



Legislation Details (With Text)

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Title: Resolution making findings and determination under California Environmental Quality Act (CEQA) that the Housing Element Update for the Period of 2023-2031 is covered by prior environmental analysis prepared for the Updated General Plan and there are no new impacts not previously analyzed and is also exempt from CEQA under Section 15061(b)(3)

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Resolution making findings and determination under California Environmental Quality Act (CEQA) that the Housing Element Update for the Period of 2023-2031 is covered by prior environmental analysis prepared for the Updated General Plan and there are no new impacts not previously analyzed and is also exempt from CEQA under Section 15061(b)(3)

WHEREAS, in 2019 the City Council of the City of South San Francisco initiated a comprehensive update to the General Plan, including preparation of the 2040 General Plan Update (including update to the Housing Element), preparation of the Climate Action Plan Update, and preparation of the Zoning Ordinance Update (“Project”); and

WHEREAS, the City of South San Francisco (“City”) determined that the Project requires review pursuant to the California Environmental Quality Act and the City prepared a Program Environmental Impact Report (“EIR”) to evaluate the potential environmental effects of the Project, potential alternatives to the Project, and recommended mitigation measures for the potentially significant environmental impacts of the Project; and

WHEREAS, the City issued a Notice of Preparation (NOP) regarding the EIR seeking public agency review and comment on February 3, 2021 for the period of February 3, 2021 through March 22, 2021 and held a scoping meeting on February 17, 2021 and a revised NOP was circulated for the period of January 14, 2022 through February 28, 2022 and held a scoping meeting on January 31, 2022 to receive comments on topics and issues, which should be evaluated in the Draft EIR; and

WHEREAS, the Draft 2040 General Plan Update and Climate Action Plan Update were published for public review and comment on March 1, 2022 and public comments have been received and incorporated into the Final 2040 General Plan Update and Climate Action Plan Update; and

WHEREAS, the Draft Zoning Ordinance Update was published for public review and comment on June 8,

2022 and public comments have been received and incorporated into the Final Zoning Ordinance Update; and

WHEREAS, the Draft Housing Element for the Period 2023-2031 was published for public review and comment on July 5, 2022 and public comments have been received and incorporated into the Housing Element Update under consideration; and

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared to evaluate the Project and the DEIR was published on June 24, 2022 for public review and comment; and

WHEREAS, the City distributed a Notice of Availability for the DEIR (State Clearinghouse #2021020064) on June 24, 2022 to begin a 46 day review and comment period ending on August 9, 2022 followed by distribution to the State Clearinghouse for State Agency review, to local, and regional agencies; and

WHEREAS, the Planning Commission held a public hearing on July 7, 2022 to receive public comments on the DEIR; and

WHEREAS, following the conclusion of the public review period of the DEIR, a Final EIR (“FEIR”) was prepared which includes response to comments on the DEIR and revisions to the DEIR in response to comments resulting from the public process and as a result of editorial review; and

WHEREAS, the assessment in the FEIR concludes that the revisions do not alter the conclusions of the DEIR and do not trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines; and

WHEREAS, on September 15, 2022, the Planning Commission for the City of South San Francisco held a duly noticed public hearing at which time interested parties had the opportunity to be heard, to review the Project and the DEIR and FEIR (collectively, “EIR”), as well as supporting documents, at the conclusion of which the Planning Commission recommended that the City Council find that the EIR is the appropriate environmental document and to certify the EIR, including adoption of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, and to adopt the General Plan Update, the Climate Action Plan Update and the Zoning Ordinance Update; and

WHEREAS, on October 12, 2022, the City Council of the City of South San Francisco held a duly noticed public hearing at which time interested parties had the opportunity to be heard, to review the Project and the EIR, and to receive public comments; and

WHEREAS, the City Council reviewed all evidence presented both orally and in writing and considered in light of public comments and testimony the information in the EIR for adequacy, completeness and compliance with CEQA and State CEQA Guidelines and took action to certify the EIR; and

WHEREAS, on October 17, 2023, the General Plan Update Environmental Impact Report (EIR) with State Clearinghouse No. 2021020064 was filed with San Mateo County; and

WHEREAS, the General Plan Update EIR, as certified and filed, is a comprehensive environmental analysis document which evaluated the Project including all land use and zoning changes discussed as part of the Housing Element Update, and adoption of the Housing Element Update, which does not include substantial changes or deviations from the draft previously analyzed under the EIR, would not result in additional impacts

not previously analyzed; and

WHEREAS, under CEQA Guidelines Section 15061(b)(3), the Housing Element Update is a policy document only and is also covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on January 19, 2023, the Planning Commission held a duly noticed public hearing to consider recommendation to the City Council on the Housing Element Update, at which time the Planning Commission considered all testimony and evidence in the record before it, and at which time all interested parties had the opportunity to be heard; and

WHEREAS, on January 25, 2023, the City Council held a duly noticed public hearing to consider recommendation to the City Council on the Housing Element Update, at which time the Planning Commission considered all testimony and evidence in the record before it, and at which time all interested parties had the opportunity to be heard.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND 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; the South San Francisco 2040 General Plan Update; the South San Francisco Zoning Ordinance Update; the South San Francisco Climate Action Plan Update; and the Draft and Final EIR prepared for the 2040 General Plan Update and all appendices thereto; all reports, minutes, and public testimony submitted as part of the Planning Commission’s study session on July 7, 2022; all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed September 15, 2022 meeting; all reports, minutes, and public testimony submitted as part of the City Council’s duly noticed October 12, 2022 meeting; all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed January 19, 2023 meeting; all reports, minutes, and public testimony submitted as part of the City Council’s duly noticed January 25, 2023 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, based on substantial evidence in the record, 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 certified EIR for the 2040 General Plan Update including updates to the Housing Element, Climate Action Plan Update and Zoning Ordinance Update, including the CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, the Response to Comments and Final EIR, and the Draft EIR, are each incorporated by reference under Project P22-0067 and EIR22-0005 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 the Chief Planner.
4. The certified EIR (State Clearinghouse No. 2021020064) specifically covered the Housing Element Update project as a part of the General Plan Update and fully evaluated all land use and zoning changes discussed and proposed as part of the Housing Element Update, and therefore no additional environmental analysis would be required, and the proposed Housing Element does not include any substantial changes from the draft analyzed under the EIR, and its adoption would not create any additional impacts not previously analyzed. Further, under CEQA Guidelines Section 15061(b)(3), the Housing Element Update is a policy document only and does not provide any entitlements or approve any individual development projects. Any individual development projects would further undergo additional environmental analysis at the time of future entitlements. Therefore, it is also covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

## **SECTION 2. DETERMINATION**

BE IT FURTHER RESOLVED that the City Council of the City of South San Francisco hereby finds that the Draft Housing Element for the Period 2023-2031 is both exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines and covered by prior environmental analysis prepared for the Updated General Plan which includes the Housing Element Update and there are no new impacts not previously analyzed.

BE IT FURTHER RESOLVED that the resolution shall become effective immediately upon its passage and adoption.