

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING 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, appeals 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 appeals 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 finds there is no substantial evidence to support the Planning Commission's finding 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 not 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 _____

_____.

B. That the design of the proposal would not 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 _____

_____.

C. That the proposal would, 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 _____

_____.

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BE IT FURTHER RESOLVED that the City Council hereby grants the appeal of UP-12-004, reversing the decision of the Planning Commission and hereby denying UP-12-004.

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