

# **EXHIBIT B**



# **COUNTY** OF **SAN MATEO** **PLANNING AND BUILDING**

## **North Fair Oaks Rezoning and General Plan Amendment**

### **Findings of Fact and Statement of Overriding Considerations**

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# 1 Introduction

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A Draft Environmental Impact Report (Draft EIR) was prepared for the North Fair Oaks Rezoning and General Plan Amendment (project), was made available for public review on April 28, 2023, and was distributed to local and State agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies. The Draft EIR and an announcement of its availability were posted electronically on the project website at <https://www.smcgov.org/planning/major-projects> and at the following locations:

- North Fair Oaks Library, 2510 Middlefield Road, Redwood City, CA 94063

The public review period for the Draft EIR ran from Friday April 28, 2023, to Tuesday June 13, 2023. The public was encouraged to submit written comments to Will Gibson, County of San Mateo, Planning and Building Department, 455 County Center, Redwood City, CA 94063 no later than 5:00 p.m. on June 13, 2023.

After close of the Draft EIR public review and comment period, a Final EIR consisting of responses to comments and changes to the Draft EIR was prepared for the County of San Mateo (County) Board of Supervisors. On October 17, the Board of Supervisors, at a public hearing, is expected to decide on the certification of the Final EIR and to approval of the project. The public hearing will be simultaneously held virtually and in person.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the project that are described and analyzed within the Final EIR, reflect the Board's determinations about feasible mitigation measures, and the adequacy of the Final EIR. These Findings have been made pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Section 21081 and 21081.6, as well as the *CEQA Guidelines* (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and *CEQA Guidelines* Section 15091 require that the County, as the Lead Agency for this project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under *CEQA Guidelines* Section 15091(a) are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects 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.

Further, in accordance with Public Resources Code Section 21081 and *CEQA Guidelines* Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the County as the decision-making agency is required to balance, as applicable, the benefits of the project against its

unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable,” in which case the lead agency must adopt a formal statement of overriding considerations.

The Final EIR identified potentially significant environmental effects that could result from the project but could be reduced to a less than significant level through implementation of mitigation measures. Those effects were related to air quality (impacts related to exposure of sensitive receptors), biological resources (impacts related to special status species, particularly nesting birds), cultural and tribal cultural resources (impacts related to archaeological resources and tribal cultural resources), geology and soils (impacts to paleontological resources), noise (impacts related to groundborne vibrations), and utilities (impacts related to wastewater facility capacity). Significant and unavoidable (unmitigable) cumulative impacts associated with air quality (impacts related to construction emissions); cultural resources (impacts related to historical resources); noise (impacts related to construction noise and operational noise); and transportation (impacts related to office-only commercial vehicle miles traveled [VMT]) were identified due to lack of feasible mitigation measures that could reduce impacts to a less than significant level, and thus a statement of overriding considerations is required.

## 2 Project Description

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The project is an update of the North Fair Oaks Rezoning and General Plan Amendment (project or proposed project). The project would result in changes to the County's Zoning Regulations for mixed use designations, namely CMU-1, CMU-2, CMU-3, NMU, and NMU-ECR. The updated regulations include physical standards, allowable activities, and development procedures that would be implemented when new buildings and/or site improvements are proposed on parcels. The project also includes associated changes to the County's General Plan Land Use maps.

No change in allowable residential density is proposed for any mixed use designation (CMU-1, CMU-2, CMU-3, NMU, NMU-ECR, and Mixed-Use Industrial [M-1]). An increase in allowable density would occur, however, with the rezoning of parcels from R-1 and R-3 zoning designations to the adjacent mixed use designation. Project implementation could facilitate up to 332 additional dwelling units, 74,179 square feet of commercial space, and approximately 918 additional people.<sup>1</sup> Physical changes resulting from project implementation may include development of higher-density housing and first-floor commercial uses.

Future residential projects may in some cases use provisions of the State Density Bonus law (California Government Code Sections 65915 – 65918) to develop affordable and senior housing, including up to a 50 percent increase in project density, depending on the amount of affordable housing provided, and up to an 80 percent increase in density for certain projects which are 100 percent affordable. The State Density Bonus law also includes incentives to make the development of affordable and senior housing economically feasible. These include waivers and concessions, such as reduced setback, height, or minimum square footage requirements. Projects providing sufficient affordable housing can avail themselves of any applicable combination of additional density and/or other waivers and incentives, and do not always request additional density.

Whether an individual project would use the State Density Bonus law, or which bonuses, waivers or concessions would be requested, is difficult to predict, and depends on a number of variable factors, including the project developer's willingness to provide various amounts of dedicated long-term affordable housing, site feasibility, project costs, and various other considerations that are unique to each project and site. The EIR assumes maximum development standards such as building height and residential density. However, the buildout assumptions included in the Draft EIR are intended to capture the reasonable maximum potential buildout, and likely include more units than will be built under the County's development standards alone, therefore accounting for a reasonably foreseeable number of density bonus units. Assuming use of the State Density Bonus law on any or all developable sites would be speculative, as it is not possible to predict which projects on which sites would use which waivers or concessions and how much density bonus would be requested. CEQA does not require evaluation of speculative impacts (*CEQA Guidelines* Section 15145).

If future development facilitated by this project use the State Density Bonus, they may be subject to further project-specific environmental review under CEQA. The level of environmental review necessary may vary and would be determined once a project application has been submitted to the County. No additional analysis is warranted or appropriate at this programmatic stage.

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<sup>1</sup> Calculation based on 2.77 persons per household in unincorporated San Mateo County (California Department of Finance 2022).

## 3 Project Objectives

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The County has established the following objectives for the proposed project:

- Adopt more effective zoning by revising provisions that are difficult to administer and/or implement, replacing provisions necessitating subjective interpretation with objective standards, refining development application and review procedures, incorporating professional practices that better promote Community Plan policies, and ensuring consistency with State law.
- Increase capacity for housing in the project area by modifying General Plan designations and zoning standards to potentially allow taller buildings and greater density in proposed rezoning areas, reduce building setbacks, modify parking requirements, and/or other strategies, while simultaneously protecting and expanding equitable access to opportunities, community livability, and desirable aspects of community character.



## 4 Findings of Fact

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Having received, reviewed, and considered the information in the Final EIR for this project, as well as the supporting administrative record, the County of San Mateo makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

### 4.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Final EIR, it was determined that the project would not result in potentially significant effects on the environment with respect to aesthetics, agriculture and forestry, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, public services and recreation, and wildfire. No further findings are required for these subject areas.

### 4.2 Findings for Significant but Mitigated Effects

The following findings are hereby made by the County of San Mateo for the significant but mitigable environmental effects identified in the EIR related to air quality (impacts related to exposure of sensitive receptors), biological resources (impacts related to special status species, particularly nesting birds), cultural and tribal cultural resources (impacts related to archaeological resources and tribal cultural resources), geology and soils (impacts to paleontological resources), noise (impacts related to groundborne vibrations), and utilities (impacts related to wastewater facility capacity).

#### **Air Quality**

**Impact AQ-3:** Construction activities for projects lasting longer than two months or located within 1,000 feet of sensitive receptors could expose sensitive receptors to substantial pollutant concentrations. Development facilitated by the project would not expose sensitive receptors to operational sources of toxic air contaminants (TACs). Impacts from construction would be less than significant with mitigation. Impacts from operation would be less than significant.

#### *Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure AQ-3 would reduce potential construction related TACs exposure impacts to a less than significant level by requiring a health risk assessment be completed for future development projects.

#### *Explanation:*

Future development facilitated by the project would also be required to be consistent with the applicable 2017 Clean Air Plan, Bay Area Air Quality Management District (BAAQMD) regulatory requirements and control strategies, and the CARB In-Use Off-Road Diesel Vehicle Regulation, which are intended to reduce emissions from construction equipment and activities. Additionally, development facilitated by the project would be required to comply with Mitigation Measure AQ-2a, found in Section

4.3, *Findings for Significant and Unavoidable Effects*, below. Mitigation measure AQ-2a requires implementation of construction emission measures which would reduce construction-related TACs. According to the Office of Environmental Health Hazard Assessment, construction of individual projects lasting longer than two months and placed within 1,000 feet of sensitive receptors could potentially expose nearby sensitive receptors to substantial pollutant concentrations and therefore could result in potentially significant risk impacts. These future projects could exceed BAAQMD's thresholds of an increased cancer risk of greater than 10.0 in a million and an increased non-cancer risk of greater than 1.0 Hazard Index (Chronic or Acute). Therefore, construction impacts from TAC emissions would be potentially significant. However, implementation of Mitigation Measure AQ-3 would require the preparation of a Construction Health Risk Assessment for future projects with construction durations greater than two months and within 1,000 feet of sensitive receptors. This would mitigate potential construction-related TACs exposure impacts to a less than significant level.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

**AQ-3 Conduct Construction Health Risk Assessment.** The County shall require a construction health risk assessment (HRA) for future development projects that have the following three characteristics:

- The project is located within 1,000 feet of sensitive receptors.
- Project construction would last longer than two months.
- Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment.

The construction HRA shall determine potential risk and compare the risk to the following BAAQMD thresholds:

- Non-compliance with Qualified Community Risk Reduction Plan;
- Increased cancer risk of > 10.0 in a million;
- Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or
- Ambient PM<sub>2.5</sub> increase of > 0.3 µg/m<sup>3</sup> annual average.

If risk exceeds the thresholds, the project applicant and/or construction contractor shall incorporate measures such as requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment to reduce the risk to appropriate levels. The project applicant shall provide the construction HRA to the County for review and concurrence prior to project approval.

## **Biological Resources**

**Impact BIO-1:** Development facilitated by the project could disturb known special-status species or their associated habitat, including through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Development facilitated by the project during the nesting bird season could directly and/or indirectly affect nesting birds protected under the

Migratory Bird Treaty Act and the California Fish and Game Code 3503. Impacts would be less than significant with mitigation incorporated.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measures BIO-1 would reduce potential impacts to nesting birds and associated habitat to a less than significant level by implementing avoidance measures.

*Explanation:*

Development facilitated by the project may involve the removal of existing trees and other vegetation that may be used by native resident or migratory birds as nesting habitat. Construction disturbance during the breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Even if nests themselves are not removed, impacts such as noise and sustained human presence in proximity to active nests can disrupt nesting behavior and cause nest abandonment and failure. Disturbance or destruction of active bird nests from construction would be a potentially significant impact. Implementation of Mitigation Measure BIO-1, which represents an update to Mitigation Measure 6-1 from the North Fair Oaks Community Plan EIR (2011), would reduce this impact to less than significant levels.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

**BIO-1 Nesting Bird Avoidance.** To the extent feasible, construction activities in the project area shall be scheduled to avoid the nesting season. The nesting season for most birds in San Mateo County extends from February 1 through August 31. If it is not possible to schedule construction activities between September 1 and January 31, then the County shall require project applicants to retain a qualified biologist to conduct pre-construction surveys for nesting birds to ensure that no nests will be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of construction activities and shall be conducted prior to tree removal, tree trimming, or other vegetation clearing. During the survey, the biologist shall inspect all trees and other potential nesting habitats, including trees, shrubs, ruderal grasslands, and buildings in the impact areas for nests. The biologist shall also survey within 100 feet of the impact area for non-raptor species and within 300 feet for raptors, as access allows.

If an active nest is found sufficiently close to work areas and would be disturbed by these activities, the biologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 50 feet for other species), to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code are disturbed during project implementation.

## **Cultural and Tribal Cultural Resources**

**Impact CUL-2:** The project has the potential to cause a significant impact on archaeological resources if development facilitated by the project would cause a substantial adverse change in the significance of

an archaeological resources, including those that qualify as historical resources. This impact would be less than significant with mitigation incorporated.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure CUL-2a and CUL-2b would reduce impacts to a less than significant level by requiring completion of a Phase I archaeological survey, Phase II testing and site avoidance on sites identified for development would preserve unidentified archaeological resources.

*Explanation:*

Each of the rezoned parcels has the potential to contain archaeological resources. Consequently, damage to or destruction of known or previously unknown, archaeological resources could occur because of the project. Therefore, mitigation measures would be required. Part c of Mitigation Measure 8-1 of the North Fair Oaks Community Plan Draft EIR (2011) would apply to the project area, and this measure is replaced by Mitigation Measure CUL-2b for future development facilitated by the project in the project area.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

**CUL-2a Archaeological Resources Assessment.** For discretionary projects involving ground disturbance substantially beyond or deeper than previous disturbance, project applicants shall prepare an archaeological resources assessment under the supervision of an archaeologist who meets the SOI's [Secretary of the Interior's] PQS [Professional Qualifications Standards] in either prehistoric or historic archaeology prior to project approval. Assessments will include a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center (NWIC) at Sonoma State University and of the SLF [Sacred Lands File] search maintained by the NAHC [Native American Heritage Commission]. The records searches will characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the project site. A Phase I pedestrian survey shall be undertaken in proposed project areas that are undeveloped to locate any surface cultural materials. By performing a records search, consultation with the NAHC, and a Phase I survey, a qualified archaeologist shall be able to classify the project area as having high, medium, or low sensitivity for archaeological resources.

If the Phase I archaeological survey identifies resources that may be affected by the project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant levels by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated

artifacts or samples would occur as specified by the archaeologist. The County will review and approve the Phase II or Phase III reports, and ensure that mitigation measures are implemented as appropriate prior to or during construction.

**CUL-2b Stop Work in the Event of Unanticipated Discoveries During Construction.** If cultural resources are encountered during ground-disturbing activities, work within 60 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards for archaeology in either prehistoric or historic archaeology shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as excavating the cultural deposit to fully characterize its extent, and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist will consult with the County to begin Native American consultation procedures.

**Impact CUL-4:** Development facilitated by the project has the potential to impact tribal cultural resources. Impacts would be less than significant with mitigation.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure CUL-4 would reduce impacts to cultural resources to a less than significant level by requiring suspension of work around tribal cultural resources during construction.

*Explanation:*

Development facilitated by the project has the potential to adversely impact tribal cultural resources. Potential impacts to tribal cultural resources would be less than significant with implementation of mitigation measure CUL-4, conducted in tandem, when appropriate, with mitigation measures CUL-1a, CUL-1b, CUL-2a, and CUL-2b located in Section 4.3, *Findings for Significant and Unavoidable Effects*, below.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

**CUL-4 Suspension of Work Around Tribal Cultural Resources During Construction.** In the event that cultural resources of Native American origin are identified during construction of a project, all earth-disturbing work within 60 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the County, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, the applicant shall prepare and implement a mitigation plan in accordance with State guidelines and in consultation with local Native American group(s). The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal

representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery. The County shall review and approve the mitigation plan prior to implementation.

## **Geology and Soils**

**Impact GEO-6:** Development facilitated by the proposed project has the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.

### *Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure GEO-6 would reduce impacts to a less than significant level by avoiding or mitigating development on sites where there has been the unanticipated discovery of a paleontological resource.

### *Explanation:*

Policy 5.20 of the San Mateo County General Plan requires that sites on which new development is proposed are to be assessed for the presence of paleontological resources and for the development of a mitigation plan if deemed necessary (County of San Mateo 2013). Policy 5.21 requires construction to cease if a potential paleontological resource is discovered until the find is evaluated and/or excavated by a qualified professional (County of San Mateo 2013). The County would continue to require Mitigation Measure 8-3 of the North Fair Oaks Community Plan EIR (2011), which addresses unanticipated discovery of paleontological resources during construction activities. This measure is included as Mitigation Measure GEO-6.

### *Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

**GEO-6: Unanticipated Discovery of Paleontological Resource.** If paleontological resources are encountered during future grading or excavation in the Community Plan area, work shall avoid altering the resource and its stratigraphic context until a qualified paleontologist has evaluated, recorded and determined appropriate treatment of the resource, in consultation with the County. Project personnel shall not collect cultural resources. Appropriate treatment may include collection and processing of "standard" samples by a qualified paleontologist to recover micro vertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and storage, together with an itemized inventory of the specimens.

## **Noise**

**Impact NOI-2:** Construction of development facilitated by the project would temporarily generate groundborne vibration. If required for construction, pile driving could potentially exceed California Department of Transportation (Caltrans) vibration thresholds and impact people or buildings. Impacts would be less than significant with mitigation incorporated.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure NOI-2 would reduce impacts to a less than significant level by requiring applicants to include groundborne vibration abatement measures in demolition and construction contractor agreements.

*Explanation:*

Construction vibration levels may exceed Caltrans' vibration levels for preventing damage, and impacts would be potentially significant, and mitigation would be required. Therefore, Mitigation Measure 13-2 from the North Fair Oaks Community Plan Update Draft EIR (2011) has been incorporated into this EIR as Mitigation Measure NOI-2 and would reduce groundborne vibration levels from pile driving activities during individual, site-specific future project demolition and construction periods in the project area.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

**NOI-2: Vibration Reduction Measures for Pile Driving Activities.** The County shall require project applicants to include the following actions in individual demolition and construction contractor agreements that stipulate the following groundborne vibration abatement measures:

- Restrict vibration-generating activity to between the hours of 7:00 a.m. and 6:00 p.m. weekdays, 9:00 a.m. and 5:00 p.m. on Saturdays, and allow no vibration-generating activity at any time on Sundays, Thanksgiving, or Christmas.
- Notify occupants of land uses located within 200 feet of pile-driving activities of the project construction schedule in writing.
- In consultation with County staff, investigate possible pre-drilling of pile holes as a means of minimizing the number of pile driving blows required to seat the pile.
- Conduct a pre-construction site survey documenting the condition of any historic structure located within 200 feet of proposed pile driving activities.
- Monitor pile driving vibration levels to ensure that vibration does not exceed the appropriate Caltrans thresholds for the potentially affecting building.

## Population and Housing

**Impact PH-2:** Development facilitated by the project could displace existing housing or people, necessitating the construction of replacement housing elsewhere. Impacts would be less than significant with mitigation incorporated.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure PH-2 would reduce impacts to a less than significant level by requiring the project applicant shall prepare a relocation plan that meets the requirements of Government Code Section 7260-7277.

*Explanation:*

Some of the parcels proposed for rezoning contain existing housing or other structures that could be removed during project implementation. However, the proposed project would enable development in the unincorporated county that could result in a net increase of 332 residential units on the proposed rezoned parcels. One of the fundamental project objectives is to increase the capacity for housing in the project area by modifying General Plan designations and zoning standards. The project would increase the total buildout potential of the identified rezoning sites, thus providing areas for the development of new housing projects consistent with the new zoning designation of these sites. Such a change in zoning to allow for higher density housing could result in the demolition of existing housing, but this would only occur when new housing projects are proposed for that site, and the total number of units on the site would increase. This could be a potentially significant impact to renters and would require mitigation.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

**PH-2: Replacement Housing.** When redevelopment on parcels within the project area is proposed on sites that contain existing rental housing, the project applicant shall prepare a relocation plan that meets the requirements of Government Code Section 7260-7277. The relocation plan shall include, but not be limited to:

1. Proper notification of occupants or persons to be displaced.
  1. Provision of “comparable replacement dwelling” which means decent, safe, and sanitary; and adequate in size to accommodate the occupants.
  2. Provision of a dwelling unit that is within the financial means of the displaced person.
  3. Provision of a dwelling unit that is not subject to unreasonable adverse environmental conditions.
- This measure shall apply to future development projects that may displace individuals and is not limited to development undertaken by a public entity or development that is publicly funded. The relocation plan shall be approved at the staff level (ministerially) for ministerial projects, and shall not require discretionary review. The County shall approve the relocation plan prior to project approval.

## **Utilities and Service Systems**

**Impact UTIL-1:** Development facilitated by the project would not require or result in the relocation or construction of new or expanded water, storm water drainage, electric power, natural gas, or telecommunications facilities. However, increased wastewater generation from development facilitated by the project would exacerbate existing system deficiencies. Impacts would be less than significant with mitigation incorporated.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (Section 15091[a][1]). Implementation of Mitigation Measure UTIL-1 would reduce impacts to a less than significant level by demonstrating that existing pipelines have sufficient capacity to support future development or requiring payment of in-lieu fees for the purpose of upgrading the wastewater collection system as needed.



*Explanation:*

The County requires development projects to replace sewer main infrastructure within the existing system in order to reduce predicted inflow exceedances by an amount equivalent to the anticipated change in flow. The length of replacement pipe is calculated to mitigate flows only to the amount that a specific project is contributing. This County requirement ensures that the existing system is upgraded as development occurs in order to provide adequate capacity for future development, and to alleviate existing capacity issues. Development facilitated by the project would exacerbate existing wastewater system capacity issues. While County requirements would help to reduce impacts, additional measures would be required in order to manage wastewater system capacity issues.

*Mitigation Measures:*

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

**UTIL-1: Wastewater Provider Capacity.** If Capacity Projects 2 and/or 5 have not been completed by the start of construction of individual projects, and/or additional capacity constraints have been identified by FOSMD that are located downstream of the project parcel, the County and the Sewer District shall require future development on parcels in the project area that would contribute wastewater flows to throttled pipelines to demonstrate that there is sufficient capacity within these pipelines to accommodate proposed development, or that the necessary improvements (proportionate to a project's individual effects) will be made by the developer prior to occupancy. The developer shall be responsible for all costs incurred regarding performing a capacity analysis and/or improving or upgrading the sewer system. The County may alternatively require the payment of an in-lieu fee for the purpose of upgrading the wastewater collection system as needed.

### 4.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and *CEQA Guidelines* Section 15093, require that the County of San Mateo balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining to approve a project. And if specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable."

Significant and unavoidable impacts associated with air quality (impacts related to project operation), cultural resources (impacts related to historical resources), noise (impacts related to construction noise, on-site operational noise, and traffic noise), and transportation (impacts related to VMY generated from office-only commercial development) were identified for the project. The following findings and statement of overriding considerations outlines the specific reasons to support the County of San Mateo Planning and Building Department recommendation for approval.

#### **Air Quality**

**Impact AQ-2:** The project would not result in a cumulatively considerable net increase of construction criteria pollutants. The project would result in a cumulatively considerable net increase of operational criteria pollutants. Impacts from construction would be less than significant with mitigation. Impacts from operation would be significant and unavoidable.

*Mitigation Measures:*

**AQ-2a Implement Construction Best Management Practices.** The County shall require all discretionary development projects within the project area that propose grading, demolition, or construction activities to implement the following or similar best management practices:

- Dust control measures by construction contractors, where applicable:
  - During *demolition* of existing structures:
    - Use dust-proof chutes to load debris into trucks whenever feasible.
  - During all *construction* phases:
    - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
    - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
    - Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
    - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
    - Replant vegetation in disturbed areas as quickly as possible.
    - Consult with BAAQMD prior to demolition of structures suspected to contain asbestos to ensure that demolition/construction work is conducted in accordance with BAAQMD rules and regulations.
- Best management controls on emissions by diesel-powered construction equipment used by construction contractors, where applicable:
  - When total construction projects at any one time would involve greater than 270,000 square feet of development or demolition, a mitigation program to ensure that only equipment that would have reduced NO<sub>x</sub> and particulate matter exhaust emissions shall be implemented. This program shall meet BAAQMD performance standards for NO<sub>x</sub> standards – e.g., should demonstrate that diesel-powered construction equipment would achieve fleet-average 20 percent NO<sub>x</sub> reductions and 45 percent particulate matter reductions compared to the year 2023 CARB statewide fleet average.
  - Ensure that visible emissions from all on-site diesel-powered construction equipment do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired or replaced immediately.
  - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
  - Properly tune and maintain equipment for low emissions.

**AQ-2b Implement BAAQMD Basic Construction Mitigation Measures.** The County shall require that discretionary projects implement the BAAQMD Basic Construction Mitigation Measures. The BAAQMD Basic Construction Mitigation Measures are listed below:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the County of San Mateo regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's number shall also be visible to ensure compliance with applicable regulations.

*Finding:*

Despite implementation of mitigation measures AQ-2a and AQ-2b, the increase in VMT would exceed the population increase in the project area and no feasible mitigation measures are available to reduce VMT-related criteria pollutant emissions. Therefore, impacts on criteria air pollutants during operation would be significant and unavoidable.

*Facts in Support of Finding*

Vehicle-miles travelled (VMT) would increase more than the population because of the capacity for retail development in the project area through the focus on mixed-use land uses. Retail development generates additional VMT while having no direct increase on population within the project area. Therefore, while the North Fair Oaks Community Plan policies described in Chapter 4.13, *Transportation*, would have the effect of reducing mobile VMT, and in turn operational criteria pollutants, in the project area, the proportional VMT increase would exceed the population increase in the project area. No feasible mitigation measures beyond these North Fair Oaks Community Plan policies is available or feasible to reduce VMT-related criteria pollutant emissions.

*Significance after Mitigation*

Despite implementation of mitigation measures AQ-2a and AQ-2b, the increase in VMT would exceed the population increase in the project area and no feasible mitigation measures are available to reduce VMT-related criteria pollutant emissions. Therefore, impacts on criteria air pollutants during operation would be significant and unavoidable and no additional mitigation that would reduce this impact is feasible.

## **Cultural and Tribal Cultural Resources**

**Impact CUL-1:** The project has the potential to cause a significant impact on a historic resource if development facilitated by the project would cause a substantial adverse change in the significance of that resource. This impact would be significant and unavoidable.

*Mitigation Measures:*

**CUL-1a Historical Resources Built Environment Assessment.** Prior to approval of a development project on a property that includes buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older at the time of the permit application, the County shall require the project applicant to hire a qualified architectural historian to prepare an historical resources evaluation. The qualified architectural historian or historian shall meet the Secretary of the Interior's (SOI) Professional Qualifications Standards (PQS) in architectural history or history (as defined in 36 CFR [Code of Federal Regulations] Part 61). The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices recommended by the State Office of Historic Preservation to identify any potential historical resources in the proposed project area. Under the guidelines, properties 45 years of age or older shall be evaluated within their historic context and documented in a technical report and on Department of Parks and Recreation Series 523 forms. The report will be submitted to the County for review prior to any permit issuance. If no historical resources are identified, no further analysis is warranted. If historical resources are identified through the historical resources evaluation, the project shall be required to implement Mitigation Measure CUL-1b.

**CUL-1b Historical Resources Built Environment Mitigation.** If historical resources are identified in an area proposed for redevelopment as described in Mitigation Measure CUL-1a, the project applicant shall reduce impacts to the extent feasible. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any project that may affect the historical resource, the project applicant shall make efforts to design the project to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards), which generally mitigate impacts to a less than significant level (as defined in *CEQA Guidelines* Section 15364.5[b][3]). The project applicant shall provide a report identifying and specifying the treatment of character-defining features and compliance with the Standards to the County for review and approval, prior to permit issuance. Any and all features and construction activities shall become Conditions of Approval for the project and shall be implemented prior to issuance of construction (demolition and grading) permits.

If compliance with the Standards is determined to be infeasible, the applicant shall prepare documentation of the historical resource in the form of a Historic American Building Survey (HABS)-like report. The HABS report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the County prior to issuance of any permits for demolition or alteration of the historical resource.

*Finding:*

Even with implementation of mitigation measures CUL-1a and CUL-1b, it is possible that development facilitated by the project may not be able to avoid impacts to a historical resource. Should a future project result in the demolition or substantial alteration of a historical resource, it would have the potential to materially impair the resource. Therefore, even with mitigation such as HABS, impacts may not be reduced to a less than significant level, and the impact would remain significant and unavoidable.

### *Facts in Support of Finding*

The County General Plan goals and policies (specifically 5.1-5.6 and 5.15 and 5.16) would reduce the potential for historical resources to be adversely impacted from the development facilitated by the proposed project, but there would still be potential for development to impact historical resources. Implementation of mitigation measures CUL-1a and CUL-1b would reduce impacts to historical resources to the extent feasible by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. These mitigation measures replace Mitigation Measure 8-2 of the North Fair Oaks Community Plan Draft EIR (2011) for future development facilitated by the project in the project area. Nonetheless, even with implementation of mitigation measures CUL-1a and CUL-1b, eligible historical resources could still be materially impaired by future development that would be carried out under the proposed project.

### *Significance after Mitigation*

Even with implementation of mitigation measures CUL-1a and CUL-1b, it is possible that development facilitated by the project may not be able to avoid impacts to a historical resource. Should a future project result in the demolition or substantial alteration of a historical resource, it would have the potential to materially impair the resource. Therefore, even with mitigation such as HABS, impacts may not be reduced to a less than significant level. This impact would remain significant and unavoidable and no additional mitigation that would reduce this impact is feasible.

## **Noise**

**Impact NOI-1:** Construction of development facilitated by the project would temporarily increase noise levels that could affect nearby noise-sensitive receivers. Operation of development facilitated by the project would introduce new on-site noise sources and contribute to traffic noise. Construction, on-site operational noise impacts, and traffic noise impacts would be significant and unavoidable despite the implementation of feasible mitigation measures.

### *Mitigation Measures:*

**NOI-1a Construction Noise Reduction Measures.** The County shall require project applicants to include the following conditions in project demolition and construction contract agreements that stipulate the following conventional construction-period noise abatement measures:

- **Construction Plan.** Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with nearby noise-sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- **Construction Scheduling.** Ensure that noise-generating construction activity is limited to between the hours of 7:00 a.m. and 6:00 p.m. weekdays, 9:00 a.m. and 5:00 p.m. on Saturdays, and does not occur at any time on Sundays, Thanksgiving or Christmas.
- **Construction Equipment Mufflers and Maintenance.** Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment to achieve an engine noise reduction from mobile construction equipment of at least 10 dBA [A-weighted decibels] (FHWA [Federal Highway Administration] 2011; Bies et al. 2018; Harris 1991).

- **Portable Sound Enclosures.** All generators and air compressors shall be enclosed in portable sound enclosures that provide at least a 10-dBA reduction in noise levels (FHWA 2011; Bies et al. 2018; Harris 1991).
- **Equipment Locations.** Locate stationary noise-generating equipment as far as possible from sensitive receivers when sensitive receivers adjoin or are near a construction project site.
- **Construction Traffic.** Route all construction traffic to and from construction sites via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible.
- **Quiet Equipment Selection.** Use quiet construction equipment, particularly air compressors, where possible.
- **Temporary Barriers.** Construct plywood fences around construction sites adjacent to residences, operational businesses, or noise-sensitive land uses to achieve a noise reduction of at least 5 dBA when blocking the line-of-sight between the source and the receiver (FHWA 2011; Bies et al. 2018; Harris 1991).
- **Temporary Noise Blankets.** Temporary noise control blanket barriers should be erected, if necessary, along building facades adjoining construction sites to achieve a noise reduction of at least 5 dBA (FHWA 2011; Bies et al. 2018; Harris 1991). This mitigation would only be necessary if conflicts occurred which were not able to be resolved by scheduling. (Noise control blanket barriers can be rented and quickly erected.)
- **Noise Disturbance Coordinator.** For larger construction projects, the County may choose to require project designation of a “Noise Disturbance Coordinator” who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The project sponsor should be responsible for designating a Noise Disturbance Coordinator, posting the phone number and providing construction schedule notices. The Noise Disturbance Coordinator would work directly with an assigned County staff member.)

**NOI-1b Conduct Stationary Operational Noise Analysis.** Prior to project approval, the County shall require development projects to evaluate potential on-site operational noise impacts on nearby noise-sensitive uses and to implement stationary operational noise reduction measures to minimize impacts on these uses. Examples of measures to reduce on-site noise include, but are not limited to, operational restrictions, selection of quiet equipment, equipment setbacks, enclosures, silencers, and/or acoustical louvers.

**NOI-1c Traffic Noise Reduction Measures.** The County shall require project applicants to pay a fair share fee toward implementation of the following traffic noise reduction improvements on 5th Avenue north of Middlefield Road and 5th Avenue south of Bay Road:

- **Pave streets with reduced pavement types such as rubberized or open grade asphalt.** Reduced-noise pavement types would reduce noise levels by 2 to 3 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors. Case studies have shown that the replacement of standard dense grade asphalt with open grade or rubberized asphalt can reduce traffic noise levels along residential streets by 2 to 3 dBA. A possible noise reduction of 2 dBA would be expected

using conservative engineering assumptions. In order to provide permanent mitigation, all future repaving would need to consist of “quieter” pavements.

- **Construct new or larger noise barriers.** New or larger noise barriers could reduce noise levels by 5 dBA  $L_{dn}$ . The final design of such barriers, including an assessment of their feasibility and cost-effectiveness, should be completed during final design.
- **Install traffic calming measures to slow traffic along 5th Avenue.** Traffic calming measures could provide a qualitative (i.e., perceived if not measurable) improvement by smoothing out the rise and fall in noise levels caused by speeding vehicles.
- **Provide sound insulation treatments to affected buildings.** Sound-rated windows and doors, mechanical ventilation systems, noise insulation, and other noise-attenuating building materials could reduce noise levels in interior spaces.

#### *Finding:*

Construction noise would be reduced after implementation of Mitigation Measure NOI-1a. However, as exact details of future project-specific construction activities are unknown at this stage of planning, construction noise could still exceed construction noise limits. Therefore, construction noise impacts would remain significant and unavoidable.

Implementation of Mitigation Measure NOI-1b would reduce potential operational stationary noise impacts associated with discretionary projects in the project area. However, as exact details of future project-specific stationary noise activities are unknown at this stage of planning, stationary noise could still exceed operational noise limits. Therefore, operational stationary noise impacts would remain significant and unavoidable.

Implementation of Mitigation Measure NOI-1c would include repaving with reduced-noise pavement types, the replacement or construction of noise barriers, traffic calming, and sound insulation that could reduce the project contribution to traffic noise at affected sensitive receivers on 5th Avenue south of Bay Road and 5th Avenue north of Middlefield Road to a less than significant level. However, each of these measures involves other non-acoustical considerations. For example, other engineering considerations may require continued use of dense grade asphalt. Installation of noise barriers may be inconsistent with desired community character and local aesthetic goals. Installation of noise barriers and sound insulation treatments on private property would require agreements with each affected property owner. These measures, therefore, may not be feasible to reduce the project’s contribution to traffic noise at every affected sensitive receiver, or such measures may not be desired by the County or by affected individual property owners. Therefore, traffic noise impacts would remain significant and unavoidable.

#### *Facts in Support of Finding*

Construction noise levels associated with development projects may exceed the daytime Federal Transit Administration construction noise threshold of 80 dBA  $L_{eq}$  for an 8-hour period at residential uses and other noise sensitive receivers, and impacts would be potentially significant and mitigation would be required. Therefore, Mitigation Measure 13-1 from the North Fair Oaks Community Plan Update Draft EIR (2011) has been incorporated into this EIR as Mitigation Measure NOI-1a. Mitigation Measure NOI-1a would reduce construction noise impacts from development facilitated by the project by requiring a construction plan, scheduling construction activities during hours consistent with the Municipal Code,

equipping construction equipment with mufflers, and erecting temporary noise barriers. However, as exact details of project-specific construction activities are unknown, construction noise could still exceed the daytime Federal Transit Administration construction noise threshold of 80 dBA  $L_{eq}$  for an 8-hour period at residential uses.

On-site operational noise could exceed the County's most stringent exterior sound level of 55 dBA for residential and other noise sensitive land uses. Therefore, on-site operational impacts from the project would be potentially significant, and mitigation would be required. Mitigation Measure NOI-1b would reduce potential stationary noise impacts associated with projects facilitated by the project. However, as exact details of project-specific stationary noise activities are unknown, stationary noise could still exceed operational noise limits.

Implementation of the goals and policies from the North Fair Oaks Community Plan Circulation and Parking Element would not guarantee that traffic noise would be reduced below thresholds. Therefore, impacts would be potentially significant, and mitigation would be required. Mitigation Measure 13-5 from the North Fair Oaks Community Plan Draft EIR (2011) has been incorporated into this EIR as Mitigation Measure NOI-1c. Mitigation Measure NOI-1c would reduce traffic noise by implementing reduced-noise pavement types, constructing new or larger noise barriers, installing traffic calming measures, and providing sound insulation treatments to affected buildings.

#### *Significance after Mitigation*

Construction noise would be reduced after implementation of Mitigation Measure NOI-1a. However, as exact details of future project-specific construction activities are unknown at this stage of planning, construction noise could still exceed construction noise limits. Therefore, construction noise impacts would remain significant and unavoidable and no additional mitigation that would reduce this impact is feasible.

Implementation of Mitigation Measure NOI-1b would reduce potential operational stationary noise impacts associated with discretionary projects in the project area. However, as exact details of future project-specific stationary noise activities are unknown at this stage of planning, stationary noise could still exceed operational noise limits. Therefore, operational stationary noise impacts would remain significant and unavoidable and no additional mitigation that would reduce this impact is feasible.

Implementation of Mitigation Measure NOI-1c would include repaving with reduced-noise pavement types, the replacement or construction of noise barriers, traffic calming, and sound insulation that could reduce the project contribution to traffic noise at affected sensitive receivers on 5th Avenue south of Bay Road and 5th Avenue north of Middlefield Road to a less than significant level. However, each of these measures involves other non-acoustical considerations. For example, other engineering considerations may require continued use of dense grade asphalt. Installation of noise barriers may be inconsistent with desired community character and local aesthetic goals. Installation of noise barriers and sound insulation treatments on private property would require agreements with each affected property owner. These measures, therefore, may not be feasible to reduce the project's contribution to traffic noise at every affected sensitive receiver, or such measures may not be desired by the County or by affected individual property owners. Therefore, traffic noise impacts would remain significant and unavoidable and no additional mitigation that would reduce this impact is feasible.



## Transportation

**Impact TRA-2:** The proposed project would conflict with *CEQA Guidelines* Section 15064.3(b) by resulting in increased VMT from future office-only commercial development facilitated by the project. It cannot be guaranteed that mitigation would reduce office-only commercial VMT to acceptable levels; therefore, impacts would be significant and unavoidable.

### *Mitigation Measures:*

**TRA-2 Preparation of Transportation Demand Management Plan.** Individual projects that include office-only commercial development and are estimated to generate more than 100 trips per day shall prepare a TDM [Transportation Demand Management] plan for County and C/CAG [City/County Association of Governments of San Mateo County] review and approval. The TDM plan shall be designed and implemented to achieve trip reductions as required to meet thresholds identified by OPR [Office of Planning and Research] to reduce daily VMT by reducing vehicle trips by 25 percent or 35 percent, depending on the land use and location of the project. The TDM Plan shall identify the trip reduction necessary to achieve the required VMT reduction (to 15.42 VMT per employee or less).

Trip reduction strategies that may be included in the TDM program include, but are not limited to, the following:

1. Provision of bus stop improvements or on-site mobility hubs
2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.
3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program
4. Enhancements to countywide bicycle network
5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes
6. Cash allowances, passes, or other public transit subsidies and purchase incentives
7. Enhancements to bus service
8. Implementation of shuttle service
9. Establishment of carpool, bus pool, or vanpool programs
10. Vanpool purchase incentives
11. Participation in a future County VMT fee program
12. Participate in future VMT exchange or mitigation bank programs
13. Carshare/scooter-share/bikeshare facilities or incentives
14. On-site coordination overseeing TDM marketing and outreach
15. Rideshare matching program

### *Finding:*

Substantial trip reductions would be required for office-only commercial development to reduce potential VMT impacts to a less than significant level, and it cannot be guaranteed that the trip reduction targets could be achieved. As a result, with respect to potential office development, impacts would remain significant and unavoidable.

*Facts in Support of Finding*

While all parcels proposed for rezoning are located within 0.5 mile of high-quality transit, they cannot be presumed to have a less than significant VMT impact since other characteristics of future projects are not yet known. Potential VMT impacts were analyzed based on the known data and it was determined that there would be a less than significant VMT impact associated with potential residential development. However, there are anticipated to be VMT impacts associated with potential office development. While projects generating at least 100 trips would be required to develop TDM plans, substantial trip reduction would be required for office development, and it could not be guaranteed that the trip reduction targets could be achieved. As a result, with respect to potential office development, Impact TRA-2 would be significant.

*Significance after Mitigation*

Substantial trip reductions would be required for office-only commercial development to reduce potential VMT impacts to a less than significant level, and it cannot be guaranteed that the trip reduction targets could be achieved. As a result, with respect to potential office development, impacts would remain significant and unavoidable and no additional mitigation that would reduce this impact is feasible.

## 5 Project Alternatives

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Section 15126.6 of the *CEQA Guidelines* states the following:

“An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

As described in Section 4.3, above, the County of San Mateo has determined that, even after the adoption of all feasible mitigation measures, the project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significance. Therefore, the County of San Mateo must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR. Further, “feasibility” under CEQA encompasses the desirability of the project “based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar v. City of San Diego [1982]*, 133 Cal.App.3d at p. 417; see also *Sequoyah Hills Homeowners Assn. V. City of Oakland [1993]*, 23 Cal.Ap.4th at p. 715).

The Final EIR determined that the project would have significant and unavoidable impacts associated with air quality (impacts related to project operation), cultural resources (impacts related to historical resources), noise (impacts related to construction noise, on-site operational noise, and traffic noise), and transportation (impacts related to VMT generated by office-only commercial development). The alternatives analyzed in the Final EIR and described below are therefore discussed below in terms of their potential ability to avoid or reduce these impacts.

### 5.1 Alternative 1: No Project

The No Project Alternative assumes that amendments to the existing commercial mixed-use and neighborhood mixed-use zoning districts along Middlefield Road, El Camino Real, and 5th Avenue would not occur, and that rezoning and related amendments to General Plan Land Use Designations to several residentially-zoned areas adjacent to El Camino Real and Middlefield Road would not occur. All parcels within the project area would continue to be subject to their existing zoning and land use designations.

#### **Finding**

The No Project Alternative would not fulfill either of the two project objectives because under this alternative the County would continue to implement zoning standards that are difficult to administer and would not replace provisions necessitating subjective interpretation with objective standards. Accordingly, the No Project Alternative would not be consistent with various new State laws that require zoning regulating the production of multi-family housing to provide objective development standards and streamline permitting and approval processes. Additionally, this alternative would not facilitate the

production of additional housing to address the increasing demand for housing that the County of San Mateo is experiencing.

The No Project Alternative would have similar impacts to the proposed project as it relates to aesthetics, biological resources, geology and soils, hazards and hazardous materials, and land use and planning. The No Project Alternative would have lesser impacts than the proposed project as it relates to air quality (resulting from less operational air emissions), cultural and tribal cultural resources (resulting from less ground disturbance), greenhouse gas emissions (resulting from less operational emissions), hydrology and water quality (based on reduced development potential), noise (based on reduced development potential), population and housing (based on reduced development potential), public services and recreation (based on reduced development potential), transportation (based on reduced trip generation), and utilities (based on reduced development potential). This alternative would avoid the significant and unavoidable air quality and transportation impacts of the proposed project but would not avoid the significant and unavoidable cultural resources or noise impacts.

While Alternative 1 (No Project) would avoid some of the project's significant and unavoidable impacts, it would not fulfill either of the project objectives and would be inconsistent with California law. The County rejects Alternative 1 as infeasible because it would not achieve the project objectives.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

## 5.2 Alternative 2: Limited Commercial Uses

Under the Limited Commercial Uses Alternative, the County would not allow Office and Professional Services uses above the ground floor on parcels that, under the proposed project, would be rezoned from the existing R-1 or R-3 designation to the adjacent mixed-use designation (i.e. CMU-1, CMU-3, or NMU-DR). Specific uses that would be prohibited above the ground floor under this alternative would include Administrative; Professional and Business Offices; Medical and Dental Offices; Financial Institutions; and Non-Chartered Institutions. All other proposed development standards would apply, including but not limited to height restrictions and design guidelines.

### **Finding**

Alternative 2 would fulfill both project objectives as all other proposed zoning revisions would occur, which would facilitate the development of more effective zoning that replaces provisions necessitating subjective interpretation. This alternative would also increase capacity for housing in the project area to the same extent as the proposed project by allowing taller buildings, greater density, and via other strategies. While office uses would still be permitted under this alternative, less office use would be developed as none would be permitted above the ground floor on rezoned parcels in the project area.

This alternative would require implementation of Mitigation Measures AQ-2a, AQ-3, BIO-1 CUL-1a, CUL-1b, CUL-2a, CUL-2b, CUL-4, GEO-6, NOI-1a, NOI-2, NOI-1b, NOI-1c, and PH-2, similar to the proposed project.

The Limited Commercial Uses Alternative would have similar impacts to the proposed project as it relates to aesthetics, biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population

and housing, public services and recreation, and utilities and service systems. The Limited Commercial Uses Alternative would have lesser impacts than the proposed project as it relates to air quality (resulting from lower air quality emissions from vehicle trips), greenhouse gas emissions (resulting from reduced operational VMT), and transportation (based on reduced office development potential). Overall impacts would be similar, but slightly reduced under Alternative 2 than the proposed project. This alternative would avoid the significant and unavoidable transportation impact of the proposed project but would not avoid the significant and unavoidable air quality, cultural resources, or noise impacts.

Alternative 2 (Limited Commercial Uses) would avoid the significant and unavoidable transportation impacts, and would fulfill both of the project objectives. However, Alternative 2 would not allow for office employment opportunities to the community, which the County considers to be a contributing factor to the provision of equitable access to opportunities, community livability, and desirable aspects of community character. For these reasons, Alternative 2 is less desirable than the proposed project in terms of meeting the objectives for the project, as outlined above under Section 3.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

### 5.3 Alternative 3: Residential Overlay

Under the Residential Overlay Alternative, the County would establish a Residential-Only Overlay District that would be applied to parcels that, under the proposed project, would be rezoned from the existing R-1 or R-3 designation to the adjacent mixed-use designation (i.e., CMU-1, CMU-3, or NMU-DR). Permitted uses in the Residential Overlay District would be limited to residential uses only; no new commercial development would be allowed within rezoned parcels under this alternative. All other proposed development standards would apply, and residential uses within the overlay district could be built at a greater density under their new mixed-use zoning compared to what is currently allowed by their existing residential zoning, similar to the proposed project. Therefore, the Residential Overlay Alternative would result in no commercial development, and similar residential development to that of the proposed project, on the rezoned parcels.

#### **Finding**

Alternative 3 would fulfill both project objectives as all other proposed zoning revisions would occur, which would facilitate the development of more effective zoning that replaces provisions necessitating subjective interpretation. This alternative would also increase capacity for housing in the project area to a similar extent as the proposed project, as the allowable residential density in the rezoned parcels would be the same as the proposed project.

This alternative would require implementation of Mitigation Measures AQ-2a, AQ-3, BIO-1, CUL-1a, CUL-1b, CUL-2a, CUL-2b, CUL-4, GEO-6, NOI-1a, NOI-2, NOI-1b, NOI-1c, and PH-2.

The Residential Overlay Alternative would have similar impacts to the proposed project as it relates to aesthetics, biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, and utilities and service systems. The Limited Commercial Uses Alternative would have lesser impacts to the proposed project as it relates to air quality (resulting from lower air quality emissions from vehicle trips), greenhouse gas emissions (resulting from reduced

operational VMT), and transportation (based on reduced commercial and office development potential). Overall impacts would be similar, but slightly reduced under Alternative 3 than the proposed project. This alternative would avoid the significant and unavoidable air quality and transportation impacts of the proposed project but would not avoid the significant and unavoidable cultural resources or noise impacts.

Alternative 3 (Residential Overlay) was found to be the environmentally superior alternative as it would avoid the significant and unavoidable air quality and transportation impacts, and both project objectives would be fulfilled under the Residential Overlay Alternative. However, this alternative would result in no commercial development, and similar residential development to that of the proposed project, on the rezoned parcels. Alternative 3 would not provide employment opportunities to the community, which the County considers to be a contributing factor to the provision of equitable access to opportunities, community livability, and desirable aspects of community character. For these reasons, Alternative 3 is less desirable than the proposed project in terms of meeting the objectives for the project, as outlined above under Section 3.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

## 6 Statement of Overriding Considerations

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*Statement of Overriding Considerations for Project Approval and Certification of the Final Environmental Impact Report for the North Fair Oaks Rezoning and General Plan Amendment Project (the Project).*

As described in the Environmental Impact Report (EIR) for the North Fair Oaks Rezoning and General Plan Amendment Project, the EIR finds that all potential impacts from adoption of the project and from physical changes that could potentially occur due to adoption of the project can be feasibly mitigated to a level that is less than significant, with the following exceptions: Impact AQ-2, operational criteria pollutant impacts from new construction; Impact CUL-1, potential impacts to unidentified historic resources; Impact NOI-1, construction noise, operational noise, and traffic noise impacts from new development; and Impact TRA-2, increased VMT from theoretical future office development.

In accordance with *CEQA Guidelines* Section 15093, the Board of Supervisors has, in determining whether to approve the project, balanced the economic, legal, social, technological, and other benefits of the project against the potentially unavoidable environmental impacts, and has found that the benefits of the project outweigh the potentially unavoidable environmental effects, for the reasons set forth below. The following statements specify the reasons why, in the Board of Supervisors' judgment, the benefits of the project outweigh any of the significant and unavoidable consequences described in the EIR. The Board of Supervisors also finds that any one of the following reasons for approval cited below is sufficient to justify approval of the project. Thus, even if were to be determined that not every reason cited below is supported by substantial evidence, the Board of Supervisors determines that each individual reason is sufficient justification of approval of the project. The substantial evidence supporting the Board of Supervisors' findings and the benefits described below can be found in the record of proceedings.

- Adoption of the project furthers the goals and policies of the County's General Plan, including, but not limited to: Policy 4.14, Regulate development to promote and enhance good design, site relationships and other aesthetic considerations; Policy 7.16, Locate land use designations in urban areas (urban unincorporated areas) in order to: maximize the efficiency of public facilities, service and utilities, minimize energy consumption, revitalize existing developed areas, and discourage urban sprawl; Policy 8.29, Encourage the infilling of urban areas where infrastructure and services are available, and; Policy 8.30, Encourage development which contains a combination of land uses, particularly commercial and residential developments along major transportation corridors.
- The facilitation and promotion of new housing by the zoning and land use designation changes incorporated in the project furthers the goals and policies of the County's Housing Element, including facilitating sufficient development at all income levels to meet the County's Regional Housing Needs Allocation, supporting new housing for low- and moderate-income households, amending zoning and general plan land use designations to meet future housing needs, and encouraging residential mixed-use and transit-oriented development;
- Adoption of the zoning and General Plan amendments incorporated in the project furthers the goals of the County's Shared Vision 2025, including but not limited to the goal of creating livable communities, with growth near transit, promoting affordable, livable, connected communities;
- Adoption of the amendments proposed by the project will facilitate additional transit-oriented, higher density, and mixed use development on unused and underutilized properties, will promote economically beneficial reuse of unused and underutilized land;

**North Fair Oaks Rezoning and General Plan Amendment**

- Adoption of the revised development standards included in the amendments to the Community Plan and the related Zoning Regulations will ensure the County's regulations are consistent with State law, as required by law;
- Adoption of the zoning and land use map amendments included in the project will facilitate the creation of new development in proximity to public transit, reducing the need for automobile use and attendant pollution and other negative consequences and increasing walking and transit ridership; and
- Adoption of the zoning and General Plan map and text amendments included in the project will facilitate additional housing and additional affordable housing in the community, including housing to meet a broader range of housing needs and housing that is appropriate to and accessible for a broader range of household types.

Any one of these reasons is sufficient to support adoption of the North Fair Oaks Rezoning and General Plan Amendment Project, and to outweigh the identified significant and unavoidable environmental effects that might occur due to adoption of the project. On balance, in light of the benefits to the County and the North Fair Oaks community identified above, pursuant to *CEQA Guidelines* Section 15903, the Board of Supervisors finds that these overriding considerations, as identified in conjunction with the environmental review of impacts stemming from adoption of the North Fair Oaks Rezoning and General Plan Amendment Project, outweigh the potentially significant and unavoidable environmental impacts identified in the Final EIR, rendering those impacts acceptable under the circumstances.



## 7 Statement of Location and Custodian of Documents

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Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e) require that the County of San Mateo, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

County of San Mateo  
Planning and Building Department  
455 County Center  
Redwood City, California 94063

The County of San Mateo has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.