
DATE: MARCH 20, 2024

STAFF REPORT

AGENDA ITEM NO. 4.1

TO: FOSTER CITY PLANNING COMMISSION AND CITY COUNCIL

PREPARED BY: SOFIA MANGALAM, COMMUNITY DEVELOPMENT DIRECTOR
LESLIE CARMICHAEL, CONSULTING PLANNER

CASE NO.: GP2024-0001 HOUSING ELEMENT UPDATE
GP2024-0002 GENERAL PLAN AMENDMENT
RZ2024-0001 ZONING TEXT AMENDMENT
RZ2024-0002 ZONING MAP AMENDMENT

OWNER: CITY OF FOSTER CITY

PROJECT LOCATION: CITYWIDE AND 1058 SHELL BOULEVARD

REQUESTED ACTION/PURPOSE

Staff recommends that the Planning Commission take the following actions:

- 1) Adopt a Resolution (Attachment 1) recommending that the City Council adopt a Resolution adopting a General Plan Amendment consisting of minor revisions to the 2023-2031 Housing Element including Policies and Programs to Affirmatively Further Fair Housing as conditionally approved by the California Department of Housing and Community Development (HCD) and finding that the revisions are within the scope of the Final Environmental Impact Report (EIR) certified for the Housing Element Update and Safety Element Update (SCH 2022010509), available on the City's website at: <https://engagefostercity.org/housing-element> (GP2024-0001) and amending the Land Use Map designation for Beach Park Elementary School at 1058 Shell Boulevard (APN 094-473-030) from Neighborhood Commercial to School and finding that this action 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) – GP2024-0002.
- 2) Adopt a Resolution (Attachment 2) recommending City Council adoption of an Ordinance amending the Foster City Zoning Map to change the zoning designation at Beach Park Elementary School (APN 094-473-030) from C-1/PD Neighborhood Business/Planned Development District to PF Public Facilities District and finding the amendment 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) - RZ2024-0002.
- 3) Adopt a Resolution (Attachment 3) recommending City Council adoption of various text amendments to Title 17, Zoning, of the Foster City Municipal Code including amendments to Chapter 17.04 Definitions, Chapter 17.32 Public Facilities, Chapter 17.55 Replacement Units, Chapter 17.62 Off-Street Parking Regulations, Chapter 17.68 General Performance Standards, Chapter 17.78 Accessory Dwelling Units,

Chapter 17.82, Emergency Shelters, Low Barrier Navigation Centers, And Supportive Housing, and Chapter 17.84 Reasonable Accommodation to implement the 2023-2031 Housing Element 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 (SCH 2022010509) – RZ2024-0001.

Staff recommends that the City Council take the following actions:

- 1) Adopt a Resolution (Attachment 4) adopting a General Plan Amendment consisting of minor revisions to the 2023-2031 Housing Element including Policies and Programs to Affirmatively Further Fair Housing as conditionally approved by the California Department of Housing and Community Development (HCD) and finding that the revisions are within the scope of the Final Environmental Impact Report (EIR) certified for the Housing Element Update and Safety Element Update (SCH 2022010509), available on the City's website at: <https://engagefostercity.org/housing-element> (GP2024-0001) and amending the Land Use Map designation for Beach Park Elementary School at 1058 Shell Boulevard (APN 094-473-030) from Neighborhood Commercial to School and finding that this action 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) - GP2024-0002.
- 2) Introduce and pass to second reading an Ordinance (Attachment 5) of the City of Foster City amending the Foster City Zoning Map to change the zoning designation at Beach Park Elementary School (APN 094-473-030) from C-1/PD Neighborhood Business/Planned Development District to Public Facilities District and finding the amendment 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) - RZ2024-0002.
- 3) Introduce and pass to second reading an Ordinance (Attachment 6) adopting various text amendments to Title 17, Zoning, of the Foster City Municipal Code including amendments to Chapter 17.04 Definitions, Chapter 17.32 PF Public Facilities, Chapter 17.55 Replacement Units, Chapter 17.62 Off-Street Parking Regulations, Chapter 17.68 General Performance Standards, Chapter 17.78 Accessory Dwelling Units, Chapter 17.82, Emergency Shelters, Low Barrier Navigation Centers, and Supportive Housing, And Chapter 17.84 Reasonable Accommodation to implement the 2023-2031 Housing Element 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 (SCH 2022010509) – RZ2024-0001.

EXECUTIVE SUMMARY

The Housing Element is an integral part of the Foster City General Plan that serves to identify the community's housing needs, state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs; and define the policies and programs that the community will implement to achieve the stated goals and objectives. In addition, state law requires the review of the Housing Element by the HCD.

The City of Foster City has been working on the Housing Element for 2023-2031 (Housing Element Update) for more than three (3) years. The Housing Element Update has been informed by an extensive analysis of housing needs and constraints as required by state law as well as

substantial community input. Public engagement was initiated in 2020 through City Council and Planning Commission meetings. Further community engagement, workshops, and public meetings took place in 2020-2023. These efforts led to the publication of the first draft Housing Element Update on May 4, 2022, for the first 30-day public comment period. The sequence of HCD comments and subsequent revisions are summarized below.

- 5/4/2022: [1st Draft Housing Element published on City's website](#)
- 7/2/2022: [1st submittal to HCD](#)
- 10/3/2022: [1st HCD comment letter received](#)
- 2/16/2023: [Revised Draft Housing Element published on City's website](#)
- 2/24/2023: 2nd submittal to HCD
- 4/24/2023: [2nd HCD comment letter received](#)
- 5/15/2023: [Revised Draft Housing Element published on City's website](#)
- 5/22/2023: [Housing Element adopted](#)
- 5/26/2023: 3rd submittal to HCD
- 7/25/2023: [3rd HCD comment letter received](#)
- 11/9/2023: [Revisions to adopted Housing Element published on City's website](#)
- 11/16/2023: 4th submittal to HCD
- 1/11/2024: [4th HCD comment letter received](#)
- 1/22/2024: [Revisions to adopted Housing Element published on City's website](#)
- 1/31/2024: 5th submittal to HCD
- 2/2/2024: [5th HCD comment letter received noting substantial compliance with State law](#)

Subsequent to the adoption of the Housing Element 2023-31, staff made revisions to the adopted Housing Element. On February 2, 2024, HCD provided a letter indicating that the revisions are in substantial compliance with state law pending adoption of the revisions to the Housing Element by the City Council. A summary of the revisions made subsequent to the May 22, 2023, adoption of the Housing Element by the City Council has been detailed in the "Analysis" section with additional detail provided in Attachment 7.

See Attachment 1, Exhibit A and Attachment 4, Exhibit A for [redline version](#). Revisions made for January 22, 2024, version in response to the HCD Comment Letter dated January 11, 2024 are shown in yellow highlights and revisions prior to that are in redlines.

See Attachment 1, Exhibit B and Attachment 4, Exhibit B for [clean version](#).

As part of the implementation of the Housing Element, certain zoning text amendments (RZ2024-0001) are necessary, including amendments to Title 17, "Zoning", as follows:

- Amend Chapter 17.04 Definitions to amend the definition of Residential Care Facility to eliminate the required 300' spacing between care facilities; amend the definition of Emergency Shelter to eliminate the limit on length of occupancy; add definitions of School and Religious Institution (**HE Programs H-F-1-I Community Care Facilities, H-F-2-d Emergency Shelter Zoning and H-D-4-j**).
- Amend Chapter 17.32 Public Facilities to allow housing developments in compliance with State Law and up to four (4) accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) per lot (**H-D-4-j ADUs and JADUs in Religious and Institutional Uses and School Sites**).
- Amend Chapter 17.55 Replacement Units for consistency with State law (**H-C-2-c Replacement Unit Requirements**).

- Amend Chapter 17.62 Off-Street Parking Regulations to establish a 2-stall maximum parking spaces per multi-family unit and allow shared parking agreements in compliance with State law (**H-D-6-c Amend Parking Requirements**).
- Amend Chapter 17.68 General Performance Standards to add a new section in compliance with Airport Land Use Commission requirements for overflight notification.
- Amend Chapter 17.78 Accessory Dwelling Units to eliminate the owner-occupancy requirement for consistency with State law (**H-D-4-a ADUs**).
- Amend Chapter 17.82 Emergency Shelters, Low-Barrier Navigation Centers, and Supportive Housing to eliminate the length of stay limitation (**H-F-2-d Emergency Shelter Zoning**).
- Amend Chapter 17.84 Reasonable Accommodation for consistency with State law (**H-F-1-d Reasonable Accommodation**).

Zoning Map Amendment (RZ2024-0002)

In addition to a General Plan Amendment for Beach Park Elementary School to change the General Plan Land Use Map designation from “Neighborhood Commercial” to “School”, staff is recommending changing the zoning designation from C-1/PD Neighborhood Commercial/Planned Development to PF Public Facilities.

NOTICING / PUBLIC OUTREACH

Public Hearing Noticing

The public was advised of this Public Hearing in the following ways:

- Public Posting Places – March 4, 2024
- Foster City Website: www.fostercity.org – March 1, 2024
- Housing Element Update Website: <https://engagefostercity.org/housing-element> – March 6, 2024
- Marquee – March 7, 2024 through March 20, 2024
- Email Notification to HOAs – March 5, 2024
- Email Notification to listservs for Housing Element*, Planning, City Council, Affordable Housing Updates, AHOZ/Multi-Family Design Standards, Gilead Project, Harbor Cove, Land Use and Circulation Update, Lantern Cove Apartments – March 4, 2024
- Full page ad in the Foster City Islander – February 28, 2024 and March 6, 2024
- Mailed notice to public agencies – March 4, 2024*
- Mailed notice to property owner of Beach Park Elementary School and property owners within a 300 feet radius – March 4, 2024

*Notices included people or organizations who provided comments on the Housing Element by email or mailed notice

BACKGROUND

Housing Element Requirements

California Government Code Sections 65580-65589.8 (“Housing Element Law”) require local jurisdictions to update the Housing Element of their General Plan every eight years to adequately plan for the regional housing needs of residents of all income groups. Housing Elements are

required to contain a series of goals, policies and implementing programs that are intended to promote housing production within a community. These goals, policies and programs are required to be accompanied by a list of eligible land resources, the Sites Inventory, identified for planned residential development to accommodate the State-mandated Regional Housing Needs Allocation, or RHNA. Housing Elements are reviewed by the California Department of Housing and Community Development (HCD) for compliance with State requirements and “certified” by HCD if they are found to be in substantial compliance with Housing Element Law.

ANALYSIS

General Plan Amendment (GP2024-0001)

Housing Element 2023-31 (Attachments 1 and 4)

After the Housing Element was adopted on May 22, 2023, and submitted to HCD, HCD requested revisions (Comment letters #3 dated July 25, 2023 [Attachment 8], #4 dated January 11, 2024 [Attachment 9]) that HCD believes are necessary for the Housing Element to substantially comply with Housing Element Law, including:

1. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).) (Comment letter #3 dated July 25, 2023 [Attachment 8])
2. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls... (Gov. Code, § 65583, subd. (a)(5).) (Comment letter #3 July 25, 2023 [Attachment 8])
3. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).) (Comment letters #3 July 25, 2023, #4 dated January 11, 2024 [Attachment 9]).

In order to comply with the State law, staff made various draft revisions in response to comment letters #3 and #4, including but not limited to

- additional analysis and details for the sites included in the Sites Inventory;
- rescaling of realistic capacity to 90% of General Plan capacity for the RHNA 5 sites and the Eaves Apartments, and 80% of General Plan capacity for Foster’s Landing Apartments (reflected in the text as well as Sites Inventory);
- addition of a few programs (see details below);
- geographic targeting and numeric targets or metrics for certain programs;
- additional detail for how programs will be implemented;
- mid-term evaluation of effectiveness of strategies, including ADU production;
- changes to reflect actions already taken to implement the Housing Element and/or comply with the State law; and
- analysis of governmental constraints.

One new policy is proposed:

- **H-E-10: Housing Mobility and Housing Choices. The City will utilize a group of actions to improve housing mobility and promote housing choices and affordability**

throughout the City in addition to designating sites in the Sites Inventory in a wide geographic area. This policy recaps the programs that address housing mobility and housing choices, such as ADUs, home sharing, housing on religious and institutional sites, supportive housing, lower-income homeowner rehabilitation, rental housing assistance information, and amending zoning regulations to facilitate missing middle housing. A subset of quantified objectives is also included.

Several new programs are proposed:

- **H-A-5-e: NOFAs for Affordable Housing. Develop a funding program and outline criteria and objectives for affordable housing developers to apply for Notices of Funding Availability (NOFAs) funded by the City's Affordable Housing Funds.** This program would have the City prepare NOFAs for various programs using affordable housing funds. The City has already started to lay the groundwork for this with the creation of an Affordable Housing Trust Fund that will enable the City to apply for matching state funds and the recent application to the County of San Mateo for funds to create a lower income homeowner rehabilitation loan program. [On February 20, 2024, the City Council adopted a resolution establishing a Local Housing Trust Fund and designating Commercial Linkage fees and Below Market Rate Housing in-lieu fees as dedicated funding sources for the Local Housing Trust Fund.](#)
- **H-D-4-i: Provide New Housing Choices and Affordability in High Opportunity Areas through Additional ADUs in R-1 Zoned Areas. The City will amend Chapter 17.78 Accessory Dwelling Units to allow up to three ADUs per single-family lot. As ADUs are naturally more affordable by design given their size, this program will help affirmatively further fair housing by helping to provide new housing choices and affordability in high opportunity areas of the City that are largely unaffordable to many people.** [This zoning text amendment was included in the amendments adopted by the City Council through Ordinance 669 in October 2023.](#)
- **H-D-4-j: ADUs and JADUs in Religious and Institutional Uses and School Sites. Amend zoning regulations allowing religious and institutional uses and school sites to construct up to four (4) ADUs and JADUs on-site when an affordable housing development may not be feasible and conduct an outreach and education campaign to subject property owners.** This program would amend zoning regulations to allow religious and institutional uses and school sites to construct up to four (4) ADUs and JADUs on-site when an affordable housing development may not be feasible. This is in addition to the previously included H-D-5-a to pursue opportunities for housing on school sites and H-D-5-b to pursue opportunities for housing on sites owned by religious or non-profit organizations.
- **H-E-10-a: Improve Housing Mobility and Increase Missing Middle Housing Choices.** The City will implement a suite of programs targeted to include more housing choices with the goal of expanding housing opportunities affordable to extremely low, very low, low and moderate income households as well as missing middle housing (duplexes, triplexes, and fourplexes). In addition to annual monitoring, the City will conduct a mid-cycle review in 2027. Actions and strategies include:
 - [Accessory Dwelling Units.](#) Ten programs under H-D-4 Accessory Dwelling Units will be utilized to encourage and promote ADUs, including promotion and public information, financial incentives, preapproved designs, amnesty, objective design standards, allow up to three ADUs per single-family lot, and monitoring with a total

target of four new ADUs or JADUs on single-family properties per year; 70 multi-family ADUs¹; 12 ADUs in religious and institutional uses; and 12 ADUs in school sites. [See Programs H-D-4-a through H-D-4-j.](#)

- [Home Sharing Program](#). The City will encourage and facilitate house sharing through the HIP Housing Home Sharing Program with a goal of at least five new matches annually. See Program H-E-6-a.
- [Institution-Owned Sites](#). The City will pursue opportunities for provision of housing on sites owned by religious or non-profit organizations and schools. [See Programs H-D-5-a and H-D-5-b.](#)
- [Supportive Housing](#). The City will implement the tenant preferences adopted in January 2023 for the Existing Unit Purchase Program so that when vacancies occur, housing providers have an opportunity to rent the properties to provide supportive housing with the goal of one unit converted to supportive housing by 2031. [See Program H-E-1-a.](#)
- [Lower Income Homeowner Rehabilitation](#). The City will encourage rehabilitation of housing for lower income homeowners through a rehabilitation loan program with a goal of 18 new loans by 2031, half of which are very low income and half of which are low income. [See Program H-B-2-a.](#)
- [Rental Housing Assistance Information](#). The City will encourage the use of rental assistance programs such as Section 8, Housing Vouchers and other available rental programs through providing information and proactive public outreach with a goal to increase the number of voucher holders by two per year, half of which would be in single-family areas. [See Program H-C-4-a.](#)
- [Amend Zoning Regulations to Facilitate Missing Middle Housing](#). As part of the adoption of objective design and development standards, amend zoning regulations for R-2, R-T, R-3, and R-4 to facilitate additional housing development by adjustments to minimum lot sizes, lot width, setbacks, coverage, open green area, parking, and other requirements. [See Program H-D-6-e.](#)

¹ The City is currently reviewing proposals for 34 ADUs at Beach Cove Apartments and 21 ADUs at Harbor Cove Apartments.

H-E-10-A: SUBSET OF QUANTIFIED OBJECTIVES BY PROGRAM TO IMPROVE HOUSING MOBILITY IN SINGLE-FAMILY AREAS (2023-2031)

Program	Very Low	Low	Moderate	Above Moderate	Total
New Construction					
H-D-4-a ADUs (includes other programs under H-D-4)	7	7	7	3	24
H-D-4-g Multi-Family ADUs	21	21	21	7	70
H-D-4-j Religious/Institutional and School Sites	7	7	7	3	24
Rehabilitation					
H-B-2-a: Lower-Income Homeowner Rehabilitation Loans	9	9			18
Conservation					
H-B-2-b: Facilitate Nonprofit Rehabilitation/Maintenance Assistance	6				6
H-C-4-a: Rental Housing Assistance Information	8				8
H-E-1-a: Existing Unit Purchase Program – Opportunities for Supportive Housing	1				1
H-E-6-a: House Sharing Program	20	20			40
Total	579	364	735	313	971

Source: Foster City Community Development Department.

This program recaps the programs already included in the Housing Element that provide additional housing choices and housing mobility. The quantified objectives are targets for each program. The quantified objectives under “New Construction” target various ways to create new units that will count toward meeting the RHNA. The quantified objectives under “Rehabilitation” and “Conservation” would not create new units but would otherwise improve housing mobility and do not count toward meeting the RHNA.

A summary table of all the revisions requested by HCD and City’s response since the May 22, 2023, adoption of the Housing Element is included as Attachment 7. A tracked changes version of the conditionally approved Housing Element is included as Exhibit A of Attachments 1 and 4.

Land Use and Circulation Element

Beach Park Elementary school was previously Charter Square Shopping Center and is designated Neighborhood Commercial in the Land Use Map.

Staff is recommending changes in the General Plan Land Use designation for Beach Park Elementary School to School to be more in alignment with its current use as a school.

Zoning Text Amendments (RZ2024-0001)

Zoning text amendments are required for consistency with the Housing Element and implementation of the Housing Element programs and are described in more detail below (Attachments 3 and 6, Exhibit A through H).

1. Amend Chapter 17.04 Definitions to revise the following:

- Definition for Residential Care Facility to eliminate the required 300' spacing between care facilities.

The current definition of Residential Care Facility in the Chapter 17.04 includes Residential care facilities are permitted uses within a residential district and therefore do not require permitting by the city and the facility shall be located so that it is a minimum of three hundred feet from another residential care facility. HCD considers this contrary to the State law that requires these facilities be allowed ministerially in all residential districts.

Housing Element Program H-F-1-i commits to removal of the spacing requirement to facilitate approval certainty similar to other residential uses.

The proposed amendments eliminate the required 300' spacing between care facilities.

- Amend the definition of Emergency Shelter to eliminate the limit on length of occupancy. The current definition of Emergency Shelter includes language limiting occupancy to six months or less by a homeless person.

Housing Element Program H-F-2-d Emergency Shelter Zoning commits to eliminating the limits on maximum length of stay.

The proposed amendments eliminate language limiting occupancy to six months or less.

- Added definitions of School and Religious Institution.

Chapter 17.04 does not include definitions for school and religious institutions. These definitions have been added to implement Housing Element Program H-D-4-j: ADUs and JADUs in Religious and Institutional Uses and School Sites.

2. Amend Chapter 17.32 Public Facilities to allow housing developments in compliance with State Law and up to four (4) ADUs and/or JADUs per lot.

Senate Bill (SB) 4, passed in 2023, allows a housing development project to be a use by right on properties owned by an independent institution of higher education or religious institution if it is 100% affordable and meets other criteria. As noted above, Program H-D-4-j would allow up to four (4) ADUs and JADUs on sites with religious and institutional uses and school sites. It should also be noted that Housing Program H-D-5-a facilitates incorporating on-site residential uses for faculty and staff at schools. Housing Program H-D-5-b commits to pursuing opportunities for housing on sites owned by religious or non-profit organizations.

The proposed amendments to Section 17.32.020 Permitted uses, includes allowing housing developments in conformance with Government Code Section 65913.16, and four (4) ADUs and JADUs on sites with religious and institutional uses and school sites.

3. Amend Chapter 17.55 Replacement Units for consistency with State law.

Assembly Bill (AB) 1218 passed in 2023 amended Government Code Sections 66300.5 and 66300.6 to include additional tenant protections when units are removed. This includes notice, relocation benefits, right to return at prior rental rate, and right of first refusal for a comparable unit in the new development. Staff recommends amending Chapter 17.55 to include a reference to requirements in Government Code Section 66300.5 *et seq.*

Housing Element Program H-C-2-c commits to compliance with replacement unit requirements in the California Government Code.

The proposed amendments include references to Government Code Section 66300.5 and 66400.5.

4. Amend Chapter 17.62 Off-Street Parking Regulations to establish a 2-stall maximum parking spaces per multi-family unit and other amendments in compliance with recent State laws.

Parking requirements can add significantly to the cost of housing and was identified as one of the constraints in the Housing Element. Program H-D-6-c is added to amend parking requirements for multi-family housing as necessary, including but not limited to setting a maximum of two stalls per unit and reducing guest parking requirements by 50%.

AB 1308, passed in 2023, prohibits a public agency from imposing a new minimum parking requirement on a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the residence to exceed the floor-to-area ratio restriction imposed by the public agency. In addition, AB 894, require a public agency, to allow entities with underutilized parking to share their underutilized parking with the public, public agencies, or other entities and to allow shared parking arrangements to be counted toward meeting automobile parking requirements for a new or existing development or use.

Housing Element Program H-D-6-c commits to setting a maximum of two stalls per unit for multi-family housing.

The proposed amendments include amendments to section 17.62.060 Off-street parking requirements to include “Two, and **not more than two**, off-street parking stalls per unit” for two- and three-bedroom units in multi-family housing.

5. Amend Chapter 17.68 General Performance Standards to add a new section in compliance with Airport Land Use Commission requirements for overflight notification.

The [Safety Element](#) adopted on August 21, 2023 includes Programs S-1.6 and S-1.11 as requested by the Airport Land Use Commission (ALUC) to comply with ALUC required overflight notification for properties within Airport Notification Zone 2, which includes a small portion of Foster City.

Staff recommends adding a new Section 17.68.120 Airport Land Use Compatibility Plan Consistency to Chapter 17.68.

6. Amend Chapter 17.78 Accessory Dwelling Units to eliminate the owner-occupant requirement for consistency with State law.

AB 976 passed in 2023 prohibits a local agency from imposing an owner-occupancy requirement. Previous law had authorized local agencies to require owner-occupancy beginning January 1, 2025.

H-D-4-a ADUs commits to comply with new State laws within 6 months of being effective.

Staff recommends amending 17.78.100 Other provisions to conform to the new state law.

7. Amend Chapter 17.82 Emergency Shelters, Low-Barrier Navigation Centers, and Supportive Housing to eliminate the length of stay limitation.

Although length of stay is one of the objective standards for emergency shelters allowed by Government Code Section 65583(a)(4)(B), HCD requested that the length of stay limitation be removed.

Housing Program H-F-2-d commits to eliminating the limits on length of stay.

Staff recommends removing language regarding length of stay from section 17.82.040 Performance Standards.

8. Amend Chapter 17.84 Reasonable Accommodation for consistency with State law. Chapter 17.84 was adopted in 2013. State law regarding reasonable accommodation has changed since that time.

Housing Program H-F-1-d commits to amending Chapter 17.84 for conformance with State Law.

Staff recommends amending Chapter 17.84 for conformance with State law.

Zoning Map Amendment (RZ2024-0002)

As mentioned earlier, Beach Park Elementary school was previously Charter Square Shopping center with C-1/PD Neighborhood Business/Planned Development zoning.

Staff is recommending changing the zoning from C-1/PD to PF Public Facilities to be more in alignment with its current use as a school.

Environmental Review

The proposed revisions to the Housing Element provide additional detail for how the goals and policies of the Housing Element will be achieved and the proposed zoning text amendments to implement Housing Element Programs. The City of Foster City, as the Lead Agency, certified the EIR (SCH Number 2022010509) for the City of Foster City Housing Element and Safety Element Updates on May 22, 2023, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The amendments to the Housing Element and the zoning text amendments are covered by the EIR and no supplemental or subsequent EIR is required,

because none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines §15162).

The proposed General Plan Amendment to the Land Use Map and Zoning Map Amendment for the Beach Park Elementary School would acknowledge the existing use of the site as a school instead of the former use as a neighborhood shopping center. The change in the General Plan and zoning map do not impact the ability of the school district to use the property to meet their needs, including the ability by a vote of two-thirds of its members to render city zoning inapplicable to a proposed use of the property in accordance with Government Code Section 53094. The change in General Plan and zoning 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)..

CONCLUSION/SUMMARY

Foster City's 2023-2031 Housing Element Update provides a roadmap for how to meet the City's growth and housing challenges, identifies what the existing housing conditions and community needs are, identifies goals, and creates a plan for additional housing in a way that is balanced with the community's desires to retain the aspects of Foster City that make it a great place to live, work, and play.

NEXT STEPS

If the revisions to the Housing Element are approved by the City Council, Staff will submit the Revised Housing Element to HCD. As indicated in HCD's February 2nd letter upon adoption of the proposed amendments the City's Housing Element will be in substantial compliance with Housing Element Law. HCD will review and confirm certification.

If the City Council decides not to adopt some or all of the proposed amendments to the Housing Element or includes additional revisions to the Housing Element, the revised Housing Element will be posted on the City's website for at least seven (7) days prior to submitting to HCD. HCD will then have 60 days to review the revisions and determine if the Housing Element substantially complies with Housing Element Law or if additional modifications are necessary.

If introduced, the ordinances adopting the zoning map amendment and zoning text amendments will be subject to a second reading and will become effective thirty (30) days after the second reading.

ATTACHMENTS

1. Planning Commission Resolution recommending General Plan Amendments including Exhibits A, B, and C
2. Planning Commission Resolution recommending Zoning Map Amendment including Exhibit A
3. Planning Commission Resolution recommending Zoning Text Amendments including Exhibits A through H
4. City Council Resolution adopting General Plan Amendments
Exhibit A – Housing Element dated 1/11/2024 (redline)
Exhibit B – Housing Element dated 1/11/2024 (clean)
Exhibit C - Land Use Plan Amendment for Beach Park Elementary School
5. City Council Ordinance adopting Zoning Map Amendment with Exhibit A
6. City Council Ordinance adopting Zoning Text Amendments with Exhibits A through H

7. Table of Housing Element revisions in response to HCD comments
8. HCD Comment letter #3 dated 7/25/2023
9. HCD Comment letter #4 dated 1/11/2024
10. HCD Comment letter #5 dated 2/2/2024