



Legislation Text

File #: 19-914, **Version:** 1

Ordinance approving a Development Agreement with SSF Housing Partners LLC, for the development of City-owned parcels at 1051 Mission Road (APNs 093-312-050 and 093-312-060).

WHEREAS, the City of South San Francisco (“City”) is the owner of certain real property located in the City of South San Francisco, California, with the address of 1051 Mission Road, known as County Assessor’s Parcel Numbers (“APN”) 093-312-050 and 093-312-060 (“1051 Mission Road” or “City Property”); and

WHEREAS, SSF Housing Partners LLC (“Developer”) was selected as the developer for 1051 Mission Road; and the City and Developer entered into an Exclusive Negotiating Rights Agreement (“ENRA”) in July 2018 related to potential development of the City Property; and

WHEREAS, the Developer has proposed construction of a high-density, mixed-use residential development, consisting of 800 rental units, an approximately 8,307 square feet (SF) childcare facility, approximately 12,992 SF of retail space (market hall), one acre of publically accessible open space, and 800 parking spaces; and

WHEREAS, the City, is interested in selling the City Property to the Developer as contemplated in the ENRA, contingent upon approval of a Purchase and Sale Agreement between the City and Developer, this Development Agreement, Developer securing all funding for the Project, and Developer obtaining all applicable land use entitlements from the City necessary to construct the Project on the Project Site; and

WHEREAS, the City and the Developer now wish to enter into the attached Development Agreement (DA19-0002) (“Development Agreement”); and

WHEREAS, the Developer seeks approval of a Conditional Use Permit (UP19-0008), Design Review (DR19-0028), Transportation Demand Management Plan (TDM19-0004), Density Bonus (DB19-0003), Waivers and Modifications Request (WM19-0002), Parking Management and Monitoring Plan (PMMP19-0001), and Vesting Tentative Tract Map (SA19-0001) for the Project (“Land Use Entitlements”) through a separate resolution; and

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

WHEREAS, on October 17, 2019, the Planning Commission held a duly noticed public hearing, determined that the proposed project is consistent with the City’s adopted General Plan pursuant to Government Code section 65402, and recommended that the City Council approve the proposed Development Agreement.

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

SECTION 1. **Findings.**

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 EIR; the El Camino Real/Chestnut Avenue Area Plan and associated EIR and SEIR; the South San Francisco Municipal Code; the Project applications; the Project Plans, as prepared by BAR Architects, dated September 17, 2019; the Environmental Consistency Analysis, as prepared by the applicant and City staff dated October 2019, including all appendices thereto; all site plans, and all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed October 17, 2019 meeting; all site plans, and all reports, minutes, and public testimony submitted as part of the City Council’s duly noticed November 13, 2019 meeting 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:

General Findings

- A. The foregoing recitals are true and correct and made a part of this Ordinance.
- B. The proposed Development Agreement (attached as 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 the Planning Manager.

Development Agreement Findings

- A. The City and Developer have negotiated a Development Agreement pursuant to Government Code section 65864 et seq. 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 high-density mixed-use residential development, consisting of 800 rental units of which 158 are required to be affordable as defined herein, an approximately 8,307 SF childcare facility, approximately 12,992 SF of retail space (market hall), 1 acre of publically accessible open space, a pedestrian bridge and trail connecting to Centennial Trail and 800 parking spaces, is consistent with the objectives, policies, general land uses and programs specified in the South San Francisco General Plan and any applicable zoning regulations.
- B. The City Council has independently reviewed the proposed Development Agreement, the General Plan, the South San Francisco Municipal Code, and applicable state and federal law, including Government Code section 65864, *et seq.*, and has determined that the proposed Development Agreement complies with all applicable zoning, subdivision, and building regulations and with the General Plan. The development contemplated in the Project and Development Agreement is consistent with applicable zoning standards and regulations and with density bonus law. This finding is based upon all evidence in the Record as a whole, including, but not limited to: the City Council’s independent review of these documents, oral and written

evidence submitted at the public hearings on the Project, including advice and recommendations from City staff.

- C. The proposed Development Agreement for the Project states its specific duration. This finding is based upon all evidence in the Record as a whole, including, but not limited to: the City Council's independent review of the proposed Development Agreement and its determination that Section 2 of the Development Agreement states that the Development Agreement shall expire at (1) the issuance of a certificate of occupancy for all buildings in the Project or (2) ten (10) years plus one day after the Effective Date, subject to force majeure.
- D. The proposed Development Agreement incorporates the permitted uses, density and intensity of use for the property subject thereto, as reflected in the proposed Project (P18-0081), and Development Agreement (DA19-0002). This finding is based upon all evidence in the Record as a whole, including, but not limited to, the City Council's independent review of the proposed Development Agreement and its determination that the Development Agreement sets forth the Project approvals, development standards, and the documents constituting the Project.
- E. The proposed Development Agreement states the maximum permitted height and size of proposed buildings on the property subject thereto. This finding is based upon all evidence in the Record as a whole, including, but not limited to, the City Council's independent review of the proposed Development Agreement and its determination that the Development Agreement sets forth the documents which state the maximum permitted height and size of sign structures.
- F. The proposed Development Agreement states specific provisions for reservation or dedication of land for public purposes. This finding is based on all evidence in the Record as a whole, including but not limited to the City Council's independent review of the Development Agreement.

SECTION 2. **Approval of Development Agreement.**

- A. The City Council of the City of South San Francisco hereby approves the Development Agreement with SSF Housing Partners LLC attached hereto as Exhibit A and incorporated herein by reference.
- B. The City Council further authorizes the City Manager to execute 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, as set forth in the Development Agreements provisions related to 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 thirty (30) days from and after its adoption.