

## **ORDINANCE NO. 1601**

### **AN ORDINANCE OF THE CITY OF SAN CARLOS APPROVING THE 841 OLD COUNTY ROAD PROJECT PLANNED DEVELOPMENT PLAN AND RELATED ZONING MAP AMENDMENT TO REZONE THE PROJECT SITE FROM HEAVY INDUSTRIAL (IH) TO PLANNED DEVELOPMENT (PD) AT 841 OLD COUNTY ROAD (APN 046-133-160, 046-134-050, 046-134-060, 046-135-010, 046-135-020, 046-135-030, 046-135- 040, 046-182-100, 046-182-110, 046-182-150).**

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#### **RECITALS**

**WHEREAS**, pursuant to Title 18 of the City of San Carlos Municipal Code (the "Zoning Code"), SI 74, LLC, a California limited liability company filed an application for approval of a Planned Development Plan and accompanying Zoning Map Amendment for the development of the 841 Old County Road Project (APN 046-133-160, 046-134-050, 046-134-060, 046-135-010, 046-135-020, 046-135-030, 046-135-040, 046-182-100, 046-182-110, 046-182-150); and

**WHEREAS**, SI 74, LLC, transferred title to the property to The Sobrato Family Foundation, a California nonprofit public benefit corporation. Both entities are controlled by members of the Sobrato family. The City has since updated the application to reflect that The Sobrato Family Foundation, a California nonprofit public benefit corporation is the applicant;

**WHEREAS**, by Resolution PTC2023-11, adopted on June 7, 2023, the Planning and Transportation Commission recommends that the City Council adopt 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 the Mitigated Negative Declaration; and

**WHEREAS**, at a duly noticed public hearing held on June 7, 2023, the Planning and Transportation Commission approved the Design Review Permit, Transportation Demand Management Plan, Grading and Dirt Haul Certificate, and Tentative Map; and

**WHEREAS**, by Resolution PTC2023-12, adopted on June 7, 2023, the Planning and Transportation Commission recommends that the City Council approve the Zoning Map Amendment as set forth in Exhibit A to this Resolution and adopt the Planned Development (PD) Plan as set forth in Exhibit B to this Resolution; and

**WHEREAS**, the City Council of the City of San Carlos held duly noticed public hearings on August 28, 2023 and October 9, 2023 to consider the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, the proposed Planned Development Plan, and the proposed Zoning Map Amendment; and

**WHEREAS**, by Resolution 2023-\_\_\_, adopted October 9, 2023, the City Council made findings and adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to CEQA for the implementation of the mitigation measures outlined in the Mitigated Negative Declaration.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SAN CARLOS DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** The Zoning Map Amendment of San Carlos is hereby amended from Heavy Industrial (IH) District to Planned Development (PD) District (Exhibit A), by the adoption of a Planned Development Plan for the construction of two research and development buildings with a total of 339,170 square feet above grade with one four story building at a height of 74'-6" to the roof parapet and 85' to the top of the mechanical screen and a five story building at a height of 90'-6" to the roof parapet and 101' to the top of the mechanical screen with below grade and at-grade parking and landscaping improvements on the 3.41 acre site located at 841 Old County Road (APNs 046-133-160, 046-134-050, 046-134-060, 046-135-010, 046-135-020, 046-135-030, 046-135-040, 046-182-100, 046-182-110, 046-182-150) as shown on the plans prepared by Studios Architecture dated January 11, 2023 (Exhibit B).

**SECTION 2:** The City Council finds that the Planned Development Zone change and Plan of Development is consistent with the General Plan as described in Exhibit C.

**SECTION 3:** That the City Council hereby adopts the Plan of Development filed as "803-851 Old County Road" attached hereto as Exhibit B. This plan indicates the location of the proposed building, the size of the building, the parking to be provided and areas to be landscaped.

Standards of Development are as follows:

1. The land use regulations for the PD zone shall be those uses allowed in the Heavy Industrial (IH) Zoning District. Research and Development Use shall be considered a Permitted Use. In addition, the following uses are permitted within the 1,500 square feet tenant space:
  - a. Instructional Services, Eating and Drinking Establishments (excluding night clubs), Animal Care, (excluding Veterinary Services), Personal Services (excluding Tattoo or Body Modification Parlor), Retail Sales (excluding Cannabis Dispensaries, Retail Establishments Selling Ammunition or Firearms), Sales and Services, Government Offices, and Cultural Institutions all as defined in Chapter 18.40 of the San Carlos Municipal Code.
2. Life Science/Research and Development tenants shall comply with the City's Bio Safety regulations in effect at the time laboratory tenant improvements plans are submitted to the Building Department.
3. All tenants may only conduct activities classified as Biosafety Level 1 or 2 unless the City (including but not limited to any City agency, body, department, officer or employee) or its electorate (through the power of initiative or otherwise) adopts any ordinance, resolution, order, rule, official policy, standards, specifications, guidelines and/or other regulations (collectively, 'New City Laws') permitting activities classified as Biosafety Level Three or Biosafety Level Four and the tenant obtains all permits, approvals or other authorizations required by the New City Laws.
4. The buildings shall be situated on the property in accordance with the Plan of Development (attached hereto as Exhibit B) prepared by Studio Architecture, Inc. dated January 11, 2023. This plan indicates the location of the building, the size of the building, the parking to be provided and areas to be landscaped.

5. Floor area and height of the buildings shall be provided in substantial compliance with the Plan of Development. The project shall comply with the current zoning standards in effect except as follows:
  - i. The maximum building height is limited to 74'-6" to the top of the roof parapet and 83' to the top of the mechanical screen for the four-story (north) building and 90'-6" to the top of the roof parapet and 99' to the top of the mechanical screen for the five-story (south) building.
  - ii. The total allowed floor area for the site is 339,170 square feet resulting in a FAR of 2.28.
  - iii. The exterior side yard setback along Commercial Street shall be 2'-6".
6. The project shall be constructed in accordance with all requirements of the Mitigated Negative Declaration, Mitigation Monitoring & Reporting Plan, Design Review Certificate, Transportation Demand Management Plan and Grading and Dirt Haul Certificate.

**SECTION 4:** 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:** 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.

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I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 9<sup>th</sup> day of October, 2023 and passed and adopted as an Ordinance of the City of San Carlos at a regular meeting thereof held on the 23<sup>rd</sup> day of October, 2023 by the following vote:

**AYES, COUNCILMEMBERS:**

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**NOES, COUNCILMEMBERS:**

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**ABSENT, COUNCILMEMBERS:**

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**CITY CLERK** of the City of San Carlos

APPROVED:

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**MAYOR** of the City of San Carlos

Exhibits:

A. Zoning Map

B. Planned Development Plan

## C. Findings

**SAN CARLOS ZONING MAP**



841 Old County Road (APN 046-133-160, 046-134-050, 046-134-060, 046-135-010, 046-135-020, 046-135-030, 046-135-040, 046-182-100, 046-182-110, 046-182-150) zoned Planned Development (PD)

**PLANNED DEVELOPMENT PLAN**

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