



Legislation Text

File #: 22-366, **Version:** 1

Resolution making findings and recommending that the City Council approve a General Plan Amendment, Specific Plan Repeal, Zoning Text Amendment, Master Plan Modification, Precise Plan Modification and Development Agreement Amendment to allow for the transfer of development capacity from adjacent rail spur properties to Phase 4 of the Gateway Business Park Master Plan Project, including an additional 120,221 square feet to the Gateway of Pacific Phase 4 North building, increasing the building from five-stories to nine-stories.

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, as described in further detail herein and in the accompanying staff report, the GOP Project has been entitled and proceeded in several phases known respectively as GOP Phases 1, 2, 3, 4 and 5 pursuant to the Master Plan and Precise Plan and modifications thereto approved for the Project, where each phase includes entitlement and construction of various office/R&D buildings, parking, and related amenity improvements; 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 for the GOP 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 for the GOP 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 has submitted an application to the City 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 plans, regulations and entitlements are required to enable a transfer of density to the GOP 4 site; and

WHEREAS, the San Mateo County 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 seeks approval of a General Plan Amendment (GPA21-0003), Specific Plan Repeal (SP21-0001), Zoning Text Amendment (ZA21-0001), a Third Amendment to the Second Amended and Restated Development Agreement (DAA22-0002), and a Precise Plan Modification (PPM21-0001) for 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.

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 South San Francisco General Plan, and General Plan Environmental Impact Report; 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's duly noticed June 2, 2022 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 General Plan Amendment (Exhibit A), the Zoning Text Amendment Ordinance (Exhibit B), the Gateway Business Park Master Plan Modification (Exhibit C), the GOP 4 Precise Plan Modification Plans (Exhibit D), the proposed Development Agreement Ordinance (Exhibit E) and associated Draft Third Amendment to the Second Amended and Restated Development Agreement (Exhibit E1), and Draft Conditions of Approval (Exhibit F) are each incorporated by reference and made a part of this Resolution, 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.
4. By separate Resolution, the Planning Commission, exercising its independent judgment and analysis, has found that a Supplemental EIR was prepared for the GOP 4 Density Transfer Project in accordance with CEQA, which Supplemental EIR adequately discloses and analyzes the proposed GOP 4 Density Transfer Project's potentially significant environmental impacts, its growth inducing impacts, and its cumulative impacts, and analyzed alternatives to the proposed GOP 4 Density Transfer Project; the Planning Commission has further found that the benefits of approving the GOP 4 Density Transfer Project outweigh the GOP 4 Density Transfer Project's significant and unavoidable impact; accordingly, the Planning Commission has recommended that the City Council certify the Supplemental EIR for the Project and adopt a Statement of Overriding Considerations, in accordance with CEQA.

B. General Plan Amendment and Specific Plan Repeal Findings

1. The text changes to the General Plan that are set forth in Exhibit A allow a transfer of density in very

limited circumstances, including only when transferor and transferee properties are adjacent to each other. These text changes will not result in an increase of overall development, and the transferred density will remain in the same general area. The text changes therefore comprise a minor amendment, and are consistent and compatible with the rest of the General Plan. The text changes will not reduce the correlation between the land use and circulation elements of the General Plan;

2. The portions of the land use regulations of the Gateway Specific Plan that remain relevant today have already been incorporated into the Gateway Specific Plan Zoning District regulations, which have already been deemed consistent with the General Plan. Accordingly, repealing the Gateway Specific Plan will not result in an inconsistency with the General Plan; and
3. The 2020 Master Plan area, as evaluated as part of both the CEQA process and analysis of demographics, including anticipated population and employment growth, identifies the employment districts as physically suitable for the proposed land use designation(s) and the anticipated development since the area is well served by multi-modal transportation options, private commuter shuttle options, existing infrastructure and utilities, and other public services as identified for further investment as part of the 2020 Master Plan's implementation. The text changes to the General Plan and repeal of the Gateway Specific Plan will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

C. Zoning Text Amendment Findings

1. The Zoning 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 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 Text Amendment will ensure that a transfer is appropriate and that the transferred density is suitable for the transferee site. Accordingly, the Zoning 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 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 Text Amendment will promote the public interest, health, safety, convenience, and welfare of the City.

4. The Zoning 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. Based on the record presented, the Zoning Text Amendment meets the criteria of Municipal Code section 20.550.008.

D. Gateway Business Park Master Plan and Precise Plan Modification

1. The GOP Master Plan and GOP 4 Precise Plan Modifications are consistent and compatible with the General Plan and zoning, as so amended, because the overall Master Plan continues to promote campus-style uses, such as biotechnology, high-technology and research and development uses, and the proposed buildings in Phase 4 will continue to form a working campus environment and include high quality pedestrian circulation and open spaces.
2. The proposed GOP Master Plan and GOP 4 Precise Plan Modifications will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed addition of up to 120,221 square feet configured in four additional floors on the GOP 4 North building will maintain the overall site layout and architecture previously approved. The GOP 4 Density Transfer Project includes an expansion of previously-approved uses. It proposes high quality architecture that continues the aesthetic of previously approved phases of the GOP Master Plan, and in particular the previously-approved GOP 4 Precise Plan. The additional square footage will be subject to all conditions and mitigation measures applicable to GOP 4 prior to adoption of this Resolution.
4. The GOP 4 Density Transfer Project is compatible with the intent and purpose of the Gateway Specific Plan Zoning District. The proposed development and construction standards are designed to achieve compliance with the development and/or construction standards of that zoning district. The GOP 4 Precise Plan amendments are consistent with the GOP Master Plan, as amended.

E. Design Review Findings

1. The GOP 4 Density Transfer Project, including Design Review, is consistent with Title 20 of the South San Francisco Municipal Code because the additional square footage will only add four floors to GOP 4, which has already been determined to be a high quality, energy efficient contemporary, office/life science campus which will provide open spaces and a pedestrian-friendly environment with extensive landscaping and sustainability elements incorporated.
2. The GOP 4 Density Transfer Project, including Design Review, will extend the design elements already

approved for GOP 4. The Project is consistent with the applicable design guidelines adopted by the City Council in that the proposed Project is consistent with the Gateway Specific Plan District Standards included in Chapter 20.220.

3. The GOP 4 Density Transfer Project is consistent with the applicable design review criteria in Section 20.480.006 (“Design Review Criteria”) because the additional four floors have 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.

F. Development Agreement Findings

1. As amended by the Third Amendment to the Second Amended and Restated Development Agreement, with BMR Gateway of Pacific I LP, BMR Gateway of Pacific II LP, BMR Gateway of Pacific III LP, and BMR Gateway of Pacific IV LP, attached hereto as Exhibit A and incorporated herein by reference (“Third Amendment”), the Development Agreement sets forth the duration, property, project criteria, and other required information identified in Government Code section 65865.2. The Third Amendment is consistent with the objectives, policies, general land uses and programs specified in the South San Francisco General Plan, the Gateway Specific Plan Zoning District Regulations, the GOP Master Plan and all GOP Precise Plans.
2. The Third Amendment is compatible with the uses authorized in, and the regulations prescribed for the land use district in which the real property is located. The subject site is physically suitable for the type and intensity of the land use being proposed. The General Plan, as amended in connection with the GOP 4 Density Transfer Project, 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.
3. The Third Amendment is in conformity with public convenience, general welfare and good land use practice.
4. The Third Amendment will not be detrimental to the health, safety and general welfare because the amendment promotes flexibility in planning within strict limitations, without increasing overall density.
5. The Third Amendment will not adversely affect the orderly development of property or the preservation of property values because the Third Amendment improves the property's campus-like environment and is consistent with surrounding R&D and office uses.

SECTION 2 RECOMMENDATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of South San Francisco hereby makes the findings contained in this Resolution, and recommends that the South San

Francisco City Council approve the entitlements request for the GOP 4 Density Transfer Project (P21-00xx; GPA 21-0001, SPA21-0001, ZA21-0001, DAA21-0001 and PPM21-0001).

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.