

REGULAR MEETING OF THE FOSTER CITY PLANNING COMMISSION

MINUTES

OCTOBER 5, 2023

1. **CALL TO ORDER**

At 7:00 p.m. by Chair Jagtiani

This meeting was held as a hybrid meeting.

2. **ROLL CALL**

Present: Commissioners Bronitsky, Haddad, Pedro, and Chair Jagtiani

Absent: Commissioners Venkat

Staff Present: Sofia Mangalam, Community Development Director; Nori Jabba, Housing Coordinator; and Denise Bazzano, Assistant City Attorney

3. **COMMUNICATIONS FROM THE PUBLIC**

1. None

4. **CONSENT CALENDAR**

1. MINUTES OF SEPTEMBER 7, 2023 REGULAR MEETING

ACTION: Commissioners approved the Minutes of September 7, 2023 Regular Meeting, passed 3-0-1-1 (Abstain: Bronitsky; Absent: Venkat)

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. TO PROVIDE AN OPPORTUNITY FOR THE PUBLIC AND THE PLANNING COMMISSION TO REVIEW AND DISCUSS THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE TITLE 17 ZONING, CHAPTER 17.90 BELOW MARKET RATE

INCLUSIONARY HOUSING PROGRAM AND BELOW MARKET RATE (BMR) GUIDELINES – RZ2023-0008

Planning Commission Comments:

- Commissioner Bronitsky asked questions regarding the standards for occupancy management in Section 17.90.100 and whether they include preferences like living in Foster City or working for the City.
 - Nori provided clarification that occupancy standards relate to the minimum and maximum number of people allowed in a unit and that preferences are determined through citywide resolutions, and deed restrictions specific to each project.
- Commissioner Bronitsky raised the issue of expiration dates for these units and suggested that the city should consider including language stating that the City will undertake efforts to determine whether an extension can be obtained when the expiration date is approaching, citing past experiences where this was not addressed early enough.
 - Director Mangalam suggested discussing the addition of language regarding the evaluation of extensions for units with expiration dates with the City Attorney's office.
- Chair Jagtiani inquired about the costs associated with compliance and monitoring for Below Market Rate housing. He sought to understand if there had been a study of these costs, both from the property management or ownership side and the City side.
 - Director Mangalam mentioned that while there is a significant time investment from the Housing Coordinator in discussing issues and providing training to property managers, there is currently no fee for monitoring compliance in the City's master fee schedule. It was mentioned that the City plans to propose a compliance fee, and such fees are typically paid by property managers based on the number of BMR units they manage.
 - Nori explained that the compliance fee primarily covers the cost of reviewing annual reports, which are due annually from each property manager. While it does not fully cover the city's costs throughout the year, it helps offset the expenses associated with reviewing these reports. Property managers are aware of these compliance requirements and include them in their pro forma when submitting development applications.
- Chair Jagtiani inquired if there is currently information available regarding property managers who may be out of compliance with the requirements discussed.
 - Director Mangalam mentioned the current approach is to educate property managers about the BMR process rather than tracking instances of non-compliance. The existing guidelines lack clarity, but efforts are underway to update them for better guidance. Specific instances of non-compliance are not reported now; the focus is on guiding property managers through the process.
 - Nori emphasized the importance of ensuring consistency in a certain task across all properties and wants all property managers to follow the same guidelines to facilitate audits and compliance monitoring, highlighting the value of clear guidance in achieving this goal.
- Chair Jagtiani asked about the preferences for workforce housing and what happens if applicants no longer meet the preferences (e.g., no longer working for the City or living in the City). He suggested considering annual checks on preferences to ensure ongoing eligibility.

- Nori explained that preferences are determined at the time of application for housing, and changes in employment afterward are not monitored annually.
- The City Attorney responded that they are open to exploring the possibility of implementing certain restrictions but expressed concerns about potentially limiting people's freedom and livelihoods. The City Attorney emphasized that the City's main concern is the application period and suggested that imposing annual certification might have legal limitations. However, the City acknowledges the existence of annual certification for income levels.
- Commissioner Bronitsky suggested adding language to the proposal to address the issue of the expiration of covenants for Below Market Rate housing units. He proposed that the City Council should engage property owners five years before the covenants expire to explore the feasibility of extending the covenants. The goal is to prevent the loss of such units and maintain affordability.
- Commissioner Pedro emphasized the importance of promoting ownership of Below Market Rate units along with rental options. He suggested encouraging developers to consider ownership BMRs as they offer long-term affordability.
- Commissioner Haddad expressed support for the 20% BMR requirement and hopes for an increase in the number of affordable units in the future.
- Chair Jagtiani acknowledged Commissioner Bronitsky's contributions in the past and the importance of achieving compliance and maintaining affordable housing in Foster City.

Overall, the Commissioners provided positive feedback on the presentation and expressed their commitment to affordable housing initiatives in Foster City.

10. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR REPORT

1. Director Mangalam announced the next meeting will feature another Study Session scheduled for October 19th pertaining to amendments in the Municipal Code Chapters related to the New Chapter being created for Objective Design and Development Standards.

11. STATEMENTS AND REQUESTS FROM THE COMMISSIONERS

1. Commissioner Bronitsky expressed gratitude towards the staff for their excellent work and highlighted the income thresholds for qualifying for Below Market Rate housing in the area, emphasized the high cost of living in the region. He also shifted the conversation to a non-housing-related issue, mentioned that Second Harvest Food Bank, with the help of volunteers including Rotarians, provides food assistance on the first and third Fridays of the month at the Recreation Center from 8 to 10 in the morning. He encouraged those facing food insecurity to take advantage of this resource, emphasized that no questions are asked, and they aim to address food insecurity within the community.
2. Commissioner Pedro expressed satisfaction with the progress made during the Study Session and emphasized the importance of clear policies and guidelines for developers and applicants. He suggested that Foster City consider adopting a specific plan to simplify decisions, involve the public, and address residents' concerns about further development. He cited Redwood City's downtown precise plan as a potential model and highlighted Foster City's suitability for such efforts. Commissioner Pedro also advocated for a specific plan to promote transparency, resident involvement, and future development planning.

3. Commissioner Haddad conveyed appreciation to the city staff for their report and efforts to initiate the discussed process.
4. Chair Jagtiani extended gratitude to the staff for their excellent report, for addressing their questions, and specifically thanked Nori.

12. ADJOURNMENT

Adjourned at 7.37 pm on October 19, 2023, Regular Meeting.

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PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on October 19, 2023 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

RAVI JAGTIANI, CHAIR

ATTEST:

SOFIA MANGALAM, SECRETARY

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