

**STUDY SESSION OF THE FOSTER CITY PLANNING COMMISSION**

Council Chambers – 620 Foster City Boulevard -- Foster City

**MINUTES**

**MARCH 6, 2014**

1. CALL TO ORDER

**At 7:21 p.m. by Chairman Dyckman**

2. ROLL CALL

**Present: Commissioners Avram, Pattum, Werden, Williams and Chairman Dyckman**

**Staff Present: Curtis Banks, Community Development Director; Leslie Carmichael, Consulting Planner**

3. ITEMS FOR DISCUSSION

1. TO REVIEW DRAFT MODIFICATIONS TO GOALS, POLICIES AND PROGRAMS FOR THE UPDATE OF THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE 2015-2023 PLANNING PERIOD

- Commissioner Werden asked about advertisements he had seen for Marlin Cove below market rate units (BMRs).
- CP Carmichael explained that all of the developments with BMR units have a harder time filling the moderate-income units. The waiting lists for very low-income and low-income are much longer.
- Commissioner Dyckman asked about the note on the table of “new construction” about units not counted unless they have kitchens.
- CDD Banks explained that the memory care units in the Foster Square project will not have kitchens or kitchenettes, so they do not meet the state’s definition of a unit. The rest of the units will have some type of cooking facility and will be “counted” as unit.
- Commissioner Avram commented that it was the intent in the previous Housing Element to have units be able to support a household with cooking facilities to be “counted” as a unit, and not be something like renting just a room.
- Commissioner Dyckman asked why the current number of 430 is lower than the previous 486.
- CP Carmichael responded that there were a lot of factors that went into the Regional Housing Need Allocations (RHNAs), including the new Plan Bay Area that emphasizes development in Priority Development Areas (PDAs). The PDAs are along the major transit corridors. Foster City does not have a PDA, which is one of the reasons that RHNA numbers are higher in other locations.

- Commissioner Avram noted that there are several places that state “if a source of funding can be found.” Without RDA, this is an “if” – we don’t know what the sources could be. Has the City identified a potential source?
- CP Carmichael responds that the City Council authorized our participation in a “nexus study” that will provide the foundation to consider housing impact fees. With the loss of the redevelopment agency, there aren’t a lot of other options and this appears to be one of the better options. Most of the cities in the county are participating in this study. The study will take the rest of 2014. The City would be able to consider adopting fees in 2015.
- Commissioner Dyckman asked about proposed program H-C-1-b – why not require 20% of apartments converted to condos to be affordable instead of the proposed increase from 10% to 15%?
- CP Carmichael replied that there are other provisions in the conversion regulations adopted in 1981, such as providing the tenants right of first refusal and other tenant protection provisions. The program can be modified to consider an increase up to 20% and then the whole package can be studied at that time.
- The consensus was to reword the program to consider up to 20% and study whether to change this requirement.
- Commissioner Avram – the element mentions ongoing review of existing affordable units. How do we monitor the existing units?
- CP Carmichael – for the first time homebuyer loans and owner-occupied units, we send them a questionnaire and ask them to provide utility bills or other proof of occupancy. We also look to see that they have claimed a homeowner exemption. For the rental units in other developments, we work with the property managers, review their reports and answer questions to ensure they are complying with their restrictions.
- Commissioner Avram – it mentions responding to complaints – what are the complaints.
- CP Carmichael responded that the complaints are about use of the waiting lists, or where the tenant thinks the landlord is not treating them fairly.
- CP Carmichael discussed the programs proposed to address displacement of tenants when the restrictions expire. Fosters Landing restrictions will expire beginning in 2020.
- Discussion followed regarding the pros and cons of a one-year notification period to notify tenants that the deed restrictions will expire. If there’s a long waiting list for other BMR units, one year may not be long enough.
- CP Carmichael explained that an additional program proposed for consideration is to re-evaluate the priorities to give displaced tenants a priority over others on the waiting list.
- CDD Banks explained that this is just proposed for further consideration at this time.
- Commissioner Dyckman – is there a way for tenants to find out now when their restrictions will expire?
- Commissioner Pattum – will the tenants be able to stay after the restrictions expire?
- CP Carmichael responded that staff would work with the landlord on these issues. We assume the tenants would be able to remain and convert to market rents, but in reality they probably won’t be able to afford market rents.
- Commissioner Dyckman – the program to consider amending the preferences is repeated H-E-8-b and H-E-5-e.
- CP Carmichael responded that we can look at cross referencing the program without repeating it.

- Commissioner Avram – asked for an explanation of why universally accessible units are recommended instead of adaptable units.
- CP Carmichael replied that the universally accessible units do not require modifications.
- Commissioner Avram commented that if it's the owner who bears the cost of adapting, then it should be up to them to decide whether to do it initially or later.
- Commissioner Dyckman – H-F-3-b regarding emergency shelters should have “to the extent funds are available” added to it.
- CP Carmichael – reviewed the comments received from the Bay Area Business Coalition, Golden Gate Regional Center, HIP Housing and a coalition of Housing Leadership Council/SF Organizing Project/PIA/Greenbelt Alliance.
- Commissioner Avram asked for an explanation of “boomerang” funds.’
- CDD Banks explained that the redevelopment agency housing funds were swept away by the State and reallocated to the taxing agencies. The portion of the CDA’s \$12 million that was reallocated to the City/EMID was about \$3 million. This was allocated for use in the Foster Square affordable units.
- Nevada Merriman, Mid-Peninsula Housing – stated that they provide 100% adaptable units in the Mid-Pen projects. It’s extremely difficult to figure out what would be universally accessible. It’s better to just make changes for specific needs. Universal design can result in uncomfortable design for some people.
- Don Cornejo, Golden Gate Regional Center – suggested that the policies and programs should specifically include “developmentally disabled” in addition to “disabled.” He inquired about what monies has the City worked to obtain and what has been successful. It would be helpful to show this progress.
- Commissioner Avram – Program A-F-2-g includes developmentally disabled. She stated that she agreed with Ms. Merriman that adaptable units are preferred because there’s no “one size fits all.” She concurred with adding the language regarding funding. We need to strive to secure a source of funding.
- Commissioner Williams – stated he is looking forward to reviewing the proposed housing sites.
- Commissioner Dyckman – trusts that staff will consider the Olmstead decision to address Mr. Cornejo’s comments.
- Commissioner Dyckman asked about next steps.
- CP Carmichael replied that staff will return with information about potential sites and later with revisions to the remainder of the Element.

#### 4. STATEMENTS AND REQUESTS FROM THE COMMISSIONERS

Commissioners Williams and Avram had comments

#### 5. ADJOURNMENT

Adjourned at 8:25 p.m. to a Regular Meeting, March 20, 2014, Council Chambers, 620 Foster City Boulevard, Foster City, California.

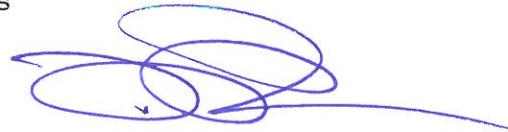
PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on March 20, 2014 by the following vote:

AYES, COMMISSIONERS: Pattum, Werden and Chair Dyckman

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS: Avram, Williams



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DAN DYCKMAN, CHAIRMAN

ATTEST:



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CURTIS BANKS, SECRETARY