

RESOLUTION NO. P- 07 -19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY FINDING THAT THE PREVIOUSLY CERTIFIED PILGRIM TRITON MASTER PLAN FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AND PREVIOUSLY APPROVED ADDENDUM TO THE EIR ADEQUATELY ANALYZE ENVIRONMENTAL IMPACTS ASSOCIATED WITH PILGRIM TRITON PHASE C (PTPIII) – PILGRIM TRITON PHASE III FC, LP - 551-565 PILGRIM DRIVE & 1159 TRITON DRIVE (APNs: 094-010-520 AND 094-010-890) – EA2018-0002

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the City of Foster City initiated a study of the Pilgrim Drive/Triton Drive and Chess Drive/Hatch Drive areas in 2005-2006 in order to:

- Promote the retention and expansion of businesses already operating within the City;
- Promote new business development within the City, especially high technology companies;
- Promote and accommodate a more efficient use of land and a more interesting and diverse array of land uses, and increase the opportunities for small, resident serving businesses to remain in or locate in the City, by allowing mixed use developments, as well as housing opportunities (in the Pilgrim Drive/Triton Drive Area only).
- Help meet the unmet and growing need for workforce housing; by allowing housing to be mixed in with new buildings/projects in the Pilgrim Drive/Triton Drive Commercial-Industrial Area; and

WHEREAS, in response to the study initiated by the City in 2005-2006, the City of Foster City amended the Foster City General Plan to incorporate adoption of the Pilgrim Drive/Triton Drive Commercial-Industrial Area goals, policies and implementation measures developed by the study; and

WHEREAS, the owners of properties comprising the Pilgrim Drive/Triton Drive Commercial-Industrial Area (AMB Property Corporation, Foster City Executive Park and Northwestern Mutual Life), submitted an application for the Pilgrim Triton Master Plan project ("Project") consisting of:

- An Amendment to the Foster City General Plan to establish a new Land Use Plan designation for ± 20.75 acres bounded by Foster City Boulevard, Triton Drive, Pilgrim Drive, East Hillsdale Boulevard and State Route 92 from Service Commercial to a mix of Service Commercial and Housing as contained in Resolution No. 2008-38 adopted on April 21, 2008; and
- An Amendment to the Foster City Zoning Map and a General Development Plan for ± 20.75 acres bounded by Foster City Boulevard, Triton Drive, Pilgrim Drive, East Hillsdale Boulevard and State Route 92 to change the zoning from CM/PD (Commercial Mix/Planned Development) District to CM/PD (Commercial Mix/Planned Development) District with a General Development Plan to allow up to 296,000 sq. ft. of commercial/industrial office and up to 730 housing units including up to 64 live-work units as contained in Ordinance 546, adopted on May 5, 2008; and
- The Pilgrim Triton Master Development Agreement in order to provide Developers with some certainty in the land use regulatory process and to promote the development of the

Property which will provide public benefits to the City, including the provision of housing and needed infrastructure for area growth; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, prepared and certified an Environmental Impact Report (EIR) by adoption of Resolution 2008-37 which analyzes the environmental impacts of the proposed Project (SCH #2007012023, EA-06-003); and,

WHEREAS, by Resolution No. 2008-38 adopted on April 21, 2008 and by Ordinance 546 adopted on May 5, 2008, the City Council approved the Pilgrim Triton Master Plan Project; and

WHEREAS, Pilgrim Triton Phase III FC, LP (PTPIII) acquired an approximately 4.77 acre portion of the Property previously owned by AMB Property Corporation, designated as APNs 094-010-520 and 094-010-890 including the parcel designated in the Pilgrim Triton Master Development Agreement as Phase C (APN 094-010-520) and Parcel C of Phase B (APN 094-010-890), collectively the "PTPIII Property;" and

WHEREAS, Regis Homes Bay Area, LLC, on behalf of Pilgrim Triton Phase III FC, LP (PTPIII) submitted applications for Amendment to the Foster City Zoning Map/General Development Plan and Amendment to the Pilgrim Triton Master Development Agreement and Pilgrim Triton Phase C Development Agreement to replace the 225,943 square feet of commercial use and 17 housing units currently allowed on the 4.77 acres located at 551-565 Pilgrim Drive and 1159 Triton Drive pursuant to the 2008 entitlements with up to 70 for-sale townhouses and 22 workforce housing units (collectively, "Pilgrim Triton Phase C"); and

WHEREAS, an Addendum to the EIR was prepared by Urban Planning Partners to evaluate the proposed changes to the Project that have been proposed since certification of the Pilgrim Triton Master Plan EIR, dated July 9, 2018; and

WHEREAS, none of the conditions described in Public Resources Code Section 21166 or CEQA Guidelines Section 15162 calling for preparation of a subsequent environmental document have occurred; and

WHEREAS, as shown in the Addendum, no substantial changes have been made to the Project that require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified impacts; and

WHEREAS, as shown in the Addendum, there are no substantial changes with respect to the circumstances under which the Project will be undertaken that require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified impacts; and

WHEREAS, as shown in the Addendum, there is no new information received by the City of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified which would show that: (a) Pilgrim Triton Phase C will have one or more significant effects not discussed in the EIR; (b) that significant effects previously examined will be substantially more severe than as shown in the EIR; (c) that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the revised Project but the

Project proponents decline to adopt the mitigation measure(s) or alternative(s); or (d) that mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment but the Project proponents decline to adopt the mitigation measure(s) or alternative(s); and

WHEREAS, the Addendum concludes that the changes the Project proposed by Pilgrim Triton Phase C would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified in the EIR) and that existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the EIR would be adequate to reduce the impacts resulting from implementation of changes to the proposed Project to a less-than-significant level; and

WHEREAS, the Addendum was approved by the City Council by adoption of Resolution 2018-88 on September 17, 2018; and

WHEREAS, as indicated in the memorandum prepared by staff dated March 18, 2019, the currently proposed Project as described in the Use Permit and Tentative Map applications has not changed significantly compared to the Project that was analyzed in the Addendum to the EIR dated July 9, 2018 and approved in the General Development Plan; and

WHEREAS, a Notice of Public Hearing was duly published, posted and mailed for consideration of the Environmental Assessment, Use Permit and Tentative Map applications for Pilgrim Triton Phase C, including the use of the Addendum and Pilgrim Triton Master Plan EIR at the Planning Commission meeting of April 4, 2019, and on said date the Public Hearing was opened, held and closed; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based on facts and analysis in the Staff Report, the CEQA Memorandum, written and oral testimony, and other evidence in the record of proceedings, does hereby find that the previously certified Pilgrim Triton Master Plan Final EIR (SCH# 2007012023) with the previously approved Addendum dated July 9, 2018 is an adequate environmental document pursuant to CEQA and the State CEQA Guidelines for the purposes of analysis and consideration of Pilgrim Triton Phase C Use Permit (UP2018-0056) and Tentative Map (RS2018-0001) under CEQA and none of the conditions listed in Public Resources Code Section 21166 have occurred.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on April 4, 2019, by the following vote:

AYES, COMMISSIONERS: Avam, Pattum, Williams, Wykoff and
Chair Dyckman

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:



DAN DYCKMAN, CHAIRMAN

ATTEST:



MARLENE SUBHASHINI, SECRETARY