

**SAN MATEO-FOSTER CITY SCHOOL DISTRICT  
RESOLUTION NO. 7/17-18**

**A RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT CERTIFYING THE  
ENVIRONMENTAL IMPACT REPORT UNDER CEQA FOR THE NEW  
ELEMENTARY SCHOOL IN FOSTER CITY PROJECT (PROJECT), ADOPTING  
ENVIRONMENTAL FINDINGS, ADOPTING THE STATEMENT OF OVERRIDING  
CONSIDERATIONS, APPROVING THE MITIGATION MONITORING AND  
REPORTING PROGRAM, AND APPROVING THE PROJECT  
(SCN 2017032039)**

**WHEREAS**, on November 3, 2016, the Board of Trustees for the San Mateo-Foster City School District (Board) approved that certain School Conveyance Agreement (SCA) for the proposed development of a new elementary school on the site of an existing retail commercial center known as Charter Square in Foster City, California (the Project);

**WHEREAS**, the Project would be the District's fourth elementary school in Foster City, designed as an educational environment that supports both modern and traditional learning strategies and consisting of classrooms, education and administration-related indoor spaces, as well as outdoor physical education, instructional and recreational components. It would also include internal onsite surface parking and internal onsite drop-off and pick-up lanes and passing lanes. The development would involve demolition of existing on-site structures and construction of Project buildings and infrastructure;

**WHEREAS**, the California Environmental Quality Act (CEQA) together with the State guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared;

**WHEREAS**, the Project site is located at 1050-1064 Shell Boulevard, at the intersection of Beach Park and Shell Boulevards in the City of Foster City, and consists of Assessor's Parcel Number (APN) 094-473-030. The site encompasses a total parcel area of just over 6 acres and currently contains the Charter Square Shopping Center, a courtyard-style, neighborhood-serving open-air shopping center built in 1977. The property is zoned C-1/PD (Neighborhood Business/Planned Development) and is designated Neighborhood Commercial (NC);

**WHEREAS**, on December 8, 2016, the Board passed a resolution to exempt the Project from City of Foster City zoning ordinances and regulations, under Government Code Section 53094. The City was formally notified of this action on December 13, 2016;

**WHEREAS**, on January 19, 2017, the Planning Commission of the City of Foster City adopted Resolution No. P- 01 -17, stating a School at the Charter Square Shopping Center is not consistent with the General Plan and providing comments and recommendations regarding the site;

**WHEREAS**, in February 2017, the District, assisted by consultant PlaceWorks, initiated the environmental review process required by the California Environmental Quality Act (CEQA), and the SCA to analyze the potential environmental impacts of the Project;

**WHEREAS**, on March 10, 2017, a formal Notice of Preparation of an Environmental Impact Report (NOP) was issued soliciting public input regarding the scope and content of the Draft Environmental Impact Report for the New Elementary School in Foster City Project (Draft EIR). The comment period was from March 14, 2017 through April 14, 2017;

**WHEREAS**, on March 27, 2017 the District held a public scoping session, in conjunction with the circulation of the NOP, to elicit additional comments from the public on the scope and content of the Draft EIR;

**WHEREAS**, during the NOP period and scoping session (March 14, 2017 through April 14, 2017) the District received comments from one regional agency and one local agency as well as individuals. These comments were considered in the preparation of the Draft EIR;

**WHEREAS**, the District, as lead agency, caused to be prepared a Draft EIR for the New Elementary School in Foster City Project (August 2017) (State Clearinghouse No. 2017032039);

**WHEREAS**, in accordance with CEQA, the Draft EIR was made available for public review from August 2, 2017 through September 18, 2017 and was distributed to local, regional, and State agencies;

**WHEREAS**, on August 10, 2017, the District held a Public Hearing on the Draft EIR for purposes of receiving public comment;

**WHEREAS**, between the start of the public comment period on August 2, 2017 through September 18, 2017, the District received written comment letters from one individual and one local agency on the Draft EIR and oral comments from three individuals at the Public Hearing;

**WHEREAS**, in accordance with CEQA, all comments received on the Draft EIR during the comment period were responded to and included in the EIR. The EIR, attached hereto as Exhibit "A", includes the Draft EIR, comments and responses to comments on the Draft EIR, text changes to the Draft EIR and the Administrative Final EIR. A revised Transportation Impact Analysis, Queuing Study and data, Site Circulation Exhibit and Tree Inventory were also added (Appendix II) to the Final EIR;

**WHEREAS**, on November 1, 2017, in accordance with CEQA, a public notice was published in two local papers, posted at the District's Administrative Offices and posted on the District's website regarding the availability of the Final EIR and the Public Hearing scheduled for November 16, 2017.

**WHEREAS**, between November 1 and 6, 2017, the Final EIR and responses to comments were mailed to all commenting State and local agencies at least ten days prior to the Board's proposed action on the EIR for the New Elementary School in Foster City Project;

**WHEREAS**, on November 16, 2017, the Board held a duly noticed Public Hearing on, among other items, adoption of this Resolution certifying the EIR. After receiving verbal and written testimony, the Board closed the public hearing;

**WHEREAS**, The EIR, including comments and responses, reflects the District's independent judgement and analysis on the potential for environmental impacts from the Project;

**WHEREAS**, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the Project will require adoption of findings on impacts and mitigations as set forth in attached Exhibit "B" hereto;

**WHEREAS**, the EIR identified significant and unavoidable environmental impacts of the Project; therefore, approval of the Project will require adoption of findings concerning mitigations as also set forth in Exhibit "B" attached hereto, findings concerning alternatives as set forth in Exhibit "C" attached hereto, and a Statement of Overriding Considerations as set forth in Exhibit "D" attached hereto;

**WHEREAS**, a Mitigation Monitoring and Reporting Program, as required by CEQA, is attached hereto as Exhibit "E;" and

**WHEREAS**, the EIR and all the documents relating to the Project are available for review in the District's Administrative Offices during normal business hours. The location and custodian of the EIR and other documents that constitute the record of proceedings for the Project is the San Mateo-Foster City School District Administrative Offices, 1170 Chess Drive, Foster City, CA 94404.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Board of Trustees certifies the following:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The EIR attached hereto as Exhibit A, has been completed in compliance with CEQA and the CEQA Guidelines.
3. The District's Board of Trustees has independently reviewed and considered the information contained in the EIR, including the written comments received during the Draft EIR review period and the oral and written comments received at the Public Hearing, prior to acting on the Project. ·
4. The EIR reflects the District's independent judgment and analysis on the potential environmental impacts of the Project. The EIR provides information to the decisionmakers and the public on the environmental consequences of the Project.
5. The EIR adequately describes the Project, its significant environmental impacts, mitigation measures, and a reasonable range of alternatives to the Project.

**BE IT FURTHER RESOLVED THAT** the Board of Trustees of the San Mateo-Foster City School District hereby:

1. Certifies that the EIR was prepared and completed in compliance with CEQA;
2. Adopts the impacts and mitigation findings set forth in Exhibit B;
3. Adopts the findings concerning feasibility of alternatives and additional mitigation measures set forth in Exhibit C;
4. Adopts the Statement of Overriding Considerations set forth in Exhibit D;
5. Approves the Mitigation Monitoring and Reporting Program set forth in Exhibit E;
6. Finds and incorporates herein by reference that Exhibits A, B, C, D, and E are all in compliance with the requirements of CEQA;
7. *Agrees to comply with the hours of construction as follows:*

*Construction activities shall generally be limited to the hours of 8 am to 5 pm on weekdays provided that construction activities on Saturdays between the hours of 9 am and 5 pm may be permitted if deemed necessary by the District and Developer to adhere to the project schedule and residents within 300 feet of the project site boundaries are notified at least 24 hours in advance.*

*Non-construction activities may take place between the hours of 7 am and 8 am on weekdays and 9 am and 4 pm on Saturdays but shall be limited to quiet activities and shall not include the use of engine-driven machinery except in the case where construction work is deemed necessary as provided above.*

*No actual construction activities may take place before 8 am on weekdays and before 9 am on Saturdays, except when post-tension slab foundations are being poured and notice is provided to residents within 300 feet of the project site boundaries at least 24 hours in advance. Forklifts shall be allowed to operate onsite between the hours of 5 pm and 6:30 pm on weekdays. No construction activity of any kind shall be allowed on Sundays or Federal holidays.*

8. Authorizes the President of the Board to execute this Resolution and a Notice of Determination (NOD), and the Secretary to attest and certify to the passage and adoption thereof and those officers and the District's Superintendent and the Superintendent's designees to execute all documents and perform all actions necessary to carry out the intent of this Resolution;

9. Directs the Superintendent, or her designee, to file with the County Clerk-Recorder of the County of San Mateo and the State Clearinghouse the NOD pursuant to California Code of Regulations Section 15094; and

10. Finds that all actions required to be taken by applicable law related to the approval of the Project have been taken and hereby approves the Project as identified and evaluated in the EIR.

PASSED AND ADOPTED by the following vote this 11<sup>th</sup> day of January 2018.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of the Board