

RESOLUTION NO. X - XX - 23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A USE PERMIT REQUEST FOR FAÇADE REIMAGING, THE REMOVAL OF EIGHT TREES, DEMOLITION AND RECONSTRUCTION OF THE PORTE COCHERE, AND NEW LANDSCAPING AT 550 SHELL BOULEVARD IN TOWN CENTER NEIGHBORHOOD AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINE SECTION 15301 – UP2023-0014

FOSTER CITY PLANNING COMMISSION

WHEREAS, the property owner has requested Planning Commission approval of the façade reimagining, removal of eight trees, demolition, and reconstruction of the porte cochere, and new landscaping on site at the existing Marriott Hotel at 550 Shell Boulevard; and

WHEREAS, the project is exempt from the California Environmental Act (CEQA) pursuant to Section 15301 as the proposal is for the remodeling and landscaping modifications to an existing hotel and the existing use and overall footprint will not be changing; and

WHEREAS, the notice of public hearing was mailed to residents within a 300 foot mailing radius of consideration of the Use Permit at the Planning Commission meeting of November 2, 2023 and on the said date the Public Hearing was opened, held and closed; and

WHEREAS, the Planning Commission of the City of Foster City has carefully reviewed and considered the staff report and all attachments thereto presented as part of the agenda for the public hearing regarding the proposed remodeling and landscaping at the Marriott Hotel located at 550 Shell Blvd. as referenced above including any and all timely submitted correspondence, all information submitted at or prior to the public hearing, and all public comment and testimony presented at the public hearing (collectively, the “Record”); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on the facts and analysis in the Staff Report, written and oral testimony, and exhibits presented finds:

The establishment, maintenance or cooperation of the use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or it will not be injurious or detrimental to property and improvements in the neighborhood or general welfare of the city because:

- a) The Land Use Map of the General Plan designates the use of the subject site as “Town Center” and the proposal will not change the use of the existing hotel;
- b) provide for adequate on-site parking for safe and effective circulation, consistent with Land Use Goal LUC-G and Land Use Policy LUC-G-1;
- c) the building setbacks, proportions and massing, height, and lot coverage will all remain the same consistent with Section 17.26 of the Foster City Municipal Code;
- d) the project will not cause any significant solar, visual or other verse long term impacts on adjacent or neighboring properties or adversely affect property values; the building will be compatible with surrounding buildings and complies with the commercial intent and purpose of the zone in which it is located;
- e) the proposed exterior building materials and colors are consistent with the character of the existing hotel and are harmonious with surrounding properties.

PASSED AND ADOPTED as a Resolution by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on November 2, 2023 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

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RAVI JAGTIANI, CHAIR

ATTEST:

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SOFIA MANGALAM, SECRETARY

## **EXHIBIT A**

### **Conditions of Approval**

1. Prior to the commencement of work, a building permit shall be obtained from the Building Inspection Division.
2. The Conditions of Approvals of this Notice of Decision issued by the City shall be included on the complete set of plans within any subsequent permits. Applicant shall include written responses demonstrating compliance with each condition of approval at the time of building permit submittal.
3. All construction work shall conform to the plans and elevations, received and dated by the Foster City Planning/Code Enforcement Division on **September 21, 2023**, prepared by Seth S. Terry Architect on file with the Community Development Department, except as modified in subsequent conditions of approval included in this Exhibit A. Approval of the subject Plans is predicated upon the accuracy of the information provided on all of the Plans demonstrating proposed and existing conditions, including but not limited to information describing setbacks; heights; dimensions; colors; materials; roof pitches; and, fenestration. If during the construction process it is determined that information on the approved Plans is inaccurate, or if the improvement under construction is not consistent with the approved Plans, the construction work may be stopped until the matter is resolved to the satisfaction of the Community Development Director.
4. All materials and colors shall be as approved. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans. Any changes which affect the exterior character of the work shall be resubmitted for approval. The construction or placement of unapproved features or unapproved changes to buildings or structures will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommencing work, and the possibility of penalty fees being assessed for unauthorized work. Minor modifications to the approved plans may be approved by the Community Development Director.
5. All vents, gutters, downspouts, flashings, etc. shall be painted to match the color of adjacent surfaces. No electrical conduits or similar piping shall be allowed on the exterior of the building unless approved prior to installation by the Community Development Director.
6. At the time of Building Permit submittal, a demolition plan shall be included that clearly shows the walls to be retained and the walls to be removed.
7. All architectural elements such as soffits, screens, etc., not shown or detailed on the plans shall be finished in material and color in harmony with the exterior of the building.
8. Smoke detectors shall be installed to the satisfaction of the Building Inspection Division in any approved room addition.
9. Plans submitted for building permit shall include all mechanical equipment and utilities, including AC unit (if any), water heater, electrical and gas meters. Note that all utilities shall be architecturally screened from view. They shall be located behind and below the fence and shall be painted to match the adjacent building color.
10. Prior to any final building inspection approval, any imposed conditions and all improvements shall be completed in accordance with the approved plans and to the satisfaction of the City.
11. Prior to any demolition or disassembly of any portion of the existing structure or site, a detailed plan, in the form of either a letter or on the City's Demolition Information Form, describing all

aspects of such work (how and when it will be conducted; special related equipment required, how materials will be removed from the site, how public safety will be ensured throughout this process, etc.) shall be submitted to the Chief Building Official. Such work shall not begin until the Chief Building Official approves the plan by affixing his/her signature and the date of approval to it. The Chief Building Official may require that plans be amended until he/she determines that they satisfactorily meet all City health, safety and general welfare concerns. A copy of the approved plan shall be given to the applicant or their designee and shall at all times be kept on the job site along with approved project plans.

12. Any damage to public (City) infrastructure (streets, sidewalks, utilities, etc.) caused by construction (including use of heavy equipment) associated with the building permit, shall be repaired to the satisfaction of the Public Works Department and the Building Division prior to final sign-off on the building permit.
13. The placement of materials disposal or trash bins within public rights-of-way, including on public streets and on public sidewalks, shall not be allowed until such time as an Encroachment Permit has been issued by the Engineering Division of the Public Works Department.
14. In order to assure public safety and minimize the unattractive short term aspects of construction on the neighborhood, prior to issuance of a building permit, building plans shall include site control information which, at a minimum: 1) Provides that a 6 (six) foot tall chain-link fence (no portion of which contains barbed wire) with a dark green (or other color approved by the Community Development Director) vinyl or canvas liner placed on the exterior of the fence shall be placed around any yard or any portion of a yard which the Chief Building Official shall identify as requiring such.
15. All required fencing shall be in place prior to the commencement of any work on site, shall remain in place for such time as required by the Chief Building Official and shall be removed prior to the issuance of an Occupancy Permit. The gate to the fence shall be locked at all times that the fenced area is left unattended by either the owner or resident, the contractor or subcontractors. All construction materials and equipment, including temporary or portable equipment, such as generators, storage containers or facilities, shall be stored within the interior of the fenced area when construction activities are not occurring. If placed anywhere on site, portable toilets shall be placed within the interior of the fenced area at all times.
16. Building materials, construction equipment and tools, or other items related to the construction or demolition work to be performed shall be stored behind and below required fencing/screening unless special approval to place or store the materials or items is granted by the Community Development Director.
17. The Building Permit Plans shall note the roof material and color to be as shown on the plans herein approved. The same material and color shall be used on all structures higher than the fence line unless otherwise approved by the Community Development Director.
18. The applicant shall submit a Waste Management Plan in accordance with Chapter 15.44 of the Foster City Municipal Code.
19. Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.

20. Once a building permit is issued, it is the permit holder's responsibility to ensure that the project receives a final inspection before the building permit expires (180 days after the last inspection). Failure to receive and/or pass a final inspection will result in the expiration of the building permit which will require additional fees to re-activate.
21. Construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays. All construction related activities including but not limited to noise, vibration, dust etc. shall be in accordance with Chapter 17.68, General Performance Standards, of Title 17, of the Foster City Municipal Code. Any request for modification to the construction hours shall be submitted to the CDD Director for prior review and approval.
22. All windows and/or patio doors on the same elevation shall match in color, style, and materials, (including grids or no grids) and window/door trim.
23. Any damage to the wall surface and/or window/door trim shall be repaired and painted in kind, to achieve a seamless transition from the repaired to the existing trim and/or wall surface.
24. New windows/patio doors shall meet the U-factor per the California Energy Standards and shall be noted on the building permit plan sets.
25. Plumbing facilities permitted on any patio or balcony area may consist of a cold water faucet and drain and rainwater runoff disposal plumbing only.
26. The proposed exterior colors and materials shall be consistent with the approved Use Permit. Any request for modification to the colors or materials shall be submitted to the CDD Director for prior review and approval.
27. Once a Use Permit approval has been issued, it is the permittee's responsibility to ensure that the project receives a final inspection before the Use permit approval becomes null and void (two years from the date of approval). Failure to receive and/or pass a final inspection will result in the expiration of the Use permit approval which will require additional fees to reactivate.