

CITY OF SAN MATEO
RESOLUTION NO. ____ (2023)

**FINDING THAT BAY MEADOWS MAIN TRACK INVESTORS LLC HAS COMPLIED IN GOOD FAITH WITH THE TERMS
OF THE BAY MEADOWS PHASE II DEVELOPMENT AGREEMENT FOR THE 16th and 17th REVIEW PERIODS
COVERING DECEMBER 21, 2020 THROUGH DECEMBER 20, 2022**

WHEREAS, the Bay Meadows Phase II Development Agreement was adopted by the City Council on November 7, 2005 and became effective on December 21, 2005;

WHEREAS, the Development Agreement and City Council Resolution No. 120 (1990) - Establishing Procedures and Requirements for the Consideration of Development Agreements requires the annual review of the Agreement and all actions taken pursuant to the Development Agreement, and the Planning Commission is required to undertake this annual review and determine the good faith compliance by the Owner with the terms of the Agreement;

WHEREAS, Bay Meadows Main Track Investors, LLC ("Owner") submitted documentation setting forth the Owner's good faith compliance with the terms and conditions of the Development Agreement for three (3) review periods, from December 21, 2020 through December 20, 2022;

WHEREAS, there were no specific items required to be completed in the sixteenth and seventeenth years of the Development Agreement;

WHEREAS, the City of San Mateo, in accordance with California Government Code Section 65865.1 through this Planning Commission has held a public hearing on October 10, 2023 pursuant to the notice required by law for the finding of Owner's compliance in good faith with the terms of the Development Agreement, at which hearing the Commission received and considered written and oral evidence;

WHEREAS, the City considered all aspects of the Bay Meadows Phase II development project including the Development Agreement and its provisions for this annual review in the San Mateo Rail Corridor Plan and Bay Meadows Specific Plan Amendment Environmental Impact Report that was prepared and circulated for public review pursuant to CEQA, and the City Council certified the EIR on April 18, 2005 and re-certified it on June 6, 2006 and November 7, 2006. In accordance with CEQA Guidelines section 15378(b)(5), this development agreement review is not a project subject to CEQA because it is an administrative action that will not impact the physical environment. The environmental impacts of the Bay Meadows project were previously analyzed in an environmental impact report.

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

1. The Planning Commission has determined in accordance with CEQA Guidelines section 15378(b)(5), this development agreement review is not a project subject to CEQA because it is an administrative action that will not impact the physical environment. The environmental impacts of the Bay Meadows project were previously analyzed in an environmental impact report.

2. Both parties to the Development Agreement have complied with the requirements of Articles 6.2 and 6.3 of the Development Agreement.
3. The Recitals set forth at the beginning of this Resolution are hereby incorporated as findings based on substantial evidence in the record and on that basis are hereby adopted and approved.
4. The Planning Commission, by at least a majority of its members, hereby finds that based on substantial evidence Bay Meadows Main Track Investors, LLC has complied in good faith with the terms of the Bay Meadows Phase II Development Agreement for the sixteenth and seventeenth review periods from December 21, 2020 through December 20, 2022 within the meaning of Article 6.3 of the Development Agreement, Section 8(a) of Resolution 120 (1990) adopted by the City Council on October 15, 1990, and Cal. Government Code Section 65865.1.
5. A certified copy of this resolution shall be filed with the City Clerk.