

RESOLUTION NO. 2024-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY ADOPTING A GENERAL PLAN AMENDMENT CONSISTING OF MINOR REVISIONS TO THE 2023-2031 HOUSING ELEMENT OF THE GENERAL PLAN INCLUDING POLICIES AND PROGRAMS TO AFFIRMATIVELY FURTHER FAIR HOUSING AS CONDITIONALLY APPROVED BY CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND RELATED AMENDMENT TO THE LAND USE MAP AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE – GP2024-0001 AND GP2024-0002

CITY OF FOSTER CITY

WHEREAS, California Government Code Section 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, to comply with State Housing Element Law, the City of Foster City adopted the Housing Element 2023-2031 (the Housing Element) via City Resolution No. 2023-49 in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City's RHNA and to meet other provisions of the State Housing Law; and

WHEREAS, on May 26, 2023, the City transmitted the adopted Housing Element to HCD for a 60-day review period to confirm compliance with State law; and

WHEREAS, on July 25, 2023, HCD provided a letter to the City reporting the results of its review of the adopted Housing Element and additional revisions necessary to substantially comply with State Housing Element Law; and

WHEREAS, HCD's response letter was posted on the City website for public review; and

WHEREAS, during the months of August, September, October, and November City staff met with HCD reviewers to discuss proposed revisions to the adopted Housing Element; and

WHEREAS, on November 9, 2023, in response to HCD's comments, the City published revisions to the adopted Housing Element on the City's webpage, emailed the link to the webpage to anyone who asked to receive notice related to the Housing Element, with hard copies available at City Hall for a 7-day public review period; and

WHEREAS, on November 16, 2023, the City submitted draft revisions to HCD for a 60-day review period to confirm compliance with State law; and

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WHEREAS, on January 11, 2024, HCD provided a subsequent letter to the City reporting the results of its review of the draft revisions to the adopted Housing Element and indicating that further revisions pertaining to Affirmatively Furthering Fair Housing (AFFH) are, in HCD's opinion, necessary to substantially comply with State Housing Element Law; and

WHEREAS, the HCD response letter was posted on the City website for public review; and

WHEREAS, on January 22, 2024, in response to HCD's comments, the City made further revisions to the adopted Housing Element, and published it on the City's webpage, emailed the link to the webpage to anyone who asked to receive notice related to the Housing Element, with hard copies available at City Hall for a 7-day review period; and

WHEREAS, on January 31, 2024, the City submitted the draft revisions to HCD for a 60-day review period to confirm compliance with State law; and

WHEREAS, on February 2, 2024, HCD sent a letter to the City indicating that the revised Housing Element meets the statutory requirements of State Housing Element Law and will substantially comply with State Housing Element Law (Gov. Code Section 65580 *et seq*) when the revisions are adopted by the City; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act ("CEQA"), by adoption of City Resolution No. 2023-48 on May 22, 2023 has certified the Foster City Housing and Safety Elements Update Environmental Impact Report (SCH # 2022010509) ("EIR") for the Housing and Safety Elements Update; and

WHEREAS, to ensure the internal consistency of the elements of the General Plan, the City wishes to amend the Land Use Map designation for the existing Beach Park Elementary School (APN 094-473-030) from Neighborhood Commercial to School; and

WHEREAS, by adoption of Resolution No. 7/17-18 on January 11, 2018, the Board of Trustees of the San Mateo-Foster City School District certified the New Elementary School in Foster City Project Environmental Impact Report (SCH #2017032039) and adopted California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; 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, as provided in Government Code Section 65355, the City Council shall hold at least one public hearing before approving an amendment of a general plan; and

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WHEREAS, on March 6, 2024, a public hearing notice was published, posted in three public places, and mailed pursuant to California Government Code Section 65090 for the Joint Planning Commission and City Council public hearing on March 20, 2024; and

WHEREAS, on March 20, 2024, the Planning Commission and City Council conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed revisions to the Housing Element and related amendment to the Land Use and Circulation Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments, and adopted Resolution No. P-2-24 recommending that the City Council adopt a General Plan Amendment to revise the Housing Element for the 2023-2031 planning period including policies and programs to affirmatively further fair housing, and related amendment to the Land Use Map in compliance with State Housing Element Law and finding the amendments within the scope of the EIRs referenced above; and

WHEREAS, the City Council has reviewed and considered the proposed project, all written correspondence, verbal testimony, staff reports, and supporting documents and reports prepared, and the information contained in the EIRs referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action. The findings made by the City Council in City Resolution No. 2023-49 are hereby incorporated herein by reference.
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.

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).

3. The amendments to the 2023-2031 Housing Element have been analyzed in the certified Final EIR for the 2023-2031 Housing Element & Safety Element Updates (SCH # 2022010509) and that there are no new significant impacts or other triggers that would require additional CEQA review. No supplemental or subsequent EIR is required because none of the circumstances requiring a supplemental or subsequent EIR exist (CEQA Guidelines Section 15162):
 - (a) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The amendments to the Housing Element do not create any additional environmental impacts.
 - (b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The EIR was certified on May 22, 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
 - (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, has been submitted to the City.
4. The proposed General Plan Amendment to change the Land Use Plan designation (Figure 3.4 of the Land Use and Circulation Element) for Beach Park Elementary School from Neighborhood Commercial to School is within the scope of the Environmental Impact Report prepared for the New Elementary School in Foster City certified by the San Mateo-Foster City School District on January 11, 2018 by adoption of Resolution No. 7/17-18 (SCH 2017032039).
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 following adoption dated July 25, 2023 and January 11, 2024. Consistent with Government Code Section 65585(f)(1), the City has proposed revisions 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 confirmed by HCD's letter of February 2, 2024 noting that the Housing Element will substantially comply with State Housing Element Law when the revisions are adopted.
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

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for new and existing residents, which will be a benefit to the public.

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

- A. Adopt revisions to the 2023-2031 Housing Element attached hereto as **Exhibit A (redline) and Exhibit B (clean)**, incorporated by this reference (GP2024-0001).
- B. Amend the Land Use Plan designation of Beach Park Elementary School (APN 094-473-030) from Neighborhood Commercial to School, as attached hereto as **Exhibit C**, incorporated by this reference (GP2024-0002).
- C. Direct the Community Development Director or designee is directed to file all necessary material with HCD.
- D. Direct the Community Development Director or designee to distribute copies of the revised Housing Element in the manner provided in Government Code Section 65357.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the special meeting thereof held on March 20, 2024 by the following vote:

AYES: Councilmembers Froomin, Hindi, Jimenez, Kiesel, and Mayor Sullivan

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:
Patrick Sullivan
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PATRICK SULLIVAN, MAYOR

ATTEST:

DocuSigned by:
Priscilla Schaus
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PRISCILLA SCHAUS, CITY CLERK