

ORDINANCE NO. 662

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 CENTURY PLAZA LOCATED AT 1065 EAST HILLSDALE BOULEVARD, 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 – APN 094-512-080 - RZ2021-0006

CITY OF FOSTER CITY

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, 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 and in a subsequent letter dated January 5, 2023, 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, Planning Commission Resolution No. P-23-22 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.

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

Section 1. The City Council finds 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).

Section 2. 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 because:

- 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 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.
- 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 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.
- D. 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 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.
- E. The proposed project will not have a detrimental and immitigable financial impact on the City.
- F. Applicant shall commit to paying prevailing wages for all construction services set by the State of California Department of Industrial Relations with a hiring preference towards subcontractors located in Foster City and San Mateo County and the Applicant shall use its best contracting efforts to use subcontractors who are signatories to union agreements with affiliates of the Building and Construction Trades Council of San Mateo County, including but not limited to, ensuring all applicable trades, including carpentry, receive multiple notices related to contracting opportunities as outlined in their letter of commitment dated

January 5, 2023 and attached as Exhibit A-1.

Section 3. The City of Foster City Zoning Map is hereby amended to modify the previously approved General Development Plan on the 5.135-acre parcel known as Century Plaza at 1065 East Hilldale Boulevard (APN 094-512-080), north of the intersection at East Hilldale Boulevard and Shell 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.

Section 4. 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 5. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 6. 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 6th day of February, 2023, and passed and adopted on the 21st day of February, 2023, by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

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JON FROOMIN, MAYOR

ATTEST:

DocuSigned by:

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PRISCILLA SCHAUS, CITY CLERK

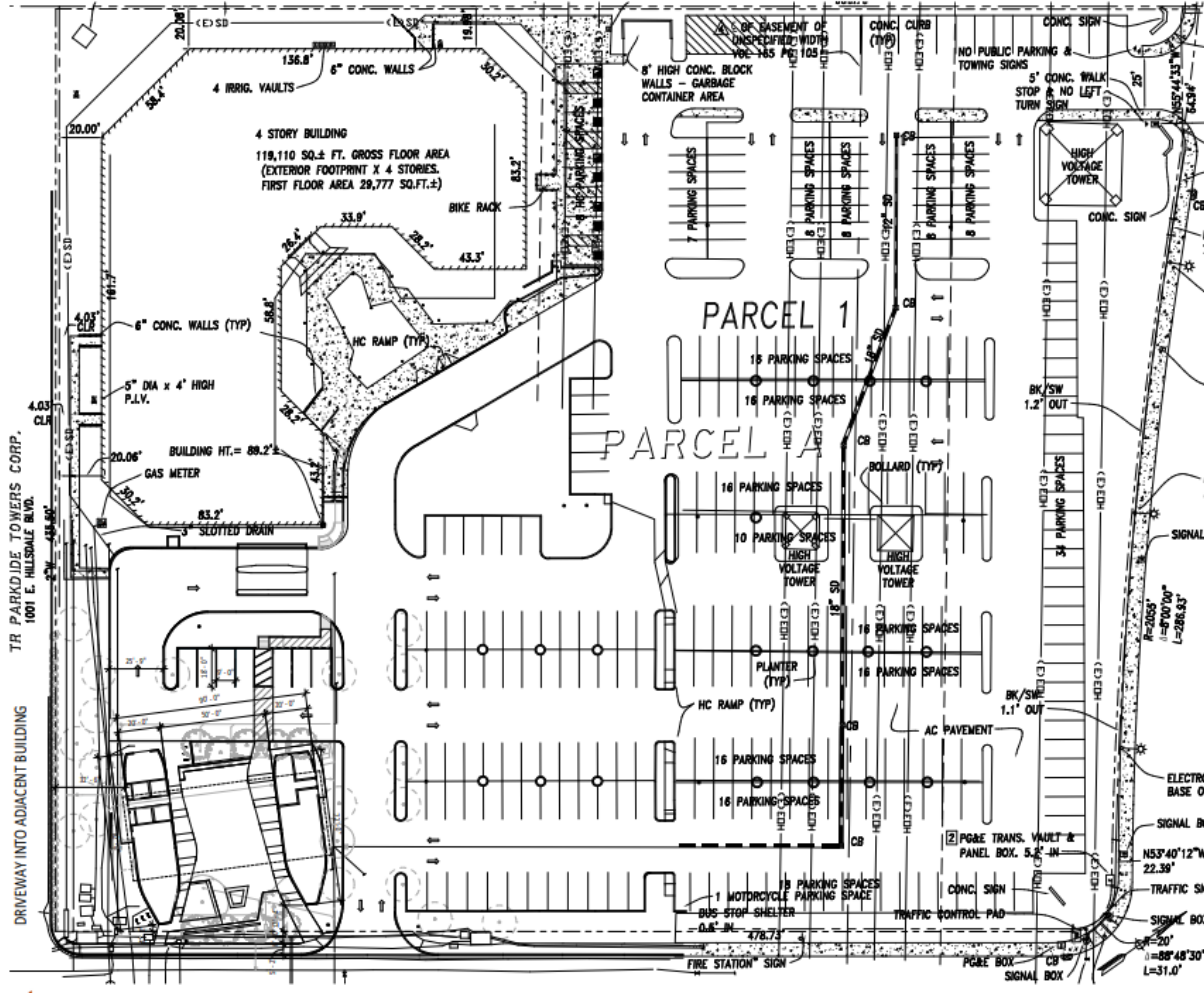
EXHIBIT A

**AMENDED GENERAL DEVELOPMENT PLAN FOR 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 1065 East Hillsdale Boulevard (APN 094-512-080) 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/or office uses on floors one (1) through four (4) at the Century Plaza with 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.

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. 662, "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 Century Plaza Located at 1065 East Hillside Boulevard, Northern Corner of Foster City Boulevard and East Hillside 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 (First Reading February 6, 2023)"

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. Hillside Boulevard

Executed at the **City of Foster City**, Foster City, San Mateo County, California this 22nd day of February 2023.

DocuSigned by:

Priscilla Schaus

Priscilla Schaus
City Clerk