

STAFF REPORT

TO: Mayor and Members of the City Council

VIA: James C. Hardy, City Manager *JCH*

FROM: Richard B. Marks, Community Development Department Director
Leslie J. Carmichael, Planning Manager *LJC*

DATE: April 21, 2008

SUBJECT: Adoption of a Resolution Approving a Request for Proposal (RFP) for a Consultant to prepare an Environmental Impact Report (EIR) for the Chess Drive Offices Project – General Plan Amendment; General Development Plan/Rezoning; and Development Agreement - EA-07-001; GP-07-001; RZ-07-002; DA-08-004

RECOMMENDATION

That the City Council adopt the attached Resolution approving a Request for Proposal (RFP) to be sent to environmental consulting firms regarding the preparation of an Environmental Impact Report (EIR) to meet the requirements of the California Environmental Quality Act for the proposed Chess Drive Offices Project.

EXECUTIVE SUMMARY

Staff is requesting City Council approval to issue a Request for Proposal to five (5) environmental consulting firms regarding the preparation of an Environmental Impact Report for the Chess Drive Offices Project.

BACKGROUND

Proposed Project

The Chess Drive Offices Project consists of the following components:

- A. Adoption of the Chess Drive/Hatch Drive Commercial/Industrial area policies into the General Plan.
- B. Redevelopment of ±190,000 square feet of low-scale one and two story commercial/industrial buildings on ±11.89 acres with up to 800,000 square feet of office use in three (3) multi-story buildings served by a

5.2.2

combination of at-grade parking lots and a large, shared parking structure.

- C. The proposed Master Plan will require the demolition of 11 existing 1 and 2 story buildings.

Currently submitted applications include a General Plan Amendment to adopt the Chess Drive/Hatch Drive General Plan Policies tentatively endorsed in Minute Order 970; Rezoning from M-1/PD (Light Industrial/Planned Development) District to with CM/PD (Commercial Mix/Planned Development) with a General Development Plan; and a Development Agreement to include terms affecting the development, use, improvements required, payment of various fees and other terms.

California Environmental Quality Act (CEQA) Requirements

The purpose of the California Environmental Quality Act (CEQA), Section 21000-21177 of the Public Resources Code, is to maintain and provide a high quality of environment. CEQA meets these goals by requiring local governments to disclose the significant environmental effects of a project to the community as well as decision makers and to identify and implement measures that will limit the environmental effects of a project.

The Community Development Department has determined that there are potentially significant environmental impacts associated with the proposed Project with regard to traffic and visual impacts and therefore, in consultation with the applicant, has determined that preparation of an Environmental Impact is required. In this instance, because an EIR has been determined to be necessary, preparation of an Initial Study is not required by CEQA. For this Project, the Planning Commission will review the Draft EIR and make recommendations to the City Council; the final decision-making body will be the City Council.

A Notice of Preparation of an Environmental Impact Report will be published and mailed requesting input on the scope of the EIR from reviewing agencies and the public. A public scoping meeting will be held on June 5, 2008 to receive comments on the scope of the EIR. The consultant's scope of work may be adjusted based on the comments received.

Prior to consideration of the Draft EIR by the Planning Commission, public notices will be published and mailed advising the public of the availability of the document for review and the opportunity to submit comments prior to or at the Public Hearing. Responses to comments received on the Draft EIR prior to the deadline will be included in the Final EIR. The Planning Commission will make a recommendation to the City Council regarding whether to certify the EIR as complete and adequate at the same time it makes recommendations or takes actions on the other project applications.

ANALYSIS

At this point in the review of the Chess Drive Offices Project, staff has determined that an EIR will be required. As indicated in the RFP, staff recommends that the following topics be included in the EIR:

- A. Land Use - Conformance with General Plan and zoning
- B. Visual impacts
- C. Geology, seismicity and soils – seismic safety issues
- D. Hazards and hazardous materials
- E. Hydrology and water quality – potential impacts on lagoon and storm water drainage
- F. Noise – noise impacts to uses from surrounding streets; noise impacts from increased traffic; conformance with noise standards for buildings affected by street noise; construction related noise
- G. Traffic – impacts on levels of service, capacity of roadways, compliance with C/CAG and Caltrans requirements for traffic analysis (will be included in previously authorized Multi-Project Traffic Analysis and incorporated into the EIR)
- H. Project On-Site Vehicular Circulation
- I. Project On-Site Pedestrian and Bicycle Circulation
- J. Public Transportation Services
- K. On-Site Parking - conformance with City codes; mixed use and shared parking
- L. Air quality – impacts from increased traffic
- M. Public Services and Utilities – police, fire, schools, parks, utilities
- N. Cultural Resources
- O. Cumulative impacts – CEQA requires consideration of cumulative impacts including other current and foreseeable projects
- P. Alternatives – CEQA requires consideration of alternatives

The Request for Proposal (RFP) requires project specific information on the preparation of the EIR, including capabilities of the firm, timing, sub-consultants, and costs. Staff recommends that the RFP be sent to LSA Associates, David J. Powers and Associates, RRM Design Group, Circle Point and Environmental Science Associates. After receiving and reviewing the proposals, staff will return to the City Council with a recommendation for which firm to select. As indicated in the Background section, the scope of the EIR may be adjusted following input from the public and reviewing agencies in response to the Notice of Preparation of an Environmental Impact Report.

Attachments:

- Resolution
- Draft Request for Proposal (RFP) Cover Letter
- Draft Scope of Work

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING A REQUEST FOR PROPOSAL (RFP) IN FORM AND CONTENT AND AUTHORIZING CITY STAFF TO SEND THE REQUEST FOR PROPOSAL TO FIVE ENVIRONMENTAL CONSULTING FIRMS SOLICITING THEIR INTEREST IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT TO MEET THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE CHESS DRIVE OFFICES PROJECT - ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT; GENERAL DEVELOPMENT PLAN/REZONING; AND DEVELOPMENT AGREEMENT; (EA-07-001; GP-07-001; RZ-07-002; DA-08-004)

CITY OF FOSTER CITY

WHEREAS, Northwestern Mutual Life and Harmon Shragge have filed applications for a General Plan Amendment, General Development Plan/Rezoning, Development Agreement and Environmental Assessment for the redevelopment of approximately 190,000 sq. ft. of one- and two-story office buildings with up to 800,000 sq. ft. of office use on ±11.89 acres; and

WHEREAS, the City has determined that an Environmental Impact Report (EIR) will be required to meet the requirements of the California Environmental Quality Act for the above referenced project; and

WHEREAS, it is the City's practice when anticipating the preparation of complex environmental documents to solicit the professional interest and skills of several qualified consulting firms in order to find the best qualified and most cost effective firm available to prepare the required documents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby approve the proposed Request for Proposals in form and content and authorizes the Community Development Director to send the Request for Proposals to LSA Associates; David J. Powers and Associates; the RRM Design Group, Environmental Science Associates, and Circle Point.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 21st day of April, 2008, by the following vote:

AYES:

NOES:

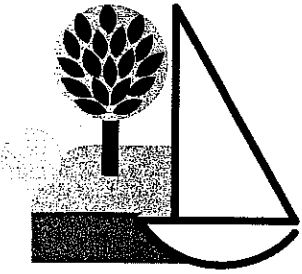
ABSENT:

ABSTAIN:

PAM FRISELLA, MAYOR

ATTEST:

THERESE L. CALIC, CITY CLERK



ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222
(650) 286-3200
FAX (650) 574-3483

April 22, 2008

Consultant
Firm Name
Address
City, State, Zip

Re: Request for Proposal (RFP) For Services for Preparation of Environmental Impact Report for Chess/Hatch Office Development Project (EA-07-001; GP-07-001; RZ-07-002; DA-08-004)

Dear Sir/Madam:

The City of Foster City is soliciting services for the preparation of an Environmental Impact Report for a project currently under review by the City. The General Plan Amendment, General Development Plan/Rezoning and, Development Agreement for the Chess/Hatch Office Development Project consists of the following components:

- A. Adoption of the Chess Drive/Hatch Drive Commercial/Industrial area policies into the General Plan.
- B. Redevelopment of $\pm 190,000$ square feet of low-scale one and two story commercial/industrial buildings on ± 11.89 acres with up to 800,000 square feet of office use in three (3) multi-story buildings served by a combination of at-grade parking lots and a large, shared parking structure.
- C. The proposed Master Plan will require the demolition of 11 existing 1 and 1 and 2 story buildings.

Currently submitted applications include a General Plan Amendment to adopt the Chess Drive/Hatch Drive General Plan Policies tentatively endorsed in Minute Order 970; Rezoning from M-1/PD (Light Industrial/Planned Development) District to with CM/PD (Commercial Mix/Planned Development) with a General Development Plan; and a Development Agreement to include terms affecting the development, use, improvements required, payment of various fees and other terms.

A detailed description of the project and scope of work for the preparation of the EIR are contained in the attached Scope of Work. We have also attached a copy of our standard Agreement for Professional Services.

The attached Scope of Work outlines the requirements for the EIR. If your firm is interested in providing your expertise and services for the preparation of the environmental document for this project, we would appreciate the submittal of your written response and proposal to the Community Development Department no later than 5:00 PM, May 13, 2008. As requested, your proposal should provide a projected timetable for completion of tasks and cost estimates for services to be provided. Please also include resumes for the project staff and any subconsultants. We have planned a Scoping Meeting for June 5, 2008.

Chess Drive RFP
April 22, 2008
Page 2

If you have any questions concerning the project or the process, please do not hesitate to contact this office at (650) 286-3236.

Sincerely,

Leslie J. Carmichael
Planning Manager

Attachments

Scope of Work
Standard Agreement for Professional Services

Chess Drive RFP
April 22, 2008
Page 3

Consultants receiving RFP for Chess Drive EIR on April 22, 2008:

1. Kellier Palmer
Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104
Tel: (415) 896-5900
2. John H. Schwartz
David J. Powers and Associates
1885 The Alameda, Suite 204
San Jose, CA 95126
Tel: 408-248-3500
3. David Clore
LSA Associates
2215 Fifth St.
Berkeley, CA 94710
Tel: (510) 540-7331
4. CirclePoint
135 Main Street, Suite 1600
San Francisco, CA 94105
Tel: 415 227-1100
Fax: 415 227-1110
5. Lynette Dias
RRM Design Group
10 Liberty Ship Way, Ste. 300
Sausalito, CA 94965
Tel: (415) 331-8282 , ext. 215
Fax: (415) 331-8298

EA-07-001
April 22, 2008

**SCOPE OF WORK
DRAFT ENVIRONMENTAL IMPACT REPORT**

Chess/Hatch Office Development Project

General Plan Amendment; General Development Plan/Rezoning; and Development Agreement - EA-07-001; GP-07-001; RZ-07-002; DA-08-004

- I. TITLE: Chess/Hatch Office Project EIR. EA-07-001 (Environmental Assessment); GP-07-001 (General Plan Amendment); RZ-07-002 (General Development Plan/Rezoning); DA-08-004 (Development Agreement).
- II. PURPOSE: To assess, at a project level, the potential environmental impacts of the proposed placement, density and height of the proposed three (3) building office project as depicted and proposed in the Chess/Hatch Office Development Project, and to evaluate feasible mitigation measures where significant impacts are identified.
- III. PROJECT DESCRIPTION: The General Plan Amendment, General Development Plan/Rezoning and, Development Agreement for the Chess/Hatch Office Development Project consists of the following components:
 - A. Adoption of the Chess Drive/Hatch Drive Commercial/Industrial area policies into the General Plan.
 - B. Redevelopment of ±190,000 square feet of low-scale one and two story commercial/industrial buildings on ±11.89 acres with up to 800,000 square feet of office use in three (3) multi-story buildings served by a combination of at-grade parking lots and a large, shared parking structure.
 - C. The proposed Master Plan will require the demolition of 11 existing 1 and 2 story buildings.

Currently submitted applications include a General Plan Amendment to adopt the Chess Drive/Hatch Drive General Plan Policies tentatively endorsed in Minute Order 970; Rezoning from M-1/PD (Light Industrial/Planned Development) District to with CM/PD (Commercial Mix/Planned Development) with a General Development Plan; and a Development Agreement to include terms affecting the development, use, improvements required, payment of various fees and other terms.

SPECIAL NOTE/TRAFFIC ANALYSIS

The subject land development project will be analyzed as part of a multi-project traffic analysis currently in progress. The Administrative Draft Report is due on June 16, 2008 and the Final Report is due August 4, 2008. These dates are subject to change. The findings of that traffic analysis as they relate to the traffic impacts that can be assigned to the Chess/Hatch Office Development Project will be incorporated in this Environmental Impact Report and included in the Appendices.

- IV. PRODUCTS: The consultant firm shall provide the City with the following documents:
- A. Administrative Draft Environmental Impact Report – A document containing, at a minimum, the information specified under Areas of Concern, as listed below, for staff review.
 - B. Screencheck Draft Environmental Impact Report – A document inclusive of all elements specified above and responses and modifications resulting from staff comments on the Administrative Draft EIR. A Notice of Availability of the Draft EIR shall be provided at the same time.
 - C. Draft Environmental Impact Report – A document inclusive of all elements specified above and responses and modifications resulting from staff comments on the Screencheck Draft EIR.
 - D. Administrative Final Environmental Impact Report – A document consisting of the Draft EIR with proposed revisions incorporated, copies of comments on the Draft EIR received during the public comment period, and responses to those comments, including any modifications to the document itself, for staff review.
 - E. Screencheck Final Environmental Impact Report – A document inclusive of all elements specified above and responses and modifications resulting from staff comments on the Administrative Final EIR.
 - F. Final Environmental Impact Report – A document inclusive of all elements specified above and responses and modifications resulting from staff comments on the Screencheck Final EIR.
 - G. Mitigation Monitoring and Reporting Plan
 - H. Statement of Facts and Findings Regarding Environmental Impacts – A document that includes the statements of fact findings required by Sections 15091 and 15093 of the State CEQA.

(Note: The Notice of Preparation and Notice of Determination will be prepared by City staff).

V. AREAS OF CONCERN:

The EIR shall be prepared in a format and include each section and discussions as required under the provisions of the California Environmental Quality Act (Division 13, Section 21000 et seq. of the California Public Resources Code), State CEQA Guidelines (Title 14, Chapter 3, Section 15000 et seq. of the California Administrative Code), and the Foster City Environmental Review Guidelines (amended October 1, 2007).

The EIR shall discuss the issues and information pertaining to the project as noted below:

A. Land Use

1. Setting

Describe existing site and area land uses (mix, type, density), building heights, and general conditions.

Describe the project in terms of the type, density, mix of land uses, and building heights proposed in relation to the general setting of land uses in the immediate vicinity. Where other local, regional, State or federal plans and policies (e.g., Clean Air Act, NPDES) are considered in topical subsections, they will be cross-referenced.

2. Potential Impacts

Evaluate and discuss the compatibility and intensity of the proposed land uses and building heights in relation to the City's General Plan Land Use and Circulation Element policies, the Foster City Municipal Code and in relation to existing land uses, buildings and structures in the vicinity of the site. Identify potential design, operational or impact conflicts with General Plan goals and policies, Municipal Code requirements and with existing area land uses, buildings and structures.

3. Mitigation Measures

Identify feasible mitigation measures to provide consistency with the City's General Plan, the Foster City Municipal Code, and with existing area land uses.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

B. Visual Impacts

1. Setting

Describe existing setting and all outstanding features influencing it, including State Route 92, and compare the analysis to the City's General Plan Land Use and Circulation Element policies regarding aesthetics.

2. Potential Impacts

Evaluate and discuss the compatibility of the proposed project with the City's General Plan; Chapter 2.28, Planning, of Title 2, Administration and Personnel, and Chapter 17.58, Architectural Control and Supervision, and Chapter 17.62, Off-street Parking Regulations, of Title 17, Zoning, of the Foster City Municipal Code. Evaluate and discuss the compatibility of the proposed project buildings with existing buildings, structures, and improvements in the vicinity of the site.

Provide pedestrian level perspective drawings of the Site and Project viewed from: 1) the perspective of a driver approximately 500 feet away from the site, traveling in the westbound direction on State Route 92; 2) the perspective of a driver approximately 500 feet away from the site, traveling in the east bound direction on State Route 92; 3) the southwest corner of East Hillsdale & Foster City Boulevards and 5) from the top of the Foster City Boulevard overpass. All perspective drawings must include the proposed buildings planned for the Pilgrim/Triton commercial, Industrial and housing Area.

Provide animated simulations of the Project (both directions) from the perspective of a pedestrian walking along Chess Drive.

3. Mitigation Measures

Identify feasible mitigation measures to provide General Plan policy and Zoning Ordinance consistency, as appropriate.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

- C. Geology, Seismicity and Soils

1. Setting

Review Phase I and II soils reports provided by the applicant and describe existing site characteristics, soil composition and stability, and any chemical contaminants found in the fill soils and water at the site based upon available geotechnical reports prepared for the site and standardized soils testing techniques.

Describe the seismic activity that could potentially occur at this site (maximum credible event).

2. Potential Impacts

Discuss potential geotechnical hazards associated with development at this site.

3. Mitigation Measures

Identify feasible foundation design and site excavation mitigation measures as necessary based on site conditions, and recent geotechnical reports prepared for the site.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

- D. Hazards and Hazardous Materials

1. Setting

Describe existing regulatory framework, any previous environmental investigations on the site, any previous documented

hazardous materials releases and current and likely hazardous materials to be used at the site.

2. Potential Impacts

Identify potential impacts of the project related to hazardous materials or public health and safety.

3. Mitigation Measures

Identify feasible mitigation measures as necessary.

4. References

5. Appendices

E. Hydrology and Water Quality

1. Setting

Qualitatively describe the site's hydrologic settings related to site runoff, drainage and water quality. Perform a site reconnaissance to verify drainage patterns and identify opportunity areas for construction of treatment control Best Management Practices (BMPs) to improve runoff water quality from the site. Describe regulatory requirements of existing stormwater regulations.

2. Impacts

In consultation with the City's Public Works Engineering Division evaluate runoff volume cause by the construction of the project, including buildings, roads and other facilities. Describe potential degradation of water quality from urban pollutants emitted by the project.

3. Mitigation Measures

Mitigation measures will be developed to minimize any construction period and post-development related impacts. Identify practical mitigation measures to reduce or eliminate water quality problems, including source control and treatment control BMPs.

F. Noise

1. Setting

Describe existing noise sources affecting the site and proposed facilities.

Describe and quantify the intensity of noise.

2. Potential Impacts

Construction Period Noise - Describe anticipated noise resulting from the demolition of existing buildings, structures and parking lots, as well as construction of the Project including noise levels and noise from pile driving equipment, trucks, and other typical construction period noise sources.

Post Construction Noise - Estimate future noise sources and levels, including any increases resulting from projected traffic levels.

Identify and evaluate conformance with noise standards for the uses proposed.

3. Mitigation Measures

Identify feasible mitigation measures for both post construction period noise and construction period related noise as necessary.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

List noise readings, conditions, time, etc.

G. Traffic

The subject land development project will be analyzed as part of a multi-project traffic analysis currently in progress. The Administrative Draft Report is due on June 16, 2008 and the Final Report is due August 4, 2008. These dates are subject to change. The findings of that traffic analysis as they relate to the traffic impacts that can be assigned to the Chess/Hatch Office Development Project will be incorporated in this Environmental Impact Report in a format consistent with the other EIR sections and included in the Appendices.

The EIR will also analyze the potential for the applicant's proposed Transportation Demand Management Program to mitigate projected traffic impacts to the extent that this is not already covered in the multi-project traffic analysis.

H. Project On-Site Vehicular Circulation

1. Assess the capacity and design safety of the following:

On-site vehicular circulation.

Vehicle and pedestrian/bicycle interface and safety.

2. Mitigation Measures

Identify feasible mitigation measures as necessary.

I. Project On-Site Pedestrian Circulation (Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals.)

1. Assess the capacity and design safety of the following:

Pedestrian and bicycle circulation and facilities.

2. Mitigation Measures

Identify feasible mitigation measures as necessary.

J. Public Transportation Services

1. Identify and assess the locations and condition of public transportation facilities in and near the Project site.

2. Identify the need for additional bus/transit service, stops/locations and bus/transit turnouts and shelters based on projected bus/transit ridership levels.

3. Mitigation Measures

Identify feasible mitigation measures as necessary.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

Include all technical data used to develop mitigations and recommendations

K. On-Site Parking

1. Assess the number of off-street parking spaces needed to accommodate the proposed development using the requirements of Chapter 17.62, Off-street Parking Regulations, of Title 17, Zoning, of the Foster City Municipal Code and by applying appropriate parking generation rates for the size, type and mix of research & development (R & D) and office uses and the buildings proposed. These rates should be obtained from published sources, including Institute of Traffic Engineers (ITE) and from the results of parking surveys conducted for similar multi-building office developments and in comparison to industry standards for the subject individual uses and the proposed mix of land uses.
2. Review and evaluate the construction timing, sharing between buildings/uses and overall planned use of parking structures proposed to meet the Project's off-street parking requirements.
3. Develop options that can be implemented at such time (if ever) that buildings/sites that rely on the use of proposed parking structures and/or at-grade parking lots to meet all or a portion of the building's off-street parking requirements and which are a part of this Campus Plan are sold to other entities, resulting in buildings under separate ownerships that must share parking facilities.
4. Mitigation Measures
Identify feasible mitigation measures as necessary.
5. References
Identify all references used in the study by appropriate title, author and date.
6. Appendices
Include all technical data used to develop mitigations and recommendations

L. Air Quality

J. Setting

Describe existing ambient air quality at site and surrounding properties.

2. Potential Impacts

Use recent traffic studies (Pilgrim –Triton Master Plan EIR and the Multi-Project Traffic Analysis) and recent environmental reports prepared for sites in the near vicinity to estimate future air quality impacts at identified intersections.

3. Mitigation Measures

Identify feasible mitigation measures as necessary.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

Include all technical data used to develop mitigations and recommendations

M. Public Services and Utilities

1. Setting

Describe services and utilities in terms of existing level of service and capacity and planned or needed expansion or improvements. Information will be provided for police, fire, schools, recreation, solid waste and recycling, water supply, sewer, telecommunications and energy based on information available from each service provider. The consultant will contact each City Department Head or service provider to discuss the provision of services and will summarize these findings in the EIR. The Consultant shall review the Urban Water Management Plan (UWP) and a Water Supply Assessment prepared by the Estero Municipal Improvement District (EMID), which serves the City of Foster City, for the subject site and shall prepare the water supply discussion for the EIR.

2. Impacts

Evaluate Project impacts on each of the public and municipal systems listed above. The assessment will examine the demand for various services generated by the employment growth and the types of water using functions estimated to result from the project. Special attention will be given to capacity of lift stations downstream from the project.

3. Mitigation Measures

Identify feasible mitigation measures as necessary.

4. References

Identify all references used in the study by appropriate title, author and date.

5. Appendices

Include all technical data used to develop mitigations and recommendations

N. Cultural Resources

Consultant shall prepare and include supporting documentation for cultural resources:

- Conduct a records search at the Northwest information Center (NWIC)
- Review other applicable inventories and directories
- Contact potentially interested parties, including the Native American Heritage Commission (NAHC)
- Conduct a paleontological locality search and literature review
- Prepare a technical memorandum detailing the findings to be included in the Appendix

O. Cumulative Analysis

Cumulative conditions will be analyzed as required by CEQA.

P. Alternatives Analysis

Two alternatives to be considered will be developed in consultation with City staff and other consultant participants. Additionally, the No Project Alternative will be described and evaluated.

The discussion will be of sufficient detail to evaluate the benefits and drawbacks of each alternative and to provide some qualitative conclusions regarding the alternatives.

Q. CEQA Conclusions

Conclusions shall be provided for items as required by CEQA, including, but not limited to, growth inducement summary, significant impacts which cannot be avoided, etc.

R. Other Environmental Issues Found Not to be Significant

Based on the project submittal, the topics listed below were determined not to involve significant environmental impacts or their impacts cannot be evaluated at the program level and their discussions and analyses in the EIR may be limited:

Biological Resources
 Historic Resources
 Agricultural Resources
 Mineral Resources

S. Mitigation Monitoring Program

The Mitigation Monitoring program will identify responsibility for implementing and monitoring each mitigation measure, along with monitoring triggers and reporting frequency, subject to approval by City staff. A Checklist will be prepared listing these items and providing a column for verification of compliance. Monitoring will be linked with existing processes of project design, development and review.

The Mitigation Monitoring Program will be submitted to City staff for review with the Administrative Final EIR. The final Mitigation Monitoring Program will be included in the Final EIR.

T. Findings and Overriding Considerations

The consultant will prepare Findings of Fact for significant environmental impacts and a Statement of Overriding Considerations for significant unavoidable environmental impacts, if applicable. The Findings and Overriding Considerations shall be submitted with the Screencheck Final EIR.

VI. MEETING ATTENDANCE: The consultant Project leader shall be prepared to participate in up to one public scoping meeting and up to four public presentations before the Planning Commission and City Council regarding the

information, analysis, findings, and recommendations contained in the environmental document.

VII. REPRODUCTION:

- A. One hundred (100) printed copies, and ten (10) CDs of the Draft Environmental Impact Report shall be provided by the consultant firm to the City. Prior to the production of the final document, the consultant firm shall submit ten (10) copies of the Administrative Draft Environmental Impact Report to the Community Development Director for review and authorization to proceed.
- a. Seventy-five (75) printed copies and five (5) CDs of the Final Environmental Impact Report shall be provided by the consultant firm to the City. Prior to the production of the final document, the consultant firm shall submit ten (10) copies of the Administrative Final Environmental Impact Report to the Community Development Director for review and authorization to proceed.

VIII. TIME SCHEDULE

Proposals shall include a proposed time schedule for completion of the Products listed in Section IV.

IX. RESPONSES/SUBMITTAL DUE DATE

Hard-copy proposals (only) must be received (not post marked) by 5:00 PM on May 13, 2008, and should be mailed or delivered to:

Leslie J. Carmichael
 Planning Manager
 City of Foster City
 610 Foster City Boulevard
 Foster City, CA 94404

Electronic mail files/proposals or files/proposals sent via facsimile will not be accepted.

- Respondents must submit a minimum of ten (10) bound copies of their responses and related information to the City, plus one copy which must be in a loose format that is easily reproduced.

- Responses must be dated and signed by the individual or individuals with whom all business transactions will be conducted.
- Responses shall be valid for a minimum of ninety (90) calendar days.

Attachments:

Chapter 2.28, Planning, of Title 2, Administration and Personnel, of the Foster City Municipal Code

Chapter 17.58, Architectural Control and Supervision, of Title 17, Zoning, of the Foster City Municipal Code

Chapter 17.62, Off-street Parking Regulations, of Title 17, Zoning, of the Foster City Municipal Code.

Chapter 2.28**PLANNING*****Sections:**

2.28.010	Planning agency.
2.28.020	Planning commission— Establishment.
2.28.030	Members—Appointment.
2.28.040	Members—Terms.
2.28.050	Members—Reappointment.
2.28.060	Members—Vacancy.
2.28.070	Vacancy—Terms.
2.28.080	Officers.
2.28.090	Powers and duties.
2.28.100	Architectural and site plan review—Planning commission.
2.28.110	Architectural and site plan review—Purposes.
2.28.120	Architectural and site plan review—Principles.

* See also Title 16, Subdivisions, and Title 17, Zoning.

2.28.010 Planning agency.

Pursuant to the requirements of the Planning and Zoning Law of the state, there is established in the city a planning agency to consist of the planning commission and the city council, each to have such functions as shall be set forth in this code. (Ord. 129 § 3 (part), 1976)

**2.28.020 Planning commission—
Establishment.**

There is established in the city a planning commission to consist of five residents of the city, each of whom has continuously resided in the city for a period of at least three years immediately prior to submission of an application for appointment to the planning commission. All applicants shall be over the age of eighteen years, one of whom should, if practical, be a licensed architect. Community involvement in Foster City and relevant experience will be considered in evaluating applicants. (Ord. 526 § 1, 2006; Ord. 129 § 3 (part), 1976)

2.28.030 Members—Appointment.

The members of the planning commission shall be appointed by the mayor upon the recommendation and approval of the council. (Ord. 129 § 3 (part), 1976)

2.28.040 Members—Terms.

Members of the planning commission shall be appointed for four-year terms to commence on June 1st and shall serve at the pleasure of the council and until the appointment and qualification of their successors, provided,

that one of the members of the first planning commission appointed after the effective date of this chapter shall be appointed to fill the following specific terms:

- A. Term A. June 1, 1976, to May 31, 1977;
- B. Term B. June 1, 1976, to May 31, 1978;
- C. Term C. June 1, 1976, to May 31, 1979;
- D. Two members thereof to fill Term D. June 1, 1976, to May 31, 1980. (Ord. 129 § 3 (part), 1976)

2.28.050 Members—Reappointment.

All members of the planning commission shall be eligible for reappointment to successive four-year terms. (Ord. 425 § 1 (part), 1996; Ord. 129 § 3 (part), 1976)

2.28.060 Members—Vacancy.

Appointments to fill vacancies occurring on the planning commission for whatever reason shall be made by the council as provided in this chapter, upon the same notice as required for filling vacancies on citizen advisory committees. (Ord. 129 § 3 (part), 1976)

2.28.070 Vacancy—Terms.

All appointments made to fill a vacancy occurring prior to the expiration of a term shall be for the unexpired period of that term. (Ord. 129 § 3 (part), 1976)

2.28.080 Officers.

Annually, at its first regular meeting following June 1st, the planning commission shall select from its membership a chair, vice chair and secretary to serve for the ensuing year. (Ord. 425 § 1 (part), 1996; Ord. 129 § 3 (part), 1976)

2.28.090 Powers and duties.

The planning commission shall have all powers and duties imposed upon a planning commission and zoning agency by the Planning and Zoning Law of the state, subject to the provisions of this code and shall act as the advisory agency pursuant to the Subdivision Map Act of the state, subject to the provisions of this code. (Ord. 129 § 3 (part), 1976)

**2.28.100 Architectural and site plan review—
Planning commission.**

In addition to all other duties as set forth in this code, the planning commission shall consider the overall site and architectural development, and the redevelopment of properties, of all commercial, industrial and residential districts as specified in chapter 17.58 of Title 17, Zoning, of the Foster City Municipal Code with respect to the following:

- A. Site planning;
- B. Architecture;
- C. Landscaping;
- D. Relationship to adjacent properties and the overall neighborhood in which the subject property is located;

E. Preservation of waterfront views as viewed from the subject property, adjacent properties, and the waterfront looking back on the subject property and adjacent properties;

F. The screening of unsightly uses including trash, loading docks/areas, rooftop equipment including HVAC equipment and special ventilating systems and exposed conduits or piping;

G. Setbacks, open space, landscape planter areas;

H. Colors and materials of exteriors.

(Ord. 515 § 2 Exh. A (part), 2005; Ord. 370 § 1, 1989; Ord. 129 § 3 (part), 1976)

2.28.110 Architectural and site plan review— Purposes.

The purposes of architectural and site plan review shall be to:

A. Promote the orderly and harmonious development of the city;

B. Assure the stability of land values and investment;

C. Assure the existence of sufficient variety in the design of structures and grounds in keeping with the general character and diversity of design of other structures in the vicinity, insofar as the character can be ascertained and found to be architecturally desirable;

D. Prevent the erection of structures, additions or alterations which are deemed to be unsightly in appearance, which are not properly related to their sites, which are not properly related to adjacent uses or to traffic circulation in the vicinity; and

E. Prevent the erection of structures, additions or alterations or other property improvements which significantly impact the privacy of adjacent properties; cause a significant diminution of sunlight to the interior of an adjacent building or to the exterior of adjacent properties; cause undue glare or noise impacts to adjacent properties; and significantly block or limit existing views from the interior or exterior of adjacent properties. For the purposes of this section, significantly means a substantial or potentially substantial adverse change. (Ord. 370 § 2, 1989; Ord. 129 § 3 (part), 1976)

2.28.120 Architectural and site plan review— Principles.

In carrying out the purposes of this chapter with respect to architectural and site plan review, the following principles shall apply:

A. It is a principle of this chapter to exercise the minimum controls necessary to achieve the overall objectives of this chapter. It is not a principle of this chapter to control architectural character so rigidly that individual

initiative is stifled in the design of any particular building, or that substantial additional expense is required.

B. Good architectural character is based upon the suitability of a building for its purposes, upon the appropriate use of sound materials, and upon the principles of sound harmony and proportion in the elements of the building.

C. Good architectural character is not in itself more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.

D. The relationship of a building to its surroundings is of greater importance than the quality of design of the individual structure.

E. The relationship of structures to a site and to surroundings is affected by:

1. Design and location of the building in relation to provision of adequate light and air to itself and its neighbors;

2. Landscaping, screening and fencing to preserve privacy and mitigate adverse effects on neighboring properties;

3. Location of entrances and exits and layout of internal circulation in relation to traffic safety and ease and convenience of movement;

4. Arrangement and intensity of night lighting in relation to public safety and effect on adjoining properties;

5. Size and design of the structure in relation to the size, shape, and topography of its site to create a proper balance, unity and harmonious appearance;

6. Accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets; and

7. Reservation of landscaping areas for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites, or separating building areas from paved areas to provide access from buildings to open space areas. (Ord. 129 § 3 (part), 1976)

Chapter 17.58

ARCHITECTURAL CONTROL AND
SUPERVISION

Sections:

17.58.010	Intent and purpose.
17.58.020	Improvements subject to architectural review.
17.58.030	Architectural review approval required prior to construction or improvement.
17.58.040	Architectural review procedures.
17.58.050	Findings required.
17.58.060	Architectural guidelines adopted by resolution.
17.58.070	Special provisions.

17.58.010 Intent and purpose.

A. It is the intent of the city council in enacting this chapter to protect the health, safety, and general welfare of the city by maintaining the high standards of architectural design that have distinguished Foster City as the first successful planned community created in California.

B. This chapter establishes procedures and criteria for review of proposed structures, buildings, and improvements to real property and modifications to such which are necessary in order to meet the following objectives:

1. To preserve the architectural character and scale of the neighborhoods and community;
2. To assure that development is well designed, in and of itself and in relation to surrounding properties, including that the height, facade length, roof form, colors, materials, and architectural details of a proposed building should be compatible with the height, facade length, roof form, colors, materials, and architectural details of buildings in the immediate vicinity;
3. To prevent the erection of structures, additions or alterations or other property improvements which significantly impact the privacy of adjacent properties; cause a significant diminution of sunlight to the interior of an adjacent building or to the exterior of adjacent properties; cause undue glare or noise impacts to adjacent properties; and significantly block or limit existing views from the interior and exterior of adjacent properties, and that individual rights are weighed against the needs and requirements of the community;
4. To assure that developments enhance their sites and are harmonious with the highest standards of improvements in the surrounding area;

5. To promote and protect the health, safety and general welfare of the city;

6. To preserve views of and from the lagoons and waterways which provide a visual connecting link for adjacent lots and developments;

7. To enhance the residential and business property values within the city and in neighborhoods surrounding new or modified development;

8. To assure that each new development is designed to best comply with the intent and purpose of the zone in which the property is located and with the general plan of the city;

9. To encourage the maintenance, repair, replacement or improvement of surrounding properties. (Ord. 371 § 24 (part), 1989)

17.58.020 Improvements subject to architectural review.

A. Each improvement as defined in Section 17.04.265 which is not otherwise declared exempt below, shall be subject to architectural review as provided in this chapter. Improvements subject to architectural review include:

1. New buildings, structures or additions to existing structures;
2. Modifications to the exterior of a structure, including, but not limited to, the addition of windows, the introduction of bay or bow windows or new/unapproved window shapes or materials (such as glass block), doors, rooftop equipment, roof material or color, non-tubular skylights, solar panels or loading docks;
3. Addition of paved area to a front yard including asphalt, cement and brick except for walkways;
4. Fences and walls facing any public right-of-way or private street or on a waterfront property, except fences between the side wall of the house and the side property line that are set back behind the front wall of the house;
5. Decks above grade at any point (except as exempted below), gazebos, patio covers, trellises, windscreens and similar improvements;
6. Exterior storage of recreational vehicles, recreational vehicle equipment, boats, boat trailers, campers and camper shells pursuant to Chapter 17.64 of this code;
7. Flagpoles more than fifteen feet in height in an "R" district or more than twenty-five feet in height in a "C" or "M" district or in multi-family common areas;
8. All improvements which the director of planning and development services deems similar to those listed above;
9. Elimination of the setback requirement between a spa or hot tub and a common area property line in the RT/PD, C-2/PD, or R-3/PD districts upon securing architec-

tural review approval by the planning commission in each planned development;

10. Children's play structures not otherwise exempt pursuant to subsection (B)(20) of this section. These structures shall be reviewed for location, height, size, colors, materials and impact on neighboring properties.

B. Improvements Exempt from Architectural Review. The following improvements shall be exempt from architectural review:

1. Modifications to the interior of a structure;

2. Repainting or restaining of buildings or structures on properties in "R" districts, which are not in a PD (planned development) district, provided the new color is not bright pastel, fluorescent or a primary color, or out of character with the existing colors used in the neighborhood;

3. Repainting or restaining of buildings or structures on properties in C-U, C-I, C-2, C-M, M-I, PF, OSC or any PD (planned development) district, provided the new color is within the project color palette previously approved by the city with the specific development plan for the project. However, within projects zoned R1/PD, adjacent properties which front on the same street shall not use the same color scheme;

4. Exterior landscaping of single-family detached homes unless required as a condition of approval of use permit or architectural review;

5. Replacement of landscape materials with the same species of plant;

6. Replacement of portions of the exterior of structures or improvements using materials of the same size, type and color;

7. Maintenance which does not involve replacement of any parts;

8. Improvements which are otherwise subject to use permit;

9. Storage sheds and other accessory structures lower than the fence line in a side or rear yard, except that storage sheds on waterfront property which are visible from public waterways shall require an architectural review by the community development director;

10. Decks less than eighteen inches above grade at any point which are also a minimum of five feet from any property line;

11. Flagpoles which are fifteen feet or less in height in an "R" district or less than twenty-five feet in height in a "C" or "M" district or in multifamily common areas;

12. Modifications (frame materials, muntins (grids) or other similar minor modifications as determined by the community development director) to existing windows and doors;

13. Replacement of existing first story rear or side yard windows with garden or greenhouse style windows;

14. Replacement of existing doors, including garage doors;

15. Fences on nonwaterfront property which do not face a public right-of-way;

16. New windows three square feet or less in size located on the first floor on a nonwaterfront property, not in a planned development (PD) district, and not facing a public right-of-way;

17. Exterior spas, hot tubs or swimming pools, whether portable, temporary or permanent that comply with the requirements of Chapter 17.66, including but not limited to setbacks of the spa, hot tub, or swimming pool and associated equipment;

18. Replacement of exterior siding in the R-1 district with stucco, wood, wood shingle, vinyl or fiber cement siding, except that changes of siding on Eichlerstyle houses as determined by the community development director shall require an architectural review permit;

19. Tubular style skylights;

20. Children's play structures located in a side or rear yard, with a maximum height of eight feet, set back a minimum of five feet from any property line and located behind a minimum five-foot tall fence with no electrical outlets or lights;

21. Basketball standards or similar equipment as determined by the community development director.

C. Improvements Which are Prohibited. The following types of improvements are prohibited:

1. Repainting or restaining which uses a bright pastel, fluorescent, or a primary color or a color out of character with existing colors used in the neighborhood;

2. Repainting or restaining which uses murals, multi-colored patterns, or similar features. (Ord. 515 § 2 Exh. A (part), 2005; Ord. 507 § 2 Exh. A (part), 2003; Ord. 437 § 1, 1997; Ord. 433 § 1 (part), 1996; Ord. 391 § 1 Exh. A (part), 1992; Ord. 371 § 24 (part), 1989)

17.58.030 Architectural review approval required prior to construction or improvement.

A. Prior to the issuance of any building permit or construction of any improvement for any of the items listed in Section 17.58.020(A), architectural review approval shall be obtained as required by this chapter. (Ord. 371 § 24 (part), 1989)

17.58.040 Architectural review procedures.

A. Application. To obtain architectural review approval, an application, accompanied by plans, supporting

information, and an application fee as established by city council resolution, must first be submitted to the city. The required content of the application, supporting information, and plans shall be as determined by the planning director. The supporting information shall include evidence that the applicant provided the adjacent property owners an opportunity to review the proposed plans and mail in their comments, either in the form of a signed statement from the adjacent property owners or a certified mail receipt.

B. Review for Completeness. Within thirty days of submittal of the application, the planning director or his/her designee, shall determine if the application is complete.

C. Decision.

1. Planning Commission Review. The planning commission shall either approve, approve with conditions or deny the application in accordance with the provisions of this chapter and any other applicable requirements of federal, state or local law for all architectural review applications pertaining to:

a. Major improvements on properties in any district, including but not limited to the following improvements to property in R districts:

i. Room additions on waterfront property which the community development director cannot approve pursuant to subsection (C)(2) of this section,

ii. Second-floor room additions on nonwaterfront property which the community development director cannot approve pursuant to subsection (C)(2) of this section,

iii. Attached greenhouse/solarium on waterfront property,

iv. Substantial changes or additions to waterfront decks that in the opinion of the community development director might significantly impact neighbors' waterfront views, or

v. Any improvement deemed by the community development director to be similar in nature;

b. On waterfront properties, room additions reviewed by the planning commission shall be subject to a use permit approved by the planning commission;

c. In districts other than R districts, the planning commission shall review modifications which result in an increase in floor area or a substantial change in the appearance of the building as determined by the community development director, including but not limited to use of lighting to outline features of a building, or any other item as determined by the community development director;

d. The planning commission shall review proposed changes to shopping center building colors in a legally noticed public hearing for the following neighborhood

business or commercial mix districts: Charter Square Shopping Center/APN 094-473-010, 094-473-020, and 094-473-030; Beach Park Plaza Shopping Center/APN 094-261-330 and 094-261-270; The Market Place at Metro Center/APN 094-522-190; Edgewater Place Shopping Center/APN 094-541-070; Marlin Cove Shopping Center/APN 094-330-150.

2. Community Development Director Review. For all architectural review applications other than those requiring planning commission action pursuant to subsection (C)(1) of this section, the community development director shall either approve, approve with conditions, or deny the application in accordance with the provisions of this chapter and any other applicable requirements of federal, state or local law within ten days from the date the application was deemed complete, unless a time extension is granted by the applicant. The community development director may refer the application to the planning commission for comment or final action. The community development director shall review:

a. Room additions on the waterfront side of waterfront property that are less than two hundred square feet in area on the first floor only;

b. The community development director shall review all room additions and greenhouse/solariums on nonwaterfront property and the nonwaterfront side of waterfront properties, except second-floor additions that exceed four hundred square feet or are visible from the waterfront;

c. The community development director shall also review changes in windows and doors, addition of detached accessory buildings, fences, rooftop equipment, minor changes or additions to waterfront decks that in the opinion of the community development director will not significantly impact neighbors' waterfront views;

d. Changes in building and roofing material in all districts not otherwise exempt from review;

e. Other minor exterior changes and building color changes in all zoning districts, not otherwise exempt from review, with the exception of shopping center building colors in the following neighborhood business or commercial mix districts: Charter Square Shopping Center/APN 094-473-010, 094-473-020, and 094-473-030; Beach Park Plaza Shopping Center/APN 094-261-330 and 094-261-270; The Market Place at Metro Center/APN 094-522-190; Edgewater Place Shopping Center/APN 094-541-070; Marlin Cove Shopping Center/APN 094-330-150.

D. Notice of Decision. Written notice of the decision shall be provided to the applicant and owner within five calendar days after the decision is rendered. In the case of decisions rendered by the planning director, written notice of the decision shall also be provided to the planning

commission within five calendar days after the decision is rendered.

E. **Decision Not Effective Until Permittee Acknowledges Acceptance of Any Conditions.** Any architectural review decisions shall not be effective until the permittee acknowledges acceptance of any conditions of approval and any appeal period has lapsed or, if there is an appeal, until a final decision has been made on the appeal.

F. **Appeals.** The appeal period as prescribed in Section 17.06.150 shall begin on the date the notice of decision was issued. Any decision on an architectural review application shall not be effective until the appeal period prescribed in Section 17.06.140 has lapsed or, if there is an appeal, until a final decision has been made on the appeal, or upon the preparation of a notice of decision if the appeal period is waived, pursuant to this section. The appeal period may be waived by the planning director if all abutting property owners have submitted signed statements waiving their rights to file an appeal. (Ord. 522 § 2 Exh. A, 2005; Ord. 507 § 2 Exh. A (part), 2003; Ord. 484 § 1, 2001; Ord. 465 § 1, 1999; Ord. 453 § 1, 1998; Ord. 433 § 1 (part), 1996; Ord. 371 § 24 (part), 1989)

17.58.050 Findings required.

Prior to approving an application for architectural review, the following findings must be made by the approving body:

A. That the proposal is consistent with the Foster City general plan and Title 17, Zoning, and Chapter 2.28, Planning, of the Foster City Municipal Code.

B. That the design of the proposal is appropriate to the city, the neighborhood and the lot in which it is proposed.

C. That the design of the proposal is compatible with its environment with respect to use, forms, materials, colors, setbacks, location, height, design, or similar qualities as specified in Section 17.58.010. (Ord. 371 § 24 (part), 1989)

17.58.060 Architectural guidelines adopted by resolution.

A. The planning commission may, by resolution, approve or authorize the community development director to approve architectural guidelines for specific developments or specific types of development which are consistent with the intent and purpose of this chapter.

B. Architectural guidelines may include regulations for property improvements which are different than are contained elsewhere in Title 17, Zoning, and where they differ, such guidelines shall supersede the provisions of this title. For items not specifically mentioned in such

guidelines, the provisions of this title shall otherwise apply. (Ord. 406 § 1, 2, 1994; Ord. 371 § 24 (part), 1989)

17.58.070 Special provisions.

A. **Private Architectural Review.** Where deed restrictions or private property covenants, codes, and restrictions require review by a private architectural board, committee, or Homeowners' Association, the review shall be accomplished by the applicant and the findings of the board or committee shall be transmitted in writing to the city prior to city action. Application to the board and transmission of its findings shall be the responsibility of the applicant, not the city. (Ord. 371 § 24 (part), 1989)

Chapter 17.62

OFF-STREET PARKING REGULATIONS*

Sections:

17.62.010	Purpose and intent.
17.62.020	Definitions.
17.62.030	Basic regulations for off-street parking.
17.62.040	Calculating parking requirements.
17.62.050	Design standards.
17.62.060	Off-street parking requirements.
17.62.070	Basic regulations for off-street loading and unloading spaces.
17.62.080	Design guidelines.
17.62.090	Loading/unloading space requirements.
17.62.100	Relief from the provisions of this chapter.

* Prior history: Prior code Sections 10-406.200 through 10-406.210, as added by Ord. 38.

17.62.010 Purpose and intent.

The regulations set out in this chapter are established in order to assure that parking facilities are properly designed and located in order to meet the parking needs created by specific uses, and to protect the public safety. (Ord. 288 § 1 (part), 1984)

17.62.020 Definitions.

As used in this chapter:

A. "California Building Code" means as referred to in Titles 24 and 25 of the California Administrative Code.

B. "Carpool" means two or more people travelling together on a continuing and prearranged basis in a motor vehicle over routes tailored to accommodate rider needs.

C. "Certificate of occupancy" means the permit required for occupancy of any building, pursuant to Sections 307 and 502 of the Uniform Building Code.

D. "Handicapped persons" a handicapped/disabled person shall be defined pursuant to Section 22511.5 of the California Vehicle Code.

E. "Multiple uses" means industrial, commercial, office, retail or residential land uses, co-located in a project/development site or land subdivision map.

F. "Peak-demand hour (parking)" means that period of time within which demand for available off-street parking is most strong.

G. "Private street," "private road" or "driveway" means a way or place in private ownership and used for

vehicular travel by the owner and those having express or implied permission from the owner, but not by other members of the public (Section 490 of the California Vehicle Code).

H. "Public accommodation area" means those areas within restaurants, taverns, lounges and other establishments for the sale and consumption on the premises of food and beverages, designed to accommodate public seating and gathering, excluding hallways, restrooms, stairways, elevator shafts and common areas used only for major pedestrian movement.

I. "Public transit" means publicly provided transportation, usually either by bus or rail, to users at a fixed cost per ride.

J. "Secondary residential unit" means a housing unit established pursuant to the requirements of Chapter 17.78 of this code.

K. "Staggered/variable work hours" means work schedules in which employees chose their arrival and departure times within management limits, and which increase the opportunity for employees to find convenient ridesharing arrangements.

L. "Transportation coordinator (TC)" means a person, usually a company employee, responsible for helping employees find ridesharing or public transit commuting alternatives.

M. "Transportation systems management (TSM)" means a low-cost transportation improvement, action or plan, implementable in the short term, that reduces traffic congestion and/or increases traffic system capacity and off-street parking capacity.

N. "Uniform Building Code" means the rules, regulations and standards, printed and published by the International Conference of Building Officials, as adopted by the city pursuant to Government Code Section 50022.1 and State Health and Safety Code Section 179222, and adopted as and for the rules, regulations and standards within the city and collectively called the "Foster City Building Code."

O. "Vanpool" means seven or more people travelling together on a continuing and prearranged basis in a motor vehicle designed for the transportation of persons over routes tailored to accommodate rider needs. (Ord. 288 § 1 (part), 1984)

17.62.030 Basic regulations for off-street parking.

A. Off-street parking shall be provided subject to the provisions of this chapter for:

1. Any new building constructed;
2. Any new use established;

3. Any addition or enlargement of an existing building or use; and

4. Any change in the occupancy or use of any building or the manner in which any use is conducted that would result in additional parking stalls being required.

B. With the exception of uses that have entered into city-approved shared-parking agreements, city-approved off-site parking agreements, or city-approved parking in lieu fee agreements, required parking stalls or garages shall be located on-site.

C. All off-street parking stalls and areas required by this title shall be designed and maintained to be fully usable for the duration of the use requiring such areas and spaces.

D. On-street parking within public or private streets, driveways or drives shall not be used to satisfy the off-street parking requirements, except where allowed by this chapter.

E. Whenever the computation of the number of off-street parking stalls required by this section results in a fractional parking stall, one additional parking stall shall be required for one-half or more fractional parking stalls, and any fractional space less than one-half of a parking stall shall not be counted.

F. Temporary use of off-street parking stalls for non-parking purposes will not violate this title only if such use is specifically approved by the city.

G. Parking facilities approved to be constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this chapter, as amended, whether or not previously required, shall conform to the design standards set forth in this chapter. For the purposes of this chapter, substantially reconstructed shall include significant changes in the location, shape, or configuration of the parking lot or to the number or size of parking stalls, with the exception of the creation or adjustment of handicapped parking stalls. Substantially reconstructed shall not include simple maintenance such as repaving, oil and screening of lot surfaces, and/or repainting. When a parking facility is required to conform to the design standards pursuant to this section, the entire parking facility shall be required to conform. Existing legal nonconforming parking lots constructed pursuant to approved development plans shall be permitted to remain as approved until they are substantially reconstructed.

H. All off-street parking required by this chapter shall be constructed prior to the issuance of a certificate of occupancy.

I. If the parking requirements of this chapter conflict with any parking requirements established in this code for a specific zoning district, such as those con-

tained in Section 17.36.060; or specific locations in the city or district, then those specific parking requirements shall prevail over the general requirements established in this chapter.

J. The public works and community development department shall recommend off-street parking requirements for any land use not mentioned in this chapter, subject to planning commission review and approval.

K. With the exception of a valet parking plan approved by the planning commission, or a parking management plan approved pursuant to Section 17.36.060, no tandem parking (one space directly behind another) shall be allowed.

L. Parking lots designed for more than ten cars must have one lane for lot ingress and one lane for lot egress.

M. Whenever compact-car parking stalls are employed to meet off-street parking demand, whether in a residential, commercial, office or industrial project, they shall be reasonably distributed throughout the project rather than all clustered in one location.

N. Whenever possible, parking in all districts should be ninety degrees in orientation (perpendicular).

O. If a parking lot is so operated that a charge is required for the use of the parking facilities, the rates for parking shall be legibly posted upon city-approved parking regulation signs at all entrances to the lot. (Ord. 461 § 2 (part), 1999; Ord. 356 §§ 2, 3, 1989; Ord. 288 § 1 (part), 1984)

17.62.040 Calculating parking requirements.

A. Whenever parking requirements are based on use square footages, calculations shall be based on gross leasable area of a building, which shall include the total interior floor area of the building or structure, measured at the inside face of the exterior walls, but excluding stairwells, elevator shafts, lobbies and bathrooms located for common or public usage of the total building rather than for tenant or internal usage, and space occupied by mechanical equipment or space related to the operation and maintenance of the building. Gross leasable area shall also include outside areas used for sales and/or display. When public lobby areas, outdoor areas or malls contain uses that generate a demand for parking, they shall be included as a part of the gross leasable area of the building.

B. When a single structure or parcel contains multiple uses, more than one parking standard may apply.

C. Parking stalls on public streets shall not be used to meet the requirements set forth herein. No development plans shall be based on the assumption that excess vehicles can be parked on public streets except where public streets have been specifically designed to accom-

moderate on-street parking, and receive city approval for such use.

D. When parking regulations are based on the number of employees, parking calculations shall use the largest number of employees who work at any one work shift. Where shift changes may cause substantial overcrowding of parking facilities, the city may require additional spaces. (Ord. 288 § 1 (part), 1984)

17.62.050 Design standards.

Design standards are established by this section to set basic minimum dimensions and guidelines for design, construction, and maintenance of parking stalls and areas within all of the zoning classifications.

A. General. The following standards shall apply to all zoning classifications:

1. Standard Parking Stall Size. Each standard parking stall shall consist of a rectangular area not less than nine feet wide by nineteen feet long. All covered parking stalls should have a vertical clearance of not less than seven feet.

2. Compact Parking Stall Size. Stalls designated for use by compact cars may be reduced in size to a minimum of eight feet in width and sixteen feet in length. All covered parking stalls should have a vertical clearance of not less than seven feet.

3. Universal Parking Stall Size. Each universal parking stall shall consist of a rectangular area not less than eight and one-half feet wide by eighteen feet long. All covered parking stalls should have a vertical clearance of not less than seven feet.

4. Handicapped Persons Parking Stall Size. Parking stalls for the use of the physically handicapped and accessibility to structures and areas by the physically handicapped shall comply with the requirements as set forth in Part 2, Title 24, of the California Administrative Code and Division 11, Chapter 9, of the California State Vehicle Code.

5. Aisle Dimensions. Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, in accordance with Table 17.62.050-A.

6. Paving. Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or other permanent, impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. Alternate surface material can be considered by the city, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

7. Drainage. All parking and loading facilities shall be graded and provided with permanent storm-drainage facilities. Surfacing, curbing and drainage improvements

shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility.

8. Safety Features. Parking and loading facilities shall meet the following standards:

a. Safety barriers or curbing, and directional markers shall be provided to assure pedestrian/vehicular safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

b. Visibility of pedestrians, bicyclists and motorists shall be assured when entering and exiting individual parking stalls, when circulating within a parking facility, and when entering and exiting a parking facility.

c. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

d. With the exception of single-family residential districts, backing of vehicles across a public walkway in order to exit from a parking space shall not be permitted.

9. Lighting. Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential use and motorists. It is the city's intent to maintain light fixtures in a low-profile design compatible to the site's landscape and architectural design. All lighting shall maintain one footcandle of illumination at ground level. All light fixtures shall be energy-efficient in nature, reflecting "state of the art" technology.

10. Noise. Areas used for primary circulation for frequent idling of vehicle engines, or for loading activities, shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling.

11. Screening. Unenclosed off-street parking areas shall be screened from view from public streets and adjacent more-restrictive land uses. Screening may be accomplished by one or more, or a combination of several, of the following methods:

a. Walls. Low-profile walls, not exceeding forty inches in height shall consist of concrete, stone, brick, or similar types of solid masonry materials.

b. Fences, Solid. A solid fence, not to exceed forty inches in height, shall be constructed of wood, or wood and masonry or other materials to form an opaque screen.

c. Planting. Plant materials, when used as a screen shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, as to provide screening, have a minimum height of two feet, within eighteen months after initial installation.

d. Berms. Berms, including grass or plant materials shall be provided.

e. Plant Materials. All plant materials used to provide a screen for off-street parking areas shall be maintained in a condition such that impairment of safe sight distances does not result.

12. Landscaping. The following basic standards shall be observed:

a. A minimum of ten percent of the total off-street parking area shall be landscaped with at least one fifteen-gallon minimum size tree per each three parking stalls (which may be clustered or grouped) and appropriate ground cover. The parking area shall be computed by adding the areas used for access drives, aisles, stalls, maneuvering and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.

b. Each unenclosed parking facility shall provide a perimeter landscaped strip at least four feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous, except for required access to the site or to the parking facility.

c. All landscaping shall be protected with concrete curbs. Where trees are planted within four feet of sidewalks, curbs or streets, root barriers and tree-trunk protectors shall be used. Decorator planter boxes may, upon city approval, be used in appropriate locations.

d. All landscaping shall be regularly cut, trimmed and maintained in a healthy condition and be kept free of weeds, debris or litter.

e. No planting bed may be less than four feet in width (inside dimension) and twenty-four feet in area.

f. Planting beds must be reasonably distributed throughout the parking area.

g. A detailed landscaping plan drawn to scale shall be provided with all planting, clearly located and labeled, as well as any and all landscape features other than plantings. The plan must include the following information:

- i. Common name/botanical name;
- ii. Size of materials in diameter and height at planting and at maturity;
- iii. Number and spacing of plants and trees to be planted;
- iv. Method of irrigation;
- v. Methods to protect plant materials and landscaped areas from vehicle and pedestrian traffic;
- vi. Maintenance schedule;
- vii. Proposed treatment of all ground surfaces (paving, turf, other);
- viii. Grading and drainage;

ix. Type, dimensions, and locations of all direction and regulation signs;

x. Dimensions and locations of all parking-lot attendant shelters (such shelters shall be compatible with site architecture, materials and design).

h. Planting material shall meet the approval of the city's standards and specifications.

i. No paved parking areas shall be more than thirty-five feet from a landscaped area, with the exception of ingress/egress and collector aisles located adjacent to a building.

j. Not more than twenty-five percent of a landscaped planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, concrete, or other impervious materials.

k. To the extent that they are used as part of a landscape treatment for a parking lot, trash receptacles, bollards, walls or fences, planters, pots, light poles and fixtures, and tree guards and grates shall be coordinated in style, consistent in materials, and must be consistent with and related to the architectural style of the building(s) that are served by the parking lot.

l. Parking lot planters shall be separated from maneuvering and parking areas by a six-inch raised concrete curb.

m. Tree planters along the front of parking stalls shall contain a minimum of twenty-four square feet and the smallest outside dimension shall not be less than four feet.

n. Landscape planters along the sides of parking stalls shall contain a minimum of sixty-four square feet, and the smallest outside dimension shall not be less than four feet.

o. Pedestrian walks shall be provided in landscape planters along the sides of parking stalls as shown below. They shall consist of a minimum twelve-inch paver stepping stones, or pavers shall be provided adjacent to the curb (including curb width).

13. Parking Lot Striping and Markings. Parking stall striping, directional arrows, and parking stall identification shall meet the following standards.

a. All parking stalls shall be painted with a single four-inch-wide contiguous line.

b. All aisles, entrances and exits shall be clearly marked, with directional arrows painted on the parking surface and, if necessary, appropriately designed signage.

c. All compact parking stalls shall be individually labeled with the word "compact" painted on the parking surface of each such parking stall.

d. All handicapped persons' parking stalls shall be individually labeled and signed in accordance with the

requirements as set forth in Part 2, Title 24 of the California Administrative Code.

e. Parking lot striping and markings shall be maintained in a condition such that they can easily be seen.

14. Maneuvering. With the exception of single-family residential districts, parking and maneuvering areas shall be arranged such that any vehicle entering a public right-of-way on a major or secondary street can do so traveling in a forward direction.

15. Overhang. Surface-area parking stalls may permit vehicle overhang of eighteen inches into a landscaped planter.

16. Parking Facility Design. Following are charts and diagrams in accordance with which all parking facilities shall be designed.

a. Parking Bay Widths. Each parking facility shall be designed with parking bay units. The size or width of this unit is dependent on one- or two-way traffic and single- or double-loaded aisles. The following Table 17.62.050-A and accompanying parking diagram shall be used to determine the sizes of parking stalls, aisles, and bay widths. When configuration of the property or the location of existing structures constricts the design of parking areas, the deciding body may make minor modifications of up to five percent in a limited number of the parking stalls, aisle width, and minimum landscape planter dimensions, provided that the applicant can demonstrate that the modification will not impair the function of the parking area. The additional cost of improvements that meet the requirements of this chapter shall not be considered grounds to make minor modifications in the required dimensions.

**Table 17.62.050-A
PARKING STALL DIMENSIONS (IN FEET)⁽¹⁾**

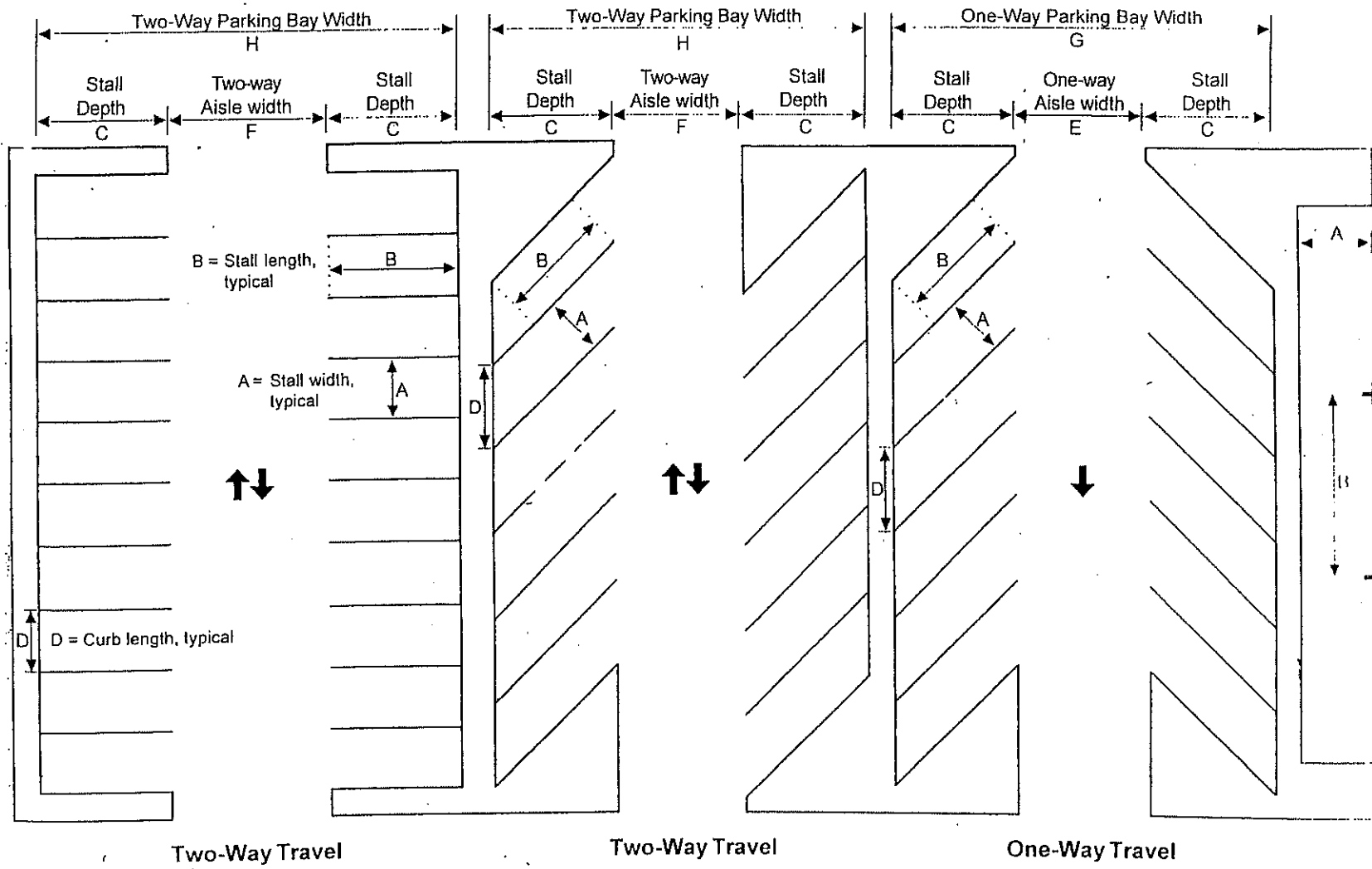
Type of Parking Stall	Angle in Degrees	Stall Width A ⁽²⁾	Stall Length B ⁽¹⁾⁽²⁾	Stall Depth C ⁽²⁾⁽³⁾	Curb Length D ⁽²⁾	One-Way Aisle Width E ⁽²⁾	Two-Way Aisle Width F ⁽²⁾	One-Way Parking Bay Width Double-loaded G ⁽²⁾⁽³⁾	Two-Way Parking Bay Width Double-loaded H ⁽²⁾⁽³⁾
Universal 8.5' x 18'	Parallel	8.5	22.0	8.5	22.0	14.0	24.0	31.0	41.0
	30	8.5	18.0	16.4	17.0	12.0	22.0	44.8	54.8
	45	8.5	18.0	18.7	12.0	14.5	22.0	51.9	59.4
	60	8.5	18.0	19.8	9.8	16.0	22.0	55.6	61.6
	90	8.5	18.0	18.0	8.5	24.0	24.0	60.0	60.0
Compact 8' x 16'	Parallel	9.0	21.0	8.0	21.0	13.0	22.0	29.0	38.0
	30	8.0	16.0	14.9	16.0	12.0	22.0	41.8	51.8
	45	8.0	16.0	17.0	11.3	14.0	22.0	48.0	56.0
	60	8.0	16.0	17.9	9.2	16.0	22.0	51.8	57.8
	90	8.0	16.0	16.0	8.0	22.0	22.0	54.0	54.0
Standard 9' x 19'	Parallel	9.0	23.0	9.0	23.0	14.0	24.0	32.0	42.0
	30	9.0	19.0	17.3	18.0	12.0	22.0	46.6	56.6
	45	9.0	19.0	19.8	12.7	14.5	22.0	54.1	61.6
	60	9.0	19.0	21.0	10.4	16.0	22.0	58.0	64.0
	90	9.0	19.0	19.0	9.0	24.0	24.0	62.0	62.0

⁽¹⁾An overhang of 1.5 feet at the head of the stall into a landscaped planter may be deleted from these requirements.

⁽²⁾See attached Parking Diagram.

⁽³⁾May be reduced with an interlocking herringbone layout for angled parking.

PARKING DIAGRAM



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(Foster City 4-99)

17.62.050P54

B. Residential. The following design standards shall apply to the residential districts and developments.

1. Covered off-street parking stalls in a garage or carport designed for one car shall be a minimum of twelve feet in width and twenty feet in depth of unobstructed area provided for parking purposes. Two-car garages or carports shall be a minimum of twenty feet in width and twenty feet in depth of unobstructed area provided for parking purposes. The required minimum measurements may not include the exterior walls or supports of the structure.

2. All covered off-street parking shall be architecturally consistent with the main site structure(s) and meet all building setback requirements.

3. Driveways providing access to garages, carports and parking areas serving three or less dwelling units shall be a minimum of ten feet in width for one-way traffic, and twenty feet for two-way traffic.

4. Driveways providing access to garages, carports, and open parking stalls serving four or more dwelling units shall be a minimum of twelve feet in width for one-way traffic, and twenty-four feet for two-way traffic, except for double loaded aisles for compact parking stalls, which may be twenty-two feet in width.

5. Driveways or aisles serving multiple dwelling units with garages or carports on either or both sides shall be increased a minimum of five feet on one side only, thus providing a twenty-nine-foot wide accessway between garage or carport spaces for two-way traffic.

6. The off-street parking stalls required by this chapter shall not be subleased, sublet, or otherwise made available to residents of other properties.

7. All required covered off-street parking stalls shall be located conveniently accessible to the dwelling unit served by such parking stall.

8. All recreational vehicle parking and/or storage areas located within the front yard setback shall be paved with either asphaltic concrete, cement.

C. Commercial, Office, Industrial Uses. The following design standards shall apply to commercial, office, industrial uses.

1. Those areas designated for use by motorcycles shall measure four feet by eight feet. Such areas shall be clearly marked for motorcycle parking, sufficient to prevent automobile parking in the area.

2. Those areas designated for use by bicycles shall measure at least two feet by seven feet, shall be located in groups, and shall be equipped to allow for the locking of each bicycle. Bicycle spaces shall be located where access to such spaces is not hampered by physical barriers or parked vehicles.

3. Two-way access drives with no parking shall be a minimum of twenty-four feet. One-way access drives with no parking shall be a minimum of twelve feet. (Ord. 461 § 2 (part), 1999; Ord. 288 § 1 (part), 1984)

17.62.060 Off-street parking requirements.

The following subsections list the required amount of off-street parking for each category of uses, special requirements, and optional requirements.

A. Residential.

1. Single-family dwellings (conventional), detached: two parking stalls per unit, at least two of which must be within a garage or carport;

2. Secondary residential units ("granny flats"): One off-street parking stall which may be uncovered or a part of the existing driveway serving the main residence;

3. Multifamily, cluster developments (condominium, townhouse), semidetached single-family (zero lot-line, patio homes, duplexes):

a. Studio/bachelor Units. One off-street parking stall per unit, which shall be in a garage or carport,

b. One-bedroom Units. One and one-half off-street parking stalls per unit, of which one stall shall be in a garage or carport,

c. Two-bedroom Units. Two off-street parking stalls per unit, of which two parking stalls shall be in a garage or carport,

d. Three or More Bedroom Units. Two off-street parking stalls per unit, of which two parking stalls shall be in a garage or carport,

e. Resident Parking. All off-street resident parking shall be located within two hundred feet of an entrance to the unit(s) it is designed to serve,

f. Guest/visitor Parking (Projects With Twenty-Five or more Dwelling Units). In addition to the required number of covered off-street parking stalls for each unit, .5 off-street uncovered parking stalls shall be provided for each unit for visitor parking.

g. Guest/visitor Parking (Projects With Less Than Twenty-five Dwelling Units). In addition to the required number of covered off-street parking stalls for each unit, .7 off-street uncovered parking stalls shall be provided for each unit for visitor parking.

h. All guest parking spaces should be well-distributed throughout a project and be clearly marked by signing and pavement markings. Directional signs to guest parking should be posted starting at each driveway entrance to a complex. Signing should also be used at each guest parking area indicating the addresses of the closest buildings served by that area;

4. For developments containing five or more units, up to thirty percent of the required uncovered parking stalls may be compact car size;

5. Senior Citizens Rental Housing.

a. A housing development designed and maintained as rental housing for senior citizens (persons aged sixty years or older) will be permitted a reduction in the required number of resident off-street parking stalls down to a ratio of .5 off-street parking stalls per bedroom.

b. Guest parking shall be provided at a ratio of .5 off-street parking stalls per unit.

B. Commercial/Nonresidential Uses. The following requirements will generally apply for all commercial/nonresidential uses in the city:

1. a. Commercial and Service Uses. One off-street parking stall for each two hundred fifty square feet of gross floor area for all buildings and/or uses in the center;

b. General Office Uses. One off-street parking stall for each two hundred fifty square feet of gross floor area.

Whenever delineation of specific uses is required, the following standards shall apply:

c. Automobile Washing and Cleaning Establishments, Except Self-Service. Two and one-half parking stalls per washing bay;

d. Self-service Automobile Washer. Two parking stalls for each washing stall;

e. Automobile Service and Gas Station. Three parking stalls plus two parking stalls for each service bay;

f. Barbershops or Beauty Parlors. One and one-half parking stalls for each barber chair or beautician station and one parking stall per employee;

g. Buildings Used Solely for Coin-operated Laundromats or Dry Cleaning Establishments. One parking stall for each three washing machines, or three plus one parking stalls for each five hundred square feet over one thousand square feet of gross floor area;

h. Commercial Banks, Savings and Loan Offices, and Other Financial Institutions. One parking stall for each three hundred thirty square feet of gross floor area;

i. Contractor's Storage Yards in Connection With Contractor's Business; Junkyard, Automobile Wrecking Yard; Storage Yard. Six parking stalls separated from the enclosed storage area;

j. Lumber and General Building Materials Yards. One parking stall for each three hundred square feet of gross floor area for retail sales, plus one parking stall for each one thousand square feet of open area devoted to display (partially covered, by roof, awning, etc.) or sales;

k. Mortuaries and Funeral Homes. One parking stall for every forty-five square feet or fraction thereof of assembly room or gross floor area, plus one parking stall

for each vehicle used in the operation of the funeral home or mortuary;

1. Motels and Hotels. One parking stall for each guest unit and two parking stalls for resident manager or owner;

m. Motor Vehicle Sales and Automotive Repair, Painting, Body Work or Service. Minimum of five parking stalls, plus one parking stall per four hundred square feet of gross floor area;

n. Stores Solely for the Sale of Furniture and Appliances. One parking stall for each five hundred square feet of gross floor area;

o. General Retail Stores, Food Stores, Supermarkets, Drugstores. One parking stall for each two hundred fifty square feet of gross floor area.

2. Commercial Recreation Uses.

a. Bowling Establishments and/or Billiard Halls. Five parking stalls for each lane and/or two parking stalls for each billiard table and one parking stall for each two hundred fifty square feet of gross floor area containing amusement games or devices, plus one locking bicycle facility per two amusement games or devices. All bicycle facilities shall be located clear of public walkways and convenient to the main entrance of the use;

b. Driving Ranges (Golf). One parking stall per tee, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

c. "Pitch and Putt" and Miniature Golf Courses. Three parking stalls per hole, plus the parking stalls required for accessory uses, and one parking stall per employee;

d. Skating Rinks, Ice or Roller. One parking stall for each one hundred square feet of gross floor area, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

e. Swimming Pool (Commercial). One parking stall for each one hundred square feet of water surface, plus one parking stall for each employee, but not less than ten parking stalls for any such use;

f. Tennis, Handball and Racquetball Facilities. Three parking stalls for each court, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

g. Amusement Arcades. One parking stall for each two hundred fifty square feet of gross floor area, plus one locking bicycle facility per two amusement games or devices, with a minimum of ten locking bicycle facilities. All bicycle facilities shall be located clear of public walkways and within fifty feet of the main entrance.

3. Educational Uses.

a. Elementary and Junior High Schools. One parking stall for each employee (excluding auditoriums and

stadiums which must be parked according to subsection B6c of this section);

b. Senior High Schools. One parking stall for each member of the faculty and each employee, plus one parking stall for each six students regularly enrolled (excluding auditoriums and stadiums which must be parked according to subsection B6c of this section);

c. Colleges, Universities and Institutions of Higher Learning, Parochial and Private. One parking stall for each three students, plus one parking stall for each two members of the faculty and employees (excluding auditoriums and stadiums which must be parked according to subsection B6c of this section);

d. Trade Schools, Business Colleges and Commercial Schools. One parking stall for each two student seating or study areas in each classroom, plus one parking stall for each faculty member or employee (excluding auditoriums and stadiums which must be additionally parked according to subsection B6c of this section).

4. Health Uses.

a. Dental Clinics or Offices; Medical Clinics or Offices, Veterinary Hospitals and Clinics. One parking stall for every two hundred square feet of gross floor area, plus one parking stall per employee;

b. Hospitals. One parking stall for each two patient beds.

c. Health Studios and Spas. One parking stall for each two hundred thirty square feet of gross floor area and one parking stall per employee. (For the purpose of this subsection, swimming pool area shall be counted as floor area).

5. Industrial, Wholesale, Manufacturing and Like Uses.

a. Heavy manufacturing and processing factories or plants. One parking stall for each employee on the largest shift or one parking stall for each five hundred square feet of gross floor area, whichever is greater.

b. Light Manufacturing, Warehouse, Wholesale and Assembly Plants. One parking stall for each employee on the largest shift, or one parking stall for each five hundred square feet of gross floor area, whichever is greater;

c. Research and Development Facilities. One parking stall for each three hundred square feet of gross floor area;

d. Unspecified Use Buildings. One parking stall for each three hundred square feet of gross floor area;

e. Public Utility Facilities, Including, But Not Limited to Electric, Gas, Water, Telephone and Telegraph Facilities Not Having Business Offices on the Premises. One parking stall for each employee on the largest shift, plus one parking stall for each vehicle used in connection with the use. A minimum of ten parking stalls shall be

provided for each such use, regardless of building space or number of employees.

6. Places of Assembly.

a. Restaurants, Taverns, Lounges and Other Establishments for the Sale and Consumption on the Premises of Food and Beverages. One parking stall for every forty square feet of public accommodation area, plus one stall per two hundred fifty square feet of remaining area, or one stall per employee, whichever is greater;

b. Fast-food Restaurants (With or Without Drive-through). One parking stall for each seventy-five square feet of gross floor area, with a minimum requirement of ten parking stalls, plus a minimum requirement of ten locking bicycle facilities. All bicycle facilities shall be located clear of public walkways and convenient to the main entrance of the use;

c. Auditoriums, Sports Arenas, Stadiums. One parking stall for each three seats, or one parking stall for each thirty-five square feet of gross floor area where there are no fixed seats;

d. Theaters, Movies.

i. Single Screen. One parking stall per three seats, plus one parking stall per employee,

ii. Multi-screen. One parking stall per three seats, plus one parking stall per employee;

e. Libraries. One parking stall for each four hundred square feet of gross floor area;

f. Private Clubs, Residential Recreation Buildings, Lodge Halls, Union Headquarters (No Sleeping Facilities). One parking stall for each seventy-five square feet of gross floor area, or one parking stall for each five fixed seats, whichever is greater;

g. Churches and Other Places of Assembly Not Specified Above. One parking stall for each four fixed seats within the main auditorium, or one parking stall for each thirty-five square feet of seating area within the main auditorium where there are no fixed seats; eighteen linear inches of bench shall be considered a fixed seat.

7. Other Uses.

a. Day Nurseries, Including Preschools and Nursery Schools. One parking stall for each staff member, plus one parking stall for each five children.

8. Unlisted Uses. For uses not specifically listed the public works and community development department shall recommend off-street parking requirements subject to planning commission review and approval.

C. Special Requirements. The following parking requirements are applicable to all commercial/nonresidential uses. Special parking stalls (handicapped, motorcycle, bicycle) shall be closest to the facility for which they are designated in order to encourage their use.

1. **Handicapped.** The required number of parking spaces for the physically handicapped shall be as set forth in Part 2, Title 24 of the California Administrative Code and Division 11, Chapter 9 of the California State Vehicle Code.

2. **Motorcycle.** Facilities with twenty-five or more parking stalls shall provide at least one parking stall as a designated parking area for use by motorcycles. Developments with over one hundred parking stalls shall provide motorcycle parking at the rate of one percent of the total number of parking stalls provided. Areas delineated for use by motorcycles shall meet standards set forth in subsection C1 of Section 17.62.050.

3. **Bicycles.** All commercial and office areas, food stores, drugstores and fast-food restaurants shall provide adequate locking facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or facility covering should be used.

4. **Stall Sizes.** All new parking facilities shall consist of the universal parking stall size or larger, with up to five percent compact stalls allowed where necessary to accommodate existing curves, obstructions, or other site or lot configuration problems. For unusual circumstances, including but not limited to existing utility installations, lot shape or dimensions, commercial non-residential facilities with ten or more parking stalls may provide up to thirty percent of their parking for use by compact cars, if determined necessary by the community development director.

5. **Drive-through Facilities.** Drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities.

a. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking stall.

b. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

c. The vehicle-stacking capacity of the drive-through facility and the design and location of the ordering and pickup facilities will be determined by the city, based on appropriate traffic engineering and planning data. The applicant shall submit to the city a traffic study addressing the following issues:

- i. Nature of the product or service being offered;
- ii. Method by which the order is processed;
- iii. Time required to serve a typical customer;
- iv. Arrival rate of customers;
- v. Peak demand hour;
- vi. Anticipated vehicular stacking required.

6. **Signs, Markings.** Spaces provided for the specific uses as listed above shall be clearly designated through signs, colored lines, etc., all of which must be approved by the city.

D. **Optional Provisions.** The following may be provided at the option of the developer when applicable to commercial, residential or office off-street parking uses, subject to city approval:

1. **Shared Parking Facilities.** The city, through the use permit procedure, may allow the parking requirements of this chapter to be satisfied by the sharing of parking stalls by more than one use, provided:

a. The proposal is in the best interests of the city and does not inhibit the implementation of other city ordinances, policies or plans; and

b. The applicant is able to show that peak hours of use will not overlap or coincide to the degree that peak demand for parking stalls from all uses is greater than the total supply of parking stalls; and

c. The shared parking facility is within three hundred feet of the principal entrance containing the use(s) for which the parking is required; and

d. A written agreement between landowner(s) and the city, satisfactory in form and content to the city attorney, is approved by the city. This agreement concerning use and access to parking stalls shall be in the form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:

i. A guarantee that there will be no substantial change in the uses that will create a greater demand for parking,

ii. A guarantee among the landowners for access to and use of the shared parking facilities,

iii. A provision that the city may require parking facilities in addition to those originally approved upon finding by the city council that adequate parking to serve the use(s) has not been provided, and

iv. A provision stating that the city may, with due cause, notice and hearing, unilaterally modify, amend or terminate the agreement at any time.

2. **Off-Site Parking Facilities.** The city may allow the parking requirements of this chapter to be satisfied through the provision of off-site parking facilities.

a. The proposal is in the best interests of the city and does not inhibit the implementation of other city ordinances, policies or plans;

b. The off-site parking facility is within three hundred feet of the principal entrance(s) containing the use(s) for which the parking is required or the off-site parking facility containing the use(s) for which the parking is required is served by a shuttle bus system the operations

of which are approved by the City and guaranteed by an agreement which is subject to the provisions of subsection "d" below;

c. Off-site parking facilities may be shared by more than one use by meeting the shared parking requirements;

d. A written agreement between landowner(s) and the city satisfactory in form and content to the city attorney is approved by the city. This agreement concerning use and access to parking stalls shall be in a form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:

i. A guarantee that there will be no substantial change in the uses that will create a greater demand for parking.

ii. A guarantee among the landowners for access to and use of the shared parking facilities for the period of time that the off-site parking facilities are needed in order to serve the subject uses.

iii. A provision that the city may require parking facilities in addition to those originally approved upon the making of a finding by the city council that adequate parking to serve the use(s) has not been provided or has not been maintained, and

iv. A provision stating that the city may, with due cause, notice and hearing, unilaterally modify, amend or terminate the agreement at any time.

a. Transportation Systems Management Plans. Off-street parking facilities and/or the number of required off-street parking stalls may be decreased up to a maximum of fifteen percent, subject to the approval of the city planning commission, based upon a detailed transportation systems management plan supplied by the applicant which may include, but is not limited to, provisions for assisting employees to use public transit, carpooling, vanpooling, preferential parking arrangements, charter buses, club buses, employer's contribution to bus service costs, staggered or variable work hours. Plans which employ the use of mass transit as a means of reducing the demand for employee and customer parking shall provide loading/unloading areas and facilities within a reasonable walking distance to and from the site and buildings for which they are provided.

b. In evaluating the request, the city shall consider, among other factors:

i. Projected effectiveness of carpool, vanpool, staggered work hours or similar transportation programs;

ii. Proximity to public transportation facilities serving a significant portion of employees and/or customers;

iii. Evidence that employees and/or customers utilize, on a regular basis, transportation alternatives to the automobile.

c. Where transportation systems management techniques are employed and plans approved which reduce the number of required off-street parking stalls for a development, employment site, commercial or office complex, a written agreement between the landowner(s) and the city must be approved. Such written agreement must be satisfactory in form and content to the city attorney, and is subject to planning commission and city council approval. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:

i. A provision to identify that the position of transportation coordinator is created by the agreement, whose purpose is to insure that the transportation systems management plan is successful. The city will be kept informed regarding who the transportation coordinator is and how he/she may be contacted;

ii. A guarantee that the transportation systems management techniques will not be diminished, suspended, eliminated or in any way be operated at a lower level of effort on the part of the parties identified as responsible for the implementation of these techniques in the transportation systems management plan without prior city approval;

iii. Provision for an annual report to the city reviewing the past year's efforts to encourage employees and customers to use transportation systems management techniques, and an accounting of the number of employees and customers actually and regularly employing the techniques to and from the site. Such report will also update that section of the plan outlining efforts to increase employee and customer participation in the transportation systems management program during the coming year;

iv. A provision that the city, acting with due cause, notice, and at a public hearing, may unilaterally amend or terminate the agreement at any time, thereby requiring the landowner to construct an adequate amount of off-street parking that meets the requirements of the existing parking ordinance at the time the project was constructed.

4. Credit for Bicycle and Motorcycle Parking in Commercial and Industrial Districts. Where bicycle spaces or motorcycle spaces are provided for uses in commercial and industrial districts, parking stalls otherwise required pursuant to this chapter may be omitted in accordance with the following provisions and subject to the following limitations:

a. One parking stall may be omitted for each eight bicycle spaces provided (see Sections 17.62.050 C2 and 17.62.060 C3 for requirements);

b. One parking stall may be omitted for each two motorcycle spaces provided (see Sections 17.62.050 C1 and 17.62.060 C2 for requirements);

c. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent of the total required parking stalls.

5. Parking In-lieu Fees. The city may allow the parking requirements of this chapter to be satisfied through the payment of parking in-lieu fees.

a. In commercial, service and office districts where it can be demonstrated that the reasonable and practical development of property precludes the provision of required off-street parking, the city council, upon recommendation of the planning commission, may permit the off-street parking requirements for the use to be satisfied by the payment to the city of a sum equivalent to the estimated, normal, current cost of providing required off-street parking to serve the contemplated use. Any off-street parking satisfied in this manner shall run with the land, and any subsequent change of use which requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payments shall be made when there is a change to a use requiring less parking. Such payment shall be made to the city in one lump sum prior to the issuance of a building permit and/or business license.

b. The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the city council. Funds derived from such payments shall be deposited by the city in a special fund, and shall be used and expended exclusively for the purpose of planning, designing, acquiring and developing off-street parking facilities located, insofar as practical, in the general vicinity of the property for which the in-lieu payments were made. (Ord. 480 § 2, 2000; Ord. 461 § 2 (part), 1999; Ord. 356 § 4, 1989; Ord. 288 § 1 (part), 1984)

17.62.070 Basic regulations for off-street loading and unloading spaces.

A. Unless waived or modified by the planning commission, every use shall have permanently maintained off-street loading and unloading spaces, as follows. Such loading and unloading spaces shall be exclusive of drive-ways, setbacks and public rights-of-way, and shall be designed so that parking maneuvers for loading or unloading shall not interfere with traffic on collector or thoroughfare streets, or emergency vehicle accessways.

B. Off-street loading and unloading spaces shall be provided subject to the provisions of this chapter for:

1. Any new commercial/office, service, industrial or wholesale building constructed;

2. Any new commercial/office, service, industrial or wholesale use established;

3. Any addition or enlargement of an existing commercial/office, service, industrial or wholesale building or use;

4. Any change in occupancy of any commercial/office service, industrial or wholesale building, or the manner in which use is conducted that would result in additional loading/unloading spaces being required.

C. All required off-street loading/unloading spaces shall be located on the site of the building or uses that they are constructed to serve, shall be clearly marked as loading/unloading spaces only, and shall not interface with site access or emergency vehicle access.

D. All off-street loading/unloading spaces and areas shall be designed, landscaped and maintained in a manner such that they are fully integrated with the design and landscape of any required off-street parking, unless such loading/unloading spaces are located away from off-street parking areas and out of the public view. Off-street loading/unloading spaces located away from off-street parking and out of the public view shall be regularly maintained and kept free of trash and litter.

E. Required off-street loading/unloading spaces shall not be used to satisfy required off-street parking.

F. No motor vehicle repair work or service of any kind shall be permitted in areas designated for loading and unloading purposes.

G. All loading shall take place on the site where the delivery is to be made, and freight-handling docks and facilities shall be oriented to legal off-street loading spaces, not to street or curb parking.

H. Freight-handling docks shall be so located as to permit free use of aisles, driveways, and sidewalks during freight loading/unloading operations.

I. Whenever the computation of the number of off-street loading/unloading spaces required by this section results in a fractional space, one additional space shall be required for one-half or more fractional space, and any fractional space less than one-half of a space shall not be counted.

J. All required off-street loading/unloading spaces shall be provided prior to the issuance of a certificate of occupancy.

K. All required off-street loading/unloading spaces shall be posted as an enforced "tow-away" zone for vehicles violating this section. Signs posting the area as a tow-away zone shall be designed in conformance with Division 11, Chapter 10 of the California State Vehicle Code.

L. The public works and community development department shall recommend off-street loading/unloading space requirements for any land use not mentioned in this chapter, subject to planning commission review and approval. (Ord. 288 § 1 (part), 1984)

17.62.080 Design guidelines.

The required size of an off-street loading/unloading space shall be a minimum of twelve feet wide by thirty-five feet long, with a minimum of fourteen feet in vertical clearance. (Ord. 288 § 1 (part), 1984)

17.62.090 Loading/unloading space requirements.

A. Commercial/Office/Service Uses. All freestanding (i.e., not located in a shopping center) commercial, office or service uses shall provide a minimum of one loading/unloading space. Freestanding commercial, office or service uses greater than five thousand square feet of gross leasable area shall provide loading/unloading space at a ratio of one space per fifty thousand square feet of gross leasable area, up to a maximum of five spaces.

B. Shopping Centers.

1. Within shopping centers, all commercial, office or service uses containing greater than five thousand square feet of gross leasable area shall provide a minimum of one loading/unloading space. Loading/unloading space shall be provided at a ratio of one space per fifty thousand square feet of gross leasable area.

2. Within shopping centers, all commercial, office or service uses containing less than five thousand square feet of gross leasable area may share the loading/unloading spaces of other commercial, office or service uses within the shopping center, provided that:

a. An agreement for shared use of loading/unloading space is entered into by the space-sharing uses and the shopping center owner (or representative);

b. The shared loading/unloading space is within a reasonable distance of each user sharing the space;

c. Each user sharing a loading/unloading space is allocated a specific weekly time period when the space is reserved for that user only.

C. Industrial, Wholesale, Manufacturing and Like Uses. All industrial, wholesale, manufacturing and like uses shall provide a minimum of one loading/unloading space. In addition, all industrial, wholesale, manufacturing and like uses containing greater than ten thousand square feet of gross leasable area shall provide one loading/unloading space at a ratio of one space per ten thousand square foot of gross leasable area, up to a maximum of five loading/unloading spaces. Thereafter, one loading space per fifty thousand square feet of gross leasable area shall be required. (Ord. 288 § 1 (part), 1984)

17.62.100 Relief from the provisions of this chapter.

A. Parking Variance. With the exception of projects located in a planned development (PD) district, an applicant may apply to the planning commission for a variance from the off-street parking and/or loading space requirements in order to be relieved of providing the usual off-street parking and/or loading spaces required of a particular land use or set of land uses.

B. In reaching its decision, the planning commission shall require a review of the total off-street parking and/or loading space needs of the proposed project, and an analysis of the request for a variance from such usual requirements. This analysis shall be conducted by a qualified traffic-engineering firm paid by the applicant and selected by the city, and shall include information regarding:

1. Justification for the variance;
2. Potential impacts caused by the requested variance (on-site and in the surrounding area);
3. Required mitigation (if necessary).

C. In reaching its decision, the planning commission shall be free to consider any other information it deems necessary and appropriate.

D. An application for a variance shall be filed with the planning division in a form prescribed by the city.

E. The planning commission shall hold a public hearing on each application for a variance.

F. Before granting a variance, the planning commission shall make the following findings that the circumstances prescribed below do apply:

1. That strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code;

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone;

3. That strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone;

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

G. Notwithstanding the above-mentioned required findings for a variance from the provisions of this chapter, a variance may be granted from the provisions of this chapter in order that some or all of the required off-street parking stalls be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking stalls, if both the following conditions are met:

1. The variance will be an incentive to, and a benefit for, the nonresidential development;

2. The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.

H. Within a planned development (PD) district, deviation from the provisions of the off-street parking or loading/unloading requirements contained in this chapter will be considered subject to the provisions of Section 17.36.060 of this title. (Ord. 288 § 1 (part), 1984)