Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
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On agenda:	7/8/2020	**Final action:**	7/8/2020
Title:	Ordinance approving a First Amendment to the Development Agreement (DAA20-0001) between the City of South San Francisco and Bayside Area Development, LLC for a Research and Development and Office Project at 328 Roebling Road.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit A - First Amendment to the DA		

Date	Ver.	Action By	Action	Result
7/8/2020	1	City Council		

Ordinance approving a First Amendment to the Development Agreement (DAA20-0001) between the City of South San Francisco and Bayside Area Development, LLC for a Research and Development and Office Project at 328 Roebling Road.

WHEREAS, Bayside Area Development, LLC ("Owner" or "Applicant") received entitlements for the construction of two new 2-story office/R&D buildings totaling 105,536 square feet, with a combination of at-grade and subterranean parking at a ratio of 2.7 spaces per 1,000 square feet on an approximately 2.97-acre site located at 233 East Grand Avenue / 328-340 Roebling Road ("Project"); and,

WHEREAS, on November 14, 2012, after conducting all proceedings and making all findings necessary for the valid adoption and execution of a development agreement for the Property in accordance with Government Code Sections 65864 through 65869.5, the California Environmental Quality Act ("CEQA"), and Chapter 19.60 of the Municipal Code, the City Council adopted Ordinance No. 1460-2012, approving and adopting a development agreement for the property at 233 East Grand Avenue / 328-340 Roebling Road ("Property"); and,

WHEREAS, Applicant submitted an application requesting approval of a Design Review Modification and Development Agreement Amendment to increase the entitled square footage to 129,919 square feet of office/R&D space, increasing the density of development on the site from a Floor Area Ratio ("FAR") of 0.81 to a 1.0 FAR, and revise the site plan to have a five-story stand-along office/R&D building with a three-story parking structure ("Revised Project"); and

WHEREAS, the City Council certified the 2012 Recirculated Initial Study/ Mitigated Negative Declaration ("2012 Recirculated IS/MND") on November 14, 2012 in accordance with the provision 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,

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WHEREAS, pursuant to CEQA Guidelines Sections 15162 and 15164, an addendum to the 2012 Recirculated IS/MND was prepared for the Revised Project ("2020 Addendum") which evaluates whether preparation of a Supplemental or Subsequent EIR or Negative Declaration is required; and

WHEREAS, the 2020 Addendum concludes that in accordance with Public Resources Code § 21166 and CEQA Guidelines § 15162, the implementation of the Revised Project will not cause significant impacts, that it will not trigger any new or more severe impacts than were studied in the previously certified 2012 Recirculated IS/MND, that no substantial changes in the project nor circumstances justifying major revisions to the previous MND have occurred, and that no new information of substantial importance has come to light since the 2012 Recirculated IS/MND was certified that shows new or more severe significant impacts nor shows new, different or more feasible mitigation measures; and,

WHEREAS, on June 4, 2020 the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the First Amendment to the Development Agreement, and recommended that the City Council consider the First Amendment to the Development Agreement; and;

WHEREAS, the City Council held a duly noticed public hearing on June 24, 2020 to consider the First Amendment to the Development Agreement, and take public testimony.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of South San Francisco does hereby ordain as follows:

SECTION 1. Findings.

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 South San Francisco General Plan, General Plan Environmental Impact Report; the South San Francisco Municipal Code; 2012 Recirculated IS/MND, and associated Mitigation Monitoring and Reporting Programs; 2020 Addendum to the 2012 Recirculated IS/MND; the Revised Project applications; the 233 East Grand Ave / 328-340 Roebling Ave Project Plans, as prepared by Flad Architects, dated March 23, 2020; all site plans, and all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed June 4, 2020 meeting; all site plans, reports, minutes, and public testimony submitted as part of the City Council's duly noticed public hearing on June 24, 2020; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the City Council of the City of South San Francisco hereby finds as follows:

A. The foregoing recitals are true and correct and made a part of this Ordinance.

B. The Exhibit attached to this Ordinance, the proposed First Amendment to the Development Agreement (Exhibit A), is incorporated by reference and made a part of this Ordinance, as if set forth fully herein.

C. 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.

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D. The First Amendment to the Development Agreement, attached hereto as Exhibit A, sets for 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 City Council finds that the Development Agreement, vesting a project for a campus-style development of office and R&D buildings, is consistent with the consistent with the objectives, policies, general land uses and programs specified in the South San Francisco General Plan and any applicable zoning regulations.

E. The First 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. 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;

F. The First 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.

G. The First 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 a rails-to-trails connection for employees and visitors.

H. The First 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. Approval of Development Agreement

A. The City Council of the City of South San Francisco hereby approves the First Amendment to the Development Agreement with Bayside Area Development LLC, attached hereto as Exhibit A and incorporated herein by reference.

B. The City Council further authorizes the City Manager to execute the First Amendment to the Development Agreement, on behalf of the City, in substantially the form attached as Exhibit A, and to make revisions to such Agreement, subject to the approval of the City Attorney, which do not materially or substantially increase the City's obligations thereunder.

SECTION 3. Severability

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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 thirty (30) 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 24th day of June 2020.

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