

Attachment 2, Exhibit B
Foster City Draft Housing Element 2023-2031– Summary of HCD 10/3/22 Comments and City Responses

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E-1 – E-26	E-1 – E-30	Review & Revise	65588 (a) and (b)	A review of the previous element should address past progress in implementation, evaluate the effectiveness of programs and make adjustments in the current housing element. The element (Appendix E) generally states whether programs should be retained, removed, or modified but must also describe progress in implementation and evaluate effectiveness to inform this statement.	Added more narrative and data on achievements; added comments re: program effectiveness and recommendations in “Program Evaluation” column and added more detail regarding changes in “Proposed Change column.”
E-21 – E-26	HE-58 – HE-59 E-25 -- E-30; A-54 – A-74 HE-92 – HE-96	Review & Revise		In addition, as part of this analysis, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.	In addition to above, included data on past HE’s impact on addressing special needs and how impact is informing revision of programs in: <ul style="list-style-type: none"> • New Section in Chapter 6 summarizing accomplishments • Section 6 of Appendix A • App. E – see H-F-1-a through j, H-F-2-a through e, and H-F-3-a and H-F-3-b

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A-34; B-9; B-69	A-39 – A-40 B-102 – B-106 HE-79 – HE-80	Needs, Resources, Constraints: AFFH	65583, <i>subd. (c)(10)(A).</i>	Fair Housing Issues: The element identifies many contributing factors to fair housing issues. However, the element should also address the fair housing issue of aging multifamily housing that is vulnerable to redevelopment and displacement of low and moderate-income residents.	<p>Included local knowledge in Appendix A, Section 5.3 regarding condition of aging multifamily housing with respect to high water table, age, ownership, renovations, and maintenance.</p> <p>Added discussion of potential for displacement resulting from issues with aging multifamily housing vulnerable to redevelopment to Appendix B, Section 5.6, including:</p> <ul style="list-style-type: none"> • Census tract data regarding vulnerability to displacement • Newly adopted (January 2023) requirements in Chapter 17.55, Replacement Units – See Exhibit N of Ordinance 657 • Displacement potential due to natural disasters <p>Strengthened Program H-C-3-a to apply to any application to displace one or more households instead of 25 or more. Program H-C-3-b Anti-Displacement Strategy was retained.</p>

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A-34; B-9; B-69	A-39 – A-40 B-102 – B-106 HE-79 – HE-80	Needs, Resources, Constraints: AFFH		Additionally, the element should discuss the high-water table issue and any disproportionate impacts on protected characteristics to better formulate policies and programs.	Included local knowledge in Appendix A, Section 5.3 regarding condition of aging multifamily housing with respect to high water table, age, ownership, renovations, and maintenance. Appendix B, Section 5.6 – included comment about lower income tenants being especially vulnerable to displacement. Referenced strengthened Program H-C-3-a to apply to any application to displace one or more households instead of 25 or more. Program H-C-3-b Anti-Displacement Strategy was retained.
B-11 – B-14	B-13 – B-16	Needs, Resources, Constraints: AFFH		Enforcement and Outreach: While the element discuss complaints based on state and federal data, it could also identify cases and their characteristics utilizing local data from fair housing service providers.	Included data in Appendix B, Section 2.1 from local providers.
B-11 – B-14	B-16 – B-18	Needs, Resources, Constraints: AFFH		In addition, the element states the City complies with a few housing-related laws such the Housing Accountability Act and No Net Loss Law but it should also discuss how the City complies with	Appendix B, Section 2.2 - described compliance with fair housing laws and past actions: 1982 Settlement Agreement with

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				state and federal fair housing laws and any past settlements, lawsuits, or other legal actions. Based on a complete analysis, the element should re-assess contributing factors to fair housing issues and policies and programs.	Legal Aid Society; 2004 Settlement between BRE Properties (Foster's Landing Owners) The City utilized this information in reassessing the contributing factors, assigning priorities, and changes/additions to the programs (discussed in more detail below).
B-16 – B-42	B-33 – B-55	Needs, Resources, Constraints: AFFH		Integration and Segregation: While the element reports on data related to segregation and integration, it must discuss and analyze this data for trends over time and patterns across census tracts as well as comparing the City as a whole to the broader region for race, disability, familial status and income. The analysis should also incorporate local data and knowledge and other relevant factors to better formulate appropriate policies and programs. For example, the element's Racial Isolation Index (pp. B-20 to B-21) indicates there is segregation of Asian residents; however, the analysis should discuss and analyze this data for trends	Appendix B, Section 3.4 - Expanded analysis of racial diversity trends over time and across census tracts and comparison to region; added local knowledge. Foster City has become increasingly diverse compared to San Mateo County. Appendix B, Section 3.5 Expanded analysis of income segregation over time and across census tracts where concentrations of above-moderate income residents exist geographically, within the City and across region. The analysis concludes that there is less neighborhood level income segregation in Foster City than the average Bay Area City and that Foster City households are higher income than the County and Bay Area overall.

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				<p>over time and patterns across census tracts within the City.</p> <p>As for another example, the element should analyze where concentrations of above-moderate income residents exist geographically in the City as well as include a regional analysis, comparing the higher-incomes within the City to the surrounding region. An example of local data could be a local accessibility assessment into the evaluation of patterns of higher concentrations of persons with disabilities. Other relevant factors could be historical zoning and land use and potential resulting lack of access to housing choices and affordability.</p>	As indicated in Appendix B, Section 3.6, Foster City has no census tracts where the population of persons with disabilities exceeds 10%.
B-43 – B-44	B-56 -- 66	Needs, Resources, Constraints: AFFH		Disparities in Access to Opportunity: While the element reports some data on disparities in access to opportunity, it largely must analyze that data . For example, the element should describe and analyze whether there is equal access to high performing schools throughout the City as well as include a regional analysis of how surrounding	Appendix B, Section 4.1 - Expanded analysis of <u>equal</u> access to education (even though <u>all</u> scores are high); expanded analysis of access to opportunity data; included regional analysis.

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				jurisdictions compare with TCAC education scores.	
B-47 – B-50	B-67 – B-71	Needs, Resources, Constraints: AFFH		The element should also analyze whether there is equal access to jobs for residents of all economic segments, in addition to comparing employment trends in the City to patterns in surrounding areas (e.g., lower economic scores in areas bordering the City).	Appendix B, Section 4.2 - Expanded analysis of jobs access, compared employment trends in the City vs surrounding areas.
B-51 – B-42	B-71 – B-80	Needs, Resources, Constraints: AFFH		The element should include a map of access to transit within the City, analyze what transit options are available in the City, and whether they are accessible throughout the City. This section should be accompanied by an analysis of such patterns on a regional basis , comparing trends within the City to the region.	Appendix B, Section 4.3 - Added transit maps and discussed transit options/accessibility; compared to region.
B-53	B-80 -- B-83	Needs, Resources, Constraints: AFFH		Lastly, while the element states the City scores well on TCAC's environmental scores (p. B-52), it should include an analysis of what contributes to such positive environmental outcomes and	Appendix B, Section 4.4 - Discussed what contributes to high TCAC score, compared to environmental trends in region.

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				be compared to environmental trends within the greater region.	
B-60 – B-64	B-89 -- B-107	Needs, Resources, Constraints: AFFH		Disproportionate Housing Needs including Displacement: While the element reports some data on disproportionate needs, it still must analyze that data . For example, the element states (p. B-62) that there are no concentrations of renter cost burden; however, the maps show a variation with part of the City having a rate of 40 to 60 percent of renters with cost burden near a tract with less than 20 percent cost burden. This perceived concentration of cost burden for renters must be analyzed .	Appendix B, Section 5 - Discussed & analyzed geographic distribution of renter & owner cost burden & concentrations. The discussion notes that there is a concentration of renter cost burden in tract 6080.13 where 41.9% of renters experience cost burden. The inclusion of Lantern Cove and Schooner Bay in the Sites Inventory will encourage additional affordable housing units in tract 6080.13.
B-60 – B-64	B-91 – B-96	Needs, Resources, Constraints: AFFH		The element should also describe and analyze where concentrations of cost burden exist geographically for owners as well as what contributes to this trend . This section should be accompanied by an analysis of such	Appendix B, Section 5.2 - Discussed geographic distribution of renter & owner cost burden, across city and region. Even though three tracts are in the 40-60% bracket for owner cost burden, the percentages are in the lower range of this bracket at 40.6%, 44.1%,

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				patterns on a regional basis , comparing trends within the City to the region.	and 46.5%. The other census tracts report owner cost burden rates of 22% to 37.7%. Section 5.2 notes that the rates of cost burden are on par with the County and Bay area.
B-65 - B-66	B-97 -- B-101	Needs, Resources, Constraints: AFFH		The element must also include an analysis of where local overcrowding and substandard housing exists geographically as well as an analysis of such patterns on a regional basis.	Appendix B, Section 5.3 - Discussed geographic distribution of overcrowding – Figure 63 shows no concentration of overcrowded households. Appendix B, Section 5.4, discussed geographic distribution of substandard housing, City and region. Appendix A, Section 5.3 - discussed geographic distribution of substandard housing.
B-68 – B-69	B-102 – B-106	Needs, Resources, Constraints: AFFH		While the element includes a map of local risk of displacement (p. B-69), it only briefly discusses displacement trends. The element should provide analysis and conclusions regarding	Appendix B – Section 5.6 - Expanded discussion of displacement vulnerability, including due to a variety of factors, including disasters (earthquake, flood); compared city and regional trends. Included comparison to neighboring cities.

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				<p>displacement vulnerability (e.g., half of the City is determined to be vulnerable).</p> <p>The analysis should also discuss displacement risk due to disaster, including seismic activity and flooding. Lastly, this section should be accompanied by an analysis of displacement patterns on a regional basis, comparing trends within the City to the region.</p>	Described newly adopted Chapter 17.56 Replacement Units; strengthened Program H-C-3-a Anti Displacement Plan for Redevelopment of Existing Multifamily Developments and retained H-C-3-b Anti-Displacement Strategy.
B-72 – B-73	B-108 – B-113	Needs, Resources, Constraints: AFFH		<p>Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element mentions the City does not have any segregation issues within the City but is somewhat segregated as a whole on a regional level and that the distribution of sites will allow lower-income households access to amenities and services. However, the element should discuss the location (e.g., neighborhoods, census tracts, planning areas) of sites, including the number of units by income group and discuss the impact of identified sites on existing patterns of socio-economic characteristics. The analysis should put special emphasis on</p>	Appendix B, Section 6 - Expanded analysis & description of sites including their geographic distribution and impact on existing patterns; sites do not isolate specific income groups geographically and will further AFFH by providing additional housing choices in the southern part of the City.

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				any isolation of the regional housing need allocation (RHNA) by income group and distribution of units by income group throughout the community.	
B-76 – B-77	B-114 – B-117	Needs, Resources, Constraints: AFFH		Contributing Factors to Fair Housing Issues: The element identifies many contributing factors to fair housing issues, but it must prioritize these factors in Table 2-3 to better formulate policies and programs and carry out meaningful actions to AFFH. Additionally, the element should explain how Table 2-3 and Table 3-1 are related, because while both tie to fair housing issues, contributing factors are different.	Prioritized factors: low, medium, high; Explained how Table 2-3 (Housing Needs Action Plan) and Table 3-1 (Summary Matrix of Fair Housing Issues and Actions) are related but different. Also in Appendix B, Section 7.
B-76 – B-77	B-115 – B-117	Needs, Resources, Constraints: AFFH		Goals, Actions, Milestones and Metrics: The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends.	Changes since the July 2022 draft include added/modified policies/programs and quantified objectives or metrics based on revised analysis:

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				<p>Actions must have specific commitment, milestones, geographic targeting and metrics or numeric targets and must address, as appropriate, housing mobility enhancement, new housing choices, and affordability in higher opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>H-C-2-d: Continue to Monitor Expiration of Rental Affordability Covenants – added specific actions, milestones and metrics.</p> <p>H-C-3-a: Anti-Displacement Plan for Redevelopment of Existing Multifamily developments – changed it to apply to a single unit instead of 25 or more units.</p> <p>H-C-4-a: Rental Housing Assistance Information – added proactive public outreach.</p> <p>H-D-4-a through h – strengthened ADU programs with many targets in 2023.</p> <p>H-E-1-a: Existing Unit Purchase Program – Opportunities for Supportive Housing – referenced change in preferences to fill vacancies that was adopted in January 2023 – see Resolution No. 2023-3.</p> <p>H-E-9: Variety of Housing Types – added new policy to encourage a variety of housing types</p>

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					<p>H-E-9-a: Family Friendly Housing – added a new program to encourage family friendly housing and explore regulatory incentives.</p> <p>H-E-9-b: Small Housing Units – added a program to amend zoning regulations to allow housing targeted for extremely low-income households, such as SROs and group homes.</p> <p>H-F-1-d: Reasonable Accommodation – review Chapter 17.84 for conformance with State law and amend if necessary by December 20223.</p> <p>H-F-1-f: Support Services for Special Needs Population – added “to develop a plan” working with service providers.</p> <p>H-F-1-i: Community Care Facilities – added to review city’s regulations for conformance with state law, including but not limited to spacing requirements.</p> <p>H-F-1-j: Public Investment in Accessibility – added program to include accessibility</p>

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					<p>improvements in City facilities through implementation of the ADA Transition Plan.</p> <p>H-F-2-d: Emergency Shelter Zoning – the City will amend Chapter 17.82 as necessary to comply with state law.</p> <p>Referenced zoning amendments adopted in January 2023 related to:</p> <p>H-F-2-e: Low Barrier Navigation Centers - See Exhibit Q of Ordinance 657</p> <p>H-F-3-a: Transitional and Supportive Housing - See Exhibit F (Definitions) of Ordinance 657 and other exhibits to allow as a permitted use in R-1, R-2, R-3, R-3, C-2, and R-T.</p> <p>H-F-3-b: Supportive Housing - See Exhibit F (Definitions) of Ordinance 657 and other exhibits to allow as a permitted use in R-1, R-2, R-3, R-3, C-2, and R-T.</p> <p>H-G-1: Reducing Commuting Burden – added new policy</p>

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					<p>H-G-2 Improved Access to Fair Housing Implementation – strengthened metrics and timeframes.</p> <p>H-G-3-a: Commuter Shuttles – added new program to work with commute.org and local employers to facilitate commuter shuttles.</p> <p>H-G-3-b: Expand Bus Service – added new program to require developers to submit TDM plans and to work with SamTrans and/or commute.org to implement suggestions for new bus stops and routes.</p>
A-23 – A-26	A-24 -- A-31	Pop and employment trends & quantification of needs	65583, <i>subd. (a)(1)</i>	Extremely Low-Income (ELI) Households: The element reports some data on the number of existing and projected ELI households, but it must also include analysis of their housing needs. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs.	Appendix A, Section 4.5 - Added analysis of ELI housing needs.

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A-38 – A-42	A-27 -- A-31 A-44 -- A-51	Household characteristics	65583, <i>subd. (a)(2)</i>	Overpayment: While the element identifies the total number of households overpaying for housing, it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.	Appendix A, Section 4.5.2 and Appendix B, Section 5.2 - Expanded analysis of overpayment by lower-income households by tenure; The Lantern Cove and Schooner Bay sites in the tract with the higher concentration of cost burdened renters will increase housing affordability in this tract.
A-34	A-39 -- A-40	Housing conditions		Housing Conditions: While the element describes housing conditions of ownership units, the element must also include an analysis of rental units in need of rehabilitation and replacement.	Appendix A, Section 5.3 - Used local knowledge from Chief Building Official to expand analysis of condition of rental units.
A-34 – A-37	A-40 -- A-44	Housing Costs		Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., local knowledge).	Appendix A, Section 5.4 - Added local source data from Zillow for housing costs for renters.

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D-20 – D-25	D-27 -- D-36	Sites Inventory	65583, subd. (a)(3).)	Progress in Meeting the RHNA: The element indicates (Table 13, D-34) that pipeline and proposed projects have been built or are under construction or approved but provides no information documenting how affordability of the units was determined. The City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate their affordability based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). The element should also discuss the status, any barriers to development and other relevant factors to demonstrate their affordability in the planning period. For example, the element should clarify whether the Schooner Bay application has been submitted to the City for review. The element should clarify the status of this project and where it is in the permit process and anticipated timeline for completion in the planning period.	Appendix D, page D-28 - Expanded explanation of affordability determination and status of pipeline applications.

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D-11 – D-33	D-16 -- D-43	Sites Inventory		Sites Inventory: The element lists parcels based on various factors but must also list the general plan designation and existing uses . In addition, the element must clarify whether the listed capacity is total capacity or includes realistic capacity assumptions . Lastly, the element must clarify whether the sites previously identified in the 5th cycle were vacant or nonvacant and add or modify programs as appropriate .	Added general plan designation and existing uses to tables 4 – 7, 10,11,12; expanded discussion of realistic capacity; clarified that all sites are nonvacant.
D-11 – D-33	D-17 – D-45	Sites Inventory		In addition, the element should consider public commenters on this draft as part of the sites inventory, including the expressed interest of property owner to develop residential uses in the planning period .	Incorporated public comments on each site in the Sites Inventory, including expressions of interest by owners of sites. Comments on sites that are not included in the Sites Inventory is included in the section on Additional Housing Potential.
D-10-D-33	D-6 -- D-45	Sites Inventory		Realistic Capacity: While the element provides assumptions for buildout on each site, support must be provided for assumptions . For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions . The estimate of the	Expanded discussion of realistic capacity assumptions in general and site-specific. Used examples of 1) recently constructed developments in Foster City, 2) recent applications (Lantern Cove, Schooner Bay) and preliminary applications (Eaves ADUs and

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				number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Harbor Cove ADUs) as well as 3) nearby approved residential developments outside the City to demonstrate realistic capacity. Added discussion of availability of water, sewer and dry utilities.
D-10-D-33	D-6 -- D-45	Sites Inventory		Many of the sites are on parcels with existing apartment developments. The element must clarify whether the City assumes the entire site for each identified apartment complex will be redeveloped, or which portions of the site will be redeveloped (e.g., acreage and location) and provide support. Many of the sites assumes 100 percent of base zoned density for the multifamily units in the Beach Cove, Franciscan, Harbor Cove, Sand Cove, Lagoons, Eaves Apartments, and Shadow Cove sites. The analysis must provide substantial support and demonstrate a significant history of developing at maximum density within the City as well as feasibility including land use	Appendix D - Expanded discussion of capacity assumptions for all or portions of each site, including feasibility; added to discussion of recent development trends to demonstrate history of developing at maximum density; Added rezoning of Foster's Landing from R-3/PD to CM/PD and General Plan Amendment to Civic Center Mixed Use, to be completed concurrent with adoption of the Housing Element Explained that the owner is working on a plan to remove a few buildings in the northwest corner of the site and replace them with a larger podium-style building with units above parking.

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				<p>control requirements such as parking and open space.</p> <p>In addition to clarifying realistic capacity assumptions, the Foster's Landing site must also clarify whether the site will need to be rezoned and whether existing units will need to be demolished to support the additional units.</p>	
D-32 – D-33	D-42 – D-44	Sites Inventory		<p>The element must also clarify what the allowed density is on the 1010 Metro Center (OSH) site, whether rezoning is needed, and the basis for the realistic capacity assumptions.</p>	<p>Appendix D - Discussed General Plan amendment to clarify densities allowed in Town Center approved in December 2022. Expanded discussion of realistic capacity. Applied an adjustment of 50% in light of the owner's option to develop as commercial only or mixed use. Explained that site will be rezoned concurrent with adoption of the Housing Element (Program H-D-1-b) to allow the owner the option of commercial use only or commercial-residential mixed use.</p> <p>Reflected adjusted capacity in Site Inventory</p>

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D-6 – D-7	D-6 -- D-8	Sites Inventory		In Table 2 (p. D-7), all project examples are in the CM and PD zones; the element should describe examples of development in residential zones to support assumptions in the sites inventory . In addition, the element must clarify whether it is assumed that projects will have to utilize the PD process and therefore have additional discretionary requirements .	Expanded discussion of why capacity can be achieved under the R-3 or R-4 zoning and how the PD zoning provides additional flexibility.
D-6 – D-7	D-6 -- D-7	Sites Inventory		In addition, the average density of projects listed in Table 2 is above the allowed density for the R-4 zone, the element should clarify whether this includes density bonus units .	Appendix D, Expanded discussion of densities allowed in mixed use zones vs R-4 and the use of density bonus solely for parking ratios.
D-29 – D-34	D-38 -- D-44	Sites Inventory		In addition, Table 11 (page D-32) and Table 12 (page D-33) list the capacity of sites as lower-income, however Table 13 on page D-34 has a different breakdown of affordability for these sites. The unit count and affordability level should be adjusted to clarify the discrepancy .	Appendix D - Discussed affordability assumptions. Clarified that Eaves ADUs are discussed separately from potential Eaves redevelopment.

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D-10 – D-11	D-6 -- D-45	Sites Inventory		Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites, including the extent existing uses impede additional development such as market demand for the existing use and existing leases, contracts or other conditions that would perpetuate the existing use or prevent additional residential development.	In general and in the discussion of each site, explained why non-vacant status is not an impediment.
D-10 – D-11	D-49 -- D-51	Sites Inventory		While the element generally discusses the interest of several property owners to be included in the sites inventory, it should also discuss the potential for additional development in the planning period. The discussion should address any barriers to development in the planning period and any expressed interest in residential development in the planning period. In addition, some of the sites do not have expressed interest in residential development (e.g., Franciscan, Lagoons, Eaves) and generally states recent trends support the assumption of their potential for additional development in the planning period. However, the	Appendix D- Added section on “Additional Housing Potential” that describes sites that were considered but not included in the Sites Inventory, including interest by property owners. The discussion of the individual sites (pages D-17 – D-41) D-was expanded to include comments regarding owner interest and to address why each can support additional development.

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				element should discuss the characteristics and circumstances of recent development and similarities to identified sites. For example, the analysis could address the redevelopment of carport areas by relating these plans to other projects developing in a similar manner.	
D-10 – D-11	D-14 -- D-17 D-18 -- D-44	Sites Inventory		In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.	Discussion was included in general and for each site regarding why non-vacant status is not an impediment.

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D-9- D-10	D-16 -- D-41	Sites Inventory		Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated that sites of equivalent size and affordability have been developed or other evidence is provided to demonstrate how the sites facilitate the development of housing for lower-income households. The element contains several sites larger than ten acres and as a result, the element should either demonstrate their suitability to facilitate development affordable to lower-income households or remove the sites. For example, the element could discuss the application of the City's inclusionary requirements or other incentives to promote the assumed affordability and number of units.	Explained in general and for each site why large size is not an impediment for redevelopment of apartment sites; discussed the City's inclusionary requirements. Added a summary of the City's inclusionary requirements in Appendix D with a reference to Appendix C for more detail.
C-8, D-8	C-9 -- C-12 D-9 -- D-13	Sites Inventory		Availability of Infrastructure: The element describes infrastructure constraints in the City (p. C-8). However, it must also demonstrate sufficient total water capacity (existing and planned) to accommodate the RHNA. In addition, the element must analyze availability and constraints of dry utilities to	A summary of the recent Water Supply Capacity study is included. Policy H-A-4 was modified to work with the Estero Municipal Improvement district to ensure there is adequate water supply and sewer capacity to

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				<p>accommodate the regional housing need, including potential impacts on identified sites, and add programs to address constraints, if needed. Lastly, while the element states that there are some utility constraints, the element must describe whether they affect any identified sites and add programs as appropriate.</p>	<p>support the RHNA. Programs were added and amended:</p> <p>H-A-4-a: Adequate Water Supply</p> <p>H-A-4-b: Housing Element Transmittal to EMID</p> <p>H-A-4-c: Update Urban Water Management Plan</p> <p>H-A-4-d: Water Conservation</p>
D-8 - D-10	D-12 – D-13	Sites Inventory		<p>Environmental Constraints: The element should include an analysis of the effectiveness of mitigation measures to address potential environmental constraints (e.g., seismic activity, high water tables). The element must describe how environmental conditions relate to identified sites including any other known conditions within the City that could impact housing development in the planning period.</p>	<p>Added section on Environmental Constraints to Appendix D to discuss effectiveness of mitigation measures to address potential environmental constraints.</p>

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C-20 – C-21	C-27 – C-29	Zoning for a Variety of Housing Types		<i>Emergency Shelters:</i> The element must demonstrate the PF, C-1, and C-2 zones still has sufficient capacity to accommodate the identified housing need for emergency shelters. (Gov. Code, § 65583, subd. (a)(4).) For example, identifying the number of parcels, typical parcels sizes, whether the sites are nonvacant, the potential capacity for adaptive reuse, and analyze their access to opportunities and services. In addition, the element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In particular, the element describes a maximum of ten beds, a maximum stay of 60 days, and parking requirements that do not appear to comply with statutory requirements pursuant to Government Code section 65583, subdivision (a)(4)(A).	Included additional analysis of capacity, parcels, parcel sizes, and proximity to services. Excluded schools and parks. Amended Program H-F-2-d to amend code to comply with state law.

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C-19 – C-20	C-27	Zoning for a Variety of Housing Types		<i>Transitional and Supportive Housing:</i> Transitional and supportive housing must be allowed in zones that allow for residential uses (e.g., downtown commercial, community commercial, etc.,). The element should reconcile this information and specifically clarify whether the City permits these types of housing as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone pursuant to Government Code section 65583 (a)(5).	Explained that code amendments were adopted in January 2023 to meet State requirements. See Exhibit F (Definitions) of Ordinance 657 and other exhibits to allow as a permitted use in R-1, R-2, R-3, R-3, C-2, and R-T.
C-19 – C-20	C-27	Zoning for a Variety of Housing Types		<i>By-right Permanent Supportive Housing:</i> Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with these requirements and include programs as appropriate.	Explained that code amendments were adopted in January 2023 to meet State requirements. See Exhibit F (Definitions) of Ordinance 657 and other exhibits to allow as a permitted use in R-1, R-2, R-3, R-3, C-2, and R-T.
C-19 – C-20	C-27	Zoning for a Variety of Housing Types		<i>Single Room Occupancy (SRO):</i> The element must describe where SROs are allowed or add a program as appropriate.	Added a section describing SROs and included new Program H-E-9-b to amend code to allow SROs.

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C-17 – C-18	C-24 -- C-25	Zoning for a Variety of Housing Types		<i>Accessory Dwelling Units (ADUs):</i> The element indicates the City modifies its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the City's ordinance, HCD discovered several areas which are not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.	Explained code amendments adopted in January 2023 and Program H-D-4-a to keep ADU regulations up to date. See Exhibit P of Ordinance 657 . We have not yet received HCD's analysis of ADU non-compliance issues.
C-4 – C-5	C-3 -- C-5	Constraints	65583, subd. (a)(5)	Land Use Controls: While the element lists various development standards (p. C-4), it should also evaluate those standards for impacts on housing costs, feasibility, and ability to achieve maximum densities. This analysis should specifically address minimum lot and unit sizes and open space requirements, particularly in multifamily zones.	Updated per recent zoning amendments, including rescinding of Chapter 17.56 Floor Area. Amended H-D-6-e to examine R-3 and R-4 regulations as part of multi-family objective design standards. Cited recent developments as evidence of feasibility.

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C-9 – C-14	C-13 -- C-19	Constraints		Fees and Exaction: The element provides a cumulative analysis of fees on various housing types but, to better evaluate the impacts on housing development costs, it should also list the various impact fees (e.g., transportation fees, library fees, park fees, affordable housing fees, capital improvement fees, utility). The element should also separately list and evaluate planning fees (e.g., variance, conditional use permits (CUPs), planned developments, site plans, specific plans, subdivisions, and environmental fees).	Updated with recent impact fees adopted and analysis provided for the impact fees and inclusionary housing, including comparison to other cities; separately listed planning fees.
C-14	C-18 – C-19	Constraints		Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all fees, zoning, and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1).	City created compliant web page that is referenced in Tables 10 and 11: https://www.fostercity.org/commdev/page/residential-development-standards-and-fees
C-14 – C-16	C-19 -- C-23	Constraints		Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development . The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The	Described the procedures for a typical single family and multifamily development; included findings; discussed timing and approval certainty.

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				analysis should address impacts on housing cost, supply, timing, and approval certainty. The element should describe the findings and procedures for CUPs in the City, as well as the site review process and explain whether they follow the same processes and timelines for single family and multifamily developments.	
C-14 – C-16	C-19 -- C-23	Constraints		In addition, the element should clearly describe whether the Planned Development process, including subsequent use permit, is required or optional to applicants. If required, the element should include specific analysis of the impacts of absence of fixed development standards on housing supply (number of units), cost, timing, feasibility and approval certainty.	Described PD process. Discussed objective design standards that will provide additional predictability to the City's requirements.
C-14 – C-16	C-19 -- C-23	Constraints		Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost	Described design review process; Discussed objective design standards that will provide additional predictability to the City's requirements per H-B-4-a (Single-Family), H-D-6-e (Multi-family), H-d-6-f (SB 9).

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				impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.	
C-6 – C-7	C-7 -- C-8	Constraints		Inclusionary Requirements: While the element describes mandated affordability levels, it should also analyze the inclusionary requirements for impacts on housing costs. The analysis should address any discretionary processes, interaction with State Density Bonus Law and alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. The City could engage the development community to facilitate this analysis.	Referenced economic analysis prepared with development community input for inclusionary housing amendments.
C-7	C-8 -- C-9	Constraints		State Density Bonus Law: The City's current density bonus ordinance should be reviewed for compliance with current state density bonus law and programs should be added as necessary.	Added comment regarding 2022 changes to State Law and amended H-E-3-a to update City regulations as necessary.
C-9	C-12 -- C-13	Constraints		On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze	Added list of required improvements and discussion of street widths.

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				their impact as potential constraints on housing supply and affordability.	
C-7 – C-8	C-9	Constraints		Codes and Enforcement: The element must describe which building code (e.g., 2019) is enforced, any local amendments to the code, the City’s building and zoning code enforcement processes and procedures, and analyze their impact as potential constraints on housing supply and affordability	Expanded building code discussion.
C-18 – C-19	C-25 -- C-26	Constraints		Constraints on Housing for Persons with Disabilities: The element excludes group homes for seven or more persons from some residential zones and subjects the use to a CUP, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.	Discussed reasonable accommodation and community care facility requirements. Expanded Program H-F-1-I to amend the City’s regulations as necessary for conformance with State law, including but not limited to spacing requirements.
C-18	C-25 -- C-26	Constraints		Lastly, the element must describe the process and decision-making criteria such as approval findings for the City’s reasonable accommodation procedure and analyze any potential constraints on housing for persons with disabilities.	Expanded discussion of Reasonable Accommodation to include application process, approval findings. Noted that it’s not easy to find information on the City’s website.

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					Amended Program H-F-1-d to make information on the website more accessible.
A-51 – A-55	A-60- -- A-66	Special Needs		Persons with Disabilities: While the element provides the percent of persons with disabilities within the City and their type of disability, the element must include an analysis of the special housing needs for this population . The analysis should discuss challenges faced by persons with disabilities, the existing strategies, and resources to meet those needs, an assessment of any gaps in resources and magnitude of needs, and proposed policies, programs, and funding to help address those needs.	<p>Appendix A, Section 6: Expanded discussion of special housing needs for disabled, existing strategies and resources; assessment of gaps, proposed responses</p> <p>Strengthened programs:</p> <p>H-F-1-a: Facilities and Services for Special Needs</p> <p>H-F-1-d: Reasonable Accommodation</p> <p>H-F-1-f: Support Services for Special Needs Population</p> <p>H-F-1-h: Age Friendly Initiative</p> <p>H-F-1-i: Community Care Facilities</p> <p>H-F-1-j: Public Investment in Accessibility (new)</p>

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A-66 – A-68	A-76 -- A-80	At Risk Units		While HCD data shows the Metro Center Senior Homes affordability as expiring in 2026, the element lists these units as expiring in 2050. The element should clarify how affordability was determined, what it is based on and if necessary, revise the analysis of units at-risk of conversion to market rate uses.	Appendix A, Section 8 - Explained that deed restrictions with Foster City (vs tax credits or bonds) are often not reflected in other databases; explained that affordable housing agreements specify sections of Health & Safety Code used to determine maximum rents and incomes.
		Examples of programs to be revised		To have a beneficial impact and achieve the goals and objectives of the housing element, program must have specific commitment and discrete timing (e.g., at least annually, by a specific date). Examples of programs that should be revised include:	Added metrics and timing where feasible throughout (annually or more frequent)
HE-60	H-74	Programs		<i>Program H-B-1-a (Continue Code Enforcement)</i> : The program could clarify whether this program is linked to Program H-B-2-a and whether there are specific programs or outreach for rehabilitation assistance. The program should also include a metric or targeted numerical outcome.	Added language to H-B-1-a to provide referrals to assistance programs in cases where owner might be eligible; Added metrics and timing
HE-60	HE-74	Programs		<i>Programs H-B-2 (Encourage Rehabilitation)</i> : The programs should	Added outreach, metrics, and timing

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				include proactive outreach and discrete timing (e.g., at least annually).	
HE-64	HE-80	Programs		<i>Program H-C-3-b (Anti-Displacement Strategy)</i> : The program should include discrete timing upon establishing the strategy.	Added timing
HE-65	HE-81	Programs		<i>Programs H-C-4-a (Rental Housing Assistance Information), H-E-3-c (Cooperative Ventures)</i> : The programs should be revised to include proactive outreach, discrete timing and a metric.	Added outreach, metrics and timing
HE-67	HE-83	Programs		<i>Program H-D-2-a (Potential Re-Use of Commercial Sites)</i> : While the program provides meaningful criteria for evaluating future sites, it could also commit to amending zoning with a discrete timeline.	Added timing: Incorporate into mid-cycle evaluation of RHNA progress
HE-69	HE-86	Programs		<i>Programs H-D-5-a (School Sites) and H-D-5-b (Religious and Nonprofit-Owned Sites)</i> : The program should consider actions beyond meeting to have a beneficial impact in the planning period, including establishing appropriate zoning, anticipated outcomes, and discrete timelines.	Added wording on amending zoning regulations; Added metrics and timing.

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HE-60	HE-86	Programs		<i>Program H-D-6-a (Minimize Governmental Constraints):</i> The program should consider actions beyond reporting recommendations and more frequent review of potential governmental constraints.	Added metrics and timing specific to additional outcomes Minimum floor areas were rescinded by Ordinance 660 in January 2023.
HE-70	HE-88	Programs		<i>Program H-D-6-g (Farmworker Housing and Employee Housing Act):</i> The program should specifically commit to amend zoning consistent with the Employee Housing Action (i.e., Health and Safety Code sections 17021.5, 17021.6 and 17021.8).	Amended language to clarify that amendments were adopted in January 2023. See Exhibit F of Ordinance 657 .
HE-71 – HE-72	HE-90	Programs		<i>Program H-E-3-a (Density Bonuses for Affordable Housing Projects):</i> Based upon a complete analysis, the program should commit to amend the ordinance by a specified date.	Added metrics and timing
HE-72	HE-91	Programs		<i>Program H-E-5-a (New Agreements for Affordability of Existing Rental Units):</i> The program should specify how often the City will pursue funding and include a metric.	Added metrics and timing

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HE-73	HE-92 -- HE-93	Programs		<i>Program H-F-1-a (Facilities and Services for Special Needs):</i> The program must include proactive outreach, discrete timing, and actions for persons with developmental disabilities.	Added wording, outreach and timing
HE-74	HE-94	Programs		<i>Program H-F-1-f (Support Services for Special Needs Population):</i> The program should include commitment to implement following the roundtable, as well as how often meetings and implementation will occur.	Added metrics (outcome from meeting) and timing (annual roundtable)
HE-75	HE-94	Programs		<i>Program H-F-1-h (Age Friendly Initiative):</i> The program should include commitment to implement the plan.	Added metrics and timing; included commitment to implement plan
HE-75	HE-96	Programs		<i>Program H-F-2-d (Emergency Shelter Zoning):</i> Based on a complete analysis, the program must include specific commitment to address parking and other identified constraints by a specified date.	Amended H-F-2-d to amend Chapter 17.82 as necessary to comply with State law by 2024.
HE-76	HE-96	Programs		<i>Program H-F-3-a (Transitional and Supportive Housing Zoning):</i> Based on a complete analysis of requirements, the program should include commitment to address identified constraints by a specified date.	Amended Municipal Code in January 2023 – referenced in H-F-3-a. See Exhibit F (Definitions) of Ordinance 657 and other

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					exhibits to allow as a permitted use in R-1, R-2, R-3, R-3, C-2, and R-T.
HE-76	HE-97	Programs		<i>Program H-G-2-a (Anti-Discrimination Regulations):</i> The program must include commitment to how often the City will conduct outreach after 2023.	Added metrics and timing
		Actions to make sites available	65583, subd. (c)(1)	The element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:	
HE-66	HE-82 -- HE-83	Actions to make sites available		<i>Program H-D-1-b (General Plan and Zoning Amendments):</i> The program commits to amend the general plan and zoning to accommodate the RHNA upon adoption of the housing element. Please be aware, if rezoning, specifically for the lower-income RHNA, is not completed by January 31, 2023, the element must include a program(s) to rezone sites with appropriate zoning and development	Noted which actions were adopted in January 2023; remaining will be adopted concurrent with the adoption of the Housing Element. See Exhibit A (R-3), Exhibit B (R-4), Exhibit C (C-2), Exhibit D (PD), Exhibit E (By Right Housing) of Ordinance 657 for zoning text amendments.

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				standards pursuant to Government Code sections 65583, subdivision (c)(1), and 65583.2, subdivisions (h) and (i).	See Ordinance 658 for Zoning Map Amendments.
HE-68	HE-85 -- HE-86	Actions to make sites available		<i>Program H-D-4-h (ADU Monitoring):</i> The program should monitor production in addition to affordability, including for ADUs anticipated in multifamily development. Further, monitoring affordability should be consistent with assumptions in the inventory (58 percent) and alternative actions should be taken more than once in the planning period and should specifically commit to rezoning if necessary.	Amended H-D-4-h to monitor ADU production, including in multi-family; included metric of percentage meeting lower-income need; added timing.
	C-1 -- C-34	Remove governmental constraints	65583, <i>subd. (c)(3)</i>	The element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:	Completed more thorough constraint analysis; Added/modified programs if indicated by analysis H-A-4: Adequate Water Supply and Sewer (and related programs) H-D-6-a: Minimize Governmental Constraints H-D-6-b: Minimize Zoning Constraints

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					H-D-6-c: Amend Parking Requirements H-D-6-e: Multi-Family Objective Design Standards
HE-69	HE-87	Remove governmental constraints		<i>Parking:</i> While the element includes Program H-D-6-c (Parking Requirements), the program should include a specific commitment to revise parking standards to mitigate constraints on housing development.	Amended H-D-6-c to amend parking requirements for multi-family housing as necessary to allow General Plan densities, to reduce housing costs, and to provide appropriate parking requirements for elderly, developmentally disabled, or other special needs populations by December 2024.
HE-69	HE-86 -- HE-87	Remove governmental constraints		<i>Program H-D-6-b (Minimize Zoning Constraints):</i> The program must include specific commitment to amend all listed and necessary zoning amendments and should manufactured homes are allowed as a single-family use in all zones allowing single family uses.	Included in zoning amendments approved in January 2023 – See Exhibit F (Definitions) of Ordinance 657 and other exhibits to allow as a permitted use in R-1 and R-2.
HE-74	HE-93	Remove governmental constraints		<i>Program H-F-1-d (Reasonable Accommodation):</i> Based on a complete analysis of constraints in reasonable accommodations, the program must include a commitment to mitigate constraints and revise timing if needed.	Amended H-F-1-d to: Review Chapter 17.84 for conformance with State Law and amend if necessary by December 2023. Update the City's website to make information on how to submit a request more accessible.

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HE-75	HE-95	Remove governmental constraints		<i>Program H-F-1-i (Community Care Facilities)</i> : Based on the outcomes of a complete analysis, the program should commit to allow community care facilities in all residential zones and revise procedures with an objective process and facilitate approval certainty.	Expanded H-F-1-i to: Amend the City's zoning regulations to expand the zoning districts that allow community care facilities and any other amendments necessary for conformance with State law, including but not limited to spacing requirements.
	Appendix B	AFFH	65583, subd. (c)(5)	As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis.	<p>Included milestones, metrics, etc.</p> <p>Added policies/programs based on revised analysis:</p> <p>H-E-9: Variety of Housing Types</p> <p>H-E-9-a: Family Friendly Housing</p> <p>H-E-9-b: Small Housing Units</p> <p>H-F-1-j: Public Investment in Accessibility</p>

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					H-G-1: Reducing Commuting Burden H-G-3-a: Commuter Shuttles H-G-3-b: Expand Bus Service
HE-64	HE-79	Preservation	65583, <i>subd. (c)(6).</i>	While the element includes Program H-C-2-b (Continue to Monitor Expiration of Affordability Covenants), it should incorporate proactive outreach to owners and State Preservation Notice Law requirements (Government Code Sections 65863.10, 65863.11, and 65863.13).	Added proactive outreach to owners within five years of expiration of covenants to H-C-2-b.
HE-78	HE-99 -- HE-101	Quantified objectives	65583, <i>subd. (b)(1 & 2)</i>	The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives, it should specifically list objectives for extremely low-income households and conservation objectives should not be limited to at-risk preservation.	Added quantified objectives summary table and by program.
App. F; HE-58	F-2 -- F-3	Public Participation	65583, <i>subd.(c)(9)</i>	While the element includes a general summary of the public participation process, it should also include a	Added summary of how public comments were considered and incorporated in Appendix F and Chapter 7; described translation

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Foster City Draft Housing Element 2023-2031– Summary of HCD 10/3/22 Comments and City Responses

Summary of HCHE Page IN 7/22 DRAFT	HE Page IN 2/16/23 REDLINE	Topic	Govt. Code Ref.	HCD Comment	Response
	HE-66 -- HE-67			summary of how public comments were considered and incorporated into the element. Further, the element should describe additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. The element must describe whether translation services were available for various outreach methods.	services; expanded H-A-2-a(3) with methods and timeframes for outreach to lower-income and special needs Housing Element Update https://engagefostercity.org/housing-element website has “Select Language” option, as does City’s fostercity.org website.
HE-58	HE-70	Consistency with GP	65583, <i>subd. (c)(7)</i>	While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.	Added program to H-A-1-d to evaluate consistency with the Housing Element when any other GP element is amended.