

ORDINANCE NO. 1593

AN ORDINANCE OF THE CITY OF SAN CARLOS APPROVING A DEVELOPMENT AGREEMENT WITH MENLO BCSP 405 PROPERTY, LLC FOR THE 405 INDUSTRIAL PROJECT.

The City Council of the City of San Carlos does ordain as follows:

SECTION 1:

WHEREAS, pursuant to Title 18 of the City of San Carlos Municipal Code Menlo BCSP 405 Property LLC filed an application for approval of a Development Agreement in conjunction with its application for a Planned Development Plan and accompanying Zoning Map Amendment, Design Review, Grading and Dirt Haul Certificate, and Transportation Demand Management Plan to facilitate the development of the 405 Industrial Life Science/Research & Development Project ("Project"); and

WHEREAS, the City has determined that the Project is a development for which a development agreement is appropriate in order to: 1) eliminate uncertainty in the City's land use planning for the project and provide for the orderly development of the project; 2) assure installation of necessary improvements on the property; 3) provide for the public infrastructure and services appropriate to the development of the project; 4) secure City improvements that benefit the community; 5) provide for the developer to deliver community benefits in excess of those that the City could require as conditions of approval; and 6) otherwise achieve the goals and purposes of Chapter 18.37 of the SCMC; and

WHEREAS, by Resolution PC2022-09, adopted on September 19, 2022, the Planning Commission recommended the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act (CEQA) for the implementation of the mitigation measures outlined in the Mitigated Negative Declaration; and

WHEREAS, by Resolution PC2022-10, adopted on September 19, 2022, the Planning Commission recommended the City Council approve the Zoning Map Amendment to change the site from Landmark Commercial (LC) Zoning District to Planned Development (PD) Zoning District and adopt the Planned Development Plan; and

WHEREAS, the Planning Commission discussed the specific terms of the Development Agreement and recommended the City Council adopt the Development Agreement by Resolution PC2022-10, adopted on September 19, 2022; and

WHEREAS, at a duly noticed public hearing held on September 19, 2022, the Planning Commission approved the Design Review, Grading and Dirt Haul Certificate, and the Transportation Demand Management Plan, subject to approval of the Planned Development Plan and effective on the effective date of the Planned Development Plan; and

WHEREAS, by Resolution 2022-114, adopted November 14, 2022, the City Council adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act (CEQA) for the implementation of the mitigation measures outlined in Mitigated Negative Declaration; and

WHEREAS, the City Council of the City of San Carlos held a duly noticed public hearing on November 14, 2022 and introduced an ordinance amending the Zoning Map to change the site from Landmark Commercial Zoning District (LC) to Planned Development Zoning District (PD) and adopted the Planned Development Plan; and

WHEREAS, the City Council of the City of San Carlos held a duly noticed public hearing regarding the adoption of the Development Agreement on November 14, 2022.

SECTION 2: The City Council finds that the Development Agreement is consistent with the General Plan as described in Exhibit A.

SECTION 3: The City Council hereby approves the Development Agreement included as Exhibit B and the City Manager is hereby authorized to execute the Development Agreement on behalf of the City. The City Manager is further authorized, with concurrence of the City Attorney, to approve minor, non-monetary amendments to the Development Agreement that are necessary for the development of the 405 Industrial Project as contemplated in the Development Agreement and Project Approvals.

SECTION 4: Severability. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5: Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 14th day of November, 2022 and passed and adopted as an Ordinance of the City of San Carlos at a regular meeting thereof held on the 28th day of November, 2022 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibits:

- A. Consistency with the General Plan
- B. Development Agreement

GENERAL PLAN POLICIES

The site at 405 Industrial Road has a General Plan land use designation of General Commercial/Industrial. The proposed life science/research and development project is consistent with the following General Plan Policies

- LU-5.2: Implement the City's adopted Economic Development Plan, which is updated annually as it relates to supporting the local economy.
- LU-5.3: Support and encourage businesses and land uses that contribute to the City's financial viability.
- LU-5.7: Support high-wage industries that provide quality jobs for workers at all education levels.
- LU-5.9: Encourage new commercial development on parcels fronting Highway 101 to expand the City's tax base and to be of high-quality design.
- LU-5.13: Consider use of multiple level parking facilities to provide increased space where available land is limited.
- LU-5.15: Promote economic revitalization on underutilized parcels designated for higher intensity land uses.
- LU-6.1: Support commercial/industrial activity and businesses on the East Side.
- LU-6.2: Prohibit the conversion of property designated for industrial/commercial land on the East Side to non-industrial/commercial uses. Ensure proposed new uses in the East Side do not introduce land use conflicts that would adversely impact industrial/commercial activities.
- LU-6.3: Support the expansion of key growth industries while maintaining the overall diversity of land uses within East Side employment areas.
- LU-6.4: Encourage the development of the Landmark sites at the intersection of Industrial Road and Holly Street.
- LU-6.6: Encourage new development on the East Side to feature high quality architecture that reinforces the character of the area.
- LU-8.1: Require all development to feature high quality design that enhances the visual character of San Carlos.
- LU-8.3: Encourage design features and amenities in new development and redevelopment, including, but not limited to:
 - Visual buffers.
 - Facilitation of pedestrian activity.
 - Distinctiveness and variety in architectural design
- LU-8.4: Promote pedestrian-scaled design through site planning, building design, finish details and landscaping for all types of development by requiring height and locational transitions between buildings of varied levels that are sensitive to the interrelationships of surrounding uses and structures, especially residential.
- LU-8.5: Optimize architectural quality by encouraging the use of quality materials, particularly as accents and authentic detailing, such as balconies and window trims.
- LU-8.8: Encourage design of convenient pedestrian walkways with shade and minimal tripping hazards, preferably with landscape buffers.
- LU-8.10: On all sides of buildings, require the incorporation of quality architectural design elements for all building façades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines.

- LU-8.18: Encourage “green building” practices in new development and redevelopment, such as those that make a building more energy efficient and reduces its effect on human health and the environment through better siting, design, construction, maintenance and operation.
- LU-11.1: Require high quality design for buildings at visually significant locations in gateway areas.
- LU-11.2: Encourage design features, such as landscaping, art and displays in gateway areas that are welcoming, attractive and contribute to a unique sense of place.
- LU-11.3: Encourage distinctive architectural features, such as tower elements or a plaza at building entry, for buildings located at visually significant locations within gateway areas.
- LU-11.5: Limit the visibility of surface parking within gateway areas through landscaping and architectural treatments such as low decorative walls or trellises.
- LU-11.6: Discourage the use of sound walls within gateway areas. If sound walls cannot be avoided, ensure that soundwalls are designed to be attractive and well landscaped.
- LU-11.9: Ensure that new development on the Landmark sites at the northeast and southeast corners of Holly Street and Industrial Road function as the primary gateway features for the Holly Street Gateway area. Site planning, building treatments, pedestrian improvements and landscape features shall exhibit exceptional design and respect integrity of adjacent uses including nearby residential properties.
- LU-11.11: Ensure that new development or redevelopment on the northwest and southwest corners of Holly Street and Industrial Road complies with the policies set forth in Land Use Goal 5.
- LU-11.12: Develop welcoming gateway areas that emphasize the unique qualities of San Carlos.
- CSH-3.1: Strive to reduce base-line and development-related traffic by 20 percent through public-private partnership efforts.
- CSH-3.2: Support city-wide efforts to reduce vehicular trips within and through the community.
- CSH-3.3 Support the incorporation of Transportation Demand Measures in new development to reduce traffic impacts.
- CSH-3.11: New developments and businesses shall be required to provide adequate loading, unloading and delivery areas, and/or shall be required to conduct such activities during nonbusiness/ peak hours
- EM-11.9 Coordinate with major employers, neighboring municipalities, transit agencies and providers to enhance regional transit and shuttle service.