

RESOLUTION NO. P- 15 -22

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A SPECIFIC DEVELOPMENT PLAN/USE PERMIT REQUEST TO ALLOW UP TO 373,646 SQUARE FEET OF RESEARCH AND DEVELOPMENT (R&D) AND/OR OFFICE USES ON FLOOR FOUR (4) THROUGH EIGHT (8) AT THE EXISTING BUILDING ON 5.99 ACRE PARCEL KNOWN AS THE PARKSIDE TOWERS AND LOCATED AT 1001 AND 1051 EAST HILLSDALE BOULEVARD AT THE NORTHERN CORNER OF FOSTER CITY BOULEVARD AND EAST HILLSDALE BOULEVARD – TOWN CENTER NEIGHBORHOOD – APN 094-524-220 – PARKSIDE TOWERS, L.P./HARVEST PROPERTIES – UP2021-0036

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, Parkside Towers L.P./Harvest Properties, as project applicant and owner, has requested Planning Commission approval of a Specific Development Plan/Use Permit to allow up to 373,646 square feet (SF) of Research and Development (R&D) and/or office uses on floors four (4) through eight (8) at the Parkside Towers (“Project”) located at 1001 and 1051 East Hillsdale Boulevard (094-524-220) in the Town Center neighborhood; and

WHEREAS, full public involvement in the preparation of this Specific Development Plan/Use Permit has been ensured through duly noticed Planning Commission Study Sessions, public hearings, and other means; and including the following:

1. Special Meeting with the City Council Land Use Subcommittee – January 15, 2021 – to review proposed use and to provide early feedback and general direction to the applicant on their application.
2. City Council Development Project Preliminary Review Meeting – January 19, 2021– to introduce the proposed project to the City Council and public and receive feedback prior to initiating the entitlement process.
3. Planning Commission Study Session – January 20, 2022 – to solicit early feedback from the Commission and the public on the proposed project.
4. Planning Commission Public Hearing – November 3, 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 5.99-acre parcel known as Parkside Towers at 1001 and 1051 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, a Notice of Public Hearing was duly posted, published, and mailed for consideration of the Specific Development Plan/Use Permit request at the Planning Commission meeting of November 3, 2022. On November 3, 2022, the Public Hearing was opened, held and closed.

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

- A. 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, the Project is Categorically Exempt from CEQA, under Class 1, CEQA Section 15301 (Existing Facilities). The project would allow 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.

- B. The proposal for the to allow up to 373,646 square feet (SF) of Research and Development (R&D) and/or office uses on floors four (4) through eight (8) at the existing building would be consistent with the Foster City General Plan, Chapters 17.26 (C-2 General Business and 17.36 (PD Planned Development) of Title 17, (Zoning), and Chapter 2.28, (Planning), of Title 2, (Administration and Personnel), of the Foster City Municipal Code, because the proposal, as conditioned in Exhibit A of this Use Permit, 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.
- C. The building would be retained as is with potential minor modifications to the exterior and interior to accommodate the R&D use. Therefore, the design of the proposal would continue to be compatible with the site’s environment with respect to use, forms, materials, colors, setbacks, location, height, design or similar qualities as specified in Chapter 2.28 (Planning) of Title 2, Administration and Personnel, and Section 17.58,010 of Chapter 17.58 (Architectural Control and Supervision) of Title 17, Zoning, of the Foster City Municipal Code because the project will:
- a. be consistent with the original Use Permit for the site (UP-97-014 adopted by Planning Commission Resolution No. P-23-99) as it is not changing the exterior of the building substantially;
 - b. further upgrade landscape and plant palette to low-water use and drought-tolerant

- landscaping in the existing area to reduce water demand for irrigation;
 - c. require any changes to the exterior to be subject to further review by staff to ensure compliance with the Foster City Municipal Code and other City codes and regulations; and
 - d. remain consistent with Chapter 17.62 of the Municipal Code for Off-Street Parking Regulation even with the potential removal of approximately 60 parking spaces within the parking structure.
- D. That the proposal would not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood, property values in the area, or the general welfare of the City because:
 - a. The existing building will be retained and the building will continue to not cause any significant solar, visual or other adverse long term impacts on adjacent or neighboring properties or adversely affect property values. The project will comply with the commercial intent and purpose of the zone in which it will be located.
- F. To facilitate any future R&D use, may result in the loss of 60 parking spaces. A parking demand study was completed and based on the Municipal Code Chapter 17.62, if a full conversion of office to R&D occurs, the project site would require 1,168 parking spaces. As the site currently has 1,356 parking spaces, even with the conservative estimate of parking space removal, 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.

BE IT FURTHER RESOLVED that the Planning Commission approves UP2021-036, subject to the Conditions of Approval set forth in Exhibit A of this Use Permit, attached hereto and incorporated herein by reference.

Resolution No. P- 15 -22
UP2021-0036

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at a Regular Meeting held on November 3, 2022, by the following vote:

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

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

DocuSigned by:
Evan Adams
6999760A4EA046D...

EVAN A. ADAMS, CHAIR

ATTEST:

DocuSigned by:
Marlene Subhashini
7666F83D1D584D8...

MARLENE SUBHASHINI, SECRETARY

EXHIBIT A

PARKSIDE TOWERS, 1001 AND 1051 EAST HILLSDALE BOULEVARD USE PERMIT CONDITIONS OF APPROVAL

Conditions attached to approval of UP2021-0036 by the
Planning Commission on November 3, 2022

All Conditions of Approval of the approved Specific Plan/Use Permit (File No. UP-97-014), approved by Planning Resolution No. P-23-99 on April 15, 1999, for the original building and all subsequent Specific Plan/Use Permits amendments and modifications (including, but not limited to, UP-97-014B by Resolution No. P-85-00 approved in December 7, 2000, UP-97-014J by P-21-13 approved in August 6, 2013, and UP2018-0055 by P-06-19 approved in April 4, 2019) shall remain in effect at all times.

The following Conditions of Approval are hereby added to the approved Specific Plan/Use Permits (File No. UP-97-014) and all subsequent amendments (including, but not limited to, UP-97-014B by Resolution No. P-85-00 approved in December 7, 2000, UP-97-014J by P-21-13 approved in August 6, 2013, and UP2018-0055 by P-06-19 approved in April 4, 2019) to read as follows:

1. **GENERAL**

- 1.1. Approval of this Use Permit/Specific Development Plan is contingent upon the City Council approving the General Plan Text Amendment (GP2021-0003) and General Development Plan Amendment (RZ2021-0005).
- 1.2. Any modification to the project shall require Planning Commission or Community Development Director review and approval and is subject to applicable Building Permits. The Community Development Director shall have the authority to approve minor changes. Any changes which affect the exterior character of the work, including minor changes to materials and colors, shall be resubmitted for approval. The construction or placement of unapproved features or unapproved changes to buildings or structures which were a part of approved plans can and will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommending work, and the possibility of penalty fees being assessed for unauthorized work. (CDD)
- 1.3. **The Community Development Director may, at any time, request reports on water use, parking and/or other information as necessary to ensure that R&D uses are in compliance with the COAs in this Use Permit. (CDD)**
- 1.4. Notwithstanding any depictions or statements in the project application or drawings, the project shall be subject to the California Building Standards (Title 24 of the California Code of Regulations) as adopted and amended by the City of Foster City and the San Mateo Consolidated Fire Department, in effect as of the date of application for building permit. (BD)
- 1.5. Construction activities shall be limited to the hours of 8 a.m. to 5 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. Nonconstruction activities may take place between the hours of 7 a.m. and 8 a.m. on weekdays and 9 a.m. and 4 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery. No actual construction

activities may take place between 7 a.m. and 8 a.m., except when post-tension slab foundations are being poured, the concrete pumper may be set up but no concrete may be poured. Forklifts shall be allowed to operate onsite between the hours of 5 p.m. and 6:30 p.m. on weekdays. Construction noise levels shall not exceed the interior noise level of 50 dBA_{Leq} (hourly average) or the maximum noise level of 70 dBA_{Lmax} within occupied noise sensitive land uses. The Planning Commission reserves the right to rescind this condition and further restrict construction activities in the event that the public health, safety and welfare are not protected due to noise levels emanating from the construction project. (PC, BD, CDD)

- 1.6. The building identification signs for the project will be reviewed through a separate Sign Use Permit and is not part of this Use Permit approval. (CDD)
- 1.7. If applicable, the Applicant (or the project sponsor) shall pay the Affordable Housing Commercial Linkage Fee per Municipal Code Chapter 17.88 as well as all development impact fees in effect at the time of building permit issuance. The amount of impact fees to be paid shall be those in effect at the time of payment of such fees. (CDD)

2. PRIOR TO TENANT IMPROVEMENT PERMITS

- 2.1. If exterior improvements are proposed:
 - 2.1.1. Elevations shall be included in the building permit plans indicating colors and materials, listing manufacturers' names and product identification, and shall be approved by the Community Development Director. (CDD)
 - 2.1.2. No rooftop equipment of any kind or exterior conduit shall be visible from the ground level on the site or from adjacent public rights-of-way or ground level on adjacent properties. Plans submitted for Building Permit for any Tenant Improvements shall include plans showing rooftop screening and cross-sections and details of the proposed rooftop equipment, sight line studies demonstrating the visual impact of equipment, and related screening shall be submitted to the Community Development Director for approval. All mechanical rooftop equipment shall be behind and below the roof screen unless otherwise required to be above the screen per the building code. (CDD)
 - 2.1.3. All vents shall be shown on the exterior elevations. Where feasible, venting shall be directed to the roof and consolidated to minimize its visibility, subject to approval by the Community Development Director. (CDD)
- 2.2. Prior to issuance of the architectural/structural shell permit, all emergency vehicle access and location of building numbers shall be identified to the satisfaction of the City. (FIRE, POL, CDD)
- 2.3. Before commencing any work in the City's right-of-way (including trenching of complete streets), the applicant shall obtain an encroachment permit, posting the required bonds and insurance. The Engineering Division may require that trenchless methods be used for crossings and connections under streets. (E/PW)
- 2.4. Roof access shall be provided from at least one stairway in each building. (BD, FIRE)
- 2.5. **Prior to issuance of a building permit, for improvements necessary to convert any space from office to R&D on the project site, the plans submitted to the City shall demonstrate the ability at tenant improvement to incorporate elevators utilized to transport hazardous materials under the provisions of California Fire**

Code Chapter 50, and incorporate exhaust ventilation compiling with ANSI Z9.5-2012 or NFPA 45-2019 if required. (BD, FIRE)

- 2.6. Prior to Tenant Improvements permit for improvements necessary to convert any space from office to R&D on the project site, State of California safety regulations regarding the transport, handling, and storage of hazardous materials (HMIS) shall be incorporated onto the plans. Storage of hazardous materials shall be directed to areas in the complex where maximum protection of office and other active work areas can be provided. (BD, FIRE)
- 2.7. Prior to Tenant Improvement permit for improvements necessary to convert any space from office to R&D on the project site, a hazardous materials business plan (HMBP) shall be incorporated onto the plans. (BD, FIRE)
- 2.8. The applicant shall complete and submit the "PCB Screening Assessment Form" for any project requiring a demolition permit (BD, E/PW)
- 2.9. The plans shall demonstrate compliance with the Indoor Water Conservation requirements contained in EMID Code Chapter 8.7, including, but not limited to, submittal of the Indoor Water Use Efficiency Checklist. The Checklist shall be updated, if necessary, prior to issuance of the Tenant Improvement. (E/PW, CDD, BD)
- 2.10. **Prior to issuance of any Building Permits for improvements necessary to convert any space from office to R&D on the project site, a Landscaping Plan shall be submitted to the Community Development Department for review and approval. The Landscaping Plan shall include, but is not limited to, arborist report of existing (i.e., species, size, health) vegetation inventory on site, existing irrigation methodology, water usage for existing landscaping, proposed vegetation replacement and/or new landscaping area (i.e. species, size, health), and water usage of new vegetation selection and landscaping. (CDD)**
- 2.11. **Prior to issuance of any building permits for improvements necessary to convert any space from office to R&D on the project site, a Water Demand Report shall be submitted to the Community Development Department for review and approval. The Water Demand Report shall include, but is not limited to, information to verify that the new operation and modifications made to building to be result in a net-zero change in demand in water use, consistent with the Water Demand Analysis by BKF, dated March 31, 2022, made as part of the Public Hearing item on November 3, 2022 for this Specific Plan/Use Permit (UP2021-0036). (CDD)**
- 2.12. Prior to issuance of any building permits for improvements necessary to convert any space from office to R&D on the project site, one (1) complete set of construction plan drawings in electronic format shall be submitted to the Building Inspection Division. All Use Permit conditions of approval shall be included on plan sheet(s) in the drawing set. (BD)
- 2.13. One (1) set in electronic format and one (1) set in printed format of a site specific, design level, fault zone geotechnical report satisfactory to the Chief Building Official, including one electronic or pdf version, shall be submitted for review and approval to the Building Division and contain design recommendations for grading, footings, retaining walls, and provisions for anticipated differential settlement for each construction site within the project area. (BD)
- 2.14. The applicant shall provide a Waste Management Plan for all aspects of construction to convert any space from office to R&D on the project site from start to finish with

estimated quantities of debris expected to be generated by the project, how it will be recycled/disposed of, and an accompanying deposit in accordance with Chapter 15.44 of the Foster City Municipal Code and California Green Building Code. A separate Waste Management Plan will be required for projects that require Demolition (see Section 3.0). (E/PW, BD)

- 2.15. Prior to commencement of any site work or placement of any construction trailers for improvements necessary to convert any space from office to R&D on the project site, the applicant shall submit a Site Logistics Plan showing proposed haul routes, placement of the construction trailers (if any) and areas for materials/equipment materials/equipment delivery, materials/equipment storage, waste collection and maintenance/fueling of vehicles/equipment. The Site Logistics Plan shall be subject to approval by the Community Development Director.
- The Site Logistics Plan designated storage areas for material delivery, storage, and waste collection shall be as far away from catch basins, gutters, drainage courses, and water bodies as possible. All hazardous materials and wastes used or generated during project site development activities shall be labeled and stored in accordance with applicable local, state, and federal regulations. In addition, an accurate up-to-date inventory, including Material Safety Data Sheets, shall be maintained on-site to assist emergency response personnel in the event of a hazardous materials incident.
 - The Site Logistics Plan designated area for all maintenance and fueling of vehicles and equipment shall be bermed or over a drip pan that will not allow run-off of spills. Vehicles and equipment shall be regularly checked and have leaks repaired promptly at an off-site location. Secondary containment shall be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.
 - The Site Logistics Plan shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. (CDD, BD, FIRE)
- 2.16. **Prior to issuance of a Building Permit, a report shall be submitted as part of the plans to verify that the physical improvements and operations do not exceed a Biosafety Level-2 operation level. (CDD)**
- 2.17. **Prior to the issuance of a Building permit for improvements necessary to convert any space from office to R&D on the project site, a master building wide Hazardous Materials Inventory Statement (HMIS) and a tenant HMIS shall be kept on file with the building management for the lifetime of the use. The building management shall manage all tenant HMIS documents against the Master HMIS such that the total quantity of hazardous materials shall not exceed the Maximum Area Quantities (MAQ's) as defined by the HMIS per Chapter 50 of the California Fire Code. This project shall update their fire sprinkler design density to an Extra Hazard class to 0.4/3,000 square-feet. (FIRE)**
- 2.18. The contractor shall prepare a Waste Disposal and Hazardous Materials Transportation Plan prior to construction activities where hazardous materials or materials requiring off-site disposal would be generated. The Plan shall include a description of analytical methods for characterizing wastes, handling methods required to minimize the potential for exposure, and shall establish procedures for the safe storage of contaminated materials, stockpiling of soils, and storage of dewatered

- groundwater. The required disposal method for contaminated materials (including any lead-based paint, asbestos, or other hazardous building materials requiring disposal), the approved disposal site, and specific routes used for transport of wastes to and from the project site shall be indicated. The Plan shall be prepared prior to demolition or development activities and submitted to the City. (E/PW, BD, FIRE)
- 2.19. Prior to issuance of a demolition permit for structures located on the project site, a lead-based paint, hazardous building materials survey (PCBs, mercury), and asbestos survey (for those structures not previously surveyed) shall be performed by a qualified environmental professional. Based on the findings of the survey, all loose and peeling lead-based paint, and identified asbestos hazards shall be abated by a certified contractor in accordance with local, state, and federal requirements (including the requirements of the BAAQMD, District Regulation 11, Rule 20) and requirements for worker health and safety. (BD)
- 2.20. Prior to issuance of a building permit for improvements necessary to convert any space from office to R&D on the project site, the improvement plans shall include the design of stormwater improvements in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. (E/PW)
- 2.21. Domestic backflow prevention devices shall be consistent with the most recent list of approved devices maintained by the County Department of Health. (E/PW, BD)
- 2.22. Loading/unloading zones shall be in consistent with the Municipal Code Chapter 10.44. (BD)
- 2.23. Prior to issuance of a building permit, the Developer shall submit a letter signed and stamped by the licensed landscape architect verifying that the plants that have been selected for the bioretention area/swale are drought tolerant, inundation tolerant, and require minimal maintenance consistent with the C.3/C.6 Checklist, as provided in Appendix A of the San Mateo County Wide Water Pollution Prevention Program's C.3 Stormwater Technical Guidance Handbook at www.flowstobay.org (E/PW, CDD)**
- 2.24. The project shall conform to all General Construction Practices, as amended.
- 2.25. Prior to issuance of a building permit, should the City determine that the City's public infrastructures such as storm drain system, storm drain pumping capacity, water storage capacity, or other public infrastructures may require upgrade, expansion, or modification as a result of the proposed project and Tenant Improvements, the applicant shall pay for all necessary improvement costs. The timing and amount of payment shall be as determined by the City. (CC, E/PW)**
- 2.26. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector. (E/PW)
- 2.27. The project applicant shall include Electric Vehicle charging stations, the number of which shall be verified with staff at the time of proposed tenant improvements. (CDD)**

3. PRIOR TO OCCUPANCY PERMITS

- 3.1. Prior to any occupancy permit for spaces converted from office to R&D on the project site, the applicant shall provide an operational plan for all tenant(s) of the building and implementation of safety measures, with a maximum allowable**

- Biosafety Level (BSL) 2, prior to the operation of Research and Development (R&D) uses. The operational plan shall include, but is not limited to, safety level and protocols for all operations on site. (CDD)**
- 3.2. **Prior to the issuance of occupancy permits for conversion of office to R&D, the project applicant shall submit a report to verify the continuation of the existing Transportation Demand Management measures such as the shared and private shuttle program, or equivalent strategies, to promote alternative modes of transportation for all tenants at the building. (CDD)**
 - 3.3. Prior to occupancy for spaces converted from office to R&D on the project site, the City shall be provided with Final AutoCAD (latest version) compatible files (DXF or DWG) and PDF for all computer-generated mapping, construction plans and graphic information related to site/civil drawings for this project. (E/PW)
 - 3.4. The applicant/property owners/tenants shall control accumulations of petroleum wastes and other pollutants in the streets and parking areas by frequent sweeping. (E/PW, CDD)
 - 3.5. **Prior to occupancy for spaces converted from office to R&D on the project site, a documented program of Inspection, Testing, for continuous Maintenance (ITM) activities of all fire protection and life safety systems, and risk management requirements for building water systems, shall be submitted and approved by the Chief Building Official and Fire Marshal. The documented program shall be in accordance with the California Fire Code, Title 15 of the Foster City Municipal Code, NFPA 13, 70B, 72, and ANSI/ASHRAE Standard 188. (BD)**

BOLD: INDICATES SITE SPECIFIC CONDITIONS