

**CITY OF SAN MATEO  
RESOLUTION NO \_\_\_\_ (2024)**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE STRIVE SAN  
MATEO GENERAL PLAN 2040 AND CLIMATE ACTION PLAN UPDATE AND ADOPTING  
FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS IN  
ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, the City of San Mateo (“City”), as the lead agency, has prepared an update to its general plan, entitled “Strive San Mateo General Plan 2040” and a technical update to its Climate Action Plan (both collectively referred to herein as the “Project”), for approval and adoption by the City Council; and

WHEREAS, approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related State implementation guidelines promulgated thereunder (“CEQA”); and

WHEREAS, the City, in compliance with CEQA, prepared an Environmental Impact Report to provide an assessment of the potential environmental consequences of adopting and implementing the Project; and

WHEREAS, the environmental review process under CEQA was undertaken concurrently with the preparation and consideration of the Project, which included the participation of a General Plan Subcommittee (“GPS”) that periodically held public meetings over approximately five years and offered recommendations to the City Council. This process allowed the Project to account for potential environmental impacts and include policies to address those impacts; and

WHEREAS, a Notice of Preparation (“NOP”) for a Draft Environmental Impact Report (“Draft EIR”) was circulated for public review on January 12, 2022. On January 25, 2022, a scoping meeting was held to solicit public comment on the environmental issues to be addressed in the EIR; and

WHEREAS, a Draft EIR was prepared for the Project and was circulated for public review from August 11, 2023 to September 25, 2023, during which time the City held one public hearing before the Planning Commission on September 12, 2023, to receive comments on the Draft EIR; and

WHEREAS, a Final Environmental Impact Report (“Final EIR”) was prepared, which is comprised of the Draft EIR dated August 2023, together with the Final EIR including responses to public comments on the Draft EIR and edits to the Draft EIR, and the Statement of Overriding Considerations (collectively, all of said documents are referred to herein as the “Final EIR”), and published at least ten days prior to any public hearings on this Project; and

WHEREAS, the Council is the decision-making body for adoption of the Project, and considers recommendations made by the Planning Commission as part of its action; and

WHEREAS, on January 30, 2024, the Planning Commission at a duly noticed public hearing reviewed the Final EIR prepared for the Project, and voted to recommend that the City Council certify

the Final EIR and find that it was completed in accordance with the requirements of CEQA. Planning Commission Resolution No. 2 (2024) memorializing their action is incorporated by reference; and

WHEREAS, CEQA requires that, in connection with approval of a project for which an EIR has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects; and

WHEREAS, during the EIR process, eighteen environmental resources areas were evaluated, and three resource areas were found to have significant unavoidable impacts. All the significant unavoidable impacts had specific economic, legal, social, technological, or other considerations that made mitigation measures infeasible. These findings are described in **Exhibit A**.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY FINDS AND RESOLVES that:

1. The City Council certifies the Final EIR, adopts the CEQA Findings, and adopts the Statement of Overriding Considerations for the Project based on the findings and information contained herein and outlined below.
2. The City Council, in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of CEQA, including Sections 15091, 15092, and 15093 of the CEQA Guidelines, based upon the entire record of proceedings for the Project. All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph and in the recitals above.
3. The City Council was presented with and has independently reviewed and analyzed the Final EIR and other information in the record, including all public comments, and has considered the information contained therein prior to acting upon and approving the Project, and based on the findings stated below upon such review.
4. The Final EIR provides an adequate basis for considering and acting upon the Project. The City Council has considered all of the evidence and arguments presented during consideration of the Project and the Final EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with Public Resources Code Sections 21081, 21081.5, and 21082.2.
5. The City Council finds that all impacts initially identified as “less than significant” have been described accurately and are less than significant as described in the Final EIR. This finding does not apply to impacts identified as “significant” that are addressed by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in **Exhibit A**. The impacts identified as significant and unavoidable even with mitigation are addressed in the Statement of Overriding Considerations in **Exhibit B**. **Exhibits A and B** are attached hereto and incorporated by reference.
6. Consistent with CEQA Guidelines Section 15126.4, the Final EIR identifies mitigation measures, where available, to minimize significant impacts. All mitigation measures in the Final EIR are adopted and incorporated into the Project.

7. The Mitigation Monitoring and Reporting Program (MMRP) includes all mitigation measures adopted with respect to the Project and explains how and by whom they will be implemented and enforced. The MMRP is included in the Final EIR and is incorporated by reference.
8. The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR, where warranted. The City Council hereby finds that such changes and additional information do not constitute significant new information under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project:
  - i. Any new significant environmental impact or substantially more severe environmental impact (not already disclosed and evaluated in the Draft EIR),
  - ii. Any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or
  - iii. Any feasible alternative considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented.

Therefore, the City Council finds and determines that recirculation of the Final EIR for further public review and comment is not warranted or required under the provisions of CEQA.

9. The Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation, and a reasoned choice, in accordance with CEQA. Alternatives to the Project that are evaluated in the Final EIR are addressed in **Exhibit A**.
10. The Statement of Overriding Considerations has been adopted, attached hereto as **Exhibit B**. The Statement of Overriding Considerations addresses the significant and unavoidable impacts of the Project that, even with mitigation measures, are expected to remain significant, and identifies the specific economic, legal, social, technological, or other benefits, that outweigh the project's significant unavoidable impacts.
11. The City Council hereby makes the following findings with respect to significant effects on the environment of the Project, as identified in the Final EIR, with the understanding that all of the information in this Resolution is intended as a summary of the complete administrative record supporting the Final EIR; the full administrative record should be consulted for the details supporting these findings.

## **I. STATUTORY REQUIREMENTS FOR FINDINGS**

Significant effects of the Project were identified in the Draft EIR. Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the Project were also identified in the Draft EIR. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the Project. Project mitigation or alternatives are not required, however, where substantial evidence in the

record demonstrates that they are infeasible or where the responsibility for modifying the Project lies with another agency. Specifically, CEQA Guidelines Section 15091 states:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The “changes or alterations” referred to in CEQA Guidelines Section 15091(a)(1) above, that are required in, or incorporated into, the Project and that mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including avoiding, minimizing, rectifying, or reducing the impact over time, or compensating for the impact by replacing or providing substitute resources.

## **II. FINDINGS REGARDING SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes specific findings with respect to the potential for significant environmental impacts from adoption and implementation of the Project and the means for mitigating those impacts. For the purpose of these findings, as identified above, the term “Final Environmental Impact Report” (Final EIR) includes the Draft EIR, unless otherwise specified.

The findings herein do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Final EIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR. These findings hereby incorporate by reference the discussion and analysis in the Final EIR that support the Final EIR's determinations regarding significant Project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

### **III. MITIGATION MONITORING AND REPORTING PROGRAM**

Incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program (“MMRP”) (located in Appendix H of the Final EIR) for the Project required under Public Resources Code Section 21081.6. The MMRP identifies impacts of the Project, corresponding mitigation, timing for implementation, and designation for responsibility for mitigation implementation and monitoring.

### **IV. LOCATION AND CUSTODIAN OF RECORDS**

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Planning Division, 330 West 20<sup>th</sup> Avenue, San Mateo, CA 94403. The official custodian of the record is the Interim Director of Community Development at the same address.