

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY DENYING THE APPEAL OF A PLANNING COMMISSION APPROVAL OF A SPECIFIC DEVELOPMENT PLAN/USE PERMIT FOR CONSTRUCTION OF A FIVE-STORY TOWNEPLACE SUITES EXTENDED STAY HOTEL WITH 121 GUEST ROOMS – 1299 CHESS DRIVE IN NEIGHBORHOOD VINTAGE PARK (VP) – APN 094-901-360 – SOLOMON TSAI OF FULLWEL INTERNATIONAL GROUP, INC. (OWNER), MILLER STARR REGALIA, AGENTS FOR LARRY AND SHARON KRAMER (APPELLANTS) – UP-12-004

CITY OF FOSTER CITY

WHEREAS, on June 21, 2012, the property owner requested Planning Commission approval for a General Development Plan Amendment, Environmental Assessment and Use Permit to allow the construction of a 69,008 sq. ft. 5-story extended stay hotel with 115 guest rooms and a 3,043 sq. ft. bakery at 1299 Chess Drive; and

WHEREAS, on November 1, 2012, the Planning Commission held the first Study Session to review site and architectural plans for the proposed 69,008 square feet five-story extended stay hotel with 115 guest rooms and a 3,043 square foot bakery; and

WHEREAS, on February 7, 2013, the Planning Commission held a second Study Session to review the revised proposal to construct a 69,008 square feet five-story extended stay hotel with 118 guest rooms and a 2,581 square foot bakery; and

WHEREAS, the City of Foster City prepared an Initial Study and approved for circulation a Mitigated Negative Declaration (MND) for the Project prepared by Metropolitan Planning Group, Inc. 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 mitigation measures (SCH #2013052035, EA-12-003); and

WHEREAS, the MND concluded that implementation of the Project could result in significant environmental impacts and identified mitigation measures that would reduce the significant impacts to a less than significant level; and

WHEREAS, a Notice of Availability of the MND was distributed to public agencies and made available to the general public for a 30-day public comment period beginning Wednesday May 15, 2013 and ending Monday, June 17, 2013 at 5:00 p.m.; and

WHEREAS, a Notice of Public Hearing was duly posted, published and mailed for consideration of the Specific Development Plan/Use Permit request at the Planning Commission meeting of June 20, 2013, and on said date the Public Hearing was opened, held and closed; and

WHEREAS, on June 20, 2013, the Planning Commission held a public meeting to review the revised proposal to construct a 69,715 square feet five-story extended stay hotel with 121 guest rooms with the bakery eliminated; and

WHEREAS, the Planning Commission approved the proposed Specific Development Plan/Use Permit at a public meeting on June 20, 2013 by adoption of Resolution P-13-13; and

WHEREAS, an appeal of the Planning Commission decision were filed by Miller Starr Regalia as agent for Larry and Sharon Kramer, property owners of the adjacent Harry's Hofbrau restaurant at 1221 Chess Drive on June 28, 2013, and

WHEREAS, the City Council considered the appeal of the Planning Commission's decision at a Public Meeting on September 3, 2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council, based on the facts and analysis in the Staff Report, written and oral testimony, and exhibits presented that the Planning Commission correctly found that:

- A. The proposal to construct a five-story, 59'-0" tall, 69,715 square feet TownePlace Suites extended stay hotel with 121 guest rooms, would be consistent with the Foster City General Plan, Chapters 17.28 (C-M Commercial Mix District) and 17.36 (PD Planned Development) of Title 17, (Zoning), and Chapter 2.28, (Planning), of Title 2, (Administration and Personnel), of the Foster City Municipal Code, because the proposal, as conditioned in Exhibit A will:
 - a. Be consistent with the Research/Office Park designation on the Land Use Plan as described in Policy LUC-25;
 - b. Be architecturally compatible with the surrounding buildings in the Vintage Park Development and would be sympathetic to the character and style of the adjacent restaurant and Crowne Plaza hotel buildings and therefore, would promote "proper site planning, architectural design and property maintenance" as stated in the Land Use Goal LUC-B and Land Use Policies LUC-38 and LUC-40;
 - c. Provide for economic development consistent with the principles of Land Use Goal LUC-C;
 - d. Maintain a variety of land uses consistent with Land Use Goal LUC-D;
 - e. Be adequately served by municipal services and facilities per Goal LUC-F;
 - f. Provide for adequate on-site parking for safe and effective circulation, consistent with Land Use Goal LUC-K;
 - g. Provide enough land for commercial uses consistent with Land Use Policy LUC-19;
 - h. Mitigate construction noise to the extent feasible per Policy N-5; and
 - i. Provide for economic development by removing an existing vacant restaurant building that is becoming economically obsolete and providing services that will increase the assessed value of the property within the Vintage Park area and the City in general.

- B. That the design of the proposal would be compatible with the site's environment with respect to use, forms, materials, colors, setbacks, location, height, design or similar qualities as specified in Chapter 2.28 (Planning) of Title 2, Administration and Personnel, and Section 17.58.010 of Chapter 17.58 (Architectural Control and Supervision) of Title 17, Zoning, of the Foster City Municipal Code because the proposed five-story extended stay hotel building:
- a. Is architecturally compatible with the adjacent buildings in the Vintage Park neighborhood in that it uses similar building materials such as cement plaster, aluminum windows; aluminum composite panels for the coping, fascia and soffits, GFRC materials for the base of the building; glazing and metal trellises and canopies in tan and grey color schemes consistent with the Vintage Park Design Guidelines;
 - b. Will be landscaped using drought tolerant plant materials that not only grows well in Foster City but also provides color and visual interest to the site consistent with the Vintage Park Recommended Plant List in order to create a consistent landscape palette throughout the Vintage Park Planned Development; and
 - c. Is setback approximately 85 feet from the farthest point and 45 feet from the nearest point from State Route 92, 85 feet from the Vintage Park Drive Overpass, 25 feet from the property line contiguous to Harry's Hofbrau and 75 feet from EMID easement/Bridgepointe Shopping Center in San Mateo and therefore eliminating any visual impacts caused from building height, scale and/or massing and providing sufficient vehicular and pedestrian access and circulation throughout the site.
- C. That the proposal would not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood, property values in the area, or the general welfare of the City because:
- a. The impacts likely to result from the proposed building were adequately analyzed in the Mitigated Negative Declaration prepared for the TownePlace Suites project and all pertinent mitigation measures from the MND that are applicable to the Project have been included in the Use Permit Conditions of Approval in Exhibit A;
 - b. The building will not cause any significant solar, visual or other adverse long term impacts on adjacent or neighboring properties or adversely affect property values; the hotel building will be compatible with the uses of the surrounding buildings planned in the Vintage Park Development and will comply with the intent and purpose of the zone in which the hotel building is located consistent with the intent and purpose of the City's Architectural Control and Supervision Ordinance as stated in Section 17.58.010B of the Foster City Municipal Code and the Vintage Park Design Guidelines; and
 - c. The redeveloped use would not create conflicts with existing on-site and surrounding land uses because the proximity of the proposed extended stay

hotel to many corporate offices in Foster City will allow corporate visitors to stay for extended periods with the convenience of walking, biking or taking a shuttle to and from work and airports in the region and at the same time, an additional hotel will help absorb the additional demand for rooms without impacting existing hotels in the City.

BE IT FURTHER RESOLVED that the City Council hereby denies the appeal of UP-12-004, letting stand the decision of the Planning Commission.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 3rd day of September, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PAM FRISELLA, MAYOR

ATTEST:

DORIS L. PALMER, CITY CLERK