

REGULAR MEETING AND STUDY SESSION OF THE FOSTER CITY PLANNING COMMISSION

Council Chambers – 620 Foster City Boulevard – Foster City

MINUTES

August 15, 2024

1. CALL TO ORDER

At 7:00 p.m. by Chair Haddad

2. ROLL CALL

Present: Commissioners Jagtiani, Pedro, Venkat and Chair Haddad

Absent: Commissioner Bronitsky

Staff Present: Sofia Mangalam, Community Development Director; Monica Ly, Planning Manager; Helen Gannon, Senior Planner; Denise Bazzano, Assistant City Attorney

3. COMMUNICATIONS FROM THE PUBLIC

1. None

4. CONSENT CALENDAR

1. Regular Meeting Minutes of August 1, 2024

ACTION: Motion by Commissioner Jagtiani, seconded by Commissioner Pedro, to approve the Minutes of August 1, 2024, passed 4-0-0-1 (Absent: Bronitsky)

5. CONTINUED PUBLIC HEARING

1. THE PROJECT CONSISTS OF THE RELOCATION AND CONSTRUCTION OF AN ADDITIONAL DRIVEWAY ON A SITE WHICH CONTAINS A SHARED DRIVEWAY, ADDITION OF SIX NEW SKYLIGHTS, EXPANSION OF AN EXISTING COVERED PATIO IN THE REAR, AND CONSTRUCTION OF A TOTAL OF 770 SQUARE FEET TO THE FRONT AND REAR ELEVATION OF THE EXISTING SINGLE-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 106 CHALLENGE COURT IN NEIGHBORHOOD 1; AND FINDING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) – APN 094-042-230

THE MEETING PURPOSE IS FOR PLANNING COMMISSION TO REVIEW THE ARCHITECTURAL REVIEW PERMIT (AR2023-0004). THIS ITEM WAS CONTINUED AT THE PLANNING COMMISSION MEETING OF SEPTEMBER 7, 2023.

ACTION: Motion by Commissioner Jagtiani, seconded by Commissioner Venkat, to direct the staff to return with an appropriate resolution to approve AR2023-0004 at the next Planning Commission Meeting, passed 3-1-0-1. (Noes: Haddad, Absent: Bronitsky)

6. NEW PUBLIC HEARING

1. None

7. OLD BUSINESS

1. None

8. NEW BUSINESS

1. None

9. STUDY SESSION:

1. THE PURPOSE OF THIS STUDY SESSION IS TO PROVIDE THE PLANNING COMMISSION AND THE PUBLIC AN OPPORTUNITY TO REVIEW AND PROVIDE INPUT ON THE SENATE BILL (SB) 9 REQUIREMENTS

Planning Commissioners had the following comments:

Commissioner Jagtiani asked if the City has received any SB 9 applications.

Community Development Director Mangalam confirmed that there have been no applications.

Commissioner Jagtiani asked if there's already an existing building, how easy would it be for somebody to use SB 9 to build an additional building on the same lot with the minimum 40 percent lot size and no more than 25 percent exterior wall requirements.

Community Development Director Mangalam stated that it is hard to determine when we have not received an application, however, small lot sizes could make it challenging.

Commissioner Jagtiani asked if ADUs can be built without the 40 percent lot size requirements.

Community Development Director Mangalam clarified that SB 9 has two separate development applications, one where you build an SB 9 unit, which is similar to ADUs, and the other is the lot split. She also mentioned that the main issue is that there has to be proof that there hasn't been any tenant for the last three years.

Commissioner Jagtiani expressed that with the lot size being small and having to leave 25% of the walls, he feels that somebody will not be able to use SB 9 to build two units.

Community Development Director Mangalam explained that the side and rear setbacks are similar to ADUs and the size is 800 square feet for an ADU and 800 square feet for an SB 9 unit.

Commissioner Jagtiani questioned that if there is an ADU law in place that does not have to follow the 40 and 25 percent requirements, why would someone use SB 9.

City Attorney Bazzano added that an owner that is taking advantage of the urban lot split is required to sign an affidavit which states that they intend to occupy one of the housing units as their principal residence for a minimum of three years.

Commissioner Jagtiani asked if the owner-occupancy requirement for an ADU has been removed.

Community Development Director Mangalam and City Attorney Bazzano confirmed that it has been removed for ADU's.

Commissioner Jagtiani feels that Foster City may not see any SB 9 Applications especially if ADUs are available on small lots.

Commissioner Venkat sent questions ahead of the meeting but will be going over them for public record. Her first question was what if a property is already zoned for two units

The staff responded that SB 9 only applies to single-family residential zones, which includes property having primary homes in ADUs. If it is zoned for two units, it is not a single-family and SB 9 will not apply.

Commissioner Venkat asked staff if a mobile or manufactured prefab home could be used for any of the buildings.

The staff confirmed that prefab homes can be used.

Commissioner Venkat asked if there are any restrictions on the shape of the lots in a lot-split.

The staff responded that there are no restrictions regarding shape. There are other considerations, such as a split lot with SB 9 cannot be split multiple times, lot split on adjacent parcels by the same individual or another party acting on their behalf is prohibited, minimum lot size after splitting is 1,200 square feet and cannot be greater than 60/40 split, and local agencies can impose development standards.

Commissioner Pedro inquired if occupancy restrictions are dictated by the State. If so, is there anything at the local level that can be done?

Community Development Director Mangalam confirmed that it is in the State law.

Commissioner Pedro prefers to allow SB 9 units up to 1,200 square feet, which is similar to ADU sizes, rather than the SB 9 units up to 800 square feet.

Community Development Director Mangalam clarified that staff recommends that the regular ground coverage requirements apply.

Commissioner Venkat inquired if it is possible to offer more flexibility in regard to the 60/40 lot split and if there was a way to add another layer to the ordinance.

City Attorney Bazzano confirmed that the minimums are prescribed by the State law and could not deviate below that.

Commissioner Haddad asked if a lot is subdivided into two parcels and you are building 2 units on each, how does the property tax apply?

City Attorney Bazzano stated that if the original owner subdivides the lots into 2, but retains ownership of both, the owner will pay property tax for both. The property tax is only changed when one of the lots is sold to a new owner.

10. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR REPORT

1. None

11. STATEMENTS AND REQUESTS FROM THE COMMISSIONERS

1. Commissioner Venkat thanked the staff for a productive meeting. She gave a shout-out to the food distribution that happens two Fridays a month. There will be one tomorrow and if anybody has food insecurities or wants to help, it is from 8:00 to 10:00 at the Community Center located next to the Library. She mentioned that Summer Days is also kicking off tomorrow through the weekend.
2. Commissioner Jagtiani thanked staff for the report and answering questions beforehand. He mentioned that Summer Days will be Friday, Saturday, and Sunday.
3. Commissioner Pedro mentioned that he is looking forward to Summer Days and is enjoying what Foster City has to offer.
4. Chair Haddad thanked City staff for their efforts and reports.

12. ADJOURNMENT

Adjourned at 8:31 p.m. to a Regular Meeting, September 5, 2024, Council Chambers, 620 Foster City Boulevard, Foster City, California.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on September 5, 2024 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

NICOLAS HADDAD, CHAIR

ATTEST:

SOFIA MANGALAM, SECRETARY