



Legislation Text

File #: 19-294, **Version:** 1

Ordinance amending South San Francisco Municipal Code Chapter 20.110 (“Employment Districts”) and the South San Francisco Zoning Map to rezone eight parcels on an 18.2-acre site from Business Commercial (BC) and Mixed Industrial (MI) to Business Technology Park (BTP) to further consistency with the General Plan.

WHEREAS, Alexandria Real Estate (ARE) Equities (“Applicant”) has proposed to construct a two-story 25,000 gross sq. ft. building (400-450 East Jamie Court), a five-story 311,368 gross sq. ft. office/ R&D building and a five-level parking garage on a 6.45-acre site (201 Haskins Way) and seeks approval of a Use Permit (UP18-0001), Design Review (DR19-0004), and Preliminary Transportation Demand Management Program (TDM18-0001), as well as a Zoning Map Amendment (RZ18-0001) to re-zone one parcel at 201 Haskins Way (APN 015-102-230) from MI to Business Technology Park (BTP) and to re-zone one parcel at 400-450 E. Jamie Court (APN 015-102-250) from BC to BTP (collectively referred to as “Phase 1”); and,

WHEREAS, the proposed Phase 1 is comprised of parcels located within the Mixed-Industrial (MI) and Business Commercial (BC) Zoning Districts; and,

WHEREAS, the 400-450 E. Jamie Court parcel is the only parcel in the area zoned BC that is adjacent to the MI and BTP Zoning Districts; and

WHEREAS, in conjunction with the Applicant’s request, City staff recommends that the City Council adopt a Zoning Map Amendment (RZ18-0001) and Zoning Text Amendment (ZA18-0002) to re-zone six parcels that surround Phase 1 [101 Haskins Way (APN 015-102-210), 151 Haskins Way (APN 015-102-220), 410 E. Grand Avenue (APN 015-102-180), 430 E. Grand Avenue (APN 015-102-160), 451 E. Jamie Court (APN 015-102-240), and a vacant parcel (APN 015-102-290)] (collectively referred to as “Phase 2”) to BTP to further consistency with the land use designations set forth in the General Plans, as further described in the “Zoning Map Amendment” attached as Exhibit A to this Ordinance; and,

WHEREAS, Applicant’s request for approval of Phase 1 entitlements and re-zoning and the City’s adoption of a Zoning Map Amendment and Zoning Text Amendment for Phase 2 (collectively referred to as “Project”) is considered a “project” for purposes of the California Environmental Quality Act, Pub. Resources Code §21000, et seq. (“CEQA”); and,

WHEREAS, the Draft Environmental Impact Report (“DEIR”) for the Project analyzing the impact of the Zoning Map Amendment and Zoning Text Amendment was circulated for a 45-day public comment period on October 12, 2018 and ended on November 26, 2018; and,

WHEREAS, the Planning Commission for the City of South San Francisco held a duly noticed meeting during the review period on November 15, 2018 to take public testimony on the DEIR; and,

WHEREAS, the City prepared written responses to comments received on the Draft EIR and prepared a Final EIR for circulation, which consists of the DEIR (incorporated by reference), all comments received on the

DEIR, written responses to comments received on the DEIR, and revisions to the DEIR; and,

WHEREAS, on March 7, 2019 the Planning Commission for the City of South San Francisco reviewed and carefully considered the Final EIR, Mitigation Monitoring Reporting Program, and Statement of Overriding Considerations, and by separate resolution, recommended that the City Council certify the Final EIR and adopt the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations; and,

WHEREAS, the Planning Commission reviewed and carefully considered the proposed Zoning Text Amendment and Zoning Map Amendment, and by separate resolution, recommended that the City Council adopt the Zoning Text Amendment and Zoning Map Amendment to further consistency with the General Plan; and,

WHEREAS, on March 27, 2019 the City Council for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the Final EIR with Mitigation Monitoring Reporting Program and Statement of Overriding Considerations and the proposed Zoning Text Amendment and Zoning Map Amendment; and,

WHEREAS, the City Council for the City of South San Francisco certified the Final EIR and adopted the Mitigation Monitoring Reporting Program and Statement of Overriding Considerations by Resolution No. 40-2019.

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, as described below, the City Council of the City of South San Francisco does hereby ORDAIN as follows:

SECTION 1 FINDINGS

A. 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, Federal and State law; 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 EIR, including all amendments and updates thereto; the South San Francisco Municipal Code; the Zoning Map Amendment and Zoning Text Amendment; the Final EIR, including all attachments thereto; all site plans, and all reports, minutes and public testimony submitted as part of the Planning Commission's duly noticed November 5, 2018 and March 7, 2019 meetings; all site plans, and all reports, minutes and public testimony submitted as part of the City Council's duly noticed March 27, 2019 meeting; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).
3. The Zoning Map Amendment attached as Exhibit A and the Zoning Text Amendment attached as Exhibit B to this Ordinance are incorporated by reference and made a part of this Ordinance, as if set forth fully herein.
4. By Resolution No. 40-2019, the City Council, exercising its independent judgment and analysis, has found that the Final EIR was prepared for the Project, including the zoning amendments, in accordance with CEQA, which the Final EIR adequately discloses and analyzes the proposed Zoning Amendment's

potentially significant environmental impacts. For those impacts that could potentially exceed the City's CEQA thresholds of significance, the City has identified and imposed mitigation measures that avoid or reduce the impact to a level of less-than-significant, as well as cumulative impacts from total buildout that remain significant and unavoidable and proposed mitigation measures that cannot be finalized because the City is in the process of updating its East of 101 Area Traffic Impact Fee and Capital Improvement Program. Accordingly, the City Council separately certified by resolution the Final EIR with Mitigation Monitoring Reporting Program and Statement of Overriding Considerations for the Project in accordance with CEQA.

5. 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, Sailesh Mehra.

B. Zoning Map and Zoning Text Amendment Findings

1. As described in more detail in Exhibit A, the South San Francisco Zoning Map, maintained by the Planning Division, will be amended to revise the zoning district designation for one parcel at 400-450 E. Jamie Court (APN: 015-102-250) from Business Commercial (BC) to Business Technology Park (BTP), as well as revise the zoning designation from Mixed Industrial (MI) to BTP for seven parcels at 201 Haskins Way (APN 015-102-230), 101 Haskins Way (APN 015-102-210), 151 Haskins Way (APN 015-102-220), 410 E. Grand Avenue (APN 015-102-180), 430 E. Grand Avenue (APN 015-102-160), 451 E. Jamie Court (APN 015-102-240), and a vacant parcel (APN 015-102-290).
2. The proposed Zoning Map Amendment meets the purposes of Chapter 20.110 of the Municipal Code and is consistent with the General Plan land use designation of a combined Coastal Commercial (CC) and Mixed Industrial (MI), which would remain unchanged for seven of the parcels (excluding APN 015-102-290 which is designated as CC only). The Zoning Amendment would allow uses consistent with either the CC or MI land use designation under the General Plan. Further, the change in zoning designation does not conflict with any specific plans, including the applicable provisions of the East of 101 Area Plan, and will remain consistent with the surrounding land uses, which include an existing recycling center to the southeast and the Genentech campus to the northeast. The proposed Zoning Map Amendment will not conflict with or impede achievement of any of the goals, policies, or land use designations established in the General Plan.
3. The City interprets the East of 101 Area Plan as a design-level document. Development standards and density determinations, including FAR, are established in the General Plan, which was updated after the adoption of, and takes precedence over, the East of 101 Area Plan. When East of 101 Area Plan policies are in conflict with or inconsistent with the General Plan, the General Plan policies supersede requirements outlined in the East of 101 Area Plan.
4. The Project Site is suitable for the uses proposed in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the Planning Commission and City Council. The zoning district change would allow uses consistent with either the CC or MI land use designation. The parcels within the Project site are of sufficient size to accommodate the uses permitted under these designations, and the Project EIR concluded that proposed project would not introduce new uses to the project vicinity in a manner that would physically divide the existing uses, that vehicular access would be available throughout the project site, and that development of the project would create a network of public pedestrian sidewalks and interconnected open spaces throughout the site and create

a pedestrian link to the Bay Trail from the northern portion of the project site. The uses permitted by the combined CC/MI land use designation and the BTP zone will be consistent with adjacent campus-style developments that are located within the BTP and Genentech Master Plan (GMP) Zoning Districts. The General Plan has analyzed this type of use and concluded that such uses are suitable to the surrounding area, and thus the Zoning Map Amendment is consistent with General Plan policies

5. The proposed Zoning Map Amendment is not detrimental to the use of land in any adjacent zone because the uses permitted by the combined CC/MI land use designation and the BTP zone on the Project Site will be consistent with adjacent campus-style developments that are located within the BTP and Genentech Master Plan (GMP) Zoning Districts. Further, the CC land use designation under the General Plan allows a maximum FAR of 0.50 for R&D facilities and 1.0 for offices. The CC land uses allow incentive-based FAR bonuses for implementation of a transportation demand management (TDM) program and other specified design standards, allowing up to a total of 1.0 FAR for office/R&D uses. The Zoning Map Amendment will provide a transition between the existing freight forwarding and warehouses uses to the south and west of the site and office/R&D uses to the north and east.
6. As described in more detail in Exhibit B, approval of the proposed Project will include adoption of an amendment to the South San Francisco Zoning Ordinance, maintained by the Planning Division. Specifically, Table 20.110.002 “Land Use Regulations - Employment Districts” is updated to codify the combined General Plan designation of CC/MI to clarify permitted new and existing uses. Existing and new development of permitted and conditionally permitted freight forwarding, warehousing, and light fleet-based uses are legal conforming uses that can continue to exist and expand in perpetuity, subject to development standards and supplemental regulations for the MI Zoning District. The proposed Zoning Amendments would be consistent with the City’s General Plan.
7. The proposed Zoning Text Amendment meets the purposes of Chapter 20.110 of the Municipal Code and is consistent with the General Plan because the General Plan combined CC/MI land use designation would remain unchanged, and development would be consistent with and would be subject to the use development standards applicable to the those designations.
8. Allowing new office/R&D uses within the BTP zoning designation for the East of 101 area would facilitate the development of a quality campus-style, high-technology, mixed-use project within the East of 101 Area. The land uses and densities are consistent with the City’s vision for the East of 101 area, allowing areas for campus-like environments for corporate headquarters, R&D facilities, and offices. The Project will be subject to high design and landscape standards, and a maximum FAR of 1.0 is permitted for R&D establishments for meeting specific transportation design management (TDM) measures and specific design standards. Accordingly, the proposed Amendment is consistent with the City’s planning strategies, including the General Plan.
9. The Zoning Text Amendment would apply to an area that is suitable for the uses permitted in the proposed zone in terms of access, size of parcel and relationship to similar or related uses because it provides a campus-style development that is in keeping with adjacent uses in the BTP zoning district and the East of 101 area, including the Genentech Master Plan (GMP).
10. The Zoning Text Amendment is consistent and compatible with all elements in the City of South San Francisco General Plan as allowing industrial and office/R&D uses in the East of 101 Area help the City implement several broad General Plan goals, including but not limited to maintaining a balanced land use program that provides opportunities for continued economic growth, and building intensities that

reflect South San Francisco's prominent inner bay location and excellent regional access.

11. The Zoning Text Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, because new development within the area will result in improvements to transportation facilities, community benefits, and sustainable development patterns.

SECTION 2 AMENDMENTS.

A. Zoning Map Amendment

The City Council hereby amends the South San Francisco Zoning Map, as shown in Exhibit A to reflect the Zoning Map Amendment. All other areas of the South San Francisco Zoning Map that are not amended by this Zoning Map Amendment are not included in Exhibit A, and shall remain in full force and effect.

B. Zoning Text Amendment

The City Council hereby amends the South San Francisco Zoning Ordinance to update Table 20.110.002, as shown in Exhibit B to remain consistent with the adoption of the Zoning Map Amendment, to clarify that for parcels with a combined General Plan designation of CC/MI, new BTP development would be consistent with the CC General Plan designation and subject to the development standards and supplemental regulations for the BTP Zoning District. Existing and new freight forwarding, warehousing, and light fleet-based uses are legal conforming uses permitted or conditionally permitted to continue to exist, expand, or convert in perpetuity, subject to development standards and supplemental regulations for the MI Zoning District. Sections and subsections that are not amended by this Ordinance are not included in Exhibit B, and shall remain in full force and effect.

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 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 27th day of March 2019.