



August 1, 2022

Mayor and City Council  
City of Foster City

Via email: council@fostercity.org

**RE: 388 Vintage Park Drive, El Torito Site**

Mayor Awasthi and Council members,

The Sustainable Land Use Committee of the Sierra Club Loma Prieta Chapter (SLU) advocates on land use issues in San Mateo and Santa Clara Counties.

On behalf of the Sierra Club, we recommend that the City Council rule against land use approval for a life science building at the former El Torito building due to concerns of jobs to housing imbalance, traffic, and losing community amenities. We also recommend establishing Bio-Safety levels for laboratories that may be housed in this speculative building if it should proceed.

We request that you consider some of the concerns that have been raised regarding the proposed development.

1. **Jobs-housing balance.** Foster City is already struggling with a jobs-housing imbalance. This office building / lab building will exacerbate that imbalance. What amount of housing will the project provide to offset the housing demand it is causing?

As discussed in the supplemental memo, the 95,930 sf building is expected to create “200 plus jobs”. Each job represents a person and each person will need a home which equates to a housing need of 100 or more housing units<sup>1</sup> for 200 people. This is specifically in contradiction to the [Foster City General Plan Land Use Element LUC-C-2](#) calling for jobs-housing balance and mixed-use projects that provide both housing and employment opportunities.

2. **Transportation Demand Management (TDM)** shows that bicycles will provide a significant amount of the transportation anticipated. However, there is no safe bicycle route per the Environmental Impact Report prepared by LSA. It notes local bike access as “having a high Level of Traffic Stress.” Further that such bikeways are “only tolerated by a few, primarily those who could be described as ‘strong and fearless.’” (A.4.3-4) A.4.3-4 further notes in footnote #1 that there are “no unbuilt proposed bicycle facilities in the vicinity of the project site”. Bicycle related deaths are on the rise because of unsafe bike routes. Foster City had a 78 year old man killed on

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[1]1.5 to 2.0 jobs per housing unit

his bike in 2018. Foster City General Plan element LUC-E-2 #1 calls for complete streets and this project is not serviced by safe or secure transit for the methods of transit expressed in the TDM. This TDM should not be accepted without safe bike routes being required as a benefit.

3. **Change of use from restaurant to Office/Lab.** Having retail in this area, especially a restaurant, reduces driving as this is an office area with housing nearby. The area lacks sufficient facilities to service the number of office workers. This fails Foster City General Plan Land Use Policy LUC-I in that it does not (per section #3 of LUC-I) assure the availability and diversity of resident serving goods and services. In fact, this project decreases such availability. It also fails LUC-I #4 to allow for specialized commercial uses, and LUC-I #2 as it doesn't decrease intra city commuting. The presence of extensive intra-city commuting creates an impact on residents, traffic, and further exacerbates intersections ranked F. Further LUC-D-1 reads "Provide enough land for commercial and industrial uses to allow for the retention and development of commercial establishments that provide basic goods and services to Foster City residents." This project does not provide basic goods or services to Foster City residents. In fact, it removes such goods and services in the form of local restaurant space supported during the work week by local business and evenings and weekends by the residents of Foster City.
4. Numerous other General Plan policies are misapplied in the recommended resolutions presented to the planning commission.
  - a. LUC-K is misapplied. LUC-K references Chess Drive/Hatch Drive. This project is not at that intersection. Significant projects represented millions of square feet of development are already in process at Chess & Hatch and the cumulative impacts of those project need to be considered in any reports for this project as they already have development agreements.
  - b. LUC-B is misstated in city resolutions. The project is not a Giliad project. If it were, the TDM along with Giliad's strong transit bus system could be used to mitigate impacts.
5. **Bio-Safety Concerns:** Biotech labs have 4 levels of bio-safety . While bio-safety Level 1 has no major separation concerns, bio-safety Level 2 thru 4 require definite separation requirements especially from residential areas, from areas with vulnerable populations such as schools and senior facilities, and from ecologically sensitive areas such as the Bay and wetlands.

The Life Sciences building is a speculative development and there is currently no specified level of Bio-Safety for the labs that will be housed here and none proposed for a Development Agreement. Many cities are unaware of the risks for the community in locating biotech labs in proximity to housing and sensitive uses like schools, senior facilities and ecologically sensitive areas. This is especially important where seismic activity may damage the structures and damage critical infrastructure; since Foster City soils are subject to liquefaction during an earthquake.

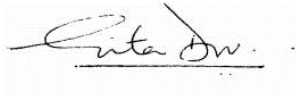
Biotechnology labs are a new phenomenon in most Bay Area cities. In the past, zoning has usually not allowed industrial, commercial, and residential areas to intermix. Recently, mixed use is taking the forefront in order to allow people to live near where they work, for transportation reduction reasons. Since biological research involves infectious agents, bio-safety labs at levels 2 through 4 need defined Land-Use separation requirements.

Most labs are being developed in manufacturing zones because existing zoning rules limit the most intensive uses, such as hazardous chemicals and bio-manufacturing, to these zones. A municipality should determine whether the zoning for the parcels allows research and development, laboratory, chemical and biological manufacturing or/and office uses. Many zoning bylaws do not specifically list those uses or do not allow them in the same district.

Towns that have considered Bio-Safety have put in place separation requirements for labs with hazardous agents above Bio-Safety Level One. All airport Land Use Plans have restrictions for uses above Bio-Safety Level One. Foster City should consider Foster City General Plan LUC-F-9, 10, 10-a and D-11 in this project in light of these Bio-Safety recommendations.

In the Bay Area, cities are starting to establish these public health and safety related separations. Berkeley and San Francisco<sup>2</sup> have separation based on their zoning and required separation from residential areas. In addition, since this site is adjacent to a San Mateo site with mixed use, we recommend a required minimum separation from residential areas in adjoining San Mateo City for biotech labs above Level One.

Respectfully submitted,



Gita Dev, Co-Chair  
Sustainable Land Use Committee  
Sierra Club Loma Prieta Chapter

Cc: [planningcommission@fostercity.org](mailto:planningcommission@fostercity.org)  
[planning@fostercity.org](mailto:planning@fostercity.org)  
Marlene Subhashini, Planning Director, [msubhashini@fostercity.org](mailto:msubhashini@fostercity.org)  
James Eggers, Senior Chapter Director, Loma Prieta Chapter Sierra Club  
Gladwyn d'Souza, Conservation Committee Chair, Loma Prieta Chapter Sierra Club

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[2][https://sfgov.org/sfc/biosciences/Modules/FinalBIOSCIENCE021505\\_\\_3119.pdf?documentid=1824](https://sfgov.org/sfc/biosciences/Modules/FinalBIOSCIENCE021505__3119.pdf?documentid=1824)