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DATE: August 17, 2023

# STUDY SESSION STAFF REPORT

AGENDA ITEM NO. 9.1

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TO: FOSTER CITY PLANNING COMMISSION

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CASE NO.: MULTIFAMILY AND RESIDENTIAL MIXED USE OBJECTIVE  
DESIGN AND DEVELOPMENT STANDARDS (RZ2021-0001)

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 with an update on the Multi-Family and Residential Mixed Use Objective Design and Development Standards (ODDS) efforts and provide an opportunity to provide comments and to receive direction on the draft ordinance for ODDS.

## **BACKGROUND**

Recent state laws have limited a local jurisdiction's ability to apply subjective design standards for qualifying housing projects and local jurisdictions can now only rely on the application of objective design standards to these projects. Objective standards are those that do not involve personal or subjective judgment. Those standards can typically be referenced to an external and uniform benchmark or criterion and is knowable by both the development applicant or proponent and the public official.

The impetus for the creation of the ODDS comes from both the City's current General Plan and changes in State law. The Housing Element of the General Plan, as adopted on May 22, 2023, includes Program H-D-6-e Multi-Family Objective Design Standards as follows:

**Multi-Family Objective Design Standards.** Amend the Zoning regulations, including but not limited to R-3 and R-4, to include objective design standards and objective approval findings for new and redeveloped multi-family or mixed-use developments to address building design as well as provision of open space and recreational amenities, including amendment of lot size, coverage, setbacks, open space and other requirements to ensure the densities allowed by the General Plan can be achieved in compliance with the Housing Accountability Act.

The creation of ODDS began prior to adoption of the Housing Element 2023-31. On May 3, 2021, the City Council adopted Resolution No. 2021-52, directing staff and the Planning Commission to prepare the Multi-Family Objective Design Standards in a new chapter of Title 17, Zoning, of the Foster City Municipal Code. Subsequently, ODDS was previously brought to Planning Commission for discussion on [July 15, 2021](#), and [October 21, 2021](#). A brief summary of both meetings is provided below, and staff has also provided Attachment 3, which includes previous

Planning Commission comments/concerns and staff's responses, in an effort to clearly demonstrate how staff has addressed the previously received comments.

## **ANALYSIS**

The legislature has adopted dozens of bills over the past few years that have significantly changed typical planning and approval processes, including Senate Bill (SB) 35 and SB 330:

- SB 35 (2017) streamlines housing development approvals on infill sites that comply with "objective standards," meet minimum affordability requirements, are not environmentally sensitive, and if the developer pays prevailing wage and uses a "skilled and trained workforce" for projects over a certain threshold.
- SB 330 (2019) requires timely processing of qualifying housing development projects that comply with all applicable objective standards and other ordinances and policies and freezes impact and other fees in place when a pre-application is filed and deemed complete.

Until recently, the City of Foster City was not subject to the provisions of SB 35, but that changed in 2023. As per the latest 2023 [SB 35 Statewide Determination Summary](#), based on Housing Element Annual Progress Reports (APRs), Foster City made insufficient progress toward their Lower income RHNA (Very-Low and Low income) and is therefore subject to the streamlined ministerial approval process (SB 35) for proposed developments with at least 50% affordability.

Thus, it is critical for Foster City to adopt objective standards and implement them in a streamlined review of the qualifying housing projects.

### Community Engagement and Review Process

Foster City has conducted a robust community engagement process to ensure that residents' views regarding the design of new multi-family developments are captured in the new regulations, including two (2) study sessions, data walk, [a dedicated website](#), and tabling events as described below.

- Planning Commission Study Session – July 15, 2021

The Planning Commission held a [Study Session on July 15, 2021](#), to receive an introduction to the ODDS and to provide initial direction to staff. At the Study Session, staff explained how Foster City relies on objective and subjective criteria during the development review process to ensure compatibility of new developments and/or redevelopment of existing sites with the development and design standards in the zoning code. This review is typically done by staff and the Planning Commission. SB 330 (SB 8 recently extended the provisions of SB 330 until 2030) prohibits jurisdictions from imposing subjective design standards on certain housing development projects. By creating objective design standards for multi-family developments, a high quality, attractive architectural design can be achieved while providing a streamlined review process in compliance with state law.

Staff also presented a preview of the Data Walk tool and noted that it would launch Data Walk on August 17, 2021, for community feedback. The Data Walk is a tool that allows Commissioners, staff, and members of the public to visit ten multi-family developments within the city and provide feedback on different design factors.

At the conclusion of the July 15, 2021, meeting, the Planning Commission directed staff to review standards of cities in similar size and land features, noted developments that contain

exemplary design features within the city, and provided key design standards which staff should focus on. These included:

- Rooflines and roof shapes
  - Relationship to neighboring properties
  - Relationship to waterfront
  - Landscaping, including pathfinding and wayfinding
  - Lighting
  - Massing, size, height
  - Colors and materials
  - Parking
  - Decking and railings
- Data Walk – August 17, 2021, through September 30, 2021

On August 17, 2021, Data Walk was launched, with materials posted on the website, in which members of the public could participate in the self-guided walk virtually or in person by visiting 10 existing multi-family developments, including Sand Cove Apartments, Foster Square, Alma Point Senior Apartments, Sandpiper Apartments, the Admiralty, 100 Grand Apartments, Waverly Cove Townhomes, Triton Apartments, Plaza Apartments and Cityhomes East Townhomes. Participants were asked to share their reactions to the development with the project team. Between August 17, 2021, and September 30, 2021, project staff received 316 individual responses from 23 participants ([see Attachment 1 from October 21, 2021, Study Session](#)). When asked if certain developments were consistent with Foster City's community character, the following topics came up most frequently:

- Materials and color (51 responses)
  - Building massing (50 responses)
  - Open space (44 responses)
  - Pedestrian facilities (35 responses)
- Planning Commission Study Session – October 21, 2021

At the [October 21, 2021, Study Session](#) meeting, staff reviewed all community engagement efforts that followed the July 15, 2021, Study Session, specifically the Data Walk. The Commission discussed how participants provided mixed feedback on whether higher-density or taller development felt appropriate in Foster City and felt that the lagoon, landscaping, and open spaces were important to the City's character. Other areas of concern included parking, "blocky" architecture, architectural details such as balconies, and providing adequate shade.

Attachment 3 contains staff's responses to previously expressed concerns and comments during study sessions and data walk. As previously stated above, most comments and concerns heard are to maintain and emphasize the City's visual resources such as waterways, open space, and low-density characteristics, which have been incorporated.

### Development of Objective Design and Development Standards

Through collecting feedback from the Planning Commission, the public, and reviewing other communities of similar design character, staff has drafted the proposed ODDS found in Attachment 1. The drafted standards consider all comments and topics covered in previous meetings and outreach efforts. Attachment 2 contains proposed new definitions to accompany the ODDS.

The Draft ordinance includes four (4) main sections, including:

17.96.010 Intent and purpose.

- 17.96.020 Applicability.
- 17.96.030 Process.
- 17.96.040 Design and Development standards.

17.96.040 Design and Development standards include standards for site design, building mass, articulation, and ground floor design.

Staff reviewed many sets of objective design and development standards from other jurisdictions throughout the Bay Area and California. Research found that graphics make the standards easier to understand, definitions of key terms may be needed, and inclusion of a statement of purpose or goals is helpful. Attachment 4 provides additional reference points for the Planning Commission in order to demonstrate what other local cities have adopted thus far.

### Other Code Updates

Implementing the ODDS will include new development requirements for parking, height, setbacks, open space, and materials and colors to multi-family and residential mixed-use projects. Therefore, as part of these updates, the implementation of these ODDS will also result in updating the following Chapters of the Municipal Code:

- Chapter 17.04 Definitions
  - Attachment 4 shows new definitions that may be added to Chapter 17.04.
- Chapters 17.14 (R-2 Two-Family Residence District), 17.16 (R-T Townhouse Residence District), 17.18 (R-3 Medium Density Multiple-Family Residence District), 17.20 (R-4 High Density Multiple-Family Residence District) to be consistent with allowed General Plan densities and to reference new ODDS
  - Lot size
  - Setbacks
  - Height/Stories
  - Maximum Coverage
  - Maximum Open Green Area
  - Reference new ODDS Chapter 17.96
- Chapter 17.28 (C-M Commercial Mix District)
  - Reference new ODDS Chapter 17.96
- Chapter 17.36 (PD Planned Development Combining District)
  - Make findings more objective
  - Reference new ODDS Chapter 17.96
- Chapter 17.58 (Architectural Control and Supervision)
  - Make findings more objective
  - Reference new ODDS Chapter 17.96
- Chapter 17.62 (Off-Street Parking Regulations)
  - Bicycle Parking
    - Applicability: minimum number of units/building to trigger requirement: 10 units
    - Quantity required:
      - Long-term: 1/unit; but may be reduced by up to 50% with TDM Program that includes bike sharing program, subject to Community Development Director approval
      - Short-term: 1/10 units
    - Private garages exempt
    - Define class I (long-term) vs class 11 (short-term)
  - Tandem Parking

- Allowable if assigned to one unit for 100% of units
  - Guest Parking
    - Reduce guest parking (HE Program H-D-6-c: states will reduce by 50%):
      - 25+ units: from 0.5/unit to 0.25/unit
      - Up to 25 units: from 0.7/unit to 0.25/unit
  - Allow stackers and puzzle systems
  - Flex Zones – add definition and applicability
  - Loading zone for developments of 100 units or more at smaller size than commercial loading zones
  - Reference new ODDS Chapter 17.96
- Chapter 8.07 (Storage and Disposal of Solid Waste and Recyclable Materials)
  - Require Solid Waste Management Plan for multi-family developments to ensure proper sizing and handling

Attachment 5 provides a summary of the existing and proposed R-2, R-T, R-3, and R-4 Code amendments related to height, setbacks, lot coverage, etc.

Staff intends to complete concurrent updates to these major chapters in order to provide consistency with the General Plan and within the Municipal Code.

## SUMMARY

Additional feedback from the Planning Commission 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. Is there any additional information that the Planning Commission would like staff to review as additional resources?
2. Is there any additional feedback that Planning Commission would like staff to consider in finalizing the draft Ordinance for ODDS?

## ENVIRONMENTAL

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:

- September/October: Planning Commission Public Hearing
- October/November: City Council Public Hearing

## ATTACHMENTS

Attachment 1 – Chapter 17.96, Draft Objective Design and Development Standards

Attachment 2 – Definitions Chapter 17.04

Attachment 3 – Comments and Responses from 10/21/21 Study Session

Attachment 4 – Local Cities Adopted Standards

Attachment 5 – Summary of Related Residential Code Amendments