

FINDINGS AND STATEMENTS REQUIRED UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

For

THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
PA #18-010 UNDERGROUND FLOW EQUALIZATION SYSTEM (UFES)
2495 DELAWARE STREET
PARCEL #040-030-220

STATE CLEARINGHOUSE NUMBER: 2018092013

Prepared Pursuant to the
Sections 15091 and 15093 of the State CEQA Guidelines and Section 21081 of the Public
Resources Code

by the

CITY OF SAN MATEO

September 2019

1. INTRODUCTION

1.1. Overview and Organization

The City of San Mateo (City) has prepared a Final Environmental Impact Report (Final EIR) for the Underground Flow Equalization System (UFES) project. To support its certification of the Final EIR, approval of a Site Plan and Architectural Review application, and approval of a Special Use Permit, the City Council makes the following findings of fact and statements of overriding considerations (collectively, Findings). These Findings contain the City Council's written analysis and conclusions regarding the project's environmental effects, mitigation measures, alternatives to the project, and the overriding considerations which, in the City Council's view, justify the approval of the project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the Final EIR, as described below.

The City is implementing a series of capital projects to upgrade and increase the capacity of its wastewater collection system and wastewater treatment plant, referred to collectively as the Clean Water Program. The UFES project is a critical Clean Water Program project to provide sufficient capacity in the City's wastewater collection system to reduce sanitary sewer overflows and optimize system performance. Overall project objectives and the intended use of the Final EIR are described in Chapter 1 of the Final EIR. The UFES project features, including project construction, are described in Chapter 2 of the Final EIR.

The content and format of the Findings are designed to meet the requirements of the California Environmental Quality Act (CEQA).^{1,2} The Final EIR identifies significant environmental effects that would result from the project. For each significant effect identified in the Final EIR, the City is adopting one or more of the findings as provided in CEQA and specified in Section 15091 of the CEQA Guidelines. For most significant effects, the City finds that the mitigation measures identified in the Final EIR and adopted by the City avoid or substantially lessen the significant effects to a level of less than significance. As provided in Section 15093 of the CEQA Guidelines, the City is balancing the economic, legal, social, technological, or other benefits of the project against the unavoidable environmental effects. With regard to those unavoidable effects, the City is adopting a Statement of Overriding Considerations. The City also adopts a Mitigation Monitoring and Reporting Plan (MMRP). The City finds that the MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects. The MMRP is provided under separate cover and is incorporated by reference.

1.2. Statutory Requirements

CEQA and particularly the CEQA Guidelines require that:

¹ California Environmental Quality Act (CEQA), Public Resources Code (PRC), §§ 21000 et seq.

² CEQA Guidelines, CCR, Title 14, Division 6, Chapter 3, §15000 et seq. (CEQA Guidelines).

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.

For those significant effects that the agency determines are not feasible to mitigate to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (see, Public Resource Code Section 21081(b)). The Guidelines state in Section 15093 that:

If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.

1.3. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings for the City's decision on the project consist of: (1) matters of common knowledge to the City including, but not limited to, federal, state, and local laws and regulations and policies, and (b) the following documents, which are in custody of the City of San Mateo, Public Works Engineering Program Management Office, 1900 O'Farrell Street, Suite 320, San Mateo, CA 94403:

- Notice of Preparation and other public notices issued by the City in conjunction with the project.
- Draft Environmental Impact Report dated March 2019.
- All testimony, documentary evidence, and all correspondence submitted in response to the Draft EIR by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments.

- Final Environmental Impact Report, dated September 2019, including all documents incorporated therein by reference.
- Mitigation Monitoring and Reporting Program dated September 2019.
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the project, and all documents cited or referred to therein.
- All final technical reports and addenda, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the City's consultants relating to the project.
- All documents submitted to the City by agencies or members of the public in connection with development of the project.
- All actions of the Planning Commission and City Council with respect to the project.
- All references included in the Draft EIR and Final EIR.
- The Final Programmatic Environmental Impact Report for the City of San Mateo Clean Water Program (Final PEIR, SCH 2015032006) and accompanying Final Mitigation Monitoring and Reporting Program for the Clean Water Program.
- Applicable local general plans, coastal plans, and related environmental analyses.
- Meeting agenda, minutes, and staff reports of the City.
- Other documents regarding coordination and consultation with the public and public agencies and other documents designated by the City.

1.4. Preparation and Consideration of the Final EIR, Independent Judgment, and Recirculation Findings

Pursuant to Public Resources Code Section 21082.1(c)(3), the City Council finds, with respect to the City's preparation, review and consideration of the Final EIR, that:

- The City retained the independent firm of Jacobs to prepare the Final EIR, and Jacobs prepared the Final EIR under the supervision and at the direction of the City of San Mateo Public Works Department.
- The City circulated the Draft EIR for review by responsible agencies and the public from March 6, 2019, to May 31, 2019, for a total review period of 87 days (exceeding the 45-day review period required by CEQA) and submitted it to the State Clearinghouse for review and comment by State agencies.

- A public hearing was held on April 9, 2019, to receive oral comments on the Draft EIR. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals for review and comment.
- A public hearing was held by the Planning Commission on September 24, 2019, to receive oral comments on the Final EIR, and review and make a recommendation to the City Council on the Project. The Planning Commission voted [INSERT] to recommend that the City Council approve the Project.
- A public hearing was held by the City Council on October 21, 2019, to receive oral comments on the Final EIR. The City Council voted [INSERT] to approve the Project.
- The Final EIR has been completed in compliance with CEQA.
- The project will have significant, unavoidable impacts as described and discussed in the Final EIR.
- The Final EIR is adequate under CEQA to address the potential environmental impacts of the project.
- The Final EIR has been presented to the City Council, and the City Council has independently reviewed and considered information contained in the Final EIR.
- The Final EIR does not add significant new information to the Draft EIR that would require recirculation under CEQA Guidelines section 15088.5 because the Final EIR contains no information revealing (1) any new significant environmental impact that would result from the project or from a new mitigation measure, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would lessen environmental impacts of the project but that was rejected by the City, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

By these Findings, the City Council ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final EIR, except as specifically described in these Findings.

2. MITIGATION MEASURES REQUIRED BY THE FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SAN MATEO CLEAN WATER PROGRAM

In 2015 and 2016, the City prepared a program-level CEQA review of the Clean Water Program, which was adopted by the City Council in June 2016 (Final PEIR, SCH 2015032006). That Final PEIR requires compliance with certain mitigation measures for projects completed within the Clean Water Program, including this project. The Final EIR for this project requires compliance with certain mitigation measures identified throughout the analysis. Many project-specific

impacts that are less than significant are reduced even further with implementation of these PEIR mitigation measures, while some potentially significant project impacts actually require compliance with the PEIR mitigation measures in order to reduce those impacts to less than significant levels or to the maximum extent feasible. Therefore, the City finds that compliance with the following Final PEIR mitigation measures is required for this project:

- **PEIR Mitigation Measure 11-2:** Obtain approval for a Special Use Permit.

The City of San Mateo Department of Public Works shall apply for a special use permit prior to approval of any project on a parcel where wastewater collection, pumping, or treatment facilities are not a regularly permitted use. Permit applications shall be reviewed and approved by the Planning Commission and City Council if all conditions are met.

- **PEIR Mitigation Measure 3-3a:** Design lighting to minimize impacts on adjacent areas.

Construction Lighting. Prior to site mobilization, the construction manager shall confirm that lighting for construction of proposed project facilities is used in a manner that minimizes potential night lighting impacts, as follows:

a) All lighting shall be of minimum necessary brightness consistent with worker safety.

b) All fixed position lighting shall be shielded, hooded, and directed downward to minimize backscatter to the night sky and prevent light trespass (direct lighting extending outside the boundaries of the construction area).

c) Where feasible and safe, lighting shall be turned off when not in use, and motion detectors shall be used.

d) A lighting complaint resolution form shall be maintained by construction management to record all lighting complaints received and to document the resolution of that complaint.

e) All construction related lighting shall be completely shielded or screened so it is not visible to surrounding residents.

Project Operation Lighting. Prior to the start of operation of the facility, the construction contractor shall design and install new permanent lighting for the facility such that: light bulbs and reflectors are not visible from public viewing areas; lighting does not cause reflected glare; and illumination of the project, the vicinity, and the nighttime sky is minimized. To meet these requirements, the City or its design contractor shall confirm the following:

a) Lighting shall be designed so exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter

to the nighttime sky is minimized. The design of the lighting shall be such that the luminescence or light source is shielded to prevent light trespass outside the facility boundary.

b) All lighting shall be of minimum necessary brightness consistent with worker safety.

c) Where feasible and safe, lighting shall be kept off when not in use.

A lighting complaint resolution form shall be used by the project operations to record all lighting complaints received and document the resolution of those complaints. All records of lighting complaints shall be kept in the onsite compliance file.

- **PEIR Mitigation Measure 4-4:** Incorporate odor control systems for facilities with odor potential and obtain permits from the Bay Area Air Quality Management District (BAAQMD).

The design, construction, and operation of facilities with the potential to generate odors shall include appropriate odor control systems. The odor control system shall be sized and operated to be below BAAQMD's Regulation 9, Rule 2, Inorganic Gaseous Pollutants – Hydrogen Sulfide limits of hydrogen sulfide below 0.06 parts per million averaged over three consecutive minutes or 0.03 parts per million averaged over any 60 consecutive minutes in any 24-hour period (BAAQMD, 1979).

The City of San Mateo Department of Public Works shall obtain all necessary permits from the BAAQMD for the operation of new, modified, and existing emission sources as required.

- **PEIR Mitigation Measure 6-1b:** Halt construction if archaeological resources are discovered

In the event of the discovery of archaeological resources, the applicant shall be responsible for halting construction activities, notifying the chief of planning, and retaining a qualified archaeologist. The archaeologist would be required to evaluate the uniqueness of the find and to contact local Native American and historical organization and recommend a course of action.

- **PEIR Mitigation Measure 6-2:** Halt construction if paleontological resources are discovered

Should any potentially unique paleontological resources (e.g., fossils) be encountered during construction activities, work shall be halted immediately within 50 feet of the discovery. A qualified paleontologist shall determine the significance of the discovery, evaluate the uniqueness of the find, and prepare a

written report documenting the find and recommending further courses of action. Depending on the significance of the discovery, the actions may include avoidance, preservation in place, excavation, documentation, recovery, or other measures determined by the paleontologist.

- **PEIR Mitigation Measure 7-2:** Comply with regulations and policies for erosion control

The City of San Mateo and its construction contractors shall develop prior to start of construction and implement a project-specific SWPPP for construction projects with a land disturbance area equal to or greater than 1 acre. For projects with disturbance area less than 1 acre in size, a site-specific Erosion and Sediment Control Plan shall be prepared. For projects with any land disturbance, construction shall comply with the San Mateo Site Development Code and shall incorporate an effective combination of erosion and sediment control measures that are identified in ABAG and/or California Stormwater Quality Association guidance manuals. Construction erosion and sediment control BMPs typically include, but are not limited to, the following measures:

- Scheduling site grading during the non-rainy season (April 15 to October 15), where possible
 - Segregation of topsoil during rough grading
 - Temporary soil stabilization during site grading and active construction
 - Permanent post-construction site soil stabilization
 - Erosion and sediment controls during construction dewatering activities
 - Control of site run-on and runoff to isolate the work area and prevent onsite or offsite erosion and sediment transport during construction
 - Dust suppression
 - Stockpile management; in accordance with City standard construction practices, materials shall be stockpiled at central location(s) instead of within work areas, where feasible
- **PEIR Mitigation Measure 9-4:** Coordinate emergency services during construction

For Project work areas located in or near roadways, or that may otherwise interfere with emergency access, the City shall follow its standard measures to coordinate in advance with the SMPD and establish signage and detours so that emergency access, including police and fire access, is maintained during temporary construction activities. Signage and notifications to the public

regarding parking, driving, and pedestrian access disruptions shall be made. Emergency personnel and coordination centers shall be notified of construction locations and schedules prior to start of construction.

- **PEIR Mitigation Measure 10-2:** Install and apply erosion control and stormwater best management practices during construction.

Applicable erosion control and stormwater BMPs shall be installed and maintained during construction for all earth-disturbing activities. Construction activities shall be required to comply with all RWQCB regulations and procedures for discharging wastewater, including dewatering discharges, as detailed in the SWPPP prepared for each project and as required under Chapter 7.39 of the Municipal Code (City of San Mateo, 2015b). Applicable BMPs to reduce erosion and siltation and protect water quality can include, but are not limited to: designate construction access routes; stabilize construction access points; stabilize cleared and excavated areas by providing vegetative buffer strips, plastic coverings, and applying ground base on areas to be paved; protect adjacent properties and waterways by installing sediment barriers, filters, or vegetative buffer strips; prevent surface runoff from discharging into storm drains; use sediment controls and filtration to remove sediment from water generated by dewatering; and avoid refueling and vehicle maintenance on construction sites as feasible.

- **PEIR Mitigation Measure 12-1a:** Develop and implement construction noise minimization measures.

General noise minimization measures available to reduce sound levels from construction activities include but are not limited to the following:

- Specify general construction noise mitigation measures that require the contractor to use equipment that is in good working order, adequately muffled, and maintained in accordance with the manufacturers' recommendations.
- Use semi-permanent stationary equipment (e.g., generators and lights) with "quiet" packages (as available) and stationing it as far from sensitive areas as possible.
- During construction, erect temporary barriers using materials such as intermodal containers or frack tanks, plywood walls, mass-loaded vinyl (vinyl impregnated with metal), or hay bales. Barriers shall be erected as close as safely feasible to the noise source. Barriers shall be used when equipment is expected to exceed 90 dBA at the property plane, based on actual measured noise levels for the specific equipment, as cited in Roadway Construction Noise Model User's Guide (FHWA, 2006). The

barrier shall be designed to provide sufficient attenuation to reduce noise to less than 90 dBA at the property plane, as feasible.

If a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements would be impractical or unreasonable, the contractor shall obtain an exceptions permit per Section 7.30.070 of the Municipal Code. The permit shall be issued by the City Manager, or the manager's designee, with appropriate conditions to minimize the public detriment caused by such exceptions. The duration of the permit shall be as short as possible, but in no case for longer than 6 months.

- **PEIR Mitigation Measure 12-1b:** Operate a construction noise hotline

The City shall establish a telephone number for use by the public to report any significant undesirable noise conditions associated with construction and demolition of the proposed Project. If the telephone is not staffed 24 hours per day, the City shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the Project site during construction and demolition so that it is visible to passersby. This telephone number shall be maintained during Project construction.

- **PEIR Mitigation Measure 12-1c:** Resolve construction noise complaints

Throughout construction of the proposed Project, all legitimate Project-related noise complaints shall be documented, investigated, evaluated, and resolved as feasible. The City or its authorized agent shall be responsible for the following:

- Use the Noise Complaint Resolution Form typically suggested by the California Energy Commission, or a functionally equivalent procedure, to document and respond to each noise complaint.
- Attempt to contact the person(s) making the noise complaint within 24 hours.
- Conduct an investigation to attempt to determine the source of noise related to the complaint.
- If the noise complaint is legitimate, implement feasible measures to reduce the noise.

- **PEIR Mitigation Measure 12-3:** Incorporate vibration issues into proposed Project construction.

As part of the final design effort, the potential for construction activities to result in excess vibration shall be assessed and site-specific minimization measures for

the proposed Project implemented as necessary.

- **PEIR Mitigation Measure 16.1:** Prepare and implement a traffic management plan.

Construction of some of the proposed Project would require temporary lane closures, traffic detours, and the use of oversized equipment. Implementation of the proposed Project shall include a TMP that would minimize impacts on through traffic as a result of construction activities. The TMP would be prepared in accordance with the California Manual of Uniform Traffic Control Devices (MUTCD) Caltrans, 2014b) and all applicable requirements of the San Mateo Department of Public Works Conditions of Approval. The TMP shall be approved by the City of San Mateo Department of Public Works prior to construction and implemented at all times during construction of the Project. The City of San Mateo and its contractors shall cooperate with other communities to obtain the necessary approvals.

The TMP shall be prepared by a qualified transportation engineer and include recommendations for appropriately managing traffic during the construction period by implementing measures such as construction schedule restrictions, signage, and flaggers. Such measures would promote traffic movement during construction to avoid substantial LOS degradation (i.e., LOS levels that are less than the City's adopted LOS threshold).

The TMP would include but not be limited to the following measures:

- To the extent possible, minimize closures of travel lanes or disruptions to street segments and intersections during trenching activities within road rights-of-way or while utilities are being connected.
- Prepare temporary traffic control plans for each site location. In accordance with the San Mateo Public Works Department Conditions of Approval, prior to issuance of a permit, the contractor shall submit applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for all lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the MUTCD, and standard construction practices. The temporary traffic control plans will identify the need for flaggers for directing traffic, temporary signage, lighting, traffic control devices, and other measures, if required.
- Identify oversize and overweight load haul routes. Transporters will comply with state and county regulations for transportation of oversized and overweight loads on all state and county roads. Such regulations typically include provisions for time of day, pilot cars, law enforcement escorts, speed limits, flaggers, and warning lights. In accordance with the

San Mateo Public Works Department Conditions of Approval, for material delivery vehicles equal to or larger than two-axle, six-tire, single-unit truck size (as defined by Federal Highway Administration Standards), the contractor will submit a truck hauling route that conforms to City of San Mateo Municipal Code Section 11.28.040 for the approval by the City Engineer. Contractors will be prohibited from using trucks with “compression release engine brakes” on residential streets. The contractor will submit a letter to, and obtain approval from, the Department of Public Works confirming the intention to use the hauling route prior to the issuance of any City permits. All material hauling activities shall comply with applicable City ordinances and conditions of approval.

- Schedule deliveries of heavy equipment and construction materials during periods of minimum traffic flow. In accordance with the San Mateo Public Works Department Conditions of Approval, earth hauling and materials delivery to and from the site, including truck arrivals and departures to and from the site, will be prohibited (to the extent possible) between the weekday hours of 4 p.m. to 5:30 p.m. Signs outlining these restrictions will be posted at conspicuous locations on site.
- Limit construction activities (to the extent feasible) to the weekday between 7 a.m. and 7 p.m. and between 7 a.m. and 5 p.m. for work within City ROWs.
- Post the approved hours of construction activity at the construction site in a place and manner that can be easily viewed by any interested member of the public.
- Determine the need for construction work hours and arrival and departure times outside peak traffic periods.
- Determine the need for construction scheduling outside of legal holidays and special events to avoid affecting large fluxes in traffic volumes. In accordance with the San Mateo Public Works Department Conditions of Approval, within the vicinity of Hillside Mall and within the downtown area during the holiday season (November 20 to January 1), there shall be no construction activities within rights-of-way that would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance, as determined by the City Engineer. Prohibition on El Camino Real will be along its entire length within the City limits. For Hillside Shopping Center, construction prohibition streets shall include Hillside Boulevard between US 101 and SR 92, 31st Avenue between El Camino Real and Hacienda Street, and Edison Street and Hacienda Street in the vicinity of the shopping center. The limits of the

downtown area shall be defined as: between El Camino Real on the west and Delaware Street on the east, Tilton Avenue on the north, and 5th Avenue on the south. The prohibition shall also include the 3rd and 4th Avenue corridors between Delaware Street and US 101.

- Identify vehicle safety procedures for entering and exiting site access roads.
- Notify and coordinate with emergency responders regarding potential road closures prior to construction.
- Provide access for emergency vehicles to and around the Project site. • Maintain access to adjacent properties. In accordance with the San Mateo Public Works Department Conditions of Approval the contractor will notify residential and commercial occupants of properties adjacent to the construction site of the hours of construction activity which may impact the area. The notifications will be provided 3 days prior to the start of the extended construction activity.
- Notify and coordinate with transit operators regarding potential road closures prior to construction.
- Maintain access to transit, bicycle, and pedestrian facilities along Project routes.
- Notify and coordinate with mail service and waste haulers regarding potential road closures prior to construction.
- Provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood. Include an estimate of the number of workers that will be present on the site during the various phases of construction, indicate where sufficient off-street parking will be used, and identify all locations for offsite material deliveries. The plan will be approved by the City Engineer prior to issuance of City permits and will be complied with at all times during construction.
- Implement a Transportation Demand Management Program using programs in compliance with the City/County Association of Governments of San Mateo County Guidelines for Trip Reduction. These programs, will be on-going throughout Project construction. The plan may include those actions listed in the Project trip reduction plan, including secure bicycle storage, shower changing facilities, guaranteed ride home program, information on transportation alternatives, carpool matching program, preferential parking for carpools/vanpools, employee transportation coordinator, TMA participation, parking reduction, carsharing, shuttle participation, flexible work hours/ telecommuting, and an option to

participate in the Caltrain GO Pass Program.

Signs would be provided to control traffic and assist with safety along the proposed Project access routes and at designated road crossings. These signs will adhere to the MUTCD and will include regulatory signs (e.g., stop, speed limits, and yield) and warning signs and construction signs (e.g., temporary lane closures and flaggers). All signs will be maintained throughout Project construction.

Public information will be distributed by using local news television and radio broadcasts, informational flyers and mailers, websites, and other outreach options. Signs would be installed, and public notices would be distributed regarding construction work before disruptions occur; the notifications would identify detours to maintain access. In addition, flagmen or escort vehicles would control and direct traffic flow, and work would be scheduled during periods of minimum traffic flow.

3. FINDINGS REGARDING IMPACTS IDENTIFIED AS “NO IMPACT” OR “LESS THAN SIGNIFICANT”

CEQA does not require mitigation measures or findings for impacts identified as “no impact” or “less than significant”. CEQA Guidelines 15126.4; 15091(a)(3). Nonetheless, the City Council finds, based on the substantial evidence presented in the record, that implementation of the proposed Project will have no impact or a less-than-significant impact on each of environmental impact areas identified below, and therefore no mitigation is required for these impacts.

3.1 Aesthetics

- **Impact 3-1:** The proposed Project would not have the potential to conflict with applicable zoning and other regulations governing scenic quality.

3.2 Air Quality

- **Impact 4-1:** The proposed Project would not conflict with or obstruct implementation of an applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant.
- **Impact 4-2:** The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.
- **Impact 4-3:** The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

3.3 Biological Resources

- **Impact 5-1:** Implementation of the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species

identified as a candidate, sensitive, or special-status species.

- **Impact 5-4:** Implementation of the proposed Project would not conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other plan.

3.4 Geology and Soils

- **Impact 7-1:** Implementation of the proposed Project would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic shaking, and/or seismic-related ground failure, including liquefaction and landslides.
- **Impact 7-4:** The proposed Project will not be located on expansive soils, creating substantial direct or indirect risks to property.

3.5 Greenhouse Gases

- **Impact 8-1:** The proposed Project would not generate GHG emissions either directly or indirectly that may have a significant effect on the environment.
- **Impact 8-2:** The proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

3.5 Hazards and Hazardous Materials

- **Impact 9-1:** Construction of the proposed Project would not expose the public or the environment to hazardous materials through routine use, transport, or disposal of hazardous materials or reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

3.6 Hydrology and Water Quality

- **Impact 10-1:** The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

3.7 Land Use

- **Impact 11-1:** The proposed Project would not include development that could divide an established community.
- **Impact 11-3:** Implementation of the Project would not conflict with habitat or natural conservation plans.

3.8 Noise

- **Impact 12-2:** The proposed Project would not result in a substantial permanent

increase in ambient noise levels in the Project vicinity above levels existing without the Project.

3.9 Population and Housing

- **Impact 13-1:** Implementation of the proposed Project would not induce unplanned population growth.
- **Impact 13-2:** Implementation of the proposed Project would not displace people or housing.

3.10 Public Services

- **Impact 14-2:** Implementation of the proposed Project would not affect hospitals, schools, and libraries.

3.11 Recreation

- **Impact 15-1:** The proposed Project would not increase use of existing parks and recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- **Impact 15-2:** The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.
- **Impact 15-3:** The proposed Project would not affect use of existing parks or recreation facilities, inconsistent with applicable policies.

3.12 Transportation and Traffic

- **Impact 16-1:** Construction of the proposed Project would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, nor conflict with or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b).
- **Impact 16-2:** Construction of the proposed Project would not conflict with an applicable congestion management program including but not limited to LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- **Impact 16-3:** Implementation of the proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curve or dangerous intersection) or incompatible uses.
- **Impact 16-6:** Operation of the proposed Project would not result in a significant traffic increase in conflict with local plans, policies, and ordinances.

3.13 Utilities

- **Impact 17-1:** Implementation of the proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- **Impact 17-2:** Implementation of the proposed Project would not result in insufficient water supplies available to serve the proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- **Impact 17-3:** Implementation of the proposed Project would not result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments.
- **Impact 17-4:** The proposed Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- **Impact 17-5:** Implementation of the proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy, nor conflict or obstruct a state or local plan for renewable energy or energy efficiency.

4. FINDINGS REGARDING POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), the City finds that the following potentially significant impacts would be reduced to less than significant with implementation of the corresponding mitigation measures:

4.1. Aesthetics

4.1.1. Impacts

- **Impact 3-2:** The project would have the potential to create a new source of substantial light or glare.

4.1.2. Findings

The City finds that the above potentially significant impacts to Aesthetics would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 3-3a:** Design lighting to minimize impacts on adjacent areas.

Construction Lighting. Prior to site mobilization, the construction manager shall confirm that lighting for construction of proposed project facilities is used in a manner that minimizes potential night lighting impacts, as follows:

- a) All lighting shall be of minimum necessary brightness consistent with worker safety.
- b) All fixed position lighting shall be shielded, hooded, and directed downward to minimize backscatter to the night sky and prevent light trespass (direct lighting extending outside the boundaries of the construction area).
- c) Where feasible and safe, lighting shall be turned off when not in use, and motion detectors shall be used.
- d) A lighting complaint resolution form shall be maintained by construction management to record all lighting complaints received and to document the resolution of that complaint.
- e) All construction related lighting shall be completely shielded or screened so it is not visible to surrounding residents.

Project Operation Lighting. Prior to the start of operation of the facility, the construction contractor shall design and install new permanent lighting for the facility such that: light bulbs and reflectors are not visible from public viewing areas; lighting does not cause reflected glare; and illumination of the project, the vicinity, and the nighttime sky is minimized. To meet these requirements, the City or its design contractor shall confirm the following:

- a) Lighting shall be designed so exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter to the nighttime sky is minimized. The design of the lighting shall be such that the luminescence or light source is shielded to prevent light trespass outside the facility boundary.
- b) All lighting shall be of minimum necessary brightness consistent with worker safety.
- c) Where feasible and safe, lighting shall be kept off when not in use.

A lighting complaint resolution form shall be used by the project operations to record all lighting complaints received and document the resolution of those complaints. All records of lighting complaints shall be kept in the onsite compliance file.

4.1.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 3 (Aesthetics) and in Appendix F (Draft EIR Comments and Responses).

4.2. Biological Resources

4.2.1. Impacts

- **Impact 5-2:** Implementation of the project may interfere with the movement of fish or wildlife species.
- **Impact 5-3:** Implementation of the project could require the removal of street trees and potentially conflict with the City of San Mateo Heritage Tree Ordinance.

4.2.2. Findings

above potentially significant impacts to Biological Resources would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **Mitigation Measure 10-1:** Install and apply erosion control and stormwater best management practices during construction.

Applicable erosion control and stormwater BMPs shall be installed and maintained during construction for all earth-disturbing activities. Construction activities shall be required to comply with all RWQCB regulations and procedures for discharging wastewater, including dewatering discharges, as detailed in the SWPPP prepared for each project and as required under Chapter 7.39 of the Municipal Code. Applicable BMPs to reduce erosion and siltation and protect water quality can include, but are not limited to: designate construction access routes; stabilize construction access points; stabilize cleared and excavated areas by providing vegetative buffer strips, plastic coverings, and applying ground base on areas to be paved; protect adjacent properties and waterways by installing sediment barriers, filters, or vegetative buffer strips; prevent surface runoff from discharging into storm drains; use sediment controls and filtration to remove sediment from water generated by dewatering; and avoid refueling and vehicle maintenance on construction sites as feasible.

- **Mitigation Measure 10-2:** Obtain discharge permits to comply with discharge requirements.

The City or its contractors shall obtain and comply with discharge permits as appropriate for discharge of dewatering water.

- **Mitigation Measure 5-2:** Protection for nesting raptors and other native birds.

Construction during the nesting season should be avoided, if feasible (CDFW generally recognizes the period between February 1 and August 31 as nesting season). If construction during the nesting season is unavoidable, a preconstruction nesting bird survey shall be performed by a qualified biologist at least 14 days prior to construction if work activities are conducted between February 1 and August 31. Should an active nest for a protected species be observed prior to construction activities, disturbance-free buffers of 300 feet for raptors and 100 feet for non-raptors shall be implemented. Buffers shall be maintained until young have fledged (left the nest on their own), as determined by a qualified biologist, or the nest is no longer active due to non-construction-related reasons. If it is not practicable to avoid work in a buffer zone around an active nest, work activities shall be modified to minimize disturbance of nesting birds but may proceed in these zones at the discretion of a qualified biologist. The biologist, after consulting with CDFW for approval, shall monitor all work activities in these zones periodically when construction is occurring and assess their effect on the nesting birds. If the biologist determines that particular activities pose a high risk of disturbing an active nest, the biologist shall recommend additional, feasible measures to minimize the risk of nest disturbance. If work cannot proceed without disturbing the nesting birds, or signs of disturbance are observed by a monitor, work may be halted or redirected to other areas until the nesting and fledging is completed or the nest has otherwise failed for non-construction-related reasons. The biologist will contact the USFWS and the CDFW as needed could be contacted regarding alternate avoidance measures if halting or redirecting work is not feasible.

- **Mitigation Measure 5-3:** Obtain a street tree trimming/removal permit.

A street tree trimming/removal permit would be obtained from the City's Department of Parks and Recreation if necessary. New trees, as well as other groundcovers and shrubs would be planted, as required by the permit.

4.2.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 5 (Biological Resources) and Appendix F (Draft EIR Comments and Responses).

4.3. Cultural, Paleontological, and Tribal Resources

4.3.1. Impacts

- **Impact 6-1:** Construction of the project could cause a substantial change in the significance of a historic resource or archaeological resource pursuant to CEQA § 15064.5.
- **Impact 6-2:** Construction of the project could destroy a unique paleontological resource or site or unique geologic feature.

- **Impact 6-3:** Construction of the project could disturb human remains.

4.3.2. Findings

The City finds that the above potentially significant impacts to Cultural, Paleontological, and Tribal Resources would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 6-1b:** Halt construction if archaeological resources are discovered.

In the event of the discovery of archaeological resources, the applicant shall be responsible for halting construction activities, notifying the chief of planning, and retaining a qualified archaeologist. The archaeologist would be required to evaluate the uniqueness of the find and to contact local Native American and historical organization and recommend a course of action.

- **Mitigation Measure 6-1c:** Conduct worker environmental awareness training.

A qualified Cultural Resources Specialist (CRS) will prepare the cultural resources portion of the Worker Environmental Awareness Program; Worker environmental awareness training will be required for all personnel before working at proposed construction sites. The training will emphasize and educate workers regarding sensitivity for cultural resources on the site and procedures should cultural resources be encountered.

- **Mitigation Measure 6-1d:** Designate a qualified archaeologist to write a Monitoring Plan and to conduct full-time monitoring of all ground-disturbing activities during construction.

A qualified Cultural Resources Specialist (CRS) will complete a construction monitoring program to be implemented per recommendations. Monitoring and mitigation comprise a number of required activities that may prescribe measures to ensure avoidance of resources or compensate for the loss of significant cultural resources due to unavoidable impacts resulting from the exigencies of a project's construction. The objectives of monitoring are to protect extant historical resources and unique archaeological resources; to identify at the time of discovery any archaeological materials exposed during ground disturbance; and to protect such resources from damage until recommendations of eligibility for the CRHR can be made.

During all ground-disturbing activities, the contractor shall retain a qualified archaeologist to monitoring soil conditions prior to disposal.

If cultural resources are discovered during ground-disturbing activities, construction work in the vicinity of the discovery would cease, and the area would

be protected by a 50-foot buffer until the find could be evaluated by a qualified archaeologist. Mitigation measures recommended by the archaeologist will be implemented; cultural resource mitigation measures will be consistent with guidance and standards in Section 15126.4 of the CEQA Guidelines.

- **PEIR Mitigation Measure 6-2:** Halt construction if paleontological resources are discovered.

Should any potentially unique paleontological resources (e.g., fossils) be encountered during construction activities, work shall be halted immediately within 50 feet of the discovery. A qualified paleontologist shall determine the significance of the discovery, evaluate the uniqueness of the find, and prepare a written report documenting the find and recommending further courses of action. Depending on the significance of the discovery, the actions may include avoidance, preservation in place, excavation, documentation, recovery, or other measures determined by the paleontologist.

- **Mitigation Measure 6-3:** Protect human remains upon discover.

If human remains are discovered, the discovery would be treated in accordance with the requirements of §750.5(b) of the California Health and Safety Code. Pursuant to §7050.5(c) of the California Health and Safety Code, if the coroner determines that the human remains are of Native American origin, San Mateo County would ensure that the discovery is treated in accordance with the provisions of §5097.98(a)–(d) of the California PRC.

4.3.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 6 (Cultural Resources) and Appendix F (Draft EIR Comments and Responses).

4.4. Geology and Soils

4.4.1. Impacts

- **Impact 7-2:** Implementation of the project could result in substantial soil erosion or loss of topsoil.
- **Impact 7-3:** Project construction may be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, potentially resulting in onsite or offsite landslides, lateral spreading, subsidence, liquefaction, or collapse.

4.4.2. Findings

The City finds that the above potentially significant impacts to Geology and Soils would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 7-2:** Comply with regulations and policies for erosion control.

The City of San Mateo and its construction contractors shall develop prior to start of construction and implement a project-specific SWPPP for construction projects with a land disturbance area equal to or greater than 1 acre. For projects with disturbance area less than 1 acre in size, a site-specific Erosion and Sediment Control Plan shall be prepared. For projects with any land disturbance, construction shall comply with the San Mateo Site Development Code and shall incorporate an effective combination of erosion and sediment control measures that are identified in ABAG and/or California Stormwater Quality Association guidance manuals. Construction erosion and sediment control BMPs typically include, but are not limited to, the following measures:

- Scheduling site grading during the non-rainy season (April 15 to October 15), where possible
 - Segregation of topsoil during rough grading
 - Temporary soil stabilization during site grading and active construction
 - Permanent post-construction site soil stabilization
 - Erosion and sediment controls during construction dewatering activities
 - Control of site run-on and run-off to isolate the work area and prevent onsite or offsite erosion and sediment transport during construction
 - Dust suppression
 - Stockpile management; in accordance with City standard construction practices, materials shall be stockpiled at central location(s) instead of within work areas, where feasible
- **Mitigation Measure 7-3a:** Measures to reduce dewatering-related settlements.

Measures to reduce impact from dewatering-related settlements could include, but are not limited to, the following:

- Prior to construction, install piezometers outside the limits of excavation; take continuous readings to create a historical baseline of the hydrostatic groundwater level and to measure the seasonal fluctuations.
- Specify groundwater drawdown thresholds within observation wells (piezometers) installed around the excavation and enforceable actions in the contract documents. Specify early-alert values that trigger corrective action requirements, as well as dewatering shut-down values. From

preliminary review of the geotechnical data, these early alert values are anticipated to be on the order of 5 feet of drawdown below historical low groundwater level in observation wells located 50 feet from the edge of the excavation. In the event that groundwater drawdown reaches the threshold, the dewatering rate will be reduced or potentially discontinued until additional mitigation measures are implemented, or further analyses of the measured settlement data for the threshold drawdown show no detrimental effects are likely.

- Require installation of a watertight temporary shoring system.
 - Require a groundwater cutoff extending a minimum of 15 feet below the base of the excavation, or as required to penetrate low-permeability soil layers that limit drawdown outside of the Project area.
 - Prohibit dewatering wells outside of the excavation limits.
 - Limit the dewatering inside the excavation so it draws the groundwater table down to allow for construction, but will be limited to minimize drawdown outside the excavation shoring.
 - Perform construction period monitoring (weekly, daily, or continuously) to measure movement – settlement and tilt in the vicinity of the construction site. Movement in permanent and critical structures, such as pipelines and buildings, located within an approximate 100-foot radius of the construction zone should be monitored.
 - Perform post-construction monitoring. Groundwater levels should be monitored approximately quarterly for 1 to 2 years following construction to document post-construction groundwater levels
- **Mitigation Measure 7-3b:** Measures to reduce shoring-related settlements.

Measures to reduce impact from shoring-related settlements could include, but are not limited to, the following:

- Implement pre- and post-construction surveys to document the condition of specific buildings and structures located within a potential zone of influence or a specific distance from the edge of the excavation. Critical or major utilities, sensitive or historic buildings, and nearby homes may also be included in the surveys. A pre-construction survey provides a record of the existing conditions of the structures prior to construction. A post-construction survey and report documents the post-construction conditions and any changes in condition that occurred during the construction period. These surveys help to differentiate between construction related impacts and pre-existing conditions. (Building owners

and tenants may be unaware of the condition of their buildings prior to construction. Construction activity can alert an owner or tenant to a previously unrecognized crack or tilt in the foundation even though it may have been pre-existing.) The surveys may be used to establish agreements with neighbors prior to construction. They also may form the basis for repairs if movement occurs beyond an agreed upon threshold.

- Require the shoring system to be designed to be rigid. Include a maximum calculated deflection limit as part of the contract document requirements.
- Require the shoring system to be designed using at-rest soil pressures instead of active pressures. Consider requiring the shoring system to be designed to resist additional pressures that could result from earthquake loading.
- Specify maximum vibration limits and enforceable actions in the contract documents. Specify monitoring requirements along with early-alert and shutdown values that trigger corrective action requirements.
- Perform continuous vibration monitoring during periods of shoring installation. Provide monitors within the construction site and at pre-determined locations in-between the construction site and the nearest permanent structures to measure vibration magnitudes.
- Specify maximum lateral deflection limits for the shoring elements and enforceable actions in the contract documents. Specify monitoring requirements along with early-alert and values that trigger corrective action requirements.
- Perform construction period monitoring (weekly, daily, or continuously) to measure shoring displacements and the potential effects to the nearby area. Require monitors for shoring deformation such as inclinometers and survey prisms.
- Perform construction period monitoring (weekly, daily, or continuously) to measure existing building movement – settlement, tilt, and vibration.
- Perform post-construction monitoring. Neighboring structures should be monitored approximately quarterly for 1 to 2 years following construction to ensure post-construction movement is minimal.

4.4.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 7 (Geology and Soils) and Appendix F (Draft EIR Comments and Responses).

4.5. Hazards and Hazardous Materials

4.5.1. Impacts

- **Impact 9-2:** The project may be located on a site that is included on a list of hazardous material sites and, as a result, create a significant hazard to the public or the environment.
- **Impact 9-3:** Construction and operation of the project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25 miles of an existing school.
- **Impact 9-4:** Implementation of the project may interfere with an adopted emergency response plan or emergency evacuation plan.

4.5.2. Findings

The City finds that the above potentially significant impacts to Hazards and Hazardous Materials would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **Mitigation Measure 9-2:** Perform a Phase II ESA as needed prior to construction and remediate, control, or dispose of contaminated materials as appropriate.

Where unexpected contamination is encountered or suspected, sampling shall be performed under a Phase II ESA, as appropriate, and recommendations for reducing or eliminating the mechanisms of contamination shall be provided. Recommendations may include removing the contaminated soil and disposing of it at a licensed facility in accordance with all regulations.

- **PEIR Mitigation Measure 9-4:** Coordinate emergency services during construction.

For project work areas located near roadways, or that may otherwise interfere with emergency access, the City shall follow its standard measures to coordinate in advance with the SMPD and establish signage and detours so that emergency access, including police and fire access, is maintained during temporary construction activities. Signage and notifications to the public regarding parking, driving, and pedestrian access disruptions shall be made. Emergency personnel and coordination centers shall be notified of construction locations and schedules prior to start of construction.

4.5.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 9 (Hazards and Hazardous Materials) and Appendix F (Draft EIR Comments and Responses).

4.6. Hydrology and Water Quality

4.6.1. Impacts

- **Impact 10-2:** Implementation of the project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, or conflict with or obstruct implementation of a water quality control plan.
- **Impact 10-3:** Implementation of the project could substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surface, in a manner which would: substantially increase the rate or amount of surface runoff, result in flooding or substantial erosion or siltation onsite or offsite, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.

4.6.2. Findings

The City finds that the above potentially significant impacts to Hydrology or Water Quality would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 10-2:** Install and apply erosion control and stormwater best management practices during construction.

Applicable erosion control and stormwater BMPs shall be installed and maintained during construction for all earth-disturbing activities. Construction activities shall be required to comply with all RWQCB regulations and procedures for discharging wastewater, including dewatering discharges, as detailed in the SWPPP prepared for each project and as required under Chapter 7.39 of the Municipal Code. Applicable BMPs to reduce erosion and siltation and protect water quality can include, but are not limited to: designate construction access routes; stabilize construction access points; stabilize cleared and excavated areas by providing vegetative buffer strips, plastic coverings, and applying ground base on areas to be paved; protect adjacent properties and waterways by installing sediment barriers, filters, or vegetative buffer strips; prevent surface runoff from discharging into storm drains; use sediment controls and filtration to remove sediment from water generated by dewatering; and avoid refueling and vehicle maintenance on construction sites as feasible.

- **Mitigation Measure 10-2a:** Obtain discharge permits to comply with discharge requirements.

The City or its contractors shall obtain and comply with discharge permits as appropriate for discharge of dewatering water.

4.6.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 10 (Hydrology and Water Quality) and Appendix F (Draft EIR Comments and Responses).

4.7. Land Use

4.7.1. Impacts

- **Impact 11-2:** Implementation of the project could conflict with City of San Mateo land use and zoning regulations.

4.7.2. Findings

The City finds that the above potentially significant impact to Land Use would be reduced to less-than-significant levels through adoption of the following mitigation measure:

- **PEIR Mitigation Measure 11-2:** Obtain approval for a special use permit.

The City of San Mateo Department of Public Works shall apply for a special use permit prior to approval of any project on a parcel where wastewater collection, pumping, or treatment facilities are not a regularly permitted use. Permit applications shall be reviewed and approved by the Planning Commission and City Council if all conditions are met.

4.7.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 11 (Land Use) and Appendix F (Draft EIR Comments and Responses).

4.8. Noise

4.8.1. Impacts

- **Impact 12-3:** The project could generate excessive ground-borne vibration or ground-borne noise levels.

4.8.2. Findings

The City finds that the above potentially significant impact to Noise would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 12-3:** Incorporate vibration issues into proposed project construction.

As part of the final design effort, the potential for construction activities to result in excess vibration shall be assessed and site-specific minimization measures for the proposed Project implemented as necessary.

- **Mitigation Measure 12-3a:** Incorporate vibration monitoring and minimization measures as part of project construction.

Vibration monitoring will be conducted as described in Final EIR Section 2.6.7. Site-specific minimization measures will be implemented as necessary to reduce the potential effects of offsite vibration. Monitoring may be reduced or eliminated when it has been established that these measures, if required, are effective for the site-specific conditions.

4.8.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 12 (Noise) and Appendix F (Draft EIR Comments and Responses).

4.9. Public Services

4.9.1. Impacts

- **Impact 14-1:** Implementation of the CWP could affect police or fire services.

4.9.2. Findings

The City finds that the above potentially significant impact to Public Services would be reduced to less-than-significant levels through adoption of the following mitigation measure:

- **PEIR Mitigation Measure 9-4:** Coordinate emergency services during construction.

For project work areas located near roadways, or that may otherwise interfere with emergency access, the City shall follow its standard measures to coordinate in advance with the SMPD and establish signage and detours so that emergency access, including police and fire access, is maintained during temporary construction activities. Signage and notifications to the public regarding parking, driving, and pedestrian access disruptions shall be made. Emergency personnel and coordination centers shall be notified of construction locations and schedules prior to start of construction.

4.9.3. Facts in Support of Findings

Facts in support of the findings are described in Draft EIR Chapter 14 (Public Services) and in Appendix F (Draft EIR Comments and Responses).

4.10. Transportation and Traffic

4.10.1. Impacts

- **Impact 16-4:** Implementation of the project could result in inadequate emergency access.

- **Impact 16-5:** Implementation of the project could conflict with adopted policies, plans, or programs regarding public transit, bicycle, and pedestrian facilities or otherwise decrease the performance or safety of such facilities.

4.10.2. Findings

The City finds that the above potentially significant impacts to Transportation and Traffic would be reduced to less-than-significant levels through adoption of the following mitigation measures:

- **PEIR Mitigation Measure 9-4:** Coordinate emergency services during construction.

For project work areas located near roadways, or that may otherwise interfere with emergency access, the City shall follow its standard measures to coordinate in advance with the SMPD and establish signage and detours so that emergency access, including police and fire access, is maintained during temporary construction activities. Signage and notifications to the public regarding parking, driving, and pedestrian access disruptions shall be made. Emergency personnel and coordination centers shall be notified of construction locations and schedules prior to start of construction.

- **PEIR Mitigation Measure 16-1:** Prepare and implement a traffic management plan.

Construction of some of the project would require temporary lane closures, traffic detours, and the use of oversized equipment. Implementation of the project shall include a TMP that would minimize impacts on through traffic as a result of construction activities. The TMP would be prepared in accordance with the California Manual of Uniform Traffic Control Devices (MUTCD) and all applicable requirements of the San Mateo Department of Public Works Conditions of Approval. The TMP shall be approved by the City of San Mateo Department of Public Works prior to construction and implemented at all times during construction of the project. If construction requires use of or detours on the rights-of-way of other communities, permits and approvals may be required from these local agencies. The City of San Mateo and its contractors shall cooperate with other communities to obtain the necessary approvals.

The TMP shall be prepared by a qualified transportation engineer and include recommendations for appropriately managing traffic during the construction period by implementing measures such as construction schedule restrictions, signage, and flaggers. Such measures would promote traffic movement during construction to avoid substantial LOS degradation (i.e., LOS levels that are less than the City's adopted LOS threshold).

The TMP would include but not be limited to the following measures:

- To the extent possible, minimize closures of travel lanes or disruptions to street segments and intersections during trenching activities within road rights-of-way or while utilities are being connected.
- Prepare temporary traffic control plans for each site location. In accordance with the San Mateo Public Works Department Conditions of Approval, prior to issuance of a permit, the contractor shall submit applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for all lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the MUTCD, and standard construction practices. The temporary traffic control plans will identify the need for flaggers for directing traffic, temporary signage, lighting, traffic control devices, and other measures, if required.
- Identify oversize and overweight load haul routes. Transporters will comply with state and county regulations for transportation of oversized and overweight loads on all state and county roads. Such regulations typically include provisions for time of day, pilot cars, law enforcement escorts, speed limits, flaggers, and warning lights. In accordance with the San Mateo Public Works Department Conditions of Approval, for material delivery vehicles equal to or larger than two-axle, six-tire, single-unit truck size (as defined by Federal Highway Administration Standards), the contractor will submit a truck hauling route that conforms to City of San Mateo Municipal Code Section 11.28.040 for the approval by the City Engineer. Contractors will be prohibited from using trucks with “compression release engine brakes” on residential streets. The contractor will submit a letter to and obtain approval from, the Department of Public Works confirming the intention to use the hauling route prior to the issuance of any City permits. All material hauling activities shall comply with applicable City ordinances and conditions of approval.
- Schedule deliveries of heavy equipment and construction materials during periods of minimum traffic flow. In accordance with the San Mateo Public Works Department Conditions of Approval, earth hauling and materials delivery to and from the site, including truck arrivals and departures to and from the site, will be prohibited (to the extent possible) between the weekday hours of 4:00 p.m. to 5:30 p.m. Signs outlining these restrictions will be posted at conspicuous locations on site.
- Limit construction activities (to the extent feasible) to the weekday between 7:00 a.m. and 7:00 p.m. and between 7:00 a.m. and 5:00 p.m. for work within City rights-of-way.
- Post the approved hours of construction activity at the construction site in

a place and manner that can be easily viewed by any interested member of the public.

- Determine the need for construction work hours and arrival and departure times outside peak traffic periods.
- Determine the need for construction scheduling outside of legal holidays and special events to avoid affecting large fluxes in traffic volumes. In accordance with the San Mateo Public Works Department Conditions of Approval, within the vicinity of Hillsdale Mall and within the downtown area during the holiday season (November 20 to January 1), there shall be no construction activities within rights-of-way that would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance, as determined by the City Engineer. Prohibition on El Camino Real will be along its entire length within the City limits. For Hillsdale Shopping Center, construction prohibition streets shall include Hillsdale Boulevard between US 101 and SR 92, 31st Avenue between El Camino Real and Hacienda Street, and Edison Street and Hacienda Street in the vicinity of the shopping center. The limits of the downtown area shall be defined as: between El Camino Real on the west and Delaware Street on the east, Tilton Avenue on the north, and 5th Avenue on the south. The prohibition shall also include the 3rd and 4th Avenue corridors between Delaware Street and US 101.
- Identify vehicle safety procedures for entering and exiting site access roads.
- Notify and coordinate with emergency responders regarding potential road closures prior to construction.
- Provide access for emergency vehicles to and around the project site.
- Maintain access to adjacent properties. In accordance with the San Mateo Public Works Department Conditions of Approval the contractor will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. The notifications will be provided 3 days prior to the start of the extended construction activity.
- Notify and coordinate with transit operators regarding potential road closures prior to construction.
- Maintain access to transit, bicycle, and pedestrian facilities along project routes.
- Notify and coordinate with mail service and waste haulers regarding

potential road closures prior to construction.

- Provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood. Include an estimate of the number of workers that will be present on the site during the various phases of construction, indicate where sufficient off-street parking will be used, and identify all locations for offsite material deliveries. The plan will be approved by the City Engineer prior to issuance of City permits and will be complied with at all times during construction.
- Implement a Transportation Demand Management Program using programs in compliance with the City/County Association of Governments of San Mateo County Guidelines for Trip Reduction. These programs will be on-going throughout project construction. The plan may include those actions listed in the project trip reduction plan, including secure bicycle storage, shower changing facilities, guaranteed ride home program, information on transportation alternatives, carpool matching program, preferential parking for carpools/vanpools, employee transportation coordinator, TMA participation, parking reduction, carsharing, shuttle participation, flexible work hours/telecommuting, and an option to participate in the Caltrain GO Pass Program.

Signs would be provided to control traffic and assist with safety along project access routes and at designated road crossings. These signs will adhere to the MUTCD and will include regulatory signs (e.g., stop, speed limits, and yield) and warning signs and construction signs (e.g., temporary lane closures and flaggers). All signs will be maintained throughout project construction.

Public information will be distributed by using local news television and radio broadcasts, informational flyers and mailers, websites, and other outreach options. Signs would be installed, and public notices would be distributed regarding construction work before disruptions occur; the notifications would identify detours to maintain access. In addition, flagmen or escort vehicles would control and direct traffic flow, and work would be scheduled during periods of minimum traffic flow.

4.10.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapter 16 (Transportation and Traffic) and Appendix F (Draft EIR Comments and Responses).

5. SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

The Final EIR identifies the following impact as remaining significant and unavoidable because it cannot be mitigated to a less-than-significant level. As stated in CEQA Guidelines Section 15091, the City finds that “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 City further finds that the project has been designed in a manner that reduces impacts to the extent feasible, while achieving its specific economic, legal, social and technological benefits. With regard to this significant impact that is not avoided or that is not substantially lessened, the City is adopting a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093.

5.1. Noise

5.1.1. Impacts

- **Impact 12-1:** Construction of the project could result in generation of noise levels in excess of standards.

The San Mateo Municipal Code states that noise level at any point outside of the property plane of the project shall not exceed 90 dBA. The City concluded that on occasion, depending on the equipment type and location used, project construction noise may exceed 90 dBA at the property plane. The average construction equipment noise level and the noise level for many individual pieces of construction equipment at 25 feet would be below the 90 dBA threshold, and most construction would be taking place more than 25 feet from the property plane. However, if individual construction equipment such as jackhammers or concrete saws that have the potential to generate noise at 84 dBA or higher at 50 feet are used, the equipment could exceed the 90 dBA limit if used close to the property plane.

5.1.2. Findings

The City adopts the following mitigation measures to reduce potentially significant impacts related to noise and vibration, but finds that Noise Impact 12-1 remains potentially significant and unavoidable.

- **PEIR Mitigation Measure 12-1a:** Develop and implement construction noise minimization measures.

General noise minimization measures available to reduce sound levels from construction activities include but are not limited to the following:

- Specify general construction noise mitigation measures that require the contractor to use equipment that is in good working order, adequately muffled, and maintained in accordance with the manufacturers’ recommendations.
- Use semi-permanent stationary equipment (e.g., generators and lights) with “quiet” packages (as available) and stationing it as far from sensitive

areas as possible.

- During construction, erect temporary barriers using materials such as intermodal containers or frack tanks, plywood walls, mass-loaded vinyl (vinyl impregnated with metal), or hay bales. Barriers shall be erected as close as safely feasible to the noise source. Barriers shall be used when equipment is expected to exceed 90 dBA at the property plane, based on actual measured noise levels for the specific equipment, as cited in *Roadway Construction Noise Model User's Guide*. The barrier shall be designed to provide sufficient attenuation to reduce noise to less than 90 dBA at the property plane, as feasible.

If a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements would be impractical or unreasonable, the contractor is required to obtain an exceptions permit per Section 7.30.070 of the Municipal Code. The permit shall be issued by the city manager, or the manager's designee, with appropriate conditions to minimize the public detriment caused by such exceptions. The duration of the permit shall be as short as possible, but in no case for longer than 6 months.

- **PEIR Mitigation Measure 12-1b:** Operate a construction noise hot line.

The City shall establish a telephone number for use by the public to report any significant undesirable noise conditions associated with construction and demolition of the proposed project. If the telephone is not staffed 24 hours per day, the City shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction and demolition so that it is visible to passersby. This telephone number shall be maintained during project construction.

- **PEIR Mitigation Measure 12-1c:** Resolve construction noise complaints.

Throughout construction of the proposed project, all legitimate project-related noise complaints shall be documented, investigated, evaluated, and resolved as feasible. The City or its authorized agent shall be responsible for the following:

- Use the Noise Complaint Resolution Form typically suggested by the California Energy Commission, or a functionally equivalent procedure, to document and respond to each noise complaint.
- Attempt to contact the person(s) making the noise complaint within 24 hours.
- Conduct an investigation to attempt to determine the source of noise related to the complaint.

- If the noise complaint is legitimate, implement feasible measures to reduce the noise.

Pursuant to CEQA Guidelines Section 15091(a)(3), the City finds that the above mitigation measures cannot guarantee that this impact will be reduced to a less-than-significant level due to certain considerations, including the equipment, technology, and construction methods necessary to construct the project. The City finds that most noise impacts will be mitigated by incorporation of the above mitigation, but that certain types of construction equipment used closed to the property plane could still exceed 90 dBA. The City finds that none of the project alternatives identified in the Final EIR will reduce this impact to a less than significant level. Because use of the construction methods identified above and in the Final EIR is necessary to implement the proposed Project, and the proposed Project will achieve the objectives outlined in the Final EIR, the City Council concludes that the proposed Project's benefits outweigh its significant unavoidable impacts.

5.1.3. Facts in Support of Findings

Facts in support of the findings are described in Final EIR Chapters 2 (Program Description), 12 (Noise), 19 (Alternatives), Appendix F (Draft EIR Comments and Responses), and these Findings, which includes the Statement of Overriding Considerations.

6. FINDINGS REGARDING PROJECT ALTERNATIVES

6.1. Introduction

The Final EIR analyzes several alternatives to the proposed Project. In addition to a "No Project" Alternative, the Final EIR analyzes three Temporary Holding Structure Alternatives (Corporation Yard, Fiesta Meadows Park, and Hillside Plaza/San Mateo County Event Center) and the Delaware Storage Tunnel Alternative. Facts supporting the findings below and descriptions of the alternatives are included in Final EIR Chapter 19 (Alternatives), all referenced documents incorporated therein, and in Appendix F. These alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6. The environmental impacts of each of these alternatives are identified and compared on Table 19-2 of the Final EIR and the environmentally superior alternative is identified in Section 19.4 of the Final EIR.

6.2. Alternatives Analysis

The City Council finds that the range of alternatives studied in the Final EIR along with recognition of the project objectives reflects a reasonable attempt to identify and evaluate various alternatives that would potentially be capable of reducing the project's environmental impacts, while accomplishing most of the project objectives. The City Council is required to determine whether any alternative identified in the Final EIR is environmentally superior. The following summarizes the project alternatives analyzed in the Final EIR.

6.2.1. No Project Alternative

Under the No Project alternative, the City's collection system would continue to operate in its current configuration. Although this alternative would avoid the significant impacts resulting from construction noise, it would not achieve the stated objectives of the Clean Water Program or the proposed Project.

Under this alternative, the City would not increase the capacity of its collection system. Sanitary sewer overflows would continue to occur during wet weather events. The City and its partner agencies would continue to be in violation of the Cease and Desist Order related to these overflows. Stormwater quality and San Francisco Bay water quality would be negatively affected. For these reasons, the City Council rejects the No Project alternative.

6.2.2. Project Alternatives

The Project alternatives described below would meet the stated objectives of the Clean Water Program and the proposed Project, but would have similar, or more significant, environmental impacts than the Project.

Temporary Holding Structure Alternatives

The Temporary Holding Structure alternatives consist of the Corporation Yard alternative, the Fiesta Meadows Park alternative, and the Hillsdale Plaza/San Mateo County Event Center alternative. These alternatives each involve construction of an underground temporary holding structure, pump station, diversion sewers, and odor control facilities, with the only difference being their location within the City and the configuration of the sewer pipelines. These alternatives would employ similar construction methods, and accordingly, produce similar noise impacts.

The Corporation Yard alternative would be located at the City's corporation yard. Under this alternative, traffic and noise impacts would be similar to the Project but would last for a longer period due to the additional time required for construction. In order to construct a temporary holding structure on this site, the existing use would need to be relocated, and then replaced after construction. These phases would last 12-18 months each, above and beyond the approximately two years of construction for the temporary holding facility. In addition, the construction noise and vibration impacts from Corporation Yard alternative would be greater because they would affect more sensitive receptors. Two apartment complexes are located within 50 feet of the Corporation Yard site. In contrast, the nearest residential uses to the proposed Project site are 150 feet away; these residential uses are also lower density, i.e. townhomes and detached single family homes. Finally, the City would have to amend its general plan and zoning code in order to construct a temporary holding structure on the Corporation Yard site. The Corporation Yard is currently zoned as "Transit Oriented Development" which generally consists of medium to high-density residential, commercial, and mixed uses and often include underground parking structures. The proposed Project constitutes a "public facilities use", which is not a permitted use within a Transit Oriented Development zoning district.

The Fiesta Meadows Park alternative would be located in Fiesta Meadows Park, which is located within the Fiesta Gardens neighborhood. In order to construct a temporary holding structure on this

site, the City would have to close the park during construction. This would deprive the neighborhood use of the park and its amenities. In addition, construction traffic impacts be more severe because the primary access route to the Fiesta Meadows Park is Bermuda Avenue. Bermuda Avenue is classified as a local street, i.e. a street designed to serve only adjacent land uses and intended to protect residents from through traffic impacts. In contrast, construction traffic for the proposed Project would primarily access the construction site using Delaware Street and Hillsdale Boulevard, which are City-designated truck routes.

The Hillsdale Plaza/San Mateo County Event Center alternative would involve two, smaller holding structures in different sites. The Hillsdale Plaza site is located just north of Hillsdale Boulevard, between El Camino Real and the Caltrain right-of-way. The Hillsdale Plaza site, like the Corporation Yard site, is currently zoned as Transit Oriented Development. Therefore, the City would have to amend the City's general plan and zoning code in order to construct a temporary holding structure at Hillsdale Plaza. The Event Center site is located at the northwestern corner of the Event Center, near the intersection of Delaware Street and Saratoga Avenue. Since this alternative requires construction at two sites, it would result in a greater number of truck trips and considerably higher construction dust impacts.

Thus, the three Temporary Holding Structure Alternatives but would not avoid the significant noise impacts attributable to construction activity and would also result in similar-to-higher construction traffic related impacts. Two of the holding structure alternatives would not be compatible with the City's Land Use and zoning designations and would require an amendment to the City's General Plan and zoning code. Therefore, the City rejects these three alternatives.

Delaware Storage Tunnel Alternative

The Delaware Storage Tunnel Alternative would consist of a 6,155-foot by 12-foot diameter pipeline along Delaware Street, between 31st Avenue and Concar Drive. The pipeline would be constructed approximately 50 feet below grade via a tunnel bore machine. Access shafts would be constructed at three points along the length of Delaware Street in order to dig the tunnel, and for operation and maintenance of the pipeline. Since the tunnel would be underground, impacts caused by fugitive dust would be reduced compared to the Project.

However, this alternative would have significant noise impacts for longer periods of the day than the Project, given that 24-hour construction would be necessary. And while most construction activities would not affect traffic, there could be significant impacts to traffic due to the potential need to close Delaware Avenue and/or 28th Avenue, as well as nighttime lighting and glare impacts from the 24-hour construction. And, this alternative would require amendments to the City's General Plan and Zoning Code because certain types of development could no longer be located there. Finally, due to construction risks and safety and complexity concerns associated with operating the storage tunnel, the City finds that this alternative is technically infeasible and therefore rejects it.

6.2.3. Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative to the proposed project be specified, if one is identified. In general, the environmentally superior alternative is supposed to minimize adverse impacts to the environment while achieving most of the basic objectives of the project. Because all other alternatives would result in similar or greater impacts than the proposed project and would not substantially lessen or reduce potential impacts from the proposed project, no other alternatives were determined to be environmentally superior.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the City as the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Program against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the Program outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. (CEQA Guidelines, § 15093(a).) CEQA requires the City to support, in writing, the specific reasons for considering the project acceptable when significant effects are not avoided or substantially lessened, based on substantial evidence in the Final EIR or administrative record. (CEQA Guidelines, § 15093(b).)

The City finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring or Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, certain significant impacts remain unavoidable. Despite the ultimate occurrence of these expected effects, the City Council, in accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, as balanced the benefits of the project against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures. The City Council has also (i) independently reviewed the information in the Final EIR and the record of proceedings; (ii) made a good faith effort to eliminate or substantially lessen the impacts resulting from the project to the extent feasible by adopting the mitigation measures as identified in the Final EIR; and (iii) balanced the project's benefits against its significant unavoidable impacts. The City Council has also examined alternatives to the project and has determined that adoption and implementation of the project is the most desirable, feasible, and appropriate action. The City Council has chosen to approve the Final EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh its significant effects on the environment. Substantial evidence supports the various benefits and can be found at a minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the Final EIR, and the documents which make up the record of proceedings.

7.1. Significant and Unavoidable Impact

Based on the information and analysis set forth in the Final EIR and the record of proceedings, construction of the project would result in the following significant unavoidable impact even with

the implementation of all feasible mitigation measures:

- **Impact 12-1:** Construction of the program could result in generation of noise levels in excess of standards.

7.2. Overriding Considerations

The following economic, legal, social, technological, and other benefits and considerations, taken together or individually, outweigh the significant and unavoidable adverse environmental impact due to construction noise described above, and the City Council determines that the evidence in the record constitutes substantial evidence to support this determination, that the facts stated in this document and in the CEQA Findings are supported by substantial evidence in the record, including testimony received at the public hearings, in staff presentations, staff reports, and all materials in the project files. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration will occur and justifies project approval, this City Council determines that it would stand by its determination that the remaining benefits or considerations is or are sufficient to warrant project approval:

- The project will provide storage for wastewater flow, thus supporting the City's need to meet current regulatory requirements regarding blending and sanitary sewer overflows.
- The project will provide adequate system capacity to efficiently convey and treat the peak wet weather flow, including wet weather flow equalization and optimization of the existing collection system performance.
- The project would improve safety and reliability of the wastewater collection system and Wastewater Treatment Plant.
- The project will reduce discharge of raw sewage within San Mateo and into San Francisco Bay.
- The Project will aid the City in complying with the Cease and Desist Order related to overflows.
- Construction of the project will provide temporary (construction) jobs for San Mateo residents.

These considerations identify why, in the City Council's judgment, the project and its benefits to the City outweigh its unavoidable significant environmental impact. The substantial evidence supporting these various considerations is found in the Final EIR and the contents of the record of the project proceedings.