

ORDINANCE NO. 546

A ORDINANCE OF THE CITY OF FOSTER CITY APPROVING 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 (APN: 094-101-520, -560, -570, -680) — TO CHANGE THE ZONING DESIGNATION 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 – AMB PROPERTY CORPORATION, FOSTER CITY EXECUTIVE PARK AND NORTHWESTERN MUTUAL LIFE — RZ-06-002

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN, as follows:

Section 1. The City Council, based on facts and analysis in the Staff Reports, written and oral testimony, mitigation measures included in the project, and exhibits presented, finds:

1. The proposed Rezoning and the planned development will be in furtherance of and in accordance with the General Plan of the City of Foster City.
2. The total development in each development phase will be able to exist as an independent unit as required in Exhibit B and the establishment of up to 296,000 square feet of commercial/industrial office and up to 730 residential units will not be detrimental to present and planned surrounding uses, as shown in the City's adopted General Plan, but will have a beneficial effect which could not be achieved without being located in a Planned Development district.
3. On-site circulation is suitable and adequate to carry anticipated traffic, and the proposed project density will not generate traffic in such amounts as to overload the street network outside the development beyond acceptable City levels as indicated in Section V.G of the Environmental Impact Report and as indicated in the Statement of Overriding Considerations adopted concurrently.
4. Existing and proposed utility services and facilities and other public improvements are adequate for the office, retail and housing population

densities and land uses proposed as indicated in Section V.J. of the Environmental Impact Report.

5. The Environmental Impact Report found that the provision of parking is adequate and will be further defined in the Specific Development Plans/Use Permits. The proposed ratios for off-street parking are substantially consistent with the purpose and intent and parking regulations of the City, as provided in Chapter 17.62, Off-Street Parking Regulations, of the Foster City Municipal Code .
6. The planned development will not have a detrimental and unmitigatable financial impact on the City or the Estero Municipal Improvement District as indicated in the Fiscal Impact Analysis prepared by Economic Research Associates (as revised March 20, 2008).

Section 2. The City of Foster City Zoning Map is hereby amended to reclassify the for ±20.75-acre lands bounded by Foster City Boulevard, Triton Drive, Pilgrim Drive, East Hillsdale Boulevard and State Route 92 (APN: 094-101-520, -560, -570, -680) to change the Zoning designations 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 shown on Exhibits A and B to this Ordinance attached hereto and incorporated herein.

Section 3. 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 hereby declares 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 unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. 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 21st day of April, 2008, and passed and adopted on the 5th day of May, 2008, by the following vote:

AYES: Councilmembers Kiesel, Koelling, and Mayor Frisella

NOES: Councilmembers Kiramis and Wykoff

ABSENT: None

ABSTAIN: None



PAM FRISELLA, MAYOR

ATTEST:


THERESE L. CALIC, CITY CLERK

Exhibit A

AMENDED GENERAL DEVELOPMENT PLAN FOR PILGRIM-TRITON (RZ-06-002)

The City of Foster City Zoning Map is hereby amended to reclassify ±20.75-acre lands bounded by Foster City Boulevard, Triton Drive, Pilgrim Drive, East Hillsdale Boulevard and State Route 92 (APN: 094-101-520, -560, -570, -680) to change the Zoning designations 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.

General Development Plan Graphic

Figure III-3: Master Plan Land Use Diagram

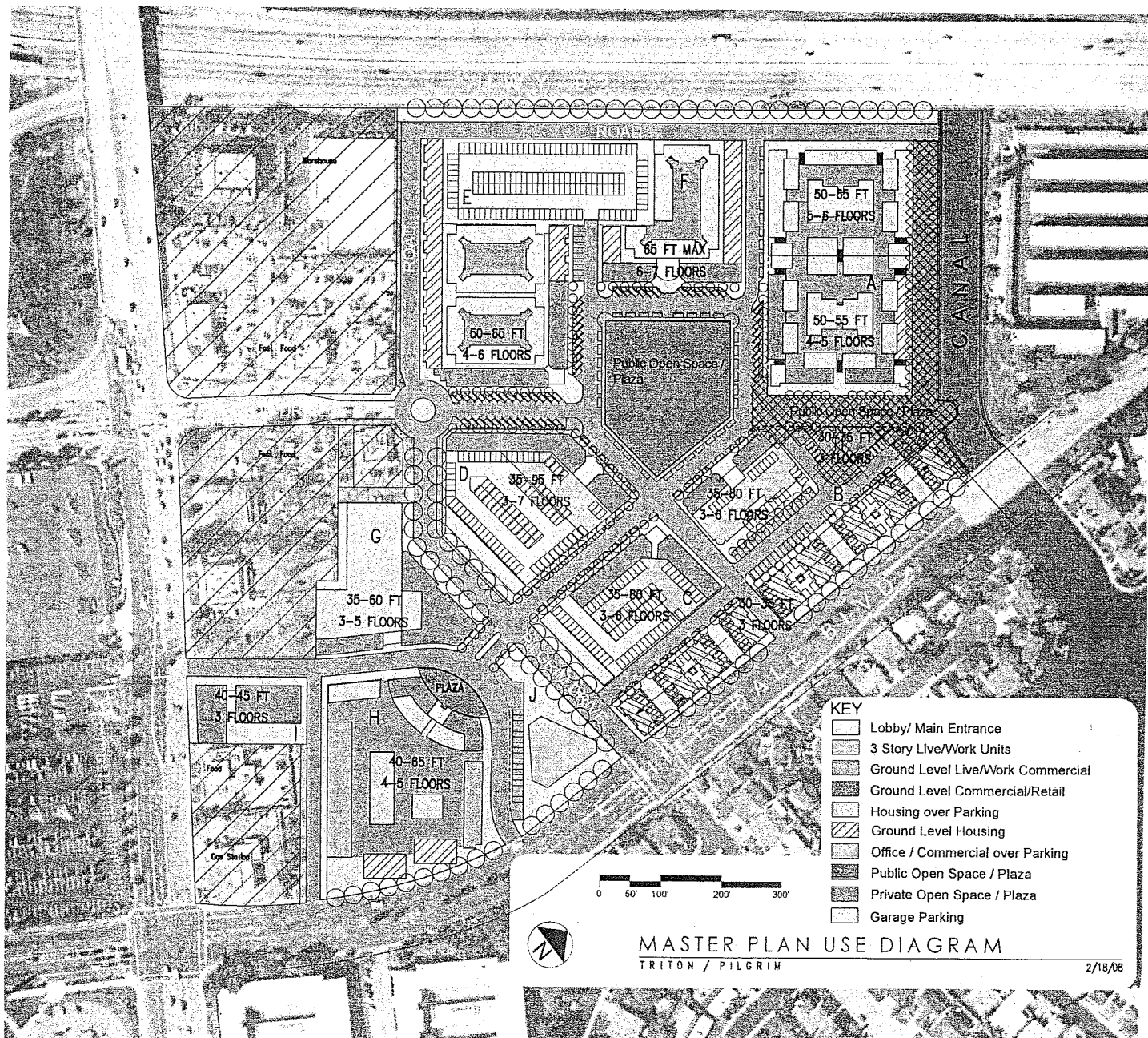


Exhibit B

**AMENDED GENERAL DEVELOPMENT PLAN FOR PILGRIM-TRITON MASTER PLAN
(RZ-06-002)**

1. The CM/PD (Commercial Mix/Planned Development) District of the ±20.75-acre lands bounded by Foster City Boulevard, Triton Drive, Pilgrim Drive, East Hillsdale Boulevard and State Route 92 (APN: 094-101-520, -560, -570, -680) is herewith limited and specified as follows:
2. The development will include up to 296,000 sq. ft. of commercial/industrial/office and up to 730 residential units, including up to 64 live-work units with the general land use configuration, street layout and building heights as shown in Exhibit A.
3. The first Specific Development Plan/Use Permit submitted to the City for its review from any of the property owners for any portion of the +20.75 acres shall include a Phasing Plan (replacing the illustrative phasing plan shown in the Final EIR) that shows, to the satisfaction of the Planning Commission, that the total development in each development phase will be able to exist as an independent unit.
4. The site circulation improvements as shown in V.G-13 in the Final Environmental Impact Report (SCH #2007012023) (attached as Exhibit B-1) shall be incorporated into the Phasing Plan for the project required by #2 above, with the exception that the widening of Triton Drive and restriping of Metro Center Boulevard may be omitted if it is shown to be infeasible. Site circulation improvements shall also include bus turnouts and shelters.
5. The first Specific Development Plan/Use Permit shall include a feasibility report on the inclusion of the widening of Triton Drive and restriping of Metro Center Boulevard.
6. The project shall contribute its fair share, if any, of the cost of improvements to the Chess Drive/Foster City Boulevard and Chess Drive/SR 92 Ramps intersections as shown in Figure V.G-12 in the Final Environmental Impact Report (SCH #20070123023) (attached as Exhibit B-2). The timing of contributions shall be included in the Phasing Plan unless already determined by a Development Agreement. This contribution is not considered a mitigation measure required by CEQA, but is for future consideration only.
7. The traffic signals at Pilgrim Drive/East Hillsdale Boulevard and at Triton Drive/Foster City Boulevard shall be provided with full service electrical backup from the generator at Lift Station #1 (Pilgrim Drive/East Hillsdale

Boulevard) prior to completion of Phase I. The applicant shall be responsible for all costs associated with this requirement.

8. Twenty percent (20%) of all units in each phase shall be included in an affordable housing program. The required income categories shall be determined with each Specific Development Plan/Use Permit unless already determined by a Development Agreement.
9. Each Specific Development Plan/Use Permit shall include the Transportation Demand Management Plan as required by the City/County Association of Governments. Additional traffic mitigation measures may be included in a Development Agreement and/or may be required as a part of each Specific Development Plan/Use Permit.

CERTIFICATE OF POSTING

I, Doris L. Palmer, 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 ¹ of:

Ordinance No. 546 -- An Ordinance of the City of Foster City Approving 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 (APN: 094-101-520, -560, -570, - 680) -- to Change the Zoning Designation 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 -- AMB Property Corporation, Foster City Executive Park and Northwestern Mutual Life -- RZ-06-002 [First Reading April 21, 2008]

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. Foster City Public Library
1000 E. Hillsdale Boulevard
3. Recreation Center Lobby
650 Shell Boulevard
4. Council Chambers (not a mandatory posting site)
620 Foster City Boulevard

Executed at the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California this May 6, 2008.



Doris L. Palmer
Deputy City Clerk/District Secretary

¹Ordinances are posted in compliance with Sec. 36933, Government Code.