
DATE: October 19, 2023

STUDY SESSION STAFF REPORT

AGENDA ITEM NO.9.1

TO: FOSTER CITY PLANNING COMMISSION

PREPARED BY: LESLIE CARMICHAEL, CONSULTING PLANNER

CASE NO.: AMENDMENTS TO MUNICIPAL CODE TITLE 17, VARIOUS CHAPTERS TO SUPPORT MULTIFAMILY AND RESIDENTIAL MIXED USE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (RZ2021-0001)

PROJECT LOCATION: CITYWIDE

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, including discussion on the associated amendments to the various chapters in Title 17, Zoning, of Foster City Municipal Code and update on the feedback from the community on the draft ordinance.

BACKGROUND

On August 17, 2023, a third study session was held to review the draft ordinance for Multifamily and Residential Mixed Use Objective Design and Development Standards ([see link to the meeting for details and draft Ordinance](#)). The drafted standards considered all comments and topics covered in the previous two (2) study sessions, including [July 15, 2021](#), and [October 20, 2021](#), and the extensive community feedback.

At the August 17, 2023, meeting, Planning Commission provided comments to the staff on the draft ordinance for further refinements, including:

- provide for flexibility through an exception request process without requiring a unique physical circumstance;
- provide different walkway width standards for different uses;
- provide 50% credit for rooftop and 100% credit for raised courtyards and publicly accessible open space;
- remove trellis from the list of shade structures;
- allow use of high quality artificial turf;
- add boat access wherever possible.

For detailed meeting minutes, see Attachment 3.

Subsequent to the study session, staff opened the public comment period on the draft ordinance to receive community feedback for further refinements and conducted three (3) tabling events as described under 'Community Engagement and Review Process'.

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 other chapters of the Municipal Code.

The purpose of this study session is to discuss the proposed amendments to the other chapters of the Municipal Code and also share the feedback received from the community on the draft ordinance.

STUDY SESSION PUBLIC NOTICING

The public was advised of this Study Session in the following ways:

- Published in the Islander – October 4, 2023
- Displayed on FCTV/Channel 27 – October 5, 2023 through October 19, 2023
- Emailed out to the Planning Listserv – September 28, 2023
- Posted on the Foster City website at www.fostercity.org – September 28, 2023
- Posted on-site and at all of the City's official posting locations – October 2, 2023
- Electronic marquee at Leo Ryan Park – October 5, 2023 through October 19, 2023

ANALYSIS

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

The impetus for the creation of Multi-Family Objective Design and Development Standards (ODDS) comes from both the City's current General Plan and changes in State law. Objective standards are the only basis a local jurisdiction may use to regulate the design or density of certain eligible housing and mixed-use projects.

On August 17, 2023, staff presented a draft ordinance for ODDS including the four (4) main sections:

- | | |
|-----------|-----------------------------------|
| 17.96.010 | Intent and purpose. |
| 17.96.020 | Applicability. |
| 17.96.030 | Process. |
| 17.96.040 | Design and Development standards. |

The Draft Ordinance creates a new chapter in the zoning code applicable to multi-family and mixed-use housing development projects. The chapter is applicable to housing projects that include three or more units, in residential only or mixed-use residential projects. Based on feedback from the Planning Commission on August 17, 2023, staff has proposed additional edits to respond to the Planning Commission's direction (shown in redline in Attachment 1: Draft Chapter 17.96) and summarized in Table 1.

Table 1: Summary of Changes in Chapter 17.96 Following August 17, 2023 Study Session

Planning Commission Comment on 8/17/23	Section	Summary of Proposed Change
Provide for flexibility through an exception request process without requiring a unique physical circumstance.	17.96.030.B.3	Removed the finding that there must be a unique situation or physical constraint making the standard infeasible. Remaining findings required: 1) will not create a safety hazard; 2) will meet the intent of the standard to the extent feasible.
Provide different walkway width standards for different uses.	17.96.040.A.1.b	Paving shall be a minimum of: 5' wide for pedestrian access, 8' wide for cyclists or mixed modes, or 10' wide when adjacent to ground floor commercial.
Provide 50% credit for rooftop and 100% credit for raised courtyards and publicly accessible open space.	17.96.040.A.3.b	iii. Common open green areas located on roof surfaces at the third floor or higher ... shall receive a 50% credit counted towards the required minimum open green area. iv. Common open green areas located on raised courtyards at the second floor or lower... shall receive 100% area credit towards the required minimum open green area.
Remove trellis from the list of shade structures.	17.96.040.A.3.b	Trellis is removed from the list of shade providing features.
Allow use of high-quality artificial turf.	17.96.040.A.5.	Synthetic turf shall not exceed 10% of the Open Green Area and may count toward planted area. Synthetic turf standards are also included.
Add boat access wherever possible.	17.96.040.A.1.c	A public access easement is required to connect the Foster City Lagoon and ground floor commercial area. These connections shall include a publicly accessible boat dock on the Foster City Lagoon.
	17.96.040.A.3.c	Boat storage is added to the list of features that can meet the requirement to provide at least one feature in each required common open green area.

Additional edits to the proposed Chapter 17.96 are included to correlate to the changes proposed in the other chapters, such as definitions (see Attachment 2: Draft Related Municipal Code Amendments).

Foster City Municipal Code Title 17 includes provisions for multi-family and mixed-use residential districts in various chapters including 17.14, 17.18, 17.28, 17.36 and others which need to be updated for the implementation of the ODDS, otherwise these existing regulations would conflict with the proposed Chapter 17.96.

Amendments to other Chapters of the Municipal Code

Staff is proposing amendments to the following chapters of the Title 17 Zoning of the Municipal Code:

- 17.04 Definitions
 - New definitions are proposed to be added and a few amended in Chapter 17.04. This includes Articulated Roof Form; Articulation, horizontal; Articulation, Vertical; Bicycle parking, long-term (Class I); Bicycle parking, short-term (Class II); Durable exterior materials; Façade; height of building; Mechanical parking system; Mixed use; Multifamily; Multistory parking facilities' Open green area; Open green area, common; Open green area, private; Pedestrian-scaled lighting;_Stepback; Turf, synthetic.
- 17.12 (R-1 Single-Family Residence District)
 - Replace "Minimum Lot Area Per Dwelling Unit" with "Maximum Density Permitted"
- 17.14 (R-2 Two-Family Residence District)
 - Replace "Minimum Lot Area Per Dwelling Unit" with "Maximum Density Permitted"
 - Reference to the new ODDS Chapter 17.96
- 17.16 (R-T Townhouse Residence District)
 - Removed guest parking requirements that is in addition to requirements in 17.62.
 - Added table for building site area, density, yards, height, coverage, and open green area.
 - Reference new ODDS Chapter 17.96
- 17.18 (R-3 Medium Density Multiple-Family Residence District) and 17.20 (R-4 High Density Multiple-Family Residence District)
 - Minimum building site
 - Minimum and Maximum density
 - Minimum yards
 - Maximum height
 - Minimum Open Green Area
 - Reference new ODDS Chapter 17.96
- 17.26 (C-2 General Business District)
 - Minimum building site
 - Minimum and Maximum density
 - Maximum coverage
 - Reference to the new ODDS Chapter 17.96
- 17.28 (C-M Commercial Mix District)
 - Minimum building site
 - Minimum and Maximum density
 - Minimum yards
 - Maximum height
 - Minimum Open Green Area
 - Reference new ODDS Chapter 17.96
- 17.36 (PD Planned Development Combining District)
 - Revised findings
 - Requirements for architectural drawings
 - Reference new ODDS Chapter 17.96
 - Provision for extensions
- 17.58 (Architectural Control and Supervision)
 - Revised findings
 - Reference new ODDS Chapter 17.96
- 17.62 (Off-Street Parking Regulations)
 - Definitions for Passenger drop off zone; Tandem parking spaces/

- Design standards for mechanical parking systems
- Bicycle parking requirements
- Design standards for loading/unloading
- Passenger drop-off zone requirements.

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

Community Engagement and Review Process

After the study session on August 17, 2023, staff solicited feedback from the community and opened up the public comment period from August 25 through September 25, 2023, via online feedback form. Emails were sent to various listservs and the staff also conducted three (3) tabling events. At these events, flyers (see Attachment 4) were distributed, informing the public and directing them to the online feedback form. The tabling events were held on the following dates and locations:

- September 6: Off the Grid from 5:00 pm to 6:00 pm
- September 13: Starbucks, Foster's Square from 9:00 am to 10:00 am
- September 20: Foster's Square from 11:30 am to 12:00 pm

Staff only received a few public comments (see Attachment 5).

SUMMARY

Feedback from the Planning Commission will help guide the staff in finalizing the standards for further Planning Commission and City Council approval. Staff has prepared the following question to assist the Planning Commission's discussion:

1. Is there any additional feedback that the Planning Commission would like staff to consider in finalizing the draft amendments to the other chapters of the Municipal code related to ODDS?

ENVIRONMENTAL

This proposed code amendments are 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:

- November: Planning Commission Public Hearing
- December: City Council Public Hearing

ATTACHMENTS

Attachment 1 – Draft Chapter 17.96
 Attachment 2 – Draft Related Municipal Code Amendments
 Attachment 3 – August 17, 2023, Planning Commission Meeting Minutes
 Attachment 4 – Flyer
 Attachment 5 – Community Feedback