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Ordinance amending Chapter 20.220 (“Gateway Specific Plan District”) of the South San Francisco Municipal Code

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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 (“GOP Project”); and

WHEREAS, in 2013 the City adopted (1) Resolution No. 43-2013 making findings and relying on the previously certified 2009 EIR and incorporating such EIR by reference, (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, whose interest was eventually transferred to BioMed Realty (“Applicant”); and

WHEREAS, in 2018 the Planning Commission of the City of South San Francisco adopted Resolution No. 2834-2018 determining that the Gateway of Pacific Phase 2-3 Precise Plans Project was fully within the scope of environmental analysis in the 2009 EIR and that the 2018 Addendum to the EIR was the appropriate environmental document for the Precise Plans; and

WHEREAS, in 2020 the Planning Commission of the City of South San Francisco adopted Resolution No. 2858-2020 determining that the Gateway of Pacific Phase 4 (GOP 4) Precise Plan Project was fully within the scope of environmental analysis in the 2009 EIR and that the 2020 Addendum to the EIR was the appropriate environmental document for the Precise Plan; and

WHEREAS, the applicant now wishes to modify GOP 4 to allow for a transfer of density from the adjacent property, resulting in the expansion of up to 120,221 square feet configured in four additional floors on the GOP 4 North building (“GOP 4 Density Transfer Project” or “Project”); and

WHEREAS, the GOP 4 Density Transfer Project site is subject to the following plans, regulations and entitlements: (a) the Business Commercial land use designation in the General Plan, (b) the Gateway Specific Plan enacted in 1981 by Ordinance 868-81, (c) the Gateway Specific Plan Zoning District regulations, (d) the Gateway Business Park Master Plan, as revised by City Council Resolution No. 44-2013 (“GOP Master Plan”), (e) the GOP Phase 4 Precise Plan approved by Planning Commission Resolution No. 2859-2020 (“GOP 4 Precise Plan”), and (f) a Development

Agreement as most recently amended by Ordinance 1606-2020 approving the Second Amendment to the Second Amended and Restated Development Agreement Between the City of South San Francisco and certain BMR Gateway of Pacific entities (“GOP Development Agreement”); and technical modifications to all these are required to enable a transfer of density to the GOP 4 site; and

WHEREAS, the Airport Land Use Commission reviewed the proposed legislative enactments associated with the GOP 4 Density Transfer Project on May 12, 2022 and found them consistent with the Airport Land Use Compatibility Plan; and

WHEREAS, the Applicant has proposed amendments to the City’s Zoning Ordinance (Ordinance) to amend Chapter 20.220, “Gateway Specific Plan District”, to modify the development standards to allow additional density and make related changes in order to implement the 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

WHEREAS, the City determined that a Supplemental Environmental Impact Report was required to evaluate the impacts of the proposed GOP 4 Density Transfer Project; and

WHEREAS, the City prepared a Draft Supplemental EIR to address the GOP 4 Density Transfer Project, circulated a Notice of Preparation of that Draft Supplemental EIR for comment from November 16, 2021 to December 20, 2021, held a scoping meeting on December 6, 2021, and circulated the Draft Supplemental EIR for comment from January 26, 2022 through March 14, 2022; and

WHEREAS, the City prepared a Final Supplemental EIR that includes responses to comments received on the Draft Supplemental EIR, and the Draft Supplemental EIR and Final Supplemental EIR are collectively referenced as the “2022 Supplemental EIR” (retaining SCH #2008062059); and

WHEREAS, the Planning Commission reviewed and carefully considered the information in the 2022 Supplemental EIR, and by separate resolution, recommends that the City Council certify the 2022 Supplemental EIR; and

WHEREAS, on June 2, 2022 the Planning Commission conducted a property noticed public hearing to consider making a recommendation to the City Council on the GOP 4 Density Transfer Project Entitlements, including Zoning Ordinance Amendments; and

WHEREAS, the City Council held a duly noticed public hearing on ____, 2022 to consider the GOP 4 Density Transfer Project Entitlements, including the Zoning Ordinance Amendments, and take public testimony; and

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, CEQA and CEQA Guidelines, 14 California Code of Regulations § 15000, *et seq.*; the South San Francisco General Plan and General Plan EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; 2009 EIR, and associated Mitigation Monitoring and Reporting Programs; 2018 Addendum; 2020 Addendum; 2022 Supplemental EIR; the Project applications; the BMR GOP Phase 4 Density Transfer Project Plans, as prepared by Flad Architects, dated September 17, 2021; all site plans, and all reports, minutes, and public testimony submitted as part of the Planning Commission meeting on June 2, 2022 and the City Council’s duly noticed _____, 2022 meeting; any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) (“Record”), the City Council of the City of South San Francisco:

SECTION 1 **Findings**

General Findings

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Record for these proceedings, and upon which this Ordinance is based, includes without limitation, the documents referenced above, and all reports, minutes, submittals and public testimony submitted as part of the Planning Commission’s duly noticed meeting and the meetings at which the City Council considered this Ordinance, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).
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.

Zoning Ordinance Amendment Findings

1. The Zoning Code Text Amendment allows a transfer of density in very limited circumstances, including only when transferor and transferee properties are adjacent to each other. It will not result in an increase of overall development, and the transferred density will remain in the same general area. The amendment is accordingly minor, and is consistent and compatible with the General Plan.
2. The Zoning Code Text Amendment will result in a requirement that the transferred density adhere to the use restrictions and development standards of the transferee district, does not change the uses of land allowed in any zoning district, and does not rezone any property. The restrictions on the ability to transfer density set forth in the Zoning Code Text Amendment will ensure that a transfer is appropriate and that the transferred density is suitable for the transferee site. Accordingly, the Zoning Code Text Amendment will promote the suitability of uses in

terms of access, size of parcel, relationship to similar or related uses, or any other relevant considerations.

3. The Zoning Code Text Amendment will not be detrimental to use of land in any adjacent zone. By allowing more flexibility in planning without increasing overall density, the Zoning Code Text Amendment will promote the public interest, health, safety, convenience, and welfare of the City.
4. The Zoning Code Text Amendment includes conforming text amendments that address the concurrent repeal of the Gateway Specific Plan, and delete outdated references to the owner participation agreement that was entered into previously when the area was subject to a Redevelopment Plan.
5. The Zoning Code Text Amendment meets the criteria of Municipal Code section 20.550.008.

SECTION 2. **Amendments**

The City Council hereby amends the following sections of the South San Francisco Municipal Code to read as follows (with text in ~~strikeout~~ indicating deletion and double underline indicating addition). Sections and subsections that are not amended by this Ordinance are not included below and shall remain in full force and effect.

A. Amend Section 20.220.001 to refer to the Gateway Specific Plan District instead of the Gateway Specific Plan, as follows:

20.220.001 Gateway Specific Plan District Purpose

The Gateway ~~specific plan~~ Specific Plan District provides for the coordinated development of certain property located in the City of South San Francisco Gateway area so as to take advantage of the superior environment which can result from large scale comprehensive planning. The concepts, regulations and conditions established by the Gateway ~~specific plan~~ Specific Plan District are intended to provide for various commercial and research and development land uses integrated by consistent development standards.

The Gateway ~~specific plan~~ Specific Plan District serves to refine and to implement the general plan of the City of South San Francisco with respect to the specific plan area. The Gateway ~~specific plan~~ Specific Plan District further provides the opportunity to combine the concepts, procedures and regulations of several documents into one. These documents include the general plan, the redevelopment plan adopted on June 17, 1981 by Ordinance No. 867-81, the Zoning Ordinance and certain aspects of the Subdivision Ordinance.

The Gateway ~~specific plan~~ Specific Plan District establishes the type, location, intensity and character of development to take place in the specific plan area, while allowing for creative and imaginative design concepts. The zoning regulations, development standards and other regulations of the Gateway ~~specific plan~~ Specific Plan District are designed to foster well-conceived development of the specific plan area as a positive community asset of the City of South San Francisco.

B. Amend Table 20.220.004 to clarify when additional density can be allowed within the Gateway Specific Plan District, as follows:

Standard	GSP	Additional Regulations
Lot and Density Standards		
Maximum Number of Buildings per Specific Plan Area	50	
Maximum Floor Area Ratio (FAR)	1.25*	See Chapter 20.040 Rules of Measurement
Maximum Building Coverage (% of a site)	50	See Chapter 20.040 Rules of Measurement
Building Form and Location		
Maximum Height (ft)	250	See Section 20.300.006 Height and Height Exceptions
Minimum Yards (ft)		
<i>Front</i>	0	
<i>Interior Side</i>	0	
<i>Street Side</i>	40	See Section 20.300.011 Projections into Required Yards
<i>Rear</i>	0	

*The Gateway Specific Plan District is allowed to develop additional density to the extent such density would otherwise be available on immediately adjacent property that is (a) subject to an FAR limitation of 1.25 or less; (b) part of the same research & development campus; and (c) deed-restricted to preclude development of the transferred FAR.

C. Amend Section 20.220.012.B as follows:

- B. Precise Plan Required. The Gateway ~~specific plan~~ Specific Plan District shall be implemented through the review of precise plans which shall set forth in detail development guidelines for proposed structures and improvements and their arrangements within the specific plan area.
1. No person shall commence any use or erect any structure or make exterior modifications to any existing use, parking area or structure, and no building permit, Variance, or certificate of occupancy shall be issued for any new use or structure or modification thereof until a precise plan has been approved in accordance with the requirements set forth in this section. The following shall not require prior approval of a precise plan:

- a. Change in sign copy on existing changeable signs or on signs designed to allow a change of copy;
- b. Changes required in whole or in part by a requirement of any governmental agency; or
- c. A permit for demolition of buildings existing in the specific plan area prior to adoption of the Gateway ~~specific plan~~ Specific Plan District enabling ordinance and a general site grading permit for the specific plan area shall be granted without approval of precise plans.
- d. Each project or phase identified in the Master Plan shall be required to obtain a separate Precise Plan approval.

D. Amend Section 20.220.012.C.2.c-d as follows:

- c. A plot or site plan, drawn to scale which depicts all proposed on-site improvements and utilities and the locations of same in accordance with the standards established in the Gateway ~~specific plan~~ Specific Plan District;
- d. A landscape plan drawn to scale which sets forth information pertinent to the landscape requirements of the Gateway ~~specific plan~~ Specific Plan District and the zoning ordinance and shows all existing trees and shrubs on the site;

E. Amend Section 20.220.012.C.3 as follows:

- 3. ***Guidelines for Review.*** In reviewing precise plans pursuant to the Gateway ~~specific plan~~ Specific Plan District, the Planning Commission shall review to ensure consistency with an approved Master Plan for the site, and shall adhere to the standards set forth in this chapter and shall further attempt to foster and promote the general character and purposes of the specific plan area as set forth in this Chapter ~~and the owner participation agreement.~~

F. Amend Section 20.220.012.C.8 as follows:

- 8. ***Mandatory Findings for Approval.*** The Planning Commission shall review precise plans submitted for approval to determine whether they are consistent with the Gateway ~~specific plan~~ Specific Plan District ~~and the owner participation agreement.~~ The Planning Commission shall make the following findings before approving or conditionally approving any master plan or precise plan:
 - a. The project proposed in the master plan or precise plan is compatible with the intent and purpose of the Gateway ~~specific plan~~ Specific Plan District.
 - b. The proposed development and/or construction standards of the master plan or precise plan are designed to achieve compliance with the development and/or construction standards of the Gateway ~~specific plan~~ Specific Plan District.
 - c. ~~The project proposed in the master plan or precise plan is consistent with the owner participation agreement.~~

cd. The project proposed in the master plan or precise plan is consistent with the general plan.

G. Delete Section 20.220.012.E, which will no longer be applicable with the repeal of the Gateway Specific Plan.

~~E. Amendment Procedure and Guidelines. The specific plan may be amended as set forth in Chapter 20.530 (“Specific Plans and Plan Amendments”).~~

SECTION 3. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. Publication and Effective Date

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk’s Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk’s Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective sixty (60) days from and after its adoption.

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Introduced at a regular meeting of the City Council of the City of South San Francisco held the _____ day of _____, 2022.