

ORDINANCE NO. 646

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING THE FOSTER CITY ZONING MAP TO ZONE CERTAIN PROPERTIES WITHIN THE AFFORDABLE HOUSING OVERLAY COMBINING DISTRICT

CITY OF FOSTER CITY

WHEREAS, there is a shortage of affordable housing in the City of Foster City (“City”) as documented in the 2015-2023 General Plan Housing Element; 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, consistent with State law, Housing Element Goal H-D is to “Consider Potential Public and Private Redevelopment Opportunities to Increase the Supply of Housing”; and

WHEREAS, in order to implement Housing Element Goal H-D, Housing Element Program H-D-2-b “Affordable Housing Overlay Combining District” calls for the City to adopt and implement an Affordable Housing Overlay (AHO) to encourage the production of additional housing units, including affordable units, in areas already developed with housing; and

WHEREAS, the City wishes to implement Housing Element Program H-D-2-b with clear and objective standards to be set forth in an ordinance adding a new Chapter 17.92, Affordable Housing Overlay Combining District, to Title 17 of the Foster City Municipal Code; and

WHEREAS, adopting clear and objective standards for the creation and application of the AHO will provide additional options for compliance with inclusionary housing requirements for redevelopment of existing apartment developments that 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, adopting clear and objective standards for the creation and application of the AHO will increase the supply of 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 has received and considered the analysis prepared by Economic and Planning Systems, Inc. (EPS), including memorandum titled “Housing Fee Implementation Considerations” (January 24, 2022), “Rental Inclusionary Housing In-Lieu Fee” (January 20, 2022), and “Ownership Inclusionary Housing In-Lieu Fee” (January 11, 2022) (collectively, the “EPS Studies”); and

WHEREAS, the City Council, by adoption of Resolution No. 2021-52 on May 3, 2021, has requested that the Planning Commission consider the adoption of an ordinance to amend the Foster City Zoning Map to zone the below referenced properties within the Affordable Housing Overlay Combining District, to be set forth in a new Chapter 17.92, Affordable Housing Overlay Combining District, of Title 17 of the Foster City Municipal Code:

1. Beach Cove Apartments, 605-1021 Catamaran Street, APNs 094-320-040 & 094-330-010
2. Franciscan Apartments, 888 Foster City Boulevard, APN 094-091-020
3. Sand Cove Apartments, 707-939 Shell Boulevard, APN 094-470-160
4. Shadow Cove Apartments, 1019-1087 Foster City Boulevard, APN 094-312-780
5. The Lagoons Apartments, 611-899 Bounty Drive, APN 094-472-010
6. Lantern Cove Apartments, 244 Rock Harbor Lane, APNs 097-160-110 & 120
7. Schooner Bay Apartments, Timberhead Lane, Halyard Lane, Stanchion Lane, Masthead Lane, Quadrant Lane, Cutwater Lane, Jibstay Lane, Bobstay Lane, Windlass Lane, Pinrail Lane, APNs 097-140-070 & 080; 097-150-020, 030, 050, 110, & 120; and

WHEREAS, the Planning Commission considered the proposed amendment to the zoning map at a noticed public hearing on February 3, 2022 and adopted Resolution P-03-22 recommending City Council approval; and

WHEREAS, the City provided notice of the public hearing (“**Notice**”) and held a public hearing on March 7, 2022, regarding the proposed ordinance to amend the Foster City Zoning Map to zone the above referenced properties within the Affordable Housing Overlay Combining District, pursuant to Government Code Section 65856; and

WHEREAS, 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 February 16, 2022 and February 23, 2022 in the Foster City Islander, a newspaper of general circulation with the City of Foster City; and

WHEREAS, the Notice was duly posted and mailed to the owners of the properties referenced above and to be included within the Affordable Housing Overlay Combining District, as well as to owners of property located within 500 feet of the boundaries of the properties above; 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 to zone the above referenced properties within the Affordable Housing Overlay Combining District, including the EPS Studies and this Ordinance, 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 adoption of the proposed ordinance amending the Foster City Zoning Map to zone the above reference properties within the Affordable Housing Overlay Combining District, to be set forth in Chapter 17.92, Affordable Housing Overlay Combining District, of Title 17 of the Foster City Municipal Code, is exempt from review under the California Environmental Quality Act (CEQA) as it is not considered a 'project' under Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because the ordinance will not result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In addition, even if the adoption of the ordinance was considered a "project" under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed ordinance is covered by the common sense exemption providing that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where, as is the case with the adoption of this proposed ordinance, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

- (c) The provision of safe and stable housing for City Ordinance No. 646 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 2015 – 2023 Housing Element: and
- (d) As provided in the Housing Element of the General Plan, Housing Element Goal H-D, Housing Element Program H-D-2-b "Affordable Housing Overlay Combining District", the City wishes to encourage the production of additional housing units, including affordable units, through redevelopment of areas already developed with housing by private interests; and
- (e) Based on the findings above, the City desires to further the public health, safety and welfare by providing an incentive for areas already developed with housing to redevelop those areas with additional housing units, including affordable units, through the creation of an overlay combining district for certain areas of the City; and
- (f) The proposed ordinance adding Chapter 17.92, Affordable Housing Overlay Combining District, to Title 17 of the Foster City Municipal Code, is consistent with the General Plan; and
- (g) The proposed ordinance to amend the Foster City Zoning Map to apply the provisions to be set forth in Chapter 17.92, Affordable Housing Overlay Combining District, of Title 17 of the Foster City Municipal Code, to the specific properties listed in Section 3 below and as shown on **Exhibit A** attached hereto and incorporated herein, is consistent with the General Plan.

Section 3. That the City of Foster City Zoning Map is hereby amended to classify the properties, as listed below and as shown on **Exhibit A** attached hereto and incorporated herein, to be located within the Affordable Housing Overlay Combining District, as set forth in Chapter 17.92, Affordable Housing Overlay Combining District, of Title 17 of the Foster City Municipal Code:

1. Beach Cove Apartments, 605-1021 Catamaran Street, APNs 094-320-040 & 094-330-010
2. Franciscan Apartments, 888 Foster City Boulevard, APN 094-091-020
3. Sand Cove Apartments, 707-939 Shell Boulevard, APN 094-470-160
4. Shadow Cove Apartments, 1019-1091 Foster City Boulevard, APN 094-312-780
5. The Lagoons Apartments, 611-899 Bounty Drive, APN 094-472-010
6. Lantern Cove Apartments, 244 Rock Harbor Lane, APNs 097-160-110 & 120
7. Schooner Bay Apartments, Timberhead Lane, Halyard Lane, Stanchion Lane, Masthead Lane, Quadrant Lane, Cutwater Lane, Jibstay Lane, Bobstay Lane, Windlass Lane, Pinrail Lane, APNs 097-140-070 & 080; 097-150-020, 030, 050, 110, & 120

City Ordinance No. 646

Section 4. Effective Date. 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.

Section 6. 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.

This ordinance was introduced and read on the 7th day of March, 2022, and passed and adopted on the 21st day of March, 2022, by the following vote:

AYES: Councilmembers Hindi, Sullivan, and Mayor Awasthi

NOES: Councilmember Gehani

ABSENT: Councilmember Froomin

ABSTAIN: None

DocuSigned by:

Richa Awasthi

A971B5BF67CB430

RICHA AWASTHI, MAYOR

ATTEST:

DocuSigned by:

Priscilla Schaus

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PRISCILLA SCHAUS, CITY CLERK

Exhibit A: Page 1 of 7

Beach Cove Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 18.7-acre lands at 605-1021 Catamaran Street (APN: 094-320-040 and 094-330-010) to change the Zoning Map Designation from R-4/PD (High Density Multiple-Family Residence/Planned Development) to R-4/PD/AHO (High Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 1.

Figure 1: Beach Cove Apartments



Exhibit A: Page 2 of 7

Franciscan Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 6.4-acre lands at 888 Foster City Boulevard (APN: 094-091-020) to change the Zoning Map Designation from R-3 (Medium Density Multiple-Family Residence) to R-3/AHO (Medium Density Multiple-Family Residence/Affordable Housing Overlay) Combining District as indicated in Figure 2.

Figure 2: Franciscan Apartments



Exhibit A: Page 3 of 7

Sand Cove Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 8.77-acre lands at 707-939 Shell Boulevard (APN: 094-470-160) to change the Zoning Map Designation from R-3/PD (Medium Density Multiple-Family Residence/Planned Development) to R-3/PD/AHO (Medium Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 3.

Figure 3: Sand Cove Apartments

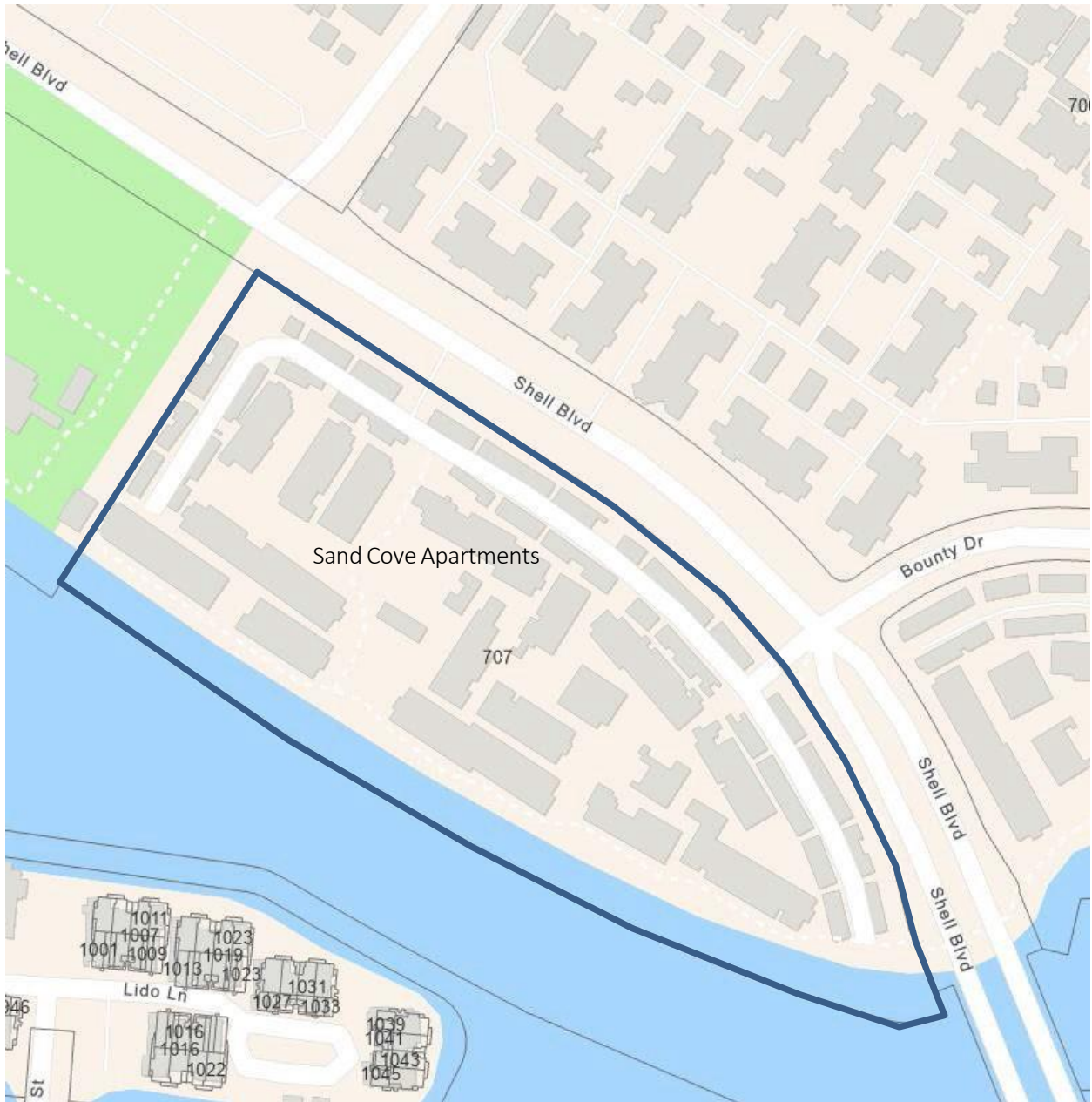


Exhibit A: Page 4 of 7

The Lagoons Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 9.64-acre lands at 611-899 Bounty Drive (APN: 094-472-010) to change the Zoning Map Designation from R-3/PD (Medium Density Multiple-Family Residence/Planned Development) to R-3/PD/AHO (Medium Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 4.

Figure 4: The Lagoons Apartments

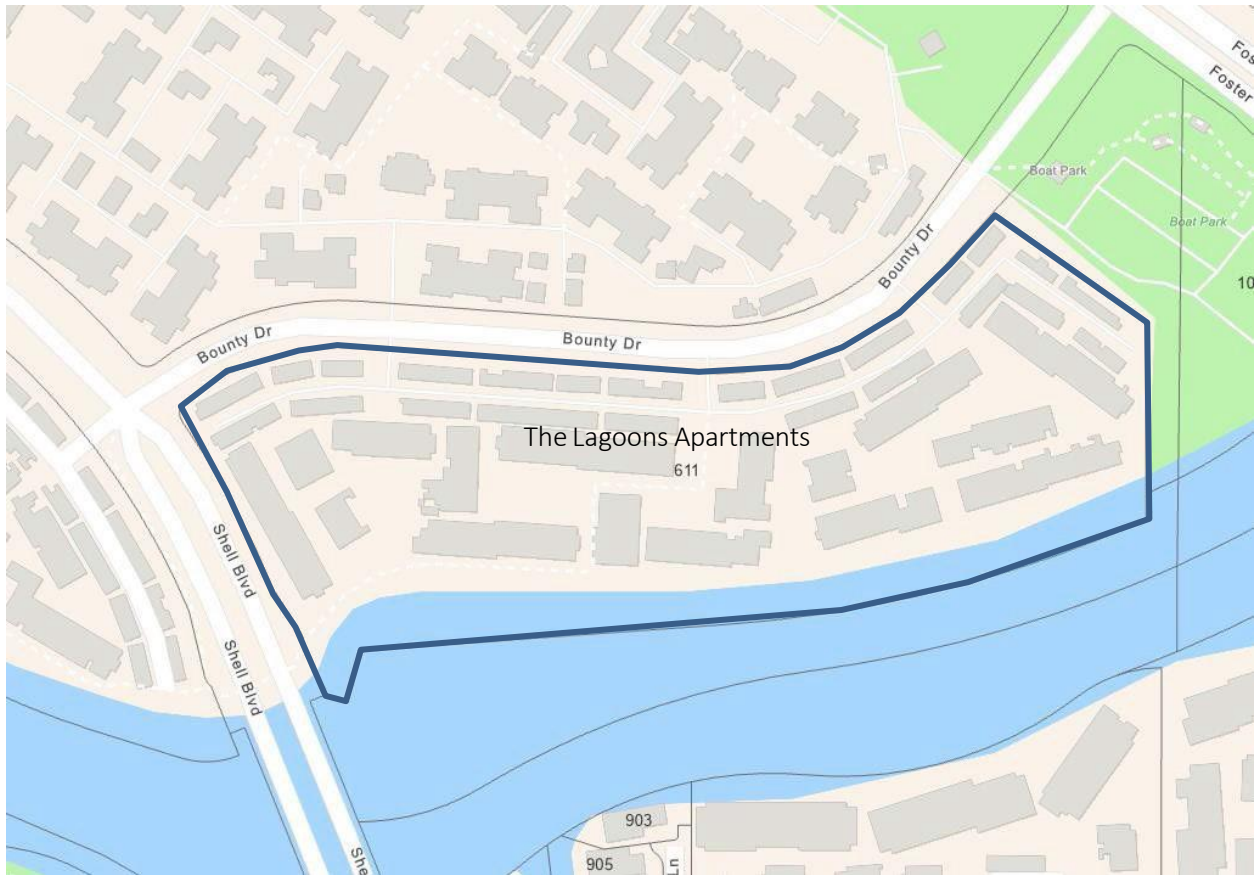


Exhibit A: Page 5 of 7

Shadow Cove Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 7.9-acre lands at 1019-1087 Foster City Boulevard (APN: 094-312-780) to change the Zoning Map Designation from R-4/PD (High Density Multiple-Family Residence/Planned Development) to R-4/PD/AHO (High Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 5.

Figure 5: Shadow Cove Apartments

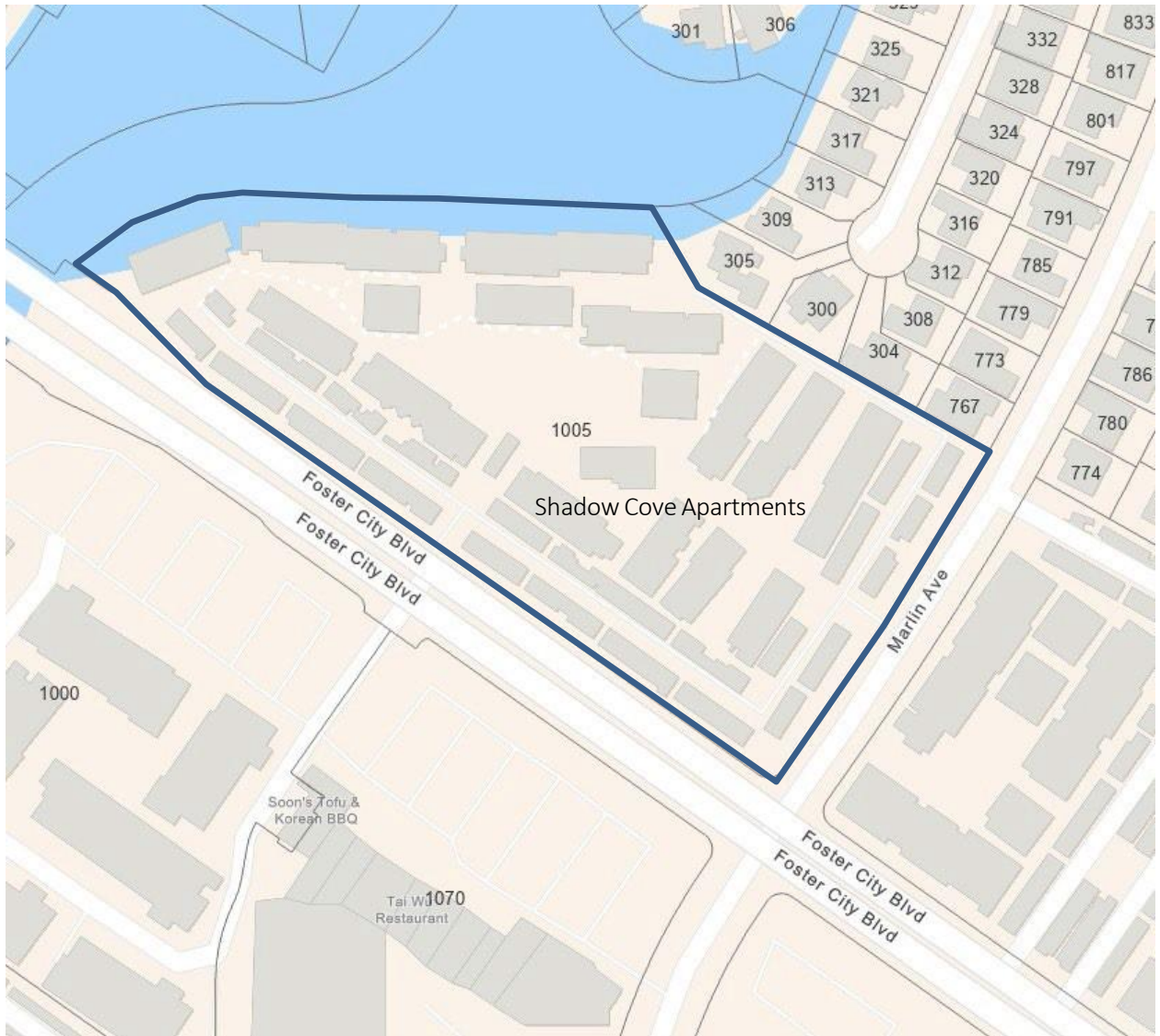


Exhibit A: Page 6 of 7

Lantern Cove Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 16.8-acre lands at 244 Rock Harbor Lane (APN: 097-160-110 and 097-160-120) to change the Zoning Map Designation from R-3/PD (Medium Density Multiple-Family Residence/Planned Development) to R-3/PD/AHO (Medium Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 6.

Figure 6: Lantern Cove Apartments

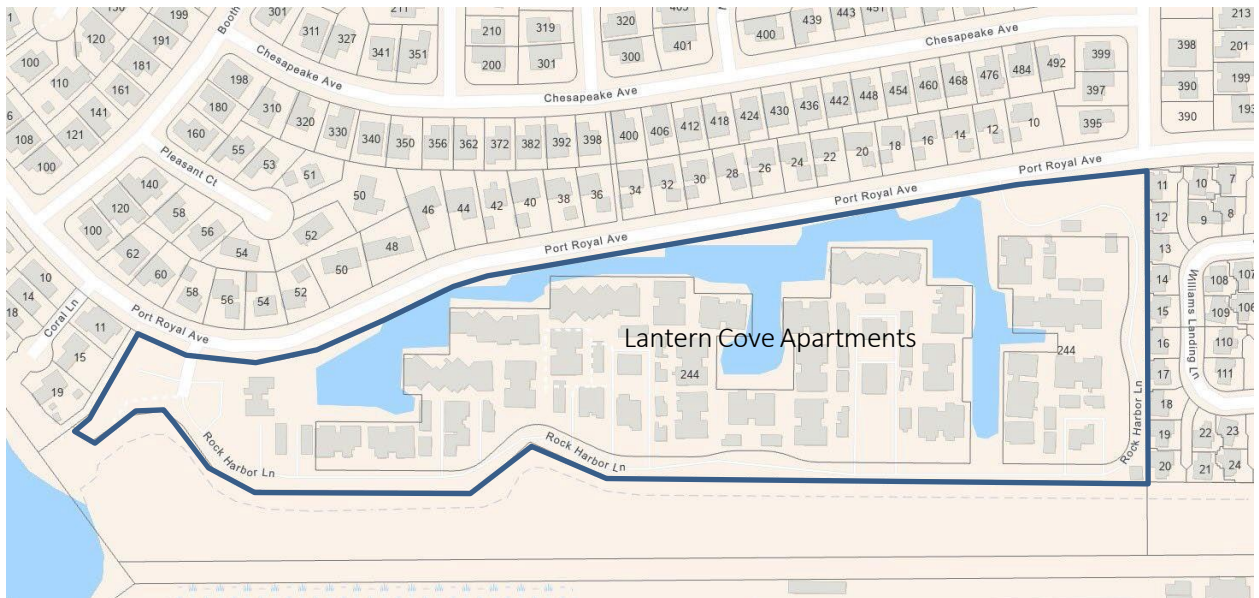
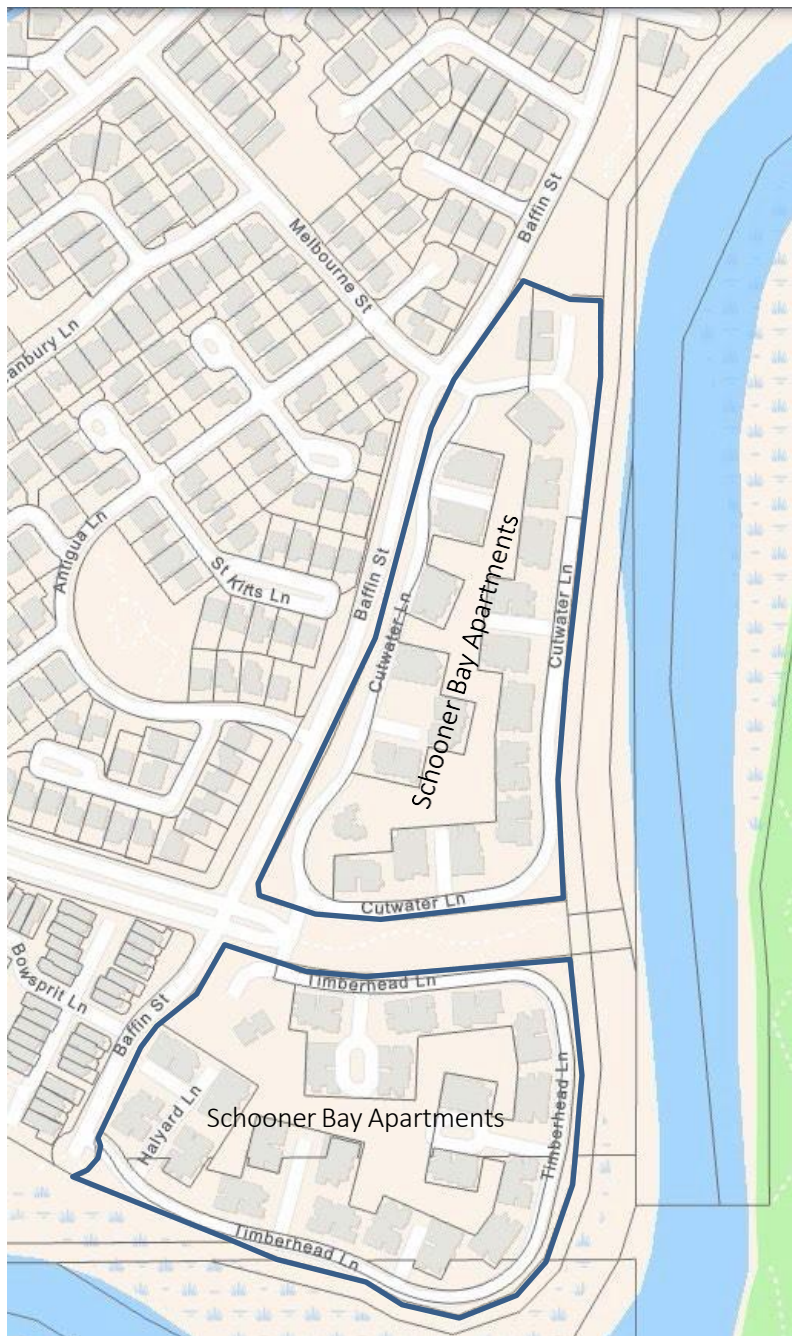


Exhibit A: Page 7 of 7

Schooner Bay Apartments

The City of Foster City Zoning Map is hereby amended to reclassify the 24.8-acre lands at Timberhead Lane, Halyard Lane, Stanchion Lane, Masthead Lane, Quadrant Lane, Cutwater Lane, Jobstay Lane, Bobstay Lane, Windlass Lane, and Pinrail Lane (APN: 097-140-070 and 080; 097-150-020, 030, 050, 110, and 120) to change the Zoning Map Designation from R-3/PD (Medium Density Multiple-Family Residence/Planned Development) to R-3/PD/AHO (Medium Density Multiple-Family Residence/Planned Development/Affordable Housing Overlay) Combining District as indicated in Figure 7.

Figure 7: Schooner Bay Apartments



CERTIFICATE OF POSTING

I, Priscilla Schaus, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified City Clerk/District Secretary of the **City of Foster City**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 646, "An Ordinance of the City of Foster City Amending the Foster City Zoning Map to Zone Certain Properties Within the Affordable Housing Overlay Combining District"

in the following three public places of the **City of Foster City**, Foster City, San Mateo County, California:

1. Recreation Center Lobby
650 Shell Boulevard
2. Council Chambers
620 Foster City Boulevard
3. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City**, Foster City, San Mateo County, California
this 22nd day of March 2022.

DocuSigned by:

Priscilla Schaus

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Priscilla Schaus
City Clerk