

ORDINANCE NO. 555

AN ORDINANCE OF THE CITY OF FOSTER CITY APPROVING AMENDMENTS TO CHAPTER 17.04, DEFINITIONS AND SECTION 17.62.060, OFF-STREET PARKING REQUIREMENTS, OF CHAPTER 17.62 OFF-STREET PARKING REGULATIONS, OF TITLE 17, ZONING, OF THE FOSTER CITY MUNICIPAL CODE

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN as follows:

Section 1. Section 17.62.060 of Chapter 17.62 of Title 17 of the Foster City Municipal Code is hereby amended as follows:

“Chapter 17.62

OFF-STREET PARKING REGULATIONS

Section 17.62.060 Off-Street Parking Requirements

Sub-section 17.62.060 B. 5. Industrial, Wholesale, Manufacturing and Like Uses (new language is in bold):

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.

f. Biopharmaceutical campus developments consisting of office buildings, research & development buildings, laboratory buildings/facilities, and supporting ancillary facilities that are developed and continue to meet the below criteria may be allowed to use a reduced parking ratio for laboratory buildings. The actual parking ratio to be used for laboratory buildings, including ancillary office space and related support space within laboratory buildings used by laboratory scientists and staff, throughout the campus shall be established by the City at the time the General Development Plan (or an amendment to the General Development Plan) for the biopharmaceutical campus is approved by the City Council. All of the laboratory buildings within the campus shall be subject to the requirements of Section 17.62.060 D. 1. of Chapter 17.62, Off-Street Parking Regulations, of the Foster City Municipal Code, with the exception of sub-section 1c. The following criteria apply:

- i. The entire land area encompassing the biopharmaceutical campus shall be owned or leased and occupied by one (1) biopharmaceutical company, unless the City, in its sole discretion and based on the factors set forth in vi. below, approves the lease or sale of a portion of the biopharmaceutical campus to another entity or entities.**
- ii. The biopharmaceutical campus shall consist of a minimum of thirty (30) acres, contiguous or across the street.**
- iii. The biopharmaceutical campus shall contain sufficient land area so that at build-out it can support all required parking in either at-grade parking lots or within parking structures.**
- iv. Once approved by the City as a part of the initial use permit, the use(s) housed within buildings in the biopharmaceutical campus shall not be changed without the prior review, evaluation of parking available to serve the changed use(s), and approval by the City.**
- v. If the City allows a parking ratio for laboratory buildings within a biopharmaceutical campus that is less stringent than would be required for the same type of buildings not located within the subject biopharmaceutical campus, such parking ratio shall be recorded with the San Mateo County Records Office along with the General Development Plan approved by the City. The recorded document shall make clear that the reduced parking ratio applies to laboratory buildings in the subject biopharmaceutical campus only and that if removed from the biopharmaceutical campus or if title is transferred to another entity, at the discretion of the City, the laboratory buildings may be subject to the parking requirements then in effect for similar buildings in**

the City that are not located within the subject biopharmaceutical campus. The documents shall be recorded with the San Mateo County Recorders Office such that this information shall be easily detected and routinely included in a standard preliminary title report.

- vi. *No proposed sale or lease of any portion of the biopharmaceutical campus shall close escrow or otherwise be finalized without the prior review and approval of the City, which shall limit its review and approval to the impact of the proposed sale or lease on the ability of the existing and new occupants to meet their off-street parking requirements, both individually and in the aggregate. Any purchase and sale agreement or lease with respect to any portion of the biopharmaceutical campus shall be conditioned upon such City approval; shall specifically identify all land use approvals for the biopharmaceutical campus, including, without limitation, any environmental impact report, mitigation monitoring plan, general development plan, specific development plan or other approval applicable to the biopharmaceutical campus; and shall include an express obligation on the part of the transferee or lessee to abide by all conditions and requirements set forth in such existing land use approvals, including, without limitation, the conditions set forth in any environmental impact report, mitigation monitoring plan, general development plan, specific development plan or other approval applicable to the biopharmaceutical campus.*

Chapter 17.04

DEFINITIONS

Section:

17.04.39 Biopharmaceutical Campus

Biopharmaceutical campus means any building, land area or other premise or portion thereof owned by one (1) biopharmaceutical company with contiguous or across the street acreage used for: 1) research and development, including biology and chemistry laboratories (with offices, break areas and conference rooms); 2) pilot manufacturing areas where research is conducted; and, 3) administrative offices, meeting rooms and employee services such as break rooms, cafeterias and fitness areas.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 16th day of February, 2010, and passed and adopted on the 1st day of March, 2010, by the following vote:

AYES: Councilmembers Frisella, Kiesel, Koelling, and Mayor Wykoff

NOES: None

ABSENT: None

ABSTAIN: None



RICK WYKOFF, MAYOR

ATTEST:



DORIS L. PALMER, CITY CLERK

*Councilmember Bronitsky recused himself from this item as he participated as a Planning Commissioner when this item was considered by the Planning Commission

CERTIFICATE OF POSTING

I, Shannon Templin, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified Deputy City Clerk/District Secretary of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California.

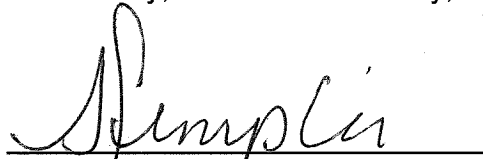
I further certify to the proper posting of:

Ordinance No. 555 -- An Ordinance of the City of Foster City Approving Amendments to Chapter 17.04, Definitions and Section 17.62.060, Off-Street Parking Requirements, of Chapter 17.62 Off Street Parking Regulations, of Title 17, Zoning, of the Foster City Municipal Code - RZ-09-003 [First Reading February 16, 2010]

in the following four public places of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California:

1. Federal Post Office, Charter Square
1050 Shell Boulevard
2. Recreation Center Lobby
650 Shell Boulevard
3. Council Chambers (not a mandatory posting site)
620 Foster City Boulevard
4. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California this March 8, 2010.



Shannon Templin
Deputy City Clerk/District Secretary