

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

*** * * * ***

**RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS
RELATED TO ENVIRONMENTAL IMPACTS IDENTIFIED IN THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE ENERGY EFFICIENCY CLIMATE
ACTION PLAN, ADOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM FOR THE MITIGATION MEASURES DESCRIBED IN THE FINAL
ENVIRONMENTAL IMPACT REPORT, AND CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GENERAL PLAN
AMENDMENTS AND THE ENERGY EFFICIENCY CLIMATE ACTION PLAN AS
COMPLETE AND ADEQUATE**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the San Mateo County Planning and Building Department has prepared an Environmental Impact Report (EIR) for amendments to the San Mateo County General Plan, including Chapter 17, Energy and Climate Change Element, and associated other amendments to the San Mateo County General Plan, and for the Energy Efficiency Climate Action Plan (the 'Project'); and

WHEREAS, a Notice of Preparation of a Draft EIR was filed with the California Office of Planning and Research, distributed to responsible agencies, and published on May 10, 2012; and

WHEREAS, a Notice of Completion and public availability of the Draft EIR was published on February 21, 2013; and

WHEREAS, the Draft EIR was made available for public review and comment for a 45-day period that concluded on April 8, 2013; and

WHEREAS, the San Mateo County Planning and Building Department has considered and responded to all comments received on the Draft EIR during the comment period, and has amended the EIR appropriately, where necessary; and

WHEREAS, the EIR concludes that most potential environmental impacts of adoption of the Project are either not significant, or will not be significant if appropriately mitigated, with the following exceptions that may be significant and unavoidable: impacts to sensitive and special-status species and their associated habitat and migratory corridors, because of the potential impact of certain GHG reduction measures through loss of habitat and blockage of movement corridors, electrocution from transmission lines, noise, presence of, or collision with, turbines or transmission lines, maintenance activities, and special-status avian and bat strikes from wind energy facilities; and

WHEREAS, the Final Environmental Impact Report for the Project was published on April 23, 2013; and

WHEREAS, the County Board of Supervisors has reviewed and considered the Final EIR in full compliance with State and California Environmental Quality Act (CEQA) Guidelines and requirements; and

WHEREAS, CEQA requires a mitigation monitoring and reporting program be adopted to ensure monitoring of mitigation measures described in the FEIR; and

WHEREAS, the Board of Supervisors has reviewed the Mitigation Monitoring and Reporting Program attached as Exhibit A; and

WHEREAS, the California Environmental Quality Act requires that a Statement of Overriding Considerations be adopted for any potentially significant impacts identified in the EIR that are not avoided or substantially lessened, and the Statement of Overriding Considerations must state in writing the specific reasons to support the action based on the Final EIR and/or other information in the record; and

WHEREAS, the Final EIR does identify such impacts.

NOW, THEREFORE, IT IS HEREBY DETERMINED that:

1. The San Mateo County Board of Supervisors has reviewed and considered the information contained in the Final Environmental Impact Report on the amendments to the San Mateo County General Plan, and for the Energy Efficiency Climate Action Plan, prior to acting on adoption of amendments to the San Mateo County General Plan, and for the Energy Efficiency Climate Action Plan; and
2. The Board of Supervisors certifies that the Final EIR for the Project was presented to the Board of Supervisors, that the Final EIR was completed in full compliance with State law and CEQA Guidelines and requirements,

that there was adequate public review of the Environmental Impact Report, that the Board has considered all comments on the Environmental Impact Report and responses to comments, and all other relevant comments submitted prior to or at the hearing of June 4, 2013, that the Final Environmental Impact Report adequately discusses all significant environmental issues, and that the Final Environmental Impact Report reflects the independent judgment and analysis of the Board of Supervisors; and

3. The Board of Supervisors approves and adopts the Mitigation Monitoring and Reporting Program for the FEIR for the Project attached as Exhibit A; and
4. The Board of Supervisors adopts the Statement of Overriding Considerations attached as Exhibit B.

* * * * *

EXHIBIT A

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE
SAN MATEO COUNTY
ENERGY EFFICIENCY CLIMATE ACTION PLAN (EECAP)**

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment as well as reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to aid the County of San Mateo in its implementation and monitoring of measures adopted for the Energy Efficiency Climate Action Plan Environmental Impact Report (EECAP EIR).

MITIGATION MEASURES

The mitigation measures are taken from the EECAP Draft EIR and are assigned the same number they had in the Draft EIR. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly below.

Mitigation Measure: All mitigation measures that were identified in the EECAP Draft EIR are presented and numbered accordingly.

Timing: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction, or on an ongoing basis. The timing for each measure is identified.

Enforcement/Monitoring: This column identifies the entity responsible for implementing and enforcing the required action.

Verification: This column is used to verify that the measure has been implemented. The monitoring/enforcing party is required to sign and date when the measure has been implemented.

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measure	Timing	Enforcement/Monitoring	Verification (date and signature)
3.3.2.1	<p>The following standard mitigation shall be applied to all EECAP-related projects, as applicable:</p> <p>The County shall require that projects implementing EECAP reduction measures are analyzed as part of project review in accordance with BAAQMD-recommended methodologies and significance thresholds and shall require that all recommended mitigation measures are incorporated to reduce short-term construction emissions attributable to individual EECAP GHG reduction measures. Such mitigation measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily as required. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. • Sweep daily, as required, all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily as required if visible soil material is carried onto adjacent public streets. • Reduce unnecessary idling of truck equipment within proximity to sensitive receptors (i.e., idle time to five minutes or less). • Where possible, use newer, cleaner-burning diesel-powered construction equipment. • Properly maintain construction equipment per manufacturer specifications. • Designate a disturbance coordinator responsible for ensuring that mitigation measures to reduce air quality impacts from construction are properly implemented. 	During construction	County of San Mateo Planning and Building	

MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measure	Timing	Enforcement/Monitoring	Verification (date and signature)
3.3.3.1	<p>The following design measures shall be incorporated into all energy facilities constructed as part of EECA implementation:</p> <ul style="list-style-type: none"> • Transmission lines and all electrical components shall be designed, installed, and maintained to reduce the likelihood of large bird electrocutions and collisions. • The design of wind energy facilities shall discourage the use of the site by avian species (provision of landscaping and ground conditions that are unattractive to avian species). • Design and siting of wind turbines to avoid placement of turbines on or immediately adjacent to the upwind side of ridge crests, and other design features to minimize impacts to bat and avian species. • Provision of an avian and bat management plan that includes mortality monitoring and additional measures to address unanticipated significant adverse impacts on the population of avian or bat species or with any migratory corridor. 	As a condition of project approval, and implemented during construction activities	San Mateo County Planning and Building Department	
3.3.4.3	<p>If paleontological resources are encountered during future grading or excavation activities associated with EECA-related activities, 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.</p>	As a condition of project approval, and implemented during construction activities	San Mateo County Planning and Building Department	

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO

For amendments to the San Mateo County General Plan and for adoption of the Energy Efficiency Climate Action Plan (EECAP)

June 4, 2013

Statement of Overriding Considerations for Project Approval and Certification of the Final Environmental Impact Report for amendments to the San Mateo County General Plan and for adoption of the Energy Efficiency Climate Action Plan (EECAP or the Project).

As described in the Environmental Impact Report (EIR) amendments to the San Mateo County General Plan and for adoption of the EECAP, 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 exception of Impact 3.3.1, impacts to sensitive and special-status species and their associated habitat and migratory corridors. This is a significant impact because of the potential impact of certain GHG reduction measures through loss of habitat and blockage of movement corridors, electrocution from transmission lines, noise, presence of, or collision with, turbines or transmission lines, maintenance activities, and special-status avian and bat strikes from wind energy facilities. The EIR includes mitigation measures to establish development standards to reduce potential impacts on a project-by-project basis. However, impacts from the further promotion of renewable energy-generating facilities would not be eliminated. Therefore, the proposed project would result in a significant and unavoidable impact.

In accordance with CEQA Guidelines Section 15093, the Board of Supervisors has, in determining whether or not to approve the Project, balanced the overall 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 stands by the determination 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 of the County's Shared Vision 2025, including, but not limited to, contributing to an environmentally conscious community, where the County is committed to reducing its carbon emissions, and using energy, water and land more efficiently, and also aligning with the vision of a livable community by improving connections and access in communities.
- Adoption of the Project furthers the goals and policies of the County's General Plan, including, but not limited to: General Plan Policy 7.5, which calls on the County to distribute land use designations in order to minimize demand for energy consumption and maximize the effectiveness of energy consumed, and Policy 10.3, which requires that the County promote the conservation and efficient use of water supplies.
- The amended General Plan provides a level of comprehensive planning that is more appropriate to today's challenges of promoting energy efficiency, mitigating climate change by reducing greenhouse gas emissions, and of mitigating and adapting to the impacts from climate change, and that is more environmentally sustainable than the existing General Plan, which was adopted in 1986, since which time the regulatory environment, scientific understanding of climate change and its impacts, and goals of the community, have changed substantially.
- The Project has been identified in the EIR as the environmentally superior alternative, and the overall benefit to the environment from the Project outweighs the potentially significant and unavoidable impacts identified in the EIR and discussed above. Also, 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, including, but not limited to, Mitigation Measure 3.3.3.1 identified in the Mitigation Monitoring and Reporting Program. In addition, specific economic, technological, or other considerations make infeasible the project alternatives identified in the EIR.
- Adoption of the Project will help protect and enhance the public health, safety, and welfare, and it is in the public's interest for local governments to establish rules and regulations addressing climate change and energy efficiency.

Any one of these reasons is sufficient to support adoption of Project, and to outweigh the identified, possibly significant and unavoidable environmental effects that might occur due to its adoption. On balance, in light of the benefits to the County identified above, pursuant to CEQA Guidelines Section 15093, the Board of Supervisors finds that these overriding considerations, as identified in conjunction with the environmental review of impacts stemming from the proposed amendments to the General Plan and the adoption of the EECAP, are acceptable when measured against the significant and unavoidable environmental impacts identified in the Final EIR.