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Statement of Overriding Considerations.

The Final EIR identified potentially significant impacts of the Project and recommended mitigation measures that, with the three exceptions, reduce those environmental impacts to a level of insignificance. These mitigations have been incorporated into a mitigation monitoring program. As described above, the following three impacts cannot be mitigated to a level of insignificance by the recommended mitigation measures, and so are considered unavoidable environmental impacts of the proposed project:

- **Impact 3.1-3 -** Cumulative Regional Air Quality Impacts
- **Impacts 3.2-6 & 7 -** Noise Impacts from Potential Pile Driving
- **Impact 3.4-3 -** Cumulative Traffic Impacts (Hillsdale/Edgewater)

It is found that:

4. Changes or alterations to avoid or substantially lessen the significant environmental effect identified as Mitigation 3.4-3 and Mitigation 3.4-22 in the Final EIR are within the responsibility and jurisdiction of another public agency, the City of Foster City, and not the City of San Mateo. The changes or alterations can and should be adopted by Foster City.

5. Specific economic, social, and other benefits of the proposed project outweigh these significant environmental impacts, and the City has determined that the benefits of the project out weigh its significant, unavoidable environmental effects. Such benefits include the following:

    a. The proposed master plan implements the Mariner's Island Specific Plan and is consistent with the designated land uses for the site.

    b. The proposed project is consistent with the General Plan land use, height and intensity designations, and provides substantial public benefit beyond code requirements for building heights above 55 feet, in compliance with the General Plan.

    c. The commercial portions of the project will provide economic benefits to the City, including increased sales and property tax revenues.

    d. The commercial portions of the project will provide benefits to City residents through job creation opportunities (including high paying jobs in the Class A office space and management and sales jobs in the retail spaces).

e. The retail portion of the project will provide opportunities for San Mateo residents to purchase goods and services locally that are now being purchased outside the City.

f. Construction of the project will provide temporary (construction) jobs for San Mateo residents.

g. The proposed residential portion of the project will provide additional dwelling units and will create additional affordable units.

h. The project will provide recreation opportunities for San Mateo residents through retention of the ice rink facility.

II. FINDINGS FOR APPROVAL OF THE BRIDGEPOINTE MASTER PLAN AND FOR PUBLIC BENEFIT FOR BUILDINGS OVER 55 FEET IN HEIGHT

The project is consistent with the following policies of the San Mateo General Plan and the Mariner's Island Specific Plan:

General Plan: ***PA6.3 - Mariner's Island Specific Plan.*** *Allow development that includes low to high-density multi-family residential uses and small to large scale commercial retail and office uses, as delineated on the Building Height and Intensity Plans. Consider increasing the building intensity standards to include structured parking in the floor area ratio calculations. Amend the Mariner's Island Specific plan to include the following changes:*

1. ***"The Island" Regional Shopping Center.*** *Allow expansion and/or redevelopment of "The Island" regional shopping center for any of the following uses, either individually or as a mixed use development: high-rise, high-density residential; retail, offices, hotel and convention center. Limit redevelopment potential based on traffic generation which is equal to, or less than, that anticipated from a retail mall of 0.62 floor area ratio (FAR).*

3. ***Height Limits.*** *Maximum densities of up to 75 units per acre and maximum heights of up to 75 feet and appropriate FARs may be allowed in the following areas of Mariner's Island, for projects which provide public benefits or amenities substantially greater than code requirements:*

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a) *the area designated on the Land Use Plan (LU-3) as Mixed-Use Incentive (Regional/Community Commercial) which is commonly described as Fashion Island Shopping Center and is circumscribed by Arthur Hansen Drive; and*

The project is consistent with these policies in that the project does not include any uses not allowed by the General Plan; building heights and intensities do not exceed those indicated on the City's Building Heights and Intensity Plans (except as indicated below under the discussion of public benefit for building heights over 55 feet); a master development plan for redevelopment of the Fashion Island site has been prepared to enable development to occur in a unified manner; and the development has been limited to not exceed the traffic that would be generated by a retail mall of 0.62 floor area ratio.

Mariner's Island Specific Plan: ***Site 1 - Fashion Island Shopping Center - Development Criteria***

A. Master Plan

The shopping center site is one of the premier remaining locations for significant development in the City, and the City desires a high quality, signature project when the site is redeveloped.

To achieve this high quality, a master plan for the shopping center site will be required prior to approval of any redevelopment or major expansion (in excess of 50,000 sq. ft. over development existing in 1995). For the portions of the site owned by the applicant, the plan must include a site plan showing the approximate location of buildings, parking, and other uses; proposed land uses or alternative land uses; proposed circulation and parking; and schematic building elevations showing height, massing, and detail sufficient to establish the design character of the project. For any portions of the site not owned by the applicant, the plan must show the existing site plan, parking, circulation, and building elevations, and the relation of the proposed uses to those existing. The applicant may also choose to show potential reuse of the portions of the site not owned by the applicant.

The purpose of the master plan is to establish an urban form integrating all uses, to set the design character of high quality, to establish proposed land uses, and to achieve an integrated parking and circulation plan in relation to the proposed uses. The precise location and size of uses, site plan, and design and height of buildings may be modified during approval of individual buildings so long as the modifications preserve the overall urban form, design character and quality, and circulation plan.

The project is consistent with this policy in that a site plan illustrating approximate building locations, land uses, circulation, height and massing of buildings, and design details adequate to

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establish the design character have been submitted for nine separate development scenarios, which are adequate for illustrating the urban form and integration of uses.

B. Land Use

The shopping center site may be used for high-density residential, retail, office, hotel and/or convention center uses. Research and development facilities as well as auto sales and service may be allowed subject to an approved special use permit. The General Plan designates the site for mixed uses, and a variety of uses are encouraged.

Because of the limited sites available in the City for office expansion, highest priority for reuse of the site is for offices. The City encourages any plan for redevelopment or major expansion of the site to include at least 400,000 sq. ft. of office space. To provide an incentive for offices, the City does not include covered parking in calculations of floor area for offices on this site.

The project is consistent with this policy in that the proposed land uses include the potential for retail, office, hotel, and high density residential; and the project is consistent with the direction to provide at least 400,000 s.f. of office space in that the staff recommendation is to deny three of the nine proposed development scenarios that do not include office uses and the six remaining development scenarios contain at least 480,000 s.f. of office space.

C. Building Height and Intensity

A maximum height of 75 feet may be allowed for projects which provide public benefits or amenities substantially greater than code requirements, with 55 feet allowed for other projects. A maximum floor area ratio of .62 for retail uses, 1.0 for office, research and development facilities, or hotel uses, or 2.0 for residential uses is permitted. To encourage the development of offices on the site, covered parking to meet the off-site parking needs of offices should not be included in the calculation of floor area. Maximum development potential shall not generate traffic in excess of that anticipated from a retail mall at .62 FAR.
Maximum residential density is 75 units per acre for projects which provide public benefits or amenities substantially greater than code requirements, and 50 units per acre for other multifamily projects.

The project is consistent with this policy in that maximum proposed heights do not exceed 75 feet and public benefits substantially greater than code requirements are being provided (see findings below) for all proposed buildings exceeding 55 feet in height; proposed floor area ratios are approximately .30 for retail uses, .99 for office, and 1.07 for residential; and the proposed residential density equals 50 units per acre.

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D. Parking and Circulation

Arthur Hansen Drive, which circles the shopping center, is a private road with ingress and egress rights benefitting adjacent office sites A and B, and site IA (see map on page 18). Hansen Way serves both as part of the parking lot circulation and as a major collector street, particularly on the western side. This configuration is adequate, with minor improvements to decrease circulation conflicts, for the present level of development. However, redevelopment or major expansion of the center may require improvements to all or portions of this road to separate through traffic from the parking lot circulation. The upgraded Hansen Way may be publicly or privately maintained and shall be designed to City standards.

The project is consistent with this policy in that Arthur Hansen Way has been slightly realigned and a new major collector street (Bridgepointe Parkway) has been proposed to separate through traffic from parking lot circulation; traffic and circulation improvements have been proposed and/or included as environmental mitigation measures to maintain circulation movements within established City standards; and all parking areas and public roadways have been designed to meet City standards.

Public Benefit: The project includes office buildings and parking structures that are proposed as 75 and 61 feet, respectively. Policies within both the City's General Plan and the Mariner's Island Specific Plan (discussed above) include a requirement for public benefit substantially greater than code requirements for structures between 55 and 75 feet in height. The project applicant was not required to provide public benefit in order to submit a project for approval. The applicant determined itself to apply for special privilege, a building height above the 55 feet allowed. The special height requires special benefit. Without this public benefit, it is found that the proposed project would not be consistent with the General Plan and the voter-adopted initiative. The City Council adopted the following guidelines for the determination of public benefit at their study session of July 15, 1996:

1. *The development proposal itself should not be considered the public benefit or amenity which justifies greater height.*

2. *The proposed public benefits or amenities should be reviewed on a case by case basis, based to the extent feasible upon the economics of the particular proposal, and the compatibility of the taller buildings with the site and its surroundings.*

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3. *The proposed public benefit or amenities should be accessible by the public and provided to benefit the subject property, or should be proximate to the site and benefit the neighborhood or district in the general vicinity of the proposed project.*

The project is consistent with the General Plan policy above in that the structures are located in the area designated on the Land Use Plan as Mixed-Use Incentive (Regional / Community Commercial); and the project is consistent with the City Council's policies for determination of public benefit in that the proposed benefit is not the development itself, a benefit has been defined based upon the particular circumstances of this project, and a fee based upon the actual buildout of the project would be paid to fund improvements (designated by the Parks and Recreation Commission, subject to approval by the City Council) to Mariner's Island Park and/or Shoreline Park.

III. FINDINGS FOR APPROVAL OF THE MUNICIPAL CODE AMENDMENT TO ALLOW DEMOLITION PRIOR TO ISSUANCE OF A BUILDING PERMIT

The Final Environmental Impact Report prepared for the Bridgepointe Master Plan considered the effects from demolition of the existing Fashion Island Shopping Center (except the ice rink) and found no significant impacts.

In addition, the code amendment is consistent with the following goal and policies of the General Plan:

GOAL 2: *Attain economic growth which provides jobs for existing and future residents and maintains the City's ability to finance public improvements and human services.*

LU 2.1: ***Economic Development.*** *Attract new businesses and encourage the retention and expansion of existing businesses which enhance the City's economic base. including office, medical, educational, retail, service commercial and light industrial uses.*

LU 2.2: ***High Tax Generators.*** *Retain existing businesses and attract new businesses which are high tax revenue generators including hotels, high volume retail uses and auto dealerships.*

LU 2.3: ***Local Employment.*** *Encourage uses which provide opportunities for employment of the City's residents.*

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The code amendment is consistent with these policies in that: it applies only to projects approved under a master plan where the building being demolished is substantially vacant, the demolition is necessary to facilitate timely construction, and financial securities are provided; master plans facilitate economic growth by enabling an area to be pre-planned so that future development may be expedited; and that by allowing demolition to occur prior to issuance of a building permit, construction may begin immediately upon issuance of building permits, which will facilitate early occupancy of new, high tax and employment-generating businesses.