

ORDINANCE NO. 573

AN ORDINANCE OF THE CITY OF FOSTER CITY APPROVING AN AMENDMENT TO THE FOSTER CITY ZONING MAP AND A GENERAL DEVELOPMENT PLAN FOR THE ± 11.89 GROSS ACRES BOUNDED BY CHESS DRIVE, STATE ROUTE 92, FOSTER CITY BOULEVARD AND THE FOSTER CITY LAGOON (APNS: 094-010-100, -500, -510) TO CHANGE THE ZONING DESIGNATION FROM M-1/PD (LIGHT INDUSTRIAL/PLANNED DEVELOPMENT) DISTRICT TO CM/PD (COMMERCIAL MIX/PLANNED DEVELOPMENT) DISTRICT WITH A GENERAL DEVELOPMENT PLAN TO ALLOW UP TO 800,000 SQ. FT. OF OFFICE, BIOTECHNOLOGY, OR RESEARCH AND DEVELOPMENT USES – THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY AND SEA CLIFF PROPERTIES – RZ-07-002

CITY OF FOSTER CITY

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

Section 1. The City Council, based on facts and analysis in the Staff Reports, written and oral testimony, mitigation measures included in the project, and exhibits presented, finds:

1. The planned development is substantially in conformance with the adopted City General Plan because it will be consistent with the Goal LUC-C to provide for economic development by encouraging the aggregation and redevelopment of under-utilized properties and/or outdated buildings by allowing a substantially increased density and intensity of uses and will develop uses that meet long-term local and regional demand for office space; it will be consistent with the designation of Chess/Hatch Office Research in Policy LUC-25A because it will allow a broader array of uses such as office, biotechnology or research and development uses and will prohibit incompatible uses; will allow mixed use per Policy LUC-81 with up to 5,000 sq. ft. of business support uses, has considered the capacities of the EMID and City infrastructure in the Chess Hatch Master Plan EIR per LUC-82, and requires uses to be in conformance with Chapter 17.68 per Policy LUC-83; and
2. The total development in each individual development phase can exist as an independent unit and the uses proposed will not be detrimental to present and planned surrounding uses, as shown in the City's adopted General Plan, but will have a beneficial effect which could not be achieved without being located in a PD district because each phase shown in the phasing diagrams will provide adequate access and parking to serve the specific phase while preserving access to the existing surrounding development; and
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and proposed densities will not generate traffic in such amounts as to overload the street network outside the development because although the City Council adopted Resolution No. 2009-93 adopting a Statement

of Overriding Considerations for the Chess Hatch Master Plan including several unacceptable levels of service at intersections and freeway segments, the Chess Hatch Master Plan project will partially mitigate these impacts through significant contributions to off-site traffic improvements as indicated in Exhibit G of the Development Agreement, implementation of a Transportation Demand Management Program, and contribution to peak hour shuttles; and

4. Existing or proposed utility services and facilities and other public improvements are adequate for the population densities and land uses proposed, as indicated in Section V.J of the Chess Hatch Master Plan Environmental Impact Report; and
5. The proposed ratios for off-street parking are consistent with the parking regulations of the City, as provided in Chapter 17.62 of the Municipal Code as indicated in the Staff Report; and
6. The planned development will not have a detrimental and unmitigable financial impact on the City or the Estero Municipal Improvement District as indicated in the Fiscal Impact Study prepared by ERA dated February 24, 2009.

Section 2. The City of Foster City Zoning Map is hereby amended to reclassify that property described in Exhibit A to this Resolution and adopt a new General Development Plan for the ±11.89-acre lands bounded by Foster City Boulevard, Chess Drive, Foster City Lagoon and State Route 92 (APN: 094-010-100, -500, -510), as described in Exhibit A, as depicted in Exhibit B and as further limited per Exhibits C, D and E to this Resolution.

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.

This Ordinance was introduced and read on the 19th day of August, 2013, and passed and adopted on the 3rd day of September, 2013, by the following vote:

AYES: Councilmembers Bronitsky, Kiesel, Okamoto, Perez and Mayor Frisella

NOES: None

ABSENT: None

ABSTAIN: None


PAM FRISELLA, MAYOR

ATTEST:


DORIS L. PALMER, CITY CLERK

EXHIBIT A

GENERAL DEVELOPMENT PLAN NARRATIVE FOR CHESS HATCH MASTER PLAN

The City of Foster City Zoning Map is hereby amended to reclassify the +/- 11.9-acre land bounded by Chess Drive, Foster City Boulevard, and State Route 92 (APNs: 094-010-100, -500, -510) to change the Zoning designation from M-1/PD (Light Industrial/Planned Development) to C-M/PD (Commercial Mix/Planned Development) with a General Development Plan to allow up to 800,000 square feet of office, biotechnology, or research and development uses and parking structures and at-grade parking lots; accessory uses, such as commercial, industrial or light assembly uses which are incidental or supportive to the primary office, biotechnology or research and development uses; or other uses which, in the opinion of the planning director, are similar to and no more offensive than the above-listed uses; with up to 5,000 sq. ft. of the total Project square footage to be used for retail, restaurant or other business-supporting ancillary commercial amenities; except that the following uses are excluded: housing, schools, day care, and other uses primarily serving children.

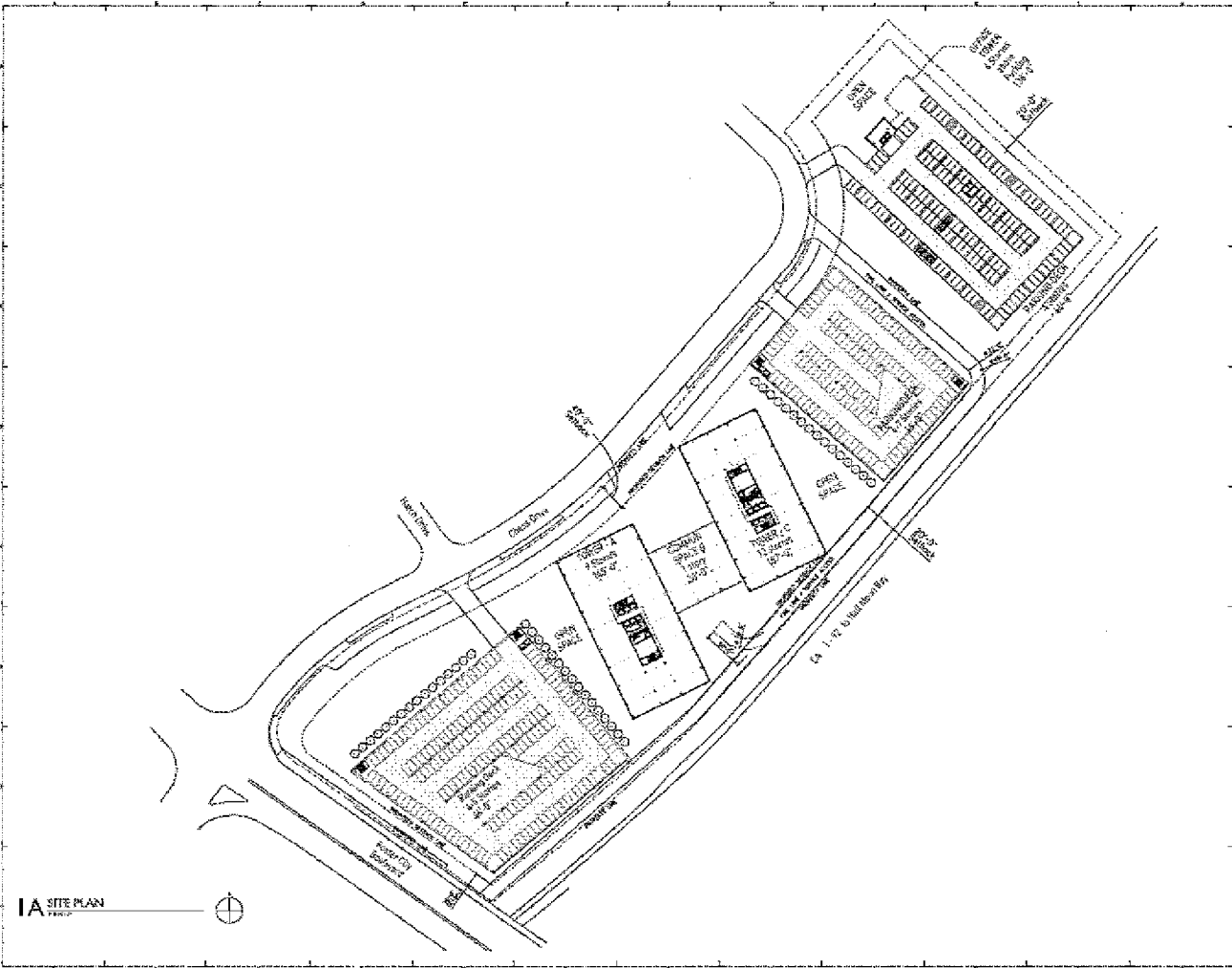
EXHIBIT C

GENERAL DEVELOPMENT PLAN LIMITATIONS FOR CHESS-HATCH MASTER
PLAN
(RZ-07-002)

The CM/PD (Commercial Mix/Planned Development) District of the ±11.89-acre lands bounded by Foster City Boulevard, Chess Drive, Foster City Lagoon and State Route 92 (APN: 094-010-100, -500, -510) is herewith limited and specified as follows:

1. The development will include up to 800,000 sq. ft. of office, biotechnology, or research and development uses as more specifically described in Exhibit A to Ordinance No. 573 and with layout, height and setbacks generally as depicted in Exhibit B to Ordinance No. 573.
2. Each Specific Development Plan/Use Permit shall demonstrate compliance with the Mitigation Measures included in the Chess-Hatch Master Plan Environmental Impact Report (SCH 2008122065), including any Addenda.
3. On-site traffic improvements shall be included in conformance with the Chess-Hatch Master Development Agreement, or if the Agreement has expired, with the Chess-Hatch Master Plan Environmental Impact Report (SCH 2008122065), including any Addenda.
4. The project shall contribute its fair share contribution toward off-site traffic improvements as identified in the Chess-Hatch Master Development Agreement, or if the Agreement has expired, with the Chess-Hatch Master Plan Environmental Impact Report (SCH 2008122065), including any Addenda.
5. The development shall contribute to the operation of a peak-hour shuttle consistent with the Transportation Demand Management Plan required with each Specific Development Plan in conformance with the Chess-Hatch Master Development Agreement, or if the Agreement has expired, with the Chess-Hatch Master Plan Environmental Impact Report (SCH 2008122065), including any Addenda.
6. Applications for each Specific Development Plan/Use Permit shall demonstrate compliance with the Chess Hatch Design Principles Document, dated 06.05.13, prepared by Valerio Dewalt Train and Associates or as later amended by the Planning Commission.
7. Phases of the development may be constructed in any order, but each phase shall be generally as illustrated in the phasing diagrams attached as Exhibit D.
8. Each Specific Development Plan/Use Permit application shall include the Transportation Demand Management Plan as required by the City/County Association of Governments.
9. Until redevelopment of the property occurs in accordance with this General Development Plan, the existing M-1/PD Zoning/General Development Plan and Specific Development Plan/Use Permit approvals shall govern the uses of the property.

EXHIBIT B
GENERAL DEVELOPMENT PLAN GRAPHIC FOR CHESS-HATCH MASTER PLAN



CHESS-HATCH DRIVE
OFFICE DEVELOPMENT
FOSTER CITY

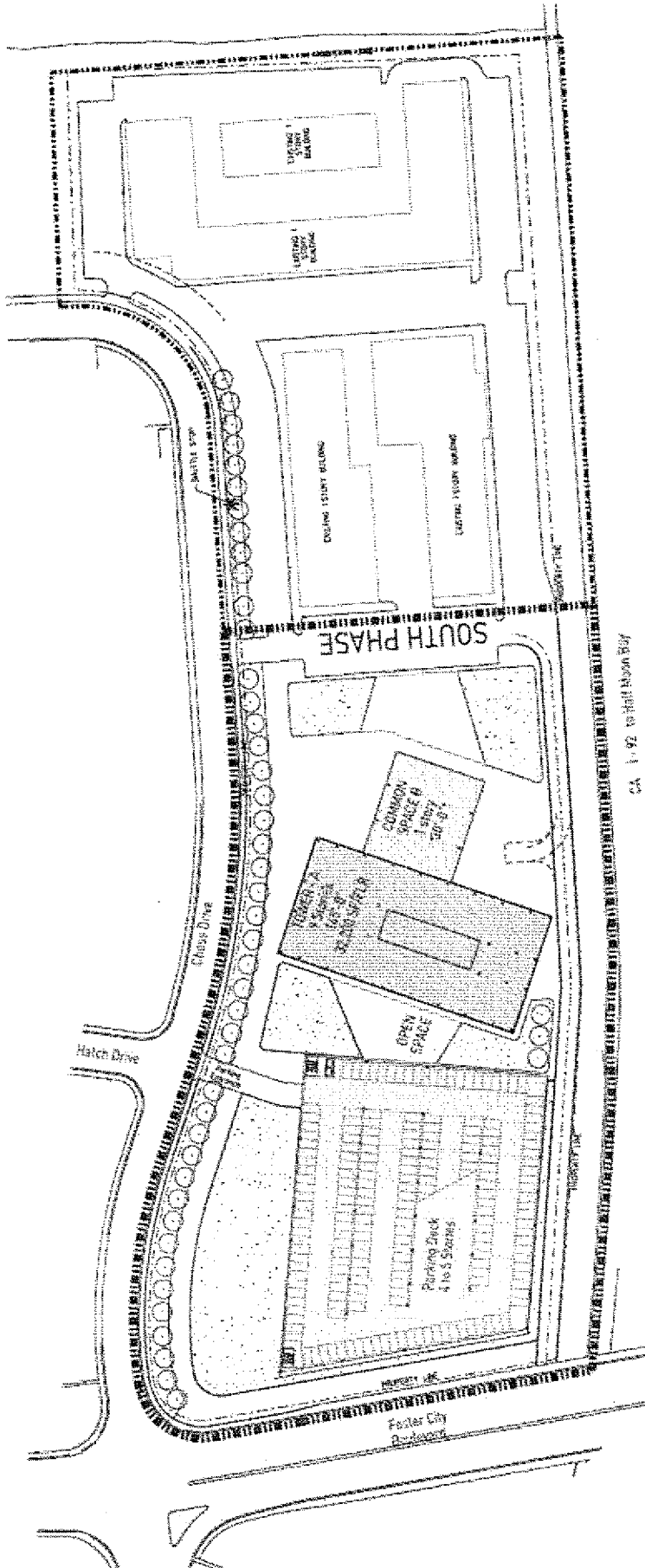
AREA	
1. TOTAL	100,000
2. BUILDING	100,000
3. PARKING	100,000
4. TOTAL	100,000
5. TOTAL	100,000

PROJECT NUMBER
100-000000

CHESS-HATCH
OFFICE DEVELOPMENT
FOSTER CITY, CA

A0-01

EXHIBIT D
PHASING EXHIBITS: PAGE 1 OF 3



ILLUSTRATIVE PLAN
SHEET 1

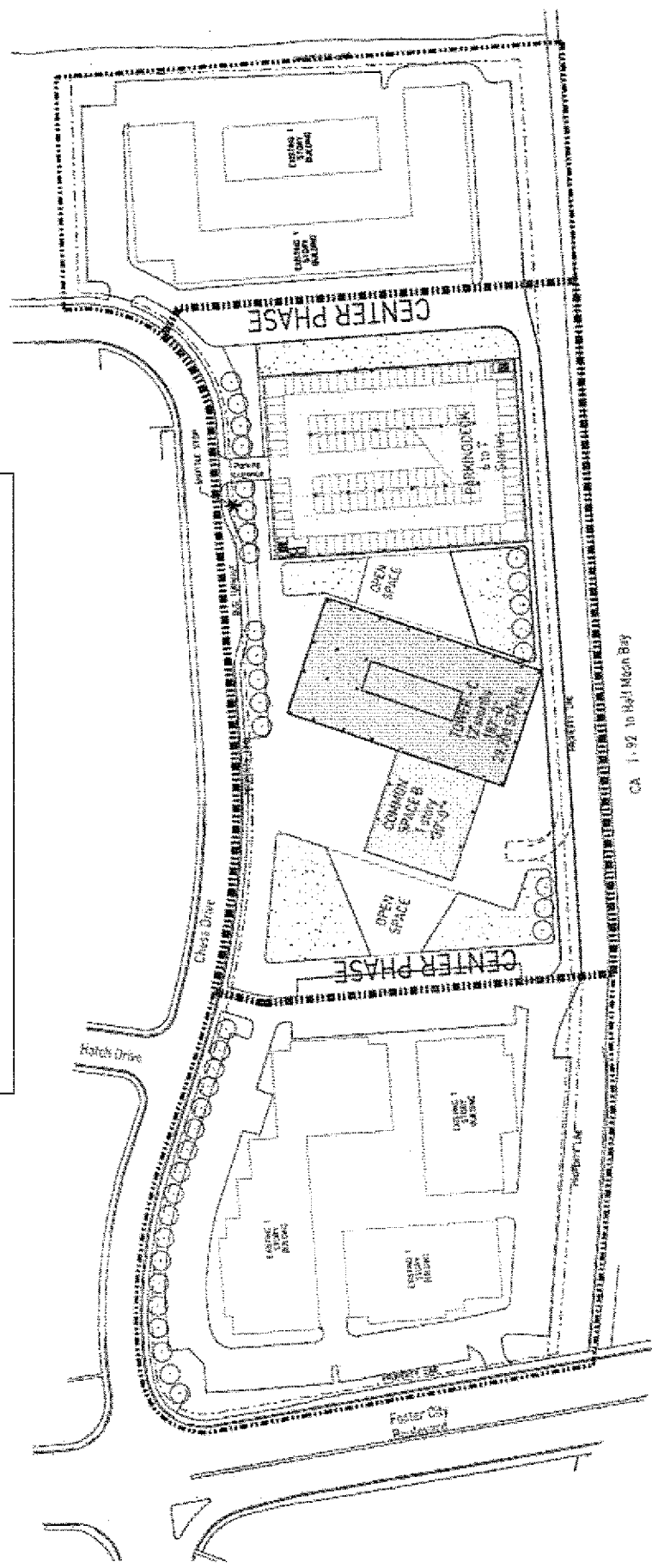
SARES REGIS



S-R - CHESS HATCH
SHEET NO. 01
FLOOR #. 01
SCALE: 1" = 100'-0"
DATE: 06/04/2013

424 WATKINS STREET, Palo Alto, California 94301 | 650.551.7000

EXHIBIT D
PHASING EXHIBITS: PAGE 2 OF 3



CA 1.92 to Half Moon Bay

ILLUSTRATIVE PLAN
SHEET 2

SARES REGIS



S-R - CHESS HATCH

SHEET
NO. 02

FLOOR #1 12 DATE: 04.04.2013

SCALE: 1" = 100'-0"

424 WAVERLY STREET, Palo Alto, California 94301 1 650 541 7000

CERTIFICATE OF POSTING

I, Doris L. Palmer, 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/Estero Municipal Improvement District**, Foster City, San Mateo County, California.


I further certify to the proper posting of:

Ordinance No. 573, "Approving an Amendment to the Foster City Zoning Map and a General Development Plan for the \pm 11.89 Gross Acres Bounded by Chess Drive, State Route 92, Foster City Boulevard and the Foster City Lagoon (APNS: 094-010-100, -500, -510) to Change the Zoning Designation from M-1/PD (Light Industrial/Planned Development) District to CM/PD (Commercial Mix/Planned Development) District with a General Development Plan to Allow up to 800,000 Sq. Ft. of Office, Biotechnology, or Research and Development Uses – the Northwestern Mutual Life Insurance Company and Sea Cliff Properties – RZ-07-002 [First Reading August 19, 2013]"

in the following four public places of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California:

1. Federal Post Office, Charter Square
1050 Shell Boulevard
2. Recreation Center Lobby
650 Shell Boulevard
3. Council Chambers (not a mandatory posting site)
620 Foster City Boulevard
4. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California this 4th day of September, 2013.


Doris L. Palmer
City Clerk/District Secretary