

RESOLUTION NO. 2023-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 INCLUDING POLICIES AND PROGRAMS TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND RELATED AMENDMENTS TO THE LAND USE AND CIRCULATION ELEMENT IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW AND FINDING THE AMENDMENTS WITHIN THE SCOPE OF THE EIR PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE – GP2020-0002 AND GP2022-0001

CITY OF FOSTER CITY

WHEREAS, California Government Code Sections 65300, et. seq., require every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 – 65589.11) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Foster City (City) Regional Housing Needs Allocation (RHNA) of 1,896 housing units, comprised of 520 very-low income units, 299 low-income units, 300 moderate-income units, and 777 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Foster City has prepared the Housing Element 2023-2031 (the Housing Element) in compliance with

State Housing Element Law and has identified sites that can accommodate housing units meeting the City's RHNA; and

WHEREAS, as provided in Government Code Sections 65350, et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.4 the City has referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American Tribe has requested consultation; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, in accordance with California Public Utilities Code Section 21676(b), the Draft Housing Element was referred to the San Mateo County Airport Land Use Commission (ALUC) for a determination of consistency with relevant airport / land use compatibility criteria in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (San Carlos ALUCP); and

WHEREAS, the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission adopted Resolution 23-29 on April 13, 2023 finding the Foster City 2023-2013 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Carlos Airport; and

WHEREAS, the City conducted extensive community outreach over more than three years including twenty-nine (29) public meetings or workshops, tabling at events, an interactive webpage with a housing preferences and priorities survey and an interactive map of potential housing sites, social media, e-news, press releases, emails, and notices; and

WHEREAS, in accordance with Government Code Section 65585 (b), on May 4, 2022, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on July 5, 2022, after responding to public comments, the City

submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on October 3, 2022, the City received a letter from HCD providing its comments regarding the draft Housing Element; and

WHEREAS, on February, 6, 2023, the City published a revised draft Housing Element responding to HCD's comments and requested public comment on the draft during a seven (7) day comment period; and

WHEREAS, on February 16, 2023, the City published a second revised draft Housing Element responding to additional public comment on the draft and requested public comment on the draft during a seven (7) day comment period; and

WHEREAS, on February 24, 2023, the City submitted the revised Housing Element to the HCD for its review; and

WHEREAS, on April 24, 2023, the City received a second letter from HCD providing its comments regarding the revised draft Housing Element; and

WHEREAS, on May 1, 2023, the City published a third revised draft Housing Element responding to HCD's letter of April 24, 2023; and

WHEREAS, on May 15, 2023, the City published a fourth revised draft Housing Element responding to additional verbal comments by HCD on May 1, 2023; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Foster City Housing and Safety Elements Update Environmental Impact Report ("EIR") for the Housing and Safety Elements Update; and

WHEREAS, the Planning Commission held a public hearing to consider comments on the adequacy of the EIR on March 16, 2023; and

WHEREAS, on May 4, 2023, the Planning Commission adopted Resolution No. P-03-23 recommending that the City Council certify the Housing Element EIR and that the City Council adopt CEQA findings, a Statement of Overriding Considerations, and a Standard Conditions of Approval Mitigation Monitoring and Reporting Program; and

WHEREAS, recitals and findings from the Planning Commission adopted Resolution No. P-03-23 are incorporated by reference;

WHEREAS, to ensure the internal consistency of the elements of the General Plan, the City wishes to amend the descriptions of several Land Use Map designations contained in the Land Use and Circulation Element and amend Land Use Map designations for Foster's Landing Apartments (094-980-070) from Condominium

Residential to Civic Center Mixed Use and 1601 Beach Park Boulevard from Public/Semi-Public to Two Family Residential; and

WHEREAS, as provided in Government Code Section 65353, the Planning Commission shall hold at least one public hearing before approving a recommendation on the adoption or amendment of a general plan; and

WHEREAS, on April 19, 2023, a public hearing notice was published, posted in three public places, and mailed pursuant to California Government Code Section 65090 for the Planning Commission public hearing on May 4, 2023; and

WHEREAS, on May 4, 2023 the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed Housing Element and related amendments to the Land Use and Circulation Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments, and adopted Resolution No. P-04-23 recommending that the City Council adopt a General Plan Amendment to repeal the 2015-2023 Housing Element and adopt the Housing Element of the General Plan for the period of 2023-2031 including policies and programs to affirmatively further fair housing, and related amendments to the Land Use and Circulation Element in compliance with State Housing Element Law and finding the amendments within the scope of the EIR prepared for the Foster City Housing and Safety Elements Update, including the following revisions:

- a. Sites Inventory – revise the capacity for Franciscan (from 104 to 83) and Lagoons (from 161 to 121);
- b. Affirmatively Furthering Fair Housing – include the key findings from Appendix B into Chapter 3; and
- c. Amend H-D-6-e to include objective approval findings with amendments to include objective design standards; and

WHEREAS, as provided in Government Code Section 65355, the City Council shall hold at least one public hearing before approving an amendment of a general plan; and

WHEREAS, on May 10, 2023, a public hearing notice was published, posted in three public places, and mailed pursuant to California Government Code Section 65090 for the City Council public hearing on May 22, 2023; and

WHEREAS, the City Council has reviewed and considered the proposed project, all written correspondence, verbal testimony, staff reports, and supporting documents and reports prepared, and the information contained in the Final EIR; and

WHEREAS, as required by Water Code Sections 10910 through 10915, on May 15, 2023, the Estero Municipal Improvement District adopted a Resolution Approving the

Water Supply Assessment (WSA) Report for the Final EIR, and the City Council is also required to accept and approve the WSA as part of the Housing and Safety Element Update;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The proposed project conforms to the provisions and standards of the General Plan in that the proposed amendments are internally consistent with all other provisions of the General Plan and do not conflict with any of the previously adopted goals, policies or programs of the General Plan.
3. The proposed amendments are necessary to implement the goals and policies of the General Plan by providing increased housing opportunities for a wider variety of housing options by type and affordability in more neighborhoods throughout the City; maintain land designated for a variety of residential, commercial and other uses which provide a mix of housing types, densities, and tenure (LUC-C); continue to strive to maintain a balance between the number of jobs in the City and the number of housing units available to house workers (LUC-C-2); encourage a range of housing units, including some less conventional choices (LUC-C-3); encourage housing production by allowing mixed residential/commercial projects to be built at an appropriate density to reduce trips to and from and within the City (LUC-C-4); allow for a range of residential densities and housing types (LUC-C-6); promote land use strategies that decrease reliance on automobile use, increase the use of alternative modes of transportation, maximize efficient provision of services, and reduce emissions of GHGs (LUC-H); and encourage the aggregation and redevelopment of under-utilized properties and/or outdated buildings (LUC-K).
4. The proposed General Plan Amendment complies with, and is required by, applicable State law, including that the Housing Element substantially complies with Housing Element Law, as provided in Government Code Sections 65580, et seq., and contains all provisions required by State Housing Element Law, as shown in **Exhibit A** to this resolution, incorporated herein by this reference.
5. As required by Government Code Section 65585(e), the City has considered findings made by the California Department of Housing and Community Development (HCD) included in HCD's letters to the City dated October 3, 2022 and April 24, 2023. Consistent with Government Code Section 65585(f)(1), the City has changed the Housing Element Update in response to the findings of HCD to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD, as described in **Exhibit B and Exhibit C** with the revisions as shown in **Exhibit D** which are incorporated by reference and adopted along with this resolution.

6. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City. The amendments will result in a logical placement of land uses consistent with the overall intent of the General Plan and facilitate housing development opportunities at a range of income levels and household types. The proposed General Plan Amendment will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.
7. Based on substantial evidence in the record, including a strong history of residential development on non-vacant sites in Foster City such as Pilgrim Triton, Marlin Cove, and Miramar as noted on page D-6 through D-8; demonstrating market demand for such development with examples of housing developments constructed on non-vacant land throughout San Mateo and Santa Clara Counties in recent years as noted on pages D-17-D-18; a long history of inclusionary housing requirements to provide affordable housing as noted on pages C-8 through C-11; approvals of housing densities up to 93 units per acre as noted in Table 2 on page D-8; the fact that redevelopment of large existing apartment properties does not require the existing use to be discontinued as noted on pages D-15-D-16; and other incentives for residential development as noted in Table 117 on page C-37; the existing uses on the non-vacant sites identified in the Sites Inventory to accommodate the RHNA do not constitute an impediment to planned residential development on the sites during the planning period.

NOW, THEREFORE BE IT FURTHER RESOLVED that the does hereby amend the General Plan as follows:

- A. Repeal the 2015-2023 Housing Element and adopt the 2023-2031 Housing Element attached hereto as **Exhibit E**, incorporated by this reference (GP2020-0002).
- B. Amend the Land Use Element including the Land Use Plan attached hereto as **Exhibit F**, incorporated by this reference (GP2022-0001).
- C. That the Community Development Director or designee is directed to file all necessary material with HCD for the Department to find that the Housing Element is in conformance with Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.
- D. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Section 65357.
- E. The City Council hereby accepts and approves the WSA as adopted by the Estero Municipal Improvement District on May 15, 2023.

City Resolution No. 2023-49


PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the special meeting held on the 22nd day of May, 2023 by the following vote:

AYES: Councilmembers Hindi, Jimenez, Kiesel, Sullivan and Mayor Froomin

NOES: None

ABSENT: None

ABSTAIN: None

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JON FROOMIN, MAYOR

ATTEST:

DocuSigned by:

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PRISCILLA SCHAUS, CITY CLERK

Exhibit A
Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
Section 65583	
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	<ul style="list-style-type: none"> • Existing and projected housing needs: <i>Chapter 2, Housing Needs Assessment</i> • Goals and policies; scheduled programs; quantified objectives: <i>Chapter 8, Housing Goals, Policies, and Programs</i> • Financial resources: <i>Appendix D, Housing Resources and Sites</i>
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	<i>Chapter 5, Housing Resources and Sites</i>
The element shall contain all of the following:	
65583 (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	<ul style="list-style-type: none"> • Assessment of housing needs: <i>Chapter 2, Housing Needs Assessment</i> • Inventory of Resources: <i>Chapter 5, Housing Resources and Sites</i> • Inventory of Constraints: <i>Chapter 4, Constraints</i>
65583 (a)(1) An analysis of population and employment trends and documentation of projections	<i>Chapter 2, Housing Needs Assessment, Population Characteristics and Trends</i>
65583 (a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income	<i>Chapter 2, Housing Needs Assessment, Regional Housing Needs Allocation (RHNA)</i>

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Government Code Provision	Housing Element Compliance
households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.	
65583 (a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	<i>Chapter 2, Housing Needs Assessment, Housing Costs and Cost Burden</i>
65583 (a)(2) housing characteristics, including overcrowding, and	<ul style="list-style-type: none"> • Housing characteristics: <i>Chapter 2, Housing Needs Assessment, Housing Stock Characteristics and Trends</i> • Overcrowding: <i>Chapter 3, Affirmatively Furthering Fair Housing</i>
65583 (a)(2) Housing stock condition.	<i>Chapter 2, Housing Needs Assessment, Housing Conditions</i>
65583 (a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing. Note: Please see Section 65583.2 regarding the land inventory.	<i>Chapter 5, Housing Resources and Sites</i>
	Pursuant to Government Code Section 65583(e) the modifications to Section (a)(4) made by AB 2339 effective January 1, 2023 are not applicable because the City's draft Housing Element was submitted to HCD on July 5, 2022
65583 (a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	<i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i>
65583 (a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a	<i>Chapter 8, Housing Goals, Policies, and Programs, Program H-F-2-d Emergency Shelter Zoning</i>

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Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
<p>program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.</p>	
<p>65583 (a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.</p>	<p><i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i></p>
<p>65583 (a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p> <ul style="list-style-type: none"> (i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay. (vii) Lighting. (viii) Security during hours that the emergency shelter is in operation. 	<p><i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i></p>
<p>65583 (a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	<p><i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i></p>

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Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
65583 (a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.	<i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i>
65583 (a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.	<i>Appendix C, Constraints, Emergency Shelters and Low Barrier Navigation Centers</i>
65583 (a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and [Note: The types of housing identified in Section 65583(c)(1) include multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.]	<i>Appendix C, Constraints</i>
65583 (a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),	<i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>
65583 (a)(5) including land use controls,	<i>Appendix C, Constraints, Land Use Controls</i>
65583 (a)(5) building codes and their enforcement,	<i>Appendix C, Constraints, Building Controls</i>
65583 (a)(5) site improvements,	<i>Appendix C, Constraints, On- and Off- Site Improvements</i>
65583 (a)(5) fees and other exactions required of developers,	<i>Appendix C, Constraints, Fees</i>
65583 (a)(5) local processing and permit procedures,	<i>Appendix C, Constraints, Local Processing and Permit Procedures</i>
65583 (a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	<i>Appendix C, Constraints, Density Bonus Ordinance</i>
65583 (a)(5) The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from	<i>Appendix C, Constraints, Governmental Constraints</i>

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Government Code Provision	Housing Element Compliance
meeting its share of the regional housing need in accordance with Section 65584	
65583 (a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	<i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>
65583 (a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	<i>Appendix C, Constraints, Availability of Financing</i>
65583 (a)(6) the price of land,	<i>Appendix C, Constraints, Development Costs</i>
65583 (a)(6) the cost of construction,	<i>Appendix C, Constraints, Nongovernmental Constraints</i>
65583 (a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	<i>Appendix C, Constraints, Nongovernmental Constraints</i>
65583 (a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584.	<i>Appendix C, Constraints, Local Processing and Permit Procedures</i>
65583 (a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.	<i>Appendix C, Constraints</i>
65583 (a)(7) An analysis of any special housing needs, such as those of the	
65583 (a)(7) elderly;	<i>Appendix A, Housing Needs Assessment</i>
65583 (a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	<i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>
65583 (a)(7) large families;	<i>Appendix A, Housing Needs Assessment</i>
65583 (a)(7) farmworkers;	<i>Appendix A, Housing Needs Assessment</i>
65583 (a)(7) families with female heads of households;	<i>Appendix A, Housing Needs Assessment</i>
65583 (a)(7) and families and persons in need of emergency shelter.	<i>Appendix A, Housing Needs Assessment</i>
65583 (a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent	<i>Appendix A, Housing Needs Assessment</i>

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Government Code Provision	Housing Element Compliance
homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	
65583 (a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	N/A
65583 (a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	<i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>
65583 (a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	<i>Appendix D, Housing Resources and Sites, Opportunities for Energy Conservation</i>
65583 (a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.	<i>Chapter 2, Housing Needs Assessment, Assisted Rental Housing "At Risk" of Conversion</i>

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Housing Element Compliance with State Housing Element Law

Government Code Provision	Housing Element Compliance
65583 (a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.	<i>Appendix A, Section 8, Assisted Rental Housing "At Risk" of Conversion</i>
65583 (a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.	<i>Appendix A, Section 8, Assisted Rental Housing "At Risk" of Conversion</i>
65583 (a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.	<i>Appendix A, Section 8, Assisted Rental Housing "At Risk" of Conversion</i>
65583 (a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.	<i>Appendix A, Section 8, Assisted Rental Housing "At Risk" of Conversion</i>
65583 (b) (1) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair	<i>Chapter 8, Housing Goals, Policies, and Programs</i>

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Government Code Provision	Housing Element Compliance
housing and to the maintenance, preservation, improvement, and development of housing.	
65583 (b) (2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	<i>Chapter 8, Housing Goals, Policies, and Programs, Foster City Housing Element Quantified Objectives</i>
65583 (c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c) through the administration of land use and development controls,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c) the provision of regulatory concessions and incentives,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c) the utilization of appropriate federal and state financing and subsidy programs when available,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:	
65583 (c)(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to	<i>Chapter 8, Housing Goals, Policies, and Programs</i>

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accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09.	
65583 (c)(1) Sites shall be identified as needed to affirmatively further fair housing	<i>Chapter 5, Housing Resources and Sites</i>
65583 (c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,	<i>Appendix D, Housing Resources and Sites</i>
65583 (c)(1) factory-built housing,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(1) mobilehomes,	N/A – there are no mobile homes or mobile home parks in Foster City
65583 (c)(1) housing for agricultural employees,	<i>Appendix A, Section 6.6 Farmworkers</i>
65583 (c)(1) supportive housing,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(1) single-room occupancy units,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(1) emergency shelters,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(1) and transitional housing.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards,	<i>Chapter 8, Housing Goals, Policies, and Programs</i> , Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory

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shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	
65583 (c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2. Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).	N/A
65583 (c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	<i>Chapter 8, Housing Goals, Policies, and Programs, Program H-F-1-a and H-F-1-g</i>
65583 (c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(3) housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Transitional and Supportive Housing is permitted in all residential zoning designations, see <i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>

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65583 (c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Transitional and Supportive Housing is permitted in all residential zoning designations, see <i>Appendix C, Constraints, Provisions for a Variety of Housing Needs</i>
65583 (c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(6) The program may include strategies that involve local regulation and technical assistance.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.	<i>Chapter 8, Housing Goals, Policies, and Programs, H-D-4 Accessory Dwelling Units.</i>

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65583 (c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583 (c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	<i>Chapter 7, Public Participation</i>
65583 (c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	
65583 (c)(10)(A)(i) A summary of fair housing issues in the jurisdiction and	<i>Chapter 3, Affirmatively Furthering Fair Housing</i>
65583 (c)(10)(A)(i) an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.	<i>Appendix B, Section 2, Fair Housing and Outreach Capacity</i>
65583 (c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	<i>Appendix B, Section 3, Integration and Segregation</i>
65583 (c)(10)(A)(ii) racially or ethnically concentrated areas of poverty and affluence,	<i>Appendix B, Section 3, Integration and Segregation</i>
65583 (c)(10)(A)(ii) disparities in access to opportunity,	<i>Appendix B, Section 4, Access to Opportunity</i>
65583 (c)(10)(A)(ii) and disproportionate housing needs,	<i>Appendix B, Section 5, Disproportionate Housing Needs</i>
65583 (c)(10)(A)(ii) including displacement risk.	<i>Appendix B, Section 5, Disproportionate Housing Needs</i>
65583 (c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction and	<i>Chapter 3, Affirmatively Furthering Fair Housing</i>
65583 (c)(10)(A)(ii) comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.	<i>Chapter 3, Affirmatively Furthering Fair Housing</i>
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins and	<ul style="list-style-type: none"> • Assessment of contributing factors: <i>Chapter 3, Affirmatively Furthering Fair Housing</i>

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	<ul style="list-style-type: none"> • Local and regional historical origins: <i>Appendix B, Section 1, Introduction and Primary Findings</i>
65583 (c)(10)(A)(iii) current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	<i>Appendix B, Section 2, Fair Housing and Outreach Capacity</i>
65583 (c)(10)(A)(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(A)(v) encouraging development of new affordable housing in areas of opportunity, as well as	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(A)(v) place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(A)(v) aprotecting existing residents from displacement.	<i>Chapter 3, Affirmatively Furthering Fair Housing, Table 3-1: Summary Matrix of Fair Housing Issues and Actions</i>
65583 (c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	N/A
65583 (c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	

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<p>65583 (d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.</p>	<p><i>Chapter 8, Housing Goals, Policies, and Programs, H-F-2-c Multi-Jurisdictional Emergency Shelter</i></p>
<p>65583 (d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.</p>	
<p>65583 (d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:</p>	
<p>65583 (d)(3)(A) How the joint facility will meet the jurisdiction's emergency shelter need. 65583 (d)(3)(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility. 65583 (d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.</p>	
<p>65583 (d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.</p>	
<p>65583 (e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following: [Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]</p>	
<p>5583 (e) (1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to</p>	

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the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	
65583 (e) (2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	
(f) – (j): Not applicable	N/A
Section 65583.1.	
65583.1 (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	<i>Chapter 5, Housing Resources and Sites</i>
65583.1 (b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	N/A
Section 65583.2	

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65583.2(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	<i>Appendix D, Housing Resources and Sites</i>
65583.2(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	
65583.2(a)(1) Vacant sites zoned for residential use.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	<i>Appendix D, Housing Resources and Sites</i>
65583.2(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(b) The inventory of land shall include all of the following:	
65583.2(b)(1) A listing of properties by assessor parcel number.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(b)(3) For nonvacant sites, a description of the existing use of each property.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	N/A

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65583.2(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	<i>Appendix D, Housing Resources and Sites, Environmental Constraints</i>
65583.2(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	<i>Appendix D, Housing Resources and Sites, Infrastructure Availability</i>
65583.2(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	<i>Chapter 8, Housing Goals, Policies, and Programs, H-A-4 Adequate Water Supply and Sewer Capacity for New Housing Development</i>
65583.2(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	N/A
65583.2(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.	<i>Chapter 5, Housing Resources and Sites, Figure 5-1: Sites Inventory Map</i>
65583.2(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.	<i>Chapter 5, Housing Resources and Sites, Table 5-3: Sites Inventory</i>

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65583.2(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	<i>Chapter 5, Housing Resources and Sites, Sites from the Previous (5th) Cycle Housing Element</i>
65583.2(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	
65583.2(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	
65583.2(c) factory-built housing, mobilehomes,	N/A – there are no mobile homes or mobile home parks in Foster City
65583.2(c) housing for agricultural employees, supportive housing,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583.2(c) single-room occupancy units,	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583.2(c) emergency shelters, and	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583.2(c) transitional housing and	<i>Chapter 8, Housing Goals, Policies, and Programs</i>
65583.2(c) whether the inventory affirmatively furthers fair housing	<i>Appendix D, Housing Resources and Sites, Affirmatively Furthering Fair Housing</i>

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65583.2(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	
65583.2(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	<i>Chapter 5, Housing Resources and Sites</i>
65583.2(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	<i>Appendix D, Housing Resources and Sites</i>
65583.2(c)(2) the realistic development capacity for the site,	<i>Appendix D, Housing Resources and Sites, Realistic Capacity Analysis</i>
65583.2(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and	<i>Appendix D, Housing Resources and Sites</i>
65583.2(c)(2) on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	<i>Appendix D, Housing Resources and Sites, Infrastructure Availability</i>
65583.2(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.	N/A
65583.2(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the	<i>Appendix D, Housing Resources and Sites</i>

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department that the site can be developed as lower income housing.	
65583.2(c)(2)(B) For purposes of this subparagraph, "site" means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	
65583.2(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	
65583.2(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	
65583.2(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households: (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre. (ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre. (iii) For a suburban jurisdiction: sites allowing at least 20 units per acre. (iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.	<i>Appendix D, Housing Resources and Sites, Default Density</i>
65583.2(c)(4)(A) For a metropolitan jurisdiction:	
65583.2(c)(4)(A)(i) At least 25 percent of the jurisdiction's share of the regional housing need for moderate-income housing shall be	<i>Appendix D, Housing Resources and Sites</i>

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allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.	
65583.2(c)(4)(A)(ii) At least 25 percent of the jurisdiction's share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(c)(4)(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following: (i) Deny a project that does not comply with the allocation. (ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law. (iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.	
65583.2(c)(4)(C) This paragraph does not apply to an unincorporated area.	
65583.2(c)(4)(D) For purposes of this paragraph:	
65583.2(c)(4)(D)(i) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.	
65583.2(c)(4)(D)(ii) "Unit of housing" does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.	
65583.2(c)(4)(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to	

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the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.	
65583.2(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.	
65583.2(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.	
65583.2(e)(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.	
65583.2(e)(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.	

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65583.2(e)(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.		
65583.2(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban.	<i>Appendix D, Housing Resources and Sites</i>	
65583.2(g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>	
65583.2(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>	
65583.2(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>	
65583.2(g)(1) the current market demand for the existing use,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>	
65583.2(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>	

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Government Code Provision	Housing Element Compliance
65583.2(g)(1) development trends,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>
65583.2(g)(1) market conditions,	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>
65583.2(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>
65583.2(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>
65583.2(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.	<i>Appendix D, Housing Resources and Sites, Non-Vacant Residentially Zoned Sites</i>
65583.2(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for	<i>Chapter 8, Housing Goals, Policies, and Programs, Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory</i>

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Government Code Provision	Housing Element Compliance
which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.	
65583.2(h) These sites shall be zoned with minimum density and development standards that permit at least	
65583.2(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),	
65583.2(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)	<i>Chapter 8, Housing Goals, Policies, and Programs, Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory</i>
65583.2(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).	<i>Chapter 8, Housing Goals, Policies, and Programs, Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory</i>
65583.2(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.	<i>Appendix D, Housing Resources and Sites</i>
65583.2(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.	

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65583.2(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.	
65583.2(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.	
65583.2(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.	

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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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				<p>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.</p>	<p>Legal Aid Society; 2004 Settlement between BRE Properties (Foster’s Landing Owners)</p> <p>The City utilized this information in reassessing the contributing factors, assigning priorities, and changes/additions to the programs (discussed in more detail below).</p>
B-16 – B-42	B-33 – B-55	Needs, Resources, Constraints: AFFH		<p>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.</p> <p>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</p>	<p>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 increasing diverse compared to San Mateo County.</p> <p>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.</p>

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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>	<p>As indicated in Appendix B, Section 3.6, Foster City has no census tracts where the population of persons with disabilities exceeds 10%.</p>
B-43 – B-44	B-56 -- 66	Needs, Resources, Constraints: AFFH		<p>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</p>	<p>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.</p>

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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, <i>subd. (a)(3).</i>	<p>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.</p>	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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				<p>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.</p>	<p>Harbor Cove ADUs) as well as 3) nearby approved residential developments outside the City to demonstrate realistic capacity.</p> <p>Added discussion of availability of water, sewer and dry utilities.</p>
D-10-D-33	D-6 -- D-45	Sites Inventory		<p>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</p>	<p>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;</p> <p>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.</p>

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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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				<p>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.</p>	
<p>D-10 – D-11</p>	<p>D-14 -- D-17 D-18 -- D-44</p>	<p>Sites Inventory</p>		<p>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.</p>	<p>Discussion was included in general and for each site regarding why non-vacant status is not an impediment.</p>

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D-9- D-10	D-16 -- D-41	Sites Inventory		<p>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.</p>	<p>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.</p> <p>Added a summary of the City’s inclusionary requirements in Appendix D with a reference to Appendix C for more detail.</p>
C-8, D-8	C-9 -- C-12 D-9 – D-13	Sites Inventory		<p>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</p>	<p>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</p>

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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		<p><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).</p>	<p>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.</p>

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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		<p><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.</p>	<p>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.</p> <p>We have not yet received HCD's analysis of ADU non-compliance issues.</p>
C-4 – C-5	C-3 -- C-5	Constraints	65583, subd. (a)(5)	<p>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.</p>	<p>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.</p>

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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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Summary of HCHE Page IN 7/22 DRAFT	HE Page IN 2/16/23 REDLINE	Topic	Govt. Code Ref.	HCD Comment	Response
					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, <i>subd. (c)(5)</i>	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, subd. (c)(6).	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, subd. (b)(1 & 2)	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, subd.(c)(9)	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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	HE-66 -- HE-67			<p>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.</p>	<p>services; expanded H-A-2-a(3) with methods and timeframes for outreach to lower-income and special needs</p> <p>Housing Element Update https://engagefostercity.org/housing-element website has “Select Language” option, as does City’s fostercity.org website.</p>
HE-58	HE-70	Consistency with GP	65583, <i>subd. (c)(7)</i>	<p>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.</p>	<p>Added program to H-A-1-d to evaluate consistency with the Housing Element when any other GP element is amended.</p>

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B-56-57	B-53-54	A.1.a	Needs, Resources, Constraints	<u>Integration and Segregation</u> : The element must be revised to include a regional analysis (e.g., comparing the City as a whole to the broader region) for familial status .	Narrative and charts were added to Appendix B, Section 3.7 Familial Status (household type and households by presence of children); compared to San Mateo County and the region.	
B-3-5	B-3-5			The element should include local data and other relevant factors such as historical zoning and land use potentially resulting in a lack of access to housing choices and affordability .	Expanded discussion is included in Appendix B, Section 1.2, History of Segregation in the Region and 1.3, Foster City Land Use and Zoning History.	
B-8-9	B-8-9				<i>From its beginnings, Foster City has provided a variety of housing types. Higher density multi-family development in the R-3 and R-4 zoning districts is included in all of the City's residential and mixed-use neighborhoods. Although homes sales started in 1963 with single-family homes, by 1974, the provision of a mix of apartments, townhouses, condominiums, and single-family homes provided housing choices for a wide variety of household sizes and income levels. (p. B-8)</i>	
HE-37, B-8	HE-38, B-8				<i>Foster City has historically accommodated a diversity of housing needs by offering a variety of housing types in all residential neighborhoods—more so than many jurisdictions in the County. Yet home values and rents are much higher in Foster City than in the County and the Bay Area overall. Foster City's fair housing actions that are part of the overall Housing Element are intended to address barriers to housing</i>	

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					<i>choice by adding affordable housing options and preserving existing housing opportunities. (p. HE-37)</i>	
B-74-81	B-68-75	A.1.b	Needs, Resources, Constraints	<u>Disparities in Access to Opportunity:</u> The element should 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).	Additional analysis is included in Appendix B, Section 4.2 Employment. <i>When compared to the earnings of employed residents in Foster City, the percentages of jobs in each income category vary only up to 1.5%. This close alignment provides access to jobs for all economic segments, although there are 234 fewer jobs in Foster City in the lowest income category....</i> <i>According to the TCAC Opportunity Areas Economic Scores, all of Foster City falls in the two highest resource categories. Foster City compares favorably to nearby cities, which include tracts with lower economic opportunity scores.</i>	
B-100-105	B-94 - 98	A.1.c.1	Needs, Resources, Constraints: AFFH	Disproportionate Housing Needs Including Displacement: The element should include a regional analysis of cost burden .	In Appendix B, Section 5.2 Cost Burden and Severe Cost Burden, the regional analysis of cost burden was expanded to note that <i>Foster City's rates of cost burden are slightly lower than the County or the Bay Area.</i> <i>Foster City has historically accommodated a diversity of housing needs by offering a variety of housing</i>	

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					<p><i>types in all residential neighborhoods—more so than many jurisdictions in the County. Yet home values and rents are much higher in Foster City than in the County and the Bay Area overall. Foster City’s fair housing actions that are part of the overall Housing Element are intended to address barriers to housing choice by adding affordable housing options and preserving existing housing opportunities. (p. HE-37)</i></p>	
B-107-113	B-99 - 103	A.1.c.2	Needs, Resources, Constraints	<p>In addition, the element must include a local (patterns within the City) and regional analysis of overcrowding.</p>	<p>In Appendix B, Section 5.3 Overcrowding, additional analysis is provided of overcrowding including local patterns and comparison to the region.</p> <p><i>The vast majority of households (95%) in Foster City are not overcrowded... slightly better than the percentage of households that are not overcrowded in San Mateo County (92%) and the Bay Area at large (93%).</i></p> <p>Additional analysis is provided of the geographic extent of overcrowding, <i>noting that for renter households, the largest number of overcrowded units is in Tract 6080.25.... The geographic extent of overcrowding of owner-occupied units appears to be somewhat aligned with the census tracts with larger proportions of Asian population, such as Tracts 6081, 6083, and 6080.24....</i></p>	

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					<p>The increased quantity and distribution of affordable housing as proposed in the Sites Inventory will address disproportionate housing needs of overcrowding by providing more affordable housing in a wider variety of locations in the City. Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory includes the actions needed to ensure the sites are zoned to facilitate additional housing. Policy H-E-1 includes creating more and retaining existing affordable housing.</p>	
A-39-40, B-114	A-39, B-104	A.1.c.3	Needs, Resources, Constraints	<p>The element must also include an analysis of where local substandard housing exists geographically.</p>	<p>In Appendix A, Section 5.3, Substandard Housing, additional analysis is provided of the presence or lack of substandard housing and reference is made to Appendix B, Section 5.4 for additional information.</p> <p>In Appendix B, Section 5.4, Substandard Housing, additional analysis is included by census tract showing the percentage of units reporting a lack of complete plumbing or complete kitchen.</p> <p><i>The Census data corroborates the local knowledge ascertained from the City's building inspectors that there are very few, if any, substandard units.</i></p>	

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HE-4; HE-60-63; B-122-130	HE-4; HE 61-62; B-111-118	A.1.d	Needs, Resources, Constraints	<p><u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH):</u> The element must include a locational analysis (neighborhood by neighborhood) of the regional housing needs allocation (RHNA) by income group and evaluate the impact of identified sites in each area.</p> <p>The element should include an analysis of impacts on existing patterns of socio-economic concentrations and whether sites exacerbate conditions and identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).</p>	<p>In Appendix B, Section 6, Site Inventory Analysis, additional information was added analyzing the sites in each census tract for any potential impacts on socio-economic conditions. <i>Most of the units in the Sites Inventory are in census tract 6080.04, which is the central core of Foster City with the best access to transit, services, and jobs.</i></p> <p><i>The Sites Inventory provides a balance between expanding the geographic area that includes restricted units to provide additional housing choices and locating new units where there is easy access to transit, services, and jobs. There are no existing patterns of socio-economic concentrations that could be exacerbated by the inclusion or exclusion of housing sites.</i></p> <p>Programs are included to minimize the potential displacement of tenants in existing affordable units or in existing rental units under Goal H-D Protect the Supply and Affordability of Rental Housing, for example: Programs H-C-2-c (Replacement Unit Requirements), H-C-3-a (Anti-Displacement Plan for Redevelopment of Existing Multifamily Development), H-C-3-b (Anti-Displacement Strategy), H-E-1-a (Existing Unit Purchase Program), H-F-1-a (Facilities and Services for Special Needs), H-F-1-d (Reasonable Accommodation), H-G-1-a (Non-</p>	

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					<p>discrimination) and many other programs are included in the Housing Element.</p> <p>Three programs are identified for geographic targeting:</p> <p>H-F-1-j Public Investment in Accessibility – to target two tracts with slightly higher percentage of population with disabilities.</p> <p>H-B-2-1 Lower Income Homeowner Rehabilitation Loans and H-B-2-b Facilitate Non-Profit Rehabilitation/Maintenance Assistance – to target two tracts with higher owner cost burden.</p>	
A-44-45	A-43-45	A.2.a	Needs, Resources, Constraints	<p>Overpayment: While the element was revised to include extremely low-income households that are overpaying for housing, the element 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.</p>	<p>Appendix A, Section 5.5 and Appendix B, Section 5.2 Cost Burden and Severe Cost Burden includes additional analysis of cost burden by tenure and cost burden by income level. <i>1,514 households (46%) of the total 3,292 lower income households are extremely cost burdened. An additional 809 households (25%) are cost burdened.</i></p> <p><i>Key findings indicate that there are disparities in housing cost burden in Foster City by income, race and ethnicity and by tenure (renters/owners). Policy H-</i></p>	

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					<p>C-4, 'Rental Assistance Programs' is added to help renters.</p> <p>The increased quantity and distribution of affordable housing as proposed in the Sites Inventory will address disproportionate housing needs of overpayment by providing more affordable housing in a wider variety of locations in the City. Program H-D-1-b General Plan and Zoning Amendments to Facilitate Housing on Housing Opportunity Sites in the Sites Inventory includes the actions needed to ensure the sites are zoned to facilitate additional housing. Policy H-E-1 includes creating more and retaining existing affordable housing. Policy H-C-4, 'Rental Assistance Programs' is included in the Housing Element.</p>	
D-53-54	D-47-48	A.3.a.1	Sites Inventory	<p>Progress in Meeting the RHNA: While the element was revised to address affordability of the number of new units built or pending since June 30, 2022, it must also address the availability of projects in the planning period.</p> <p>The element should describe the status, any barriers to development, and other relevant</p>	<p>A new section, "Progress in Meeting the RHNA" was added to Appendix D starting on p. D-457 This section includes the status of sites in the Sites Inventory indicating that many are either under construction, have submitted applications, or are actively preparing plans for review.</p> <p>A section on "Suitability of Non-Vacant Sites/Realistic Availability" is also added to Chapter 5. The City</p>	

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				factors to demonstrate their availability in the planning period.	looked at several factors to evaluate the potential for redevelopment of these properties.	
HE-85-86	HE-77-78	A.3.a.2	Sites Inventory	Lastly, because of the significance of pending and approved projects to meet the City's RHNA, the element should include a program to monitor progress including specific commitments to annually monitor production and affordability of pipeline projects and if necessary, evaluate whether build out will occur as anticipated in the sites inventory at least twice in the planning period. The Program should also commit to identify additional sites by specific dates if necessary.	<u>Program H-A-1-b was revised as follows:</u> <i>No Net Loss/Development Pipeline Monitoring.</i> Evaluate residential development proposals for consistency with the 2023-2031 Housing Element Sites Inventory. If a development approval will cause the Sites Inventory to be unable to accommodate all income levels of the RHNA, then additional site(s) shall be added pursuant to Government Code Section 65863(b)(1). No later than December 2023, the City will develop a procedure to monitor the development of proposed projects and vacant and non-vacant sites in the Sites Inventory and ensure that adequate sites are available throughout the 6th Cycle Planning Period to meet the remaining RHNA by income category to implement "no net loss" requirements. The City will monitor and report on the "no net loss" requirement on an annual basis with the Annual Progress Report. The procedure will monitor: 1) Unit count and income/affordability assumed on parcels included in the sites inventory as proposed projects, vacant, and underutilized sites.	<u>H-A-1-b</u>

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					<p>2) Actual units constructed and income/affordability when parcels are developed.</p> <p>3) Net change in capacity and income/affordability and a summary of remaining capacity and income/affordability in meeting the City's remaining RHNA.</p> <p>4) Within one year of report on the "no net loss", if necessary, make adjustments (e.g., incentives, rezonings, etc.) or identify additional sites. Responsible Agency: City Council, Planning Commission, Community Development Department Timeframe: Develop procedure for monitoring by December 2023 and provide information annually by April 1 as part of General Plan Annual Progress Report Performance Metric(s): Maintenance of Sites Inventory sufficient to accommodate the RHNA Funding Source: General Fund</p>	
D-6-8	D-6-8	A.3.b	Sites Inventory	Sites Inventory: The element must clarify whether the listed capacity is the total capacity (maximum allowable) or includes realistic capacity assumptions.	<p>A new section on "Realistic Capacity" was added to Appendix D explaining that the listed capacity in the Sites Inventory is the realistic capacity.</p> <p>The introductory paragraph for the Sites Inventory table used in various places in the Housing Element was clarified to indicate "realistic capacity."</p>	

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D-6-8	D-6-8	A.3.c	Sites Inventory	<p>Realistic Capacity: While the element provides assumptions for buildout on each site, support must be provided for assumptions. Many of the sites are on parcels with existing apartment developments. 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. In addition to the information provided, the listing should include all multifamily development by allowable density and use of any exceptions to allowable densities. The analysis should also utilize gross allowable densities. Alternatively, the element could rescale assumptions (e.g., 80 percent of maximum allowable densities) or utilize minimum densities. Lastly, the element must clarify whether it is assumed that projects will have to utilize the planned development (PD) process and therefore have</p>	<p>Additional information was included in Appendix D in support of the analysis of realistic capacity, including:</p> <ul style="list-style-type: none"> • more information on the density of previous approvals • the proposed increase in allowed density in the Civic Center Mixed Use designation • revised table of Multi-Family Development Densities: 2002-2022 showing 1) a significant history of development at or above the densities used for realistic site capacities, 2) gross densities and net densities, 3) added notes to identify use of density bonus to allowable densities. <p>For the two (2) of the twelve (12) sites without expressed owner interest in adding housing units within the planning period, the capacity in the Sites Inventory has been reduced:</p> <ul style="list-style-type: none"> • Franciscan from 104 to 83 units • Lagoons from 161 to 121 units <p>Additional explanation of the Planned Development process is provided in Appendix C and Chapter 4. <i>The PD process allows the applicant to choose to comply with the objective standards in the base</i></p>	

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				additional discretionary requirements.	<i>zoning or choose to request flexibility in those standards.</i>	
D-15-19	D-15-16	A.3.d.1	Sites Inventory	Suitability of Nonvacant Sites: While the element states there is general interest from some property owners and existing leases will not prevent additional residential development, the discussion should address any barriers to redevelopment in the planning period.	<p>Additional analysis and explanation is added in the section “Suitability of Non-Vacant sites” in Appendix D. Discussion is included analyzing the specifics for each site regarding why its nonvacant status is not an impediment to housing development. After analysis of each site, it is noted that the nonvacant status is not an impediment for any of the sites. Barriers to redevelopment include factors applicable to any development such as availability of financing and time required for the entitlement process.</p> <p>In addition, a new section, “Progress in Meeting the RHNA” was added to Appendix D starting on p. D-47. This section includes the status of sites in the Sites Inventory indicating that many are either under construction, have submitted applications, or are actively preparing plans for review.</p> <p>To address governmental constraints that are not site specific, <u>Program H-D-3-a is included to Update Planned Development Process, H-E-3-b for Financing and Subsidy Programs, H-E-3-c for Cooperative Ventures, H-D-6-d or Development Impact Fee Waiver and various programs to reduce</u></p>	

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					<u>regulatory constraints, including H-D-6-a, H-D-6-b, and H-D-6-c.</u>	
D-46-48	D-42-43	A.3.d.2	Sites Inventory	In addition, the 1010 Metro Center site states that realistic capacity was reduced by 50 percent because 100 percent commercial is allowed. The element should discuss likelihood of residential development in addition to the letter of interest from the owner.	Comments were added to Appendix D regarding why it is very likely that the site will be redeveloped with a mix of commercial and residential uses. <i>Given that there are no existing uses on the site makes it very likely that the site will be redeveloped with a mix of commercial and residential uses. The owner has been unable to secure a commercial tenant for several years. The site is one of the best located commercial or housing sites in the City with direct freeway access as well as convenient access to services, transit, parks and civic amenities. Development of the site will not impact existing residential neighborhoods.</i>	
D-15-19 HE-61-64	D-15-18 HE-53-56	A.3.e	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	Additional explanation of why the existing uses are not an impediment to development has been added to Chapter 5 Housing Resources and Sites, Appendix D in the section on Suitability of Non-Vacant Sites, and in the specific discussion for each site. Discussion is included analyzing the specifics for each site regarding why its nonvacant status is not an impediment to housing development. After analysis of each site, it is noted that the nonvacant status is not an impediment for any of the sites. Barriers to redevelopment include factors applicable	

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				<p>period. (Gov. Code, § 65583.2, subd. (g)(2).)</p> <p>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.</p>	<p>to any development such as availability of financing and time required for the entitlement process.</p> <p>To address governmental constraints that are not site specific, <u>Program H-D-3-a is included to Update Planned Development Process, H-E-3-b for Financing and Subsidy Programs, H-E-3-c for Cooperative Ventures, H-D-6-d or Development Impact Fee Waiver and various programs to reduce regulatory constraints, including H-D-6-a, H-D-6-b, and H-D-6-c.</u></p> <p>Findings based on substantial evidence are included in the draft adoption resolution.</p>	
HE-113; C-34-35	HE-103; C-33	A.3.f.1	Zoning for a Variety of Housing Types	<p><i>Emergency Shelters:</i> While the element stated that there is sufficient capacity in the PF, C-1, and C-2 zones, it must demonstrate the permit processing, development, and management standards for emergency shelters are objective and</p>	<p>The amendment of the City's regulations for emergency shelters in Chapter 17.82 for consistency with AB 2339 is proposed to be adopted concurrently with the Housing Element. The discussion in</p>	H-F-2-d

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				<p>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). A program must be added to specifically address these constraints.</p>	<p>Appendix C has been revised to reflect this. A copy of the proposed changes is provided in Appendix H.</p> <p>Program H-F-2-d has been revised to amend Chapter 17.82 as necessary to comply with State law upon adoption of the Housing Element:</p> <p><i>H-F-2-d Emergency Shelter Zoning.</i> <i>The City will allow emergency shelters as provided in Chapter 17.82 that allows a year-round emergency shelter as a permitted use in Neighborhood Business (C-1), General Business (C-2), and at churches/synagogues in the Public Facilities (PF) Zoning District. The City will amend Chapter 17.82 as necessary to comply with State law, including AB 2339 limiting parking requirements to not require more parking than other residential or commercial uses within the same zone and changing the maximum number of beds to twenty-five (25), upon adoption of the Housing Element.</i></p> <p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Amend Chapter 17.82 by the end of 2024 upon adoption of the Housing Element (see Appendix H).</i></p> <p><i>Performance Metric(s): Number of emergency shelters allowed</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	

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HE-114	HE-103	A.3.f.2	Constraints	<p><i>Low Barrier Navigation Centers:</i> The element was revised to state that low barrier navigation centers are allowed in the same zones as emergency shelters. Low Barrier Navigation Centers 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 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.</p>	<p>Zoning amendments for LBNCs adopted in January 2023 allow LBNCs in C-1 and PF. See Ordinance 657 in Appendix H.</p> <p>Program H-F-2-e has been revised to amend zoning regulations to allow LBNCs in R-3, R-4, R-T, CM/PD, C-2 as follows:</p> <p><i>H-f-2-e Low Barrier Navigation Centers. In addition to the amendments included in Ordinance 657 to allow LBNCs in C-1 and PF Districts, amend the Zoning regulations to allow low-barrier navigation centers (low-barrier, service-enriched shelters focused on moving people into permanent housing that provide temporary living facilities) by right in the R-T, R-3, R-4, C-2, and CM/PD zoning district(s), consistent with AB 101 (2019).</i> <i>Responsible Agency: Community Development Department</i> <i>Timeframe: by December 2023</i> <i>Funding Source: General Fund</i></p>	H-F-2-e
C-33	C-30, 31	A.3.f.3	Zoning for a Variety of	<p><i>Transitional and Supportive Housing:</i> While the element states transitional and supportive housing is allowed in all zones allowing residential uses</p>	<p>The inclusion of a reference to criteria was in error. The text on page C-30 and C-31 is amended as follows:</p>	H-F-3-a H-F-3-b

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HE-114	H-103		Housing Types	where certain criteria are met, it must describe whether these criteria are in addition to what is required of other residential uses. If different, the element must include a program to address the constraint.	<p><i>Foster City's zoning regulations were amended in January 2023 by Ordinance 657 to allow transitional and supportive housing as permitted uses by right in all of the residential and the C-2 mixed use zoning districts as well as the nonresidential zoning districts where certain criteria are met.</i></p> <p><u>Programs H-F-3-a and H-F-3-b are revised as follows:</u></p> <p><i>H-F-3-a Transitional and Supportive Housing Zoning.</i> Enforce the existing zoning regulations as amended in January 2023 by Ordinance 657 that allow transitional and supportive Housing, as required by State law, so they are treated as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone. Responsible Agency: Community Development Department Timeframe: Ongoing Funding Source: General Fund</p> <p><i>H-F-3-b Supportive Housing.</i> Review and revise the Zoning regulations as amended in January 2023 by Ordinance 657 for consistency with AB 2162, effective January 1, 2019, requiring supportive housing by-right in certain zoning districts. Responsible Agency: Community Development Department</p>	
HE-114	H-103-104					

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					Timeframe: Amend regulations by December 2023 Funding Source: General Fund	
HE-109-110	HE-99	A.3.f.4	Zoning for a Variety of Housing Types	<i>Single Room Occupancy (SRO) Units:</i> While the element added Program H-E-9-b (<i>Small Housing Units</i>), the program must clarify which zones will allow SROs, development standards and how they will be permitted.	Program H-E-9-b is revised as follows: H-E-9-b Small Housing Units. Amend the Zoning regulations to specifically allow housing targeted for extremely low-income households, including single room occupancy (SROs) and group homes for these income groups in the CM/PD, C-2, and PF zoning districts. Responsible Agency: Community Development Department Timeframe: Amend zoning regulations by December 2024 Performance Metric(s): Facilitate ten (10) rental units less than 500 square feet by 2031 Funding Source: General Plan Maintenance Fund	H-E-9-b
HE-101	HE-91	A.3.f.5	Zoning for a Variety of Housing Types	<i>Accessory Dwelling Units (ADUs):</i> While the element includes Program H-D-4-a ADUs, it must commit to updating the City's ADU ordinance to comply with state law within a specific timeframe (e.g., 6 months).	Program H-D-4-a is revised as follows: H-D-4-a ADUs. Continue implementation of Chapter 17.78, Accessory Dwelling Units. Update the City's ADU ordinance to comply with State laws by December 2023 and subsequently update the City's	H-D-4-a

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					<p><i>regulations to comply with new State laws within six months of being effective.</i> Responsible Agency: Community Development Department Timeframe: Update Chapter 17.78 to comply with 2023 State laws by December 2023 and update the City’s regulations to comply with subsequent new State laws within 6 month of being effective. Quantifiable Objectives: 24 ADUs by 2031 Funding Source: General Plan Maintenance Fund</p>	
<p>HE-51-54</p> <p>HE-104-105</p>	<p>HE-45-48</p> <p>HE-94-95</p>	<p>A.4.a</p>	<p>Constraints</p>	<p>Land Use Controls: While the element commits to revising minimum unit sizes, it should evaluate other various development standards for impacts on housing costs, feasibility, and the ability to achieve maximum densities. This analysis should specifically address minimum lot sizes, open space requirements.</p>	<p>Key findings from the expanded analysis of constraints in Appendix C Constraints are included in Chapter 4. <u>Programs H-D-6-b, H-D-6-c, H-D-6-e and H-D-6-f</u> are included to amend the Zoning regulations, including the revisions highlighted in yellow, specifically including amendment of minimum lot sizes, coverage, open space and setback requirements by December 2023:</p> <p><u>Programs H-D-6-b, H-D-6-c, H-D-6-e, and H-D-6-f are revised as follows:</u></p> <p><i>H-D-6-b Minimize Zoning Constraints. Evaluate zoning regulations that discourage the development of diverse housing types, including smaller, more affordable units and two- and three-bedroom units suitable for families and children. Amend City codes, including rescinding minimum floor areas in Chapter</i></p>	<p>H-D-6-b</p> <p>H-D-6-c</p> <p>H-D-6-e</p> <p>H-D-6-f</p>

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					<p>17.56, provide that manufactured homes are permitted in single-family districts, and other amendments to encourage diverse housing types.</p> <p>Responsible Agency: Community Development Department, Planning Commission, City Council</p> <p>Timeframe: Rescinded minimum floor areas in Chapter 17.56 and provided for manufactured homes by January 2023 (see Appendix H); amend zoning regulations to further encourage diverse housing types by December 2024</p> <p>Performance Metric(s): Number of City codes amended</p> <p>Funding Source: General Plan Maintenance Fund</p> <p>H-D-6-c Amend Parking Requirements. Amend parking requirements for multi-family housing as necessary, including but not limited to setting a maximum of two stalls per unit and reducing guest parking requirements by 50%, to allow General Plan densities and to reduce housing costs and provide appropriate parking requirements for elderly, developmentally disabled, or other special needs populations.</p> <p>Responsible Agency: Community Development Department, Planning Commission, City Council</p> <p>Timeframe: Report with recommendations to Planning Commission and City Council by December</p>	

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					<p>2024 <i>Funding Source: General Plan Maintenance Fund</i></p> <p>H-D-6-e Multi-Family Objective Design Standards. Amend the Zoning regulations, including but not limited to R-3 and R-4, to include objective design standards and objective approval findings for new and redeveloped multi-family or mixed-use developments to address building design as well as provision of open space and recreational amenities, including amendment of lot size, coverage, setbacks, open space and other requirements to ensure the densities allowed by the General Plan can be achieved in compliance with the Housing Accountability Act. <i>Responsible Agency: Community Development Department, Planning Commission, City Council Timeframe: Adopt objective design standards and amend zoning regulations by December 2023 Funding Source: General Plan Maintenance Fund</i></p> <p>H-D-6-f SB9 Objective Design Standards. Amend the Zoning and Subdivision regulations to include objective design standards in compliance with SB9 to allow additional housing units on single-family parcels.</p>	

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					<p><i>Responsible Agency: Community Development Department, Planning Commission, City Council</i></p> <p><i>Timeframe: Amend zoning regulations by December 2024</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	
C-24 HE-52	C-23 HE-46	A.4.b	Constraints	<p>Fees and Exaction: While the element was revised to list planning fee deposits, it must also list typical fees for multifamily and single-family developments and evaluate them for impacts on housing development costs.</p>	<p>Evaluation of fees was added to Appendix C and Chapter 4. Typical fees for a typical multi-family and single-family unit are provided and compared to other jurisdictions in Table 7 and 8 of Appendix C: Constraints.</p> <p>A summary of the fees analysis is included in Chapter 4 and a section, “Fees Summary”, was added in Appendix C noting that: <i>Most, if not all, developers consider any fee a significant constraint to the development of affordable housing. Although the various fees account for a significant portion of the development cost, the fees collected are necessary to pay for much needed infrastructure and to help mitigate new growth throughout the city. Foster City’s fees are higher than the median but within the interquartile range for single-family and multi-family units in a small project but are significantly lower than the median and the quartile 1 for multi-family units in a large project. Impact fees are also charged to cover</i></p>	

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					<p><i>the cost of providing municipal services or mitigating project impacts.</i></p> <p><u>Program H-D-6-d, Development Impact Fee Waiver is included.</u></p>	
HE-53	HE-47	A.4.c	Constraints	<p><u>Zoning and Fees Transparency.</u> While the element includes information about processing times, it must also clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1).</p>	<p>A statement was added on page HE-45 noting that <i>the City maintains public information on the City’s website to assist applicants, consistent with Government Code Section 65940.1(a)(1)(B), including information on fees, zoning and development standards, application requirements, fee reports, and nexus studies.</i></p> <p>This information is provided at: https://fostercity.org/commdev/page/residential-development-standards-and-fees. Topics included on this page are:</p> <ul style="list-style-type: none"> • Current Master Fees & Service Charges Schedule • Housing Affordability Requirements • Zoning and Development Standards • Fee and Nexus Studies • Development Impact Fees • Mitigation Fee Act Reports 	

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					<ul style="list-style-type: none"> Development Application Submittal Requirements 	
HE-51-53 C-25-29	HE-45-47 C-23-28 HE-93-94	A.4.d.1	Constraints	<p><u>Local Processing and Permit Procedures</u>: 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 analysis should address impacts on housing cost, supply, timing, and approval certainty.</p> <p>The element should also describe and evaluate the findings for a conditional use permit (CUP) if applicable to typical single family and multifamily developments that meet zoning requirements.</p>	<p>Key findings on Permit Processing are included in Chapter 4 and additional analysis regarding ‘local processing and permit procedures’ is added to Appendix C. <i>In conclusion, Foster City’s development and permitting process is not a constraint to housing development, (HE-45)</i></p> <p>Typical procedures are described in Appendix C in the section on “Process Overview”.</p> <p>The procedures and timing for a typical single-family and multi-family development is described in Table 14 and in the accompanying narrative.</p> <p>Findings are listed.</p> <p><u>Program H-D-6-a is revised as follows:</u></p> <p><i>H-D-6-a Minimize Governmental Constraints. The City will review the entire development process and remove any governmental and regulatory constraints to the production of affordable housing, including streamlining the preliminary review process and to</i></p>	H-D-6-a

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					<p><i>allow more types of projects to be approved at the staff level. The City will: 1) engage with affordable housing developers to identify governmental constraints, 2) continue to evaluate and improve the streamlined processing system to facilitate residential development, and 3) streamline 100% affordable housing with a priority staff-level planning entitlement process.</i></p> <p><i>Responsible Agency: Community Development Department, Public Works Department, Planning Commission, City Council</i></p> <p><i>Timeframe: Engage with affordable housing developers by December 2024, amend zoning code to streamline processing system by December 2025; repeat in 2028</i></p> <p><i>Performance Metric(s): Number of zoning requirements, fees, processing timelines and review procedures removed related to affordable housing</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p> <p><i>Description of Conditional Use Permit, process and findings is included in Appendix C. No Conditional Use Permit is required for single-family in R-1 and R-2 zones and multi-family dwellings in R-T, R-3, R-4, and R-5 and mixed-use zones, regardless of height. A conditional use permit for residential use is required in C-2 district as this zone is meant for general business.</i></p>	

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C-26	C-25-26	A.4.d.2	Constraints	In addition, the element should clearly describe whether the PD process 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.	A more complete description was added to Appendix C describing the PD process. <i>The applicant can choose to comply with the objective standards in the base zoning or may request flexibility in those standards. The PD combining district provides a vehicle for encouraging flexibility in design standards and is not considered a constraint.</i>	
HE-105	HE-95	A.4.e	Constraints	<u>Design Review</u> . While Program H-D-6-e (Multifamily) states it will study design review, it must include a specific commitment to address identified constraints (i.e., lot size, coverage, setbacks, open space).	<u>Program H-D-6-e is revised as follows:</u> <i>H-D-6-e Multi-Family Objective Design Standards.</i> Amend the Zoning regulations, including but not limited to R-3 and R-4, to include objective design standards and objective approval findings for new and redeveloped multi-family or mixed-use developments to address building design as well as provision of open space and recreational amenities, including amendment of lot size, coverage, setbacks, open space and other requirements to ensure the densities allowed by the General Plan can be achieved in compliance with the Housing Accountability Act.	H-D-6-e

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C-9-12	C-9-12	A.4.f	Constraints	Inclusionary Requirements: While the element was revised to state the inclusionary requirements are feasible based on a study, it should analyze the requirements and its impacts as potential constraints on the development of housing for all income levels and mandated affordability levels.	Additional analysis of inclusionary requirements was provided in Appendix C and Chapter 4. <i>While inclusionary zoning is intended to have a positive impact on housing affordability by increasing the supply of affordable units, it has the potential to add to the cost of market rate housing. In March 2022, City adopted Below Market Rate Inclusionary Program. The specific income level requirements were based on an analysis of the financial feasibility of inclusionary housing requirements utilizing market data and cost information, as well as a comparison with neighboring jurisdictions to ensure that the requirements do not unduly constrain the production of housing.</i>	
C-7-9	C-7-9	A.4.g	Constraints	Codes and Enforcement: While the element was revised to describe which building code is enforced, it must also describe the City's code enforcement process and procedures (i.e. proactive or complaint based) and analyze their impact as potential constraints on housing supply and affordability.	A new section on code enforcement was added to Appendix C describing the code enforcement process and procedures and analyzing for potential constraints on housing supply and affordability. <i>The conclusion is that code enforcement is not a constraint to housing supply or affordability.</i>	

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		B.1	Housing Programs	To address the program requirements of Government Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City’s specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:	(Note: comments and responses related to programs have been ordered by program number.)	
HE-99-100	HE-90-91	B.1.a	Housing Programs	<i>Program H-D-2-a (Potential Re-Use of Commercial Sites):</i> While the program will evaluate progress midcycle, it must also commit to implement the amendments with a discrete timeline.	Program H-D-2-a is revised as follows: <i>H-D-2-a Potential Re-Use of Commercial Sites.</i> <i>The City will reevaluate the land use designations for the City’s neighborhood shopping centers or other commercial sites biannually beginning in 2026 or 1) if approvals of development trigger the “no net loss” requirements; 2) if the owner initiates redevelopment of a commercial site, 3) any of the commercial activities become not viable. If residential or mixed-use developments are considered, criteria for determining the appropriate housing types include:</i> 1. <i>The type of street (major, collector, etc.) which would provide access to the site and levels of</i>	H-D-2-a

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					<p><i>service on the street in the morning and afternoon peak hours.</i></p> <ol style="list-style-type: none"> <i>2. Availability of public services and facilities such as infrastructure (water, sewer, etc.), school capacity, parks and open space.</i> <i>3. The ability of the project to provide landscaping for parking areas, facade modulation and orientation of buildings which would ensure privacy for, and minimize impacts on, any adjacent single-family homes, and reduce the perception of density in a multi-family project.</i> <i>4. Potential to provide housing for employees.</i> <i>5. The ability of the project to provide neighborhood serving commercial uses.</i> <i>6. Potential to provide waterfront amenities and/or waterfront commercial uses.</i> <i>7. Maintaining a Sites Inventory that can accommodate the RHNA.</i> <p><i>Responsible Agency: Community Development Department, Planning Commission, City Council</i> <i>Timeframe: <u>Biannual review and report to Planning Commission and City Council with first report and adoption of accompanying general plan amendments and/or zoning actions by July 2026, or sooner if circumstances require as outlined above.</u></i> <i>Funding Source: General Plan Maintenance Fund</i></p>	

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HE-103	HE-93	B.1.b	Housing Programs	<i>Program H-D-5-a (School 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.	<p><u>Program H-D-5-a</u> is revised as follows:</p> <p><i>H-D-5-a School Sites. Pursue opportunities with the public school district and private schools, including but not limited to General Plan and PF zoning amendments, to incorporate on-site residential uses for faculty and staff along with educational facilities to increase the supply of school employee housing.</i></p> <p><i>Target</i></p> <p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Adopt General Plan and PF zoning amendments and meet with San Mateo-Foster City School District and at least one private school by December 2024</i></p> <p><i>Performance Metric(s): Adoption of zoning amendments; A minimum of two meetings held with public school districts and private schools.</i></p> <p><i>Funding Source: General Fund</i></p>	H-D-5-a
HE-103	HE-93-94	B.1.c	Housing Programs	<i>Program H-D-6-a (Minimize Governmental Constraints):</i> While the program was revised to add a second review, they program should consider actions beyond reporting recommendations and include how	<p><u>Program H-D-6-a</u> is revised as follows:</p> <p><i>H-D-6-a Minimize Governmental Constraints. The City will review the entire development process and remove any governmental and regulatory constraints to the production of affordable housing, including</i></p>	H-D-6-a

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				constraints will be identified and removed with discrete timing.	<p><i>streamlining the preliminary review process and to allow more types of projects to be approved at the staff level. The City will: 1) engage with affordable housing developers to identify governmental constraints, 2) continue to evaluate and improve the streamlined processing system to facilitate residential development, and 3) streamline 100% affordable housing with a priority staff-level planning entitlement process.</i></p> <p><i>Responsible Agency: Community Development Department, Public Works Department, Planning Commission, City Council</i></p> <p><i>Timeframe: Engage with affordable housing developers by December 2024, amend zoning code to streamline processing system by December 2025; repeat in 2028</i></p> <p><i>Performance Metric(s): Number of zoning requirements, fees, processing timelines and review procedures removed related to affordable housing</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	
HE-107	HE-97	B.1.d	Housing Programs	<p><i>Program H-E-3-c (Cooperative Ventures): The program should be revised to include how often the City will conduct proactive outreach and discrete timing for implementation.</i></p>	<p><u>Program H-E-3-c</u> is revised as follows:</p> <p><i>H-E-3-c Cooperative Ventures. Encourage cooperative and joint ventures between owners, developers, non-profit groups, and/or the City in the provision of BMR housing.</i></p> <p><i>Target: Ongoing through targeted outreach methods.</i></p>	H-E-3-c

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					<p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Biannual with first outreach meeting by June 2024.</i></p> <p><i>Performance Metric(s): Number of cooperative ventures under the program</i></p> <p><i>Funding Source: General Fund</i></p>	
HE-110	HE-99	B.1.e	Housing Programs	<p><i>Program H-F-1-a (Facilities and Services for Special Needs):</i> The program should include actions for persons with developmental disabilities as well as discrete timing of how often outreach will occur.</p>	<p><u>Program H-F-1-a</u> is revised as follows:</p> <p><i>H-F-1-a Facilities and Services for Special Needs.</i> Support housing that incorporates facilities and services to meet the health care, transit or social service needs of households with special needs, including seniors, extremely low-income households and persons, farmworkers, people with developmental disabilities, and persons with disabilities through an expedited permit review process. Proactively contact non-profit service providers and developers for persons with disabilities and other special needs groups on annual basis to inquire about their needs and notify them about funding opportunities, as they become available.</p> <p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Establish expedited permit review process and begin annual proactive outreach by December 2023</i></p>	H-F-1-a

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					<p><i>Performance Metric(s): Facilitate development of at least one (1) new facility serving special needs during the planning period.</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	
HE-114	HE-103	B.1.f	Housing Programs	<p><i>Program H-F-2-d (Emergency Shelter Zoning): The program must include specific commitment to address parking and other identified constraints by a specified date.</i></p>	<p>Program H-F-2-d is revised as follows:</p> <p><i>H-F-2-d Emergency Shelter Zoning.</i> <i>The City will allow emergency shelters as provided in Chapter 17.82 that allows a year-round emergency shelter as a permitted use in Neighborhood Business (C-1), General Business (C-2), and at churches/synagogues in the Public Facilities (PF) Zoning District. The City will amend Chapter 17.82 as necessary to comply with State law including AB 2339, including limiting parking requirements to not require more parking than other residential or commercial uses within the same zone and changing the maximum number of beds to twenty-five (25), upon adoption of the Housing Element.</i></p> <p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Amend Chapter 17.82 upon adoption of the Housing Element (see Appendix H).</i></p> <p><i>Performance Metric(s): Number of emergency shelters allowed</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	H-F-2-d

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HE-59-72 Appendix C	HE-51-63 Appendix D	B.2.a	Housing Programs	As noted in Finding A3, 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:	Additional analysis has been added to support the adequacy of the sites and zoning. Many programs have been revised as discussed below. There is not a shortfall of sites. Zoning changes have been made or are committed to encourage a variety of housing types.	
Appendix H	Appendix H	B.2.b	Housing Programs	<i>Program H-D-1-b (General Plan and Zoning Amendments)</i> : While the program states that it was completed in January 2023, the City should demonstrate the rezones were complete by submitting documentation (e.g., resolution) to HCD. 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 standards pursuant to Government	A summary of adopted zoning ordinances and resolutions is included as a new Appendix H: Program Implementation Prior to and Upon Adoption of Housing Element. Complete copies of the adopted ordinances and resolutions can be provided.	

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				Code sections 65583, subdivision (c)(1), and 65583.2, subdivisions (h) and (i).		
HE-102	HE-93	B.2.c	Housing Programs	<i>Program H-D-4-h (ADU Monitoring):</i> While the program commits to evaluating alternative actions by the end of 2026, it must commit to specific alternative actions and monitor production and affordability of ADUs more than once in the planning period (e.g., every two years).	Program H-D-4-h is revised as follows: <i>H-D-4-h ADU Monitoring. The City shall track new ADUs (at single-family and multi-family sites) and collect information on the use and affordability of these units in each Annual Progress Report. Biannually through the projection period (beginning in 2025), if determined that at least 50% units are not meeting a lower-income housing need, the City shall adopt additional incentives to facilitate ADUs. Responsible Agency: Community Development Department Timeframe: Annual monitoring by April 1 as part of Annual Progress Report; determination biannually beginning in 2025 Performance Metric(s): Percentage of ADUs meeting lower-income need Funding Source: General Fund</i>	H-D-4-h
		B.3	Housing Programs	As noted in Finding A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise		

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				or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:		
HE-104	HE-92	B.3.a	Housing Programs	<i>Program H-D-6-c (Parking Requirements):</i> While the program was revised, it should commit to specific parking standards, including guest parking requirements, or ensure reductions will not constraint housing development and include a specific timeframe to amend accordingly.	<u>Program H-D-6-c</u> is revised as follows: <i>H-D-6-c Amend Parking Requirements.</i> Amend parking requirements for multi-family housing as necessary, including but not limited to setting a maximum of two stalls per unit and reducing guest parking requirements by 50% , to allow General Plan densities and to reduce housing costs and provide appropriate parking requirements for elderly, developmentally disabled, or other special needs populations. <i>Responsible Agency: Community Development Department, Planning Commission, City Council</i> <i>Timeframe: Report with recommendations to Planning Commission and City Council by the end of 2024</i> <i>Funding Source: General Plan Maintenance Fund</i>	H-D-6-c
HE-104	HE-94	B.3.b	Housing Programs	<i>Program H-D-6-b (Minimize Zoning Constraints):</i> While the element commits to amend zoning for manufactured homes and minimum floor areas, it must commit and timing to amend all listed and necessary zoning amendments listed in the program. In addition,	<u>Program H-D-6-b</u> is revised as follows: <i>H-D-6-b Minimize Zoning Constraints.</i> Evaluate zoning regulations that discourage the development of diverse housing types, including smaller, more affordable units and two- and three-bedroom units suitable for families and children. Amend City codes, including rescinding minimum floor areas in Chapter	H-D-6-b

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				<p>manufactured housing should be allowed as a single-family use in all zones allowing single family residential.</p>	<p><i>17.56, provide that manufactured homes are permitted in single-family districts, and others amendments to encourage diverse housing types.</i> <i>Responsible Agency: Community Development Department, Planning Commission, City Council</i> <i>Timeframe: Rescinded minimum floor areas in Chapter 17.56 and provided for manufactured homes by January 2023 (see Appendix H); amend zoning regulations to further encourage diverse housing types by December 2024</i> <i>Performance Metric(s): Number of City codes amended</i> <i>Funding Source: General Plan Maintenance Fund</i></p>	
HE-111	HE-100	B.3.c	Housing Programs	<p><i>Program H-F-1-d (Reasonable Accommodation):</i> The program should specifically commit to revising the City’s reasonable accommodation constraints with specific timing for implementation.</p>	<p><u>Program H-F-1-d</u> is revised as follows:</p> <p><i>H-F-1-d Reasonable Accommodation.</i> Utilize the adopted Chapter 17.84, containing a review process to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing. The purpose of these procedures and an ordinance is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.</p>	H-F-1-d

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					<p><i>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 by December 2023.</i></p> <p><i>Responsible Agency: Community Development Department</i></p> <p><i>Timeframe: Amend Chapter 17.84 by December 2023. Update City's website by December 2023, implement as requests are made</i></p> <p><i>Funding Source: General Plan Maintenance Fund</i></p>	
HE-112	HE-101-102	B.3.d	Housing Programs	<p><i>Program H-F-1-i (Community Care Facilities):</i> While the program states it will revise how community care facilities are allowed, it must commit to allowing group homes objectively to facilitate approval certainty similar to other residential uses of the same form. In addition, the program must allow group homes in all residential zones and should address spacing requirements as a constraint on housing for persons with disabilities.</p>	<p><u>Program H-F-1-i</u> is revised as follows:</p> <p><i>H-F-1-i Community Care Facilities.</i> Amend the City's zoning regulations to expand the zoning districts that allow community care facilities to simplify and clarify definitions, permitted uses, and processing procedures for residential care facilities and group homes in all residential districts for conformance with State law, including but not limited to eliminating spacing requirements for persons with disabilities, allowing group homes objectively to facilitate approval certainty similar to other residential uses, and allow group homes in all residential zones.</p> <p><i>Responsible Agency: Community Development Department, Planning Commission, City Council</i></p> <p><i>Timeframe: Amend Municipal Code by the December</i></p>	H-F-1-i

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					2024 <i>Funding Source: General Plan Maintenance Fund</i>	
HE-43-46 B-139-147	HE-39-43 B-125-133	B.4.a	AFFH	As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. 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. Actions must have specific commitment, metrics, milestones, and geographic targets as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.	Based on the revised AFFH Analysis, the Summary Matrix of Fair Housing Issues and Actions was revised (Table 3-1 in Chapter 3 of the Housing Element and Table 17 in Appendix B) and a new Table 18 was added to Appendix B: AFFH Meaningful Actions Matrix that links the specific programs to AFFH issues. Based on the revised AFFH analysis, the following programs were revised, as discussed above: H-D-4-a ADUs H-D-4-h ADU Monitoring H-E-9-b Small Housing Units H-F-1-a Facilities and Services for Special Needs H-F-1-d Reasonable Accommodation H-F-1-i Community Care Facilities H-F-2-d Emergency Shelter Zoning H-F-2-e Low Barrier Navigation Centers H-F-3-a Transitional and Supportive Housing Zoning H-F-3-b Supportive Housing	H-D-4-a H-D-4-h H-E-9-b H-F-1-a H-F-1-d H-F-1-i H-F-2-d H-F-2-e H-F-3-a H-F-3-b

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HE-85-116	HE-77-105		Programs		<p>Many programs were modified to include more specific timeframes. Others that were modified to include more specific performance metrics, but not otherwise mentioned above, include:</p> <p>H-C-3-d Facilitate Tenant Protection Act of 2019 (AB 1482) H-D-4-g Multi-Family ADUs H-E-1-a Existing Unit Purchase Program- Opportunities for Supportive Housing H-E-2-a Inclusionary 20% Requirements H-E-2-b Affordable Housing Overlay Inclusionary 15% Requirement Including Extremely Low-Income H-E-9-a Family Friendly Housing H-E-9-b Small Housing Units H-F-1-c Adaptable/Accessible Units for the Disabled H-F-1-e Home Sharing for Special Needs Population H-F-1-f Support Services for Special Needs Population H-F-1-g Extremely Low-Income Units for Special Needs H-F-1-h Age Friendly Initiative H-G-1-a Non-Discrimination H-G-2-a Anti-Discrimination Regulations H-G-2-c Information Specific to Fair Housing H-G-2-d Multi-Lingual Tenant Resources</p>	<p>H-C-3-d H-D-4-g H-E-1-a H-E-2-a H-E-2-b H-E-9-a H-E-9-b H-F-1-c H-F-1-e H-F-1-f H-F-1-g H-F-1-h H-G-1-a H-G-2-a H-G-2-c H-G-2-d</p>

EXHIBIT D

Draft Housing Element Update 2023-2031 dated 5-15-2023 (Redline)

Available at: <https://engagefostercity.org/13162/widgets/39130/documents/42769>

EXHIBIT E

Draft Housing Element Update 2023-2031 dated 5-15-2023 (Clean)

Available at: <https://engagefostercity.org/13162/widgets/39130/documents/42768>

EXHIBIT F

AMENDMENT TO LAND USE AND CIRCULATION ELEMENT

Section 1: The Land Use Categories section of the Land Use and Circulation Element, pp. 3-16 – 3-19 (as amended through Resolution No., 2022-138), is hereby amended as follows:

Land Use Categories

Land Use Map. The Land Use Plan, Map 3.4, and the policy text of the Land Use Element of the General Plan are complementary; the written policies set forth the basic approach to be taken while the map shows the intended spatial application of the written policies. The General Plan Land Use Map land use designations may be subject to change at the initiation of a land owner or the City, depending on City needs, environmental conditions and changes in surrounding land uses.

Sphere of Influence. Foster City's Sphere of Influence shall continue to be co-terminus with the City limits boundary. A Sphere of Influence is defined (Government Code Section 54774) as the ultimate probable physical boundaries and service area of a local agency.

Definitions of Land Use Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type. All proposed projects must meet density and Floor Area Ratio standards for that type of use and other applicable development standards, such as height, setbacks and lot coverage, established by the City's Zoning Ordinance. Exceptions to these standards may be allowed in some instances as allowed by the Zoning Ordinance, consistent with the goals and policies of the Foster City General Plan. Some listed uses will be conditional uses under the Zoning Ordinance and may be allowed only in limited areas or under limited circumstances.

Residential Categories

Single-Family Residential. Allows up to 8 dwelling units per acre (du/ac). This is the single largest residential category, and single family homes are located in every residential neighborhood except one.

Two-Family Residential. Allows up to 10-13 dwelling units per acre. ~~This designation recognizes the small percentage of existing duplex homes in the City. The designation has been applied to a small area in the northeastern portion of the City, on Comet Drive (Neighborhood #1).~~ Duplexes can serve as a transition area between traditional single family detached homes and higher density multi-family developments. The density range and zoning requirements have been established in recognition that duplexes are an existing housing type intermediate to single-family detached homes and townhomes. Duplexes should provide the outward appearance of a single-family neighborhood, but at densities closer to those of townhomes.

Townhouse Residential. Allows up to 15 dwelling units per acre. Townhomes in Foster City generally function as attached single family homes and usually provide some private open space in addition to common areas.

Condominium Residential. Allows 15-35 dwelling units per acre. Condominium developments are usually constructed at a higher density than townhomes. Any open space areas are common to all residents.

Apartment Residential. Allows 20-35 dwelling units per acre. Apartment developments in Foster City generally provide the highest density living environment, although some apartment and condominium developments are very similar with respect to density and amenities.

Additional density is permitted above the density ranges described above pursuant to California Density Bonus Law, Chapter 17.86 Density Bonuses, and other incentives designed to provide affordable housing. See the Housing Element for more information.

Commercial and Industrial Categories

Town Center Commercial. This designation is reserved for the area located northwest of East Hillsdale Boulevard, bounded by Foster City Boulevard to the north and State Route 92 to the west. The area includes a 100-acre development known as Metro Center, in addition to Parkside Towers and other office developments. The Town Center area is intended to serve as Foster City's downtown core and allows for a mix of uses, including residential, commercial office, retail, service and compatible research and development (R&D). R&D uses are considered compatible with this designation if project design (i.e., site planning, architecture, and landscape architecture) is consistent with nearby uses and functional or operational characteristics of a hazardous or nuisance nature can be mitigated or reduced to an acceptable level through design control. Generally, R&D covers facilities for industrial, scientific, or technological research, product design, prototype production, development, and testing. The highest intensity uses in the City would be allowed, with Floor Area Ratios (FAR) for office/R&D developments ranging from .55 to 2.0 FAR. Town Center office developments located outside Metro Center, have lower FARs which range from 0.18 to 1.5 FAR. Residential developments range from Cityhomes townhouses at 15 units per acre to Metro Senior Apartments at 60 units per acre.

Neighborhood Commercial. Reserved for small neighborhood convenience shopping centers whose primary focus is servicing the immediate neighborhood. Although uses allowed in the centers are mostly limited to neighborhood serving uses, a percentage of the floor area of each center may be occupied by uses which are community serving in nature. In addition, the City will allow housing or a mix of housing and commercial development at specifically designated "housing opportunity sites", consistent with Housing Element Policies. FARs of neighborhood commercial centers generally range between .20 and .30 FAR.

Service Commercial. Includes a mix of uses providing general services. The area bounded by Foster City Boulevard, East Hillsdale Boulevard, and State Route 92 is designated Service Commercial and contains a mix of research and development firms, storage and professional offices. Also located in this area are food establishments, including several fast food restaurants, and a community theatre (Hillbarn). Land use intensities vary greatly in this area, from relatively

low FAR of .03 to .12 FAR for restaurant and gas station uses, to higher intensity office developments with FAR's ranging from .20 to .98 FAR (although most developments fall in the lower end, .20 to .40 FAR, of this range).

Service Commercial with Housing. Includes a mix of service commercial, retail and residential uses. This designation has been applied to the Pilgrim Triton Master Plan area-. This designation allows 20-60 dwelling units per acre for residential uses.

Apartment/Neighborhood Commercial. This designation allows a mixed use development including residential densities of 20-35 units per acre and the uses allowed by the Neighborhood Commercial designation. This designation has been applied to the Marlin Cove development, but could be applied to other sites in the future.

Waterfront Commercial. This designation allows only for commercial development which is directly related to, and enhances the public use of, the waterfront without damaging environmental effects. Appropriate commercial uses would avoid impacting wetlands and could include restaurants, commercial recreation, marine-related retail and offices and marina berths. The site could also be used to expand the wetland areas in order to provide mitigation for off- site projects. At the present time, only the proposed Foster City Marina site is designated for waterfront commercial uses.

Light Industrial. Includes wholesale facilities, storage warehouses and the manufacturing, processing, repairing, or packaging of goods. Emission of fumes, noise, smoke or other pollutants or nuisances are strictly controlled. A limited amount of general office use is acceptable in this area provided the uses meet the requirements established for the M-1 (Light Industrial) zoning district. The M-1 zoning district is proposed to be amended to allow general office uses part of this element. FARs for developments in the industrial area range from .20 to .60 FAR.

Research/Office Park. Areas with this designation contain office, research and development, and manufacturing establishments whose operations are clean and quiet. Mixed-use projects which include some retail and residential uses in addition to office and research uses may, under certain conditions, be considered compatible with this designation. Such conditions include compatibility of uses and project design (land planning, architecture, etc.). Vintage Park, the Lincoln Centre area, the Mariners Golf site and the Bayside Towers development are all designated for Research/Office Park use. The intensity of development varies, with FARs generally ranging from .30 along Foster City Boulevard, to .44 for Bayside Towers to a campuswide average of .79 for the Gilead Campus within Vintage Park. The intensity of development for the vacant Vintage Park sites is anticipated to have an FAR up to 1.0.

Chess/Hatch Office Research. Areas with this designation allow commercial, office, industrial, biotechnology and other such compatible uses, including vehicle parking in both parking structures and at-grade parking lots on the project site. Incompatible uses such as housing, schools, day care, and other uses serving primarily children are prohibited. Vertically and horizontally mixed-use developments that maximize the use of land, organize land uses and pedestrian/vehicular circulation in a safe, logical and functional manner and establish a safe, logical and functional design relationship with adjacent land uses is allowed within this designation. Uses must meet the requirements of Chapter 17.68, General Performance

Standards, of Title 17, Zoning, of the Foster City Municipal Code. FARs for developments in this area would range from 0.6 to 1.55 FAR.

Other Categories.

Civic Center Mixed Use. This land use designation applies to the City-Owned 15-acre parcel between Civic Center Drive and Balclutha Drive, and Foster City Boulevard and Shell Boulevard and the Foster's Landing site. ~~The 15-acre site is parcel~~ is the remaining piece of the Civic Center Master Plan and is planned for a focal point for the City, capitalizing on its proximity to Leo Ryan Park, the Recreation/Senior Center, the Library and the North Peninsula Jewish Campus. A plan for the site was endorsed by the City Council in 2011 and includes approximately 400 age-qualified dwelling units, consisting of a mix of for-sale units, rental apartments and assisted living units; 30,000 square feet of commercial space including restaurants and retail establishments; as well as a public use component including a neighborhood square designed to host public and private events, outdoor seating, a farmers market, art displays and entertainment events. This designation allows a range of 20-~~60~~³⁵ dwelling units per acre in a multifamily setting, combined with a commercial component up to 0.5 FAR. Building heights will range from four to seven stories.

School. Includes only those properties owned by public school districts which have operational schools located on them.

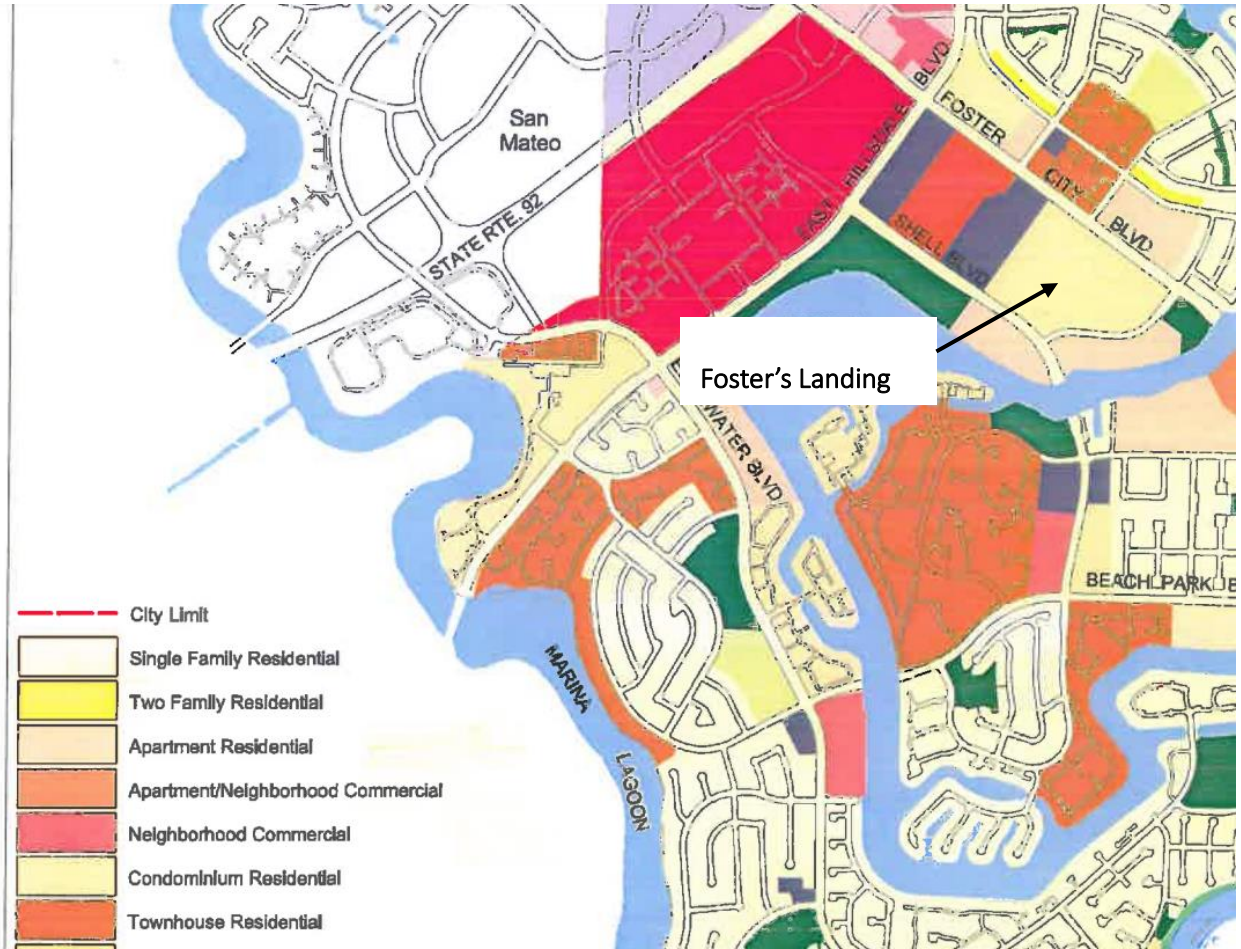
Parks and Recreation. This designation is for improved open space lands whose primary purpose is recreation, and includes all local and regional parks.

Open Space. Open lands which are vacant of structures and improvements, and which are primarily maintained in their natural condition, are designated as open space. In some cases, maintained pathways or parking areas which enhance access to the open space areas are considered compatible with this designation. The pedway along the perimeter of the City which provides access to San Francisco Bay is designated open space, as well as a large parcel of land located north of East Third Avenue along the northern boundary of the City and adjacent to San Mateo City wetlands.

Public and Semi-Public. Reserved for uses which are generally public serving in nature, including religious institutions, private schools, government offices, and fire and police facilities.

Section 2: Figure 3.4, Land Use, of the Land Use and Circulation Element, is hereby amended as follows as shown below in Parts 1 and 2:

Part 1: Foster's Landing at 700 Bounty Drive (APN 094-980-070) designation to be changed from "Condominium Residential" to "Civic Center Mixed Use"



Part 2: 1601 Beach Park Boulevard ([APN 094-211-550](#)) designation to be changed from “Public/Semi-Public” to “Two Family Residential”

