of reasonably foreseeable evacuation scenarios. The assessment included evacuation roadways and capacities and evacuation demand. The assessment also includes strategies to consider for reducing

evacuation times, including future considerations by the City to create additional roadways and bridges, especially in the southeast parts of Foster City, which is the farthest from the evacuation routes. Another strategy is maintaining an acceptable standard of roadway operations to ensure that the evacuation capacity of the roadway network is not degraded. The assessment also includes supply-side strategies like additional evacuation routes, roadway capacity management etc. and demand-side strategies like limiting the number of evacuation vehicles for City's future considerations, improved communications and advance disaster alerts, etc.

California Environment Quality Act

A program-level Environmental Impact Report (EIR) was prepared to evaluate the environmental impacts of the Housing and Safety Element Updates Project pursuant to the California Environmental Quality Act (CEQA). The Draft EIR found that the project would result in several potentially significant impacts. On May 22, 2023, the City Council adopted City Resolution No. 2023-48 certifying the Final EIR, adopting environmental findings, adopting a Statement of Overriding Consideration, and adopting standard conditions of approval and mitigation monitoring and reporting program (File No. EA2021-0004, State Clearinghouse No. 2022010509). No substantive changes were made to Safety Element Update that would result in significant environmental impacts beyond those identified in the certified EIR. Therefore, the project has been determined to be within the scope of and consistent with the certified Final EIR and therefore no addendum or supplement to the EIR are necessary.

FISCAL IMPACT

There is no fiscal impact associated with this item.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Smart Planning, Development, and the Local Economy

ATTACHMENTS:

Attachment 1 – Resolution

Attachment 1a - Exhibit A (Last Updated 8-18-2023)

Attachment 2 – Planning Commission Resolution P-09-23

Attachment 3 – ALUC Resolution 23-67

Attachment 4 – Public Comments