

RESOLUTION NO. 2857-2020

**PLANNING COMMISSION, CITY OF SOUTH SAN FRANCISCO
STATE OF CALIFORNIA**

RESOLUTION MAKING FINDINGS AND RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AND SUBSEQUENTLY ADOPT AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT (DAA20-0003) TO THE GATEWAY BUSINESS PARK MASTER PLAN PROJECT BETWEEN THE CITY OF SOUTH SAN FRANCISCO AND BETWEEN BMR GATEWAY OF PACIFIC I LP, BMR GATEWAY OF PACIFIC II LP, BMR GATEWAY OF PACIFIC III LP, AND BMR GATEWAY OF PACIFIC IV LP TO MAKE MINOR MODIFICATIONS TO AMEND PROVISIONS RELATING TO THE AGREEMENT DURATION.

WHEREAS, in 2010 the City of South San Francisco (“City”) adopted (1) Resolution No. 18-2010 certifying the 2009 Environmental Impact Report (“2009 EIR”) (State Clearinghouse No. 2008062059), (2) Resolution No. 19-2010 approving a general plan amendment and transportation demand management (TDM) program, (3) Ordinance No. 1422-2010 amending Chapters 20.57 and 20.120 of the Zoning Ordinance, and (4) Ordinance No. 1423-2010 approving a development agreement with Chamberlin Associates, for the construction of five to six R&D/ Office buildings, two to four parking structures, and related improvements on an approximately 22.6-acre site located at 700-1000 Gateway Boulevard; and

WHEREAS, in 2013 the City adopted (1) Resolution No. 43-2013 making findings and relying on the previously certified 2009 EIR, (2) Resolution No. 44-2013 approving modifications to the Gateway Business Park Master Plan, a new Phase 1 Precise Plan, and modifications to the TDM program, and (3) Ordinance No. 1471-2013 adopting a First Amended and Restated Development Agreement with Gateway of Pacific LP (“BioMed Realty”); and

WHEREAS, in 2018 the City adopted Ordinance No. 1559-2018 adopting a Second Amended and Restated Development Agreement with BMR Gateway of Pacific I LP, BMR Gateway of Pacific II LP, BMR Gateway of Pacific III LP, and BMR Gateway of Pacific IV LP to allow for minor modifications to the agreement, including acknowledgement of the transfer and assignment of the separate parcels to the respective affiliates, acknowledgement of lot line adjustment between Phases 1 and 2, and confirmation that each property owner holds the compliance burdens, obligations, and responsibilities for its respective parcel of property under the Second Amended and Restated Development Agreement; and

WHEREAS, in February 2020 the City adopted Ordinance No. 1595-2020 adopting a First Amendment to the Second Amended and Restated Development Agreement which substituted payment of a fee that will enable the City to build a childcare facility in lieu of having the applicants construct or open a replacement childcare facility on or within one mile of the project site; and

WHEREAS, BioMed Realty (“Owner” or “Applicant”) submitted an application requesting a Second Amendment to the Second Amended and Restated Development Agreement to allow for

a minor modification to the agreement related to the expiration date and the updated park fee requirement; and

WHEREAS, the 2009 EIR was certified in accordance with the provisions of the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., “CEQA”) and CEQA Guidelines, which analyzed the potential environmental impacts of the Project; and

WHEREAS, the modifications contemplated in the Second Amendment to the Second Amended and Restated Development Agreement are minor in nature, the approval of which would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the 2009 EIR certified by City Council, nor does the Second Amendment to the Second Amended and Restated Development Agreement constitute a change in the Project or change in circumstances that would require additional environmental review; and

WHEREAS, the Planning Commission held a properly noticed public hearing on August 6, 2020, at which time interested parties had the opportunity to be heard, to review the proposed Second Amendment to the Second Amended and Restated Development Agreement, as well as supporting documents, prior to the Planning Commission making its decision on the Project; and

WHEREAS, the Planning Commission exercised its independent judgment and analysis, and considered all reports, recommendations and testimony before making a determination on the Project.

NOW THEREFORE, based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §21000, et seq. (“CEQA) and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco General Plan, and General Plan Environmental Impact Report; the South San Francisco Municipal Code; 2009 EIR, and associated Mitigation Monitoring and Reporting Programs; all site plans, and all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed August 6, 2020 meeting; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of South San Francisco hereby finds as follows:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Exhibit attached to this Resolution, the proposed Second Amendment to the Second Amended and Restated Development Agreement (Exhibit A Attachment 1), is incorporated by reference as if set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of the Planning Manager.

B. Development Agreement Findings

1. The Owner and City have negotiated a Second Amendment to the Second Amended and Restated Development Agreement pursuant to Government Code Section 65864 *et seq.* The Second Amendment to the Second Amended and Restated Development Agreement, attached hereto as Exhibit A, sets forth the duration, property, project criteria, and other required information identified in Government Code Section 65865.2. Based on the findings in support of the Project, the Planning Commission finds that the Development Agreement, vesting a project for a campus-style development of office and R&D buildings, is consistent with the objectives, policies, general land uses and programs specified in the South San Francisco General Plan, the Gateway Specific Plan, and any applicable zoning regulations.
2. The Second Amendment to the Second Amended and Restated Development Agreement is compatible with the uses authorized in, and the regulations prescribed for the land use district in which the real property is located. The subject site is physically suitable for the type and intensity of the land use being proposed. The General Plan specifically contemplates the proposed type of project and the suitability of the site for development was analyzed thoroughly in the environmental document prepared for the Project.
3. The Second Amendment to the Second Amended and Restated Development Agreement is in conformity with public convenience, general welfare and good land use practice because the modifications are minor in nature.
4. The Second Amendment to the Second Amended and Restated Development Agreement will not be detrimental to the health, safety and general welfare because the amendment preserves a campus-like environment.
5. The Second Amendment to the Second Amended and Restated Development Agreement will not adversely affect the orderly development of property or the preservation of property valued because the amendment improves the property's campus-like environment and is consistent with surrounding R&D and office uses.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission of the City of South San Francisco hereby makes the findings contained in this Resolution and recommends that the City Council adopt an ordinance approving the proposed Second Amendment to the Second Amended and Restated Development Agreement (DAA20-0003) for the Gateway Business Park Master Plan Project attached as Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

* * * * *

I hereby certify that the foregoing resolution was adopted by the Planning Commission of the City of South San Francisco at a regular meeting held on the 6th day of August, 2020 by the following vote:

AYES: Chair Wong, Vice-Chair Evans, Commissioner Faria, Commissioner Shihadeh, Commissioner Murphy, Commissioner Bernardo, Commissioner Tzang

NOES:

ABSTENTIONS:

ABSENT:

RECUSE:

Attest /s/Sailesh Mehra
Secretary to the Planning Commission