

RESOLUTION NO. 2023 - 08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
ADOPTING A MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE 2023 – 2031 HOUSING ELEMENT UPDATE**

WHEREAS, State law requires each jurisdiction in California to adopt a General Plan, which includes a Housing Element; and

WHEREAS, the proposed 2023-2031 Housing Element will replace the existing 2015-2023 Housing Element and will serve as the City of San Bruno's guiding policy document for meeting the City's future housing needs at all economic levels; and

WHEREAS, jurisdictions within the San Francisco Bay Area region are required to prepare an update to their Housing Elements for the 2023-2031 planning period; and

WHEREAS, the City of San Bruno was allocated 3,165 housing units to plan for over the 2023-2031 planning period; and

WHEREAS, pursuant to Government Code Section 65583(a)(3), the Housing Element Update is a policy document which includes the preparation of an inventory of land suitable and available for residential development, including vacant sites and sites with a realistic and demonstrated potential for redevelopment during the planning period to meet the City's housing need at the designated income levels; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and Implementing Guidelines, an Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated December 2022, was prepared by David J. Powers & Associates, Inc. and, based on the type and intensity of land uses and programs identified with the 2023-2031 Housing Element update and the information contained therein, the Initial Study and Draft Mitigated Negative Declaration conclude that the Project, with the proposed mitigation measures, would not have a significant adverse effect on the environment; and

WHEREAS, the IS/MND identified that: the 2023-2031 Housing Element update will have no impacts, or less than significant impacts, on Aesthetics, Agriculture and Forestry Resources, Energy, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire; the Project's impacts on Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources are potentially significant but that all such impacts can be reduced to levels of insignificance by implementation of the mitigation measures identified in the MND; and

WHEREAS, the City, as the lead agency for the Project, posted a Notice of Intent on the City's website, filed the Notice of Intent with the County Clerk for posting, directly mailed the Notice of Intent to public agencies and through the State Clearing House (SCH # 2021030357) and requesting parties, and provided copies of the Initial Study/Mitigated Negative Declaration to the public for review and comment for a thirty (30) day period beginning December 9, 2022 and ending January 9, 2023; and

WHEREAS, the City received two public comment letters on the Initial Study/Mitigated Negative Declaration during the public review period and the comments were sufficiently addressed in the "Response to Comments" document attached hereto as Exhibit "C" (On File in the Clerk's Office) and incorporated herein by reference; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more potentially significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those potentially significant environment effects to a less-than-significant level; and

WHEREAS, pursuant to CEQA Guideline §15074, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid potentially significant effects on the environment. CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation. A copy of the Mitigation Monitoring and Reporting Program ("MMRP") for the 2023-2031 Housing Element update, which defines the measures which would be imposed on the Project to mitigate or avoid potentially significant environmental impacts, is attached hereto as Exhibit "B" (On file in the Clerk's Office) and incorporated herein by reference; and

WHEREAS, a copy of the Initial Study/Mitigated Negative Declaration is set forth in Exhibit "A" (On file in the Clerk's Office) and incorporated herein by reference; and

WHEREAS, the Planning Commission serves as an advisory body to the City Council as to the Housing Element Update Project, and in that capacity, on January 12, 2023, the Planning Commission adopted Resolution 2023-01 recommending that the San Bruno City Council adopt an Initial Study and Mitigated Negative Declaration (IS/MND), and Mitigation Monitoring and Reporting Program prepared by David J. Powers & Associates, Inc. to analyze the environmental effects of the draft Housing Element Update and, based on the type and intensity of land uses identified and the information contained in IS/MND, the project would not have a significant adverse effect on the environment that would not be mitigated by the proposed mitigation measures; and

WHEREAS, a Notice of Public Hearing for the 2023-2031 Housing Element Update was duly posted in the *San Mateo Daily Journal* on Saturday, January 14, 2023; and

WHEREAS, the City Council held a Public Hearing for the 2023-2031 Housing Element Update on January 24, 2023 and on said date, the Public Hearing was opened, held and closed.

WHEREAS, City's Department of Community & Economic Development, 567 El Camino Real, San Bruno, CA, 94066, is the custodian of the documents and other materials that constitute the record of proceedings related to the Project and the Initial Study/ Mitigated Negative Declaration; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno as follows, based on facts in the staff reports, written and oral testimony, and exhibits presented:

1. That the City Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record including public comments and the responses to those comments, and has considered the information contained therein prior to acting upon the Project. Based on all evidence in the administrative record for the Project, the City Council hereby makes the following specific findings:
 - a. The draft Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and the CEQA Guidelines.
 - b. The draft Initial Study/Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project.
 - c. The City Council has considered the draft Initial Study/Mitigated Negative Declaration.
 - d. The draft Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
 - e. The Project will not result in a significant effect upon the environment because the mitigation measures described in the MMRP have been added to the Project as housing element policies.
2. Based upon the Draft Mitigated Negative Declaration and comments and testimony received, the City Council hereby finds that there is no substantial evidence that the 2023-2031 Housing Element update, as mitigated, will have a significant effect on the environment.
3. The City Council hereby adopts the Initial Study and Mitigated Negative Declaration attached hereto as Exhibit A and adopts the Mitigation Monitoring Program attached hereto as Exhibit B (On file in the Clerk's Office).

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I hereby certify that foregoing **Resolution No. 2023 - 08**
was introduced and adopted by the San Bruno City Council at a regular meeting on
January 24, 2023, by the following vote:

AYES: Councilmembers: Alvarez, M. Medina, Salazar, Hamilton, Mayor R. Medina

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Lupitá Huerta, City Clerk



Exhibit A

**2023-2031 HOUSING ELEMENT UPDATE
FOR THE CITY OF SAN BRUNO**

**INITIAL STUDY
AND
DRAFT MITIGATED NEGATIVE DECLARATION**

December 2022

Prepared by:

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Exhibit B

Mitigation Monitoring and Reporting Program (MMRP)

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Exhibit C

Response to Comments Memo

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