

RESOLUTION NO. P- 23 -22

CITY OF FOSTER CITY PLANNING COMMISSION

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL ADOPTION OF AN AMENDMENT TO 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 COMBINING) DISTRICT WITH AN AMENDED GENERAL DEVELOPMENT PLAN TO ALLOW RESEARCH AND DEVELOPMENT (R&D) USE – APN 094-512-080 - RZ2021-0006

WHEREAS, on December 1, 1980, an Ordinance (Ordinance 209) was passed to reclassify the approximately 5.135 – acre parcel located at 1065 East Hillsdale Boulevard to General Business/Planned Development (C-2/PD) District with a General Development Plan to allow development of 115,436 square feet of four-story commercial office use with 392 parking spaces; and

WHEREAS, on June 6, 2022, an Ordinance (Ordinance 649) was passed to allow for approximately 5,200 square feet stand-alone outdoor restaurant/retail pavilion structure with outdoor seating, restrooms, and removal of 27 parking stalls, resulting in approximately 332 parking stalls left on site; and

WHEREAS, Urban Planning Partners, as project applicant, on behalf of property owner DIVCOWEST (DWF IV Century Plaza, LLC) has requested an amendment to allow R&D use within 87,000 square feet of the existing 115,436 square feet of office space from floors one (1) through four (4) at the 5.135-acre parcel located at 1065 East Hillsdale Boulevard (APN 094-512-080) in the Town Center neighborhood; and

WHEREAS, on December 5, 2022, the City Council adopted a Resolution No. 2022-138 to approve a text amendment to the General Plan, Land Use and Circulation Element, “Town Center Commercial” Land Use Category to allow for residential, mixed-use, office, commercial retail, service, and Research and Development for the “Town Center Commercial”; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and implementing guidelines (“CEQA”) adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has found the Project to be Categorically Exempt from CEQA, under Class 1, CEQA Section 15301 (Existing Facilities). The project allows potential R&D use within an already existing building that facilitates office uses without major changes to the physical building and would involve negligible or no expansion of use. Neither the project nor site meet any of the exceptions to the exemptions identified in CEQA Guidelines section 15300.2 (EA2021-0005); and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of an amendment to the Foster City Zoning Map to modify the previously approved General Development Plan for the 5.135-acre parcel known as Century Plaza at 1065 East Hillsdale Boulevard at the Planning Commission meeting on December 15, 2022, and on said date the Public Hearing was opened, held and closed; and

WHEREAS, full public involvement in the preparation of this amendment to the Foster City Zoning Map has been ensured through duly noticed Planning Commission Study Sessions, public hearings, and other means, including the following:

1. City Council Development Project Preliminary Review Meeting – November 1, 2021 – to introduce the proposed project to the City Council and public and receive feedback prior to initiating the entitlement process.
2. Planning Commission Study Session – October 20, 2022 – to solicit early feedback from the Commission and the public on the proposed project.
3. Planning Commission Public Hearing – December 15, 2022 – to consider and make recommendations to the City Council regarding the Rezoning/General Development Plan Amendment to modify the previously approved General Development Plan (GDP) for the 5.135-acre parcel known as Century Plaza at 1065 East Hillsdale Boulevard, north of the intersection at East Hillsdale Boulevard and Shell Boulevard, in the C-2/PD (General Business/Planned Development Combining) District with an amended GDP to allow R&D Uses.

WHEREAS, the Planning Commission is required by state law to hold at least one (1) Public Hearing before recommending adoption of an amendment to the City's Zoning Map ; and

WHEREAS, during the Public Hearing the applicant indicated that it was committed to using its best efforts to pay prevailing wages for all labor on the project with preference for local hiring and union contractors when feasible and agreed to adding such language to the conditions of approval for the project; and

WHEREAS, pursuant to FCMC section 17.74.060, at the close of the public hearing, or continuation thereof, the Planning Commission is required to make a report of its recommendations regarding the proposed amendment; and

WHEREAS, this Resolution and all items submitted in connection with the public hearing for consideration including the Staff Report and all attachments thereto shall satisfy the reporting requirements in FCMC 17.74.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the Staff Report, written and oral testimony, and in the project and exhibits presented, finds:

1. The proposed Rezoning/General Development Plan Amendment will be in furtherance of and in accordance with the General Plan of the City of Foster City because the proposal will:
 - a. be consistent with Town Center General Plan Land Use designation of the subject site;
 - b. result in greater variety of land uses, flexibility of land uses, and still maintain the variety of uses in the area, consistent with Land Use Goal LUC-C and Policy LUC-C-12;
 - c. provide opportunities for increase in population to use the existing and future goods and services consistent with Policies LUC-D-1 and LUC-D-2;
 - d. maintain the same architectural that complement the surrounding built environment, without reducing or overwhelming the surrounding area consistent with Land Use Goal LUC-B;

- e. provide for economic development consistent with the principles of Land Use Goal LUC-I;
 - f. maintain acceptable operation of the transportation system without greater impacts, consistent with LUC-F and LUC-F-1;
 - g. ensure any uses of hazardous materials, if any, be in compliance with local, regional, and State regulations consistent with LUC-D, LUC-D-10, and LUC-D-11; and
 - h. provide for adequate on-site parking for safe and effective circulation, consistent with Land Use Goal LUC-G and Policy LUC-G-1.
2. The Project is a feasible and viable concept, supported by economic analysis. It would be primarily an option to maintain building occupancy while continuing to provide for economic stability and growth within the City.
3. 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 conversion of office to R&D because:
- a. Conversion from office to R&D 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;
 - b. Conversion of office to R&D would remain within the footprint of the existing building with no substantive increase in services and therefore no increased demand is anticipated for police services; no new school facilities will be required as a result of the project;
 - c. Conversion of office to R&D would be mostly retained within the existing building and no substantive expansion would be required, therefore, anticipated water requirements or wastewater discharges are not high enough to require the expansion of the existing systems;
 - d. Conversion of office to R&D would not substantively generate more solid waste than the existing use on site and will not substantially shorten the life of the landfill;
 - e. Any improvements to be completed at the building shall be subject to Building Permits and shall be reviewed by all appropriate departments to ensure the project satisfy the conditions of approval as set forth in associated Use Permit; and
 - f. Conversion of office to R&D does not anticipate in upgrades or upsize of existing infrastructures and therefore, other utilities serving the project are expected to be adequate.
4. Consistent with Section 17.36.060 of the Municipal Code, a parking reduction for a total of 327 parking spaces on site is adequate with the implementation of the Transportation Demand Management (TDM). Any future R&D use may result in the loss of five (5) parking spaces. A parking demand study was completed and based on the Municipal Code Chapter 17.62, if a full conversion of up to 87,000 SF of office to R&D occurs with the approved (unbuilt) retail pavilion, the site would require 470 parking spaces. The project proposed to have 327 parking spaces with the additional five (5) parking space reduction, for a total of about 30% parking reduction request compared to the required 470. Furthermore, a Parking Demand Analysis was completed and determined that with all components of the project (built, approved but unbuilt, and currently proposed), the

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actual parking demand on site would be about 305 compared, much less than the existing 359 spaces that is physically on site and less than the 327 proposed. Nevertheless, consistent with Section 17.62.060(D)(3), the project shall implement a Transportation Demand Management (TDM) as part of any subsequent project that would further reduce parking supply on site. Therefore, the project would continue to meet the existing Section 17.36.060 Off-Street Parking Regulations in a PD District of Chapter 17.36, PD Planned Development Combining District, of Title 17, Zoning, of the Foster city Municipal Code.

- 5. The proposed project will not have a detrimental and immitigable financial impact on the City.
- 6. The Planning Commission recommends that the Council make approval of the Rezoning/General Development Plan Amendment conditional, with a condition of approval as follows: applicant shall pay prevailing wage, applicant shall have a preference for local hiring, and applicant shall use best efforts to use union contractors to the maximum extent feasible.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends City Council adopt an amendment to the Foster City Zoning Map to modify the previously approved General Development Plan for the 5.135-acre parcel known as Century Plaza at 1065 East Hilldale Boulevard (APN 094-512-080) as conditioned, north of the intersection at East Hilldale Boulevard in the C-2/PD (General Business/Planned Development Combining) District with an amended General Development Plan to allow up to 87,000 square feet (SF) of Research and Development (R&D) and/or office uses on floors one (1) through four (4) at the Century Plaza with the proposed amended General Development Plan as shown on Exhibits A and B of this Resolution, attached hereto and incorporated herein.

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at a Regular Meeting held on December 15, 2022, by the following vote:

AYES, COMMISSIONERS: Bronitsky, Haddad, Venkat, and Chair Adams

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS: Jagtiani

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Evan Adams
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EVAN A. ADAMS, CHAIR

ATTEST:

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Marlene Subhashini
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MARLENE SUBHASHINI, SECRETARY

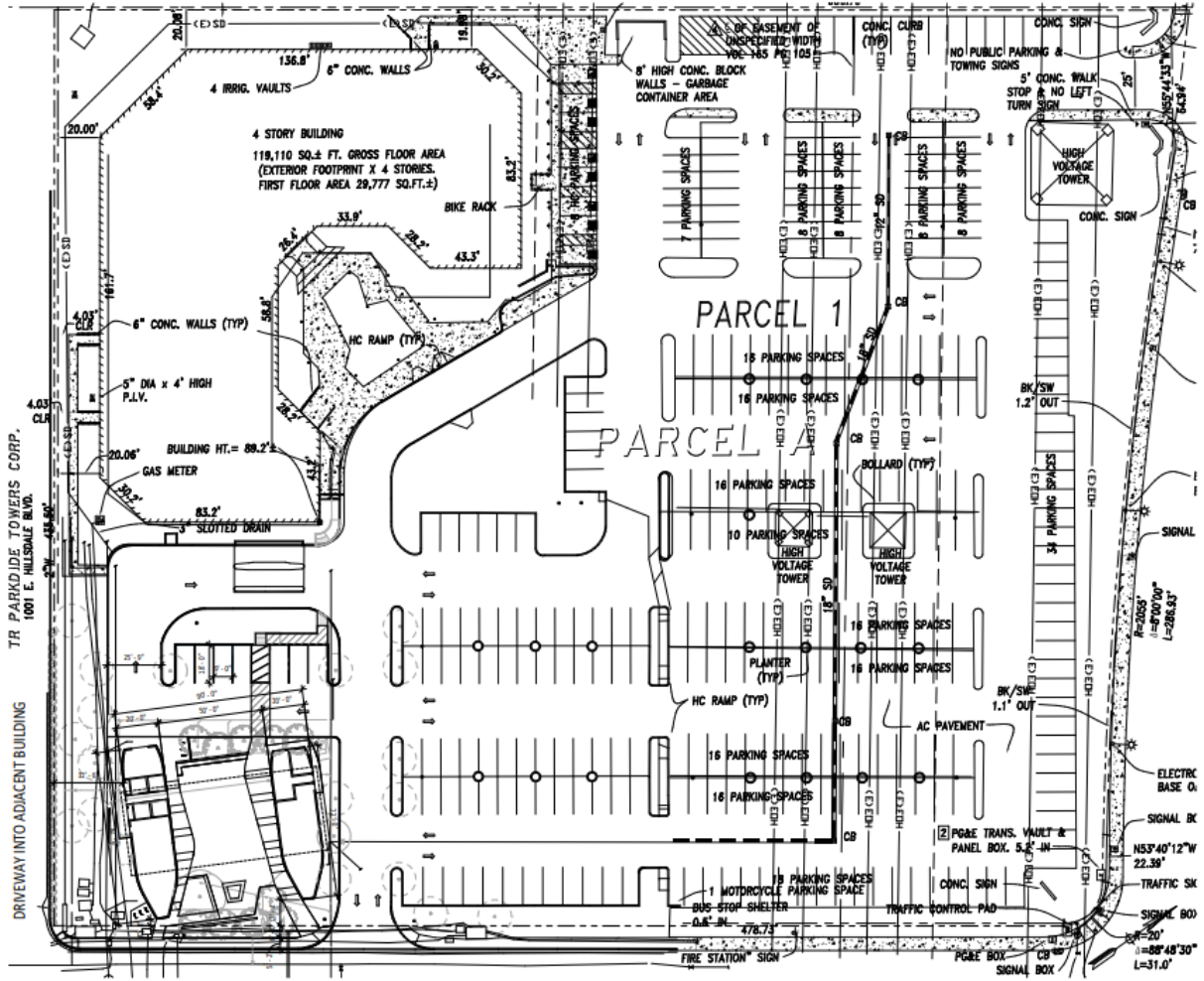
EXHIBIT A

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, with the option of up to approximately 87,000 sq.ft. of the 115,436 sq. ft. (gross floor area) to be Research and Development (R&D), and 5,200 sq. ft. (gross floor area) of single-story restaurant/retail tenant spaces with 327 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 parcel
at 1065 East Hillside Boulevard



lowney arch

E. HILLDALE BLVD.