

RESOLUTION NO. P-33-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL ADOPT A STATEMENT OF FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE FOSTER CITY GENERAL PLAN UPDATE AND CLIMATE ACTION PLAN - EA-11-002

CITY OF FOSTER CITY

WHEREAS, the City of Foster City has prepared an update to the City's General Plan Land Use and Circulation Element and Land Use Map and a new Climate Action Plan. These three components are collectively referred to as the "Project"; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has prepared an Environmental Impact Report (EIR) which analyzes the environmental impacts of the proposed Project (SCH #2012072003, EA-11-002); and

WHEREAS, a Notice of Preparation of an EIR (July 2, 2012) and then revised on January 20, 2015) for the Project was prepared and circulated for the required 30-day public review period; and

WHEREAS, the Planning Commission has guided the update of the Land Use and Circulation Element and Climate Action Plan in fifteen previous Planning Commission meetings (August 31, 2010, May 17, 2011, June 7, 2011, June 21, 2011, July 7, 2011, November 15, 2011, December 6, 2011, December 15, 2011, May 3, 2012, July 17, 2012, July 19, 2012, December 20, 2012, October 2, 2014, February 19, 2015, August 20, 2015); and

WHEREAS, the City Council has guided the update of the Land Use and Circulation Element and Climate Action Plan in six previous City Council meetings (May 17, 2010, December 19, 2011, March 19, 2012, March 10, 2014, October 20, 2014, February 2, 2015); and

WHEREAS, public scoping sessions to solicit feedback on the scope and content of the environmental information to be included in the EIR were held in conjunction with the Planning Commission meetings on July 19, 2012 and February 19, 2015; and

WHEREAS, a Draft EIR (July 2015) was prepared by DeNovo Planning Group and circulated by the City for the required minimum 45-day public review period beginning on July 6, 2015 and ending on August 31, 2015; and

WHEREAS, the City transmitted for filing a Notice of Completion (July 6, 2015) of the Draft EIR and in accordance with CEQA and the State CEQA Guidelines forwarded the Draft EIR to the State Clearinghouse for distribution to those state agencies that have discretionary approval or jurisdiction by law over natural resources affected by the Project; and

WHEREAS, the City provided notice to all interested persons and agencies inviting comments on the Draft EIR in accordance with the provisions of CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and

WHEREAS, the Planning Commission held a noticed Public Hearing to receive comments on the Draft EIR on August 20, 2015; and

WHEREAS, a Final EIR, including the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft (September 2015) was prepared by DeNovo Planning Group incorporating responses to comments received on the Draft EIR; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Final EIR at the Planning Commission meeting of October 1, 2015, and on said date the Public Hearing was opened, held and closed; and,

WHEREAS, the Planning Commission reviewed and considered the Final EIR on October 1, 2015 and recommended certification of the Final EIR and adoption of the Mitigation Monitoring and Reporting Program by the City Council by adoption of Resolution P-32-15; and,

WHEREAS, copies of the Final EIR and other documents and materials which constitute the record of the proceedings upon which this decision is based are available for public review from the custodian of these records, the Community Development Department, at City Hall, 610 Foster City Boulevard, Foster City; and

WHEREAS, in order to approve the Project, the City must find that there are no feasible mitigation measures or alternatives to avoid the significant unavoidable impacts and must adopt a statement of overriding considerations detailing the specific economic, legal, social, technological, or other benefits of the Project that outweigh its significant effects on the environment; and

WHEREAS, substantial evidence in the record of proceedings supports the findings and statement of overriding considerations set forth in Exhibit A, which are attached hereto and incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Foster City has evaluated all comments, written and oral, received from persons who have reviewed the Final EIR and has duly reviewed and considered the Final EIR prepared and recommended for certification prior to adopting this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission, in connection with its actions recommending the adoption of various approvals needed for the Project, hereby adopts the Statement of Findings Under the California Environmental Quality Act as set forth in Exhibit A attached hereto and incorporated herein by this reference and recommends adoption of the Statement of Findings by the City Council in connection with its action on the Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission, in connection with its actions recommending the adoption of various approvals needed for the Project, hereby adopts the Statement of Overriding Considerations as set forth in Exhibit A attached hereto and incorporated herein by this reference and recommends adoption of the Statement of Overriding Considerations by the City Council. On balance, the City finds that there are specific economic, legal, social, technological, and other benefits associated with the Project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the adverse effects are considered acceptable.

Passed and Adopted as a Resolution of the City of Foster City Planning Commission at the Regular Meeting held on October 1, 2015, by the following vote:

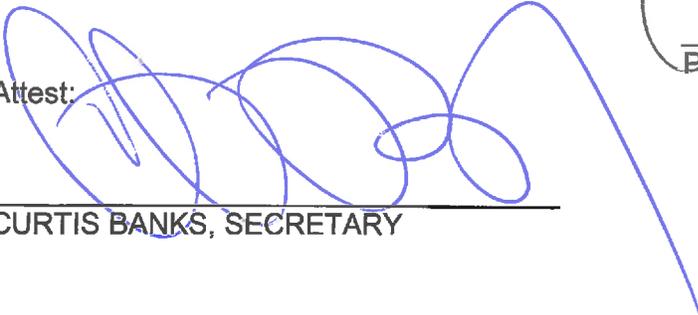
AYES, COMMISSIONERS: Avram, Dyckman, Pattum, Wykoff and Chair  
Williams

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

Attest:



\_\_\_\_\_  
CURTIS BANKS, SECRETARY



\_\_\_\_\_  
PAUL C. WILLIAMS, CHAIRMAN

**EXHIBIT A**

**Findings of Fact and Statement of Overriding Considerations  
For the  
Foster City General Plan Update and Climate Action Plan  
September 2015**

Pursuant to Public Resources Code Section 21081 and  
California Code of Regulations, Title 14, Sections 15091 and 15093

Environmental Impact Report  
(State Clearinghouse No. 2012072003)

City of Foster City  
610 Foster City Boulevard  
Foster City, California 94404



# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

## FOSTER CITY GENERAL PLAN UPDATE AND CLIMATE ACTION PLAN

SEPTEMBER 2015

*Prepared for:*

City of Foster City  
610 Foster City Boulevard  
Foster City, CA 94404

*Prepared by:*

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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
FOSTER CITY GENERAL PLAN UPDATE AND CLIMATE ACTION PLAN  
REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Foster City (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the General Plan Update and Climate Action Plan (Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the Project, examined alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative and the Full General Plan Update Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Council's view, justify approval of the General Plan Update and Climate Action Plan Project, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### A. Project Background

In early 2012, Foster City began a multi-year process to update the City's General Plan Land Use and Circulation Element and Land Use Map, and prepare a Climate Action Plan. The revisions to the Land Use and Circulation Element and the General Plan Land Use Map are referred to as the "General Plan Update" component of the Project. The Climate Action Plan (CAP) is the third component of the Project. These three components are collectively referred to as the "Project" or "proposed Project" and provide the basis for the environmental analysis in the EIR.

State law requires every city and county in California to prepare and maintain a planning document called a general plan. A general plan is a "constitution" or "blueprint" for the future physical development of a county or city. The update to the Land Use and Circulation Element includes minor revisions to many existing goals, policies, and associated text from the element, as well as new goals, policies, and actions to address sustainability, preservation of views, live/work housing units, encourage new development and redevelopment that meets the community's needs, encourage mixed use developments, and ensure that the City's transportation and circulation system meets the needs of the community and provides complete streets. The update also reflects current codes, trends, design guidelines, master plans, and programs that have been initiated or adopted by the City since the last update, reflects existing conditions, and includes improvements necessary to accommodate currently proposed, approved, and anticipated development. The Project also amends the Land Use Map to designate Bridgeview Park (formerly Werder Park) and Shorebird Park (formerly Destination Park) for parks uses; change the previously used "Elementary School" designation to "School;" and eliminate two previously designated study areas (Chess Drive Industrial and Marina Site). The Climate Action Plan provides a set of implementation measures and programs to address climate change through reducing greenhouse gas emissions associated with vehicle trips, land use, energy consumption, solid waste, and City operations.

### B. Procedural Background

The City of Foster City circulated a Notice of Preparation (NOP) of an EIR for the Project on July 2, 2012 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on July 19, 2012 with the Foster City Planning Commission. No public or agency comments on the NOP were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on August 3, 2012, a comment letter from the California Department of Transportation (Caltrans) was received. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

The City issued a Recirculated Notice of Preparation for the Project on January 20, 2015. The reason for the Recirculated NOP is due to the fact that since the initial circulation of the NOP in 2012, the Project was refined, including proposed changes to policies and programs in the Land Use and Circulation Element, proposed changes to the Land Use Map, and proposed changes to the Draft Climate Action Plan. Based on these changes, and the time that had elapsed since initial publication of the NOP, the City determined that the NOP should be recirculated with the current project description as refined/modified.

The public comment period for the Recirculated NOP ran from January 20, 2015 through February 19, 2015. A scoping meeting was held on February 19, 2015 with the Foster City Planning Commission. During the Recirculated NOP process three comment letters were received, including: a letter from the San Francisco Bay Conservation and Development Commission addressing climate change, scenic views, shoreline public access, recreation, biological resources, and permitting requirements; a letter from the California State Lands Commission addressing mitigation requirements, biological resources, climate change, and cultural resources; and a letter from Caltrans addressing sea level rise, and stating that the Caltrans letter submitted during the original NOP process should still be considered during preparation of the EIR. Concerns raised in response to the Recirculated NOP were considered during preparation of the Draft EIR.

The City published a public Notice of Availability (NOA) for the Draft EIR on July 6, 2015, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2012072003) and was published in the Foster City Islander pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from July 6, 2015 through August 31, 2015. The Draft Land Use and Circulation Element, Land Use Map, and Climate Action Plan were also available for public review and comment during this time period.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

The City received three written comment letters regarding the Project and Draft EIR from public agencies, organizations, and members of the public during the public review period. The City also received oral comments from the public and the Planning Commission during a public hearing on August 20, 2015. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

### **C. Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, the Recirculated NOP, comments received on the Recirculated NOP, Notice of Availability, and all other public notices issued by the City in relation to the Foster City General Plan Update and Climate Action Plan EIR.
- The Foster City General Plan Update and Climate Action Plan Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Foster City and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Foster City Office of the City Clerk at 610 Foster City Boulevard, Foster City, CA 94404.

### **D. Consideration of the Environmental Impact Report**

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the General Plan Update and Climate Action Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

### **E. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Foster City

General Plan Update and Climate Action Plan, shall continue in full force and effect unless amended or modified by the City.

### III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

#### A. Hydrology and Water Quality

1. **Project implementation may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of sea level rise (EIR Impact 3.7-7)**

(a) **Potential Impact.** The potential for the Project to result in exposure of people or structures to significant risks associated with sea level rise is discussed at pages 3.7-28 through 3.7-29 of the Draft EIR.

(b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.7-7.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts.** As described throughout Section 3.7 of the Draft EIR, the City implements numerous policies and actions that would reduce the severity of this impact to the extent feasible. For example, General Plan Safety Element Policy S-4 and Program S-g require the City to maintain the City's levees and lagoon system for flood protection. Additionally, the City has prepared a 2015 Levee Protection Planning Study in order to investigate a range of available options to increase flood protection and public safety from levee failure in the City. Implementation of Mitigation Measure 3.7-7 requires the City to update the Safety Element of the General Plan to require preparation of additional response strategies to address flooding associated with sea level rise and other climate change induced events, help Foster City adapt and respond to climate change, and incorporate consideration of and measures to mitigate the risks of sea level rise into the planning process.

Notwithstanding the foregoing, given the significant uncertainty about sea level rise and possible avoidance and/or reduction measures, implementation of the proposed General Plan Update

and Climate Action Plan may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of sea level rise. Given that Foster City is a relatively built-out community, there are no additional feasible mitigation measures available that would fully reduce the potential risks associated with sea level rise. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of **Overriding Considerations** in Section VII, override any remaining significant adverse impact of the Project associated with impacts related to flooding associated with sea level rise.

## **B. Noise**

### **1. Project implementation may result in exposure to significant Construction Noise sources (EIR Impact 3.9-4)**

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant construction noise sources is discussed at pages 3.9-27 through 3.9-30 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.9-27 through 3.9-30 of the Draft EIR, All future construction activities in Foster City will be subject to the requirements of the City of Foster City Noise Ordinance Section 17.68.030 with respect to limits on construction noise. Additionally, major construction projects will be subject to the City's Standard Conditions of Approval (SCOAs) to further reduce and limit construction noise, particularly for projects in the vicinity of residential areas or other sensitive receptors. However, regardless of the above referenced measures to reduce construction noise, there remains the potential for future development and redevelopment projects allowed under the General Plan Update and Climate Action Plan to generate temporary construction noise in excess of City standards, which may cause temporary nuisance noise impacts to adjacent land

uses. As such, this impact is considered significant and unavoidable, and no additional feasible mitigation is available that would reduce this impact to a less than significant level.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VII, override any remaining significant adverse impact of the Project associated with construction noise sources.

#### IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

##### A. Air Quality

##### 1. Project implementation may cause health risks associated with toxic air contaminants (EIR Impact 3.1-2)

- (a) **Potential Impact.** The potential for the Project to cause health risks associated with toxic air contaminants is discussed at pages 3.1-29 through 3.1-31 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-2.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that implementation of Mitigation Measure 3.1-2 would require additional policies and action items be included in the Conservation Element of the General Plan during the next update of the Conservation Element and that such policies and action items would apply to during environmental review of individual projects, effective immediately. The policies and action items required by Mitigation Measure 3.1-2 adhere to BAAQMD CEQA Guidelines, which are intended to reduce health risks associated with TACs. Implementation of Mitigation Measure 3.1-2 would ensure consistency with the BAAQMD CEQA Guidelines related to TACs by implementing policies and actions that include the review and analysis of construction projects to ensure consistency with BAAQMD requirements, and the application of best management practices. Accordingly, implementation of Mitigation Measure 3.1-2 would ensure that the potential for the Project to cause health risks associated with toxic air contaminants is reduced to a less than significant level.

## **B. Cultural Resources**

### **1. Project implementation could result in damage to or the destruction of historical buildings (Impact 3.3-4)**

- (a) **Potential Impact.** The potential for the Project to result in damage to or the destruction of historical buildings is discussed at pages 3.3-15 through 3.3-16 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-4.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that implementation of Mitigation Measure 3.3-4 requires additional policies be included the Conservation Element of the General Plan during the next update of the Conservation Element and that these policies apply during construction of individual projects, effective immediately. Such policies specifically address the protection of historical architectural resources that would reduce potential impacts to historical architectural resources through compliance with Section 106 of the National Historic Preservation Act, and through the review and evaluation of architectural resources proposed for destruction or demolition using criteria for listing in the California Register of Historic Resources. Accordingly, implementation of Mitigation Measure 3.3-4 would reduce the potential for the Project to result in damage to or the destruction of historical buildings to a less than significant level.

## **C. Noise**

### **1. Project implementation could result in exposure to significant Construction Vibration (Impact 3.9-5)**

- (a) **Potential Impact.** The potential for the Project to cause significant construction vibration is discussed at pages 3.9-30 through 3.9-32 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-5.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that implementation of Mitigation Measure 3.9-5 requires additional policies to be included in Foster City's General Plan

Noise Element during the next update of the City's Noise Element, and that such policies apply during construction of individual projects, effective immediately. These policies and actions include best management practices to reduce exposure to significant construction vibration levels. Accordingly, implementation of Mitigation Measure 3.9-5 would ensure that potential impacts associated with vibration during construction activities are reduced to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. **Air Quality:** The following specific impacts were found to be less than significant:

- a. Impact 3.1-1: Project implementation could conflict with or obstruct implementation of the applicable air quality plan
- b. Impact 3.1-3: General Plan implementation would not create objectionable odors
- c. Impact 3.1-4: The proposed project would not conflict with Regional Plans

2. **Biological Resources:** The following specific impacts were found to be less than significant:

- a. Impact 3.2-1: Project implementation could result in direct or indirect effects on candidate, sensitive, or special--status species
- b. Impact 3.2-2: Project implementation may result in effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
- c. Impact 3.2-3: Project implementation may result in effects on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means
- d. Impact 3.2-4: Project implementation could result in interference with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

- e. Impact 3.2-5: Project implementation may conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
  - f. Impact 3.2-6: Project implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan
- 3. Cultural Resources:** The following specific impacts were found to be less than significant:
- a. Impact 3.3-1: Project implementation could result in a substantial adverse change in the significance of a historical or archaeological resource
  - b. Impact 3.3-2: Project implementation could result in the inadvertent discovery of human remains
  - c. Impact 3.3-3: Project implementation could result in damage to, or the destruction of, paleontological resources
  - d. Impact 3.3-5: Project implementation could result in cumulative impacts to known and undiscovered cultural resources
- 4. Geology and Soils:** The following specific impacts were found to be less than significant:
- a. Impact 3.4-1: Implementation of the project has the potential to expose people or structures to potential adverse effects involving rupture of a fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction
  - b. Impact 3.4-2: Implementation of the project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides
  - c. Impact 3.4-3: Implementation of the project has the potential to result in substantial soil erosion or the loss of topsoil
  - d. Impact 3.4-4: Project implementation has the potential to result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
  - e. Impact 3.4-5: Project implementation has the potential to result in development on expansive soil, as defined in Table 18--1--B of the Uniform Building Code (1994), creating substantial risks to life or property

- f. Impact 3.4-6: Project implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water
5. **Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant:
- a. Impact 3.5-1: Project implementation may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment
  - b. Impact 3.5-2: Project implementation may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases
6. **Hazards:** The following specific impacts were found to be less than significant:
- a. Impact 3.6-1: Project implementation has the potential hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials
  - b. Impact 3.6-2: Project implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
  - c. Impact 3.6-3: Project implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5
  - d. Impact 3.6-4: Impact to people residing or working within two miles of a public airport, public use airport, or private airstrip
  - e. Impact 3.6-5: Project implementation may impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
  - f. Impact 3.6-6: Project implementation may expose people or structures to a risk of loss, injury or death from wildland fires
7. **Hydrology and Water Quality:** The following specific impacts were found to be less than significant:
- a. Impact 3.7-1: Project implementation could result in a violation of water quality standards or waste discharge requirements

- b. Impact 3.7-2: Project implementation could result in the depletion of groundwater supplies or interfere substantially with groundwater recharge
  - c. Impact 3.7-3: Project implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff
  - d. Impact 3.7-4: Project implementation could otherwise substantially degrade water quality , including the Foster City Lagoon
  - e. Impact 3.7-5: Project implementation could place housing and structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map
  - f. Impact 3.7-6: Project implementation may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of failure of a levee or dam, seiche, tsunami, or mudflow
8. **Land Use, Agriculture, and Population:** The following specific impacts were found to be less than significant or to have no impact:
- a. Impact 3.8-1: Project implementation has the potential to physically divide an established community
  - b. Impact 3.8-2: Project implementation has the potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate an environmental effect
  - c. Impact 3.8-3: Project implementation may conflicts with an applicable habitat conservation plan or natural community conservation plan
  - d. Impact 3.8-4: Project implementation has the potential to induce substantial population growth
  - e. Impact 3.8-5: Project implementation does not have the potential to displace substantial numbers of people or existing housing
9. **Noise:** The following specific impacts were found to be less than significant:
- a. Impact 3.9-1: Traffic Noise Sources
  - b. Impact 3.9-2: Stationary Noise Sources
  - c. Impact 3.9-3: Airport Noise

**10. Public Services and Utilities:** The following specific impacts were found to be less than significant:

- a. Impact 3.10-1: Project implementation could result in adverse physical impacts on the environment associated with governmental facilities and the provision of public services
- b. Impact 3.10-2: Project implementation has the potential to increase the demand for additional water supply which may result in the construction or expansion of water facilities or exceed the existing water supply available to the City.
- c. Impact 3.10-3: Project implementation may exceed wastewater treatment requirements, require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, or result in inadequate wastewater capacity
- d. Impact 3.10-4: Project implementation has the potential to exceed landfill capacity and/or cause incompliance with solid waste statutes or regulation
- e. Impact 3.10-5: Project implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities
- f. Impact 3.10-6: Project implementation may result in adverse physical impacts on the environment associated with construction of new parks and recreation facilities

**11. Transportation and Circulation:** The following specific impacts were found to be less than significant:

- a. Impact 3.11-1: Implementation of the proposed project may result in cumulative impacts to intersection levels of service
- b. Impact 3.11-2: Implementation of the proposed project would contribute vehicle trips to freeway segments that would exceed their CMP LOS threshold
- c. Impact 3.11-3: Implementation of the proposed project would not impact pedestrian or bicycle facilities
- d. Impact 3.11-4: Implementation of the proposed project would not impact transit facilities
- e. Impact 3.11-5: Implementation of the proposed project would not impact air traffic or aviation facilities

12. **Visual Resources and Aesthetics:** The following specific impact was found to be less than significant:
    - a. Impact 3.12-1: Project implementation could result in substantial adverse effects on visual character, including impacts to scenic vistas or scenic resources
    - b. Impact 3.12-2: Project implementation could result in the creation of new sources of nighttime lighting and daytime glare
  13. **Growth-Inducing:** The General Plan Update and Climate Action Plan was found to result in a less than significant impact related to growth inducement (pages 4.0-10 through 4.0-12 of the Draft EIR).
- B. The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.
1. **Air Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts on the region's air quality (Impact 4.1).
  2. **Biological Resources:** The project would have a less than cumulatively considerable contribution to cumulative loss of biological resources including habitats and special status species (Impact 4.2).
  3. **Cultural Resources:** The project would have a less than cumulatively considerable contribution to cumulative impacts on known and undiscovered cultural resources (Impact 4.3).
  4. **Geology and Soils:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to geology and soils (Impact 4.4).
  5. **Greenhouse Gases and Climate Change:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to increased greenhouse gas emissions that may contribute to climate change (Impact 4.5).

6. **Hazards:** The project would have a less than cumulatively considerable contribution to cumulative impacts from hazardous materials and risks associated with human health (Impact 4.6).
  7. **Hydrology and Water Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts to hydrology and water quality (Impact 4.7).
  8. **Land Use and Population:** The project would have a less than cumulatively considerable contribution to cumulative impacts associated with land use plans (Impact 4.8).
  9. **Noise:** The project would have a less than cumulatively considerable contribution to impacts to noise sensitive land uses exposure to noise in excess of normally acceptable noise levels or to substantial increases in noise (Impact 4.9).
  10. **Public Services and Recreation:** The project would have a less than cumulatively considerable contribution to cumulative impacts on public services and recreation (Impact 4.10).
  11. **Public Utilities:** The project would have a less than cumulatively considerable contribution to cumulative impacts on public utilities (Impact 4.11).
  12. **Transportation and Circulation:** The project would have a less than cumulatively considerable contribution to cumulative impacts on the transportation network (Impact 4.12).
  13. **Aesthetics and Visual Recourses:** The project would have a less than cumulatively considerable contribution to cumulative degradation of the existing visual character of the region (Impact 4.13).
- C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:
1. The EIR determined that the impact is less than significant for the Project.

2. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

## VI. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

### A. Identification of Project Objectives

The State CEQA Guidelines Section 15126.6 mandates that every EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.”

The Alternatives were formulated considering the Objectives of the Project. Chapter 2.0 of the Draft EIR identifies the Project’s goals and objectives. The primary Project objectives include:

1. Update the Land Use and Circulation Element to eliminate goals, policies, and programs that are no longer relevant and ensure the Element reflects the goals, policies, and programs needed to guide the development and growth of the City while maintaining and enhancing the quality of life of the citizens.
2. Update the Land Use Map to reflect current development patterns and planned parks improvements.
3. Provide methods for reducing Foster City’s greenhouse gas emissions consistent with the direction of the State of California through the Global Warming Solutions Act (AB 32), Governor's Order S-03-05, and Public Resources Code Section 21083.3.
4. Create a programmatic tiering document that addresses the elements identified at CEQA Guidelines Section 15183.5(b)(1).
5. Address new requirements of State law.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts, but whether Project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that Project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed Project, as mitigated (Public Resources Code Section 21002; Laurel Hills Homeowners Association v. City Council (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights

Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project.

As explained below, these findings describe and reject, for reasons documented in the FEIR and summarized below, each one of the Project alternatives, and the City finds that approval and implementation of the proposed General Plan Update and Climate Action Plan is appropriate. The evidence supporting these findings is presented in Section 5.0 of the Draft EIR.

## **B. Alternatives Analysis in EIR**

### **1. Alternative 1: No Project Alternative**

The No Project Alternative is discussed on pages 5.0-3 through 5.0-6 of the Draft EIR. Under Alternative 1, the City would not adopt the Land Use and Circulation Element or CAP. The General Plan would continue to be implemented and no changes to the General Plan, zoning, or City policies or programs associated with the project would occur. Alternative 1, like the proposed project, would not directly result in any new development nor grant any entitlements for development. New development is anticipated to occur regardless of adoption of Alternative 1 as development and other projects could continue to be approved and implemented by the City. Under Alternative 1, the City would not amend the Land Use and Circulation Element to: add new goals, policies, and actions to address sustainability, preservation of views, live/work housing units, encourage new development and redevelopment that meets the community's needs, encourage mixed use developments, and ensure that the City's transportation and circulation system meets the needs of the community and provides complete streets. The Land Use and Circulation Element would not be updated to reflect current codes, trends, design guidelines, master plans, and programs that have been initiated or adopted by the City since the last update. The Land Use and Circulation Element would not be updated to reflect existing conditions and to include improvements necessary to accommodate currently proposed, approved, and anticipated development. The long-term benefits of the project associated with reductions in greenhouse gas emissions would not occur under this alternative, as the CAP would not be adopted, and the City would not establish a concrete plan to reduce projected GHG emissions by 15 percent by 2020.

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.

**Explanation:** This alternative would not realize the benefits of the Project and fails to meet four of the basic project objectives, which are: 1) to bring the City's General Plan into consistency with State laws pertaining to General Plan updates, 2) to update the Land Use and Circulation Element to eliminate goals, policies, and programs that are no longer relevant and ensure the Element reflects the goals, policies, and programs needed to guide the development and growth of the City while maintaining and enhancing the quality of life of the citizens, 3) to update the Land Use Map to reflect current development patterns and planned parks improvements, and 4) to provide methods for reducing Foster City's greenhouse gas emissions consistent with the direction of the State of California through the Global Warming Solutions Act (AB 32), Governor's Order S-03-05, and Public Resources Code Section 21083.3.

## **2. Alternative 2: Full General Plan Update Project Alternative**

Alternative 2 would include a comprehensive update of all General Plan elements, rather than just the Land Use and Circulation Element. The CAP would also be adopted under this alternative. It is assumed that the proposed Land Use Map would remain unchanged under this alternative when compared to the proposed project. This alternative would provide an opportunity for the City to update the existing General Plan Parks and Open Space Element, Noise Element, Safety Element, and Conservation Element. An update of the Housing Element is not included under this alternative, given that the City recently adopted an updated Housing Element in 2015. By updating the elements listed above, the City would have additional opportunities to incorporate sustainability measures into all elements of the General Plan, and ensure that the policies and programs contained in the proposed Land Use and Circulation Element are interwoven throughout the rest of the General Plan Elements. No changes to the proposed Land Use Map and Climate Action Plan were assumed for this alternative.

- b. **Findings:** The Full General Plan Update Alternative is rejected due to the fact that it would require a significant additional investment of City time, staff resources, and financial resources prior to completion. This delay would hinder the City's ability to begin immediate implementation of the range of policies and programs contained in the Land Use and Circulation Element and Climate Action Plan. The Full General Plan Update Alternative is the environmentally superior alternative.

- c. **Explanation:** This alternative would achieve the project objectives, however, this alternative calls for a full and comprehensive update to all elements of the City's General Plan. The preparation of a comprehensive General Plan Update would require a significant investment of staff time and financial resources. Additionally, the preparation of a comprehensive General Plan Update would require additional time to complete, which would delay implementation of the Land Use and Circulation Element and Climate Action Plan. By delaying implementation of the Land Use and Circulation Element and Climate Action Plan, the City would not be in a position to achieve the majority of the Project's benefits in the near term, including implementing measures to reduce greenhouse gas emissions, as well as new goals, policies, and actions to address sustainability, preservation of views, live/work housing units, encourage new development and redevelopment that meets the community's needs, encourage mixed use developments, and ensure that the City's transportation and circulation system meets the needs of the community and provides complete streets. This alternative would not be as effective as the proposed project in meeting the City's objectives in a timely and cost effective manner.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5-1 of the Draft EIR, Alternative 2 (Comprehensive General Plan Update) is the environmentally superior alternative because it provides the greatest reduction of potential impacts in comparison to the other alternatives. Alternative 1 (No Project) would have increased environmental impacts compared to the proposed project.

As previously discussed, Alternative 2 would delay and hinder the City's ability to achieve the Project Objectives, and it would not allow the City to immediately begin implementation of the wide range of goals, policies and programs contained in the Land Use and Circulation Element and Climate Action Plan that would assist the City in reducing greenhouse gas emissions, or implementing new goals, policies, and actions to address sustainability, preservation of views, live/work housing units, encourage new development and redevelopment that meets the community's needs, encourage mixed use developments, and ensure that the City's transportation and circulation system meets the needs of the community and provides complete streets.

For these economic, social, and other reasons, the Project is deemed superior to Alternative 2, the Full General Plan Update Alternative.

## VII. STATEMENTS OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Foster City has balanced the benefits of the Project against the following unavoidable adverse impacts associated with the General Plan Update and Climate Action Plan, and has included all feasible policies, and action items within the General Plan and Climate Action Plan to reduce impacts. Where feasible, mitigation measures were identified and included as additional policies to further reduce impacts. Foster City has also examined alternatives to the proposed project, and has determined that adoption and implementation of the General Plan Update and Climate Action Plan (Project) is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

### A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the Project would result in the following project-specific significant impacts related to: construction noise, and the exposure of people or structures to a significant risk of flooding as a result of sea level rise.

- Impact 3.7-7: Project implementation may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of sea level rise (significant and unavoidable)
- Impact 3.9-4: Construction Noise (significant and unavoidable)

### Hydrology and Water Quality

The existing General Plan and the Project's Land Use and Circulation Element Update do not currently contain goals, policies, and programs related to sea level rise. The Climate Action Plan addresses sea level rise through a comprehensive approach to reducing GHG emissions in Foster City, however, the reduction in GHG emissions achieved through implementation of the Climate Action Plan may not provide meaningful assistance in reducing the potential for sea level rise in the Bay.

There is significant uncertainty regarding the issue of sea level rise. The actual severity of any sea level rise would dictate the appropriate level of mitigation and response from the City. Such measures could include strengthening or raising levees, creating new levees,

participating in regional mitigation to address rising sea levels within the Bay as a whole, creation of new tidal wetlands, any combination of these measures, or other measures not listed here. Some of these measures may be separate City projects requiring separate CEQA review. Notably, the areas in Foster City that would be most vulnerable to the effects of rising sea level are already developed. Consequently, while implementation of the Project could contribute to the cumulative effects of a rising sea level, it would not directly cause any new adverse environmental effects relating to a rising sea level. And while new development anticipated under the Project could contribute to the adverse effects caused by sea level rise, such new development is also expected to increase the range and feasibility of possible mitigation measures to address such effects by providing fees and other revenues that would not otherwise be available to fund the costs of such mitigation.

Mitigation Measure 3.7-7 requires the City to update the General Plan Safety Element to include resilience planning policies and actions aimed at adapting and responding to rising sea levels. The implementation of this mitigation measure would lead to a Sea Level Rise Response Strategy, and would require the development review process to incorporate consideration of, and measures to mitigate the risks of, sea level rise.

Notwithstanding the foregoing, given the significant uncertainty about sea level rise and possible avoidance and/or reduction measures, implementation of the General Plan Update and Climate Action Plan may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of sea level rise. Therefore, this impact is considered significant and unavoidable.

### **Noise**

New development, maintenance of roadways, installation of public utilities and infrastructure generally require construction activities. These activities include the use of heavy equipment and impact tools. Table 3.9-10 in the Draft EIR provides a list of the types of equipment which may be associated with construction activities, and their associated noise levels.

Activities involved in construction would typically generate maximum noise levels ranging from 90 to 101 dB at a distance of 50 feet, with the highest noise levels generated by activities such as pile driving. Pile driving activities also generate sound levels that travel considerably further distances than other construction activities, as indicated in the noise contour data in Table 3.9-10. Construction could result in periods of significant ambient noise level increases and the potential for annoyance. However, the City of Foster City Noise Ordinance establishes allowable hours of operation and noise limits for construction activities.

In addition, standard conditions of approval for major projects are implemented by the City to further restrict construction hours and reduce potential construction noise impacts, particular for major projects located in the vicinity of residences or other sensitive receptors.

Examples of recent construction noise reduction conditions imposed on projects by the City include:

- Limitations on construction hours in excess of the City's Noise Ordinance requirements.
- During all project site excavation and on-site grading, fit all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Utilize "quiet" air compressors and other stationary noise sources where such technology exists.
- Route all construction traffic to and from the project site via designated truck routes and prohibit construction-related heavy truck traffic in residential areas where feasible.
- Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.
- Prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Use multiple pile driving rigs to expedite pile driving activities.
- Use "acoustical blankets" to shroud the pile hammer.

Additionally, adopted Standard Conditions of Approval, which are applied to development projects in the city, require protective measures to reduce noise during construction and demolition activities. Specifically, SCOA 2.9 requires construction projects to designate a "noise disturbance coordinator" to address any local complaints relating to construction noise; SCOA 9.1 limits construction activities to the hours of 8 a.m. to 5 p.m. on weekdays unless deviations from this schedule are approved in advance by the City; SCOA 9.2 requires all engine-driven construction vehicles, equipment and pneumatic tools to be equipped with effective intakes and exhaust mufflers; SCOA 9.10 requires the construction contractor to place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site; and SCOA 9.11 requires construction equipment staging to be located in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction stages.

All future construction activities in Foster City will be subject to the requirements of the City of Foster City Noise Ordinance Section 17.68.030 with respect to limits on construction noise. Additionally, major construction projects will be subject to the conditions of approval stated above to further reduce and limit construction noise, particularly for projects in the vicinity of residential areas or other sensitive receptors. However, regardless of the above-referenced measures to reduce construction noise, there remains the potential for future development and redevelopment projects allowed under the proposed Project to generate temporary construction noise in excess of City standards, which may cause temporary nuisance noise impacts to adjacent land uses. As such, this impact is considered significant and unavoidable, and no additional feasible mitigation is available that would reduce this impact to a less than significant level.

### **B. Benefits of the General Plan Update, and Climate Action Plan (Project)/Overriding Considerations**

The City of Foster City has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed project to the extent feasible by including policies and actions in the General Plan Update and Climate Action Plan and all feasible mitigation measures in the Mitigation Monitoring and Reporting Program that effectively mitigate potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

Adoption and implementation of the proposed project would provide the following economic, social, legal, and other considerable benefits:

1. The General Plan Update and Climate Action Plan promote compact and environmentally-sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, environmental protection, and preservation of quality of life for Foster City residents.
2. The General Plan Update and Climate Action Plan eliminate goals, policies, and programs that are no longer relevant and ensure the Project reflects the goals, policies, and programs needed to guide the development and growth of the City while maintaining and enhancing the quality of life of the citizens.
3. The General Plan Update and Climate Action Plan EIR creates a programmatic tiering document that addresses the elements identified at CEQA Guidelines Section 15183.5(b)(1).

4. The General Plan Update and Climate Action Plan improve mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
5. The General Plan Update and Climate Action Plan protect the integrity and quality of residential neighborhoods and commercial areas by establishing goals, policies and implementing regulations that: assure property maintenance and quality design; protect waterways and the community's water-orientation; and continue to emphasize that Foster City is a "master-planned" community with a balance of residential, commercial and recreational uses.
6. The General Plan Update and Climate Action Plan address adverse environmental effects associated with global climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.
7. The General Plan Update and Climate Action Plan provide methods for reducing Foster City's greenhouse gas emissions consistent with the direction of the State of California through the Global Warming Solutions Act (AB 32), Governor's Order S-03-05, and Public Resources Code Section 21083.3
8. The General Plan Update and Climate Action Plan are the products of a comprehensive public planning effort driven by members of the public, city stakeholders, the Planning Commission and the City Council through a series of public meetings, hearings and workshops that resulted in a thoughtful balance of community, economic, development, and environmental interests.

## VIII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the Project.

The Foster City City Council has considered information contained in the EIR prepared for the Project as well as the public testimony and record of proceedings in which the Project was considered. Recognizing that significant unavoidable noise, and flooding impacts may result from implementation of the General Plan Update and Climate Action Plan (Project), the Council finds that the benefits of the Project and overriding considerations outweigh the adverse effects of the Project. Having included all feasible policies, actions, and mitigation measures, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the Project and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the Land Use and Circulation Element Update, the Land Use Map Update, and the Climate Action Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment resulting from implementation of the General Plan Update and Climate Action Plan (Project) have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the General Plan Update and Climate Action Plan (Project) which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.