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DATE: July 18, 2024

# STUDY SESSION STAFF REPORT

AGENDA ITEM NO. 9.1

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TO: FOSTER CITY PLANNING COMMISSION

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CASE NO.: RZ2024-0005

PROJECT LOCATION: CITYWIDE

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## **REQUESTED ACTION/PURPOSE**

The purpose of this study session is to provide the Planning Commission and the public an opportunity to review and provide input on existing single-family design guidelines, policies, and applicable zoning code regulations for the purpose of developing single-family objective design and development standards.

## **NOTICING/PUBLIC OUTREACH**

- Ad in the Foster City Islander – June 27, 2024
- Foster City website at [www.fostercity.org](http://www.fostercity.org) – June 27, 2024
- Posted on-site and at all of the City’s official posting locations – July 2, 2024
- Electronic mailing – June 28, 2024
- Planning Listserv Email – June 28, 2024
- Electronic marquee at Leo Ryan Park – July 5, 2024 through July 18, 2024

## **BACKGROUND**

On [March 20, 2024](#), the City Council approved the adoption of a General Plan Amendment consisting of revisions to the 2023-31 Housing Element, and on April 18, 2024, the city received a [letter from the Department of Housing and Community Development \(HCD\)](#) stating that the adopted housing element is in substantial compliance with State Housing Element Law. [Chapter 4, Constraints, of the City’s Housing Element](#), summarizes a wide variety of constraints to the production and affordability of housing. These include governmental factors such as land use controls, development standards, and fees as well as nongovernmental factors, such as the price of land, cost of construction, and environmental constraints. Table 4-1 ([page HE-50](#)) identifies the links between the constraints, issues, and contributing factors and highlights the key actions proposed to address these constraints. It notes that uncertainty of the City’s expectations can result in additional processing time and cost for housing production, and includes meaningful actions

with targets and timelines, as follows:

- *H-B-4-a Update Architectural and Solar Guidelines for Single Family Homes - December 2025*
- *H-D-4-f: Objective Design Standards for Accessory Dwelling Units (ADUs) - December 2024*
- *H-D-6-e: Multi-Family Objective Design Standards - December 2023*
- *H-D-6-f: Senate Bill (SB) 9 Objective Design Standards - December 2023*

The Housing Element is an 8-year plan and every year the city must report on the status and progress in implementing the Housing Element by submitting the Annual Progress Report (APR) to HCD and the Office of Planning and Research (OPR). In 2023, as part of the implementation of the Housing Element, the City completed the adoption of Multi-Family Objective Design Standards, and a new [Chapter 17.96 Multifamily and Residential Mixed-Use Objective Design and Development Standards](#), has been added to Title 17 Zoning of the Foster City Municipal Code. City staff is now working on the implementation of the City's Housing Element for the year 2024, including developing Objective Design Standards for single-family homes and ADUs located in the Single-family Residence District and Single-family Residence/Planned Development District (R-1 and R-1/PD).

## **ANALYSIS**

### **Current Design Review Process for Single-family Homes**

When reviewing applications for additions and other property improvements in the Single-family Residence District and Single-family Residence/Planned Development District (R-1 and R-1/PD), the City relies on both objective development standards and subjective design guidelines. These are outlined in the Foster City Municipal Code, Title 17 Zoning, design guidelines such as Architectural and Solar Guidelines, and various policies, including the Room Addition Impact Evaluation for Waterfront Properties ([P-1-2000](#)) and Homeowners' Association (HOA) Prototypes. These standards regulate the design of additions, other property improvements to single-family homes, and the construction of new single-family homes.

Most applications for property improvement and development such as additions to existing buildings and structures, and new homes and structures, are reviewed for compliance with the following:

#### Zoning Code

- [Chapter 17.12 R-1 Single-Family Residence District](#)
- [Chapter 17.44 Review of Waterfront Property](#)
- [Chapter 17.50 Accessory Buildings and Uses](#)
- [Chapter 17.52 Fences, Walls, and Hedges](#)
- [Chapter 17.54 Yards](#)
- [Chapter 17.58 Architectural Control and Supervision](#)
- [Chapter 17.60 Regulation of Antennas](#)

- [Chapter 17.62 Off-Street Parking Regulations](#)
- [Chapter 17.66 Swimming Pools](#)
- [Chapter 17.68 General Performance Standards](#)
- [Chapter 17.70 Nonconformity Uses](#)

#### Design Guidelines & HOA Prototypes

- [Architectural and Solar Guidelines](#)
- [Admiralty Prototypes](#)
- [Alden Crossing Prototypes](#)
- [Alden Park Prototypes](#)
- [Antigua Prototypes](#)
- [Bay Vista Prototypes](#)
- [Bayfront Court Prototypes](#)
- [Bayporte Prototypes](#)
- [Carmel Village Prototypes](#)
- [Citihomes East Prototypes](#)
- [Citihomes West Prototypes](#)
- [Dolphin Bay Prototypes](#)
- [Edgewater Townhouses Prototypes](#)
- [Emerald Bay Prototypes](#)
- [Greenport Prototypes](#)
- [Harborside Prototypes](#)
- [Isle Cove Prototypes](#)
- [Isle J Prototypes](#)
- [Lido Isle \(Island I\) Prototypes](#)
- [Longwater Prototypes](#)
- [Marina Green Prototypes](#)
- [Marina Point Prototypes](#)
- [Martinique Cove Prototypes](#)
- [Martinique Place Prototype](#)
- [Nantucket Cove Prototypes](#)

- [Pitcairn Prototypes](#)
- [Plum Island Prototypes](#)
- [Promontory Point Prototypes](#)
- [Sand Harbour North Prototypes](#)
- [Sea Colony Prototypes](#)
- [Shell Cove Prototypes](#)
- [South Harbour South Prototypes](#)
- [Spinnaker Cove Prototypes](#)
- [Treasure Isle Birds Prototypes](#)
- [Treasure Isle Prototypes](#)
- [Whalers Island Prototypes](#)
- [Williams Landing Prototypes](#)
- [Winston Square Prototypes](#)
- [Winston Village Prototypes](#)

#### Policies

- [Policy No. 2001-113 - Awnings](#)
- [Policy No. 1-2000 - Solar Impacts](#)
- [Policy No. 92-001 - Waterfront Setbacks](#)
- [Policy No. 1-90 - Boat Docks](#)
- [Policy No. 1-2000 - Evaluating Room Additions](#)
- [Policy No. 2-2000 Reroofing Policy](#)
- [Policy No. 03-001 - Copper Gutters, Downspouts and Flashing Policy](#)
- [Policy No. 03-002 - Security Gates](#)
- [Policy No. 1-94 – Policy Prototypes](#)
- [Policy No. 18-10 Window Replacement Policy](#)

- [Policy No. 01-02 - Bay/Bow/Garden and Greenhouse Window Policy](#)
- [Policy No. 1-200 - PD Landscape Change Policy](#)
- [Policy No. 3-2003 – Waterfront Fences at Port Royal and Cumberland](#)
- [Policy No. 2-2000 – Exterior Color Change Policy](#)

It is evident from the list above that there are numerous considerations when reviewing applications for property improvement and development. While the Zoning Code primarily includes objective standards such as setbacks and heights, some provisions require subjective interpretation by decision-makers. For example, Section [17.52.070](#) Exception process states that an exception to the requirements of this chapter may also be granted administratively by the community development director if all of the following findings are required to be made:

“The proposed fence, wall or hedge configuration/height would be compatible with the design, appearance and scale of existing building and structures in the neighborhood.”

Similarly, the City's existing design guidelines and policies, which aim for overall compatibility and a preferred aesthetic, also involve subjective interpretations despite containing some objective standards. Additionally, the guidelines and policies are intended to be considered “guidelines” and not as performance standards or “rules.” As such, they depend on the subjective judgment of decision-makers, which can lead to lengthy review periods and occasionally result in additional conditions of approval that may increase project costs.

### **Design Guidelines Versus Design Standards**

Objective design standards are defined under State law as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal” (California Government Code, [Section 65913.4](#)).

Why adopt objective design standards for single-family homes?

Objective standards offer residents, property owners, and developers clear development and design standards for design, articulation, and massing expected within Foster City neighborhoods. These standards will be informed by the City's current Architectural and Solar Guidelines, Planning Commission Policies, Foster City Municipal Code, as well as community input. Additionally, they will feature clear language and graphical illustrations to guide property owners and developers. The standards will convey expectations to homeowners/applicants. This approach removes obstacles to residential permitting by shortening application timelines and clearly outlining requirements from the outset of the design phase.

**Typical Characteristics of Design Guidelines Versus Design Standards**

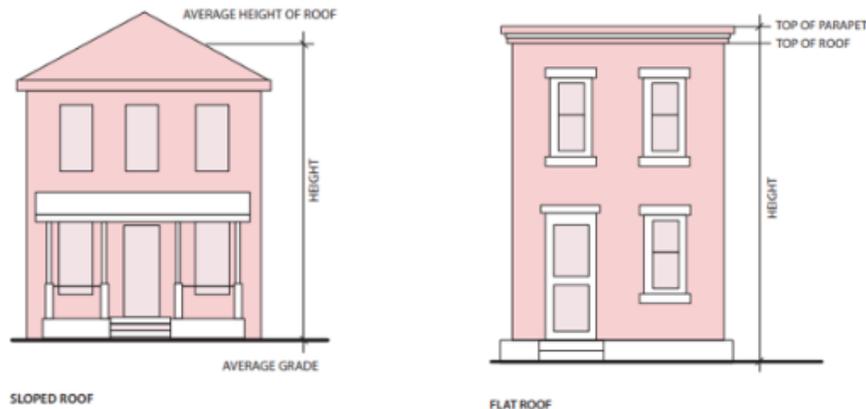
<b>DESIGN GUIDELINES</b>	<b>DESIGN STANDARDS</b>
Subjective	Objective
Recommendations, which may not be enforceable as regulations	Requirements, which are enforceable as regulations
Open to interpretation, difficult to measure or verify	Measurable and verifiable
Use words such as “should” or “may”	Use language such as “shall,” “must,” or “is required to”
Adopted by resolution	Adopted by ordinance

Examples of Subjective Guidelines and Objective Standards:

<b>SUBJECTIVE GUIDELINES</b>	<b>OBJECTIVE STANDARDS</b>
<p><i>The height, width, and general proportions of a building should conform generally with other buildings in the vicinity. Ratio of wall surface to openings, and the ratio of the width and height of the windows and doors, should also be consistent with other buildings in the vicinity. The scale and massing of a structure will be a primary consideration</i></p> <ul style="list-style-type: none"> <li>- <i>Foster City Architectural and Solar Guidelines</i></li> </ul>	<p>Maximum height permitted: 25 feet.</p> <p>Maximum coverage permitted: 50%</p> <ul style="list-style-type: none"> <li>- <i>Section <a href="#">17.12.040</a> Area, bulk, yard and height regulations</i></li> </ul> <p>Windows and doors shall not cover more than 75% of the wall surface of the building.</p>
<p><i>Do not be so large or ornate as to overwhelm the existing home</i></p> <ul style="list-style-type: none"> <li>- <i>Foster City Architectural and Solar Guidelines</i></li> </ul>	<p>Maximum height permitted: 25 feet.</p> <p>Minimum yards required:</p> <p>Front: 20 feet Side: 5 feet Rear: 20 feet</p> <ul style="list-style-type: none"> <li>- <i>Section <a href="#">17.12.040</a> Area, bulk, yard and height regulations</i></li> </ul> <p>The maximum upper story size shall be no more than 50 percent of the lot coverage calculation.</p>

The figure below illustrates an objective standard from Section [17.04.020](#) Definitions:

*“Height of building” means the vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the building to the highest point of a flat roof or parapet for a building with a flat roof; the average height of a sloped roof; and is exclusive of accessory components such as, but not limited to, mechanical penthouses, tower structures, chimneys, and mechanical equipment screens.*



**Figure 1: Height of Building;** Source: FCMC Section [17.04.020](#) Definitions

## **State Housing Laws**

As noted earlier, state legislation, including Government Code Section [66314](#) mandates that certain housing projects, such as ADUs, be reviewed against objective standards, as summarized below.

### **Accessory Dwelling Unit (ADU)**

[Government Code Section 66317](#) requires ministerial approval of a permit application for an accessory dwelling unit or a junior accessory dwelling unit. [Government Code Section 66314](#) further states that the local agency may impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size. Additionally, ADUs created under [Government Code Section 66323](#) shall not be subject to design and development standards except for those that are noted in [Section 66323](#). The City's existing ADU regulations in Chapter [17.78](#) Accessory Dwelling Units of the municipal code include objective development standards but do not include objective design standards.

## **Review of the Existing Policies and Design Guidelines**

### **City-wide Policies**

The City's design policies were developed with the intent to preserve the architectural character and scale of their respective neighborhoods and the overall community. Through

the design review process, modifications to homes are evaluated to ensure compliance with a respective policy and to ensure that the proposal is well designed in and of itself, and in relation to surrounding properties.

**Waterfront Room Addition Impact Policy (P-1-2000)**

*Background/Problem Statement*

City residents often request Architectural Review/Use Permit approvals for room additions that generate concern between the applicant and adjacent property owners. These concerns may be comprised of issues related to the proposed addition blocking views or reducing direct sunlight to the interior of a neighbor’s home.

*Purpose*

The purpose of the Waterfront Room Addition Impact Policy (P-1-2000) is to establish a fair and unbiased review procedure for additions that may have a significant and adverse impact to adjacent properties. The design review process is intended to reduce criticism of the City regarding how room additions are accessed and evaluated, and how information is gathered and used to reach a decision.

<b>SUBJECTIVE GUIDELINES</b>
<p>When Planning/Code Enforcement Division staff evaluates room additions or similar property improvements that, in the opinion of the Community Development Director, may have significant and adverse views or solar impacts on any adjacent property, the project applicant should be directed to do the following:</p> <ul style="list-style-type: none"> <li>• Mock-up to Demonstrate Visual Impacts</li> <li>• Mock-up to Demonstrate Solar Impacts</li> </ul> <p>Planning Commission makes a determination based upon the mock-up, if the addition will have a significant impact on views or solar impacts to the adjacent property.</p>

*Policies Challenges*

The challenge with the current policy is its subjective language relies on the interpretations by decision-makers (staff and/or the Planning Commission) to determine whether the room addition will have a significant and adverse view impact on the surrounding properties. This can lead to varying opinions; one neighbor might see the addition as having significant and adverse impacts on their view, while another might not.

Objective design and development standards would eliminate the need for subjective interpretations by decision-makers, potentially reducing the need for multiple study sessions and public hearings, avoiding lengthy review periods, and increasing project costs.

**Solar Impact Policy (P-01-2000)**

*Background/Problem Statement*

Room additions have the potential to create a negative solar impact to adjacent properties. The underlying issue stems from the right of one property owner to improve their property, and the right of an adjacent property owner to enjoy direct sunlight. Without a means to apply a rational evaluation, recommendations for approval may be interpreted as unfair and biased.

*Purpose*

The purpose of the Waterfront Room Addition Impact Policy is to establish a fair and unbiased review procedure for additions that may have a significant and adverse impact to adjacent properties. The design review process is intended to reduce criticism of the City regarding information on room additions is acquired, designs are evaluated, and how these are used to reach a decision.

<b>SUBJECTIVE GUIDELINES</b>	<b>OBJECTIVE DESIGN STANDARDS</b>
<p>Thresholds of significance shall be considered as “guidelines” and not performance standards or “rules”. They are intended to provide direction to staff when evaluating impacts and are intended to be flexible.</p>	<p>If addition completely eliminates all direct sunlight to any high-use living space in an adjacent house</p> <p>If an addition reduces more than 2 hours of direct sunlight to a high-use living space (living/family room or kitchen), or if it reduces more than 4 hours of direct sunlight to a low-use space (bedroom, but not including bathroom)</p> <p>If addition reduces the amount of time that an adjacent house’s window receives direct sunlight by more than 50% at any season where an impact occurs (requires a comparison of the hours that window receives direct sunlight in an existing and proposed condition)</p>

*Policy Challenges*

Although the Solar Impact Policy provides clear and objective metrics to establish a threshold of significance for shading and shadow, it is still considered a guideline rather than a rule. Despite these defined thresholds, staff may experience challenges in providing a rational and unbiased recommendation to the Planning Commission, as not all factors can be accounted for when assessing the impact of an addition on an adjacent property.

For instance, on February 1, 2024, the Planning Commission held a Study Session regarding a second-story addition to a waterfront property. A Solar Study assessed the potential impacts on adjacent properties and found that during peak spring, the kitchen window of one adjacent home would lose 3 hours and 45 minutes of sunlight, and during peak winter, it would lose 3 hours and 15 minutes. According to the Solar Impact Policy,

since the second-story addition would reduce more than 2 hours of direct sunlight to a high-use living space, the solar impacts would exceed the "threshold of significance." However, the affected kitchen has a sliding glass door on the adjacent rear wall that remains unaffected by the addition, allowing the kitchen to still receive direct sunlight during spring and winter.

The policy does not account for "high-use" spaces having multiple windows and door openings on different walls or elevations within the same space and therefore relies on subjective judgment by decision-makers which can lead to lengthy review periods.

**Window Replacement Policy (P-18-2010)**

*Background/Problem Statement*

As Foster City is a planned community, preservation of architectural style is a key element to ensuring neighborhoods and the overall community maintain a harmonious character. When windows on a home are replaced, there is a potential to have an adverse effect on the architectural style of a home when color, materials, and styles are not coherent.

*Purpose*

The purpose of the Window Replacement Policy is to ensure that replacement windows maintain a level of coherence that does not have an adverse effect on the architectural style of a home. Additionally, it intends to preserve the character of the neighborhood and the overall community.

<b>OBJECTIVE DESIGN STANDARDS</b>
<p>1<sup>st</sup> story windows for single-story and two-story homes:</p> <ul style="list-style-type: none"> <li>• On <u>rear elevation only</u> – windows on 1<sup>st</sup> story may be mixed styles (grids/no grids).</li> <li>• All windows must be of the same type, color, and materials.</li> </ul> <p>2<sup>nd</sup> story windows:</p> <ul style="list-style-type: none"> <li>• On <u>rear elevation only</u> – all windows shall match in type, style, color and materials</li> </ul> <p>If a sliding glass or French door is replaced, its design type and style, color, materials, and use of grids shall conform to the window requirements of this policy.</p>

*Policy Challenges*

The Window Policy was created because property owners were requesting or installing various styles and types of windows and window frames on single-family houses and other residential units, such as mixing white or beige vinyl framed windows with aluminum frame windows or sliding windows with casement windows. The Planning Commission found that such combinations were often unattractive and inconsistent with the City's architectural

heritage as a planned community where design and aesthetics are important. Additionally, complaints were received from property owners who felt that mixed window styles were unattractive and had a detrimental impact on property values.

Since the Policy's adoption, City Staff have received complaints about the financial burden on property owners who must replace other windows on the same elevation to match the replacement window. In some cases, property owners only need to replace one or two windows due to leaking or to meet egress requirements. However, they prefer the new windows to be of a different material and/or color than the existing older windows, which they plan to replace at a later time.

To address these challenges, one option could be to require that only windows on the front elevation, front and side elevations for corner lots, and all elevations on second-story residential units be subject to review by Planning and adhere to the standards of the Window Policy.

See Attachment 1 for the review of additional policies.

Architectural and Solar Guidelines

**Room Additions Guidelines**

*Background/Problem Statement*

The Room Additions Policy is intended to address potential issues created when additions do not integrate architecturally with existing homes and do not respect adjacent properties, the neighborhood, and the overall community. Through its implementation, the policy is intended to prevent additions to properties that negatively impact the privacy of adjacent properties, cause a reduction of sunlight to the interior of an adjacent property, cause undue glare or noise impacts, significantly limit or block views from the interior of exterior of an adjacent property, and that individual rights are weighed against the needs and requirements of the community.

Purpose

The Room Additions Policy outlined within the Architectural and Solar Guidelines are specific guidelines for room additions. These specific set of guidelines were developed to ensure that additions to existing homes are well designed in relation to the existing structure, including form, colors, materials, and architectural details, as well as to surrounding properties.

<b>SUBJECTIVE GUIDELINES</b>	<b>OBJECTIVE DESIGN STANDARDS</b>
<p>Do not be so large or ornate as to overwhelm the existing home.</p> <p>Be sympathetic to the original style and character of the home.</p>	<p>Duplicate roof pitch and overhang of the existing home.</p>

<p>Do not destroy the visual or solar access of surrounding structures.</p> <p>Respect the privacy of adjacent homes.</p> <p>Take advantage of solar access in building and window orientation.</p> <p>Improve or maintain vehicular and pedestrian access.</p> <p>Include new landscaping designed to screen unattractive architectural features and enhance focal points.</p>	<p>Comply with any and all prototypical guidelines which may be in effect for the subdivision in which the home is located.</p>
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*Policy Challenges*

The Room Additions Policy introduces similar challenges that are present in the waterfront room addition policy, in that several of the guidelines include subjective language that relies on the subjective interpretations by decision-makers (staff and/or the Planning Commission) to determine whether the room addition will be sympathetic to the original style, take advantage of solar access in building and window orientation, improve or maintain vehicular and pedestrian access, etc.

Objective design and development standards would eliminate the need for subjective interpretations by decision-makers, potentially reducing the need for multiple study sessions and public hearings, avoiding lengthy review periods, and increasing project costs.

See Attachment 2 for a review of Architectural and Solar Guidelines.

**Review of the Various Chapters of Title 17 Zoning**

According to Section 17.02.010 Purpose, Title 17 is established to adopt a zoning plan for the city, which includes districting as provided by law. The plan aims to promote and safeguard public health, safety, peace, morals, comfort, convenience, and general welfare.

Staff has reviewed and implemented the following chapters and sections of the Code and has identified chapters and sections needing Planning Commission and public input regarding revisions to clarify definitions, streamline review processes, and introduce objective standards where necessary to improve clarity and ensure compliance with current laws.

EXISTING CODE LANGUAGE	STAFF COMMENTS
<b><u>Section 17.04.020 Definitions</u></b>	
<p><b>Yard, Rear.</b> “Rear yard” means a yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main wall of the main building.</p> <p><b>Yard, Front.</b> “Front yard” means a yard extending across the front of the lot between the side lines and measured from the front property line of the lot to the main wall of the building or main wall of any covered porch; provided that if any building line or official plan line has been established for the street upon which the lot faces, then such measurement shall be taken from such building line or official plan line to the building. The front yard shall include all the yard area between the building and the front property line of the lot.</p>	<p>The current definition of a rear yard is unclear and subjective, leading to multiple conflicting interpretations, especially for irregularly shaped lots.</p> <p>For the definition of "front yard," the main wall of the building could be more clearly defined as it leads to multiple conflicting interpretations.</p> <p>Consider adding a definition for "required yard" to distinguish it from "yard" and avoid confusion.</p>
<b><u>Section 17.54.080.B Setback reductions and encroachments</u></b>	
<p>The community development director shall have the discretion to allow an encroachment into the usually required five-foot side yard setback by up to two feet to allow the placement of air conditioning condenser units in side yards when: (1) the walls of the houses sharing a common side yard property line are a minimum of fifteen feet apart; and (2) the noise levels produced by the air conditioning condenser unit are in compliance with the provisions of subsection B, Noise Limits (Table 1) of Section 17.68.030, Noise, of Chapter 17.68, General Performance Standards. Air conditioning condenser units placed less than five feet from a side property line in accordance with this section shall require an <u>architectural review permit</u> consistent with the provisions of Chapter 17.58, Architectural</p>	<p>Consider removing the architectural review requirement for the encroachment of AC units into the required setback provided that the units meet the noise limit standards.</p> <p>The City has received multiple permits for heat pumps, tankless water heaters, and other mechanical equipment. However, the Zoning Code does not address these types of mechanical equipment.</p> <p>Consider adding a section on mechanical equipment in the standards.</p>

Control and Supervision, of the Foster City Municipal Code.	
<b><u>Section 17.50.020.A.1 Accessory buildings or structures</u></b>	
The only plumbing facilities to be permitted shall be a cold-water faucet and drain and rainwater runoff disposal plumbing, and there shall be no other plumbing of any kind.	<p>The City has received several permit applications to install gas pipes for an outdoor kitchen located within an Accessory Structure.</p> <p>Consider allowing plumbing within accessory structures. Staff consulted with the Building Division, and they confirmed that it would be safe to allow plumbing within accessory structures, provided they meet the building code requirements.</p>
<b><u>Section 17.50.020.C.1.a Accessory buildings or structures</u></b>	
"Such detached accessory building shall not be located within five feet of the side or rear line of the lot and, in the case of a corner lot, shall not project beyond the required side yard or the front yard required or existing on the adjacent lot.	<p>The requirement should say: "Such detached accessory building shall not be located within five feet of the side <del>or</del> <b>and</b> rear line of the lot.</p> <p>The setback requirement for detached accessory buildings on corner lots causes confusion and is subject to multiple interpretations. Consider revising language to clarify the setback requirement.</p> <p>On corner lots, most property owners would not be able to meet the 10-foot setback requirement for the side yard.</p> <p>Does the Planning Commission believe the City should reduce these setback requirements?</p>
<b><u>17.50.020.C.1.b Accessory buildings or structures—Regulations</u></b>	
Any gazebo or accessory structure shall be located at least ten feet from any existing dwelling or under construction on the same lot or any adjacent lot.	Many properties are unable to meet the 10-foot setback requirement from the dwelling.

	Does the Planning Commission believe the City should reduce these setback requirements?
<b><u><a href="#">17.58.020.B.11 Improvements subject to architectural review</a></u></b>	
Flagpoles which are fifteen feet or less in height in an R district or less than twenty-five feet in height in a C or M district or in multifamily common areas.	There is an error in the code. It should be written to indicate a height of twenty-five feet or less.
<b><u><a href="#">17.58.020.A.2 Improvements subject to architectural review</a></u></b>	
Modifications to the exterior of a structure, including, but not limited to, the addition of windows, the introduction of bay or bow windows or new/unapproved window shapes or materials (such as glass block), doors, rooftop equipment, roof material or color, nontubular skylights, solar panels or loading docks.	<p>Staff have received complaints about the necessity of an Architectural Review for new window openings, doors, re-roofing, and skylights. Requiring an Architectural Review for these property improvements can be burdensome for property owners.</p> <p>It is recommended to replace the Architectural Review requirement with a Planning Review, along with a Planning Review Fee under the Building Permit.</p> <p>Additionally, solar panels should be removed from this section to ensure compliance with Federal Law.</p>
<b><u><a href="#">17.58.020.A.4 Improvements subject to architectural review</a></u></b>	
Decks above grade at any point (except as exempted below), gazebos, patio covers, trellises, windscreens and similar improvements.	<p>Most accessory structures require an Architectural Review. However, solar carports, solar shade structures, solar awnings, solar canopies, and solar patio covers are exempt from discretionary review per <a href="#">Section 65850.5</a> "A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit."</p> <p>Consider adding solar carports, solar shade structures, solar awnings, solar canopies, and solar patio covers under the list of exemptions.</p>

<b><u>17.58.020.B.15 Improvements subject to architectural review</u></b>	
Fences on nonwaterfront property which do not face a public right-of-way.	Since side yard gates face the public right-of-way, they currently require Architectural Review, which can be burdensome for property owners. Consider adding side yard gates, to the list of exemptions from Architectural Review.
<b><u>17.58.040 Architectural review procedures</u></b>	
List of improvements subject to architectural review	The list of property improvements subject to review, including the required review level by the Community Development Director or Planning Commission, is currently challenging to locate, making it difficult for staff to locate certain relevant code sections.  Consider revising this section to clearly delineate projects that require Planning Commission Review, Staff Level Review, and exempt projects.
<b><u>17.58.040 Architectural review procedures</u></b>	
When a property owner requests modifications to an approved scope of work following an Architectural Review approval, staff typically requires an Architectural Review Modification. However, this process is not clearly defined in the Code.	Consider adding Architectural Review Modification under this Section.
<b><u>17.58.040.C.b Architectural review procedures</u></b>	
On waterfront properties, room additions reviewed by the planning commission shall be subject to a use permit approved by the planning commission.	Use Permits are not typically required for room additions. This requirement creates confusion among applicants and staff.  Consider removing this section and making it an Architectural Review.
<b><u>Chapter 17.44.010 Considerations</u></b>	

<p>In the consideration of a use permit for waterfront property, the planning commission shall consider the following:</p> <ul style="list-style-type: none"> <li>A. The visual impression of the proposed structure or facilities from the public waterways and neighboring public and private properties;</li> <li>B. That the character of architectural and development are in keeping with the character of the area and the stated policy of the city as it relates to waterfront properties;</li> <li>C. The bearing capacity of the soil, bulkhead treatment and effect upon the water line shall be analyzed and considered;</li> <li>D. Access to the water and facilities for boats and emergency vehicles shall be evaluated as shall the consideration of adequate provision of public access in the area of the proposed development;</li> <li>E. Visual exposure to the lagoon from public areas shall be considered with the purpose of restricting the view of the lagoon as little as possible commensurate with permitted development;</li> <li>F. Protection of views of the lagoon from the subject site and neighboring properties and from the lagoon looking back on the subject property and adjacent properties;</li> <li>G. All other considerations as specified in Section 17.58.010.</li> </ul>	<p>When the code uses the term "considerations," it is unclear whether these should be viewed as requirements for approval. This ambiguity can lead to inconsistent application of the code, as City staff and the Planning Commission may weigh these considerations more heavily in some instances than in others, given their subjective nature.</p> <p>To address this, consider developing more objective design and development standards for waterfront properties and incorporating the Room Addition Impact Evaluation for Waterfront Properties Policy into the Code.</p>
<p><b><u>Chapter 17.52 Fences, Walls and Hedges</u></b></p>	
<p>No regulations for privacy screen and windscreens.</p>	<p>Property owners have proposed privacy screens, but there are no clear regulations for them. Similarly, while</p>

	<p>there are guidelines for windscreens in the Architectural and Solar Guidelines, the Code lacks specific regulations for windscreens, including standards for height.</p> <p>Consider adding objective design standards for privacy screens and windscreens.</p>
<p><b><u>17.52.030 Fences, walls and hedges on corner lots</u></b></p>	
<p>There seems to be an error in the code as it does not address the height of front yard fences on corner lots that are outside the visibility triangle.</p> <p>The code is silent on the height of fences located in the side and rear yard on corner lots.</p>	<p>Consider adding a maximum height of 40 inches for front yard fences on corner lots.</p> <p>Consider adding a maximum height of 6 feet and 1 foot of 50 percent opening fencing for fences on corner lots.</p>
<p><b>No Existing Code Section</b></p>	
<p>There is no code section addressing the sight visibility triangle, which prohibits all structures from encroaching into it.</p>	<p>Consider adding a new section to our code that prohibits any structures from encroaching into the sight visibility triangle, extending beyond fences, walls, and hedges.</p>

Approaches and Considerations for Objective Design Standards

The California Department of Housing and Community Development (HCD) provided a toolkit known as “Approaches and Considerations for Objective Design Standards” as part of their Senate Bill (SB) 2 Technical Assistance Program. This toolkit focuses on regulating design objectively and presents various approaches and considerations for adopting objective design standards. Since there is no one-size-fits-all solution, each community should explore different options for implementing these standards. Options for developing objective design and development standards begin with the review of the existing Municipal Code, design guidelines, and various policies listed above. The combination of the following approaches can be used for the development of the objective design standards:

<b>RELY ON EXISTING REGULATIONS</b>	<b>REVISE AND/OR REMOVE EXISTING DESIGN GUIDELINES</b>	<b>EXPAND EXISTING REGULATIONS</b>
Some of our current zoning and land development regulations include objective design criteria like	Updates to current design guidelines involving removal of subjective language, incorporating	Existing zoning regulations and policies can be updated by adding new objective design standards,

<p>minimum lot size, building height, setbacks, floor area ratio, and other specifications defining maximum building envelope.</p>	<p>objective criteria, and turning recommendations into requirements. This process involves more than just replacing subjective terms. Revised design standards can then be established as regulations to complement existing zoning. Additionally, outdated regulations and design guidelines can completely eliminated.</p>	<p>removing subjective language, and strengthening existing standards to make them measurable and verifiable.</p> <p>Codifying informal requirements or creating concise objective design standards is advisable. While zoning regulations offer maximum enforceability, they are difficult to change, often lack extensive graphics, and require a formal process for variances.</p>
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**PROPOSAL**

Therefore, staff is proposing to modernize the municipal code, design review guidelines, and policies, consolidating them into a single comprehensive document titled ‘Single-Family Objective Design and Development Standards.’ This initiative involves integrating the City’s existing municipal code, guidelines, and policies with best practices and community feedback, focusing on transforming these guidelines into clearly defined, objective development and design standards. The proposed objective standards will encompass various categories such as Site Design, Building Design, Landscaping and Lighting, Site Use, Waterfront Property Design, and additional categories recommended by the community, Planning Commission, and City Council. Additionally, implementing Objective Design and Development Standards for Single-family homes and ADUs will assist with the following:

**Tentative Work Plan**

The proposed process for developing single-family and ADU objective design and development standards involves:

1. Review of the existing policies and design guidelines suitable for objective standards (ongoing).
2. Review of the various chapters of Title 17 Zoning of the Foster City Municipal Code that may require updates (ongoing).
3. Creation of a dedicated webpage to Single-family Objective Design and Development Standards (completed).
4. Community outreach and obtain input on single-family design standards via a survey (ongoing).
5. Neighborhood analysis to understand and observe the existing housing stock.
6. Engage with the community and Homeowners Associations (HOAs) throughout the process, utilizing online tools and visual simulations to gather community input (ongoing).

7. Direction-setting: Present options for approach to the Planning Commission, including visual examples, in study session(s).
8. Draft objective design and development standards for single-family homes, and ADUs and collate feedback from the community and Planning Commission.
9. Present final objective design and development standards to Planning Commission and City Council for adoption.

### **Meetings and Community Engagement**

City staff are currently conducting a robust community engagement process to ensure that residents' views regarding the design of new single-family objective design and development standards are captured in the new regulations, including three (3) study sessions, a [dedicated website](#), tabling/pop-up events, and meetings as described below.

#### **Land Use Subcommittee Meeting – May 9, 2024**

On May 9, 2024, a Land Use Subcommittee Meeting was held to introduce the subcommittee and the public to existing single-family design guidelines, policies, and relevant zoning code regulations. The meeting aimed to gather input for the development of Single-Family Objective Design and Development Standards. Please click this link for the [Meeting Memo](#).

#### **Website Launch – May 21, 2024**

On May 21, 2024, the City launched a website dedicated to [Single-Family Objective Design and Development Standards](#). This website provides comprehensive information about the City's initiative to modernize single-family design guidelines, policies, and applicable zoning code regulations into one cohesive document titled "Single-Family Objective Design and Development Standards." It also features details about upcoming public meetings, pop-up and tabling events, the community survey, the City's guidelines and policies, and how to subscribe to project updates.

#### **Invitation Email to all Homeowners' Associations – May 23, 2024**

On May 23, 2024, the City emailed all Homeowners' Associations to inform them about the initiative to modernize and consolidate current regulations and guidelines into one comprehensive document, streamline the permitting process, and invite residents to participate and provide input through upcoming study sessions, surveys, and tabling events.

#### **Community Survey Implementation – May through September 2024**

Prior to drafting the new Single-Family Objective Design and Development Standards, staff initiated a comprehensive community outreach via various ways, including a dedicated webpage, a survey, and tabling events.

Staff solicited feedback from the residents via a nine (9) question survey. The survey has been published on the webpage since May 22, 2024 (see Attachment X for survey questions and responses). Staff tabled twice, once on June 20, 2024, in front of the Starbucks located

in Foster Square retail center, and once on July 10, 2024, at the City's Off-the-Grid events located at the City's Recreation Center to provide residents with an opportunity to discuss the regulations.

In total, staff has received 43 responses from residents, three (3) written and forty (40) electronic responses to date.

Response Results:

**Question 1:** *What does 'preserving the character of the neighborhood and community' mean to you?*

When asked what preserving the character of the neighborhood and community means, respondents provided helpful feedback, which included some common themes:

- Promote new architectural styles, and allow for change if desired
  - "Over time the codes should allow and promote residents to stay current with the times."
  - "We have no character, old boring houses."
  - "Keeping the general look of homes in the neighborhood while still allowing for change. Respecting homeowners' right to live in a community that reflects their sense of design and aesthetics."
  - "Houses should maintain a balanced look bridging existing architecture and newer more model improvements (higher density, solar or wind energy). New building should not be constrained to match existing, but current residence should not be offended by colors or shapes of new construction."
  - "Allowing more contemporary or modern aesthetics in remodels and additions."
- Maintenance of existing homes/maintain quality of neighborhoods
  - "It's more about quality than anything else. Quality of construction, quality of maintenance and upkeep."
  - "Maintaining and keeping up the exterior of the physical dwelling as well as the landscape. Replacement of aged, weathered material."
- Safeness, quietness
  - "Peace, quiet, parks, greenery, walks on the levee, sparse development and less crime."
  - "Charm of tree-lined streets creating inviting spaces for walking; low crime rates."
- Location, location, location
  - "Preserving the open space and respecting the original design goals of this planned community – parks and shopping areas strategically located

throughout the city. it also means preserving the density and height limits throughout the city, maintaining single family neighborhoods with a mixture of apartments and townhouses.”

- “Locations of single family homes, parks, schools, churches, the golf course, shopping areas, etc continue with the same designated usage.”
- “Keeping the distribution between shopping places, restaurants, parks, schools, same as it currently is. Don’t allow removal of shopping areas and parks and restaurants for new housing.”
- Maintain small town feel
  - “Shouldn’t allow oversized houses to be built.”
  - “Keep Foster City a small and close-knit community.”
  - “...ability to park on the streets, walk to parks and schools and keeping a small town feel.”
- Maintain the same architectural style
  - “Continue similar architectural style, footprint size, density, height and color palette.”
  - “Maintain the type of housing the city current has...”
  - “Maintaining the original architectural design fundamentals.”
  - “The community has a common theme. Similar to HOA, if every house looks different, the community becomes a hodge podge appearance.”
  - “Maintain the current standards to keep FC as a desirable community to live and work.”

**Question 2:** *Should new or renovated homes within a neighborhood share similar exterior looks, architectural style and features?*

Out of the 43 responses, 23 respondents indicated that new or renovated homes should share similar exterior looks, architectural style and features to those within their neighborhood. On the other hand, 14 respondents stated that it doesn’t matter, while 5 respondents stated that new or renovated homes should not have to share similar styles and features with those in their neighborhood. 1 respondent did not answer this question.

**Question 3:** *The City’s Architectural and Solar Guidelines currently allow a maximum of 65% of the front yard area to be paved (see image). Is a limit of 65% for front yard paving too high, too low, or appropriate?*

Most respondents, 22 in total, feel that the City’s 65% maximum front yard pavement requirement is suitable. However, 14 believe this percentage is too high, while 7 think it is too low.

**Question 4:** *The Lagoons form an important feature of Foster City, providing water-oriented recreation and passive enjoyment, to all City residents. How important is it for waterfront*

*properties to have distinct design and development standards compared to non-waterfront properties?*

Fifteen residents feel that it is somewhat important for waterfront properties to have distinct design and development standards compared to non-waterfront homes. Fourteen consider it very important, while thirteen believe it is not important at all. One respondent chose "other," stating that "waterfront properties should be mandated to maintain their waterfronts similarly to how they maintain their street sides," adding that "too many waterfront homes look like derelict sites."

**Question 5:** *The City's Window and Patio Door Policy requires that all windows and patio doors on the same elevation match in color and materials, for window frames, type and style, and the use of grids/no grids (see image). How important is it that all windows and patio doors match?*

When asked about the importance of matching all windows and patio doors on the same elevation in terms of color, materials, type, style, and the use of grids/no grids, 14 respondents believe it is somewhat important and should be required when visible from the public right of way. Thirteen respondents think it is not important, and another thirteen feel it is very important. Three respondents chose "other," providing the following explanations:

- "Somewhat important – they should match on elevations that directly face the street. A mix of materials should be allowed if they are of similar thickness and match in color."
- "In looking at this, I see why they should match on a given facade. Maybe each facade should all be the same? Maybe for a two-story home, all windows on the 1<sup>st</sup> floor should be the same and those on the 2<sup>nd</sup> floor all be the same? But again, I think it does look better when they all match."
- "All windows/sliding doors should match in color and style regardless of elevation. Specially if the house is facing water or street, all of windows/sliding doors visible from water and street should match. Having consistency should be very important to have uniformity in community."

**Question 6:** *Should the City explore architectural guidelines to preserve the existing Eichler-style homes and establish objective design standards for remodeling and/or additions to these homes?*

Twenty-three respondents believe that the City should preserve Eichler-style homes and establish objective design standards for remodeling and/or additions. Conversely, fifteen respondents feel that the City should not preserve the Eichler-style homes nor set design standards for them. Five responses fell into the "other" category, with the following explanations:

- "Eichler's are not yet "listed" homes and while some guidance or advice to those homeowners could be rendered by City Planners, it should ultimately up to the

homeowner and their budget to determine what aesthetic changes or improvements they can make to their properties.”

- “Let the property owners decide.”
- “If guidelines are made it should include classic designs and modern architectural concepts that are being used for Eichler-style homes.”
- “Only if the owner wants to, and where the city requires some kind of program that the city oversees. Is that historic preservation? Otherwise, no. I absolutely do not think the city should force owners to preserve an Eichler if it’s not part of an official historic preservation program.”
- “We should preserve certain cultural aesthetics in some areas. If there are particular % of Eichler houses on the street, they should maintain it. What % is questionable but I would say like 60% may be a good guideline.”

**Question 7:** *How do you feel about current regulations for accessory structures, for example, sunrooms, storage sheds, etc. In single-family lots (Chapter 17.50 of Zoning Code)?*

The majority of respondents, 21, believe that the current regulations for accessory structures, such as sunrooms and storage sheds, need improvement. Sixteen respondents support the existing accessory structure regulations, while six provided other responses, including:

- “We need to ensure that any additions blend in with their surroundings. It should like it was part of the original design and not an after thought.”
- “Needs improvement – I feel the current requirements are too restrictive for the smaller lots found in Foster City. Maintain lot coverage requirements but reduce setback requirements and allow modern materials that are typically found in premanufactured kits sold at local stores (Home Depot, Costco, etc.). Residents buy these products and are frustrated when they are not able to use them.”
- “From the street level, some sheds and sunrooms can be an eyesore. Needs an outside perspective. Does it blend or stick out?”
- “Can’t be an eye sore to neighbors. It is fine as long as it is safe and does not intrude their neighbor. Required permit and needs to negotiate a common ground.”

**Question 8:** *How concerned are you about potential solar and shading impacts to properties resulting from new homes, additions or other renovations to single-family homes?*

Of the 43 responses, 16 respondents are somewhat concerned about potential solar and shading impacts to properties from new homes, additions, or renovations to single-family homes; 13 are not concerned, 11 are very concerned, and 3 provided other responses as follow:

- “We need to use more solar power it’s frustrating to see so few houses taking advantage of solar power.”
- “In the front yard, solar panels on the roof look tacky. I do like solar panels as a carport or parking space.”
- “Believe that solar is valuable but would prefer it installed on the back or side of homes where it isn’t as noticeable from the front view of homes.”

Based on the responses received for this question, staff is under the impression that the public may have misunderstood the question, interpreting "solar" impacts as relating to solar panels. Staff will take steps to clarify this in the next survey.

**Question 9:** *Any other concerns about the Foster City Municipal Code Title 17 ZONING, Architectural and Solar Guidelines and/or Planning Policies that you would like us to consider?*

Those who responded to this question provided helpful feedback, which included some common themes:

- Require better Maintenance/upkeep of existing structures
  - “I have seen homes in very bad shape and/or yards need improvement. How is Foster City planning to regulate them. Those are eye sore properties that should be regulated. Also some homes have old shed or carport visible from street or water. These should be also updated to ensure we maintain the aesthetics of this beautiful community of Foster City.”
  - “There are a few houses in the city that visually stick out mostly due to the color or paint used (bright greens, yellows, or blues), but also the house remodel style. While culturally these colors may be more pleasing they do not blend with the neighborhood. Really unkept front yards are also a pet peeve. The city should try to a) enforce a minimum level of visually acceptable fronts, b) partner with community groups in FC to assist persons that may not be able physically or financially to make the improvement, or c) promote/encourage residents to take more pride in how their property effects those around them.”
  - “City should reinforce its commitment to maintaining the overall visual appeal by actively enforcing existing codes for landscaping and vegetation upkeep. To support homeowners, particularly elderly residents, the city could offer assistance programs to help them maintain their landscaping, ensuring a cohesive and attractive environment for all residents.”
- Better enforcement of codes/regulations
  - “Additionally, the city should reinforce its commitment to maintaining the overall visual appeal of our community by actively enforcing existing codes for property landscaping and vegetation upkeep.”
- Encourage more landscaping

- “Encourage the planting of non invasive trees and native drought tolerant plants. Minimize the use of artificial turf. Long term benefits are minimized by its potential toxicity.”
- Simplify the review process
  - “Don’t make the process any more complicated. Duplicate and confusing guidelines are tough enough to navigate as it is. While some guideline might make sense to those with intimate construction knowledge, the majority of homeowners do not. Keep it simple!”
  - “...Planning Commission Policy: the list of HOA prototypes be made current and a pre-design conference with a planner be required to make the PD homeowner or their designer/architect aware of the City’s plan requirements to eliminate the need for every change be approved by the HOA, that is, to speed up an otherwise very slow improvement process.”
- Allow for less restrictive standards
  - “Let people build unique beautiful homes they can be proud of. Not boring repeats of 1970 track homes.”
  - “The City should allow less restrictive standards to allow residents to maximize the use and enjoyment of their property (especially in the rear yard). Things like accessory structures should be allowed to be closer to the primary dwelling as long as it does not violate any building/fire codes.

Staff plans to use the survey results to inform proposed amendments to the current code and develop new Single-Family Design and Development Standards.

#### Press Release – June 5, 2024

On June 5, 2024, the City issued a press release about the initiative to modernize and consolidate current regulations and guidelines into one comprehensive document, streamline the permitting process, and invite residents to participate and provide input through upcoming study sessions, surveys, and tabling events.

#### Email Listserv – June 5, 2024

On June 5, 2024, the City emailed the Planning Listserv about the initiative to modernize and consolidate current regulations and guidelines into one comprehensive document, streamline the permitting process, and invite residents to participate and provide input through upcoming study sessions, surveys, and tabling events.

#### Foster Square Pop-up – June 20, 2024

On the morning of June 20, 2024, Senior Planners James Atkins and Helen Gannon hosted a tabling event outside the Starbucks located in Foster’s Square retail center to solicit feedback on the City’s initiative to modernize and consolidate current regulations and guidelines into one comprehensive document. Staff was available to answer questions and

discuss the process and goals of drafting the Single-Family Objective Design and Development Standards. Physical copies of the survey were provided to and collected from two (2) community members. Additionally, several QR codes linking to the online survey were distributed to passerby's, resulting in two (2) online submissions from the event.

Off-the-Grid Pop-up – July 10, 2024

On the evening of July 10, 2024, Senior Planners James Atkins and Helen Gannon hosted at Off-the-Grid located at Leo J. Ryan Park to solicit feedback on the City's initiative to modernize and consolidate current regulations and guidelines into one comprehensive document. Staff was available to answer questions and discuss the process and goals of drafting the Single-Family Objective Design and Development Standards. Physical copies of the survey and QR codes linking to the online survey were distributed to passerby's.

Planning Commission Study Session #1– July 18, 2024

Staff scheduled the first Study Session on Single-family Objective Design and Development Standards to provide the Planning Commission and the public an opportunity to review and provide input on existing single-family design guidelines, policies, and applicable zoning code regulations for the purpose of developing Single-Family Objective Design and Development Standards.

Future Community Engagement Efforts

- Metro Center Pop-up – August 8, 2024
- Tentative Planning Commission Study Session #2 – August 15, 2024
- Tentative Planning Commission Study Session #3 – September 19, 2024

Future Public Meetings

- Tentative Planning Commission Meeting – October 17, 2024
- Tentative City Council Meeting (First Reading)– November 18, 2024
- Tentative City Council Meeting (Second Reading)– December 2, 2024

**Study Session Questions**

Additional feedback from the Planning Commission and the community will help guide project staff in preparing the finalized draft standards for further Planning Commission and City Council review. Staff will further develop the actual standards and graphic examples.

Staff has prepared the following questions to assist the Planning Commission's discussion:

1. Does the Planning Commission have any feedback on existing policies as presented by staff?
2. Does the Planning Commission have any feedback on the Architectural and Solar Guidelines as presented by staff?
3. Does the Planning Commission have any feedback on the relevant zoning code sections as presented by staff?

4. What type of objective design standards would the Planning Commission like to see for ADUs? For example:
  - a. Should the roof pitch, windows, paint colors, siding materials, trim, etc. be the same as the primary residence?
5. Is there any additional information that the Planning Commission would like staff to review as additional resources?
6. Is there any additional feedback that the Planning Commission would like staff to consider when drafting language for single-family objective design and development standards?

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This study session is exempt per CEQA Guidelines Section 15061(b)(3), as there are no physical changes associated with this action.

### **NEXT STEPS**

The next steps in the development of the ODDS are:

- Continue Community Survey Outreach Efforts
- Pop-ups
- Planning Commission Study Sessions
- Planning Commission and City Council Public Meetings

### **DOCUMENT LINKS**

- [Architectural and Solar Guidelines](#)
- [City-wide Policies](#)
- [Land Use Subcommittee Meeting Memo](#)
- [Link to Community Survey](#)

### **ATTACHMENTS**

Attachment 1 – City-wide Policies Summary

Attachment 2 – Architectural and Solar Guidelines Summary