

RESOLUTION NO. 2009-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY ADOPTING AN AMENDMENT TO THE FOSTER CITY GENERAL 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) — FROM LIGHT INDUSTRIAL TO A NEW LAND USE DESIGNATION OF CHESS/HATCH OFFICE RESEARCH AND TO ADOPT THE CHESS DRIVE/ HATCH DRIVE COMMERCIAL/INDUSTRIAL AREA POLICIES – NORTHWESTERN MUTUAL LIFE AND SEA CLIFF PROPERTIES – GP-07-001

CITY OF FOSTER CITY

WHEREAS, the City of Foster City initiated a study of the Pilgrim Drive/Triton Drive and Chess Drive/Hatch Drive areas in 2005-2006 in order to:

- Promote the retention and expansion of businesses already operating within the City;
- Promote new business development within the City, especially biotechnology and high technology companies;
- Promote and accommodate a more efficient use of land and a more interesting and diverse array of land uses, and to increase the opportunities for small, resident serving businesses to remain in or locate in the City.

WHEREAS, in response to the study initiated by the City in 2005-2006, the City of Foster City has proposed to amend the Foster City General Plan to incorporate adoption of the Chess Drive/Hatch Drive Commercial-Industrial Area goals, policies and implementation measures; and

WHEREAS, in response to the study initiated by the City in 2005-2006, the Chess-Hatch Master Plan project has been proposed by the two property owners, Northwestern Mutual Life and Sea Cliff Properties, including:

- An Amendment to the Foster City General Plan to establish a new Land Use Plan designation for ± 11.89 acres bounded by Foster City Boulevard, Chess Drive, the Foster City Lagoon and State Route 92 (APNS: 094-010-100, -500, -510) to be designated as Chess/Hatch Office Research; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has caused to be prepared an Environmental Impact Report (EIR) which analyzes the environmental impacts of the proposed Project (SCH #2008122065, EA-07-001); and

WHEREAS, a Notice of Preparation of an Environmental Impact Report (May 9, 2008) was prepared and circulated for the project as required by law; and

WHEREAS, a Draft Environmental Impact Report (March 2009) was prepared by LSA Associates, Inc. and circulated for the period required by law; and

WHEREAS, the City transmitted for filing a Notice of Completion of the Draft EIR and in accordance with CEQA and the State CEQA Guidelines and the Foster City Environmental Review Guidelines forwarded the Draft EIR to the State Clearinghouse for distribution to those state agencies that have discretionary approval or jurisdiction by law over natural resources affected by the Project; and

WHEREAS, the City provided notice to all interested persons and agencies inviting comments on the Draft EIR in accordance with the provisions of CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and

WHEREAS, a noticed Public Hearing to receive comments on the Draft EIR was held on April 21, 2009; and

WHEREAS, a Final Response to Comments document (September 2009) was prepared by LSA Associates, Inc. incorporating responses to comments received on the Draft EIR; and

WHEREAS, full public involvement in the proposed Chess Hatch Master Plan Project has been ensured through multiple Planning Commission Study Sessions, public hearings and other means, including the following:

1. Study Session with the Foster City Planning Commission – July 19, 2007- where the applicants sought early feedback and general direction on their application.
2. Study Session with the Foster City Planning Commission – October 18, 2007 – to review and discuss the project proposal.
3. Notice of Preparation of an EIR - issued on May 9, 2008.
4. Scoping Meeting – June 5, 2008 - The Planning Commission held a public scoping session to introduce the proposed Chess Hatch Master Plan and the CEQA process.
5. Notice of Availability of the Draft EIR and Noticed Public Hearing with the Foster City Planning Commission - The Draft EIR was published on March 13, 2009 for a 45-day public review period extending through May 8, 2009.
6. Public Hearing by the Planning Commission on the Draft EIR – April 21, 2009 – to receive comments on the Draft EIR.
7. Public Hearing by the Planning Commission on the Final EIR, General Plan Amendment – October 1, 2009 – to consider the Final EIR and the General Plan amendment application and make recommendations to the City Council.

WHEREAS, the Planning Commission is required by state law to hold at least one public hearing before recommending adoption of an amendment to the City's General Plan; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Final EIR (consisting of the Draft EIR and the Final Response to Comments Document) and amendment to the Foster City General Plan at the Planning Commission meeting of October 1, 2009, on said date the Public Hearing was opened, held and closed; and

WHEREAS, the Planning Commission reviewed and considered the Final EIR on October 1, 2009 and through its adoption of Resolution No. P-28-09, recommended (1) certification of the Final EIR by the City Council and (2) adoption of the Mitigation Monitoring and Reporting Program for the Chess-Hatch Master Plan project; and

WHEREAS, the Planning Commission reviewed and considered the Final EIR and other written correspondence, verbal testimony, staff reports, and background reports and adopted findings, and recommended City Council adoption of such findings, regarding the significant

environmental impacts of the proposed project, including a Statement of Overriding Considerations by adoption of Resolution No. P-26-09; and

WHEREAS, the Planning Commission reviewed and considered the General Plan amendments and Chess Drive/Hatch Drive Commercial-Industrial Area goals, policies and implementation measures on October 1, 2009 and through its adoption of Resolution No. P-27-09, recommended approval of the amendments; and

WHEREAS, the Foster City 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 that the proposed General Plan Amendment will:

- Create an office campus in two to three buildings totaling 600,000 to 800,000 square feet to accommodate a large corporate campus user, while retaining flexibility for multi-tenant use and high visibility from SR 92;
- Encourage the aggregation and redevelopment of under-utilized properties and/or outdated buildings by allowing a substantially increased density and intensity of uses;
- Develop office uses that meet long-term local and regional demand for office space;
- Respect the ecological integrity of the lagoon to the north of the site; and
- Promote economic and job growth within Foster City consistent with the adopted Land Use and Circulation Element of the Foster City General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster does hereby adopt the Amendment to the Foster City General Plan to adopt a new Land Use Plan designation 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) to be designated as Chess/Hatch Office Research which would allow development of office uses on the project site consistent with the Chess Drive/Hatch Drive Commercial-Industrial Area goals, policies and implementation measures and, as shown on Exhibits A and B to this Resolution attached hereto and incorporated herein.


PASSED AND ADOPTED as a Resolution of the City of Foster City City Council at the Regular Meeting held on November 2, 2009, by the following vote:

AYES: Councilmembers Frisella, Kiesel, Koelling, and Mayor Wykoff

NOES: None

ABSENT: None

ABSTAIN: None



RICK WYKOFF, MAYOR

ATTEST:



DORIS L. PALMER, CITY CLERK

Exhibit A

General Plan Amendment

Area to be changed from Light Industrial to Chess/Hatch Office Research

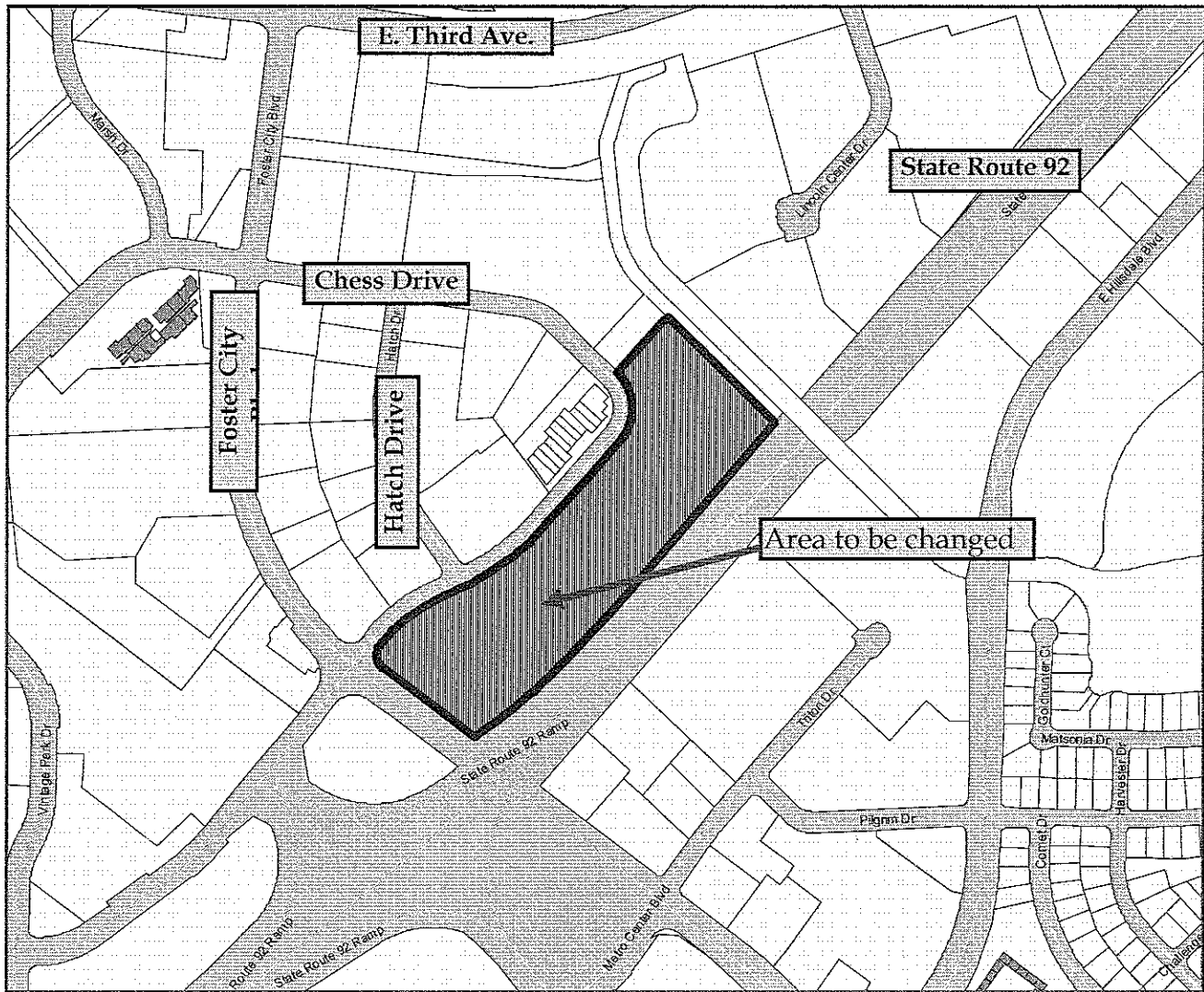


Exhibit B

General Plan Amendment

The Chess Drive/Hatch Drive Commercial-Industrial Area goals, policies and implementation measures shall be added to the Land Use and Circulation Element of the Foster City General Plan as follows:

Section 1: Amend Goal LUC-L as follows:

LUC-L Encourage Redevelopment of Under-utilized Properties with Increased Density/Intensity of Uses.

Encourage the aggregation and redevelopment of under-utilized properties and/or outdated buildings in the older commercial/industrial areas of the City, specifically the Chess Drive/Hatch Drive and Pilgrim Drive/Triton Drive areas, by allowing substantially increased density and intensity of uses.

Section 2: Amend Land Use and Circulation Policy LUC-25 A as follows:

LUC-25 A Chess/Hatch Office Research

Areas with this designation allow commercial, office, industrial, biotechnology and other such compatible uses, including vehicle parking in both parking structures and at-grade parking lots on the project site. Incompatible uses such as housing, schools, day care, and other uses serving primarily children are prohibited. Vertically and horizontally mixed-use developments that maximize the use of land, organize land uses and pedestrian/vehicular circulation in a safe, logical and functional manner and establish a safe, logical and functional design relationship with adjacent land uses is allowed within this designation. Uses must meet the requirements of Chapter 17.68, General Performance Standards, of Title 17, Zoning, of the Foster City Municipal Code. Floor Area Ratios (FAR) for developments in this area would range from 0.6 to 1.55 FAR.

Section 3: Amend the Land Use Background, Commercial and Industrial Land Use Categories

Research/Office Park

Areas with this designation contain office, research and development, and manufacturing establishments whose operations are clean and quiet. Mixed-use projects which include some retail and residential uses in addition to office and research under certain conditions, be considered compatible with this designation. Such conditions include compatibility of uses and project design (land planning, architecture, etc.). A large portion of Vintage Park, the vacant lands north of East Third Avenue and the Lincoln Centre area are all designated for Research/Office Park use. The intensity of development found in Vintage Park and Lincoln Centre are very similar, with an FAR generally ranging from .20 to .60 in Vintage Park, and .26 to .56 in Lincoln Centre. The intensity of development for the East Third Avenue, Bridge Landing and vacant Vintage Park sites is anticipated to have an FAR up to 1.0. Properties within the Chess/Hatch Office Research areas have an FAR ranging from .6 to 1.55.

Section 4: The following Chess Drive/Hatch Drive Commercial-Industrial Area Policies shall be added:

Chess Drive/Hatch Drive Commercial-Industrial Area Policies for the properties with a General Plan Designation of Chess/Hatch Office Research

LUC-80 Density and Intensity of Uses. Allow and encourage change that responds to the current and potential market and employment needs of businesses and that result in greater density and intensity of land uses and a broad array of land uses including commercial, office, industrial, biotechnology and compatible uses but prohibiting uses that would be incompatible with any of these uses, such as housing, schools, day care and other uses serving primarily children.

LUC-81 Mixed Use Developments. Allow and encourage vertically and horizontally mixed use developments that maximize the use of land, organize land uses and pedestrian/vehicular circulation in a safe, logical and functional manner and establish a safe, logical and functional design relationship with adjacent land uses.

LUC-82 Consistency with City and District Infrastructure. Ensure that all new buildings, whether free-standing or multi-building developments and all expansions of existing buildings demonstrate consistency with the infrastructure of the Estero Municipal Improvement District and the City, including sewer, storm sewer, and street system capacity.

LUC-83 Conformance with Chapter 17.68. Ensure that all existing and new businesses and land uses allowed meet the requirements of Chapter 17.68, General Performance Standards, of Title 17, Zoning, of the Foster City Municipal Code and the Estero Municipal Improvement District Code.

Section 5. The following Implementation Measures for the Chess Drive/Hatch Drive Commercial-Industrial Area shall be added:

LUC-hh Amend Chess Drive/Hatch Drive Use Lists. Review, amend or replace the M-1 (Light Industrial) District of Title 17, Zoning, of the Foster City Municipal Code, as it applies to APNS 094-010-100, -500, 510 to the Chess Drive/Hatch Drive Commercial – Industrial Area in order to allow a broader array of businesses/land uses than is currently allowed.

Responsible Parties: Community Development Department Staff; Planning Commission; City Council

Time Frame: Immediately after adoption of amended Land Use and Circulation Element

LUC-ii Review Chapter 17.68. Review and amend as necessary the provisions of Chapter 17.68, General Performance Standards, of Title 17, Zoning, of the Foster City Municipal Code.

Responsible Parties: Community Development Department Staff; Planning Commission; City Council

Time Frame: Immediately after adoption of amended Land Use and Circulation Element