

RESOLUTION NO. 2013-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY FINDING THAT THE CHESS HATCH MASTER PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND ADDENDUM ADEQUATELY ANALYZE ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE CHESS HATCH MASTER PLAN AND ADOPTING AN ADDENDUM – THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY AND SEA CLIFF PROPERTIES (APN 094-010-100, -500, & 510) - EA-07-001A

CITY OF FOSTER CITY

WHEREAS, the City of Foster City ("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; and

WHEREAS, in response to the study initiated by the City in 2005-2006, the Chess Hatch Master Plan project (the "Project") was proposed by the two property owners, the Northwestern Mutual Life Insurance Company and Sea Cliff Properties, of an approximately 11.89 acre site located on Chess Drive east of Foster City Boulevard; and

WHEREAS, the Project consisted of a proposal to replace 11 existing commercial/industrial buildings and one flex space building (totaling 190,000 square feet) with the phased development of three new multi-story office buildings, totaling 800,000 square feet of interior space, of which there could be up to 5,000 square feet of flexible space for retail uses and/or other amenities; and

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

WHEREAS, the City Council certified the Final EIR and adopted a Mitigation Monitoring and Reporting Program for the Project by adoption of Resolution No. 2009-91 on November 2, 2009; and

WHEREAS, the City Council adopted findings to support a Statement of Overriding Considerations for the Project by adoption of Resolution No. 2009-93 on November 2, 2009; and

WHEREAS, in January 2011, the property owners submitted a proposal to revise the Project to substitute five multi-story structures and one single-story structure for the three multi-story structures previously proposed so as to replace podium parking with stand-alone parking structures but with no increase in the overall square footage or maximum height of the Project; and

WHEREAS, the City prepared an Addendum to the Final EIR to analyze the potential environmental impacts of the proposed changes to the Project; and

WHEREAS, none of the conditions described in Public Resources Code Section 21166 or CEQA Guidelines Section 15162 calling for preparation of a subsequent environmental document have occurred; and

WHEREAS, as shown in the Addendum, no substantial changes have been made to the Project that require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified impacts; and

WHEREAS, as shown in the Addendum, there are no substantial changes with respect to the circumstances under which the Project will be undertaken that require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified impacts; and

WHEREAS, as shown in the Addendum, there is no new information received by the City of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified which would show that: (a) the revised Project will have one or more significant effects not discussed in the EIR; (b) that significant effects previously examined will be substantially more severe than as shown in the EIR; (c) that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the revised Project but the Project proponents decline to adopt the mitigation measure(s) or alternative(s); or (d) that mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment but the Project proponents decline to adopt the mitigation measure(s) or alternative(s); and

WHEREAS, the Addendum concludes that the changes to the proposed Project would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified in the EIR) and that existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the EIR would be adequate to reduce the impacts resulting from implementation of changes to the proposed Project to a less-than-significant level.

WHEREAS, the Planning Commission reviewed and considered the Chess-Hatch Master Plan EIR, the Addendum to the Final EIR and other written correspondence, verbal testimony, staff reports, and background reports and adopted findings on June 20, 2013 and through its adoption of Resolution No. P-15-13, recommended adoption of the Addendum to the Final EIR by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, based on facts and analysis in the Staff Report, Initial Study, written and oral testimony, and other evidence in the record of proceedings, does hereby find that the Chess Hatch Master Plan Final EIR (SCH2008122065) with the Addendum dated February 19, 2013 is an adequate environmental document pursuant to CEQA and the State CEQA Guidelines for the purposes of analysis and consideration of the Chess Hatch Master Plan Project (RZ-07-002 and DA-09-002) and adopts the Addendum for consideration of the potential environmental effects of the proposed Project under CEQA.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 19th day of August, 2013, by the following vote:

AYES: Councilmembers Bronitsky, Kiesel, Okamoto and Mayor Frisella

NOES: Councilmember Perez

ABSENT: None

ABSTAIN: None


PAM FRISELLA, MAYOR

ATTEST:


DORIS L. PALMER, CITY CLERK