
SPECIAL
STUDY SESSION
STAFF REPORT

DATE: NOVEMBER 18, 2004 AGENDA ITEM NO. 3.A.

TO: FOSTER CITY PLANNING COMMISSION

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CASE NO.: GP-01-001

APPLICANT: CITY OF FOSTER CITY

REQUESTED ACTION/PURPOSE

To review and comment on the first draft of the revised Land Use and Circulation Element of the Foster City General Plan.

KEY PLANNING OR DESIGN ISSUES

- Alternatives for study in the Environmental Impact Report
- 15-acre site in Civic Center Master Plan
- Affordable housing sites and housing overlay designation
- Housing density and density bonuses
- Research/Office Park and industrial areas
- Child care regulations
- Circulation issues

BACKGROUND

The City of Foster City began the process of updating the General Plan in 2001 and then had to put the project on hold due to other work priorities and staffing reductions. Staff is now re-starting the General Plan Update. The updated General Plan will guide the development of the City over the next fifteen years. A new General Plan is required to address the changing needs of the City and its residents. The update of the existing Foster City General Plan (adopted in 1993) is necessary because many of the objectives stated in the existing General Plan have been met (for example: The Marlin Cove and Port O' Call redevelopment projects are completed). The updated General Plan is intended to be a map for the future that will guide the development and growth of the City while maintaining and enhancing the quality of life.

The City Council adopted a revised Housing Element in December 2001 that identifies several potential housing sites. Changes are necessary to some of the other elements, such as the Land Use and Circulation Element, to ensure that there is consistency between the various General Plan elements, as required by state law.

Fact Sheets

The following fact sheets were prepared in 2001 and made available at the Neighborhood Workshops, Housing Element Workshop and General Plan Update Meetings. The Fact Sheets are attached in a "General Plan Update" binder for each Planning Commissioner (copies are also available on-line at www.fostercity.org and at City Hall):

[General Plan Overview](#)-Summarizing what a General Plan is, what it does for a City, how it's organized (the elements of the General Plan), and how it is implemented (goals, policies, and programs).

[General Plan Issues](#)-Quick summary of the City's anticipated issues.

[Community Involvement](#)-Discussion of how City residents, businesses, and property owners can be involved in the General Plan update process, when workshops are going to be held, and why local input is important.

[Meeting List](#)-A list of all the Meetings associated with the General Plan Update. The meeting list also contains links to agendas, when available, for each meeting.

[Neighborhood Map](#)- A graphic that illustrates and identifies the City's various neighborhoods.

[Foster City Demographics](#)-Comparison of 1990 and 2000 census data.

[Residential Densities](#)-Defines "density" and discusses density for residential land use classifications in Foster City, how density relates to affordable housing, and examples of recent multi-family housing projects in Foster City including their densities.

[Workforce Affordable Housing](#)-Discussion of current rental housing prices and issues associated with high prices and moderate workforce incomes; how affordability is determined; examples of job classifications within the very low, low, and moderate income brackets; and existing affordable housing areas in Foster City.

[Workforce Affordable Housing and Property Values](#)-Discusses various studies conducted showing that affordable housing does not have a negative impact to surrounding property values.

[General Plan Survey](#)-This is an opportunity for the public to tell us their opinions.

Workshops and Meetings

A number of workshops and meetings were held as follows:

- Commercial Real Estate Market – April 19, 2001
- Developing Property – May 17, 2001
- Neighborhood Workshop #1 – June 5, 2001
- Foster City's Infrastructure – June 7, 2001
- Housing Element Workshop – June 12, 2001
- Neighborhood Workshop #2 – June 19, 2001
- Joint Planning Commission/City Council Study Session for the Draft Housing Element – July 16, 2001

- Neighborhood Workshop #3 – July 17, 2001
- Traffic and Traffic Planning in Foster City – July 19, 2001
- City Finances and Land Use Planning – August 2, 2001
- Planning Commission Study Session for the Draft Housing Element – October 16, 2001
- Planning commission Public Hearing for the Housing Element – November 1, 2001
- City Council Public Hearing for the adoption of the Housing Element – December 3, 2001

Summaries or the agenda for each meeting or workshop are included in the General Plan Update binder provided to each Planning Commissioner and available for review at City Hall and on-line at www.fostercity.org.

Process and Schedule

At the present time, staff is working on the Land Use and Circulation Element, the Parks, Open Space and Conservation Element and the Environmental Impact Report. The tentative process and schedule is as follows:

Fall 2004:

- Planning Commission reviews 1st draft of Land Use and Circulation Element
- Parks Committee reviews 1st draft of Parks, Open Space and Conservation Element

Winter 2005:

- Planning Commission reviews 2nd drafts of Land Use and Circulation Element and Parks, Open Space and Conservation Element

Spring 2005:

- Planning Commission reviews draft EIR

Summer 2005:

- Final hearings on EIR, Land Use and Circulation Element and Parks, Open Space and Conservation Element

Format

For the first draft, staff has shown new text in red with underlining and deleted text in red with strike-out. In the second and subsequent drafts, new text will not be identified and deleted text will not be shown. In addition, for the Goals, Policies and Programs, staff has shown them in the first draft in the current order. For the second and subsequent drafts, they will be re-ordered to be consistent with the format used in the Housing Element, where Programs and Policies are listed following the Goal to which they relate.

ANALYSIS

The existing Land Use and Circulation Element was adopted in 1993. A minor revision was approved in 1999 primarily related to housing and amendments related to the Parkside Towers, Marlin Cove and Miramar developments were approved in 1997-1999. While much of the background text and many of the goals, policies and programs are still relevant, some are not. Please see the Fact Sheet, "General Plan Overview" for information on what a General Plan is,

what it does for a City, how it's organized (the elements of the General Plan), and how it is implemented (goals, policies, and programs).

Alternatives for Study in the Environmental Impact Report

Because preliminary indications are that the traffic study will show potential significant environmental impacts related to traffic, an environmental impact report will be prepared (if there was no potential for significant environmental impacts, a negative declaration would be prepared). An environmental impact report is required to evaluate a range of reasonable alternatives. Staff has developed three alternative land use scenarios, as indicated in attached Table, General Plan Alternatives. This includes low, medium, and high-density options on sites available for development or identified as potential housing sites in the Housing Element.

Already approved development will be included in all the Alternatives studied, specifically the remaining buildings at the North Peninsula Jewish Campus and at the Electronics for Imaging Campus.

The number of units projected for the housing sites is taken from the estimates contained on page 4-20 of the Housing Element. The "low density" alternative uses the mid-point of the density range and the "high density" alternative uses the high end of the density range, with the "medium density" midway between the two.

Potential developments that were included in previous traffic analyses that are not included in the General Plan Alternatives are: 1) a hotel development on the Caltrans property between East Third Avenue and Mariner's Point Golf Course and 2) a development on Caltrans' property near Werder Pier. Caltrans is now pursuing plans to use the area along East Third Avenue for wildlife habitat mitigation. The Caltrans property near Werder Pier is either wetlands or used as part of Caltrans' bridge maintenance operation. Staff believes it is unlikely that Caltrans will sell the property near Werder Pier.

Staff is requesting Planning Commission feedback on whether any changes should be made in the alternatives proposed for study.

15-Acre Site in Civic Center Master Plan

When the Bridgeview Academy withdrew their proposal for a private high school on the 15-acre site south of City Hall, the City Council adopted Resolution 2003-76 that affirmed the land use designation for the site as a "high school/secondary education (public or private) with a maximum student enrollment of 600-700 students and supporting faculty and staff (depending on actual site planning and facilities included)." Resolution 2003-76 also states that not later than June 2008 the City should make at least one more serious effort to attract an appropriately sized high school. After that time, the land use designation would be reconsidered.

Staff has included a proposed policy to re-evaluate the Land Use Plan designation on the 15-acre site after June of 2008.

Affordable Housing Sites

In the Housing Element, the City committed to designating additional sites so that they could be developed with housing as stated in Housing Element Program H-D-2-a:

“Housing Sites Study. The City has undertaken a study of sites for the purpose of identifying potential housing sites. The purpose of the study was to evaluate housing potential, including the potential for housing which can meet special needs (consistent with Policies H-D-1 and H-D-2 on Housing Opportunity Areas), on City-owned sites, surplus school sites, potential re-use of commercial or industrial sites and sites appropriate for mixed commercial/residential use. Based on this study, General Plan Amendments, rezonings and other implementing action would occur by December 2002 on one or more sites and by December 2004 on additional sites, if necessary, to achieve the housing needs identified in Housing Goal H-A on one or more of the following sites:

- (1) Beach Park Plaza Shopping Center (total of 63-81 units; 27-35 units/acre)
- (2) Pilgrim/Triton: (total of 394-511 units; 27-35 units/acre)
- (3) 5A Rent-A-Space Site: (total of 138-179 units; 27-35 units/acre)
- (4) Charter Square Shopping Center Site (total of 79-102 units; 27-35 units/acre)
- (5) Franciscan Apartments (122 existing units; potential for 51-102 more; 27-35 units/acre)
- (6) Episcopal High School Site (total of 30-35 units of teacher housing)”

Staff is recommending adding an overlay housing designation that will allow housing on all of these sites as an option but will also retain the existing Land Use Plan designation (except that a housing overlay designation is not necessary on the Franciscan Apartments site). The overlay designation would also allow mixed use development. This gives the property owners the flexibility to retain the existing uses or to consider redeveloping the property with housing. The overlay designation also does not cause problems for the property owners associated with creating a legal non-conforming use that changing the Land Use Plan would create. Such problems can include difficulty in selling or obtaining financing for the property.

Staff has attached a letter from Richard Dewey, owner of a portion of the Pilgrim/Triton housing site, who indicates that he is interested in housing development on the site, but requests that the requirement in the Housing Element to include 20 percent affordable housing be changed to 10 percent.

Staff also received a letter from H. James Knuppe in support of housing use on the AAAAA Rent-a-Space site (attached).

Staff is asking for the Commission’s direction on Policy LUC-5, regarding whether the Land Use Plan designations be changed on all the “housing opportunity sites” identified in the Housing Element to include a housing overlay designation to allow (but not require) the provision of housing in addition to the existing Land Use Plan designation. Staff also recommends there be a minimum density of 15 units per acre to ensure the site is used effectively.

Housing Density and Density Bonuses

Policy LUC-15 and LUC-18 include provisions for how a housing development can achieve the high end of the allowed density range. The policies currently provide that either affordable housing, senior housing or mixed use development in combination with excellence in architecture, recreational facilities, etc. can be used to justify density at the high end of the range. Staff proposes a modification to the portion of LUC-15 regarding affordable housing to state that the policy would apply to rental developments that include very low- or low-income housing and to for-sale developments that include very low-, low- or moderate-income housing. Staff has found that moderate-income rents are essentially the same as market-rate rents and

therefore staff does not believe that moderate-income rentals should be the basis for achieving maximum density.

Staff is also asking for the Commission's direction on whether mixed use and senior housing developments, even at market rates, should continue to be a basis for achieving density at the high end of the range.

State law was recently revised by AB 1818 to change the provisions regarding density bonuses. Cities are required to provide density bonuses over and above the allowed density ranges stated in the General Plan and zoning if developments provide certain amounts of affordable housing or senior housing. The density bonus can range from 5% to 35% depending on how much affordable housing is provided. If applied to the apartment or condominium designations that allow up to 35 units per acre, the allowed density with a density bonus could be extended as high as 47.25 units per acre. Staff has added a reference to the relevant section of state law in Policy LUC-17 regarding density bonuses. The new law is very complicated and will be the subject of further analysis by staff and the City Attorney. The law requires each city to adopt an implementing ordinance.

Research/Office Park and Industrial Areas

The Research/Office Park land use designation is applied to Vintage Park, Lincoln Centre, Bayside Towers, and the area north of East Third Avenue including Mariners Point Golf Course including the vacant Caltrans property between the golf course and East Third Avenue. The Caltrans property was included because it was thought that Caltrans might declare the property surplus. Caltrans has now submitted a proposal to use the land to create additional wetlands as mitigation for wetland impacts from a Caltrans project. Staff recommends that the Caltrans property be designated as Open Space.

The City-owned land occupied by the Mariners Point Golf Course is currently designated Research/Office Park. The golf course use was approved as a "temporary" use with a 10-year renewable lease. It now appears that the golf course use is likely to be continued. Staff recommends that Mariners Point and the adjacent "windsurfer parking lot" to the east be designated Parks and Recreation.

The Chess Drive/Hatch Drive area is designated Light Industrial. This designation, as defined in Policy LUC-24, as well as the zoning regulations in the M-1, Light Industrial, District allow wholesale facilities, manufacturing, processing, repairing and packaging of goods. Over time, uses that have a larger office or sales component have occupied this area. Staff recommends amending Policy LUC-24 to also allow general office and retail goods/services uses. These uses would be allowed only if the City's parking and other requirements are met. Staff recommends that a new zoning district, the General Industrial/Commercial/Office District be created to replace the M-1 District and that this District be applied to the Chess Dr./Hatch Dr. area as well as the Pilgrim Dr./Triton Dr. area.

Staff has also proposed a new policy that calls for preservation of commercial and industrial areas suitable for new "start-up" or existing small businesses, such as the Chess Dr./Hatch Dr. area and the Pilgrim Drive/Triton Drive area.

Child Care Regulations

Land Use Policy LUC-36 currently calls for amending the City's regulations for child care to require Use Permits for family day care operations that serve more than six pre-school children. State law requires cities to allow small-size family day care (up to six children or up to eight under certain circumstances) without any permit. Cities may not prohibit "large family day care homes" on lots zoned for single-family dwellings and shall do one of the following: 1) declare large family day care homes a permitted use; 2) establish standards for a nondiscretionary permit; or 3) establish standards for a conditional use permit.

The City has been allowing both small and large family day care homes as permitted uses with little or no problems. Staff recommends eliminating the language from LUC-36 calling for a change to the current process.

Circulation Issues

The City's Level of Service policy is contained in Policy LUC-50:

"Traffic Level of Service Standards. The City shall seek to achieve a traffic service level of "C" or better on City streets and level of "D" or better during peak traffic hours, although it will be necessary to accept level of service "E" or "F" at the Chess Drive/SR 92 Ramps, the Foster City Blvd./Metro Center Blvd./Triton Drive, and the East Hillsdale Blvd./Edgewater Blvd. intersections, through the following means:

- a. Traffic Systems Management (TSM).
- b. Street maintenance.
- c. Capital Improvement Program and coordination with federal, state, county, and district funding programs for street and other transportation improvements.
- d. Developer payment of pro rata fair share of traffic improvement costs for new developments."

The traffic study that will be prepared as part of the Environmental Impact Report for the General Plan will indicate whether the development included in any of the alternative scenarios will cause the Level of Service thresholds to be exceeded. When that information is available, the Planning Commission will be asked to review LUC-50 to determine if it should remain as worded or if changes should be made. It is possible that the higher density alternatives may impose additional traffic impacts beyond what would be allowed by LUC-50 and the City may have to choose between maintaining traffic levels of service versus economic growth.

Staff has included a reference to "traffic calming" in Policy LUC-57 and also a new program to develop guidelines for the use of traffic calming techniques.

New Policies and Programs

Staff has included a number of new policies and programs (listed at the end of the attached Land Use and Circulation Goals, Policies and Programs) that are intended primarily to reference existing City policies. Other than items that have been previously discussed in this report, they include such items as:

- Economic Development Plan
- Preservation of Views

- Residential Garage Conversions
- Re-roofing Materials and Colors
- Solar Impacts
- Waterfront Setbacks
- Architectural and Solar Guidelines
- Alternative Methods of Transportation
- Replacement of decks
- Replacement of fences
- Public transit information

Staff is requesting Planning Commission feedback on these proposals.

SUMMARY

Staff has prepared the following questions to assist the Planning Commission's discussion:

Environmental Impact Report Questions

Alternatives for Study in the Environmental Impact Report

1. Are the alternatives suggested by staff appropriate for study in the environmental impact report?

Land Use Plan Policy Questions

15-Acre Site

2. Should the direction provided by City Council Resolution 2003-76 to reconsider the land use designation for the 15-acre site after June 2008 be included in a policy?

Affordable Housing Sites

3. In policy LUC-5, should the Land Use Plan designations be changed on all the “housing opportunity sites” identified in the Housing Element to allow (but not require) the provision of housing in addition to the existing Land Use Plan designation? If housing is provided, should there be a minimum density of 15 units per acre to ensure the site is used effectively?

4. Should the zoning to allow housing on the housing opportunity sites be included in a concurrent action at the same time the Land Use and Circulation Element is adopted?

Housing Density and Density Bonuses

5. Should LUC-14, LUC-15 and LUC-17 be amended to state that the inclusion of affordable housing is required in order to achieve the maximum allowed density – or should mixed use or senior housing be another way to achieve maximum density?

6. Should LUC-15.f. be amended to state that If affordable housing is included in a project in order to achieve maximum density, the maximum density can only be provided to rental projects if the affordable housing is for very low or low-income households – and to “for sale” projects if units are provided very low, low or moderate income households? (Because moderate-income rents are so close to market rate rents, the provision of moderate-income rental units is not very significant.)

7. Should LUC-17 include a reference to recent changes in state density bonus law?

Research/Office Park and Industrial Areas

8. Should the Land Use Plan designation be changed on the VB Golf site from Research/Office Park to Parks and Recreation?

9. Should the Caltrans site between VB Golf and E. Third Avenue be changed to open space in light of the fact that Caltrans intends to use it for wetland mitigation?

10. Should a new General Industrial, Commercial and Office (GICO) District be established to replace the M-1 District applied to the Chess Dr./Hatch Dr. area CM/PD applied to the Pilgrim/Triton area?

Child Care Regulations

11. Should the existing policy LUC-69 be amended to delete the reference to changing the City's regulations to require use permits for children's day care for more than 6 children, rather than retain the current regulations that do not require use permits for child day care centers for up to 12 children?

Circulation Policy Questions

Circulation Issues

12. Should the current LOS policy be retained?

13. Should a traffic calming policy and/or guidelines be adopted?

New Policies and Programs

14. Are the proposed new policies and programs appropriate for inclusion in the Land Use and Circulation Element?

NEXT STEPS

Staff will make additional edits in the Land Use and Circulation Element and then bring the revised document back to the Planning Commission for another Study Session. In order to be approved, an Environmental Impact Report must be prepared and circulated, the Commission must hold a Public Hearing and make a recommendation to the City Council for their final action.

INDIVIDUALS, ORGANIZATIONS AND DOCUMENTS CONSULTED

Stan Workman, Assistant Engineer
Ray Towne, City Engineer
John Lisenko, Public Works Director
City Council Resolution 2003-76
Foster City General Plan
Foster City Municipal Code

ATTACHMENTS

Table of General Plan Alternatives
Letter from Richard Dewey dated October 18, 2004
Letter from H. James Knuppe dated November 4, 2004
Draft Land Use and Circulation Element
General Plan Update binder (containing Fact Sheets and Meeting Summaries)*

*Planning Commission members only; available for review at the Community Development Department