

## **ORDINANCE NO. 1602**

### **AN ORDINANCE OF THE CITY OF SAN CARLOS APPROVING A DEVELOPMENT AGREEMENT WITH THE SOBRATO FAMILY FOUNDATION, FOR THE 841 OLD COUNTY ROAD PROJECT.**

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**WHEREAS**, The Sobrato Family Foundation, a California nonprofit public benefit corporation, is the fee owner of the property located at 800-851 Old County Road, San Carlos, California and identified as Assessor Parcel Numbers 046-133-160, 046-134-050, 046-134-060, 046-135-010, 046-135-020, 046-135-030, 046-138-040, 046-182-100, 046-182-110, and 046-182-150 (the "Property"); and

**WHEREAS**, pursuant to Title 18 of the City of San Carlos Municipal Code ("SCMC") and California Government Code Sections 65864 to 65869.5, SI 74, LLC, a California limited liability company, filed an application for approval of a development agreement for the Property in conjunction with its application for a Planned Development Plan and accompanying Zoning Map Amendment, Design Review, Grading and Dirt Haul Certificate, Tentative Parcel Map and Transportation Demand Management Plan to facilitate the development of a research and development campus that will include two office/laboratory buildings, which total approximately 339,170 square feet with below grade parking (the "Project"); and

**WHEREAS**, SI 74, LLC, submitted an application for a development agreement and later transferred title to Sobrato Family Foundation, a California nonprofit public benefit corporation. Both entities are controlled by members of the Sobrato family. Following the transfer, the City updated the application to reflect that the Sobrato Family Foundation, a California nonprofit public benefit corporation, is the owner of the Property and the applicant; and

**WHEREAS**, by Resolution PTC2023-11, adopted on June 7, 2023, the Planning and Transportation Commission recommended that the City Council adopt the Mitigated Negative Declaration for the Project (MND) and adopt the Mitigation Monitoring and Reporting Plan for the Project (MMRP) pursuant to the California Environmental Quality Act (CEQA) for the implementation of the mitigation measures outlined in the MND; and

**WHEREAS**, by Resolution PTC2023-12, adopted on June 7, 2023, the Planning and Transportation Commission recommended that the City Council adopt an Ordinance approving the Zoning Map Amendment to change the site from Heavy Industrial (IH) Zoning District to Planned Development (PD) Zoning District and adopt the Planned Development Plan; and

**WHEREAS**, the Planning and Transportation Commission discussed the specific terms of the development agreement and recommended that the City Council approve the development agreement by Resolution PTC-2023-12, adopted on June 7, 2023; and

**WHEREAS**, at a duly noticed public hearing held on June 7, 2023, the Planning and Transportation Commission approved the Design Review, Grading and Dirt Haul Certificate, the Tentative Parcel Map, 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 2023-125, adopted October 9, 2023, the City Council made findings and adopted the MND and the MMRP pursuant to CEQA for the implementation of the mitigation measures outlined in the MND; and

**WHEREAS**, the City Council of the City of San Carlos held a duly noticed public hearing on August 28, 2023 and introduced an ordinance amending the Zoning Map to change the site from Heavy Industrial Zoning District (IH) 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 October 9, 2023.

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

**SECTION 1:** The City Council finds 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.

**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 Project as contemplated in the development agreement.

**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.

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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:** \_\_\_\_\_

**NOES, COUNCILMEMBERS:** \_\_\_\_\_

**ABSENT, COUNCILMEMBERS:** \_\_\_\_\_

APPROVED:

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

\_\_\_\_\_  
**MAYOR** of the City of San Carlos

Exhibits:

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

## **Exhibit A**

### **Development Agreement Finding:**

In considering whether to approve the Development Agreement, the City Council must find the Development Agreement consistent with the General Plan.

Basis for Finding: The Development Agreement and provision of community benefits including the new pedestrian/bicycle pathway, publicly accessible open space, community serving cafe and financial contributions are consistent with the following General Plan policies:

- LU-1.12: Promote the development of publicly accessible urban trails throughout the city to provide access to the natural environment and facilitate nonmotorized transportation options.
- LU-3.10: Encourage the creation of safe, walkable environments that include elements such as wide, smooth sidewalks, good lighting, safe crosswalks, clear signage, curb bulb-outs, curb cuts, street furniture and trees and traffic-calming measures which allow people of all ages and abilities to exercise and safely access public transportation, community centers and schools and goods and services.
- LU-8.9: Encourage the design of attractive outdoor pedestrian spaces that encourage impromptu public gathering places with features such as plazas, interior walkways and paseos, ornamental gates, trellises, lighting, trees and landscaping, seating and fountains.
- CHS-7.1: Trails and paths intended for general circulation shall provide reasonably direct and convenient routes of travel for potential users.
- CHS-7.7: Public trails should be located and designed so that they serve the needs of the public while minimizing private property impacts.

**Exhibit B**  
**Development Agreement**