

RESOLUTION NO. 2861-2020

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

RESOLUTION MAKING FINDINGS AND RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS: (1) INTRODUCE AN ORDINANCE APPROVING THE FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT (DAA20-0002) BETWEEN BMR GATEWAY OF PACIFIC V LP AND THE CITY; AND (2) ADOPT A RESOLUTION APPROVING A USE PERMIT MODIFICATION (UPM20-0001) AND DESIGN REVIEW MODIFICATION (DR20-0012) FOR THE DEVELOPMENT OF GOP PHASE 5 / 475 ECCLES AVENUE IN THE BUSINESS TECHNOLOGY PARK (BTP) ZONE DISTRICT, SUBJECT TO THE DRAFT CONDITIONS OF APPROVAL.

WHEREAS, BMR Gateway of Pacific V LP, a Delaware Limited Partnership (“Applicant”) owns property consisting of approximately six and one-tenth (6.1) acres located at 475 Eccles Avenue of the City of South San Francisco, San Mateo County, California, (“Project Site”); and,

WHEREAS, in 2016 the City of South San Francisco (“City”) adopted (1) Resolution No. 93-2016 certifying the 2012 Partial Recirculated Environmental Impact Report (“2012 Partial Recirculated EIR”) (State Clearinghouse No. 2012082101), (2) Resolution No. 94-2016 approving a use permit, alternative landscape plan, design review and transportation demand management (“TDM”) program, and (3) Ordinance No. 1522-2016 approving a development agreement with BMR Gateway of Pacific V LP (formerly known as BMR-475 Eccles Avenue LLC), for the construction of two R&D/ Office buildings, a parking structure, and related improvements on an approximately 6.1-acre site located at 475 Eccles Avenue; and

WHEREAS, Applicant submitted an application requesting approval of a Use Permit Modification, Design Review Modification and Development Agreement Amendment to alter the site plan and exterior appearance of the previously entitled project and to expand the area of property covered by the entitlements to include the adjacent rail spurs property, incorporating the previously entitled project into the adjacent Gateway of Pacific (“GOP”) Campus as GOP Phase 5 (“Project”); and

WHEREAS, approval of the Applicant’s proposal is considered a “project” for purposes of the California Environmental Quality Act, Pub. Resources Code § 21000, et seq. (“CEQA”) and the Planning Commission has considered the environmental impacts by separate resolution; and

WHEREAS, Applicant seeks approval of the First Amended and Restated Development Agreement (DAA20-0002), Use Permit Modification (UPM20-0001) and Design Review Modification (DR20-0012); and

WHEREAS, the Planning Commission held a properly noticed public hearing on August 6, 2020 to solicit public comment and take public testimony, at which time interested parties had the opportunity to be heard, to consider the Use Permit Modification, Design Review Modification and Development Agreement Amendment; and

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

NOW, THEREFORE, BE IT RESOLVED that 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 California Subdivision Map Act; the South San Francisco General Plan and General Plan EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; 2012 Partial Recirculated EIR, and associated Mitigation Monitoring and Reporting Programs; 2020 Addendum to the 2012 Partial Recirculated EIR; the Project applications; the BMR GOP Phase 5 Precise Plan, as prepared by Flad Architects, dated June 8, 2020; 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:

SECTION 1 FINDINGS

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Exhibits attached to this Resolution, including the Draft City Council Ordinance regarding the First Amended and Restated Development Agreement (Exhibit A), Conditions of Project Approval (Exhibit B) and the GOP Phase 5 / 475 Eccles Revised Project Plans (Exhibit C), are each incorporated 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 Chief Planner, Sailesh Mehra.

C. Use Permit

1. The Project is consistent with Title 20 of the South San Francisco Municipal Code because the Project meets or exceeds all of the general development standards of the Business Technology Park (BTP) Zoning District, with the exception of the parking and allowable floor

area ratio, for which exceptions were granted by the City Council as part of the previous project entitlements.

2. The Project is consistent with the General Plan because the proposed Research and Development buildings and campus are consistent with the policies and design direction provided in the South San Francisco General Plan by encouraging the development of high technology campuses in the East of 101 Area. Further, the land uses, development standards, densities and intensities, buildings and structures proposed are compatible with the goals, policies, and land use designations in the General Plan.

Specifically, the project site is designated Business and Technology Park. This designation accommodates R&D uses, subject to certain development and FAR restrictions. The proposed Project complies with development restrictions and proposes a FAR of 1.0, which conforms to the maximum allowable FAR in the Business and Technology Park General Plan designation, with an acceptable TDM plan and meeting high design standards.

3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements, because the proposed use is consistent with the existing uses in the vicinity of the site, including the office/R&D uses. The project proposes Office/R&D uses on a site located in the City's East of 101 area, which is intended for this type of use. The East of 101 Area Plan and General Plan have analyzed this type of use in the East of 101 area, and concluded that office/R&D uses in the East of 101 area are not adverse to the public health, safety, or welfare. As the proposed Project is consistent with surrounding office/R&D uses in the vicinity, approval of the Project will not be detrimental to the nearby properties.
4. The Project complies with applicable standards and requirements of the City's Zoning Ordinance, with the exception of landscaping and parking requirements, for which exceptions were granted by the City Council as part of the previous project entitlements.
5. The design, location, size, and operating characteristics of the proposed Project are compatible with the existing and reasonably foreseeable future land uses in the vicinity because the Project proposes office/R&D uses in the East of 101 Area, which is specifically intended for such uses.
6. The site is physically suitable for the type of development and density proposed, as the office/R&D uses will benefit from being located in the East of 101 Area, and the size and development is appropriate for the location and meets the City's land use and zoning standards.

7. The Project complies with CEQA for the reasons stated in Finding B.1 above.

D. Design Review

1. The Project, including Design Review, is consistent with Title 20 of the South San Francisco Municipal Code for the reasons stated in Finding C.1 above.
2. The Project, including Design Review, is consistent with the General Plan for the reasons stated in Finding C.2 above.
3. The Project, including Design Review, is consistent with the applicable design guidelines adopted by the City Council in that the proposed Project is consistent with projects in the East of 101 Area and remains a campus-style development that provides on-site amenities and is consistent with the Business and Technology Park District Development Standards and Supplemental Regulations included in Section 20.110.003 and 20.110.004.
4. The Project is consistent is consistent with the Use Permit as approved as part of the Entitled Project, which granted a parking reduction to a ratio of 2.5 parking spaces per 1,000 square feet, based on the implementation of a Transportation Demand Management (TDM) Plan on an on-going basis over the life of the Project with a required alternative mode shift of 35%. The Revised Project would continue to be subject to the reduced parking ratio and the TDM implementation requirement.
5. The Project is consistent with the applicable design review criteria in Section 20.480.006 ("Design Review Criteria") because the project has been evaluated against, and found to be consistent with, each of the eight design review criteria included in the "Design Review Criteria" section of the Ordinance.

E. Development Agreement Findings

1. The proposed Amendment to the Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan because the proposed project is an Office/ R&D facility that meets the Business and Technology Park general plan land use provisions and programs.
2. The proposed Amendment to the 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 because the project provides an office/ R&D facility with a campus-style environment.

3. The proposed Amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use practice because the amendment enhances the site plan and further improves the pedestrian environment from the public right-of-way.
4. The proposed Amendment to the Development Agreement will not be detrimental to the health, safety and general welfare because the amendment preserves a campus-like environment and creates pedestrian connections between the broader campus, including a rails-to-trails connection, for employees and visitors.
5. The proposed Amendment to the 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.

SECTION 2 DETERMINATION

NOW, THEREFORE, BE IT FURTHER RESOLVED, that subject to the Conditions of Approval, attached as Exhibit B to this resolution, the Planning Commission of the City of South San Francisco hereby makes the findings contained in this Resolution, and recommends that the City Council take the following actions: (1) introduce and subsequently adopt an ordinance approving the First Amended and Restated Development Agreement (DAA20-0002), attached as Exhibit A; and (2) adopt a resolution approving a Use Permit Modification (UPM20-0001) and Design Review Modification (DR20-0012) for the Project.

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