

ORDINANCE NO. 649

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING THE FOSTER CITY ZONING MAP TO MODIFY THE PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN FOR THE 5.135 ACRE PARCEL KNOWN AS 1065 EAST HILLSDALE BOULEVARD AT THE NORTHWEST CORNER OF FOSTER CITY BOULEVARD AND EAST HILLSDALE BOULEVARD IN THE C-2/PD (GENERAL BUSINESS/PLANNED DEVELOPMENT) DISTRICT WITH AN AMENDED GENERAL DEVELOPMENT PLAN TO ALLOW AN APPROXIMATELY 5,200 SQUARE-FOOT RESTAURANT/RETAIL USE – TOWN CENTER NEIGHBORHOOD – APN 094-512-080 — RZ2021-0002

CITY OF FOSTER CITY

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

Section 1. The City Council has reviewed the evidence and recommendations of the Planning Commission and based on facts and analysis in the Staff Reports, written and oral testimony, and exhibits presented, approves the recommendation of the Planning Commission and finds that the proposed rezoning would not be detrimental to the general health, welfare and safety of the City of Foster City because:

- A. The proposed General Development Plan Amendment/Rezoning will be in furtherance of and in accordance with the General Plan of the City of Foster City because it will: 1) be consistent with Town Center General Plan Land Use designation of the subject site; 2) result in greater variety of land uses as well as density and intensity of land uses in the area consistent with Land Use Goal LUC-C and Policy LUC-C-12; 3) provide basic goods and services to residents and employees within walking distance consistent with Land Use Goal H and Use Policies D-1, D-2, E-8; and H-3; 4) architecturally complement the surrounding built environment, with the overall scale and massing of the project punctuating the verticality of adjacent buildings and structures while remaining in character with the overall development pattern of the neighborhood consistent with Land Use Goal LUC-B; 5) provide for economic development consistent with the principles of Land Use Goal LUC-I; and 6) provide for adequate on-site parking for safe and effective circulation, consistent with Land Use Goal LUC-G and Policy LUC-G-1; and
- B. The proposed project is a feasible and viable concept, supported by economic analysis. It would be primarily an ancillary amenity for existing and/or future occupants of the Century Plaza Office building, nearby employees and residents, and provide an opportunity for typically under-capitalized, local entrepreneurs and small business owners access to brick-and-mortar accommodation; and
- C. Existing and proposed utility services and facilities and other public improvements such as fire and police protection; school services; open space and recreation; water supply; wastewater treatment; solid waste and electricity; gas and telecommunications are adequate for the proposed pavilion density and land use because: 1) the proposed project will be required to meet all Fire Code requirements, and, therefore, will not reduce the ability of the Foster City Fire Department to meet existing performance standards or exceed the capabilities of the existing or planned staffing levels; 2) no increased demand

is anticipated for police services; no new school facilities will be required as a result of the project; 3) anticipated water requirements or wastewater discharges are not high enough to require the expansion of the existing systems; 4) the project was included in the City of Foster City/Estero Municipal Improvement District (EMID) 2020 Urban Water Management Plan; and, 5) the amount of solid waste generated will not substantially shorten the life of the landfill. Other utilities serving the project are expected to be adequate due to the small scale of the project on a site served by existing utilities; and

- D. While implementation of the project will remove 27 parking spaces and increase parking demand on the site, the existing parking on the site will meet the demand. A parking study provided by the applicant describes peak parking demand for the existing office and the proposed pavilion in operation. Extrapolating from parking surveys, the peak parking demand for the existing office use, when 100% occupied, would total 233 parking stalls. Using the Institute of Transportation Engineers (ITE) demand, the proposed pavilion would have a demand for 86 parking stalls. There would be a total demand for 319 spaces where 332 are provided; there would be an excess of 13 parking spaces; and
- E. The proposed project will not have a detrimental and unmitigatable financial impact on the City or the Estero Municipal Improvement District; and
- F. The proposed Rezoning will not have any significant adverse environmental impacts. The project is Categorically Exempt from CEQA, under Class 3, CEQA Section 15303 New Construction or Conversion of Small Structures. Neither the project nor site meet any of the exceptions to the exemptions described in CEQA Guidelines Section 15300.2 Exceptions.

Section 2. The City of Foster City Zoning Map is hereby amended to modify the previously approved General Development Plan for the 5.135-acre parcel known as 1065 East Hillsdale Boulevard at the northwest corner of Foster City Boulevard and East Hillsdale Boulevard (APN 094-512-080) in the C-2/PD (General Business/Planned Development Combining) district to a C-2/PD district with an amended General Development Plan to allow an approximately 5,200 square-foot, stand-alone outdoor pavilion structure featuring restaurant/retail tenant spaces, outdoor seating, and restrooms, primarily as an ancillary amenity to the existing Century Plaza office use, and removal of 27 parking stalls, in accordance with the General Development Plan as shown on Exhibits A and B of 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.

City Ordinance No. 649

This Ordinance was introduced and read on the 6th day of June, 2022, and passed and adopted on the 20th day of June, 2022, by the following vote:

AYES: Councilmembers Froomin, Hindi, Sullivan, and Mayor Awasthi

NOES: None

ABSENT: Councilmember Gehani

ABSTAIN: None

DocuSigned by:

Richa Awasthi

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RICHAWASTHI, MAYOR

ATTEST:

DocuSigned by:

Priscilla Schaus

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PRISCILLA SCHAUS, CITY CLERK

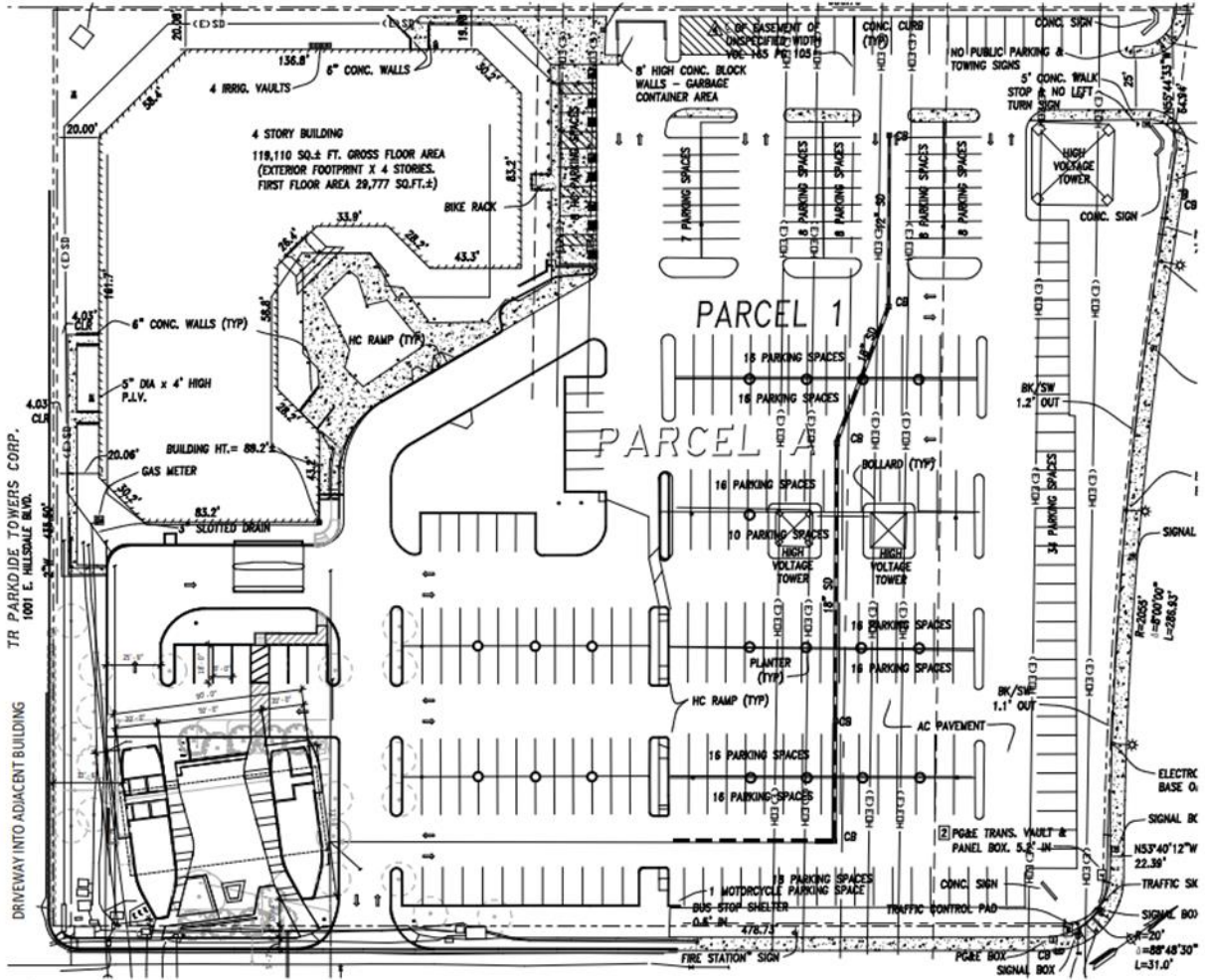
EXHIBIT A

**AMENDED GENERAL DEVELOPMENT PLAN FOR
1065 EAST HILLSDALE BOULEVARD**

The C-2/PD (General Business/Planned Development) zoning of the 5.135 acre parcel at the northwest corner of Foster City Boulevard and East Hillsdale Boulevard is herewith limited and specified to allow development of 115,436 sq. ft. (gross floor area) of four-story commercial office use and 5,200 sq. ft. (gross floor area) of single-story restaurant/retail tenant spaces with 332 parking spaces. all in accordance with the plans on file in the Planning Division of the Community Development Department.

EXHIBIT B

General Development Plan Graphic for the 5.135-acre lands known as 1065 East Hillside Boulevard



lowney
arch

E. HILLSDALE BLVD.

CERTIFICATE OF POSTING

I, Priscilla Schaus, hereby certify as follows:

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

I further certify to the proper posting of:

Ordinance No. 649, "An Ordinance of the City of Foster City Amending the Foster City Zoning Map to Modify the Previously Approved General Development Plan for the 5.135 Acre Parcel Known as 1065 East Hillsdale Boulevard at the Northwest Corner of Foster City Boulevard and East Hillsdale Boulevard in the C-2/PD (General Business/Planned Development) District with an Amended General Development Plan to Allow an Approximately 5,200 Square-foot Restaurant/Retail Use – Town Center Neighborhood – APN 094-512-080 – RZ2021-0002"

in the following three public places of the **City of Foster City**, Foster City, San Mateo County, California:

1. Recreation Center Lobby
650 Shell Boulevard
2. Council Chambers
620 Foster City Boulevard
3. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City**, Foster City, San Mateo County, California this 22nd day of June 2022.

DocuSigned by:

Priscilla Schaus

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Priscilla Schaus
City Clerk