

ORDINANCE NO. 659

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING THE FOSTER CITY ZONING MAP TO MODIFY THE PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN FOR THE 5.99-ACRE PARCEL KNOWN AS PARKSIDE TOWERS AT 1001 AND 1051 EAST HILLSDALE BOULEVARD AT THE NORTHERN 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 AND FINDING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) – APN 094-524-220 - RZ2021-0005

CITY OF FOSTER CITY

WHEREAS, on April 5, 1999, the City Council adopted an amendment to the General Plan to allow the floor area ratio to be changed from 0.54 Floor Area Ratio (FAR) to 1.5 FAR for the 5.99-acre site known as Parkside Towers in the Town Center Commercial Land Use Designation (GP-97-002, City Council Resolution No. 99-40); and

WHEREAS, on April 19, 1999, the City Council adopted a General Development Plan/Rezoning (RZ-97-008, City Council Ordinance No. 462) to change the existing zoning from C-2/PD (General Business/Planned Development) District to a C-2/PD (General Business/Planned Development) District to allow up to 391,316 square feet of office/retail space on 5.99 acres located at 1001, 1015, and 1035 East Hillside Boulevard (APNs 094-524-100, 110, 120, 130 and 140); and

WHEREAS, the Specific Development Plan/Use Permit (UP-97-014) for the Parkside Towers Office/Retail include Condition of Approval 1.36 which outlines the permitted uses for the ground floor commercial tenant spaces; and

WHEREAS, Parkside Towers L.P./Harvest Properties, as project applicant, on behalf of the property owner has initiated an amendment to allow for the conversion of up to 373, 646 square feet of existing office space to R&D (“Project”) at the Parkside Towers located at 1001 and 1051 East Hillside Boulevard with the potential reduction of up to 60 parking spaces pursuant to Foster City Municipal Code (“FCMC”) section 17.74.030(C); and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Categorical Exemption and the Project at the Planning Commission meeting on November 3, 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

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Study Sessions, public hearings, and other means, 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 of the C-2/PD District.

WHEREAS, on November 3, 2022, the Planning Commission held a Public Hearing and adopted Resolution No. P-14-22 recommending adoption of an amendment to the City's Zoning Map and the current C-2/PD (General Business/Planned Development) District; and

WHEREAS, pursuant to FCMC section 17.74.060, Resolution No. P-14-22 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, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AND FINDS as follows:

Section 1. Recitals. The foregoing Recitals are true and correct and material to this Ordinance.

Section 2. CEQA. 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, this Council finds that the Project is Categorically Exempt from CEQA, under Class 1, CEQA Section 15301 (Existing Facilities). The project would be allowing 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 (EA2021-0003).

Section 3. Findings. 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, finds that the proposed rezoning would not be detrimental to the general health, welfare and safety of the City of Foster City based on the following:

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- A. 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, 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.
- B. 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.
- 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 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

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solid waste than the existing use on site and will not substantially shorten the life of the landfill; and

- 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 condition of approvals 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.

D. 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 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.

E. The proposed project will not have a detrimental and immitigable financial impact on the City.

Section 4. Amendment. The City of Foster City Zoning Map and General Development Plan for the 5.99-acre parcel known as Parkside Towers at 1001 and 1051 East Hilldale Boulevard (APN 094-524-220), north of the intersection at East Hilldale Boulevard and Shell Boulevard in the C-2/PD (General Business/Planned Development Combining) District is hereby amended to repeal and replace the existing Zoning Map and General Development Plan with an amended General Development Plan 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 as set forth in Exhibits A and B of this Ordinance, attached hereto and incorporated herein.

Section 5. 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 6. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 7. 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.

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This Ordinance was introduced and read on the 5<sup>th</sup> day of December, 2022, and passed and adopted on the 17th day of January, 2023 by the following vote:

AYES: Councilmembers Hindi, Jimenez, Kiesel, Sullivan and Mayor Froomin

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:



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JON FROOMIN, MAYOR

ATTEST:

DocuSigned by:



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PRISCILLA SCHAUS, CITY CLERK

**EXHIBIT A**

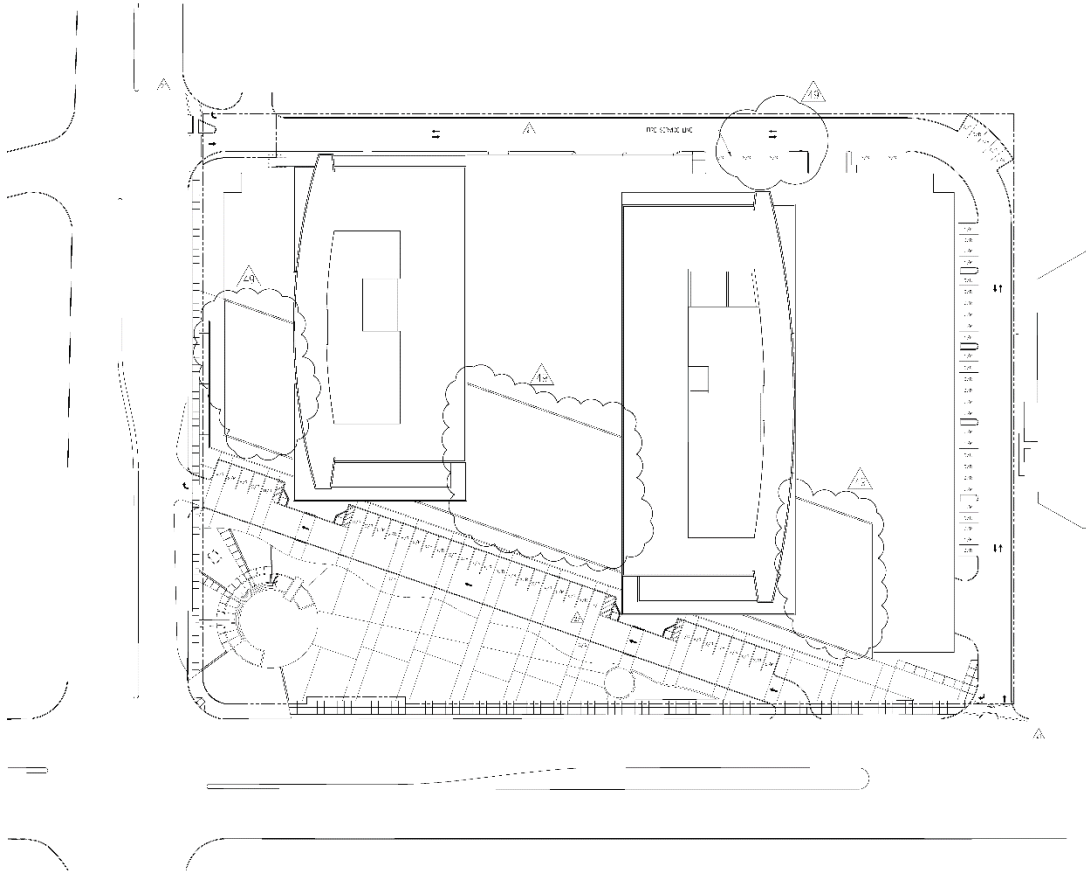
**AMENDED GENERAL DEVELOPMENT PLAN FOR 1001 AND 1051 EAST HILLSDALE BOULEVARD**

The C-2/PD (General Business/Planned Development District) zoning of the 5.99-acre site at 1001, 1015, 1035, and 1051 East Hillsdale Boulevard (APN: 094-524-220) is herewith limited and specified as follows:

To allow development of up to 391,316 gross sq. ft. consisting of 373,646 sq. ft. of office space and/or Research and Development (R&D) on floors four (4) through eight (8) and 17,670 sq. ft. of retail space, and approximately 30,900 sq. ft. park, landscaping and parking in accordance with the plans on file in the offices of the Community Development Department Planning/Code Enforcement Division.

**EXHIBIT B**

**AMENDED GENERAL DEVELOPMENT PLAN FOR 1001 AND 1051 EAST HILLSDALE BOULEVARD**



## 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 of the **City of Foster City**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 659, "An Ordinance of the City of Foster City Amending the Foster City Zoning Map to Modify the Previously Approved General Development Plan for the 5.99-acre Parcel Known as Parkside Towers at 1001 and 1051 East Hillsdale Boulevard at the Northern 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 and Finding the Project is Exempt From the California Environmental Quality Act (CEQA) – APN 094-524-220 - RZ2021-0005"

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 19th day of January 2023.

DocuSigned by:

*Priscilla Schaus*

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Priscilla Schaus  
City Clerk