

REGULAR MEETING OF THE FOSTER CITY PLANNING COMMISSION

M I N U T E S

JUNE 15, 2023

1. **CALL TO ORDER**

At 7:00 p.m. by Chair Jagtiani

Pursuant to Governor Newsom's Executive Order N-29-20, as amended through Order N-08-21, the meeting was held as a hybrid meeting.

2. **ROLL CALL**

Present: Commissioners Bronitsky, Venkat, and Chair Jagtiani

Absent: Commissioners Haddad and Pedro

Staff Present: Sofia Mangalam, Community Development Director; Thai-Chau Le, Planning Manager; James Atkins, Senior Planner; and Eric S. Phillips, City Attorney's Office

3. **COMMUNICATIONS FROM THE PUBLIC**

1. None

4. **CONSENT CALENDAR**

1. MINUTES OF JUNE 1, 2023 PLANNING COMMISSION AND JOINT STUDY SESSION BETWEEN THE PLANNING COMMISSION AND PARKS AND RECREATION COMMITTEE MEETING

- Moved to July 20, 2023 Regular Meeting due to lack of quorum

5. **CONTINUED PUBLIC HEARING**

1. None

6. **NEW PUBLIC HEARING**

1. None

7. **OLD BUSINESS**

1. None

8. **NEW BUSINESS**

1. None

9. STUDY SESSION

1. PROVIDE UPDATES TO PLANNING COMMISSION REGARDING RECENT DEVELOPMENTS IN LAND USE LAW (2023)

Summary of Planning Commission comments:

- Commissioner Venkat expressed gratitude for the responses received from staff regarding her questions. The questions mainly focused on clarifying definitions and minimum parking requirements under AB 2097. Staff provided the desired clarification on these matters.
- Commissioner Venkat questioned examples of developments with more than two units. It was explained that under SB9, jurisdictions are not required to approve more than four units in total, including accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).
- Commissioner Venkat also inquired about the possibility of enforcing higher local labor standards specific to AB 211. However, it was noted that at present, Foster City lacks the necessary language and authority to exceed the requirements set by AB 211.
- Commissioner Venkat questioned whether Foster City could include safe housing for domestic violence survivors under the state density bonus law. It was confirmed that local density bonus programs have the flexibility to identify other categories of housing that would qualify for bonus units or relief from development standards.
- Chair Jagtiani questioned the applicability of new laws to Foster City. Director Mangalam explained that AB 2011 and SB6 apply to specific zones, while the City already has provisions for density bonuses. They mentioned that Foster City currently lacks a local ordinance for SB9, but would refer to state law when reviewing any project.
- Chair Jagtiani inquired about local funding. Director Mangalam mentioned that the City does not have a specific zone that automatically qualifies for certain funding programs, and each program has its own set of requirements.
- Eric discussed the funding process for affordable housing projects, highlighting the need to leverage a mix of funds, such as tax credits and bonds, as well as state, county, and local contributions. They noted that qualifying for one grant does not guarantee funding, as multiple sources are usually required.
- Chair Jagtiani asked about homeowners' associations (HOAs), Eric explained that ADU laws override HOA restrictions, allowing for ADUs to be built even if the HOA initially prohibited them. However, other laws, such as SB9, do not explicitly override HOA restrictions.
- Director Mangalam mentioned the post-entitlement timeline for projects under and over 25 units but did not provide specific timelines due to the limited number of ongoing projects in Foster City.
- Eric explained about shared housing, described as a co-housing model with shared facilities, was discussed. Although it may not be common in Foster City, it

was noted that there is demand for such housing in urban centers like San Francisco and Los Angeles. Legislators included shared housing in the density bonus benefits to accommodate this type of development.

- Director Mangalam addressed the recent changes allowing ADUs in front yards and clarified that if there is insufficient space in the backyard or side yard, an 800 square foot ADU can be built in the front yard. Eric also mentioned the possibility of building a junior ADU (JADU) by converting a garage in addition to the front yard ADU.
- Director Mangalam acknowledged receiving inquiries about SB9 from residents but mentioned that no applications have been submitted yet.
- Commissioner Bronitsky expressed his long-standing concern about the lack of housing construction in Foster City. He emphasized the choice between building housing where the City wants it or allowing the State to determine its location. He suggested that the City could build its own below-market-rate housing, which would result in 100% affordable units without the higher ratio of market-rate to affordable units that private development entails. He urged the City Council to consider using funds for this purpose and highlighted the importance of having control over housing location. Commissioner Bronitsky also recommended seeking information from MidPen, specifically Matt Franklin and Nevada Maryman, regarding the funding and operation of 100% affordable projects.

2. DISCUSS AND RECEIVE DIRECTION FROM THE PLANNING COMMISSION ON THE REMOVAL OF THE REQUIREMENT FOR PLANNING COMMISSION REVIEW OF STANDING SEAM METAL ROOFS ON R-1 ZONING DISTRICTS

Summary of Planning Commission comments:

- Chair Jagtiani inquired about the number of applications received per year, and Planning Manager Le responded that they had received only one formal application the previous year, coupled with a full house renovation. Other inquiries did not proceed due to the Planning Commission requirement except for one current application on file in 2023.
- After no further questions from the Commissioners, the meeting was opened for public comments. One comment was received, urging the approval of standing seam metal roofs, and requesting the consideration of other metal roof styles.
- Commissioner Bronitsky mentioned concerns about the noise level associated with metal roofs but agreed that homeowners should have the option without the burden of Planning Commission review.
- Commissioner Venkat agreed that the approval should be handled at the staff level. She emphasized the inconsistency and raised concerns about the high deposit fee of \$3,000. Commissioner Venkat expressed support for implementing a simpler process that would be more favorable to homeowners.
- Chair Jagtiani agreed with his colleagues' opinions and expressed his agreement with the proposal.

- Director Mangalam noted that this discussion was part of a study session, and a formal public hearing would follow for the Planning Commission to approve the changes to the policy.

10. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR REPORT

1. Director Mangalam introduced and welcomed James Atkins, the new Senior Planner.

11. STATEMENTS AND REQUESTS FROM THE COMMISSIONERS

1. Commissioner Bronitsky welcomed James, invited everyone to an upcoming Fourth of July event and expressed gratitude to the staff for their hard work and recognized Eric for his great work.
2. Commissioner Venkat extended a warm welcome to James and thanked the staff for their reports. Commissioner Venkat shared some updates, mentioning her attendance at the first-ever pride parade for San Mateo County, highlighting it as a fun event. Additionally, she reminded everyone to participate in the Juneteenth event taking place at the Recreation Center from 1-4:00 pm.
3. Chair Jagtiani expressed appreciation to the staff for their hard work, addressed questions in advance and thanked Eric. Chair Jagtiani extended a warm welcome to James. Additionally, he wished everyone a delightful summer and encouraged everyone to enjoy the upcoming Fourth of July celebrations.

12. ADJOURNMENT

Adjourned at 8:04 pm to July 20, 2023 Regular Meeting.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on July 20, 2023 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

RAVI JAGTIANI, CHAIR

ATTEST:

SOFIA MANGALAM, SECRETARY