



## Legislation Text

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**File #:** 22-365, **Version:** 1

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Resolution making findings and recommending that the City Council adopt findings and certify the Supplemental Environmental Impact Report, including adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Gateway of Pacific Phase 4 Density Transfer Project.

WHEREAS, in 2010 the City of South San Francisco (“City”) adopted Resolution No. 18-2010 certifying the Environmental Impact Report (“2009 EIR”) (State Clearinghouse No. 2008062059), making CEQA findings, addressing alternatives, adopting a statement of overriding conditions and adopting a Mitigation Monitoring and Reporting Program (collectively the “Original CEQA Findings”) for the Gateway Business Park Master Plan Project located at 700-1000 Gateway Boulevard, which subsequently became known as the Gateway of Pacific (“GOP”) Project (“GOP Project”); 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 and 4 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 2013 the City adopted Resolution No. 43-2013 making findings and re-certifying the previously certified 2009 EIR and re-adopting the Original CEQA findings in connection with approving modifications to the GOP Project; and

WHEREAS, in 2018 the Planning Commission of the City of South San Francisco (“Planning Commission”) adopted Resolution No. 2834-2018 determining that the GOP Phases 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 approval of the phase 2 and 3 Precise Plan; and

WHEREAS, in 2020, the Planning Commission adopted Resolution No. 2858-2020 determining that the GOP 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 the City had prepared was the appropriate environmental document for approval of the GOP 4 Precise Plan; and

WHEREAS, on September 17, 2020, the owners of the properties subject to the Gateway of Pacific Master Plan, all of which are affiliated with Bio-Med Realty (“BMR”)(“Applicant”), applied for several approvals to implement a density transfer of available Floor Area Ratio from adjacent parcels that were formerly the site of rail spurs and that are part of a separate project previously known as the 475 Eccles Avenue Project, and now called “GOP 5”; and

WHEREAS, specifically, Applicant proposed to implement the transfer of available Floor Area Ratio and deed restrict the rail spur properties to eliminate development of the transferred FAR, and requested that the City adopt certain legislative amendments to allow a density transfer in limited circumstances, and modify the Precise Plan for GOP 4 to add 4 floors to the northern GOP 4 building. The implementation of these modifications would allow Applicant to build up to 120,221 additional square feet at GOP 4 that could otherwise be built on the adjacent rail spur properties (the “GOP 4 Density Transfer Project” or “Project”); and

WHEREAS, the GOP 4 Density Transfer Project site is subject to the Business Commercial land use designation in the South San Francisco General Plan, the Gateway Specific Plan (where it should be noted that the relevant components of said Specific Plan have been incorporated into the applicable zoning district regulations), the Gateway Specific Plan Zoning District, the Gateway Business Park Master Plan, and a Precise Plan for each phase of the GOP Project, including the GOP 4 Precise Plan; and

WHEREAS, to implement the GOP 4 Density Transfer Project, Applicant applied for a general plan amendment to the Business Commercial land use designation to allow a density transfer, repeal of the Gateway Specific Plan, a zoning text amendment to the Gateway Specific Plan Zoning District regulations to allow a density transfer, an amendment to the Gateway Business Park Master Plan to allow a density transfer, and an amendment to the GOP 4 Precise Plan to allow an additional 4 floors with up to 120,221 additional square feet on the GOP 4 North building; 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 prepared a Draft Supplemental EIR to address the implementation of 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 has reviewed and carefully considered the information in the 2009 EIR as supplemented by the 2022 Supplemental EIR at a duly noticed public hearing held on June 2, 2022, made the findings attached to this Resolution, and recommends that the Council certify the Supplemental EIR and approve the GOP 4 Density Transfer Project; and

WHEREAS, the Planning Commission exercised its independent judgment and analysis, and considered all reports, recommendations and testimony before making a determination on the Project; and

WHEREAS, no feasible mitigation exists for certain significant and unavoidable impacts that would reduce the

impacts to a less-than-significant level; and

WHEREAS, the Project cannot be approved unless a Statement of Overriding Considerations is adopted which evaluates the benefits of the proposed Project against its unavoidable impacts and the Project offers specific benefits.

NOW THEREFORE, 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. Exhibit A to this Resolution is the Original CEQA Findings adopted by Resolutions 18-2010 and 43-2013. In light of the factors addressed below, no changes to the Original CEQA Findings are necessary or appropriate, except for the findings set forth below. Exhibit B to this Resolution is the 2022 Supplemental EIR. Exhibit C is the supplemental Mitigation, Monitoring and Reporting Program adopted by this Resolution to address mitigation for Vehicle Miles Travelled impacts. Exhibits A, B and C are each incorporated by reference as if they were each 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.

### **B. Findings Regarding Certification and Statement of Overriding Considerations**

1. Pursuant to CEQA Guideline 15163, the City reviewed the Applicant’s application for the GOP 4 Density Transfer Project and determined that a Supplemental EIR was required to incorporate minor additions and changes to the EIR. The City prepared the Supplemental EIR. Pursuant to CEQA Guideline 15163, the Planning Commission confirms that it has reviewed and considered the information in the EIR as revised by the Supplemental EIR, as well as the information in the record.

2. The Supplemental EIR adequately describes the GOP Density Transfer Project. It adequately addresses changes to the GOP Project, changes in surrounding circumstances, and significant new information. The Supplemental EIR sets forth minor additions and changes to the EIR, which constitute all information necessary to make the EIR adequate for the GOP Density Transfer Project.
3. The Supplemental EIR reflects the City's independent judgment and analysis, is adequate, and has been completed in compliance with CEQA. The Planning Commission adopts and incorporates the facts, reasoning, analysis and conclusions of the Supplemental EIR, and bases its decisions upon those facts, reasoning, analysis and conclusions.

### **C. Significant and Unavoidable Vehicle Miles Traveled Impacts**

4. The Supplemental EIR adequately explains why most transportation impacts would be less than significant, but identifies both a significant project-specific impact relating to vehicle miles travelled and a considerable contribution towards a significant cumulative vehicle miles travelled impact.

### **D. Other Impacts**

5. The Supplemental EIR adequately explains why additional information regarding impacts other than transportation impacts is not required to make the EIR adequate for the GOP Density Transfer Project. This explanation includes section 3.2 of the Draft Supplemental EIR, which documents how no subsequent or supplemental EIR is required to address other impacts. The GOP Density Transfer Project will not create any other new or substantially more severe significant impacts as compared to those already identified and analyzed in the EIR, and there are no changes in circumstances or new information of substantial importance that demonstrates any other new or substantially more severe significant impacts, as compared to those identified in the EIR. Nor are any new, additional, or more feasible mitigation measures required to mitigate any other impacts of the GOP Density Transfer Project other than Mitigation Measure 3.1-1.
6. The Original CEQA Findings, set forth in Exhibit A, including the original Mitigation Monitoring and Reporting Program and its mitigation measures, remain applicable to the GOP Density Transfer Project and the GOP Project. The Planning Commission acknowledges that many mitigation measures have already been satisfied during prior buildout of the GOP Project and does not intend by confirming applicability of the Original CEQA Findings to require that duplicative efforts be made to satisfy such measures again.
7. The Planning Commission recommends adoption of a supplement to the Mitigation and Monitoring Program, as set forth in Exhibit B, to require mitigation and monitoring for the vehicle miles travelled impacts. Mitigation Measure 3.1-1 is imposed as a condition of approval to require first- and last-mile transit connections and active transportation improvements. Mitigation Measure 3.1-1 constitutes a feasible change or alteration that will substantially lessen the significant vehicle miles travelled impacts. This mitigation is extensive, and Caltrans commended the City for imposing this mitigation measure. However,

as explained in the Supplemental EIR, the effectiveness of Mitigation Measure 3.1-1 is unknown and therefore may not reduce the impacts to less than significant levels, resulting in significant and unavoidable impacts. The impacts have been reduced to the extent feasible. No mitigation has been identified that would provide a substantially greater degree of certainty regarding a reduction in the impacts to less than significant levels.

## **E. Alternatives**

8. The Supplemental EIR evaluates a range of alternatives that is reasonable in light of the narrow scope of the GOP 4 Density Transfer Project, the objectives of that project and the significant and unavoidable vehicle miles travelled impacts. The Planning Commission recommends adoption of the reasoning and conclusions of the Supplemental EIR regarding alternatives considered but dismissed from further consideration. These include a reduced height alternative that is dismissed because a smaller project would not correlate to reduced vehicle miles travelled in light of the fact that vehicle miles travelled impacts are assessed based on a per-capita rate that does not change with building size. A residential alternative, which might have reduced vehicle miles travelled by siting residences closer to employment locations, is dismissed because it is not consistent with City policies and goals. Among other things, residential uses would not be consistent with the land use designation of the General Plan or General Plan direction and policies to preserve land East of 101 for employment use. An off-site alternative to transfer density to a different parcel is dismissed because, among other things, it would not reduce vehicle miles travelled, and alternative sites are not controlled by BMR.
9. The No Project alternative is adequately addressed in the Supplemental EIR, and is the environmentally superior alternative. It is rejected as infeasible because it would not achieve the GOP 4 Density Transfer Project objectives, which is to transfer unused Floor Area Ratio from the adjacent rail spur properties to enable the expansion of GOP 4 and to build upon previously approved architectural elements, soften height transition between buildings for different GOP Phases, and expand a previously-approved office/R&D campus and allows for utilizing approved pedestrian connections and multi-modal improvements, all as set forth in further detail in the Supplemental EIR.

## **F. Overriding Considerations**

10. Both the project-specific vehicle miles travelled impact and the contribution towards a significant cumulative vehicle miles travelled impact remain significant and unavoidable. These impacts are acceptable. They are overridden by the considerations set forth in the Original CEQA Findings, which apply to the GOP 4 Density Transfer Project and continue to apply to the GOP Project as modified by the current proposal. In addition, the GOP 4 Density Transfer Project includes benefits consisting of promoting flexibility in planning, efficient use of infill development sites, and comprehensive, coordinated development planning, all without increasing the overall amount of square footage allowed in the area. Each of these benefits outweighs the significant and unavoidable impacts.

**SECTION 2. RECOMMENDATION**

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of South San Francisco hereby recommends that the City Council make the CEQA findings and adopt the Statement of Overriding Considerations contained in this Resolution, adopt the supplemental Mitigation Monitoring and Reporting Project, attached as Exhibit C, and certify the 2022 Supplemental EIR for the GOP 4 Density Transfer Project attached as Exhibit B.

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