



DATE: September 3, 2013

TO: Mayor and Members of the City Council

VIA: James C. Hardy, City Manager

FROM: Curtis Banks, Community Development Director
Marlene Subhashini, Assistant Planner

SUBJECT: TOWNEPLACE SUITES EXTENDED STAY HOTEL – EA-12-003 AND
RZ-12-002

RECOMMENDATION

That the City Council take the following actions:

- Environmental Assessment (File No. EA-12-003)
 - *Adopt the attached Resolution approving a Mitigated Negative Declaration of Environmental Impact and adopting a Mitigating Monitoring and Reporting Program for a proposed 69,715 sq. ft., five-story extended stay hotel building with 121 guest rooms at 1299 Chess Drive – EA-12-003; and*
- General Development Plan Amendment/Rezoning (File No. RZ-12-002)
 - *Introduce and pass to second reading an Ordinance approving a General Development Plan Amendment/Rezoning to amend the previously approved Vintage Park General Development Plan to allow up to two hotels with a total of up to 475 rooms of up to \pm 353,246 square feet and up to \pm 18,994 square feet of restaurant space – RZ-12-002.*

EXECUTIVE SUMMARY

The TownePlace Suites project is proposed to be located on a 1.69-acre parcel at 1299 Chess Drive. The subject site contains a 9,700 square foot building built in 1984 which was formerly occupied by the Black Angus restaurant. The restaurant ceased operations in March of 2009 and the building has been vacant since then. Solomon Tsai, on behalf of Fullwel International Group, Inc. proposes to construct a 69,715 sq. ft. five-story extended stay hotel with up to 121 rooms on this previously developed site. The existing vacant restaurant building on the site would be demolished as part of this project. Applications associated with the project included a General Development Plan Amendment/Rezoning to the Vintage Park General Development Plan to allow a hotel use to replace the previously approved restaurant use (filed as RZ-12-002), an Environmental Assessment (filed as EA-12-003) including preparation of a Mitigated Negative Declaration (MND) of Environmental Impact that analyzes the environmental

impacts associated with the project and a Specific Development Plan/Use Permit (filed as UP-12-004) to construct a 69,715 square foot five-story extended stay hotel building with 121 guest rooms at 1299 Chess Drive. The proposal to modify the Vintage Park General Development Plan for the site would allow a second hotel in the Vintage Park neighborhood in addition to the previously approved Crowne Plaza hotel.

Project applications were reviewed by the Planning Commission at two separate Study Sessions and one Public Hearing. At the June 20, 2013 Planning Commission Public Hearing, the Commission voted 5-0 to recommend that the City Council adopt the Mitigated Negative Declaration of Environmental Impact prepared for the project (MND) and approve the proposed General Development Plan Amendment/Rezoning (filed as RZ-12-002) The Commission also voted to approve the Specific Development Plan/Use Permit (filed as UP-12-004) subject to City Council approval of the MND and the General Development Plan Amendment.

At approximately 2:30 p.m. on June 20, 2013 (the afternoon of the Planning Commission meeting), Arthur Coon of Miller Starr Regalia, an attorney representing Larry & Sharon Kramer, the property owners of the adjacent Harry's Hofbrau restaurant submitted a letter questioning the adequacy of the MND. On June 28, 2013, an appeal of the Specific Development Plan/Use Permit approval by the Planning Commission was filed by Miller Starr Regalia as agents for Larry & Sharon Kramer. Approval of the MND and the General Development Plan Amendment/Rezoning were originally scheduled for the July 15, 2013 City Council meeting. However, in light of the appeal, the attorneys representing the applicant for the proposed project requested that the hearing on these entitlements be rescheduled and heard on the same date as the hearing on the Use Permit appeal. The items were therefore rescheduled for the September 3, 2013 Council meeting to coincide with the hearing on the appeal. On July 15, 2013, prior to the Council meeting, the appellants submitted another letter objecting the MND based on additional grounds.

BACKGROUND

The subject property is part of the approved General Development Plan for the \pm 132 acre lands known as Vintage Park. On August 19, 1996, by Ordinance No. 430, the City Council approved an amendment to the Zoning Map to modify the previously approved General Development Plan on the 57-acre portion of the \pm 132-acre lands known as Vintage Park in the C-M/PD District to increase the hotel density from 255-288 rooms to 354-rooms of up to \pm 283,531 square feet; and up to \pm 28,194 square feet of restaurant space. The currently proposed General Development Plan Amendment/Rezoning would modify the previously approved Vintage Park General Development Plan to allow up to two hotels with a total of 475 rooms of up to \pm 353,246 square feet; and up to \pm 18,994 square feet of restaurant space.

An MND for the project was prepared by Metropolitan Planning Group, Inc., including a Traffic Study by Fehr & Peers, a Geotechnical Review by Rockridge Geotechnical and a Noise Study by Illingworth & Rodkin, Inc. The MND identified several factors (with regards to Aesthetics, Air Quality, Cultural Resources, Geology & Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise and

Utilities/Service Systems) that could have a potentially significant impact on the environment. Mitigation measures were recommended to reduce these impacts to less than significant levels. With the incorporation of these mitigation measures, the MND concludes that the proposal will not have any significant adverse impacts on the environment. These mitigation measures from the MND were included in the Use Permit Conditions of Approval by the Planning Commission on June 20, 2013. As noted previously, the approval of the Specific Development Plan/Use Permit is contingent upon City Council adoption of the MND and approval of the General Development Plan/Rezoning.

Site and architectural plans for the proposed hotel were reviewed by the Planning Commission at two Study Sessions and a Public Hearing as part of the Specific Development Plan/Use Permit for the project. Please refer to the Planning Commission Staff Report dated June 20, 2013 as well as the previous Study Session Staff Reports dated November 1, 2012 and February 7, 2013 for more detailed background information.

At the conclusion of the June 20, 2013, Public Hearing and after considering all public comments, the Planning Commission deliberated and took three (3) separate actions:

1. Adopted Resolution No. P-12-13, Resolution of the Planning Commission of the City of Foster City recommending City Council Approval of a Mitigated Negative Declaration of Environmental Impact for construction of a 69,715 Square Feet Five-Story Extended Stay Hotel with 121 guest rooms – 1299 Chess Drive – Neighborhood Vintage Park (VP) – TownePlace Suites – APN 094-901-360 – EA-12-003.
2. Adopted Resolution No. P-14-13, Resolution of the Planning Commission of the City of Foster City recommending City Council adoption of an amendment to the Foster City Zoning Map to modify the previously approved General Development Plan for ± 132-acre lands known as Vintage Park to allow up to two (2) hotels with a total of 475 Rooms and up to ± 353,246 square feet and decrease the restaurant area from ± 28,194 square feet to ± 18,994 square feet in order to allow the TownePlace Suites Extended Stay Hotel Located at 1299 Chess Drive (APN 094-901-360) in Neighborhood Vintage Park (VP) – RZ-12-002.
3. Adopted Resolution No. P-13-13, Resolution of the Planning Commission of the City of Foster City approving a Specific Development Plan/Use Permit request for construction of a five-story, 59'0" tall, 69,715 square feet TownePlace Suites Extended Stay Hotel With 121 guest rooms – 1299 Chess Drive in Neighborhood Vintage Park (VP) – APN 094-901-360 – Solomon Tsai – Fullwel International Group, Inc. – UP-12-004

ANALYSIS

Environmental Assessment / Mitigated Negative Declaration (EA-12-003)

The City of Foster City, as the lead agency prepared an Initial Study which adequately analyzed the environmental impacts of the proposed Project in accordance with the Sections 15063 and 15070 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. The Initial Study concluded that although the project has some potential for significant adverse environmental impacts, they could be mitigated to less than significant levels by the inclusion of Project Mitigation Measures and there would be no significant adverse environmental impacts due to the project and therefore, a Mitigated Negative Declaration was prepared consisting of the Initial Study documenting the findings and recommendations for reducing any potential significant impacts to less than significant levels by inclusion of mitigation measures.

A summary of the environmental impacts analyzed in the MND and recommended mitigation measures are briefly discussed in the table below:

Table 1: MND - Summary of Issues and Mitigation Measures

No.	Item	Environmental Impacts	Mitigation Measure
1.	Aesthetics	With the construction of the five-story hotel, during nighttime hours, parking lot lights and other lighting fixtures would introduce new sources of light and glare to the sky.	Plans submitted for building permit shall include a lighting plan for review and approval by the Police Department and Community Development Department. All exterior lighting shall be downward facing and shielded so as to not create additional nighttime glare.
2.	Air Quality	The proposed project would generate additional vehicular trips associated with the new land uses proposed onsite. These vehicular trips would generate carbon monoxide, reactive organic gasses, nitrogen oxide, sulfur dioxide and particulate matter (PM10). However, the proposed project will not exceed the Bay Area Air Quality Management District (BAAQMD) significance thresholds for Air Quality. Additionally, the proposed project would not conflict with the local Clean Area Plan (CAP) adopted by the BAAQMD because the proposed Project focuses development in an existing urbanized area which is served by an existing roadway	The construction contractor(s) shall implement the mitigation measures as identified in the MND to control construction dust emissions. Implementation of these measures recommended by the Bay Area Air Quality Management District (BAAQMD) would reduce the air quality impacts associated with grading and new construction to a less-than-significant level.

No.	Item	Environmental Impacts	Mitigation Measure
		network, sidewalks and public transit and will result in the intensification of a developed parcel. However, demolition of the site as well as construction of the building and site improvements could result in a temporary exceedance of air quality standards due to dust and equipment emissions on a temporary basis.	
3.	Cultural Resources	Although it is unlikely that archaeological, paleontological or human remains will be found on the site, there is a potential that they could be encountered during the ground disturbing activities on the project site.	A contingency plan shall be prepared in accordance with CEQA Guidelines Section 15064.5 to handle any discoveries during project construction. In the event that any archeological or prehistoric material is discovered, work shall be halted in the vicinity of the site until a qualified archaeologist inspects the discovery, and, if necessary implement a plan for further evaluative testing and/or retrieval of endangered material. If human remains are encountered, work within the vicinity of the site shall be halted and the County Coroner and an archaeologist shall be contacted immediately. If human remains are of Native American origin, the Native American Heritage Commission shall be notified within 24 hours of the identification in accordance with Public Resources Code Sections 5097.94 and 5097.98.
4.	Geology and Soils	The project site has the potential to be subject to ground shaking caused by a number of regional faults. Under moderate to severe seismic events, which are probable in the Bay Area,	Ground shaking is a hazard that cannot be eliminated, however, it can be partially mitigated through proper attention to seismic structural design and observance of good construction practices. In order to reduce

No.	Item	Environmental Impacts	Mitigation Measure
		<p>buildings, utilities and other improvements could be subject to damage caused by ground shaking. The project area is located on reclaimed marshland that was filled in with soils brought to the City starting in 1961. The site is comprised of fill materials of an unknown origin and therefore there is the potential that the ground could become unstable as a result of the construction of the new five-story building.</p>	<p>ground shaking impacts to a less than significant level, mitigation measures which requires the project developer to prepare a site specific geotechnical study for the project has been included. In order to ensure that impacts associated with the soil settlement on the site is reduced to a less than significant level, a design-level Geotechnical Report shall be prepared for the project. The report shall include recommendations for the final pile type to be used to support the new building. The design-level geotechnical investigation shall also include an evaluation of the potential for corrosive soils on the site.</p>
5.	Greenhouse Gas Emissions	<p>Global warming is a process whereby Greenhouse Gases (GHGs) accumulating in the atmosphere contributes to an increase in the temperature of the earth's atmosphere. Greenhouse gases that cause climate change are different from criteria pollutants and air toxics, previously described in the Air Quality Section. The principal GHGs contributing to global warming are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds.</p> <p>In the greenhouse gas operational screening thresholds contained in the BAAQMD's 2010 CEQA Guidelines, hotels with more than 83 rooms require an analysis of greenhouse gas emissions. Emissions are</p>	<p>The project Developer shall incorporate the following measures into the final project design. Prior to issuance of a Building Permit, the Developer shall provide written proof to the Community Development Department which indicates how the final project design complies with the following measures, to the satisfaction of the Community Development Director:</p> <ul style="list-style-type: none"> ▪ Recycle/reuse demolition materials (as required by Chapter 15.44 of the Municipal Code); ▪ Prepare and submit for City review a plan to operate a shuttle service or contract with a shuttle service provider to provide shuttle services between the hotel, the San Francisco

No.	Item	Environmental Impacts	Mitigation Measure
		<p>considered to be significant under these Guidelines if the emissions generated by a project exceed 1,100 MT/yr of CO₂e. The project would result in total operational CO₂e emission of 1,133.71 MT/yr based on modeling using CalEEMod if no mitigation measures are included in the project.</p>	<p>International Airport, local businesses and transit hubs;</p> <ul style="list-style-type: none"> ▪ Design project to exceed Title 24, part 11 of the California Codes and Regulations requirements by 20%; ▪ Install Low Flow shower heads and toilets in all guest rooms and public restrooms; ▪ Install water efficient irrigation; ▪ Use green cleaning products; and ▪ Incorporate recycling and other measures to reduce total solid waste generation by 25%. <p>With implementation of the above mitigation measure, total greenhouse gas emissions generated by this project will be less than the threshold established by the BAAQMD.</p>
6.	Hazards and Hazardous Materials	<p>In order to construct the proposed project, the existing site including the building, landscaping and hardscape will need to be demolished and removed from the site. The existing building and site were constructed in 1984 after asbestos and lead paint was banned in the United States. Other hazardous waste may be generated during demolition of the site, including fluorescent light tubes or bulbs, solvents and mercury switches. There is the potential, however, that hazardous materials could be discovered on the site during demolition of the existing building and construction and this could pose a risk to construction workers and</p>	<p>In order to reduce the potential for construction workers and others to encounter hazardous materials, mitigation measures have been included to reduce these impacts to a less than significant level. Construction of the site is also required to conform to all applicable federal and state regulations with regards to the use and storage of hazardous materials on-site.</p>

No.	Item	Environmental Impacts	Mitigation Measure
		others in the vicinity of the site.	
7.	Hydrology/Water Quality	<p>Water quality in California is regulated by the United States Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) which controls the discharge of pollutants to water bodies from point and non-point sources.</p> <p>In the San Francisco Bay Area, this program is administered by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). The RWQCB has the authority to regulate stormwater discharges from municipal storm sewer systems, industrial processes and construction sites that disturb an area larger than one acre. The City of Foster City is required to comply with the provisions of the NPDES permit by ensuring that applicable projects reduce water quality impacts to stormwater runoff during construction and operation of the project.</p>	<p>The project will disturb more than one acre of land during construction (the project site is 1.69 acres) and therefore will be required to file a Notice of Intent (NOI) with the Water Quality Control Board to be covered under the State of Water Resources Control Board NPDES Construction General Permit for discharges of stormwater related to construction activities. In accordance with Water Quality Order 2009-0009-DWQ, the applicant will be required to implement control measures consistent with the Construction General Permit, implement a Stormwater Pollution Prevention Plan (SWPPP) and include Best Management Practices in the project design.</p>
8.	Noise	<p>Exterior noise levels throughout the project site would be greater than 60 dBA Ldn with the highest future noise exposures occurring at facades nearest SR 92. Future noise levels at these facades are calculated to reach 75 dBA Ldn. Interior noise levels would be expected to exceed 45 dBA Ldn without the incorporation of noise insulation features into the project's design.</p> <p>Standard construction provides approximately 15 dBA of</p>	<p>The following mitigation measures have been included to reduce impacts related to interior noise to a less than significant level:</p> <ul style="list-style-type: none"> ▪ A qualified acoustical consultant shall review final site plan, building elevations, and floor plans prior to Building Permit submittal to calculate expected interior noise levels as required by State noise regulations. A project-specific acoustical analyses, as required by the

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		<p>exterior to interior noise reduction assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. In exterior noise environments ranging from 60 dBA Ldn to 65 dBA Ldn, interior noise levels can typically be maintained below State standards with the incorporation of an adequate forced air mechanical ventilation system in each room allowing the windows to be closed. In the case of the proposed project where the noise environment is greater than 65 dBA Ldn , a combination of forced-air mechanical ventilation and sound-rated construction methods will be required to meet the interior noise level limit of 45 dBA Ldn.</p>	<p>California Building Code, shall confirm that the interior noise levels will be reduced to 45 dBA Ldn or lower. The specific determination of what noise insulation treatments are necessary will be conducted on a room-by-room basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the Building Inspection Division along with the building plans and approved prior to issuance of a building permit.</p> <ul style="list-style-type: none"> ▪ Special building techniques (e.g., sound-rated windows and building facade treatments) will be required to achieve interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. Preliminary calculations indicate that windows with a minimum Sound Transmission Class (STC) rating of 30 to 35 will be needed in the guest rooms adjacent to SR 92 to maintain noise levels at or below 45 dBA Ldn. ▪ The Building Permit plans shall show forced-air mechanical ventilation for all guest rooms, so that windows could be kept closed at the occupant's discretion to control noise.

No.	Item	Environmental Impacts	Mitigation Measure
9.	Utilities/ Service Systems	The proposed project is located within a developed area that is well served by the existing sanitary sewer system. Wastewater is anticipated to increase from the site as a result of the project. Mitigation Measures have been included to reduce the amount of runoff and discharge into the sewer system.	The developer shall prepare and the City Engineer shall approve a sewer flow protection study and hydraulic capacity study. Said studies shall evaluate the existing sewer system size and set forth recommendations to assure that addition flows generated by the project are accommodated.

Note: For more information on the background and specific findings of the MND and recommended mitigation measures, please refer to the MND attached to this report.

Pursuant to Sections 15072 and 15073 of the State CEQA Guidelines, a Notice of Intent to adopt the MND was provided to the public, responsible agencies and the San Mateo County Clerk. A copy 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. Additionally, the Notice of Intent to adopt a Mitigated Negative Declaration was published in the newspaper and mailed to property owner(s) within a 300' radius.

During the public comment period for the MND, one letter was received by the California Department of Transportation (see attachment). The letter requested that an analysis be provided for SR 92 westbound ramps/Chess Drive and SR 92 eastbound/Edgewater Blvd./Mariners Island Blvd. intersections for the following conditions:

- Existing and existing plus project;
- Background and background plus project
- Cumulative and cumulative plus project conditions.

These intersections were studied in the Traffic Study prepared by Fehr & Peers. Staff responded to the comments received from the California Department of Transportation in a letter dated June 28, 2013 (see attachment).

The following four comment letters were received following the close of the public review period:

- Letter from Arthur Koon, Miller Starr Regalia, Legal counsel for Larry and Sharon Kramer dated June 20, 2013 (*received on the night of the June 20, 2013 Planning Commission meeting*)
- Letter from Richard T. Loewke, Loewke Planning Associates Urban & Environmental Planning (Exhibit A to Arthur Koon Letter dated June 20, 2013) dated June 19, 2013 (*received on the night of the June 20, 2013 Planning Commission meeting*)

- Letter from Stephen C. Abrams, Abrams Associates Traffic Engineering, Inc. (Exhibit B to Arthur Koon Letter dated June 20, 2013) dated June 20, 2013 (*received on the night of the June 20, 2013 Planning Commission meeting*)
- Letter from Arthur Koon, Miller Starr & Regalia, Legal counsel for Larry and Sharon Kramer dated July 15, 2013

In addition to the letter submitted questioning the adequacy of the MND, Mr. Coon also gave public testimony at the June 20th Planning Commission meeting stating that an Environmental Impact Report (EIR) for the project needs to be prepared because there is at least a “fair argument” supported by substantial evidence in the record that the project may have significant unanalyzed and unmitigated adverse environmental effects. Staff responded to some of the comments in the letter orally at the Planning Commission Public Hearing. Mr. Kramer also gave public testimony at the June 20th meeting.

After weighing in the comments received by public testimony at the June 20, 2013 Public Hearing, the Commission found that the MND was adequate and that additional information was not required. The Planning Commission recommended City Council approval of the MND by adoption of Resolution No. P-12-13 on June 20, 2013.

In accordance with the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations 15000 et.seq.) Section 15074(b), the decision-making body of the lead agency must consider the MND and comments received before approving the project. Although CEQA does not require a written response to comments received during the public review process for an MND (as it does for an Environmental Impact Report (EIR)), City staff prepared and provided these responses to the City Council, as the decision-making body, for their consideration. The information contained in the “Responses to Comments on the TownePlace Suites Mitigated Negative Declaration Dated May, 2013” document and attached to this report is in accordance with Sections 15073.5(b) and (c)(2) of the CEQA Guidelines and provides responses to written comments on the project’s effects.

The City has reviewed all comments received on the project to determine whether substantial new environmental issues have been raised. Based on the evaluation of the MND together with all comments received, the City has determined that no substantial new environmental issues have been raised that have not been adequately addressed in the MND, the Mitigation Monitoring and Reporting Plan (MMRP) or this Responses to Comments document. Therefore, no revisions to the MND were made and additional circulation of the MND pursuant to Section 15073.5 of the CEQA Guidelines is not required.

All potential impacts associated with the project were found to be less than significant with incorporation of relevant mitigation measures, where applicable. Therefore, the project would not result in any significant environmental impacts and an MND, in accordance with CEQA, is the appropriate environmental document for the project.

Rezoning/General Development Plan Amendment (RZ-12-002)

The subject property's General Plan land use designation is Research/Office Park. The proposed project site is zoned C-M/PD district (Commercial Mix/Planned Development Combining) and is part of the approved Vintage Park General Development Plan. The General Plan identifies Vintage Park as a diverse mixed-use development.¹ The area was developed and planned primarily for Office and Research & Development uses. Commercial retail including restaurants and hotels were approved to serve the vicinity work force and visitors to Vintage Park.

General Development Plans in Foster City are used in Planned Development (PD) Zoning Districts to establish the uses and intensity of the development allowed for the entire Planned Development.² A General Development Plan is not set in perpetuity and can be modified if warranted to meet the needs of the community. To modify a General Development Plan (including new land uses, or increasing the established density etc.), the General Development Plan is amended to reflect the change, which requires review by the Planning Commission and approval by the City Council. The C-M zoning district is used only in conjunction with the PD (Planned Development Combining Zone) to ensure the provision of adequate parking, to minimize potential conflict between dissimilar uses and to provide maximum flexibility for development.³ Permitted uses, area, bulk, yard and height regulations are established in a Specific Development Plan/Use Permit required in connection with the C-M district.⁴ There is no use list established for the C-M/PD district that restricts the land use to a particular use nor is there a restriction on the area, bulk, yard and height regulations.

The proposed hotel would service the vicinity work force by providing accommodation for its 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. Creating a synergy of uses such as restaurants, hotels and businesses has been the City's long-term goal for Vintage Park in retaining and attracting businesses to Foster City, which in turn, provide a major source of revenue to fund the City services that residents enjoy consistent with Land Use Policy LUC-19.

Although, the Vintage Park General Development Plan currently limits the number of hotel(s) and/or rooms within the \pm 57-acre portion of Vintage Park, it is not intended to restrict development in terms of the size or intensity in perpetuity. As previously discussed, General Development Plans can be amended to respond to the changing needs of the community as long as there are no impacts from the proposed project. The proposed Rezoning would replace the existing restaurant use with a hotel use by modifying the existing Vintage Park General Development Plan to explicitly allow up to two hotels with a total of 475 rooms of up to \pm 353,246 square feet and decrease the restaurant area from \pm 28,194 square feet to \pm 18,994 square feet. In accordance with Section 17.36.030.E. of the Foster City Municipal Code, the Planning Commission

¹ City of Foster City General Plan, Chapter 3: Land Use and Circulation Element, Land Use Background, pp. 3-14

² Section 17.36.030, General Development Plan of Title 17, Zoning of the Foster City Municipal Code

³ Section 17.28.020, C-M Commercial Mix District of Title 17, Zoning of the Foster City Municipal Code

⁴ Section 17.28.040, C-M Commercial Mix District of Title 17, Zoning of the Foster City Municipal Code

evaluated issues related to the findings required for Rezoning, such as consistency with the City's General Plan, interface with surrounding uses, suitability of streets and thoroughfares, availability of public utility services, market demand, parking and financial impact on the City. No project impacts were found that would be inconsistent with the City's adopted General Plan. The Commission also reviewed area, massing, orientation, bulk, height, architectural design, etc., as part of the Specific Development Plan/Use Permit and found the proposed use to be appropriate for the site. Additionally, as discussed above, the MND prepared for the project documents the findings and recommendations for reducing any potential significant environmental impacts to less than significant levels by inclusion of mitigation measures.

The Planning Commission recommended City Council approval of the Rezoning by adoption of Resolution No. P-14-13 on June 20, 2013.

RECOMMENDATIONS

Staff recommends that the City Council:

1. Approve the Mitigated Negative Declaration by adoption of the attached Resolution (EA-12-003); and
2. Introduce and pass to second reading the attached Ordinance approving the General Development Plan Amendment/Rezoning.

ATTACHMENTS

Resolution approving the Environmental Assessment EA-12-003

Resolution denying the Environmental Assessment EA-12-003

Ordinance approving the General Development Plan/Rezoning RZ-12-002

Exhibit A-1: Amended General Development Plan for Vintage Park

Exhibit A-2: Graphic for ± 57 acre portion of Vintage Park

Planning Commission Resolution P-12-13 recommending City Council adoption of the Environmental Assessment (EA-12-003)

Planning Commission Resolution P-14-13 recommending City Council approval of the Rezoning (RZ-12-002)

Planning Commission Resolution P-13-13 approving the Specific Development Plan/Use Permit (UP-12-004)

Planning Commission Staff Report - November 1, 2012 (without attachments)

Planning Commission Staff Report - February 7, 2013 (without attachments)

Planning Commission Staff Report - June 20, 2013 (without attachments)

Letter from Erik Alm, California Department of Transportation dated June 7, 2013

Staff Response to comment letter from California Department of Transportation dated June 28, 2013

Letter from Arthur Koon, Miller Starr Regalia, Legal counsel for Larry and Sharon Kramer dated June 20, 2013

Letter from Richard T. Loewke, Loewke Planning Associates Urban & Environmental Planning (Exhibit A to Arthur Koon Letter dated June 20, 2013) dated June 19, 2013

Letter from Stephen C. Abrams, Abrams Associates Traffic Engineering, Inc. (Exhibit B to Arthur Koon Letter dated June 20, 2013) dated June 20, 2013

Letter from Arthur Koon, Miller Starr & Regalia, Legal counsel for Larry and Sharon Kramer dated July 15, 2013

Responses to comments on the TownePlace Suites Mitigated Negative Declaration dated May, 2013

MND dated May, 2013 (including appendices)