

# FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE

Draft Environmental Impact Report  
State Clearinghouse No. 2022010509



Prepared for:  
City of Foster City

February 2023

URBAN  
PLANNING  
PARTNERS  
INC.



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Prepared for the City of Foster City

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February 2023

The logo for Urban Planning Partners Inc. is a solid orange square containing the text "URBAN PLANNING PARTNERS INC." in white, uppercase, sans-serif font, arranged in four lines.

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# I. INTRODUCTION

The project evaluated within this Draft Environmental Impact Report (EIR) is proposed by the City of Foster City (City) to comply with California Government Code Sections 65580-65589.9, which requires local jurisdictions to update the Housing Element of their General Plan every eight years to adequately plan for the regional housing needs of residents of all income groups. The project includes (1) adoption and implementation of the City's 6<sup>th</sup> Cycle Housing Element Update (2023-2031) and (2) adoption and implementation of updates to the City's Safety Element. For purposes of this EIR, these actions are together considered a "project" under California Environmental Quality Act (CEQA) regulations.

This chapter of this EIR will briefly describe: the purpose of this EIR; the proposed project; the EIR scope; and the EIR document organization.

## A. PURPOSE OF THIS EIR

In compliance with CEQA,<sup>1</sup> CEQA Guidelines,<sup>2</sup> and the City of Foster City's Environmental Review Guidelines, this EIR describes the environmental impacts associated with implementation of the Foster City Housing Element and Safety Element (project). This EIR is designed to inform City staff, the Planning Commission, the City Council, responsible and interested agencies, and the public about: (1) the project and its potential environmental consequences; (2) the General Plan policies, Standard Conditions of Approval (SCOAs), and mitigation measures necessary to lessen or avoid significant adverse impacts; and (3) a reasonable range of feasible alternatives to the project. The information contained in this EIR will be available for public review and comment prior to the City Council's decisions to approve, reject, or modify the project.

The City is the lead agency for environmental review of the project. This EIR is available for public review for the period identified in the Notice of Availability (NOA) published with this document. During the public review period, comments related to the adequacy of the Draft EIR analyses may be submitted to the City of Foster City, Community Development Department via the email or the mailing address indicated on the NOA. There will also be an opportunity to provide verbal comments before the Planning Commission at a hearing on the Draft EIR (see NOA for meeting date and details). Written responses to each comment received during the specified public review

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<sup>1</sup> California Public Resources Code, Sections 21000-21178.

<sup>2</sup> CEQA Guidelines are codified at Title 14 of the California Code of Regulations at Section 15000 et seq.

period related to the adequacy of the Draft EIR will be included in the Response to Comments/Final EIR document.

## B. PROPOSED PROJECT

The Housing and Safety Elements Update project includes the following components:

1. **Housing Element.** Adoption and implementation of the City's 6<sup>th</sup> Cycle Housing Element Update (2023-2031), including the adoption and implementation of rezoning and General Plan amendments to accommodate the City's Regional Housing Needs Allocation (RHNA) of 1,896 new housing units within the city. This component is referred to as the Housing Element throughout this EIR.<sup>3</sup>
2. **Safety Element.** Adoption and implementation of updates to the City's Safety Element. The Safety Element is currently combined with the City's Local Hazard Mitigation Plan (LHMP), adopted in 2016. The City adopted an updated LHMP in 2021 in coordination with the San Mateo County Multijurisdictional Local Hazard Mitigation Plan. The Safety Element portion of the combined Safety Element/LHMP document will become a standalone document as part of this update. The Safety Element identifies public safety risks and creates a unique set of goals, policies, and implementation actions that address these risks. This component is referred to as the Safety Element throughout this EIR.

For purposes of this EIR, these two actions are together considered a "project" under CEQA regulations. Each component of the project is described in more detail in *Chapter III, Project Description*.

## C. EIR SCOPE

The City of Foster City published and circulated a Notice of Preparation (NOP) on January 26, 2022. The public comment period for the scope of this EIR was from January 26, 2022, to February 25, 2022. The NOP was posted on the City of Foster City's website and sent to applicable responsible agencies, trustee agencies, and interested parties as required by the California Environmental Quality Act (CEQA). A copy of the NOP was also sent to the State Clearinghouse and was assigned State Clearinghouse number 2022010509.

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<sup>3</sup> Note this Draft EIR analyzes the July 2022 Draft Housing Element. Minor modifications of the housing site inventory, policies and programs prior to adoption may occur in response to public comments and direction from the Planning Commission and City Council. Final housing sites inventory and policies language will be included in the Final EIR.

A project scoping session was held before the Planning Commission on February 17, 2022, and no verbal public comments were received during the scoping session. Written comments received on the NOP were considered during the preparation of this EIR. The NOP and the written comments received are included in Appendix A.

The following environmental topics are included in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*, of this EIR:

- A. Land Use and Planning (*Section IV.A*)
- B. Traffic and Transportation (*Section IV.B*)
- C. Air Quality (*Section IV.C*)
- D. Greenhouse Gas Emissions (*Section IV.D*)
- E. Hazards and Hazardous Materials (*Section IV.E*)
- F. Noise and Vibration (*Section IV.F*)
- G. Population and Housing (*Section IV.G*)
- H. Public Services, Utilities, and Recreation (*Section IV.H*)
- I. Aesthetics (*Section IV.I*)

A brief analysis of environmental topics found to be either not significant or less than significant through the scoping process and preliminary review are discussed in *Chapter VI, CEQA Required Assessment Conclusions*, in *Section VI.A, Effects Found Not to be Significant*. These topics include agriculture and forest resources, biological resources, cultural resources, tribal cultural resources, geology and soils, hydrology and water quality, energy, mineral resources, and wildfire.

## **D. EIR DOCUMENT ORGANIZATION**

This EIR is organized into the following chapters:

- *Chapter I, Introduction*: Discusses the overall EIR purpose; provides a summary of the project; describes this EIR scope; and summarizes the organization of this EIR.
- *Chapter II, Summary*: Provides a summary of the impacts that would result from implementation of the project; describes SCOAs and mitigation measures recommended to avoid or reduce significant impacts; identifies areas of known controversy; and describes project alternatives.
- *Chapter III, Project Description*: Provides a description of the project objectives, the project site, the proposed development, and required approval process.
- *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*: Describes the following for each environmental topic: existing conditions (setting), significance criteria, potential environmental impacts and their level of significance, SCOAs relied upon to ensure significant impacts would not occur, and mitigation measures

recommended to lessen or avoid identified significant impacts. Cumulative impacts are also discussed in each section. Potential adverse impacts are identified by levels of significance, as follows: less-than-significant impact (LTS), significant impact (S), and significant and unavoidable impact (SU). The significance level is identified for each impact before and after implementation of the recommended SCOAs or mitigation measure(s).

- *Chapter V, Alternatives:* Describes and evaluates three alternatives to the project including the No Project, the Partial Reallocation to Mixed Use Alternative, and the Higher Density Alternative to Reduce Vehicle Miles Traveled (VMTs).
- *Chapter VI, CEQA Required Assessment Conclusions:* Provides the required analysis of effects found not to be significant; growth-inducing impacts; unavoidable significant effects; and significant irreversible changes.
- *Chapter VII, Report Preparers and References:* Identifies preparers of this EIR, references used, and the persons and organizations contacted.
- *Appendices:* The appendices include:
  - Appendix A: NOP Comments
  - Appendix B: Non-CEQA LOS Technical Memorandum
  - Appendix C: Trip Generation and Existing Traffic Volumes
  - Appendix D: Water Capacity Study
  - Appendix E: Sanitary Sewer Impact Study

This EIR is available for public review for the period identified in the NOA attached to the front of this document. During this time, written comments on this EIR may be submitted to the City of Foster City Community Development Department at the address indicated on the NOA. Responses to all comments, received during the specified review period, pertaining to the environmental analysis in this EIR will be included in the Response to Comments/Final EIR document.

## II. SUMMARY

### A. OVERVIEW OF PROPOSED PROJECT

This Draft Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental effects of the proposed Foster City Housing Element, and Safety Element (project).

The project site encompasses the entirety of the city of Foster City, which encompasses about 4 square miles of land area. The city is located in San Mateo County, midway between the cities of San Francisco and San Jose. It is bordered by San Francisco Bay to the north and east, the cities of Belmont and Redwood City to the south, and the City of San Mateo to the west. Regional access to the city is via California State Route 92 (SR-92), which runs roughly east and west through the city. SR-92 provides convenient access to the East Bay. Regional auto access from the north and south is provided via U.S. Highway 101 (US 101), which intersects with SR-92 west of the city. US 101 provides convenient access to San Francisco and the San Francisco Airport to the north, and Santa Clara County and San Jose Airport to the south.

The project is being proposed by the City of Foster City (City) to comply with California Government Code Sections 65580-65589.9, which requires local jurisdictions to update the Housing Element of their General Plan every eight years to adequately plan for the regional housing needs of residents of all income groups. The project includes the following elements:

1. **Housing Element.** Adoption and implementation of the City's 6th Cycle Housing Element Update (2023-2031), including but not limited to the adoption and implementation of General Plan and Zoning Amendments, to accommodate the City's Regional Housing Needs Allocation (RHNA) of 1,896 new housing units within the city. This component is referred to as the Housing Element throughout this EIR.<sup>1</sup>
2. **Safety Element.** Adoption and implementation of updates to the City's Safety Element. The Safety Element is currently combined with the City's Local Hazard Mitigation Plan (LHMP) ), adopted in 2016. The City adopted an updated LHMP in 2021 in coordination with the San Mateo County Multijurisdictional Local Hazard Mitigation Plan. The Safety Element portion of the Safety Element/LHMP document will become a standalone document as part of this

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<sup>1</sup> Note this Draft EIR analyzes the July 2022 Draft Housing Element. Minor modifications of the housing site inventory, policies and programs prior to adoption may occur in response to public comments and direction from the Planning Commission and City Council. Final housing sites inventory and policies language will be included in the Final EIR.

update. The Safety Element identifies public safety risks and creates a unique set of goals, policies, and implementation actions that address these risks. This component is referred to as the Safety Element throughout this EIR.

For purposes of this EIR, these actions are together considered a “project” under CEQA regulations. Each component of the project is described in more detail in *Chapter III, Project Description*.

## **B. SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

This summary provides an overview of the analysis contained in *Chapters IV through VI* of this EIR. CEQA requires a summary to include discussion of: (1) potential areas of controversy; (2) significant impacts and proposed mitigation measures and Standard Conditions of Approval (SCOAs) are also included in this summary; (3) cumulative impacts; (4) significant and unavoidable impacts; and (5) alternatives to the proposed project. Each of these topics is summarized below.

### **1. Potential Areas of Controversy**

The City of Foster City published and circulated a Notice of Preparation (NOP) on January 26, 2022, and a public scoping session was held in conjunction with the Planning Commission meeting on February 17, 2022. No verbal public comments were received during the scoping session. Written comments received on the NOP were considered in the preparation of the final scope for this document and in the evaluation of the project. Written comments received are included in Appendix A. Comments received from public agencies included the California Department of Transportation (Caltrans) and the Native American Heritage Commission (NAHC), both of which encouraged use of applicable CEQA regulations related to transportation and tribal consultation, respectively.

The issues raised by these comments are addressed in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures* and *Chapter VI, CEQA-Required Conclusions and Effects Found Not to be Significant* of this EIR.

### **2. Significant Impacts, Cumulative Impacts, SCOAs, and Mitigation Measures**

Under CEQA, a significant impact on the environment is defined as “...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the

project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”<sup>2</sup>

As discussed in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*, and shown in Table II-1 below, the project would result in several potentially significant impacts. Only one impact related to transportation, one impact related to utilities, and one impact related to aesthetics was found to be significant and unavoidable, even after mitigation. All remaining impacts identified could be mitigated to a less-than-significant level with implementation of the recommended mitigation measures, with the exception of Transportation.

Impacts that are less than significant or would be reduced to a less-than-significant level with implementation of mitigation measures are identified for the following topics and evaluated in full detail in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*, of this EIR:

- Land Use and Planning
- Air Quality
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise and Vibration
- Population and Housing

Impacts that are determined to be significant and unavoidable even with the implementation of mitigation measures and General Plan policies are identified for the following topic in this EIR and are fully evaluated in *Chapter IV, Setting, Impacts, and Mitigation Measures*, of this EIR:

- Traffic and Transportation
- Public Services, Utilities, and Recreation
- Aesthetics

The environmental topics for which the project would result in no impact or a less-than-significant impact is briefly described in *Chapter VI, CEQA-Required Assessment Conclusions and Effects Found Not to be Significant*, of this EIR:

- Agriculture and Forest Resources
- Biological Resources
- Cultural Resources
- Tribal Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Energy

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<sup>2</sup> California Code of Regulations, Title 14, Section 15382; Public Resources Code 21068.

- Mineral Resources
- Wildfire

Cumulative impacts are discussed at the end of each topic section in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*. The project would not contribute to or be affected by any significant cumulative impacts.

### 3. Alternatives to the Proposed Project

*Chapter V, Alternatives Analysis*, analyzes three alternatives to the proposed project to meet the CEQA requirements for analysis of a reasonable range of project alternatives. The three project alternatives analyzed in *Chapter V* are as follows:

- **No Project Alternative:** Under this alternative, the City would continue to implement the adopted 2015-2023 Housing Element and Local Hazard Mitigation Plan and Safety Element adopted in 2016, and the proposed 2023-2031 Housing Element and Safety Element would not be adopted. Future housing development would be developed in accordance with the 2015-2023 Housing Element and would continue to have a development potential of 826 units. This alternative would result in a total net reduction in development potential by 2,373 units when compared to the project and a 1,070-unit shortfall of the City's RHNA obligation.
- **Partial Reallocation to Mixed Use Alternative:** Under this alternative, housing sites located at the Schooner Bay Apartments Site (646 units), would be eliminated from the Housing Inventory Sites. The units at this site would be reallocated by rezoning the Foster's Landing Site from R-4/PD to allow Mixed-Use and the development of 500 units. This would increase the number of new units at this site from 900 to 1,400. In addition, Edgewater Place Center would be rezoned from C-1/PD to Mixed-Use to allow for 146 new units. Rezoning Edgewater Place Center would require a General Plan Amendment. Both the Foster's Landing Site and Edgewater Place Center Site are located in areas with lower home-based vehicle miles traveled (VMT), however neither site are below the VMT threshold of 15 percent below the regional average, as all of Foster City is above that threshold. Based on the Housing Inventory Sites, this alternative would result in a net zero change in development potential.
- **Higher Density Alternative to Reduce VMT:** Under this alternative, housing sites located at the Schooner Bay Apartments Site (646 units), would be reallocated by rezoning the Foster's Landing Site to allow for up to 41 units per acre, increasing the amount of development at the site by 500 units. This would increase the number of new units at this site from 900 to 1,400. In addition, the Metro Center Boulevard Site would be rezoned to allow up to 58 units per acre, increasing the amount of residential development at this site by an additional 146 units. This alternative requires a General Plan Amendment for both the Foster's Landing Site and Metro Center Boulevard Site. Both the Foster's Landing Site and Metro Center Site are

located in areas with lower home-based VMT. Based on the Housing Inventory Sites, this alternative would result in a net zero change in development potential.

### C. SUMMARY TABLE

Information in Table II-1, Summary of Impacts, Standard Conditions of Approval, and Mitigation Measures, has been organized to correspond with environmental issues discussed in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*. The table is arranged in four columns, as follows: (1) impacts; (2) level of significance prior to mitigation; (3) required SCOAs and/or recommended mitigation measure; and (4) level of significance after mitigation. A series of SCOAs and/or mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended SCOAs and/or mitigation measures, please refer to the specific discussions in *Chapter IV*.

The following abbreviations are used for individual topics:

LU:	Land Use
TRANS:	Traffic and Transportation
AIR:	Air Quality
GHG:	Greenhouse Gas Emissions
HAZ:	Hazards and Hazardous Materials
NOISE:	Noise and Vibration
POP:	Population and Housing
SVCS:	Public Services, Utilities, and Recreation
AES:	Aesthetics

The following notations are provided after each identified significant impact and mitigation measure. These notations indicate the significance of the impact with and without mitigation:

SU = Significant and Unavoidable  
S = Significant  
LTS = Less than Significant

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<b>A. LAND USE</b>			
<i>Implementation of the project would not result in any significant impacts to land use.</i>			
<b>B. TRAFFIC AND TRANSPORTATION</b>			
<p><u>Impact TRANS-1</u>: Implementation of the Housing Element and associated zoning amendments components of the project that are not 100 percent affordable projects could generate home-based VMT per resident of 12.8 and that is greater than 85 percent of the 2020 Bay Area regional average home-based VMT per resident.</p>	S	<p><u>Mitigation Measure TRANS-1</u>: Implement VMT Reduction Measures. Individual housing project development proposals that do not screen out from a VMT impact analysis shall provide a quantitative VMT analysis using the methods applied in this EIR, with modifications if appropriate based on future changes to City of Foster City practices and OPR VMT analysis methodology guidelines. Projects which result in a significant impact shall include TDM measures and physical measures to reduce VMT, including but not limited to the measures below; some of which have been identified as potentially VMT-reducing in the CAPCOA Handbook. Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook.</p> <ul style="list-style-type: none"> <li>▪ Increase building density. Effectiveness: up to a 30 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.</li> <li>▪ Integrate affordable and below-market rate housing: Up to a 28.6 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.</li> <li>▪ Reduce parking provided. Effectiveness: Up to a 13.7 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.</li> <li>▪ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: Up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook, although the effectiveness is lower in suburban settings.</li> <li>▪ Provide car-sharing, bike-sharing, or scooter-sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for</li> </ul>	SU

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.</p> <ul style="list-style-type: none"> <li>▪ Subsidize transit passes for residents of affordable housing. Effectiveness: Up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.</li> <li>▪ Other measures not listed in CAPCOA but are proven to be effective means of reducing the amount of VMT generated by residents include increasing the mix of uses by adding retail or services within a site or within convenient walking distance.</li> </ul> <p>Residential development projects located in the lower VMT areas as shown on Figures IV.B-4 and IV.B-5 (generally in Central Foster City) would likely have a less-than-significant impact with the implementation of the on-site VMT reduction measures noted above. Residential development projects located within the areas with higher VMT on the periphery of Foster City may have a significant impact even after implementation of these measures given the longer trip lengths needed to reach services and jobs.</p> <p>In addition to the on-site measures noted above, individual housing projects that are above the VMT threshold could potentially contribute to future VMT mitigation fee programs, banks, or exchanges. A VMT mitigation program would fund transportation projects and programs that lead to a reduction in VMT, including pedestrian and bicycle projects connecting to transit, schools, and other destinations. No local or regional VMT mitigation programs currently exist, however, should such a program be implemented, development projects could potentially pay into a fee program or purchase mitigation credits to achieve needed VMT mitigation instead of, or in addition to, on-site TDM measures.</p> <p>Because the uncertainty relating to the feasibility of on-site TDM measures and the implementation process for individual development projects in diverse project settings, the timing that it will take to implement those measures, and the lack of an off-site mitigation option, the effectiveness of reducing an individual project's VMT</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>impact to a less than significant level cannot be determined as part of this EIR. As a result, this impact is identified conservatively as significant and unavoidable with mitigation given the possibility that some projects may not be able to identify and implement measures to reduce the VMT impact to a less-than-significant level.</p>	
		<p><b>SCOA 1.9:</b> Before commencing any work in the City's right-of-way (including trenching of complete streets), the applicant shall obtain an encroachment permit, posting the required bonds and insurance. The Engineering Division may require that trenchless methods be used for crossings and connections under streets.</p>	
		<p><b>SCOA 1.12:</b> Prior to opening, details of sales office and/or model homes, including special landscaping, signing, parking and lighting shall be approved by staff.</p>	
		<p><b>SCOA 2.20:</b> Prior to issuance of a building permit, the applicant shall contact and discuss with SamTrans the desirability for and location of bus turnouts for SamTrans buses, as well as providing see-through, covered bus shelters to serve the users of the development. The applicant shall respond in writing to the City with a letter from SamTrans indicating that improvements are not necessary or that the proposed improvements are satisfactory to SamTrans prior to issuance of a building permit.</p>	
		<p><b>SCOA 2.21:</b> The timing of the installation of the proposed bus system improvements shall be established by the City, in coordination with SamTrans.</p>	
		<p><b>SCOA 8.15:</b> Prior to issuance of a Building Permit, the applicant shall design for general public use, bicycle trails throughout the development with provisions for bicycle storage facilities to the satisfaction of the Engineering Division. Bike trails shall be constructed according to plan.</p>	
		<p><b>SCOA 8.16:</b> Prior to issuance of a Building Permit, the applicant shall design a comprehensive pedestrian walkway system throughout the development to the satisfaction of the City and in compliance with the General Plan. The pedestrian walkway system shall be constructed according to plan.</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p><b>SCOA 9.9:</b> The applicant shall require all contractors to obtain and submit to City any transportation permits required by Caltrans. Contractors are further required to obtain a transportation permit from City for hauling on local streets. All vehicles hauling materials to the project site that exceed 12,000 pounds gross weight shall follow established truck route streets to the closest point of the job site unless directed otherwise by the Engineering Division.</p>	
		<p><b>SCOA 10.24:</b> Prior to occupancy, all apartment buildings or condominium complexes shall be required to provide parking stalls designated and signed for visitor parking.</p>	
		<p><b>SCOA 11.05:</b> Truck arrival and unloading operations shall be conducted in accordance with all applicable City Ordinance requirements. If noise associated with truck arrival or unloading operations becomes a problem, all future site lessees, operators and/or owners shall work with the City to develop a plan to minimize noise, including requiring an adjustment of truck arrival and/or unloading times.</p>	
		<p><b>SCOA 11.07:</b> The current and future owners shall be responsible for implementing the Transportation Demand Management (TDM) Program required by the City/County Association of Governments on file with the Community Development Department and attached as Exhibit B. The owner or its successor in interest shall file an annual report by January 31 of each year with the Foster City Community Development Department documenting efforts undertaken and results achieved in the previous year pursuant to the TDM program.</p>	
		<p><b>SCOA 11.16:</b> The applicant, HOA, or any future owner shall provide and conduct regular maintenance of the site in order to preserve all loading zones, fire lanes, and restricted parking zones as readily visible and identifiable.</p>	
<b>C. AIR QUALITY</b>			
<p><u>Impact AIR-1:</u> Construction of residential development under the project would generate</p>	S	<p><u>Mitigation Measure-AIR-1: Residential Construction Controls for Criteria Air Pollutants.</u> For construction of residential projects that exceed the Bay Area Air Quality Management District’s (BAAQMD’s)</p>	LTS

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<p>criteria air pollutant emissions that could potentially affect regional air quality.</p>		<p>most recently adopted screening criteria (currently 114 single-family units or 240 multi-family units), the project applicant shall retain a qualified air quality consultant to identify measures to reduce the project's criteria air pollutant and precursor emissions below the BAAQMD's recommended thresholds of significance. Emission reduction measures may include, but are not limited to, the use of off-road equipment with engines that meet the Environmental Protection Agency's Tier 4 emission standards, or engines retrofitted with the most effective Verified Diesel Emissions Control Strategy (VDECS) certified by the California Air Resources Board (CARB), or other off-road equipment that demonstrate equivalent emission reduction meeting the EPA's standards. Quantified emissions and identified reduction measures shall be submitted to the city (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</p> <p>In addition, the project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures (if any). The Emissions Plan shall be submitted to the City (and BAAQMD if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <ul style="list-style-type: none"> <li>▪ An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</li> <li>▪ A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<u>Impact AIR-2:</u> Operation of residential development under the project would generate criteria air pollutant emissions that could potentially affect regional air quality.	S	<p><u>Mitigation Measure AIR-2: Residential Operation Controls for Criteria Air Pollutants.</u> For operation of residential projects that exceed the Bay Area Air Quality Management District’s (BAAQMD’s) most recently adopted screening criteria (currently 325 single-family units or 451 multi-family units), the project applicant shall retain a qualified air quality consultant to identify measures to reduce the project’s criteria air pollutant and precursor emissions below the BAAQMD’s recommended thresholds of significance. Emission reduction measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Implementation of a Transportation and Parking Demand Management program to reduce vehicle trips.</li> <li>▪ Compliance with off-street electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2 to reduce vehicle emissions.</li> <li>▪ Exclusion of natural gas appliances or natural gas plumbing.</li> </ul> <p>Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</p>	LTS
<u>Impact AIR-3:</u> Construction of residential development under the project could expose sensitive receptors to substantial concentrations of TACs and/or PM <sub>2.5</sub> .	S	<p><u>Mitigation Measure AIR-3a: Residential Construction Controls for Diesel Particulate Matter.</u> For construction of residential projects with a construction duration greater than 6 months that are located in an area defined as needing “Best Practices” or “Further Study” on the BAAQMD’s Planning Healthy Places Map (<a href="https://www.baaqmd.gov/plans-and-climate/planning-healthy-places">https://www.baaqmd.gov/plans-and-climate/planning-healthy-places</a>), the project applicant shall apply <u>one</u> of the following measures:</p> <ul style="list-style-type: none"> <li>▪ The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the Office of Environmental Health Hazard Assessment to determine the health risks to sensitive receptors exposed to diesel particulate matter (DPM) from project construction emissions. The HRA shall be submitted to the City</li> </ul>	LTS

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>(and BAAQMD if specifically requested) for review and approval. If the HRA concludes that the health risks are at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risks exceed acceptable levels, DPM reduction measures shall be identified to reduce the health risks to acceptable levels. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <ul style="list-style-type: none"> <li>▪ All off-road diesel equipment shall be equipped with the most effective VDECS available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.</li> </ul> <p>In addition, the project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and BAAQMD if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <ul style="list-style-type: none"> <li>▪ An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</li> <li>▪ A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</li> </ul>	
		<p><u>Mitigation Measure AIR-3b: Residential Emergency Generators.</u> Require all emergency generators for new residential development projects (if</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		needed) to use best available control technology for air pollutant emissions, such as using engines that meet the Environmental Protection Agency’s Tier 4 Final emission standards or are battery powered.	
		<p><b>SCOA 9.5:</b> The following controls shall be implemented at all construction sites within the project to control dust and/or mud production and fugitive dust.</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with nontoxic stabilizers to control dust;</li> <li>▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>▪ Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> <li>▪ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; and</li> <li>▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.</li> <li>▪ Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.</li> <li>▪ Water trucks shall be present and in use at the construction site.</li> <li>▪ All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City in order to ensure proper control of blowing dust for the duration of the project.</li> <li>▪ Watering on public streets shall not occur.</li> <li>▪ All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<ul style="list-style-type: none"> <li>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.</li> <li>▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>▪ Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer.</li> <li>▪ Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 7 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust.</li> <li>▪ All public streets and medians soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the City.</li> <li>▪ Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>	
		<p><b>Mitigation Measure 3.1-2.</b> Update the Foster City General Plan Conservation Element to include the following policies and action items. The following policies and action items shall apply during environmental review of individual projects effective immediately.</p> <ul style="list-style-type: none"> <li>▪ <b>Policy:</b> Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.</li> <li>▪ <b>Policy:</b> Require discretionary projects involving sensitive receptors such as children, the elderly, or people with illnesses that are proposed within 500 feet of the State Route 92 corridor to include an analysis of mobile source toxic air contaminant health risks. The</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>analysis, if necessary, shall identify feasible mitigation measures to reduce health risks to acceptable levels.</p> <ul style="list-style-type: none"> <li>▪ <u>Action</u>: Review all new industrial and commercial development projects for potential air quality impacts to residences and other sensitive receptors. The City shall ensure that mitigation measures and best management practices are implemented to reduce significant emissions of criteria pollutants.</li> <li>▪ <u>Action</u>: Review development, infrastructure, and planning projects for consistency with Bay Area Air Quality Management District (BAAQMD) requirements during the California Environmental Quality Act (CEQA) review process. Require project applicants to prepare air quality analyses to address BAAQMD and General Plan requirements, which include analysis and identification of:               <ol style="list-style-type: none"> <li>1. Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions.</li> <li>2. Potential exposure of sensitive receptors to toxic air contaminants.</li> <li>3. Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions.</li> <li>4. Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.</li> </ol> </li> </ul>	
<b>D. GREENHOUSE GAS EMISSIONS</b>			
<i>No significant impacts to greenhouse gas emissions would occur with implementation of the City SCOAs listed in this table.</i>		<b>SCOA 6.6:</b> The applicant shall provide a letter describing the sustainable practices that are included in the project and referencing the sheets in the building permit drawings that demonstrate the inclusion of the sustainable practices for review and approval by the Community Development Director.	
<b>E. HAZARDS AND HAZARDOUS MATERIALS</b>			
<i>No significant impacts to hazards and hazardous materials would occur with</i>		<b>SCOA 2.18:</b> The applicant shall prepare a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<i>implementation of the City SCOAs listed in this table.</i>		<p>materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall:</p> <ul style="list-style-type: none"> <li>▪ Provide procedures for evaluating, handling, storing, testing and disposing of soil and groundwater during project excavation and dewatering activities, respectively;</li> <li>▪ Require the preparation of a project specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation;</li> <li>▪ Require the preparation of a Contingency Plan that shall be applied should previously unknown hazardous materials be encountered during construction activities. The Contingency Plan shall be developed by the contractor(s), with the approval of the City and/or appropriate regulatory agency, prior to demolition or issuance of the first building permit. The Contingency Plan shall include provisions that require collection of soil and/or groundwater samples in the newly discovered affected area by a qualified environmental professional prior to further work, as appropriate. The samples shall be submitted for laboratory analysis by a state-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional. The analytical results of the sampling shall be reviewed by the qualified environmental professional and submitted to the appropriate regulatory agency, if appropriate. The environmental professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under the oversight of the City of regulatory agency, as appropriate; and</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<ul style="list-style-type: none"> <li>▪ Designate personnel responsible for implementation of the CRMP. The CRMP shall be submitted to the Fire Department for review and approval prior to construction activities.</li> <li>▪ Emergency Preparedness and Response Procedures shall be developed by the contractor(s) for emergency notification in the event of an accidental spill or other hazardous materials emergency during project site preparation and development activities. These Procedures shall include evacuation procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency. The contractor(s) shall submit these procedures to the City prior to demolition or development activities.</li> </ul>	
		<p><b>SCOA 2.19:</b> The contractor shall prepare a Waste Disposal and Hazardous Materials Transportation Plan prior to construction activities where hazardous materials or materials requiring off-site disposal would be generated. The Plan shall include a description of analytical methods for characterizing wastes, handling methods required to minimize the potential for exposure, and shall establish procedures for the safe storage of contaminated materials, stockpiling of soils, and storage of dewatered groundwater. The required disposal method for contaminated materials (including any lead-based paint, asbestos, or other hazardous building materials requiring disposal, see SCOA 9.25, below), the approved disposal site, and specific routes used for transport of wastes to and from the project site shall be indicated. The Plan shall be prepared prior to demolition or development activities and submitted to the City.</p>	
		<p><b>SCOA 2.22:</b> Prior to excavation or earth working activities, the applicant shall use reasonable means to determine the presence of soil and/or groundwater contamination associated with fill materials present on-site and potential for aerially-deposited lead in soil in proximity to SR 92. Those reasonable means may consist of soil and/or groundwater sampling, and/or conducting a Phase I ESA (for those areas for which a Phase I ESA has not been prepared) and, if necessary, a Phase II ESA in accordance with the most recent ASTM</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		International Standard. A qualified environmental professional (e.g., Professional Geologist, Professional Engineer) shall complete these investigations. Where the results of the studies indicate that soil and/or groundwater contamination is present, required oversight from a regulatory agency shall be included (e.g., SMCEHD) and any necessary remediation shall be conducted. The findings of the investigation(s) shall be documented in a written report and shall be submitted to the City and, if required, to the regulatory oversight agency.	
		<b>SCOA 3.1:</b> Prior to issuance of a demolition permit for structures located on the project site, a lead-based paint, hazardous building materials survey (PCBs, mercury), and asbestos survey (for those structures not previously surveyed) shall be performed by a qualified environmental professional. Based on the findings of the survey, all loose and peeling lead-based paint, and identified asbestos hazards shall be abated by a certified contractor in accordance with local, state, and federal requirements (including the requirements of the BAAQMD, District Regulation 11, Rule 20) and requirements for worker health and safety.	
		<b>SCOA 3.2:</b> Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code and the California Green Building Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.	
		<b>SCOA 3.3:</b> Beginning July 1, 2019, applicants shall complete and submit the "PCB Screening Assessment Form" for any project requiring a demolition permit.	
		<b>SCOA 3.4:</b> Hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes, mercury	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>switches, lead based paint, asbestos containing materials, and PCB wastes, and subsurface hazardous building materials generated during grading and trenching activities, such as asbestos-cement piping, shall be managed and disposed of in accordance with the applicable universal waste and hazardous waste regulations. Federal and state construction worker health and safety regulations shall apply to the removal of hazardous building materials and demolition activities, and any required worker health and safety procedures shall be incorporated into the contractor’s specifications for the project. Documentation of the surveys and abatement activities shall be provided to the City prior to the demolition of structures located at the project site.</p>	
		<p><b>SCOA 6.15:</b> Upon determination by required 3<sup>rd</sup> party testing by a City approved consultant, that the erection of structures within the development results in decreased performance of the City’s existing public safety communications system, the building owner shall submit plans to rectify the deficiencies. Decreases in the public safety communications system performances shall be deemed to include a loss of radio contact or other radio interference resulting in a significant reduction in the performance of the public safety communications system.</p>	
		<p><b>SCOA 6.16:</b> Final development plans shall indicate that access to the buildings’ roof area shall be granted to the City, if required, to install auxiliary transmitters and antennas.</p>	
		<p><b>SCOA 9.13:</b> If the presence of hazardous materials is found on site, site remediation may be required by the applicable state or local regulatory agencies. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency(ies). Under the direction of the regulatory agency(ies) and the City, a Site Remediation Plan shall be prepared, as required, by the applicant. The Plan shall: 1) specify measures to be taken to protect workers and the public from exposure to the potential hazards and, 2) certify that the proposed remediation would protect the public health in accordance with local, state, and federal requirements, considering</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		the land use proposed. Excavation and earth working activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City.	
		<b>SCOA 9.14:</b> Engineering fill brought on-site shall be demonstrated, by analytical testing, not to pose an unacceptable risk to human health or the environment. Threshold criteria for acceptance of engineered fill shall be selected based on screening levels and protocols developed by regulatory agencies for protection of human health and leaching to groundwater (e.g., Water Board ESLs). The engineered fill shall be characterized by representative sampling in accordance with U.S. EPA’s SW-846 Test Methods, by a qualified environmental professional and demonstrated to meet the threshold criteria above. The results of the sampling and waste characterization shall be submitted by the contractor(s) to the City and SMCEHD prior to construction.	
		<b>SCOA 9.15:</b> All excess fill shall be disposed of in accordance with City requirements.	
		<b>SCOA 11.13:</b> State safety regulations regarding the transport, handling and storage of hazardous materials shall be strictly adhered to. Periodic inspection by State inspectors and city fire marshals is required.	
		<b>SCOA 11.14:</b> Storage of hazardous materials shall be directed to areas in the complex where maximum protection of office and other active work areas can be provided.	
		<b>SCOA 11.15:</b> Prior to such storage or use, individual businesses that intend to store or use hazardous materials must obtain a permit from the Fire Department (in accordance with the adopted California Fire Code).	
		<b>SCOA 11.17:</b> The applicant/property owner shall provide and conduct regular maintenance of the Emergency Responder Radio Coverage System (ERRCS) that meets the Telecommunications Engineering Associates (TEA) standard. The applicant/property owner shall provide an annual certificate of inspection.	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<b>F. NOISE AND VIBRATION</b>			
<p><u>Impact NOISE-1</u>: Construction of residential development under the project could generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	S	<p><u>Mitigation Measure NOISE-1</u>: Should construction equipment be required within applicable 100-dBA buffer areas identified in Table IV.F-6, the project applicant shall obtain prior authorization from the director of planning and development services in accordance with Municipal Code section 17.68.030(F) Exemptions. The project applicant shall also comply with any special mitigation measures as determined by the Community Development Director (referred to as director of planning and development services in the ordinance). Special mitigation measures shall be described in a Construction Noise Management Plan prepared by a qualified acoustical consultant. The project contractor(s) shall implement the approved Plan during construction. Potential attenuation measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Erect temporary plywood noise barriers between the equipment and adjacent land uses.</li> <li>▪ Use “quiet” pile driving technology (e.g., silent pile driver or pre-drilling), where feasible in consideration of geotechnical and structural requirements and conditions.</li> <li>▪ Use smart back-up alarms on mobile construction equipment that automatically adjust the sound level of the alarm in response to ambient noise levels.</li> <li>▪ Use “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.</li> </ul>	LTS
		<p><b>SCOA 2.9</b>: The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>construction site. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.</p>	
		<p><b>SCOA 2.17:</b> Prior to commencement of any site work or placement of any construction trailers, the applicant shall submit a Site Logistics Plan showing proposed haul routes, placement of the construction trailers (if any) and areas for materials/equipment materials/equipment delivery, materials/equipment storage, waste collection and maintenance/fueling of vehicles/equipment. The Site Logistics Plan shall be subject to approval by the Community Development Director.</p> <ul style="list-style-type: none"> <li>▪ (...)</li> <li>▪ The Site Logistics Plan shall 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.</li> </ul>	
		<p><b>SCOA 9.1:</b> Construction activities shall be limited 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. Nonconstruction activities may take place between the hours of 7 a.m. and 8 a.m. on weekdays and 9 a.m. and 4 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery. No actual construction activities may take place between 7 a.m. and 8 a.m., except when post-tension slab foundations are being poured, the concrete pumper may be set up but no concrete may be poured. Forklifts shall be allowed to operate onsite between the hours of 5 p.m. and 6:30 p.m. on weekdays. Construction noise levels shall not exceed the interior noise level of 50 Dba <math>L_{eq}</math> (hourly average) or the maximum noise level of 70 dBA <math>L_{max}</math> within occupied noise sensitive land uses. The Planning Commission reserves the right to rescind this condition and further restrict construction activities in the event that</p>	

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Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>the public health, safety and welfare are not protected due to noise levels emanating from the construction project.</p> <p><b>9.1.1</b> Any requested deviations from the allowed hours for construction activities shall be submitted to the Community Development Director a minimum of two (2) working days in advance for review and approval. Any approved deviations from the allowed hours shall be communicated to the Building Inspection Division and the Police Department.</p>	
		<p><b>SCOA 9.2:</b> In order to minimize construction noise impacts, all engine-driven construction vehicles, equipment and pneumatic tools shall be required to use effective intake and exhaust mufflers; equipment shall be properly adjusted and maintained; all construction equipment shall be equipped with mufflers in accordance with OSHA standards.</p>	
		<p><b>SCOA 9.4:</b> The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p>	
		<p><b>SCOA 9.5:</b> The following controls shall be implemented at all construction sites within the project to control dust production and fugitive dust.</p> <ul style="list-style-type: none"> <li>▪ (...)</li> <li>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.</li> </ul>	
		<p><b>Mitigation Measure 3.9-5:</b> Update the Noise Element of the Foster City General Plan to include the following policy language. The following policy shall apply during environmental review of major projects that involve the use of pile drivers or other heavy equipment or construction techniques that may result in significant levels of groundborne vibration.</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>Projects shall be designed and implemented to reduce adverse construction vibration impacts to sensitive receptors, as feasible, when vibration-related construction activities are to occur within 100 feet or less from existing sensitive receptors. Measures to reduce noise and vibration effects may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period.</li> <li>▪ The pre-existing condition of all buildings within a 100-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 100-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.</li> <li>▪ Substituting vibration-generating equipment with equipment or procedures that would generate lower levels of vibration. For instance, in comparison to impact piles, drilled piles or the use of a sonic or vibratory pile driver are preferred alternatives where geological conditions would permit their use.</li> <li>▪ Other specific measures as they are deemed appropriate by the implementing agency to maintain consistency with adopted policies and regulations regarding vibration.</li> </ul>	
<b>G. POPULATION AND HOUSING</b>			
<p><i>No significant impacts to population and housing would occur with implementation of the Housing Element Programs listed in this table.</i></p>		<p><b>Program H-C-3-a Phased Redevelopment of Existing Multifamily Developments.</b> If an existing multifamily apartment development is redeveloped including the removal of 25 or more units, the project construction shall be phased such that displacement of residents is minimized to the greatest extent feasible. A Planning application submitted for redevelopment including removal of any units shall include a plan that demonstrates how impacts to existing tenants that are being displaced are minimized. Such plan shall also include a robust outreach plan to affected tenants.</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
<b>H. PUBLIC SERVICES, UTILITIES, AND RECREATION</b>			
<u>Impact SVCS-1</u> : There are not sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years within a 20-year projection.	S	<u>Mitigation Measure SVCS-1: Water Neutral Growth Policy</u> EMID shall adopt a Water Neutral Growth Policy to offset projected water demand. The Policy shall, at a minimum, include water efficiency measures to create a neutral impact on the overall service area demands and water use for future development projects. Given this mitigation measure is not under the jurisdiction of the City of Foster City and they cannot ensure EMID will adopt such a policy, the impact is significant and unavoidable.	SU
		<b>SCOA 2.3:</b> The applicant shall provide a Waste Management Plan for all aspects of construction from start to finish with estimated quantities of debris expected to be generated by the project, how it will be recycled/disposed of, and an accompanying deposit in accordance with Chapter 15.44 of the Foster City Municipal Code. A separate Waste Management Plan will be required for projects that require Demolition (see Section 3.0).	
		<b>SCOA 2.4:</b> Prior to issuance of a building permit, the Construction Best Management Practices (BMPs) from the San Mateo Countywide Stormwater Pollution Prevention Program shall be included as notes on the building permit drawings.	
		<b>SCOA 2.9:</b> The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.</p>	
		<p><b>SCOA 5.8.1:</b> The applicant shall have a registered civil engineer prepare a sewer flow projection study and a hydraulic capacity study, to be submitted to the Engineering Division for review. The study shall meet the approval of the Engineering Division and should:</p> <ul style="list-style-type: none"> <li>▪ Verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site.</li> <li>▪ Study the on and off-site sewer system (including lift stations) which services the project (both upstream and downstream).</li> <li>▪ Show the new connecting points to the existing sewers and model the estimated flows and peaking factors, as they relate to the changes in land use for the project.</li> </ul> <p>No on-site or downstream overloading of existing sewer system will be permitted. Any necessary improvements identified by the study shall be constructed by the developer/applicant at applicant's sole cost.</p>	
		<p><b>SCOA 5.8.2:</b> Prior to issuance of a building permit, the improvement plans shall include the design of a wastewater collection system in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. Wastewater collection system items of construction should include at least the following:</p> <ul style="list-style-type: none"> <li>▪ The locations and numbers of on-site pump stations with permanent standby power, telemetry system and controls. All shall be as approved by the Engineering Division.</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<ul style="list-style-type: none"> <li>▪ Modification to and addition of permanent standby power to which the proposed system is contributing sewage, if required.</li> <li>▪ Sanitary sewer mains.</li> <li>▪ Manholes with manhole frames and covers.</li> <li>▪ Cleanouts. In commercial/industrial buildings the sewer inspection cleanouts shall be at accessible outside locations to allow for wastewater sampling.</li> <li>▪ Wye branches and laterals.</li> <li>▪ And together with appurtenances to any or all of the above.</li> </ul>	
		<p><b>SCOA 5.9.1:</b> Prior to issuance of a building permit, the improvement plans shall include the design of stormwater improvements in accordance with the City’s Standard Details/Specifications and to the satisfaction of the Engineering Division. Stormwater improvements items of construction should include at least the following:</p> <ul style="list-style-type: none"> <li>▪ surface and subsurface storm drain facilities;</li> <li>▪ manholes with manhole frames and covers;</li> <li>▪ catch basins and laterals;</li> <li>▪ construct all catch basins as silt detention basins;</li> <li>▪ And together with appurtenances, to any or all of the above.</li> </ul>	
		<p><b>SCOA 5.9.2:</b> Prior to issuance of a building permit, a complete storm drainage study of the proposed development shall be prepared by a registered civil engineer and submitted as part of the improvement plans package. Drainage facilities shall be designed in accordance with accepted engineering principles and be approved by the Engineering Division. The hydrology/hydraulic analysis shall include the following:</p> <ul style="list-style-type: none"> <li>▪ The amount of runoff, and existing and proposed drainage structure capacities.</li> <li>▪ Verification that the existing storm drain system is adequately sized to handle the run-off from the project.</li> <li>▪ Conformance with the City’s Drainage Design Criteria/Standards available on the City’s website: <a href="https://www.fostercity.org/publicworks/page/city-standard-design-criteria">https://www.fostercity.org/publicworks/page/city-standard-design-criteria</a></li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<ul style="list-style-type: none"> <li>▪ Calculations and plans showing hydraulic gradelines.</li> <li>▪ Evidence that the system is capable of handling a 25-year storm with the hydraulic grade line at least one foot below every grate.</li> </ul> <p>No overloading of the existing system will be permitted. All needed improvements shall be installed by the applicants at applicants' sole cost.</p>	
		<p><b>SCOA 5.9.3:</b> The applicant shall fully comply with the C.3 provisions of the Municipal Regional Stormwater NPDES Permit (MRP). Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.</p> <p>All Stormwater control measures outlined in the current San Mateo Countywide Water Pollution Prevention Program's C.3 Stormwater Technical Guidance manual shall be incorporated into the project design. Low Impact Development features, including rainwater harvesting and reuse, and passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are required under the MRP. Higher-maintenance BMP's may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance for all BMPs must be specified (as the City will not assume maintenance responsibilities for these features).The applicant shall establish a self-perpetuating drainage system maintenance program for the life of the project that includes annual inspections of any stormwater detention devices and drainage inlets. Any accumulation of sediment or other debris would need to be promptly removed. In addition, an annual report documenting the inspection and any remedial action conducted shall</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>be submitted to the Public Works Development for review and approval.</p> <p>The drainage plan shall be prepared to the satisfaction of the Engineering Division.</p>	
		<p><b>SCOA 5.9.4:</b> Prior to issuance of a building permit, should the City determine that the City’s storm drain system or storm drain pumping capacity requires expansion or modification as a result of the applicants’ development, the applicants shall pay for all necessary improvement costs. The timing and amount of payment shall be as determined by the City.</p>	
		<p><b>SCOA 5.10.1:</b> To properly evaluate necessary improvements, a complete water system capacity study of the on-and-off site water system which services the project shall be prepared by a registered civil engineer approved by the City/District Engineer, and retained by the project developer prior to approval of a building permit. The study shall include: a map showing the project location, utility drawings for the project area (pdf and CAD files), a project description (type of development, number of units, land use, acreage, etc.), and a system demand analysis (including average daily demand, maximum daily demand, peak hour demand, and fire flow requirements), specific to the proposed development. The study shall include a detailed water pipe hydraulic flow analysis to determine whether the existing water distribution system is properly sized to meet the projected new water demands on the project site. All needed construction improvements to upsize the existing water distribution system to meet the demands of the new project shall be constructed to meet California Fire Code and Foster City Fire Department requirements, by the applicant at the applicant’s sole cost</p>	
		<p><b>SCOA 5.10.2:</b> Prior to the issuance of a building permit, the improvement plans shall include the design of a domestic water system to the satisfaction of the Engineering Division. Water distribution system items of construction shall include at least the following:</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<ul style="list-style-type: none"> <li>▪ backflow prevention devices;</li> <li>▪ water mains – minimum main size is 8 inches in any area. Fire flow determined for buildings/areas per "The Guide for Determining Required Fire Flow; Insurance Services Office; Municipal Survey Service;"</li> <li>▪ valves;</li> <li>▪ tees;</li> <li>▪ fittings;</li> <li>▪ hydrants;</li> <li>▪ meters;</li> <li>▪ services;</li> <li>▪ and together with appurtenances to any or all of the above;</li> <li>▪ all water mains serving fire hydrants, shall be a minimum of 8 inches in diameter.</li> </ul>	
		<p><b>SCOA 5.10.3:</b> Water lines shall be designed for fire flows to meet California Fire Code and Fire Department requirements.</p>	
		<p><b>SCOA 5.10.4:</b> All on-site fire water service mains shall have two sources of supply connections to City/District water system, be looped and meet the requirements of the State Department of Health Services and the City Fire Marshal. A Fire Water Service Plan shall be submitted separate from civil drawings.</p>	
		<p><b>SCOA 5.10.6:</b> Prior to the issuance of a building permit, fire mains shall be designed to Fire Department specifications. Fire mains shall be constructed according to those specifications</p>	
		<p><b>SCOA 8.1:</b> Submit documentation showing compliance with Chapter 8.8 of the EMID Code, including, but not limited to submittal of the Outdoor Water Use Efficiency Checklist.</p>	
		<p><b>SCOA 9.15:</b> All excess fill shall be disposed of in accordance with City requirements.</p>	
		<p><b>SCOA 9.16:</b> All excess fill shall be disposed of in accordance with City requirements. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent</p>	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		construction debris must be used and shall be inspected by the construction inspector.	
		<b>SCOA 10.7:</b> Prior to occupancy the existing storm drain pipe lines on the project site and downstream to the nearest lagoon inlet shall be cleaned and sediment removed at the completion of the project. Applicant shall submit a map illustrating the route to be televised for approval of the Engineering Division prior to sediment removal. The storm drain pipe lines shall be televised after cleaning to verify that the sediment has been removed and to identify any damages to the storm drain pipe lines during construction. A post construction survey report shall be prepared identifying facilities to be repaired and confirming removal of sediment from storm lines. The applicant shall be responsible for constructing and financing any such repairs. Sediment left in mains shall be subject to re-cleaning at the applicant’s sole cost.	
		<b>SCOA 10.8:</b> Prior to occupancy the applicant shall arrange a joint field meeting with representatives of the Water Department to perform a visual survey of the condition of the existing water distribution system (including testing of valves and appurtenances) in the vicinity of the project site. The applicant shall prepare a post-construction survey report to be submitted to the Foster City Public Works Department for review. Report shall document any necessary repairs required to the existing water supply infrastructure. The applicant shall be responsible for constructing and financing any such repairs.	
<b>I. AESTHETICS</b>			
<b>Impact AES-1:</b> Development under the project located south of East Hillsdale Boulevard, within established residential neighborhoods, could have a significant adverse impact on the visual quality of the city.	S	<b>Mitigation Measure AES-1:</b> Due to the nature of aesthetic impacts being the effects of a project on the visual appearance of an area including changes to views and the overall appearance of the environment, there are no feasible mitigation measures to reduce this impact to a less-than-significant impact while meeting the project objectives.	SU
		<b>SCOA 8.2:</b> An exterior lighting plan including fixture and standard design, coverage and intensity shall be submitted, to be reviewed and	

**TABLE II-1 SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

Impacts	Level of Significance Prior to SCOA or Mitigation Measure	SCOAs/Mitigation Measures	Level of Significance With SCOA or Mitigation Measure
		<p>approved by the Community Development Department and the Police Department. In its review of the lighting plan, the City shall ensure that any outdoor night lighting proposed for the project is downward-facing, not overly bright at the property line and shielded so as to minimize nighttime glare and lessen impacts to neighboring properties. The City shall also ensure that all development plans for the project conform to the performance standards provided under Section 17.68.080 of the Foster City Municipal Code.</p>	

### III. PROJECT DESCRIPTION

This chapter describes the City of Foster City's 6<sup>th</sup> Cycle Housing Update, Safety Element Update, and Associated General Plan amendments and Rezonings. This chapter includes: a description of the project location and background; the EIR objectives; the components of the Housing and Safety Elements and General Plan amendments and Rezonings; as well as the required approvals. For purposes of this analysis, the Housing and Safety Elements, General Plan Amendments, and Rezonings together are referred to as the "project," or "Housing and Safety Elements Update project."

The project includes policies, strategies, and changes to regulations for the purpose of creating a desired future growth and development framework. Many policies and proposed actions in the project do not have the potential to create adverse environmental impacts as required under CEQA or are within the scope of the environmental impact report prepared for the Foster City General Plan Update and Climate Action Plan in September 2015 (SCH# 2012072003). As such, the information presented and described in this document focuses on aspects of the project that are pertinent to the potential environmental effects.

#### A. INTRODUCTION

The project is being proposed by the City of Foster City (City) to comply with California Government Code Section 65580-65589.8, which requires local jurisdictions to update the Housing Element of their General Plans every eight years to adequately plan for the regional housing needs of residents of all income groups, as well as Government Code section 65103 requiring jurisdictions to periodically revise their General Plans. The Housing and Safety Elements Update project includes the following components:

1. **Housing Element Update.** Adoption and implementation of the City's 6<sup>th</sup> Cycle Housing Element Update (2023-2031), including but not limited to the adoption and implementation of General Plan and Zoning Amendments, to accommodate the City's Regional Housing Needs Allocation (RHNA) of 1,896 new housing units within the city. This component is referred to as the Housing Element throughout this EIR.<sup>1</sup>

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<sup>1</sup> Note this Draft EIR analyzes the July 2022 Draft Housing Element. Minor modifications of the housing site inventory, policies and programs prior to adoption may occur in response to public comments and direction from the Planning Commission and City Council. Final housing sites inventory and policies language will be included in the Final EIR.

2. **Safety Element Update.** Adoption and implementation of related updates to the City's Safety Element. The Safety Element is currently combined with the City's Local Hazard Mitigation Plan (LHMP), adopted in 2016. The City adopted an updated LHMP in 2021 in coordination with the San Mateo County Multijurisdictional Local Hazard Mitigation Plan. The Safety Element portion of the combined Safety Element/LHMP document will become a standalone document as part of this update. The Safety Element identifies public safety risks and creates a unique set of goals, policies, and implementation actions that address these risks. This component is referred to as the Safety Element throughout this EIR.

For purposes of this EIR, these components are together considered a "project" under CEQA regulations. Each component of the project is described in *Section D, Project Components* of this chapter.

## B. PROJECT LOCATION AND BACKGROUND

Foster City is in San Mateo county, midway between the cities of San Francisco and San Jose. It is bordered by San Francisco Bay to the north and east, the cities of Belmont and Redwood City to the south, and the city of San Mateo to the west. Figure III-1 shows the city's regional and local context. Regional access to the city is via California State Route 92 (SR-92), which runs roughly southwest to northeast through the city. Regional auto access to the site from the north and south is provided via U.S. Highway 101, which intersects with SR-92 west of the city. Figure III-1 provides both a local and regional context map of the city's jurisdictional boundaries. This boundary shall serve as the geographic extent of the project.

According to the California Department of Finance, the Foster City's population was estimated at 33,033 persons as of 2020 (estimated to be 33,056 in 2022), representing an approximately 8.1 percent increase since the year 2010.<sup>2</sup> The city encompasses 12,345 acres, of which 9,726 acres are part of San Francisco Bay and Belmont Slough, and 2,619 acres are reclaimed marshland. This equates to approximately 4 square miles of land area. Foster City is a planned community consisting of a residential area generally located southeast of East Hillsdale Boulevard and an office, commercial, and industrial base generally located northwest of East Hillsdale Boulevard.

The city's residential uses are located mainly southeast of East Hillsdale Boulevard in nine neighborhoods, most containing a mixture of single-family detached units, townhouses, condominiums, and rental apartments. Commercial uses in these nine neighborhoods are limited to those found in four shopping centers scattered throughout the neighborhoods. City administrative offices, recreation facilities, and emergency services are also located southeast of

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<sup>2</sup> California Department of Finance, 2021. E-5 Series.

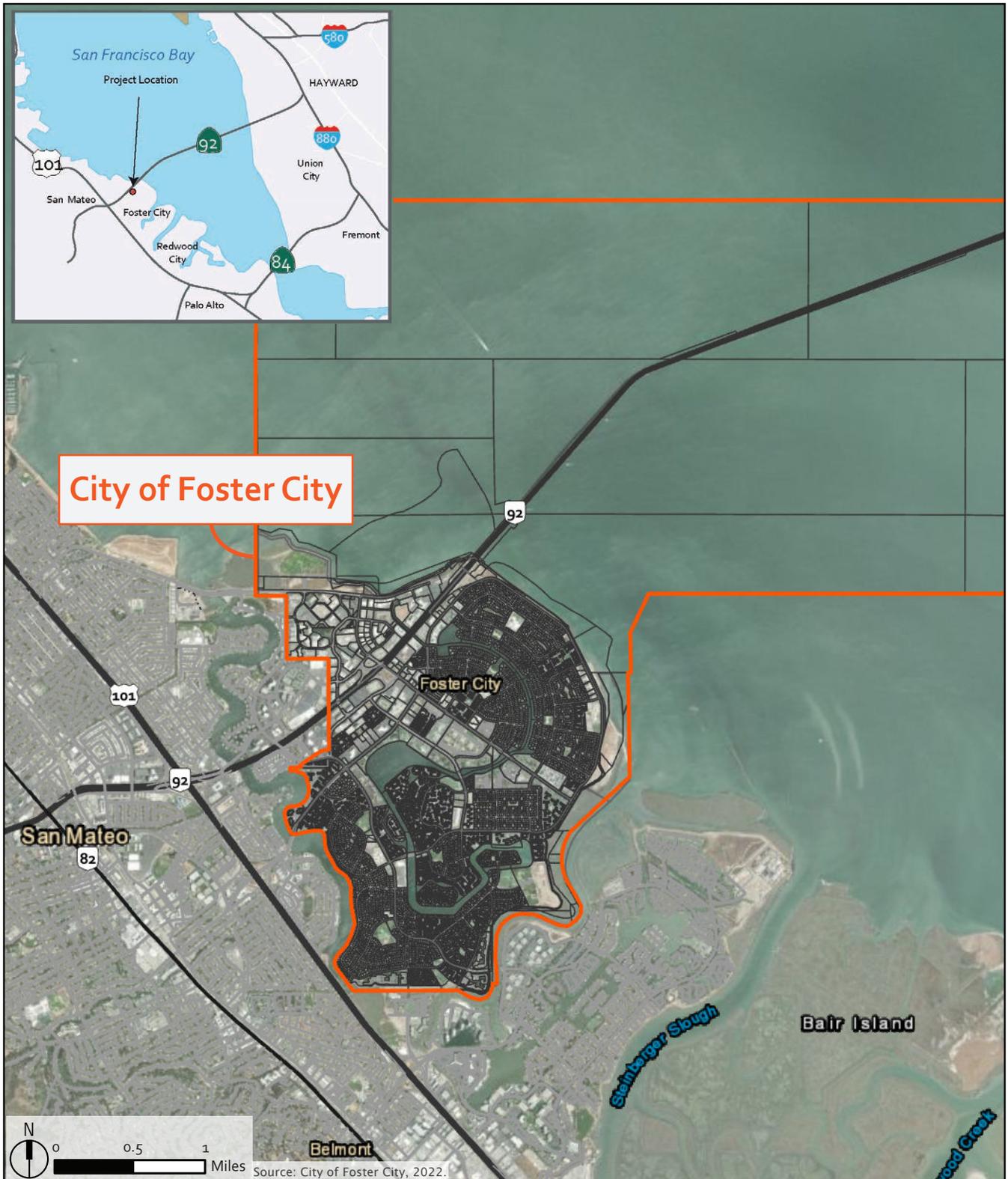


Figure III-1  
 Regional and Local Context  
 Foster City Housing and Safety Elements Update EIR

East Hillsdale Boulevard. The city is surrounded by water, including San Francisco Bay, Marina Lagoon/Seal Slough and Belmont Slough. The city's primary physical characteristics consist of water features and urban development.

## C. PROJECT OBJECTIVES

In accordance with CEQA Guidelines Section 15124, an EIR must present a statement of project objectives.

"A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

In keeping with this requirement, the City's project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the city between 2023 and 2031.
- Include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation (RHNA) and to provide an appropriate buffer.
- Identify and include housing sites, policies and programs that will help the City meet its Regional Housing Needs Allocation in a manner that affirmatively furthers fair housing.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Foster City and perpetuating the safety and welfare of both existing and future residents.
- Update the General Plan's Safety Element to comply with State-mandated safety requirements and identify and assess potential risks within the city including seismic hazards, sea level rise, flooding (including dam inundation), climate change, urban fires, and hazardous materials release.

## D. PROJECT COMPONENTS

### 1. Housing Element Update

California Government Code Section 65580-65589.8 requires local jurisdictions to update the Housing Element of their General Plans every eight years to adequately plan for the regional housing needs of residents of all income groups. Housing Elements are required to contain a series of goals, policies and implementing programs that are intended to promote housing

production within a community. These goals, policies and programs are required to be accompanied by a list of eligible land resources identified for planned residential development to accommodate the State-mandated RHNA. This list of eligible land resources is referred to as a community’s Housing Sites Inventory (Sites Inventory). Foster City’s RHNA and Sites Inventory are described below.

**a. Regional Housing Needs Allocation (RHNA)**

A community’s RHNA represents the total number of housing units that must be planned to accommodate the housing needs of all residents during the eight-year planning period. RHNA numbers are determined by a methodology established by the State of California’s Department of Finance (DOF) and Housing and Community Development (HCD) Department. RHNA numbers are assigned to each region of the State and further allocated to local communities by the designated regional planning entity for each region. For this Housing Element cycle the California Department of Housing and Community Development (HCD) provided the Association of Bay Area Governments (ABAG) with a Regional Housing Needs Determination (RHND) of 441,176 units. Foster City’s “fair share” of this RHNA is 1,896 units as determined by the Association of Bay Area Governments (ABAG). The city’s RHNA per income level is shown in Table III-1.

**TABLE III-1 FOSTER CITY’S REGIONAL HOUSING NEEDS ALLOCATION (2023-2031)**

<b>Income Category</b>	<b>Units</b>	<b>Percent of Total</b>
Very Low-Income (0-50% AMI)	520	27%
Low-Income (51%-80% AMI)	299	16%
Moderate-Income (81%-120% AMI)	300	16%
Above Moderate-Income (>120% AMI)	777	41%
<b>Total</b>	<b>1,896</b>	<b>100%</b>

Note: AMI = Area Median Income.

Source: Association of Bay Area Governments (ABAG), Final Regional Housing Needs Allocation (RHNA) Plan, 2021.

In addition to assigning a total number of units, ABAG categorizes the units for each jurisdiction across four income groups to acknowledge the diversity of housing types necessary to accommodate the region’s housing needs. As shown in Table III-1, these income groups include very low-income households, which earn less than 50 percent of the area median income (AMI); low-income households, which earn between 50 and 80 percent of the AMI; moderate income households, which earn between 80 and 120 percent of the AMI; and above moderate-income households, which earn greater than 120 percent of the AMI.

Recent changes to State law require jurisdictions to continually maintain adequate capacity in their sites inventories to meet their RHNA. The State's "No Net Loss" requirements stipulate that a jurisdiction must provide sufficient sites at all times throughout the RHNA planning period. A jurisdiction can fall out of compliance if they take actions such as:

- Reduce a site's residential density.
- Approve development applications with fewer units on the site than identified in the Housing Element.
- Approve development applications with higher income units than stated in the Housing Element.

In the event that a site is developed below the density projected in the Housing Element or at a different income level than projected, a jurisdiction must have adequate sites available to accommodate the remaining balance of the RHNA. If a jurisdiction does not have adequate sites, it must identify and potentially rezone additional sites that can accommodate the remaining need. In order to ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the Planning Period, HCD recommends that jurisdictions create a buffer of at least 15 to 30 percent more capacity than required, especially to accommodate the lower-income RHNA. For these reasons, the City is including an additional capacity buffer of at least 15 above the RHNA in the very low-, low- and moderate-income categories to ensure sufficient capacity to meet the RHNA.

The sites' analysis demonstrates that there is adequate supply of suitable land to accommodate the city's housing allocation of 1,896 units, including housing for very low-, low-, moderate-, and above moderate- income households. As shown in Table III-2, the city has additional sites which have been identified as surplus sites to provide a RHNA buffer. The Housing Element demonstrates that the city has capacity to accommodate 1,303 housing units beyond its RHNA of 1,896 housing units for a total of 3,199 units, which provides a buffer ranging from 18 percent to 44 percent in the very low-, low- and moderate-income categories and is equivalent to an approximately 69 percent buffer overall. Implementation of the project is conservatively assumed to then result in 3,199 units. This level of buildout is unlikely but, in order to be conservative, this EIR uses the maximum buildout by the year 2040 in order to fully identify and mitigate potential environmental impacts.

**TABLE III-2 RHNA BUFFER BY INCOME CATEGORY**

<b>Income Category</b>	<b>RHNA Units</b>	<b>Total Units<sup>a</sup></b>	<b>Surplus (Buffer) Percentage</b>
Very Low-Income (0-50% AMI)	520	664	28%
Low-Income (51%-80% AMI)	299	432	44%
Moderate-Income (81%-120% AMI)	300	355	18%
Above Moderate-Income (>120% AMI)	777	1,748	125%
<b>Total</b>	<b>1,896</b>	<b>3,199</b>	<b>69%</b>

<sup>a</sup>Includes Pipeline Projections, Proposed Project, Accessory Dwelling Units, Other Residential Sites, and Commercial Sites to Convert to Residential or Allow Mixed Use.  
 Source: Foster City Community Development Department.

**b. RHNA Credits and Sites Inventory**

The Sites Inventory, prepared by the City, identifies locations where housing development could occur. The Sites Inventory includes several categories of sites, which are described below. A summary of the Sites Inventory is found in Table III-3, and Table III-4 shows specific sites. Figure III-2 shows the location of the sites. The categories of sites in Foster City include:

- **Pipeline Projects.** Pipeline projects are units permitted or under construction but not yet completed as of June 30, 2022. In total there are 57 units considered pipeline projects.
- **Proposed Projects.** Proposed projects are those that have submitted a project proposal but have not yet been approved. Affordability must be based on the projected sales prices, rent levels, or other mechanisms establishing affordability. There are currently 1,034 proposed project units.
- **Accessory Dwelling Units (ADUs).** HCD guidance stipulates that a projection of ADUs expected to be built within the 8-year planning period can also be counted as part of the inventory. The units projected in this section include ADUs and Junior ADUs (JADU) at single-family houses (not multi-family ADUs). The City anticipates construction of 24 ADUs.
- **Previous Housing Element (RHNA 5) Sites.** Sites that were used in the previous Housing Element can be reused if certain requirements are met. The City anticipates 847 units would meet this criterion.
- **Other Residential Sites.** In addition to the previous Housing Element sites, the City has selected some other non-vacant residentially zoned sites with potential for additional residential development. Collectively these two sites have capacity for 1,000 additional units.
- **Commercial Sites to Convert to Residential or Allow Mixed Use.** The City has included one non-vacant non-residential site in the Sites Inventory and anticipates a capacity of 222 units.

**TABLE III-3 PIPELINE, PENDING, ADUs, RHNA 5 AND PROJECTED UNITS**

	Very Low-Income Units	Low-Income Units	Moderate- Income Units	Above Moderate- Income Units	Total Units
Pipeline Units	7	13	6	46	72
Proposed Projects	90	80	10	854	1,034
Projected ADUs	7	7	7	3	24
Previous Housing Element RHNA 5 Sites	230	136	136	345	847
Other Residential Sites	270	160	160	410	1,000
Converted Commercial Sites	60	36	36	90	222
<b>Total Sites</b>	<b>664</b>	<b>432</b>	<b>355</b>	<b>1,748</b>	<b>3,199</b>
<b>RHNA</b>	<b>520</b>	<b>299</b>	<b>300</b>	<b>777</b>	<b>1,896</b>
+Surplus/-Shortage	+144	+133	+55	+971	+1,303

Source: Urban Planning Partners and Foster City, 2022.

### c. General Plan and Zoning Amendments

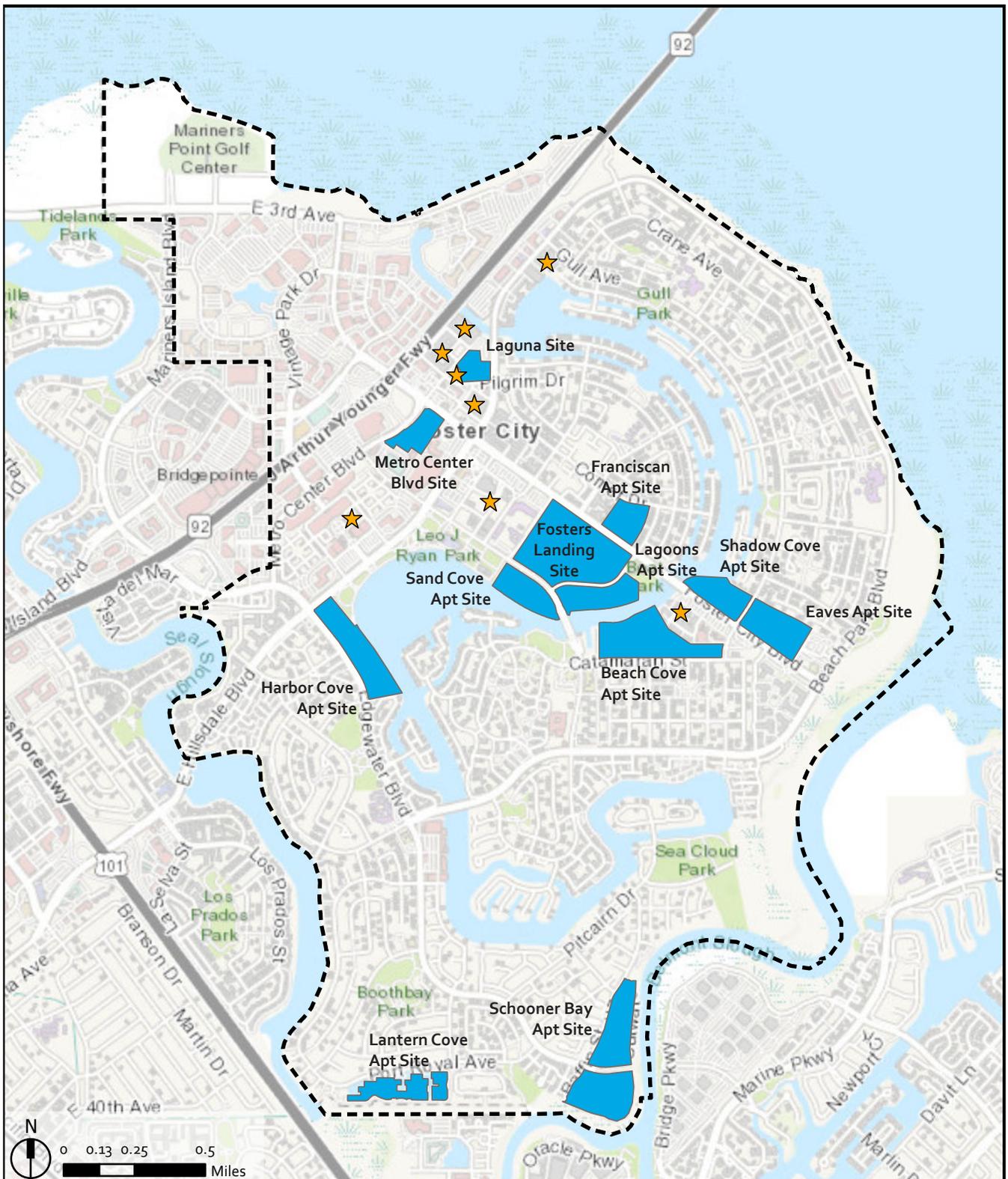
The following Housing Element Update General Plan and zoning amendments are considered in this EIR:

- **General Plan and Zoning Amendments Related to the Sites Inventory.** Amendments to the General Plan land use designations to clarify minimum and maximum densities in mixed use designations and to rezone specific sites, pursuant to the Housing Element.
  - a. **Mixed-Use Densities.** The City will amend the General Plan Land Use Designations for Civic Center Mixed Use and Service Commercial with Housing and other land use designations as appropriate, to establish allowed densities in mixed use zoning districts. Specifically, language describing allowed densities of 35-80 dwelling units per acre will be added to the Civic Center Mixed Use designation and 14-60 dwelling units per acre will be added to a definition of the Service Commercial with Housing designation. These amendments may include policies to allow mixed use on specific sites.
  - b. **Zoning Amendments Related to the Sites Inventory.** The City’s Housing Element includes Program H-D-1-c providing the following zoning actions: Rezone Foster’s Landing and the Eaves from R-3/PD to R-4/PD.
  - c. **Rezone Commercial Housing Opportunity Site to Allow Commercial or Mixed-Use.** Concurrent with or prior to adoption of this Housing Element, rezone the Housing Opportunity Site currently developed with commercial uses to allow commercial or mixed-use. This includes the 1010 Metro Center Boulevard site.

TABLE III-4 SITES INVENTORY (2023-2031)

	Extremely Low- Income Units	Very Low- Income Units	Low- Income Units	Moderate- Income Units	Above Moderate- Income Units	Total Units
<b>Pipeline Projects</b>						
Laguna Vista Condominiums					46	46
Workforce Apartments		5	12	5		22
ADUs Under Construction		2	1	1		4
<b>Proposed Projects</b>						
Lantern Cove	14	14	25		303	356
Schooner Bay	26	26	45		549	646
Eaves Apartments MF ADUs	7		7	7	1	22
Triton Apartments MF ADUs	3		3	3	1	10
<b>Accessory Dwelling Units</b>						
ADUs	7		7	7	3	24
<b>RHNA 5<sup>th</sup> Cycle Sites</b>						
Franciscan Apartments	28		17	17	42	104
Sand Cove Apartments	38		22	22	57	139
The Lagoons Apartments	43		26	26	66	161
Beach Cove Apartments	65		38	38	98	239
Shadow Cove Apartments	31		18	18	46	113
Harbor Cove Apartments	25		15	15	36	91
<b>Other Residential Sites</b>						
Eaves Apartments	27		16	16	41	100
Foster's Landing Apartments	243		144	144	369	900
<b>Commercial Sites to be Rezoned</b>						
OSH	60		36	36	90	222
<b>Total</b>	<b>664</b>		<b>432</b>	<b>355</b>	<b>1,748</b>	<b>3,199</b>
<b>RHNA</b>	<b>520</b>		<b>299</b>	<b>300</b>	<b>777</b>	<b>1,896</b>
<b>Remaining Need (Surplus)</b>	<b>144</b>		<b>133</b>	<b>55</b>	<b>971</b>	<b>1,303</b>
<b>Percent of Surplus</b>	<b>28%</b>		<b>44%</b>	<b>18%</b>	<b>125%</b>	<b>69%</b>

Source: Urban Planning Partners and Foster City Community Development Department, 2022.



- Foster City Limit
- Foster City Housing Sites
- ★ Existing Affordable Housing

Figure III-2

Sites Inventory Locations

- **Other Zoning Amendments.** The City’s Housing Element includes several programs to adopt zoning amendments to address a variety of issues, including but not limited to:
  - a. Zoning amendments to comply with State law. The City will amend the Zoning regulations to comply with State law requirements for a variety of uses, including but not limited to: single room occupancy housing, and reasonable accommodation requirements and process.
  - b. Zoning amendments to address housing constraints, including but not limited to amendment of parking standards, adjustments in the development review process, objective design standards, and amendment of the condominium conversion regulations.

It is noted that the City is proceeding with some zoning amendments related to the Sites Inventory and some are required to comply with State Law prior to the completion and adoptions of this EIR and the Housing and Safety Elements Update. The City has prepared CEQA analyses independent of this EIR for these amendments.<sup>3,4</sup> These include:

- **Zoning Amendments Related to the Sites Inventory (see Program H-D-1-c that requires adoption prior to the Housing Element Update.** The actions include:
  - a. Rezone R-3 RHNA 5 sites to R-4. These sites include Harbor Cove, Franciscan, Sand Cove, and The Lagoons.
  - b. Rezone R-4 RHNA 5 sites to allow by right development for projects with 20 percent or more lower income units. These sites include Beach Cove and Shadow Cove.
  - c. Amend R-3 (Chapter 17.18) and R-4 (Chapter 17.20) for consistency with General Plan minimum and maximum densities.
  - d. Mixed-Use Densities. The City will amend the Zoning regulations for the C-2 District and others as necessary to establish allowed densities in mixed-use zoning districts.
- **Other Zoning Amendments to Comply with State Law.** The City will amend the Zoning regulations to comply with State law requirements for a variety of uses, including but not limited to accessory dwelling units, manufactured homes, replacement units, low barrier navigation centers, emergency shelters, and supportive housing.

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<sup>3</sup> City of Foster City, 2023. January 9, 2023, City Council Special Meeting Staff Report. Available at: <https://fostercity.primegov.com/Public/CompiledDocument?meetingTemplateId=4643&compileOutputType=1>, accessed February 8, 2023.

<sup>4</sup> City of Foster City, 2023. January 17, 2023, City Council Regular Meeting Staff Report. Available at: <https://fostercity.primegov.com/Public/CompiledDocument?meetingTemplateId=4667&compileOutputType=1>, accessed February 8, 2023.

#### **d. Goals, Policies, and Programs**

The Housing Element includes goals and policies to address and remove housing constraints, assist in the development of housing, improve, and conserve the existing housing stock, and affirmatively further fair housing. All goals and policies have programs for implementation that include objectives, the responsible agency, and implementation schedule. These goals and their associated policies are detailed below. The programs are found in Chapter 8 of the Housing Element (note that refinement of these goals and policies prior to adoption is expected in response to public comments and direction from the Planning Commission and City Council).

##### **(1) Housing Element Update Goals and Policies**

###### *Goal H-A: Reinforce the City's Commitment to Meeting Housing Needs*

Establish and monitor goals, policies, and programs to address the city's housing needs, encourage public participation in all housing policy matters, and promote equal housing opportunities.

**Policy H-A-1 City Leadership.** Provide an active leadership role in helping to attain the objectives of the City's Housing Element by following through on the actions prescribed in the Housing Element in a timely manner and monitoring progress annually to review housing goals and target achievements.

**Policy H-A-2 Community Engagement.** Encourage and support community engagement in the formulation and review of the City's housing policy, including encouraging neighborhood level planning and working with community groups such as homeowners associations and service clubs as well as the building and real estate industry to advocate for programs that will increase affordable housing supply and opportunities.

**Policy H-A-3 Cooperation with Other Agencies.** Continue participation in County-wide housing assistance programs and coordinate with other public and private agencies in the use of available programs to provide lower-cost housing in Foster City.

**Policy H-A-4 Secure Funding for Housing Programs.** Identify and/or develop sources of funding for affordable housing programs.

###### *Goal H-B: Protect Existing Housing, Waterfront Character, and Resources*

Maintain the high quality of existing housing and waterfront character and assure energy efficiency in new and existing housing.

- Policy H-B-1 Encourage Maintenance of Existing Housing.** Encourage maintenance of the existing housing stock by continuing to enforce zoning and property maintenance regulations, housing and other codes for all types of residential units.
- Policy H-B-2 Encourage Rehabilitation of Existing Housing.** Encourage rehabilitation to the extent feasible and when necessary for lower- and moderate-income homeowners.
- Policy H-B-3 Encourage Energy Conservation in Housing.** Encourage adoption of energy conservation measures and promote energy conservation programs and City staff training that provide assistance for energy conservation improvements.
- Policy H-B-4 Housing Design.** Assure excellence in housing design consistent with existing architecture, site planning, and amenities, including room additions. Provide adequate flexibility to allow a variety of housing types to meet different housing needs, including room additions that provide affordable housing opportunities by allowing families to more economically meet their needs than by moving and purchasing a new home.
- Policy H-B-5 Review Potential Environmental Impacts of New Housing.** When a new housing development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA), perform a review of potential environmental impacts to ensure that the impacts on existing and prospective residents are considered.

*Goal H-C: Protect the Supply and Affordability of Rental Housing*

- Policy H-C-1 Regulation of Conversions.** Regulate the conversion of apartments to condominiums, community apartments and stock cooperatives to preserve the existing stock of rental apartments.
- Policy H-C-2 Protection of the Rental Housing Stock.** Promote the retention of rental units and encourage rental subsidy programs that can be applied to existing housing.
- Policy H-C-3 Tenant Protections.** Mitigate potential impacts of displacement and promote greater awareness of tenant and landlord rights and obligations.
- Policy H-C-4 Rental Assistance Programs.** Continue to publicize and participate in rental assistance programs such as Section 8, Housing Voucher programs, and other available rental programs.

*Goal H-D: Pursue Public and Private Redevelopment Opportunities to Increase the Supply of Housing*

Assure excellence in architecture and site planning in all new projects, provide a variety of housing types and tenure and meet the City's "fair share" of regional housing need.

**Policy H-D-1 Housing Opportunity Areas.** Given the diminishing availability of developable land, the City will continue to identify housing opportunity areas and sites with potential to provide additional housing consistent with other General Plan policies.

**Policy H-D-2 Encourage Housing as Part of New Development Projects.** As opportunities for the development or redevelopment of property occur, whether financed with public funds or not, evaluate whether the subject site and project could and/or should include multifamily housing units as a part of the overall project, including apartments, condominiums, townhouses, or a mix of housing types.

**Policy H-D-3 Planned Development Process.** Encourage the use of the planned development process to achieve a diversity of housing types and tenure and to provide greater choice for residents and workers in Foster City.

**Policy H-D-4 Accessory Dwelling Units.** The City will continue to encourage Accessory Dwelling Units (ADUs) (including Junior Accessory Dwelling Units [JADUs]), and multi-family ADUs, subject to specific development standards and requirements.

**Policy H-D-5 Institution-Owned Sites.** Facilitate the addition of residential uses on public and private institution-owned sites.

**Policy H-D-6 Reduce Regulatory Constraints.** Reduce governmental and regulatory constraints to the production of housing, especially affordable housing.

*Goal H-E: Address Affordable Housing Needs*

Meet the city's "fair share" of very low-, low-, and moderate-income housing need and the needs of special groups, including the elderly, disabled, small and large families, extremely low-income households and persons, single parents, and local workers.

**Policy H-E-1 Create More and Retain Existing Affordable Housing.** Utilize a variety of methods to increase and retain the supply of affordable housing.

- Policy H-E-2 Private Development of Affordable Housing – Inclusionary Requirement.** Require the provision of affordable housing by the private sector through an inclusionary requirement.
- Policy H-E-3 Incentives for Affordable Housing.** The City shall offer development incentives to developers of multifamily housing projects which meet the city's housing needs, in exchange for an agreement that more than twenty percent (20%) of the total number of units constructed (or another percent, depending upon the project) shall be affordable to very low as defined by State Health and Safety Code Section 50105, low- and moderate-income persons and families as defined by Section 50093 of the State of California Health and Safety Code for a minimum period of 99 years for rentals and 45 years for ownership (restarting with each sale). Incentives to be considered include the following:
- Density bonuses, as allowed by State law and Chapter 17.86.
  - Reduced or waived fees for lower income units per Program H-D-6-d.
  - Assistance and support in securing public financing, such as bonds or tax credits.
- Policy H-E-4 Resale Controls on Owner-Occupied BMR Units.** Require resale controls on owner occupied BMR units to ensure that affordable units provided through public assistance or public action are retained for a minimum of 45 years (with a new 45-year time period starting with each resale) as affordable housing stock pursuant to Chapter 17.90 of the Municipal Code.
- Policy H-E-5 Rent and Income Restrictions on Rental BMR Units.** Require rent and income restrictions on rental BMR units to ensure that affordable units provided through public assistance or public action are retained for 99 years or more as affordable housing stock pursuant to Chapter 17.90 of the Municipal Code, except that pursuant to Chapter 17.90, the City may accept a shorter period of affordability of no less than 55 years, if the applicable residential development project provides substantial evidence that a shorter-term restriction is necessary and required in order to obtain financing.
- Policy H-E-6 House Sharing.** Encourage and facilitate house sharing in appropriate locations where it would provide housing for lower- and moderate-income residents and not significantly impact the neighborhood (parking, access, etc.).
- Policy H-E-7 Workforce Housing.** Given the amount of commercial and retail development expected through build-out of the city, encourage an adequate supply and variety of rental and ownership workforce housing as part of new commercial development.

**Policy H-E-8 BMR Eligibility Priorities.** In order to meet a portion of the city's local housing need, consistent with Association of Bay Area Governments (ABAG) Housing Needs Determination, and as means to reduce Vehicle Miles Traveled (VMT), the City will, to the extent consistent with applicable policy, establish eligibility priorities for the BMR units in a project for City employees and people working in the City of Foster City.

*Goal H-F: Address Housing for Special Needs Populations*

**Policy H-F-1 Special Needs.** Encourage a mix of housing units throughout the city including those for lower-income seniors, families with children, single parents, young families, victims of domestic violence, farmworkers, and the disabled.

**Policy H-F-2 Housing for the Homeless.** The City of Foster City recognizes the need for emergency shelter housing for the homeless and has adopted Chapter 17.82 to allow emergency shelters as a permitted use in areas zoned Neighborhood Business (C-1), Central Business (C-2), and at churches/synagogues in the Public Facilities (PF) Zoning District.

**Policy H-F-3 Transitional and Supportive Housing.** Treat transitional and supportive housing as a residential use that will be subject only to the same restrictions that apply to other residential uses in the same zoning district.

*Goal H-G: Affirmatively Further Fair Housing*

**Policy H-G-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, ethnicity, sex, national origin, religion, age or other factors.

**Policy H-G-2 Improved Access to Fair Housing Information.**

**e. Other Implementation Programs**

Other implementation programs included in the Housing Element and Safety Element, including but not limited to securing funding sources for housing programs, develop assistance and/or incentive programs, update architectural guidelines and design standards, add tenant protections, develop programs for special needs populations, develop a rental registry, and provide improved access to fair housing information.

## 2. Safety Element Update

As part of the project, the City of Foster City is also updating its Safety Element consistent with State Law. As part of this update, the Safety Element, which is currently combined with the City's (now superseded) Local Hazard Mitigation Plan (LHMP), will become a standalone document and no longer be combined with the LHMP. A community's Safety Element is meant to implement policies that minimize the negative impacts and risks of natural and man-made hazards such as fires, floods, droughts, earthquakes, and landslides. In recent years, State requirements have expanded the Safety Element's scope to include climate change vulnerability and adaptation, and greater attention to evacuation routes. Jurisdictions are also now required to complete a vulnerability assessment; develop adaptation and resilience goals, policies, and objectives; and develop a set of feasible implementation measures addressing climate change adaptation and resiliency.

The Foster City Safety Element addresses the relevant planning hazards mandated by California Government Code Section 65302(g). Under state planning law, the element identifies and discusses the following hazards as they relate to the city:

- Seismic and geologic hazards such as seismic shaking, liquefaction, seiche, and tsunamis.
- Urban fire hazards.
- Flood hazards, including dam inundation.
- Climate adaptation and resiliency strategies (addressing extreme weather and drought).

The element also identifies and addresses the following safety issues, as required by law:

- Disaster and emergency preparedness, including evacuation.
- Hazardous materials and waste.

The Safety Element creates a unique set of goals, policies, and implementation actions that address these risks. The Safety Element allows the City to address these conditions by reducing the impacts associated with these hazards or preventing hazardous conditions in the future. The Safety Element also addresses emergency evacuation in the city and creates policies that are designed to enhance and streamline the evacuation process during emergency events.

### a. Goals, Policies, and Programs

The Safety Element focuses on the protection of the community from risks associated with hazards such as earthquakes, floods, fires, hazardous materials, and other hazards. The Safety Element includes a unique set of goals, policies and implementation actions (programs) to address the identified public safety risks. The goals, policies, and implementation programs provide declarative statements about the City's approach to safety-related issues and provide a framework for decision-making that promotes greater safety and resilience for the Foster City community. These goals and their associated policies are detailed below. The programs are

found in the Hazards chapter of the Safety Element (note that refinement of these goals and policies prior to adoption is expected in response to public comments and direction from the Planning Commission and City Council).

### (1) Safety Element Update Goals

*Goal S-1A: Ensure the City has an Effective Emergency Preparedness and Response Program*

- Policy S-1.1** Ensure effective emergency response through established procedures, programs of on-going training, periodic exercises of the City's Emergency Operations Plan, and mutual aid agreements.
- Policy S-1.2** Plan for and provide facilities and materials anticipated to be needed to respond to emergencies.
- Policy S-1.3** Provide police services necessary to maintain community order and public safety.
- Policy S-1.4** Prepare a recovery framework (prior to a disaster event) to help guide actions and priorities during and after a disaster event occurs.
- Policy S-1.5** Anticipate the potential for disasters and ensure the ability to respond promptly, efficiently, and effectively, to provide continuity of services during and after an emergency.

*Goal S-1B: Empower Residents and Community Groups to be Better Educated, Prepared, and Self-Reliant in order to Protect Themselves from Hazards that may Affect Foster City*

- Policy S-1.6** Offer information and programs regarding emergency preparedness.
- Policy S-1.7** Offer information and programs regarding seismic and geologic hazards and the potential effects on buildings and ways to mitigate these risks.
- Policy S-1.8** Educate the Public about Fire Hazards
- Policy S-1.9** Educate the Public about Crime Prevention

*Goal S-1C: A Community that can Easily Evacuate*

- Policy S-1.10** Ensure adequate evacuation capacity and infrastructure is available for existing and new development.

- Policy S-1.11** In areas with inadequate access or without at least two evacuation routes provide adequate mitigation actions to address the deficiencies required by the Fire Code and State law.
- Policy S-1.12** Identify and map evacuation routes (primary and secondary), evacuation zones, and key constraints for use by emergency management staff and first responders.
- Policy S-1.13** Coordinate with Caltrans and the County of San Mateo regarding transportation-related projects that can address potential roadway network issues and constraints.
- Policy S-1.14** Prioritize roadway and storm drain infrastructure retrofitting and enhancement projects along primary evacuation routes.
- Policy S-1.14** Prioritize roadway and storm drain infrastructure retrofitting and enhancement projects along primary evacuation routes.
- Policy S-1.14** Prioritize roadway and storm drain infrastructure retrofitting and enhancement projects along primary evacuation routes.
- Policy S-1.15** Ensure all new development and redevelopment provides adequate ingress/egress for emergency access and evacuation.
- Policy S-1.16** Ensure all new developments and redevelopments include multiple points of ingress/egress.
- Policy S-1.17** Identify and construct additional evacuation routes in areas of high hazard concern or limited mobility.
- Policy S-1.18** Monitor changes to hazard conditions and vulnerabilities to ensure the accessibility or viability of evacuation routes in the future.
- Policy S-1.19** Develop an implementation program that identifies areas of the city with limited ingress/egress, limited circulation capacity, and/or critical infrastructure that could impact evacuation efforts.
- Policy S-1.20** Develop an education and outreach program on the potential evacuation scenarios and the activities that residents and businesses can do to be better prepared for these potential events.

- Policy S-1.21** Explore the feasibility of using boats as a potential vessel/vehicle to evacuate from islands, should traditional/planned evacuation routes (bridges, causeways) become compromised in a major emergency event where evacuation is necessary.
- Policy S-1.22** Explore the feasibility of creating alternate or secondary routes out of the city in the event an emergency evacuation becomes necessary.

*Goal S-2: A Community More Resilient to Seismic and Geologic Hazards*

- Policy S-2.1** Protect the city's infrastructure and facilities from damage due to seismic and geologic hazards through proper design and retrofitting older facilities to current standards.
- Policy S-2.2** Minimize injury, loss of life, property damage, and economic and social disruption caused by seismic and geologic hazards.
- Policy S-2.3** Require that new development be designed and built per the most recent California Building Code, with additional local requirements as necessary, tailored to Foster City.
- Policy S-2.4** Encourage utility service providers to continue upgrading their facilities and infrastructure throughout the city to improve seismic/geologic resilience and survivability.
- Policy S-2.5** Locate essential and critical facilities (i.e., fire stations, hospitals, police stations, schools, and utility infrastructure), in areas of low seismic and geologic hazard risk, to the greatest extent feasible.
- Policy S-2.6** Ensure planning, preparedness, and emergency response capabilities can accommodate tsunami hazard events.
- Policy S-2.7** Prevent shoreline development that exposes structures to wave attack or degrades natural means of shoreline protection.

*Goal S-3: A Community More Resilient to Inundation Resulting from Flood and Dam Failure*

- Policy S-3.1** Locate new essential public/critical facilities outside of FEMA flood hazard zones and dam inundation zones to the greatest extent feasible.
- Policy S-3.2** Continue participation in FEMA's National Flood Insurance Program for affected properties.

- Policy S-3.3** Protect and preserve natural features such as wetlands that serve as natural mitigation against the impacts of flooding.
- Policy S-3.4** Maintain and enhance the city's levees and lagoon system for flood protection.
- Policy S-3.5** Ensure data and information for flood hazards is readily available and up to date.
- Policy S-3.6** Require mitigation for any new developments, redevelopments, or major remodels within flood and dam inundation zones to reduce future flooding or address evacuation needs.

*Goal S-4: Minimize the Loss of Life, Injuries, and Property Damage Due to Fires*

- Policy S-4.1** Minimize loss of life, injuries, and property damage due to fires through review of development proposals, public education, and maintenance of well-trained fire suppression personnel.
- Policy S-4.2** Design community spaces to minimize pockets, peninsulas, or islands of flammable vegetation to reduce fire susceptibility.
- Policy S-4.3** Require all redevelopment after a fire to meet current Fire Prevention Code Standards.
- Policy S-4.4** Maintain access (ingress and egress) for fire apparatus vehicles along public streets for emergency equipment and evacuation.
- Policy S-4.5** Provide an adequate supply of water for daily use and emergency situations.

*Goal S-5: A Community Protected from Exposure to Hazardous Materials and Wastes*

- Policy S-5.1** Protect the community from unreasonable risks associated with hazardous materials.
- Policy S-5.2** Continue to enforce applicable codes related to hazardous materials.
- Policy S-5.3** Restrict the transport of hazardous materials to identified truck routes throughout the city.
- Policy S-5.4** Commercial and industrial facilities shall be required to participate in a hazardous material and wastes mitigation and response program.
- Policy S-5.5** Control the development of uses that store, transport, or dispose of hazardous materials pursuant to Chapter 8.07 of the Municipal Code.

**Policy S-5.6** Promote the use of non-toxic alternatives for cleaning and pest management in the home and yard.

*Goal S-6: A Community Prepared for Future Climate-Related Impacts*

**Policy S-6.1** Prepare adaptation strategies that address sea level rise and other climate change induced events.

**Policy S-6.2** Collaborate with local, regional, state and/or federal jurisdictions and agencies on climate resiliency and adaptation strategies.

## **E. REQUIRED APPROVALS**

### **1. City Approvals**

Implementation of the project would require amendments to the General Plan and to the City's Municipal Code. These amendments are included as part of, and would be adopted at the same time as, the project or if determined to be within the scope of previous environmental documents or exempt from CEQA, some amendments could be adopted prior to adoption of the Housing Element or Safety Element. Upon adoption, the Housing Element and Safety Element would replace the existing elements.

This EIR is intended to provide the information and environmental analysis necessary to assist the City in considering all the approvals and actions necessary to adopt and implement the project. The following are anticipated actions/approvals concerning the Plan:

- **Certify the EIR** and make environmental findings and adopt a Standard Conditions of Approval and Mitigation Monitoring and Reporting Program pursuant to CEQA.
- **Adopt the Housing Element** and make required findings.
- **Adopt the Safety Element** and make required findings.
- **Amend the General Plan** and associated maps to be consistent with the project, including amendments to land use designations pursuant to the Housing Element.
- **Amend the Foster City Municipal Code** text and maps to be consistent with the project.

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects is expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, specific plan, or general plan policies for which an EIR

was certified, unless such a project would have environmental impacts peculiar/unique to the project or the project site. Likewise, Public Resources Code section 21094.5 and CEQA Guidelines Section 15183.3 also provide for streamlining for certain qualified, infill projects. In addition, CEQA Guidelines Section 15162-15164 allow for preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. The above are merely examples of possible streamlining tiering mechanisms that the City may pursue and in no way limits future environmental review of specific projects.

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## **IV. SETTING, IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES**

This chapter provides the analysis for each environmental topic determined to be potentially significant with regard to the Foster City Housing and Safety Elements Update (the project) during the scoping period. *Sections IV.A through IV.I* of this chapter describe the existing setting, the potential impacts that could result from implementation and buildout of the project, the Standard Conditions of Approval (SCOAs), and the mitigation measures designed to reduce the significant impacts of the project to a less-than-significant level.

The following provides an overview of the scope of the analysis included in this chapter, the organization of the sections, and the methods for determining which impacts are significant.

### **A. ENVIRONMENTAL TOPICS**

The following environmental topics are considered in this chapter:

- A. Land Use and Planning
- B. Traffic and Transportation
- C. Air Quality
- D. Greenhouse Gas Emissions
- E. Hazards and Hazardous Materials
- F. Noise and Vibration
- G. Population and Housing
- H. Public Services, Utilities, and Recreation
- I. Aesthetics

*Chapter VI, CEQA-Required Assessment Conclusions and Effects Found Not to be Significant*, includes a brief analysis of each environmental topic for which effects from the project were found to be either not significant or less than significant through the scoping process and preliminary review. These topics include agriculture and forest resources, biological resources, cultural resources, tribal cultural resources, geology and soils, hydrology and water quality, energy, mineral resources, and wildfires.

## B. FORMAT OF TOPIC SECTIONS

Each environmental topic section generally includes three main subsections: (1) Setting; (2) Regulatory Setting; and (3) Impacts (construction, operational, and cumulative), SCOAs, and Mitigation Measures. Identified significant impacts are numbered and shown in **bold** type, and the corresponding mitigation measures are numbered and indented. Significant impacts and mitigation measures are numbered consecutively within each topic and begin with a shorthand abbreviation for the impact section (e.g., AIR for Air Quality). The following abbreviations are used for individual topics:

LU:	Land Use
TRANS:	Traffic and Transportation
AIR:	Air Quality
GHG:	Greenhouse Gas Emissions
HAZ:	Hazards and Hazardous Materials
NOISE:	Noise and Vibration
POP:	Population and Housing
SVCS:	Public Services, Utilities, and Recreation
AES:	Aesthetics

The following notations are provided after each identified significant impact and mitigation measure:

SU	= Significant and Unavoidable
S	= Significant
LTS	= Less than Significant

These notations indicate the significance of the impact with and without mitigation.

### 1. Determination of Significance

Under the California Environmental Quality Act (CEQA), a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment. Each impact evaluation in this chapter is prefaced by an explication of the applicable criteria of significance, which are the thresholds for determining whether an impact is significant.

The criteria of significance identified in this EIR are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including Sections 15064, 15064.5, 15065, and 15382, and Appendix G. Also this EIR limits its analysis to potentially adverse effects of the project on the environment consistent with CEQA requirements; potential effects of the environment on the project are not required to be analyzed

or mitigated under CEQA according to the California Supreme Court's decision in California Building Industry Association v. Bay Area Air Quality Management District.<sup>1</sup>

A summary of the project's relationship to each significance criteria is provided at the beginning of the impact, standard conditions of approval, and mitigation measures subsection for each topic.

## C. CUMULATIVE ANALYSIS CONTEXT

CEQA defines a cumulative impact as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. These impacts can result from a combination of the project together with other projects causing related impacts. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."<sup>2</sup>

### 1. Methodology

The methodology used for assessing cumulative impacts typically varies depending on the specific topic being analyzed. For example, the geographic and temporal (time-related) parameters related to a cumulative analysis of air quality impacts are not necessarily the same as those for a cumulative analysis of noise or aesthetic impacts. This is because the geographic area that relates to air quality is much larger and regional in character than the geographic area that could be impacted by potential noise or aesthetic impacts from a proposed project and other cumulative projects/growth. The noise and aesthetic cumulative impacts are more localized than air quality and transportation impacts, which are more regional in nature. Accordingly, the parameters of the respective cumulative analyses in this document are determined by the degree to which impacts from this project are likely to occur in combination with other development projects.

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<sup>1</sup> California Building Industry Association v. Bay Area Air Quality Management District, 2015. No. S213478, December 17.

<sup>2</sup> CEQA Guidelines, Section 15355(b).

According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative effects “. . . need not provide as great a detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness . . .” The evaluation of cumulative impacts is to be based on either (a) “a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency,” or (b) “a summary of projections contained in an adopted local, regional, or statewide plan or related planning document, that describes or evaluates conditions contributing to the cumulative effect . . . Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency” (CEQA Guidelines Section 15130(b)(1)). Pursuant to Section 15130(d), cumulative impact discussions may rely on previously approved land use documents such as general plans, specific plans, and local coastal plans, which may be incorporated by reference.

## **2. Plans and Projects Evaluated for Determination of Cumulative Impacts**

To determine the Project’s potential cumulative impacts, this EIR considers the effects of the Project over the course of the 8-year 6<sup>th</sup> cycle planning period in conjunction with growth and development projections contained within adopted local plans.

Cumulative impacts of the Project are cumulative by their nature, and are generally limited to other local plans, unless otherwise noted in each respective resource topic. For this reason, no specific development projects are considered within this document. For the purposes of analyzing the cumulative analysis of the Project, these local plans include Foster City’s General Plan, Municipal Code, and Climate Action Plan. These plans and programs are discussed under the Regulatory Setting subsections contained within the respective resource topics. Cumulative impacts determined as a part of analysis are included within each of the subsections of the respective resource topics. Highlighted below are a number of City plans and programs relied upon throughout the cumulative evaluation.

### **a. Foster City General Plan**

The City of Foster City’s General Plan encompasses a comprehensive strategy of managing the city’s future. The General Plan is a legally binding document to be used by City officials, development community members, citizens and others to guide decisions regarding the future development and management of community resources, including land, the natural environment, public services, and facilities. Accordingly, the General Plan serves as the City’s lead policy document which identifies long-term community goals as well as the policies and programs drafted to help the City achieve these goals.

**b. Foster City Municipal Code**

The City of Antioch's Municipal Code includes a set of regulations applicable to development throughout the city which are intended to implement the goals, policies, and programs of the City's General Plan. The City's Municipal Code includes Buildings and Construction (Title 15) as well as regulations pertaining to health and safety (Title 8), water and sewers (Title 13), public utilities (Title 14), and the City's adopted Zoning Ordinance (Title 17). The City's adopted Zoning Ordinance regulates the physical development of land by imposing minimum design standards regarding permitted uses, lot size and dimensions, floor area ratio, and building height among others. Such standards are intended to mitigate impacts of development relative to its surroundings and the existing character of the city.

**c. Foster City Climate Action Plan**

Foster City's Climate Action Plan (CAP) was adopted by City Council in 2016 to compile existing and potential actions that the City and community can take to address climate change. The CAP is designed to be a blueprint of the community's response to the challenges posed by climate change. The CAP provides strategies and specific actions to reduce greenhouse gas (GHG) emissions across seven broadly grouped categories: community energy, municipal energy, community transportation and land use, transportation-related municipal operations, community waste, energy and water, and education. The City is in process of updating their CAP, which is expected to be completed in 2023. The 2023 CAP Update is intended to prioritize a set of actions to further reduce GHG emissions and achieve long-term GHG reductions that align with statewide goals.

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## A. LAND USE AND PLANNING

This section describes the existing land use setting in Foster City; State and local regulations and policies pertinent to land use; an evaluation of the Foster City Housing and Safety Elements Update project’s consistency with relevant land use policies; an assessment of the project’s potentially significant land use impacts that could result from implementation of the project; and, where needed, mitigation measures to address those impacts.

### 1. Setting

Foster City is in San Mateo County, midway between the cities of San Francisco and San Jose. It is bordered by San Francisco Bay to the north and east, the cities of Belmont and Redwood City to the south, and the city of San Mateo to the west. Figure III-1, within *Chapter III, Project Description*, shows the city’s regional and local context. Regional access to the city is via California State Route 92 (SR-92), which runs roughly east and west through the city. Regional auto access from the north and south is provided via U.S. Highway 101, which intersects with SR-92 west of the city.

The city encompasses 12,345 acres, of which 9,726 acres are part of San Francisco Bay and Belmont Slough, and 2,619 acres are reclaimed marshland. This equates to approximately 4 square miles of land area. Foster City is a planned community consisting of an office, commercial, and industrial base generally located northwest of East Hillsdale Boulevard. The city’s residential uses are located mainly southeast of East Hillsdale Boulevard in nine neighborhoods, most containing a mixture of single-family detached units, townhouses, condominiums, and rental apartments. Commercial retail uses in these nine neighborhoods are largely limited to shopping centers scattered throughout the neighborhoods, such as Edgewater Place Center, Marlin Cove Shopping Center, Beach Park Plaza Shopping Center, and Foster Square. City administrative offices, recreation facilities, and emergency services are also located southeast of East Hillsdale Boulevard. Marina Lagoon and Belmont Slough, which are natural waterways bordering the city, have been incorporated into the city design. Table IV.A-1 shows existing land uses, as described by the Foster City General Plan EIR.<sup>1</sup> Figure IV.A-1 shows the General Plan Land Use designations.

**TABLE IV.A-1 FOSTER CITY EXISTING LAND USE**

<b>Land Use</b>	<b>Acres</b>	<b>Percent of Total</b>
Residential	1,214.7	46%
Public, Semi Public, Streets	503.3	20%
Parks, Open Space, Lagoons	448.8	17%
Commercial and Industrial	404.8	15%
Mixed Commercial and Housing	47.8	2%
<b>Total</b>	<b>2,619.3</b>	<b>100%</b>

Source: Foster City General Plan Update and Climate Action Plan, Final Environmental Impact Report, September 2015.

<sup>1</sup> City of Foster City General Plan, Chapter 3, Land Use and Circulation Element.



Housing Sites

Figure IV.A-1  
 Foster City General Plan Land Use Designations  
 Foster City Housing and Safety Elements Update EIR

## 2. Regulatory Setting

The following section describes the existing regulatory environment related to land use.

### a. State

The following provides an overview of State legislation and policies that pertain to land use at the local level.

#### (1) General Plan Law

Government Code Sections 65300-65404 set forth the requirements for each city and county in California to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning. Government Code Section 65302 identifies the mandatory general plan elements and the information they must provide. Required general plan elements include the following: land use element; circulation element; housing element; conservation element; open-space element; noise element; safety element; and environmental justice element.

#### (2) State Housing Element Law

California Government Code (Sections 65580-65589.11) requires Cities and Counties to update the Housing Element of their General Plans every five or eight years (depending on location/ jurisdiction) to ensure that they meet their responsibilities in helping the State of California meet its housing goals and in addressing regional housing needs.

California's housing element law, codified at Government Code Sections 65580-65589.11, establishes the Legislature's intention to ensure the availability of suitable, decent housing for every Californian, including farmworkers, and ensure the provision of housing that is affordable to low- and moderate-income households. State planning law requires Cities and Counties to prepare and implement general plan housing elements that, along with federal and State programs, will move toward attainment of those housing goals, which were established in 1969.

Housing elements are required to provide an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The Housing Element must identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and must include adequate provision for the existing and projected needs of all economic segments of the community. Projected housing needs are to be based on an analysis of population and employment trends and projections for the jurisdiction, and these needs must include the locale's share of the regional housing need as

established by the California Department of Housing and Community Development (HCD) (discussed further below).

### **(3) Housing Accountability Act**

One State law that is likely to influence housing and land use development in California in the future is the Housing Accountability Act (HAA). Originally enacted in 1982 with limited effect, it has been modified in recent years to expand and strengthen its provisions. One key revision in 2017 gave the HCD authority to refer HAA violations to the Attorney General for enforcement. The Legislature's intent in adopting the HAA is to significantly increase the approval and construction of new housing for all economic segments of California's communities.

The HAA prohibits a local government from denying, reducing the density of, or making infeasible housing development projects that are consistent with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete. A "housing development project" as defined in Government Code Section 65589.5(h)(2) means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing.

A local agency may disapprove a project that is consistent with applicable development standards, or impose a condition that the project be developed at a lower density, only if it can make the following written findings supported by a preponderance of evidence on the record that both of the following conditions exist:

- (A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The HAA provides additional protections for projects that contain housing affordable to very low-, low-, or moderate-income households. Government Code Section 65589.5(h)(3) establishes the qualifications for housing affordable to very low-, low-, or moderate-income households as a housing development that meets one of the following two criteria:

- At least 20 percent of the total units shall be sold or rented to lower income households. Lower-income households are those persons and families whose income does not exceed

that specified by Health and Safety Code Section 50079.5, established by the HCD as 80 percent of area median income, adjusted for family size and revised annually.

- 100 percent of the units shall be sold or rented to persons and families of moderate income, or persons and families of middle income. Moderate-income households are those persons and families whose incomes are 80 percent to 120 percent of area median income (Health and Safety Code Section 50093.) Middle-income households are those persons and families whose income does not exceed 150 percent of area median income (Government Code Section 65008(c).)

A local agency may not deny or reduce the density of a proposed housing development project that is affordable to very low-, low-, or moderate-income households unless it makes one of the following written findings, based upon a preponderance of the evidence in the record:

1. The jurisdiction has adopted a housing element that meets the current requirements of the State's Housing Element Law, and the jurisdiction has met or exceeded its Regional Housing Needs Allocation (RHNA) share (discussed below in Subsection (b)) for the planning period for the income category proposed for the housing development project, subject to limitations set forth in Government Code Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then the agency may not use this finding to disapprove or conditionally approve the housing development project. In the case of an emergency shelter, the jurisdiction must have met or exceeded the need for emergency shelter, as established in Government Code Section 65583(7)(a).
2. The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. Inconsistency with the zoning ordinance or general plan land use designation does not constitute a specific, adverse impact upon the public health or safety.
3. The denial of the housing development project or imposition of conditions is required in order to comply with specific State or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
4. The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

5. The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. A change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete may not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

The HAA also imposes parameters and limits on the fees and exactions that can be imposed on a proposed housing development project, as well as on the type of development standards, conditions, and policies that the project can be required to comply with.

Nothing in the statute generally prohibits a local government from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter. However, the HAA does impose limitations on the fees and exactions that can be imposed on a specific housing development project once a preliminary application is submitted. Furthermore, additional development standards cannot be imposed once the application is "deemed complete," which is the date on which a preliminary application was submitted to the local agency. (This is distinct from an application being "determined to be complete" pursuant to the Permit Streamlining Act (Government Code Section 65943).) The HAA provides additional restrictions on a local agency's ability to find a proposed housing development project inconsistent with applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions.

#### **(4) Streamlined Ministerial Approval Process**

Government Code Section 65913.4 provides for a streamlined, ministerial approval<sup>2</sup> process for a multi-family residential development of two or more units on a site that is zoned for residential use or residential mixed-use development, or that has a general plan designation that allows residential use or a mix of residential and non-residential uses, and at least two-thirds of the square footage of the development is designated for residential use. Any additional square footage granted pursuant to the Density Bonus Law (see below) must be included in the square footage calculation. This streamlined process does not apply in a jurisdiction that has met its RHNA (see RHNA discussion below).

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<sup>2</sup> Ministerial approvals are those that don't involve the discretion of the local agency. If objective standards and conditions are met, they must automatically be approved.

To qualify for streamlined ministerial approval, the project site must be in an urbanized area, and at least 75 percent of the site perimeter must adjoin parcels that are developed with urban uses (separation by a road or highway is allowed). The project must be consistent with objective zoning standards, subdivision standards, and design review standards in effect at the time that the development is submitted to the local government. A certain percentage of the proposed housing units, depending on conditions in the jurisdiction where the project will be developed, must be affordable to low- and moderate-income households for a period of 55 years for rental units and 45 years for purchased units.

### **(5) Density Bonus Law**

The Density Bonus Law (California Government Code Sections 65915 – 65918) provides residential developers incentives to develop affordable and senior housing by allowing them to substantially increase the density of their projects when they meet stipulated affordability thresholds. The Density Bonus Law (DBL) can increase the allowable density of a project by up to 50 percent, depending on the amount of affordable housing provided. It allows an 80-percent increase in density for projects which are completely affordable. A local jurisdiction must allow the density bonus and other benefits provided by the DBL if the project meets the requirements of the law.

To qualify for a density bonus or other concessions (addressed below), a proposed housing development must include one of the following:

- At least 5 percent of the housing units are restricted to very-low-income residents.
- At least 10 percent of the housing units are restricted to low-income residents.
- At least 10 percent of the housing units in a for-sale common interest development are restricted to moderate-income residents.
- 100 percent of the housing units (other than manager's units) are restricted to very-low-, low-, and moderate-income residents (with a maximum of 20 percent moderate).
- At least 10 percent of the housing units are for transitional foster youth, disabled veterans, or homeless persons, with rents restricted at the very-low-income level.
- At least 20 percent of the housing units are for low-income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least 1 acre of land to the city or county for very-low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).

- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

Rental units must include a recorded affordability restriction for at least 55 years. For-purchase units must include recorded restrictions requiring homes that are resold to be sold to families of very-low-, low-, or moderate-income for a period of at least 45 years.

The amount of density bonus is determined on a sliding scale that depends of the percentage of affordable units at each income level included in the proposed development, with the bonus ranging from 5 percent to 50 percent. As previously noted, projects that are 100-percent affordable receive an 80-percent density bonus. A city or county may not apply any development standard that will have the effect of physically precluding the construction of a development project qualifying for a density bonus under the DBL.

The DBL provides additional incentives to developers. The local jurisdiction is required to provide at least one incentive or concession to each project that qualifies for a density bonus. The number of incentives depends on the number of very-low-, low-, and moderate-income units included in the project, with up to four concessions allowed. A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback, parking ratio, or minimum square footage requirements; or
- Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or
- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

The local jurisdiction is required to grant the concession(s) requested by the applicant unless one of the following conditions applies:

- (A) The concession or incentive does not result in identifiable and actual cost reductions;
- (B) The concession or incentive would have a specific, adverse impact on public health and safety or on any property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households; or
- (C) The concession or incentive would be contrary to State or federal law.

Another significant developer benefit of the DBL is a potential waiver from or reduction in any local development standard that would physically prevent the project from being built at the permitted density and with the granted concessions or incentives. A waiver or reduction is not required if conditions (B) or (C), set forth in the preceding paragraph, apply. A waiver or reduction in a development standard does not count as a concession or incentive, and there is no limit on the number of development standard waivers that a developer can request.

## **b. Regional**

Regional policies that are applicable to local land use are summarized below.

### **(1) Regional Housing Needs Allocation (RHNA)**

The HCD prepares and adopt a Regional Housing Needs Allocation (RHNA) Plan that allocates a share of the regional housing need to each city and county. The RHNA Plan specifies the number of units, by affordability level, that need to be accommodated within the region during the Housing Element planning period. The regional Councils of Government (COGs) then distribute a share of the region's housing need to each city, town, and county in the region. Each local government must then update the Housing Element of its general plan to inventory housing sites—zoned for residential use—sufficient to meet their RHNA. The COG assigning RHNA goals to each local jurisdiction in the nine-county San Francisco Bay Area is the Association of Bay Area Governments (ABAG).

ABAG adopted its final 2023-2031 RHNA plan for the Bay Area on December 16, 2021, and the HCD approved the plan on January 12, 2022. The region's nine Counties and 101 Cities are collectively responsible for developing 441,176 new housing units during the 2023-2031 period; Foster City's allocation is for 1,896 housing units during the 2023-2031 6<sup>th</sup> Cycle Housing Element Update. At least 43 percent (819) of the units must be affordable to low- or very low-income households.

### **(2) Plan Bay Area 2050**

*Plan Bay Area 2050*, adopted jointly on October 21, 2021, by the Metropolitan Transportation Commission (MTC) and ABAG, is the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the San Francisco Bay Area, mandated by Senate Bill (SB) 375, the Sustainable Communities and Climate Protection Act of 2008. SB 375 required each of the State's 18 Metropolitan Planning Organizations (MPOs) to prepare an RTP/SCS that will enable the affected region to achieve the greenhouse gas (GHG) reduction goals established by Assembly Bill 32, passed in 2006, and ensure the provision of adequate housing for growth projected during the planning period.

*Plan Bay Area 2050* is a 30-year plan that charts a course for continued development of a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents, employing 35 strategies for achieving these goals. Strategies were added or adjusted to respond to the COVID-19 pandemic, and financial and population projections were revised to reflect slower short-term growth. The Plan was crafted to respond to three different sets of potential future conditions, referenced as Futures, in order adapt to sea level rise and other natural hazards, as well as varying population growth rates and emerging technologies, such as autonomous vehicles. *Plan Bay Area 2050* focuses on four key issues—the economy, the environment, housing, and transportation—while integrating the cross-cutting issues of *equity* and *resilience*.

To accommodate new families and meet the needs of those living in the Bay Area today, *Plan Bay Area 2050* plans for sufficient housing growth that does not result an increase in traffic congestion and long-distance commuters traveling to the Bay Area from outside of the region. The population in the region is expected to grow from around 7.8 million residents today to over 10 million residents by 2050. The region is forecasted to add 1.4 million new jobs, for a total of 5.4 million Bay Area workers. Household growth is anticipated to roughly follow pace, adding slightly fewer than 1.36 million new households for a total of 4 million households by 2050. *Plan Bay Area 2050* states that the Bay Area will need to build 1.36 million new homes by 2050 to meet this forecasted future demand.

*Plan Bay Area 2050's* core strategy is “focused growth” in existing communities along the existing transportation network. This strategy is intended to leverage existing infrastructure, complement and integrate with existing community characteristics, and minimize impacts to less developed areas. The focused growth strategy targets four types of Growth Geographies:

- **Priority Development Areas (PDAs)** that are identified by local governments for housing and job growth. PDAs are generally near existing job centers or in proximity to frequent public transit options.
- **Priority Production Areas (PPAs)**, also identified by local governments, these areas are targeted for job growth in middle-wage industries, such as manufacturing or logistics. PPAs must be zoned for industrial use or have existing land use dominated by industrial uses.
- **Transit-Rich Areas (TRAs)** are areas located in proximity to rail, ferry, or frequent bus service that haven't been identified as PDAs. TRAs must have at least 50 percent of the land area within one-half mile of an existing or planned rail station or ferry terminal that includes bus and/or rail service. Alternatively, they can be located within one-half mile of a bus stop with peak service frequency of 15 minutes or less.
- **High-Resource Areas (HRAs)** are identified by the State HCD as areas that meet a minimum transit service threshold and have good access to schools, jobs, and open space. They must meet a baseline transit service threshold of bus service with peak headways of 30 minutes or better.

*Plan Bay Area 2050* is also intended to improve the jobs-housing balance throughout the Bay Area. It includes economic strategies encouraging greater commercial densities in targeted growth areas and providing incentives for employers to locate in housing-rich communities with frequent transit service. Also contributing are housing strategies to encourage both market-rate and affordable housing development in High-Resource Areas and Transit-Rich Areas near major employment centers. A strategy to retain key industrial lands by establishing Priority Production Areas would both support a more even jobs-to-housing balance regionwide and protect industrial land from the risk of conversion to residential uses.

### (3) Airport Land Use Compatibility Plans

An Airport Land Use Compatibility Plan (ALUCP) is the primary document used by an airport land use commission to help promote compatibility between an airport and its surrounding environment. An ALUCP acts as a guide for the airport land use commission and local jurisdictions in safeguarding the general welfare of the public as the airport and the area surrounding the airport grows.

Airport planning boundaries define where height, noise, hazards, and safety standards, policies, and criteria are applied to certain proposed land use policy actions. ALUCP height standards for determining obstructions to air navigation are defined in Federal Aviation Regulations (FAR) Part 77, Objections Affecting Navigable Airspace. The FAR Part 77 criteria limit the location and height of structures both on and off airport property. The criteria are intended to prevent buildings and other objects from penetrating the airspace required for safe aircraft takeoffs and landings.

Foster City is located within two ALUCPs, as described below.

- **Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.**<sup>3</sup> This ALUCP identifies portions of Foster City within Airport Influence Areas A and B. As described in the ALUCP, for Area A, a real estate disclosure is required. For areas of the city within Area B the Airport Land Use Commission (the C/CAG Board) would exercise its statutory duties to review proposed land use policy actions, including land development proposals. The real estate disclosure requirements would also be required.

The city is also in an area where the ALUCP identifies maximum building heights. Within this area, future projects would be required to be consistent with ALUCP Policy AP-3, which establishes the procedures for determining the maximum compatible building height.

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<sup>3</sup> City/County Association of Governments of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Available at: [https://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated\\_CCAG\\_ALUCP\\_November-20121.pdf](https://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf), accessed February 8, 2023.

- **Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.**<sup>4</sup> This ALUCP identifies the entirety of Foster City as within one of two airport influence areas (AIAs) - Area A or Area B. Applicable policy requirements for projects located within these areas are described below:
  - Airport Influence Area Policy 1 – Real Estate Disclosure Area. Within Area A of the AIA the real estate disclosure requirements of state law apply. Section 11010 (b) (13) of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property. The law requires that, if the property is within an “airport influence area” designated by an airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.
  - Airport Influence Area Policy 2 – Policy/Project Referral Area. Within Area B of the AIA, the C/CAG Board shall exercise its statutory duties to review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals. The real estate disclosure requirements in Area A also apply in Area B. For the purposes of this policy, parcels along the edge of the Area B Boundary that are split by the boundary shall be considered as fully being within Area B.

This ALUCP also identifies overflight policies for the San Carlos Airport. The overflight policies were recently amended and would be applicable to the project. The following is a description of the policy requirement:

- Overflight Policy 2 – Overflight Notification Zone 2. All new residential development projects, other than additions and accessory dwelling units (ADUs), within the Overflight Notification Zone 2 shall incorporate a recorded overflight notification requirement as a condition of

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<sup>4</sup> City/County Association of Governments of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Available at: [https://ccag.ca.gov/wp-content/uploads/2015/11/SQL\\_FinalALUCP\\_Oct15\\_read.pdf](https://ccag.ca.gov/wp-content/uploads/2015/11/SQL_FinalALUCP_Oct15_read.pdf), accessed February 8, 2023.

approval in order to provide a permanent form of overflight notification to all future property owners. The following statement must be included in the notice:

**NOTICE OF AIRPORT IN VICINITY**

This Property is located in the vicinity of an airport and within the airport influence area. The property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Individual sensitivities to those annoyances can vary from person to person. You should consider what airport annoyances, if any, affect the Property before you complete your purchase and whether they are acceptable to you.

The city is also located in an area where the ALUCP identifies maximum building heights to minimize potential impacts. Within this area, future projects would be required to be consistent with policies which establish the procedures for determining the maximum compatible building height.

**(4) San Francisco Conservation and Development Commission, San Francisco Bay Plan**

In 1965, the Bay Conservation and Development Commission (BCDC) was established to prevent the unnecessary filling of San Francisco Bay and to increase public access along the Bay shoreline. BCDC has jurisdiction over development in the shoreline areas, the area within a band measured 100 feet landward from the shoreline of the Bay, and certain salt ponds, managed wetlands, and waterways. The San Francisco Bay Plan<sup>5</sup> provides the policy framework to guide future uses of the Bay and shoreline. The Plan focuses on priority uses, water quality, size of the Bay, marshes and mudflats, and related issues. Shoreline development, filling, dredging, new construction, major remodeling, changes in land use, and subdivisions in this area are subject to review and approval by BCDC.

**c. Local**

The City's policies and other standards that relate to land use are summarized below.

**(1) Foster City General Plan**

The Foster City General Plan,<sup>6</sup> adopted in February 2016, is a comprehensive planning document intended to be a statement of how the citizens of Foster City view their community, how they

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<sup>5</sup> San Francisco Conservation and Development Commission, 1969. San Francisco Bay Plan. Available at: [https://bayplanningcoalition.org/downloads/library/THE\\_BAY\\_PLAN\\_1969.pdf](https://bayplanningcoalition.org/downloads/library/THE_BAY_PLAN_1969.pdf), accessed February 8, 2023.

<sup>6</sup> City of Foster City, 2016. General Plan. Available at: <https://www.fostercity.org/commdev/page/general-plan>, accessed February 8, 2023.

want it to be in the future, and how they intend to deal with the planning and development issues facing the community. The General Plan identifies policies and programs addressing the development and redevelopment of land, preservation of parks and open spaces, provision of housing for current and future residents, conservation of natural resources, improvement of the circulation and transportation system, control of noise and protection of life and property from hazards. Additionally, the General Plan assures that tax money is generated to provide the high levels of public services and maintenance of public facilities and infrastructure the citizens of Foster City expect.

The existing General Plan includes the following elements:

- Land Use and Circulation
- Housing
- Parks, Open Space and Conservation
- Noise
- Safety
- Conservation

The General Plan land use map implements General Plan policy by mapping allowed land uses throughout the city. As shown in Figure IV.A-1, it identifies 20 different residential, commercial, and other land use categories, assigning one land use designation to each parcel in the city. Proposed new development must be consistent with the land uses and density allowed in the land use designation assigned to the proposed development site. The City's zoning code and ordinances regulating land use must also be consistent with the General Plan.

Each of the General Plan elements listed above includes goals, objectives, and policies intended to achieve the purposes of the elements, as set forth in Government Code 65300 *et seq.* The impacts discussion in this section addresses potential conflicts with General Plan policies that were adopted for the purpose of avoiding or mitigating an environmental effect, which is the applicable threshold of significance for planning impacts pursuant to CEQA. Table IV.A-2 presents a list of General Plan policies relevant to the Housing Element Update and associated General Plan and zoning amendments that were adopted for the purpose of avoiding or mitigating an environmental effect, and a brief discussion of the Housing Element Update's consistency with each policy. The proposed updates to the Safety Element would not generate significant new land use impacts as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not specifically addressed in Table IV.A-2 below.

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

Goal or Policy Number	Goal or Policy	Project Consistency
<b>LAND USE AND CIRCULATION ELEMENT</b>		
LUC-A	Preserve the Quality of the city's Residential. Neighborhoods Preserve and strengthen the identity and qualities of Foster City's residential neighborhoods and assure that: (1) all new development, renovation or remodeling are harmoniously designed and operated to integrate with the existing neighborhood; (2) noise, traffic and other conflicts between residential and non-residential land uses are eliminated or minimized to the extent possible; (3) each residential neighborhood has access to a developed park or park-like recreational area within walking distance to most residents, and that park facilities are well maintained, diverse and adequate to meet the needs of residents; and (4) maintain availability of commercial and retail services.	Consistent: Future housing development would be required to go to the Planning Commission for architectural review and approval. Further, development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).
LUC-B-2	Residential Design Review Process. The design review process shall be used to ensure compatibility of new residential projects, or property improvements, including room additions, with existing residential property, with the existing character of the neighborhoods in which they are located, and with respect to architectural style, scale, mass, bulk, color, materials, lot coverage and setbacks. Design review shall be used to ensure that new residential projects are protected from undesirable traffic, noise, or other intrusions, especially along arterial roads. Residential projects to be located near existing commercial or industrial land uses shall be appropriately designed to reduce noise, traffic, visual, and other potential conflicts.	Consistent: Future housing development would be required to go to the Planning Commission for architectural review and approval. Further, development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).
LUC-F-1	Traffic Level of Service Standards. The City shall seek to achieve a traffic service level of "C" or better on City streets and level of "D" or better during peak traffic hours, although it will be necessary to accept level of service "E" or "F" at the SR 92 Westbound Ramps/Chess Drive, the Foster City Blvd./Metro Center Blvd./Triton Drive, Vintage Park Drive/Chess Drive, and the Foster City Boulevard/Chess intersections due to their role as access points to the freeway system. The level of service standard will be maintained through the following means: a. Intelligent Transportation Systems (ITS). b. Transportation Demand Management (TDM) for development projects.	Consistent: Future housing development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

Goal or Policy Number	Goal or Policy	Project Consistency
	<p>c. Capital Improvement Program and coordination with federal, state, county and district funding programs for street and other transportation improvements.</p> <p>d. Developer payment of pro rata fair share of traffic improvement costs for new developments.</p>	
LUC-G-2	<p>Preferred Parking/Electric Plug-in. Encourage businesses, developers, and property managers to create preferred parking for electric and alternative fuel vehicles and study the installation of electric charging stations for plug-in vehicles.</p>	<p>Consistent: The Housing Element includes measures to encourage energy conservation, including providing expedited processing for Electric Vehicle charging station permits. Additionally, Policy H-B-3 encourages adoption of energy conservation measures and promotes energy conservation programs.</p>
LUC-H-1	<p>Promote sustainability. Encourage sustainability efforts of residents and business owners. Foster the use of technology to improve sustainability, e.g., irrigation controls coordinated with the weather, sustainable remodeling guidelines for homes, use of recycled water for landscaping irrigation, infrastructure for electric vehicles, etc.</p>	<p>Consistent: The Housing Element includes several measures to promote sustainability including: development water conservation measures (Program H-A-3-C); encourage rehabilitation of existing homes (Policy H-B-2); encourage energy conservation in homes (Policy H-B-3).</p>
LUC-H-2	<p>Reduce GHG Emissions. The City will strive to reduce GHG emissions by reducing vehicle miles traveled by supporting trip reduction programs and encouraging the use of alternative fuels and transportation technologies</p>	<p>Consistent: The Housing Element includes measures to reduce GHG emissions, including providing expedited processing for Electric Vehicle charging station permits. Additionally, Policy H-B-3 encourages adoption of energy conservation measures and promotes energy conservation programs.</p>
LUC-H-4	<p>Development Fair Share. Ensure that all new development and redevelopment participate in appropriate impact fee or other reimbursement programs related to development impacts or circulation improvements, so that the improvement costs such as roadway improvements or provision of services is not born solely by the City or one development.</p>	<p><b>Consistent:</b> All new development would be required to pay applicable impact fees.</p>
LUC-K-2	<p>Consistency with City’s Infrastructure. Ensure that all new buildings, whether free-standing or multi-building developments and all expansions of existing buildings demonstrate consistency with the infrastructure of the Estero Municipal Improvement District and the City, including sewer, storm sewer, parks/recreation facilities, and street system capacity. Green Infrastructure (including Green Streets) features shall be included wherever practicable and in conformance with the MRP and any applicable law or policy.</p>	<p>Consistent: The Housing Element includes a program requiring coordination with the water and sewer districts upon adoption of the Housing Element (Program H-A-3-b). Additionally, Policy H- B-5 requires a potential review of environmental impacts, including a Water Supply Assessment if applicable.</p>

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

Goal or Policy Number	Goal or Policy	Project Consistency
LUC-L-3	Requirements for Recreational Facilities. All new residential developments shall be required to include recreational facilities within the development and/or contribute to the City’s Park in-lieu fund	Consistent: New development would be required to meet recreational facilities requirements or contribute to the City’s park in-lieu fund, as required.
LUC-L-4	Recreation Areas in Residential Projects. The City shall require that any new residential development not part of an existing neighborhood with park access to include a recreation area for residents.	Consistent: New development would be required to meet recreational facilities requirements or contribute to the City’s park in-lieu fund, as required.
LUC- L-10	Adequacy of Public Infrastructure and Services. New projects which require construction or expansion of public improvements shall pay their pro rata fair share of the costs necessary to improve or expand infrastructure necessary to serve them, including streets and street improvements (including Green Streets features), parks, water storage tanks, sewer and water service, Green Infrastructure whenever feasible, and other public services. The City has established several assessment districts to pay for needed municipal improvements. Facilities benefiting a specific development must be provided by the developer of that project.	Consistent: All new development would be required to pay applicable impact fees or district assessments.
<b>PARKS AND OPEN SPACE ELEMENT</b>		
PC-13	Wetlands Protection. Protect the health and safety of the community by excluding development in environmentally sensitive areas which would result in a net loss of significant wetlands.	Consistent: No Opportunity Sites are located within wetland areas.
PC-18	Access to Sunlight. Consider the impact of new development on sunlight to existing public open spaces.	Consistent: Future housing development would be required to go to the Planning Commission for architectural review and approval. Further, development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).
<b>NOISE ELEMENT</b>		
N-1	Land Use Compatibility Standards. New development exposed to transportation noise sources must meet acceptable exterior noise level standards. The "normally acceptable" noise standards for new land uses are established in the Noise and Land Use Compatibility Guidelines (see Noise Element Background section) as modified below: a. The goal for maximum outdoor noise levels in residential areas is L <sub>dn</sub> of 60 dB. This level is a requirement to guide the design and location	Consistent: Development project would be required to comply with this policy.

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

Goal or Policy Number	Goal or Policy	Project Consistency
	<p>of future development and a goal for the reduction of noise in existing development. However, 60 L<sub>dn</sub> is a goal which cannot necessarily be reached in all residential areas within the realm of economic or aesthetic feasibility. This goal will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will not normally be applied to small decks associated with apartments and condominiums, but these will be evaluated on a case-by-case basis. Where the City determines that providing an L<sub>dn</sub> of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an L<sub>dn</sub> of 65 dB.</p> <p>b. The indoor noise level as required by the State of California Noise Insulation Standards must not exceed an L<sub>dn</sub> of 45 in multi-family dwellings. This indoor criterion shall also be the maximum acceptable indoor noise level in new single-family homes.</p> <p>c. Interior noise levels in new single-family and multi-family residential units exposed to an L<sub>dn</sub> of 60 dB or greater should be limited to a maximum instantaneous noise level in the bedrooms of 50 dBA. Maximum instantaneous noise levels in other rooms should not exceed 55 dB.</p> <p>d. If an area currently is below the desired noise standard, an increase in noise up to the maximum should not necessarily be allowed. The impact of project on an existing land use should be evaluated in terms of the increase in existing noise levels and potential for adverse community impact, regardless of the capability guidelines.</p>	
N-3	<p>Acoustical Studies. The City will use the noise guidelines and contours to determine if additional noise studies are needed for a proposed new development.</p>	<p>Consistent: Development would be required to comply with this policy.</p>
N-4	<p>Residential and Other Noise Sensitive Uses in Commercial or Industrial Areas. New residential or other noise sensitive development or activities will not be allowed where the noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in the table below, as modified (table shown in Noise Element, Policy N-4, page 6-15).</p> <p>a. In the event the measured ambient noise level exceeds the applicable noise level standard in any category expressed in the table, the applicable standard will be adjusted so as to equal the ambient</p>	<p>Consistent: Development would be required to comply with this policy.</p>

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

Goal or Policy Number	Goal or Policy	Project Consistency
	noise level to establish a noise standard capable of being enforced through the City’s Noise Ordinance. b. Each of the noise level standards specified in the table above will be reduced by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises due to the greater annoyance factor associated with these types of noise.	
N-5	Mitigating Impacts on Surrounding Uses. The City will require proposals to reduce noise impacts on adjacent properties through the following and other means, as appropriate: a. Screen and control noise sources such as parking, outdoor activities and mechanical equipment. b. Increase setbacks for noise sources from adjacent dwellings. c. Wherever possible do not remove fences, walls or landscaping that serve as noise buffers, although design, safety and other impacts must be addressed. d. Use soundproofing materials and double-glazed windows. e. Control hours of operation, including deliveries and trash pickup to minimize noise impacts.	Consistent: Development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).
N-7	Compliance with State Noise Insulation Standards. The adopted Noise Element will serve as a guideline for compliance with the State’s noise insulation standards. Recognizing the need to provide acceptable habitation environments, State law requires noise insulation of new multi-family dwellings constructed within the 60 dB L <sub>dn</sub> noise exposure contours. It is a function of the Noise Element to provide noise contour information around all major sources in support of the sound transmission control standards (Chapter 2-35, Part 2, Title 24, California Administrative Code).	Consistent: Development would comply with State Noise Insulation Standards.
N-8	Protecting Existing Residential Areas. Protect the noise environment in existing residential areas. In general, the City will require the evaluation of mitigation measures for projects that would cause the L <sub>dn</sub> to increase by 3 dB or more, if the increase would result in an L <sub>dn</sub> greater than 60 dB or if the L <sub>dn</sub> already exceeds 60 dB. Projects with the potential to generate significant adverse community controversy must also be evaluated. Noise created by commercial or industrial sources associated with new projects, developments or new or existing activities conducted by existing developments or companies shall be controlled so as not to exceed the noise level standards set forth in	Consistent: Development would need to comply with Policy H-B-5, requiring review of potential environmental impacts when a development is proposed that meets threshold requirements for review under the California Environmental Quality Act (CEQA).

**TABLE IV.A-2 EXISTING GENERAL PLAN POLICIES WITH ENVIRONMENTAL FOCUS**

<b>Goal or Policy Number</b>	<b>Goal or Policy</b>	<b>Project Consistency</b>
	"Noise and Land Use Compatibility Standards for Industrial and Commercial Noise Sources" table as measured at any affected residential land use.	
<b>CONSERVATION ELEMENT</b>		
C-1	Water Resources. Conserve water resources in existing and new development.	Consistent: Program H-A-3-c directs working with EMID to develop water conservation requirements that will ensure sufficient water capacity to accommodate the RHNA, such as the potential use of water demand offset policies and/or require new and renovated developments to be "net neutral", i.e., use both on-site and off-site conservation measures to not increase net water demand.
C-3	Air Quality. Reduce the impact of development on local air quality.	Consistent: Policy H-B-5 requires proposed housing developments that meet the threshold requirements for review under CEQA to perform a review of potential environmental impacts, and program H-B-5-a requires new projects to evaluate and mitigate potential air quality impacts from project traffic and other significant sources to comply with BAAQMD standards.
C-4	Energy Conservation. Promote energy conservation in new and existing development (see Housing Element).	Consistent: Policy H-B-3 encourages adoption of energy conservation measures and promotes energy conservation programs.
C-5	Solid Waste. Reduce the generation of solid waste through recycling and other methods.	Consistent: Any new development would be required to adhere to applicable solid waste regulations.
C-6	Wildlife Habitat. Protect the wildlife habitat located in the wildlife refuge, 100-foot regulated shoreline band, wetland areas and the Foster City Lagoon System.	Consistent: The project would not conflict with any local goals, policies, or programs protecting wildlife habitat.

Source: Foster City General Plan, 2019.

## (2) Standard Conditions of Approval

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, Foster City has adopted the following Standard Conditions of Approval (SCOAs) and mitigation measures that would apply to the project. No specific SCOAs or mitigation measures specific to land use were adopted.

## 3. Impacts, Standard Conditions of Approval, and Mitigation Measures

This section analyzes the impact related to land use and planning that would result from implementation of the project. It begins with the criteria of significance, establishing the thresholds to determine whether an impact is significant. The latter part of this section describes the land use impacts associated with the project and identifies mitigation measures to address these impacts as needed.

It should be noted that policy conflicts do not, in and of themselves, constitute a significant environmental impact unless it is a policy adopted for the purpose of avoiding or mitigating an environmental effect and the inconsistency would result in a significant adverse *physical* impact. Please note that planning documents that pertain to specific technical topics (e.g., Air Quality) are discussed in those topical sections of this Draft EIR.

### a. Significance Criteria

Implementation of the project would have a significant impact related to land use utilizing CEQA Guidelines Appendix G if it would:

1. Physically divide an established community; or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### b. Analysis and Findings

The following discussion describes the potential impacts associated with land use that would result from the project.

#### (1) Physically Divide an Existing Community (Criterion 1)

Physically dividing an existing community typically occurs when a physical barrier is constructed that impedes movement within a community. For example, construction of a freeway or rail line through an existing community would substantially impair movement between the two portions

of the bisected community. Such an impact could also result from the removal of a bridge linking two areas of a community.

Implementation of the project would result in the rezoning of some sites to allow residential development or more intense residential development and the construction of new housing units and include the rezoning of some sites to allow residential development or more intense residential development. The Housing and Safety Elements do not propose any roadway or utility changes and would not physically divide an existing community. The type of residential and mixed-use development that could be developed under the Housing Element and associated General Plan and Zoning amendments is not the type of land use that would physically divide a community, such as a construction of a freeway, or a large and gated community might.

## **(2) Conflict with Environmental Land Use Policy and Plans (Criterion 2)**

### **General Plan and Zoning**

As shown in Table IV.A.2 above, the project does not conflict with any General Plan policies. The project includes amendments to the City of Foster City General Plan, including the Housing Element and the Safety Element. The amendments would comply with State planning law and the Housing Accountability Act and would help the City meet its RHNA obligation as determined by ABAG. The project is a policy and planning document that identifies sites for future housing development. The proposed Housing Element policies would encourage development of new housing units and rehabilitation of existing housing units. Additional policies would reduce government constraints to housing development and would include zoning code amendments to facilitate meeting this objective.

These actions as part of the project would not result in a conflict with land use policy and plans. Future housing development pursuant to the proposed Housing Element would be required to be consistent with the amended General Plan and zoning designation, including policies and programs adopted for the purpose of avoiding or reducing adverse physical effects on the environment. As future housing projects are proposed, they would be reviewed for consistency with the General Plan and the applicable zoning regulations.

The project would not eliminate or modify any policies or measures from the General Plan that are intended for environmental protection and as demonstrated in Table IV.A-2, would not conflict with any General Plan policies or measures that are intended for environmental protection.

## Plan Bay Area 2050

The project is consistent with the regional and sub-regional growth projections contained in *Plan Bay Area 2050*, which is a planning document that was adopted for the purpose of avoiding or mitigating an environmental effect. Among other objectives, *Bay Area 2050* was developed to help the region reduce GHG emissions. The strategies are intended to protect vulnerable communities from sea level rise, wildfires, and earthquakes while improving air quality—all explicit environmental objectives.

*Plan Bay Area 2050* encourages both market-rate and affordable housing development in High-Resource Areas and Transit-Rich Areas (two of the four growth geographies designated in the plan) in order to promote a healthier balance of jobs and housing throughout the Bay Area. To date, ABAG and MTC have not prepared detailed maps at the local level of the four growth geographies. However, the agencies provide an interactive online GIS map of the nine-county Bay Area that allows users to zoom in to specific localities.<sup>7</sup> The map displays all of the designated growth geographies, but they are all consolidated, so it's not possible to determine which of the four geographies applies to a particular area.

There are no *Plan Bay Area 2050* growth geographies located within the city, but there are growth areas located south and west of the city. Since one of the purposes of the growth geographies is to encourage the development of housing in proximity to existing and future employment centers and/or public transit, housing developed in close proximity to a growth area would contribute to meeting this objective. Furthermore, the housing sites within the Housing Element demonstrate a capacity to develop new housing well above the City's RHNA. The proposed housing sites would further new housing development in Foster City in compliance with its RHNA, which would advance residential growth promoted in *Plan Bay Area 2050*. The housing sites identified in the proposed Housing Element are generally supportive of and consistent with the residential growth fostered in *Plan Bay Area 2050* and demonstrates the project's consistency with *Plan Bay Area 2050*.

RHNA and *Plan Bay Area 2050* discuss planning for housing on two separate time horizons: RHNA focuses on the shorter-term with its 8-year cycle, while *Plan Bay Area 2050* presents a longer-term vision for the next 30 years. The two efforts, however, are coordinated, with RHNA's near-term focus setting the stage for early implementation of *Plan Bay Area 2050's* envisioned growth pattern.

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<sup>7</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050 Growth Geographies*. Available at: <https://opendata.mtc.ca.gov/datasets/d74d81cfce2a4bc9851858f087b78f49/explore?location=38.002291,-121.766977,15.00>, accessed November 19, 2022.

One of the primary objectives of the project (the Housing and Safety Elements Update) being considered in this EIR is to identify housing sites and policies and programs that will help the City meet its RHNA obligation as assigned by ABAG. The draft Housing Element Update demonstrates that the city has capacity to accommodate 3,199 housing units, which is 1,303 housing units beyond its RHNA of 1,896 housing units, a buffer of approximately 69 percent. The project is inherently consistent with RHNA, and RHNA, as explained above, is consistent with *Plan Bay Area 2050*. Thus, the project is consistent with *Plan Bay Area 2050*.

As demonstrated in the preceding discussions and Table IV.A-2, neither the Housing or Safety elements updates would conflict with a land use plan or policy adopted for the purpose of avoiding or reducing an adverse environmental effect. This would be a less-than-significant impact.

### **Airport Land Use Plans**

No site-specific development projects are proposed as part of the project evaluated within this EIR. As specific projects are proposed, they would be required to meet development requirements identified in the applicable airport land use plans, which would include all appropriate disclosures and height limitations. The proposed project would not conflict with a land use plan or policy adopted for the purpose of avoiding or reducing an adverse environmental effect; this would be a less-than-significant impact.

### **San Francisco Bay Plan**

BCDC has jurisdiction over development in the shoreline areas, the area within a band measured 100 feet landward from the shoreline of the Bay, and certain salt ponds, managed wetlands, and waterways. While the majority of inventory sites are outside of the 100-foot band, it is possible that portions of the Schooner Bay Apartment inventory site could be within 100 feet of the Belmont Slough and fall within BCDC jurisdiction. This site is currently developed with residential uses, and implementation of the project would result in an increase in residential development. Any future development project within areas of BCDC's jurisdiction would be reviewed by BCDC for conformance with the San Francisco Bay Plan. The proposed project would have a less-than-significant impact related to potential conflicts with the San Francisco Bay Plan.

### **c. Cumulative Impacts**

As explained above, the project consists of an updated Housing and Safety Element consistent with the State's regulatory requirements. As part of the project, General Plan amendments and zoning actions would be required to bring this chapter to conformance and there would be no specific development proposal as part of this project. For those reasons, implementation of the project would not result in a significant land use impact by potentially physically dividing an

established community; therefore, it would not make a cumulatively considerable contribution to an environmental impact related to physically dividing an established community.

The project would be consistent with applicable land use plans and policies adopted for the purpose of avoiding or reducing an adverse environmental effect. Foster City's General Plan policies meeting this criterion are listed in Table IV.A-2, which provides a brief explanation of how the project would be consistent with each policy; no policy conflicts are identified. As a result, the Housing and Safety Elements Update project would not make a cumulatively considerable contribution to conflicts, given it would make no contribution, with land use plans and policies adopted for the purpose of avoiding or reducing an adverse environmental effect and no impact would occur.

While future development in Foster City could conflict with environmental policies adopted by the City, such projects would either need to be modified to conform with adopted policy or obtain approval of a general plan amendment to modify the applicable policy, which would require subsequent CEQA review. Given this project has no conflicts, it would not contribute to any conflicts associated with future projects and no cumulative impact associated with this project would occur.

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## B. TRAFFIC AND TRANSPORTATION

### 1. Setting

This section describes the existing transportation and circulation system—including roadway, bicycle, pedestrian, and transit facilities within Foster City; discusses project-generated vehicle miles traveled (VMT); and assesses the potential impacts of the Housing and Safety Elements Update project on the transportation system.

#### a. Transit System

Transit service within Foster City is provided by several agencies. San Mateo County Transit District (SamTrans) and Alameda-Contra Costa Transit District (AC Transit) provide bus service, while Commute.org operates shuttle routes connecting to Bay Area Rapid Transit (BART) and Caltrain stations. Figure IV.B-1 illustrates the transit routes in Foster City. Descriptions of these routes, the hours of operation, and their service headways (time between arrivals) are described below and summarized in Table IV.B-1.

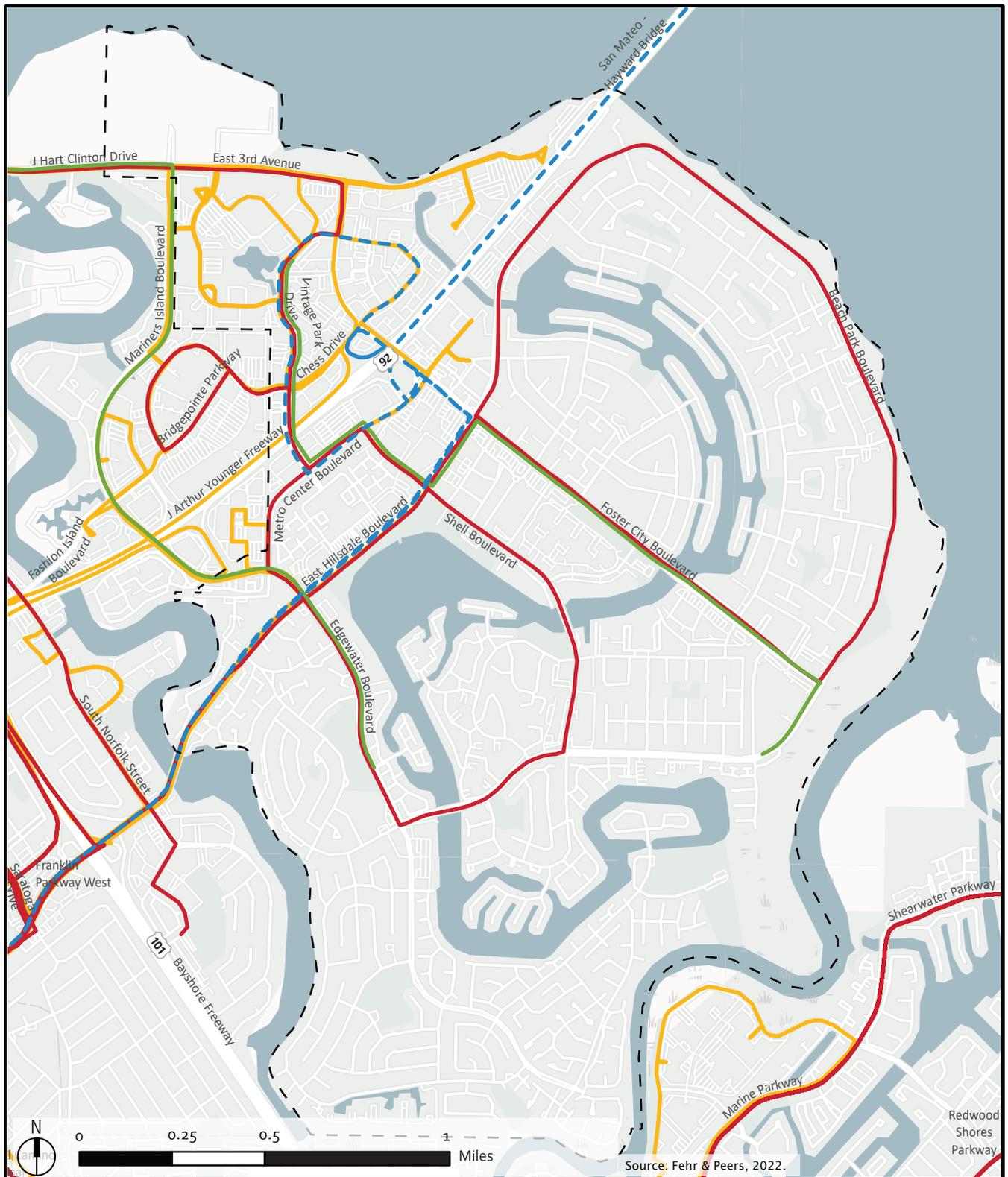
##### (1) SamTrans

SamTrans operates Route 251, Route 256, Route 54, Route 57, and Route FCX in Foster City. Route 251 provides a connection between the Hillsdale Shopping Center and Hillsdale Caltrain station in San Mateo, Foster City, and the Bridgepointe Shopping Center in San Mateo. Route 256 operates along the same route as Route 251, but in the opposite direction for the loop within Foster City. Routes 54 and 57 serve the weekday morning and afternoon school commute to/from Bowditch Middle School and Hillsdale High School in Foster City and San Mateo, respectively. Route FCX (Foster City Commuter Express) operates weekday morning and evening express service between Foster City and downtown San Francisco.

In addition to its traditional bus routes, SamTrans runs paratransit service for persons with disabilities through its Redi-Wheels program. The Foster City Parks & Recreation Department's Senior Express Shuttle also operates on-demand service for Foster City residents who are 50 years of age and above.

##### (2) AC Transit

AC Transit provides Transbay service between Hayward and San Mateo. Line M operates across the San Mateo Bridge/State Route (SR-) 92 and travels on Foster City Boulevard, Chess Drive, Vintage Park Drive, Metro Center Boulevard, and East Hillsdale Boulevard in Foster City. Although AC Transit is not currently providing service on this route due to the lingering effects of the COVID-19 pandemic, AC Transit continues to include this route in short and long-term plans and has not announced that service on this route would be permanently removed.



-  Foster City City Limit
-  AC Transit Bus Service (Currently Discontinued but Expected to Return)
-  Foster City Commuter Express (Weekday Peak Only - Operated by SamTrans)
-  SamTrans Bus Service
-  Commute.Org Shuttle Service (Weekday Peak Only)

Figure IV-B.1  
Foster City Transit Services

**TABLE IV.B-1 EXISTING TRANSIT SERVICE**

Service Provider	Name/Description	Hours of Operation (Headways)
SamTrans	251 – Caltrain Connection	6:30 a.m. – 8:17 p.m. Weekdays (60 min.) 7:30 a.m. – 7:20 p.m. Saturdays (60 min.)
	256 – Caltrain Connection	6:30 a.m. – 7:51 p.m. Weekdays (seven buses) 7:30 a.m. – 7:51 p.m. Saturdays (seven buses)
	54 – School Service	7:39 a.m. – 8:05 a.m. Weekdays (one bus) 1:50 p.m. – 3:40 p.m. Weekdays (six buses)
	57 – School Service	6:50 a.m. – 7:20 a.m. Weekdays (one bus) 2:10 p.m. – 3:39 p.m. Weekdays (four buses)
	FCX – Foster City Commuter Express	6:30 a.m. – 8:53 a.m. Weekdays (two buses) 5:18 p.m. – 7:23 p.m. Weekdays (two buses)
AC Transit	M – Transbay Service	5:57 a.m. – 6:53 p.m. Weekdays (40 min.)
Commute.org Shuttles	Foster City – North BART/Caltrain	6:32 a.m. – 9:41 a.m. Weekday (four buses) 3:53 p.m. – 7:23 p.m. Weekday (four buses)
	Foster City – Lincoln Centre Caltrain	7:03 a.m. – 9:25 a.m. Weekday (four buses) 3:16 p.m. – 6:27 p.m. Weekday (four buses)
	Mariners Island Caltrain	6:42 a.m. – 9:51 a.m. Weekday (four buses) 3:56 p.m. – 7:08 p.m. Weekday (four buses)

<sup>a</sup> Service is currently suspended as of August 2022.  
 Source: SamTrans, AC Transit, Commute.org.

**(3) Commute.org Shuttles**

The Foster City-North BART/Caltrain Shuttle provides service operated by commute.org between the Millbrae Intermodal Station and businesses and office buildings in the North Foster City Area during commute hours, Monday through Friday.

Commute.org operates two other shuttle buses during weekday commute hours: Foster City-Lincoln Centre Caltrain Shuttle and Mariners Island Caltrain Shuttle. The Lincoln Centre Shuttle runs between the Hillsdale Caltrain Station and businesses in the Lincoln Centre Area in North Foster City. The Mariners Island Shuttle provides service between the Hillsdale Caltrain Station and businesses in the San Mateo and Foster City border areas.

**b. Roadway Network**

Figure IV.B-2 presents the roadways, intersections, and freeway segments within Foster City.

**(1) Regional Highways**

SR-92 is a State highway that runs in an east-west direction from Half Moon Bay, near the coast, to Hayward on the east side of San Francisco Bay via the San Mateo Bridge. SR-92 has partial interchanges (hook ramps) with Chess Drive/Foster City Boulevard/Metro Center Boulevard and



[- - -] Foster City City Limit

Figure IV-B.2  
Foster City Roadways

Edgewater Boulevard/Mariners Island Boulevard/Fashion Island Boulevard within the study area. It generally has three travel lanes in each direction east of US 101 and two travel lanes in each direction west of US 101, with auxiliary lanes between interchanges. Average daily volumes on SR-92 through the study area range from 147,000 vehicles between US 101 and Mariners Island Boulevard to 98,000 vehicles at the San Mateo Bridge.

US 101 is an Interstate freeway that provides regional north-south access along the San Francisco Peninsula. In the vicinity of Foster City, US 101 typically has four travel lanes in each direction with an auxiliary lane between interchanges. Although US 101 does not run directly through Foster City, it provides the primary north-south regional access to Foster City via interchanges at SR-92, East Hillsdale Boulevard, and East 3<sup>rd</sup> Avenue in the City of San Mateo. Average daily traffic volumes on US 101 through Foster City range from 233,000 vehicles at East Hillsdale Avenue to 263,000 vehicles north of SR-92.

## (2) Local Roadways

*Metro Center Boulevard* is a four-lane, east-west roadway that runs between Edgewater Boulevard and Foster City Boulevard where it becomes Triton Drive. Access to eastbound SR-92 is provided by hook ramps just west of Foster City Boulevard.

*Foster City Boulevard* is a four- to six-lane arterial that extends from East 3<sup>rd</sup> Avenue, across SR-92, to Beach Park Boulevard. It is a major north-south arterial in Foster City. On-street parking is allowed along northbound Foster City Boulevard between Bounty Drive and approximately 450 feet south of East Hillsdale Boulevard.

*Shell Boulevard* is a four-lane arterial that runs north-south from Metro Center Boulevard to Beach Park Boulevard.

*Chess Drive* extends eastward from Bridgepointe Parkway past Foster City Boulevard and then curves around to the north and west to intersect with Foster City Boulevard at Vintage Park Drive. Access to westbound SR-92 is provided via hook ramps just west of Foster City Boulevard. Chess Drive is four lanes wide west of Foster City Boulevard and two lanes wide to the east. On-street parking is allowed along Chess Drive to the east of Hatch Drive.

*East Hillsdale Boulevard* is a four- to six-lane divided arterial that runs in an east-west direction south of SR-92. It has a full-access interchange with US 101 in the City of San Mateo. Foster City recently implemented turn restrictions to prevent eastbound left turns from East Hillsdale Boulevard onto Edgewater Boulevard and Shell Boulevard during the PM peak period as part of the Traffic Relief Pilot Program to discourage freeway traffic traveling between US 101 and SR-92 from cutting through Foster City.

*Edgewater Boulevard* is the continuation of Mariners Island Boulevard south of SR-92. It is four lanes wide with on-street parking south of East Hillsdale Boulevard.

*Beach Park Boulevard* is a two- to four-lane roadway that runs along the eastern edge of Foster City until it turns into East Hillsdale Boulevard, just south of SR-92. It is a two-lane residential street west of Edgewater Boulevard with on-street parking on both sides of the street. It is a four-lane roadway east of Edgewater Boulevard with on-street parking allowed north of Foster City Boulevard.

*East 3<sup>rd</sup> Avenue* is a four-lane divided roadway that runs in an east-west direction along the San Francisco Bay shoreline north of SR-92. It has a full access interchange with US 101 in the city of San Mateo.

### (3) Vehicle Miles Traveled (VMT)

The City/County Association of Governments of San Mateo County Travel Demand Model (C/CAG Model) was used to determine the baseline 2020 home-based VMT for Foster City, San Mateo County, and the nine-county San Francisco Bay Area region. The total home-based VMT and the average home-based VMT per resident for these areas are shown in Table IV.B-2 below.

**TABLE IV.B-2 VMT SUMMARY: EXISTING SETTING**

VMT Area	Home-Based VMT 2020 Base	Home-Based VMT/Resident 2020 Base
Bay Area Regional Average	99,037,584	12.8
Countywide Average	9,353,202	12.2
Citywide Average	466,260	14.6
85% of 2040 Bay Area Average	-	10.9

Source: City/County Association of Governments of San Mateo County (C/CAG) Travel Demand Model; Fehr & Peers, May 2022.

### c. Bicycle System

Bicycle facilities include Class I multi-use paths, Class II bike lanes, Class III bike routes, and Class IV protected bike lanes. Class I multi-use paths are paved pathways or trails that are not on streets shared with vehicles. Class II bike lanes are lanes on the outside edge of roadways that are intended for the exclusive use of bicycles and are designated with special signing and pavement markings. Class III bike routes are roadways designated for bicycle use with only a bike route sign. Class IV protected bike lanes are on-street bike lanes that are physically separated from the vehicle travel lane with infrastructure beyond painted pavement markings.

The bicycle facilities in Foster City are shown in Figure IV.B-3. Class I bicycle paths are provided near and along the bay shoreline as part of the Bay Trail. Class II bike lanes run along Mariners Island Boulevard, Norfolk Street, Bridgepointe Circle, and Bridgepointe Parkway. Class III bicycle routes are located on Foster City Boulevard, Vintage Park Drive, East 3<sup>rd</sup> Avenue, Lakeside Drive, Metro Center Boulevard, Shell Boulevard, and East Hillside Boulevard.

#### **d. Pedestrian Facilities**

Pedestrian facilities comprise sidewalks, off-street pathways, marked and enhanced crosswalks (mid-block and at intersections), curb ramps, median refuges, and pedestrian-scale lighting. Sidewalks are provided along both sides of many streets within Foster City, with marked crosswalks and curb ramps at intersections. At smaller intersections where a local street meets a main arterial, such as the intersection of Foster City Boulevard/Polynesia Drive, marked crosswalks rarely exist and traffic is often uncontrolled on the larger roadway. Pedestrian signals with pedestrian-activated push buttons are provided at signalized intersections. Medians are often present on the wide boulevards, but median curb cuts are rarely provided for pedestrian refuge.

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to transportation and circulation.

### **a. Federal**

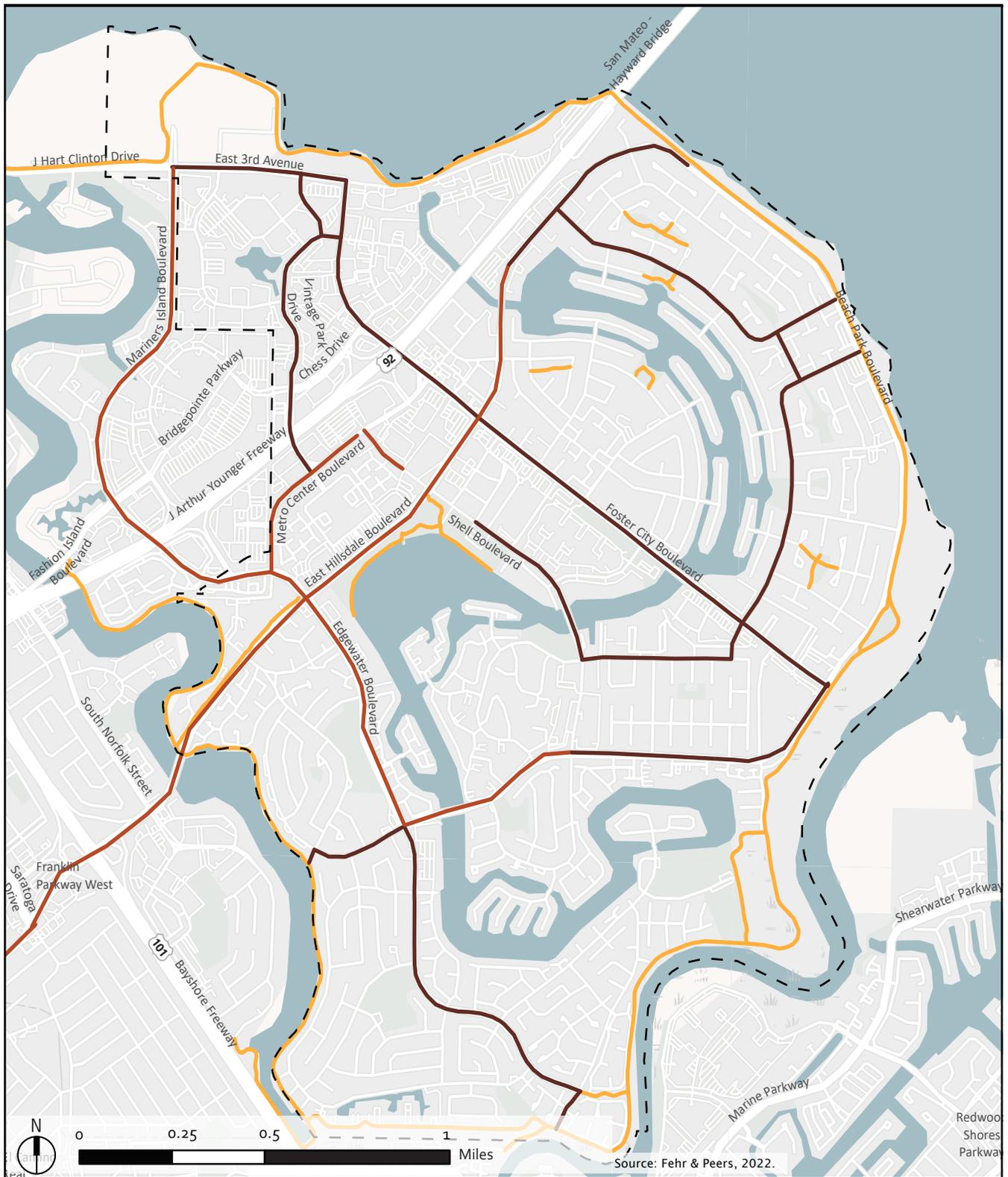
No federal plans, policies, regulations, or laws related to transportation and circulation are applicable to the project.

### **b. State**

The following provides an overview of State legislation and policies that pertain to transportation at the local level.

#### **(1) Senate Bill 375**

Senate Bill (SB) 375 provides guidance regarding curbing emissions from cars and light trucks. There are four major components to SB 375. First, SB 375 requires regional greenhouse gas (GHG) emission targets. These targets must be updated every 8 years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, Metropolitan Planning Organizations are required to create a Sustainable Communities Strategy (SCS) that provides a plan for meeting regional targets. Third, SB 375 requires housing elements and transportation plans to be synchronized on 8-year schedules. Finally, Metropolitan Planning



-  Foster City City Limit
-  Class I
-  Class II
-  Class III

Source: Fehr & Peers, 2022.

Figure IV-B.3  
Foster City Bike Facilities

Organizations must use transportation and air emissions modeling techniques that are consistent with the guidelines prepared by the California Transportation Commission.

## **(2) Senate Bill 743**

Passed in 2013, California SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving. The change is being made by replacing level of service (LOS) as a performance metric with a VMT approach. This shift in transportation impact focus is intended to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through development of multimodal transportation networks. LOS or other delay metrics may still be used to evaluate the impact of projects on drivers as part of land use entitlement review and impact fee programs.

In December 2018, the Natural Resources Agency finalized updates to Section 15064.3 of the CEQA Guidelines, including the incorporation of SB 743 modifications. The Guidelines' changes were approved by the Office of Administrative Law and as of July 1, 2020, are now in effect statewide.

To help aid lead agencies with SB 743 implementation, the Governor's Office of Planning and Research (OPR) produced the Technical Advisory on Evaluating Transportation Impacts in CEQA that provides guidance about the variety of implementation questions they face with respect to shifting to a VMT metric. Key guidance from this document includes:

- VMT is the most appropriate metric to evaluate a project's transportation impact.
- OPR recommends tour- and trip-based travel models to estimate VMT, but ultimately defers to local agencies to determine the appropriate tools.
- OPR recommends measuring VMT for residential and office projects on a "per rate" basis.
- OPR recommends that a per capita or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold. In other words, an office project that generates VMT per employee that is more than 85 percent of the regional VMT per employee could result in a significant impact. OPR notes that this threshold is supported by evidence that connects this level of reduction to the State's emissions goals.
- OPR recommends that where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.
- Lead agencies have the discretion to set or apply their own significance thresholds.

The City of Foster City has not adopted local VMT policies or significance thresholds, and therefore follows OPR's Technical Advisory guidance for VMT analysis.<sup>1</sup>

### **(3) Caltrans**

Caltrans issued the VMT-Focused Transportation Impact Study Guide (TISG) in May 2020, providing the process by which Caltrans will review and assess VMT impacts of land development projects. The TISG generally aligns with the guidance in OPR's Technical Advisory.

Caltrans also issued the Transportation Analysis Framework (TAF) in September 2020, which details the methodology for calculating induced travel demand for capacity-increasing transportation projects on the State Highway System. Caltrans also issued the Transportation Analysis Under CEQA (TAC) guidance in September 2020 which describes significance determinations for capacity-increasing projects on the State Highway System. It is noted that the project does not propose any changes to the Caltrans-owned and operated network.

Caltrans also issued Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioner Guidance in December 2020, describing the methods with which Caltrans will assess the safety impacts of projects on the Caltrans-owned and operated network. This guidance states that Caltrans will provide its safety assessment to lead agencies for inclusion in environmental documents.

Finally, Caltrans has adopted procedures to oversee construction activities on and around its facilities. The Caltrans Construction Manual<sup>2</sup> describes best practices for construction activities, including personnel and equipment safety requirements, temporary traffic control, signage, and other requirements aimed at reducing construction-related hazards and constructing projects safely and efficiently. Any work proposed on Caltrans facilities would be required to abide by these requirements.

### **c. Regional**

Regional policies applicable to local transportation are summarized below.

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<sup>1</sup> Office of Planning and Research, 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available at: [https://opr.ca.gov/docs/20180416-743\\_Technical\\_Advisory\\_4.16.18.pdf](https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf), accessed February 9, 2023.

<sup>2</sup> Caltrans, 2020b. Construction Manual. Available at: <https://dot.ca.gov/programs/construction/construction-manual>, accessed November 29, 2022.

### **(1) Metropolitan Transportation Commission**

The Metropolitan Transportation Commission (MTC) is responsible for planning, coordinating, and financing transportation projects in the nine-county Bay Area. The local agencies that comprise these nine counties help the MTC prioritize projects based on need, feasibility, and conformance with federal and local transportation policies. In addition to coordinating with local agencies, the MTC distributes State and federal funding through the Regional Transportation Improvement Program.

### **(2) Plan Bay Area**

Plan Bay Area 2050 is a State-mandated, integrated long-range transportation and land use plan. As required by SB 375, all metropolitan regions in California must complete an SCS as part of a Regional Transportation Plan. This strategy integrates transportation, land use and housing to meet GHG reduction targets set by the California Air Resource Board (CARB). The plan meets those requirements. In addition, the plan sets a roadmap for future transportation investments and identifies what it would take to accommodate expected growth. The plan neither funds specific transportation projects nor changes local land use policies.

In the Bay Area, the MTC and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2050 in October 2021. To meet the GHG reduction targets, the plan identifies four Growth Geographies where future growth in housing and jobs should be focused: priority development areas (PDAs), priority production areas (PPAs), transit-rich areas (TRAs), and high-resource areas (HRAs). The agencies estimate more than 80 percent of housing growth would occur within TRAs and nearly 30 percent would occur within HRAs, and more than 60 percent of job growth would be located within walking distance of high-quality transit between 2015 and 2050.

### **(3) City/County Association of Governments of San Mateo Congestion Management Program**

The purpose of the Congestion Management Plan (CMP) is to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide transportation solutions. To monitor attainment of the CMP, the City/County Association of Governments of San Mateo County (C/CAG) adopted the roadway LOS standards. The LOS standards established for San Mateo County vary by roadway segments and conform to current land use plans and development differences among the coast, bayside, older downtowns, and other areas of San Mateo County. C/CAG has a countywide threshold of 100 added peak-hour trips when determining if any CMP roadway facilities should be included as part of the TIA.

#### **(4) San Mateo County Comprehensive Bicycle and Pedestrian Plan**

The San Mateo County Comprehensive Bicycle and Pedestrian Plan was developed by the C/CAG with support from the San Mateo County Transportation Authority to address the planning, design, funding, and implementation of bicycle and pedestrian projects countywide. The following lists relevant goals and policies:

***Goal 2: More People Riding and Walking for Transportation and Recreation.***

***Policy 2.6: Serve as a resource to county employers on promotional information and resources related to bicycling and walking.***

***Goal 4: Complete Streets and Routine Accommodation of Bicyclists and Pedestrians.***

***Policy 4.1: Comply with the complete streets policy requirements of Caltrans and the Metropolitan Transportation Commission concerning safe and convenient access for bicyclists and pedestrians and assist local implementing agencies in meeting their responsibilities under the policy.***

***Policy 4.5: Encourage local agencies to adopt policies, guidelines, standards, and regulations that result in truly bicycle-friendly and pedestrian-friendly land use developments and provide them technical assistance and support in this area.***

***Policy 4.6: Discourage local agencies from removing, degrading, or blocking access to bicycle and pedestrian facilities without providing a safe and convenient alternative.***

#### **d. Local**

The City's policies and other standards that relate to transportation are summarized below.

##### **(1) General Plan Policies**

The Land Use and Circulation Element of the Foster City General Plan was adopted in February 2016. The applicable circulation goals, policies, and programs related to transportation impacts related to the construction of projects are included below. Foster City's City Council adopted amendments to the General Plan on September 3, 2019 (Resolution No. 2019-87) to include reference to the recently adopted Green Infrastructure Plan, which encourages all street design and development to incorporate green streets and green infrastructure best practices.

***Goal LUC-E: Provide for Diversified Circulation Needs. Develop, improve and maintain a circulation system which provides efficient and safe access for private vehicles, commercial vehicles, public transit, emergency vehicles, bicycles and pedestrians. Incorporate Green Streets features whenever feasible.***

***Policy LUC-E-1: Improvements to Existing Streets. The City will maintain and improve the existing system of major and collector streets and will incorporate Green Streets features to the maximum extent practicable and in conformance with the Municipal Regional Stormwater Permit (MRP).***

**Policy LUC-E-2: Complete Streets.** *The City will plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel. The City will be guided by the following Complete Streets Principles...*

**Policy LUC-E-3: Streets in Residential Neighborhoods.** *Residential neighborhoods shall be protected from through traffic by maintaining the system of narrower collector and local streets and minimizing the number of through streets. To accomplish this, the City may consider other traffic calming techniques, including, but not limited to Green Streets features.*

**Policy LUC-E-4: Private Streets and Public Loop or Cul-de-Sac Streets.** *The City will enforce design standards for private streets and public loop or cul-de-sac streets to ensure that they meet minimum requirements for two-way traffic, parking, and emergency access and include Green Streets features. Private streets and public loop or cul-de-sac streets may be approved with narrower than standard widths, provided that emergency access and parking can be safely accommodated. They are not intended to provide curbside parking, and the roads are designed to serve only those residences on that street or within that development.*

**Policy LUC-E-5: Access to New Commercial and Industrial Projects.** *New commercial and industrial developments shall be designed so that, wherever necessary and possible, entrance to the projects can be gained by way of left- or right-turn only lanes. Only the minimum number of entrance or exit points shall be allowed as are needed to ensure safe and efficient internal traffic flow and to reduce through traffic delays on public roads serving the project.*

**Policy LUC-E-6: Create Opportunities for Transit Access.** *Create opportunities to improve transit and access to regional transit with new or modified development, as appropriate.*

**Policy LUC-E-7: Coordination with Transit Agencies that Serve San Mateo County.** *The City shall work with SamTrans, Alameda-Contra Costa Transit District (AC Transit), the Peninsula Traffic Congestion Relief Alliance, RIDES and other agencies that serve San Mateo County in defining new transit routes and improving the public transit and transportation system, including incorporation of Green Infrastructure and Green Streets features where possible.*

**Policy LUC-E-8 Pedestrian, Bicycle and Neighborhood Electric Vehicle (NEV) Friendly Design.** *Encourage bicycling, walking and use of NEVs instead of driving automobiles to reduce greenhouse gas emissions, save money on fuel and maintenance, and foster a healthier population. Prioritize pedestrian and bicycle-friendly improvements including bike lanes on main streets, an urban bike-trail system, bike parking, pedestrian crossings, and associated master plans with new or modified development, as appropriate.*

**Policy LUC-E-9: Bicycle Routes and Pedestrian Paths.** *Maintain a system of bicycle routes and pedestrian paths, which will include separate bicycle lanes and posted bicycle routes. Pedestrian pathways and easements shall be maintained, either by the City, or, in the case of private ownership, according to a maintenance agreement or landscaping district agreement applicable to the pathway/easement.*

**Goal LUC-F: Maintain Acceptable Operating Conditions on the City's Road Network.** *Maintain acceptable operating conditions on the City's road network at or above LOS D, or equivalent measurement, and encourage the maximum effective use of public and private vehicles, reduce the growth in peak hour traffic volumes and reduce single passenger trips.*

**Policy LUC-F-1: Traffic Level of Service Standards.** *The City shall seek to achieve a traffic service level of "C" or better on City streets and level of "D" or better during peak traffic hours, although it will be necessary to accept level of service "E" or "F" at the SR-92 Westbound Ramps / Chess Drive, the Foster City Boulevard/Metro Center Boulevard/Triton Drive, Vintage Park Drive / Chess Drive, and the Foster City Boulevard / Chess intersections due to*

*their role as access points to the freeway system. The level of service standard will be maintained through the following means:*

- *Intelligent Transportation Systems (ITS).*
- *Transportation Demand Management (TDM) for development projects.*
- *Capital Improvement Program and coordination with federal, state, county and district funding programs for street and other transportation improvements.*
- *Developer payment of pro rata fair share of traffic improvement costs for new developments.*

**Goal LUC-G: Provide Adequate Parking. Ensure that adequate off-street parking is incorporated into new and modified projects and designed for safe and effective circulation.**

**Policy LUC-G-2: Preferred Parking/Electric Plug-in.** *Encourage businesses, developers, and property managers to create preferred parking for electric and alternative fuel vehicles and study the installation of electric charging stations for plug-in vehicles.*

**Policy LUC-G-3: Off-Street Parking Requirements.** *The City shall maintain off-street parking requirements based on use permits of record, the historical parking patterns of residential and non-residential projects, and related information developed by the Urban Land Institute, Institute of Traffic Engineers, or other reliable sources.*

**Goal LUC-H: Foster a More Sustainable Community. Strive to be a community that meets the needs of the present without compromising the ability of future generations to meet their own needs by promoting land use strategies that decrease reliance on automobile use, increase the use of alternative modes of transportation, maximize efficiency provision of services and reduce emissions of GHGs.**

**Policy LUC-H-2: Reduce GHG Emissions.** *The City will strive to reduce GHG emissions by reducing vehicle miles traveled by supporting trip reduction programs and encouraging the use of alternative fuels and transportation technologies.*

**Goal LUC-L: Provide Adequate Services and Facilities. Ensure that new and existing developments can be adequately served by municipal services and facilities.**

## **(2) Foster City Standard Conditions of Approval**

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015,<sup>3</sup> the City of Foster City adopted Standard Conditions of Approval (SCOAs) for large new and redevelopment projects. The following SCOAs related to transportation would apply to the project.

**SCOA 1.9:** Before commencing any work in the City's right-of-way (including trenching of complete streets), the applicant shall obtain an encroachment permit, posting the required bonds and insurance. The Engineering Division may require that trenchless methods be used for crossings and connections under streets.

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<sup>3</sup> City of Foster City, 2015. Final Environmental Impact Report for the Foster City General Plan Update and Climate Action Plan. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/community\\_development/page/15444/combined\\_feir\\_and\\_deir\\_foster\\_city\\_gp\\_and\\_cap.pdf](https://www.fostercity.org/sites/default/files/fileattachments/community_development/page/15444/combined_feir_and_deir_foster_city_gp_and_cap.pdf), accessed February 9, 2023.

**SCOA 1.12:** Prior to opening, details of sales office and/or model homes, including special landscaping, signing, parking and lighting shall be approved by staff.

**SCOA 2.20:** Prior to issuance of a building permit, the applicant shall contact and discuss with SamTrans the desirability for and location of bus turnouts for SamTrans buses, as well as providing see-through, covered bus shelters to serve the users of the development. The applicant shall respond in writing to the City with a letter from SamTrans indicating that improvements are not necessary or that the proposed improvements are satisfactory to SamTrans prior to issuance of a building permit.

**SCOA 2.21:** The timing of the installation of the proposed bus system improvements shall be established by the City, in coordination with SamTrans.

**SCOA 8.15:** Prior to issuance of a Building Permit, the applicant shall design for general public use, bicycle trails throughout the development with provisions for bicycle storage facilities to the satisfaction of the Engineering Division. Bike trails shall be constructed according to plan.

**SCOA 8.16:** Prior to issuance of a Building Permit, the applicant shall design a comprehensive pedestrian walkway system throughout the development to the satisfaction of the City and in compliance with the General Plan. The pedestrian walkway system shall be constructed according to plan.

**SCOA 9.9:** The applicant shall require all contractors to obtain and submit to City any transportation permits required by Caltrans. Contractors are further required to obtain a transportation permit from City for hauling on local streets. All vehicles hauling materials to the project site that exceed 12,000 pounds gross weight shall follow established truck route streets to the closest point of the job site unless directed otherwise by the Engineering Division.

**SCOA 10.24:** Prior to occupancy, all apartment buildings or condominium complexes shall be required to provide parking stalls designated and signed for visitor parking.

**SCOA 11.05:** Truck arrival and unloading operations shall be conducted in accordance with all applicable City Ordinance requirements. If noise associated with truck arrival or unloading operations becomes a problem, all future site lessees, operators and/or owners shall work with the City to develop a plan to minimize noise, including requiring an adjustment of truck arrival and/or unloading times.

**SCOA 11.07:** The current and future owners shall be responsible for implementing the Transportation Demand Management (TDM) Program required by the City/County Association of Governments on file with the Community Development Department and attached as Exhibit B. The owner or its successor in interest shall file an annual report by January 31 of each year with the Foster City Community Development Department documenting efforts undertaken and results achieved in the previous year pursuant to the TDM program.

**SCOA 11.16:** The applicant, HOA, or any future owner shall provide and conduct regular maintenance of the site in order to preserve all loading zones, fire lanes, and restricted parking zones as readily visible and identifiable.

### 3. Impacts, Standard Conditions of Approval, and Mitigation Measures

This section describes the analysis techniques, assumptions, and results used to identify potential significant impacts of the Housing and Safety Elements Update project on the transportation system. Transportation/traffic impacts are described and assessed, and mitigation measures are recommended for impacts identified as significant or potentially significant.

#### a. Traffic Impact Assessment under CEQA

State law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used LOS to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological and cultural resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects. In 2013, however, the Legislature passed legislation with the intention of ultimately doing away with LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of SB 743 (2013), Public Resources Code (PRC) Section 21099, subdivision (b)(1), directed the Governor's OPR to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section."

CEQA Guidelines section 21099(b)(2) further provides that "[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any."

Pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines section 15064.3 in late 2018. It became effective in early 2019. Subdivision (a) of that section provides that "[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects

of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) [regarding roadway capacity], a project's effect on automobile delay shall not constitute a significant environmental impact."

### **b. Significance Criteria**

Implementation of the project would have a significant impact related to transportation utilizing CEQA Guidelines Appendix G if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). For the purposes of this evaluation, this impact would be significant, if the implementation of the project would generate home-based VMT per resident that is higher than 85 percent of the Bay Area regional average home-based VMT per resident.
3. Result in designs for on-site circulation, access, and parking areas that fail to meet city or industry standard design guidelines.
4. Result in inadequate emergency access to development sites.

### **c. Methodology and Assumptions**

The VMT analysis methodology utilizes the procedures described in OPR's Technical Advisory. The procedures are summarized below.

#### **(1) Project Screening**

OPR's Technical Advisory includes five screening criteria that can be applied to screen projects out of conducting project-level VMT analysis.

1. **CEQA Exemption.** Any project that is exempt from CEQA is not required to conduct a VMT analysis.
2. **Small Projects.** Small projects can be presumed to cause a less-than-significant VMT impact. Small projects are defined as generating less than 110 trips per day.
3. **Local-Serving Uses.** Projects that consist of Local-Serving Uses can generally be presumed to have a less-than-significant impact absent substantial evidence to the contrary, since these types of projects will primarily draw users and customers from a relatively small geographic area that will lead to short-distance trips and trips that are linked to other destinations.
4. **Projects Located in Transit Priority Areas.** Projects located within a Transit Priority Area (TPA) can be presumed to have a less-than-significant impact absent substantial evidence to the contrary. This exemption would not apply if the project:

- Has a Floor Area Ratio (FAR) of less than 0.75;
  - Includes more parking for use by residents, customers, or employees than required by the lead agency (if the agency allows but does not require the project to supply a certain amount of parking);
  - Is inconsistent with the applicable SCS (as determined by the lead agency, with input from the MTC); or
  - Results in a net reduction in multi-family housing units.
5. **Projects Located in Low VMT Areas.** Residential and employment-generating projects located within a low VMT-generating area can be presumed to have a less-than-significant impact absent substantial evidence to the contrary.

For residential projects, a low VMT area is defined as an area with existing home-based VMT per resident that is 85 percent or less of the existing Bay Area regional average.

As will be discussed below under Impact TRANS-1, the project does not meet these five potential screening approaches and thus requires a full VMT assessment.

## (2) Projects Requiring VMT Analysis

A project not excluded from VMT analysis through the screening process described above is subject to a VMT analysis to determine if it has a significant VMT impact. The analysis scenarios and significance assessment are described below.

### Analysis Scenarios and Significance Test

The following scenarios are addressed in the VMT analysis. Note that, while the OPR guidance recommends that project-level impacts be evaluated against baseline conditions, for this analysis the home-based VMT per resident of the project is evaluated under both baseline (2020) and future (2040) conditions, because the build-out period is expected to be several years.<sup>4</sup>

- *Baseline (2020) Conditions:* The current version of the baseline (2020) C/CAG model is used to determine the baseline home-based VMT per resident for the traffic analysis zones (TAZs) comprising the project planning area, as well as to determine the Bay Area regional average VMT per resident and 85 percent of Bay Area regional average VMT per resident.
- *2040 Plus Project Conditions:* The proposed land use(s)—in this case, the proposed additional housing units within the project planning area—are added to the 2040 No Project model for

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<sup>4</sup> 2040 was used in lieu of 2050 because the planning period extends to 2031 and the use of 2040 allows for consideration of background (cumulative growth) in a manner consistent with the C/CAG regional travel demand model. Plan Bay Area 2050 does not provide forecasts specific to jurisdictions and is not yet reflected in the regional and county transportation models.

the relevant TAZs comprising the planning area, and a full 2040 Plus Project model run is performed.<sup>5</sup>

- *2040 Plus Project Significance Assessment:* The 2040 Plus Project home-based VMT per resident for the relevant TAZs comprising the project planning area is compared to the 2040 Bay Area regional home-based VMT per resident. If the home-based VMT per resident for the TAZs comprising the project planning area is higher than 85 percent of the Bay Area regional average home-based VMT per resident, the impact is significant.

#### **d. Analysis and Findings**

##### **(1) Consistency with Applicable Transportation Policies (Criterion 1)**

The following section provides an analysis of the project's consistency with applicable policies with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element are not expected to conflict with any applicable transportation policies as the Safety Element updates focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not discussed further in this section.

Implementation of the Housing and Safety Elements Update project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities and service. Additionally, development projects under the project would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities.

Specifically, any modifications or new transit, bicycle, and pedestrian facilities would be subject to and designed in accordance with all applicable General Plan policies. In particular, General Plan Policy LUC-E-2 requires that the City plan for a balanced multimodal transportation network. Policy LUC-E-6 promotes improvements to transit and regional transit access with new or modified development. Policy LUC-E-7 requires City coordination with transit agencies that serve San Mateo County, including SamTrans and the Alameda-Contra Costa Transit District (AC Transit), to define new transit routes and improve the transit system. Policy LUC-E-8 encourages bicycling and walking, and it prioritizes pedestrian and bicycle improvements, including bike lanes on major streets, bike parking, and pedestrian crossings. Policy LUC-E-9 calls for the maintenance of a system of bicycle routes and pedestrian paths, including separated bicycle lanes and posted bicycle routes. Finally, Policy LUC-H-2 states that the City will strive to reduce GHG emissions by reducing VMT.

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<sup>5</sup> Note that the travel demand model based on Plan Bay Area 2050 was not yet available for use in this analysis.

CEQA Guidelines described previously note that LOS shall not be used for environmental determinations, and therefore General Plan policies related to traffic flow are addressed separately through a General Plan compliance analysis for informational purposes only.

Because implementation of any safety policies and processes and residential development under the project would be subject to all applicable City guidelines, standards, and specifications, the project would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Therefore, the project would result in a less-than-significant impact to transit, bicycle, and pedestrian facilities.

## (2) Vehicle Miles Traveled (Criterion 2)

The following section provides a full VMT analysis with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element would not generate significant new VMT as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not specifically addressed in the VMT analysis. The section begins with an overview of the screening analysis and the determination that a full VMT analysis should be conducted, followed by the VMT approach and analyses, and the analysis results and impact and mitigation findings.

### Project Screening Analysis

The potential to screen the full project, or a portion of the project, from a full VMT analysis was considered, as described below. The five key screening criteria are addressed. For the reasons given, it was determined that a full VMT analysis should be conducted for the project.

1. **CEQA Exemption.** The project is not otherwise exempt from CEQA, so this criterion does not apply.
2. **Small Projects.** While it is possible that certain housing developments built under the project would generate less than 110 trips per day, this screening test would need to be applied as a part of individual project review and does not apply to the project program as a whole.
3. **Local-Serving Uses.** This screening criterion is intended to apply to commercial uses and is not relevant to residential project types.
4. **Projects Located in Transit Priority Areas.** There are no areas in Foster City that are currently in close proximity to a major transit stop, as defined by PRC section 21064.3. Therefore, TPA screening does not apply to the project program. However, if transit service is

added in the future that meets the requirements for a TPA, this screening test could be applied as part of individual project review.

5. **Projects Located in Low VMT Areas.** Screening based on location within a low-VMT area would be based on the VMT estimates provided by the C/CAG VMT Estimation Tool, at the TAZ level, using the C/CAG Travel Demand Model results. However, TAZ-based screening was not chosen for this analysis, because the City is considering residential development under the project as a whole, and project-specific details not available at the program level evaluation may be relevant to the VMT assessment of individual development proposals.

### **VMT Analysis**

The C/CAG Model allows analysts to forecast regional travel behavior as a function of local land use development decisions, transportation network infrastructure planning, and land use and network policies. The C/CAG Model reflects data included in Plan Bay Area 2040. Although the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) was recently replaced with adoption of Plan Bay Area 2050 by the MTC and ABAG, the C/CAG model is currently the best available tool for analysis of VMT impacts as it has the greatest level of detail of land uses and transportation facilities within Foster City.

Residential projects are evaluated based on the home-based VMT per resident VMT metric. Home-based VMT is defined as all home-based automobile vehicle trips traced back to the residence of the trip-maker. Non-home-based trips are excluded per OPR's Technical Advisory. The home-based VMT per resident VMT metric includes the entire length of the trips divided by the number of residents to calculate home-based VMT per resident.

This calculation is done in the C/CAG Model via the production and attraction trip matrices to be able to attribute automobile vehicle trips to the residence of the trip-maker. The C/CAG Model accounts for all trips within the nine-county Bay Area, and also includes travel data for trips between the Bay Area and the Association of Monterey Bay Area Governments (AMBAG) region and portions of the Central Valley.

### ***C/CAG TDM Plan***

C/CAG requires that all projects that generate over 100 peak hour trips prepare a TDM plan, even if those projects have a less than significant VMT impact. C/CAG requires the following TDM measures for residential projects:

- Offer residents an orientation of education program or materials.
- Provide a TDM coordinator or contact person.
- Actively participate in Commute.org, or Transportation Management Association equivalent (for residential projects with 50 or more units).

- Provide transit or ridesharing passes and subsidies.
- Provide secure bicycle storage.
- Design streets to encourage bicycle and pedestrian access.

These measures are effective at reducing the VMT generated by individual developments consistent with the project as noted in the statewide guidance on TDM effectiveness: California Air Pollution Control Officers Association’s (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.<sup>6</sup> However, the C/CAG model does not account for these measures and therefore their effectiveness is not included in HEU VMT estimates.

*Housing Element Update Land Use*

Table IV.B-3 shows the housing units associated with the project separated by site type and affordability levels. The project would provide for 3,199 total residential units within the associated planning area (refer to *Chapter III, Project Description*, for more information on the project planning area locations). These totals are inclusive of the approved and under-review development. The total proposed residential units exceed RHNA allocation totals for all bands of affordability in order to provide the required buffers for the affordable housing categories.

**TABLE IV.B-3 HOUSING ELEMENT UPDATE LAND USE SUMMARY**

Sites	Affordability				Total
	Extremely Low/Very Low	Low	Moderate	Above Moderate	
Pipeline Projects	2	1	1	29	33
Proposed Projects	90	80	10	853	1,033
Accessory Dwelling Units	7	7	7	3	24
Previous Housing Element RHNA 5 Sites	230	136	136	345	847
Other Residential Sites	270	160	160	410	1,000
Commercial Sites to Convert to Residential	60	36	36	90	222
<b>Total</b>	<b>664</b>	<b>432</b>	<b>355</b>	<b>1,748</b>	<b>3,199</b>
RHNA Allocations	520	299	300	777	1,896

Source: Foster City Community Development Department, 2022.

<sup>6</sup> California Air Pollution Control Officers Association’s (CAPCOA) Handbook, December 2021. Available at: [https://www.airquality.org/ClimateChange/Documents/Final%20Handbook\\_AB434.pdf](https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf), accessed September 20, 2022.

As noted in the CAPCOA Handbook, affordable and below market rate housing reduces VMT by up to 28.6 percent reduction. Similar to C/CAG TDM plan requirements, the C/CAG model does not account for the affordability of housing nor does the Housing Element Update guarantee the affordable housing will be built; therefore, the effect of affordable housing on VMT is not included in the VMT estimates.

**VMT Results**

The C/CAG Model was adjusted to reflect the relevant housing unit numbers for the No Project and proposed project, for 2020 and 2040 conditions, and the resulting VMT metrics were reported. Table IV.B-4 presents the results for the 2040 Plus Project case. As mentioned previously, the nine-county Bay Area regional average is used to determine impacts for CEQA purposes.

**TABLE IV.B-4 VMT SUMMARY: 2020 AND 2040**

VMT Area	Home-Based VMT/Resident	
	2020 Base	2040 with Project
Bay Area Regional Average	12.8	12.9
Citywide Average	14.6	12.8
Threshold: <85% of 2020 Bay Area Average	10.9	- <sup>a</sup>
Project <85% of Regional Average?	-	No

<sup>a</sup> Due to the cumulative nature of the project, it is included in the 2040 scenario; the project is compared to the 2020 baseline threshold, per OPR guidance.

Source: City/County Association of Governments of San Mateo County (C/CAG) Travel Demand Model; Fehr & Peers, May 2022.

The analysis indicates that:

- The City of Foster City VMT per resident of 14.6 miles-per-resident is higher than the Bay Area average VMT per resident of 12.8 miles-per-resident in the 2020 baseline.
- VMT rates in the City of Foster City are projected to decline between 2020 and 2040 due to regional transit investments and densification of land uses in San Mateo County, including implementation of residential development under the project.

**Impact TRANS-1: Implementation of the Housing and Safety Elements and associated zoning amendments components of the project that are not 100 percent affordable projects could generate home-based VMT per resident of 12.8 and that is greater than 85 percent of the 2020 Bay Area regional average home-based VMT per resident. (S)**

Despite the decreases in the citywide VMT with implementation of residential development under the project, the citywide VMT average of 12.8 would remain above the 85 percent

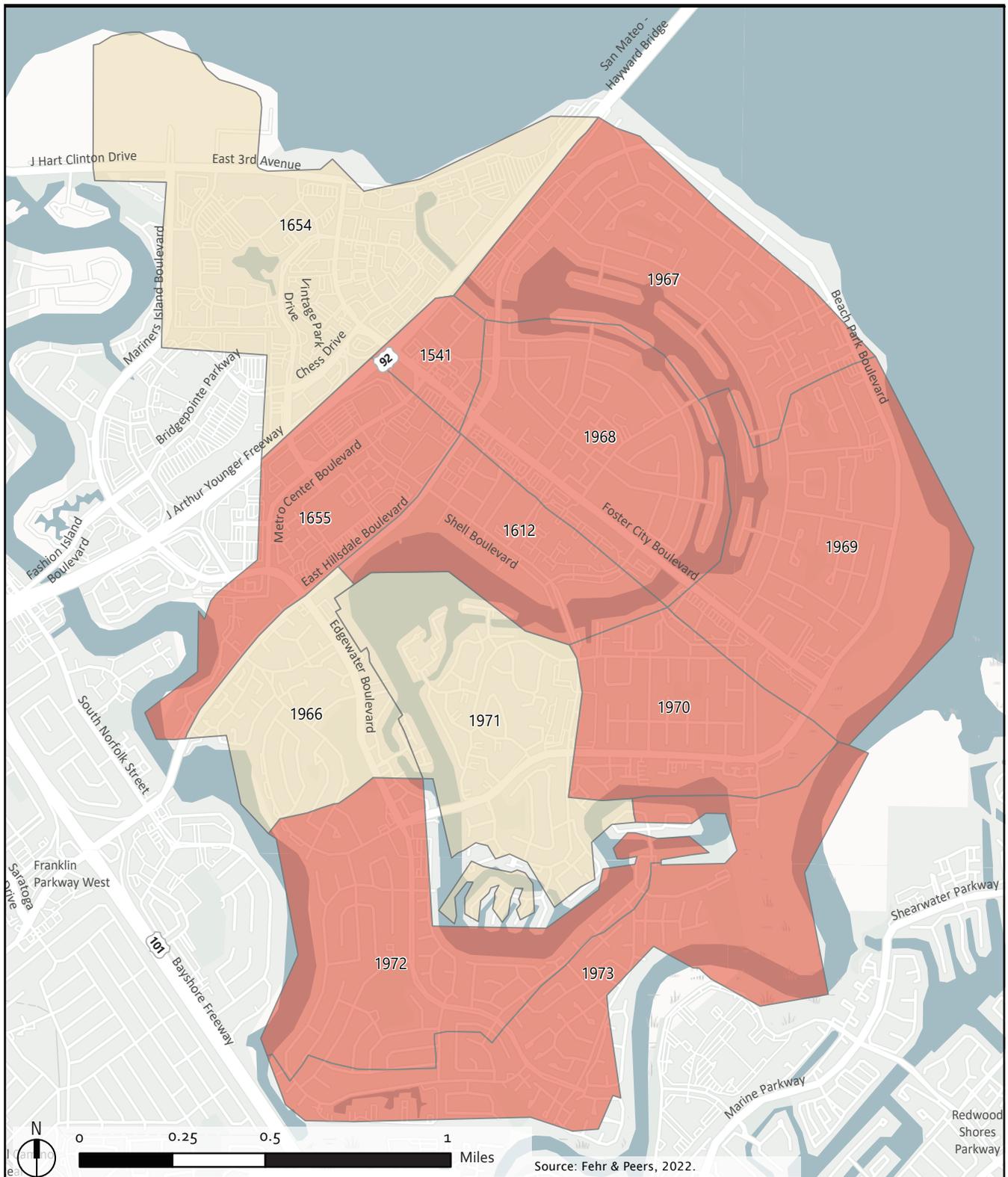
threshold of 10.9 by 15 percent. Figures IV.B-4 and IV.B-5 display TAZs in Foster City that generate lower levels of VMT under 2020 and 2040 with housing element conditions, respectively. Areas where residential land uses generate lower levels of VMT generally have a higher density of residential development; a mix of land uses so that residents need to travel shorter distances to visit shops, essential businesses, and places of employment; have good proximity to high-quality transit; and have more affordable housing options, so that lower-income families can live in close proximity to job centers. As shown in the change from Figures IV.B-4 and IV.B-5, the combination of the increased densification of residential land uses as proposed by the housing element and other regional changes, such as better jobs and housing balance and regional transit infrastructure, are expected to lower the VMT per capita for centrally located TAZs.

Additionally, the Housing Element Update includes Foster City's housing need for very low- and low-income households. OPR's Technical Advisory provides guidance that 100 percent affordable residential developments are presumed to have a less-than-significant impact on VMT, as adding affordable housing improves jobs-housing match, in turn, shortening commutes and reducing VMT.

However, the Housing Element also includes a significant increase in market-rate projects that are not 100 percent affordable. Given the 2040 with project home-based VMT per resident of 12.9 (with project) is higher than the 85 percent of the regional average (10.9), this impact is considered significant. Mitigation measures to reduce VMT impacts are recommended below. Although given it is not possible to evaluate the effectiveness of an individual project's VMT reduction measures until such time specific developments are proposed, this impact is identified conservatively as significant and unavoidable with mitigation given the possibility that some projects may not be able to identify and implement measures to reduce the VMT impact to a less-than-significant level as further discussed below.

Mitigation Measure TRANS-1: Implement VMT Reduction Measures. Individual housing project development proposals that do not screen out from a VMT impact analysis shall provide a quantitative VMT analysis using the methods applied in this EIR, with modifications if appropriate based on future changes to City of Foster City practices and OPR VMT analysis methodology guidelines. Projects which result in a significant impact shall include TDM measures and physical measures to reduce VMT, including but not limited to the measures below; some of which have been identified as potentially VMT-reducing in the CAPCOA Handbook. Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook.

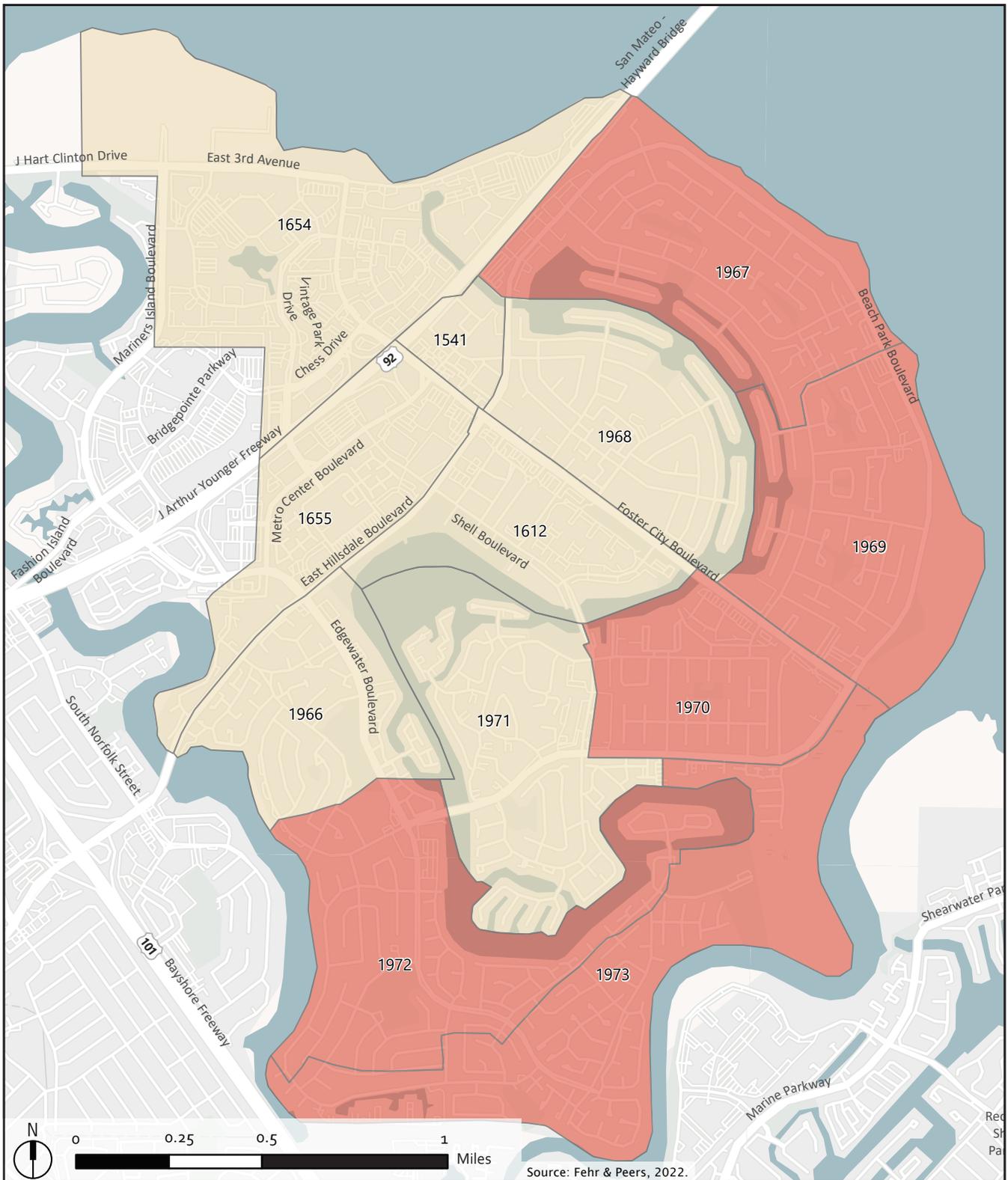
- Increase building density. Effectiveness: up to a 30 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.



Bay Area Regional Average Total Home-Based VMT per Resident: 12.8

- ≤ 12.8 (Between 15% below Regional Average and Regional Average)
- > 12.8 (Above Regional Average)

Figure IV-B.4  
 Foster City Home-Based VMT per Resident (Existing - 2020)  
 Foster City Housing and Safety Elements Update EIR



Bay Area Regional Average Total Home-Based VMT per Resident: 12.8

- ≤ 12.8 (Below Regional Average)
- > 12.8 (Above Regional Average)

Figure IV-B.5  
 Foster City Home-Based VMT per Resident (Future - 2040)  
 Foster City Housing and Safety Elements Update EIR

- Integrate affordable and below-market rate housing: up to a 28.6 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.
- Reduce parking provided. Effectiveness: up to a 13.7 percent reduction in GHG from VMT for residential projects per the CAPCOA Handbook.
- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook, although the effectiveness is lower in suburban settings.
- Provide car-sharing, bike-sharing, or scooter-sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.
- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Other measures not listed in CAPCOA but are proven to be effective means of reducing the amount of VMT generated by residents include increasing the mix of uses by adding retail or services within a site or within convenient walking distance.<sup>7</sup>

Residential development projects located in the lower VMT areas as shown on Figures IV.B-4 and IV.B-5 (generally in Central Foster City) would likely have a less-than-significant impact with the implementation of the on-site VMT reduction measures noted above. Residential development projects located within the areas with higher VMT on the periphery of Foster City may have a significant impact even after implementation of these measures given the longer trip lengths needed to reach services and jobs.

In addition to the on-site measures noted above, individual housing projects that are above the VMT threshold could potentially contribute to future VMT mitigation fee programs, banks, or exchanges. A VMT mitigation program would fund transportation projects and programs that lead to a reduction in VMT, including pedestrian and bicycle projects connecting to transit, schools, and other destinations. No local or regional VMT mitigation programs currently exist, however, should such a program be implemented, development projects could potentially pay into a fee program or purchase mitigation credits to achieve needed VMT mitigation instead of, or in addition to, on-site TDM measures.

Because the uncertainty relating to the feasibility of on-site TDM measures and the implementation process for individual development projects in diverse project settings, the

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<sup>7</sup> American Planning Association PAS Memo, 2013. "Getting Trip Generation Right: Eliminating the Bias Against Mixed Use Development" by Jerry Walters, Brian Bochner, and Reid Ewing, May.

timing that it will take to implement those measures, and the lack of an off-site mitigation option, the effectiveness of reducing an individual project's VMT impact to a less than significant level cannot be determined as part of this EIR. As a result, this impact is identified conservatively as significant and unavoidable with mitigation given the possibility that some projects may not be able to identify and implement measures to reduce the VMT impact to a less-than-significant level. (SU)

### **(3) Result in Designs for On-Site Circulation, Access, and Parking Areas that Fail to Meet City or Industry Standard Design Guidelines (Criterion 3)**

Subsequent projects under the project, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements associated with these residential development projects, would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. Additionally, any new transportation facilities or improvements to such facilities associated with subsequent projects would be constructed based on industry design standards and best practices consistent with the City's zoning code and building design and inspection requirements. The City's evaluation of projects' access and circulation will incorporate analysis with respect to City standards for vehicular LOS and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the project would result in a less-than-significant impact to transportation hazards.

### **(4) Inadequate Emergency Access to Development Sites (Criterion 4)**

There are no specific development projects associated with the project; and thus, specific housing sites developed under the project cannot be analyzed for adequacy of emergency access at this time. However, the City maintains the roadway network which would provide access to new development sites in accordance with industry design standards which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites proposed under the project would be subject to review by the City of Foster City and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The City also requires the preparation of construction management plans that minimize temporary obstruction of traffic during site construction.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

A traffic evacuation capacity study was prepared in parallel with the Safety Element Update as required by Assembly Bills (AB) 747 and 1409 to identify evacuation routes and evacuation locations, and evaluate their capacity, safety, and viability under a selected emergency scenario.<sup>8</sup> Fehr & Peers estimated evacuation capacity and demand for the evacuation scenario. A flooding event resulting from a failure at the Lower Crystal Springs Dam was selected as the evacuation scenario for this Emergency Evacuation Assessment. This event is assumed to result in full citywide evacuation with parts of the city flooding in between 1.5 and 6 hours. An evacuation assessment for the citywide flood was prepared for two time periods: weekday night and weekday midday conditions.

Foster City has a limited number of roadways that provide access in and out of the city. Key evacuation roadways were identified, and the total capacity for available evacuation routes was estimated to be just over 17,000 vehicles per hour. However, because some of the evacuation roadways will become inundated more quickly than others, capacity will be limited over the course of a citywide evacuation. All evacuation links are assumed to be inundated after three hours, while the total capacity is expected to be 36,125 vehicles.

Total residential and employee populations were calculated using information contained in the C/CAG model for a future (2040) scenario that includes build out of the current General Plan and was adjusted to include residential growth associated with the proposed project. Using very conservative assumptions (e.g., that all households will evacuate all vehicles rather than leaving some behind, or that 100 percent of employees drive alone and will evacuate alone in their own vehicle), total evacuation vehicle demand ranged from 32,738 – 35,791. Even using conservative evacuation vehicle assumptions, the cumulative evacuation trip demand is lower than the available evacuation capacity for the scenario as defined.

Additionally, the evacuation assessment did not assume any contra-flow lanes be made available to evacuees so they may be reserved for local emergency vehicle access.

Based on the above considerations, adequate emergency access would be provided to new development sites, and the impact would be less than significant.

#### **e. Cumulative Traffic and Transportation Impacts**

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). Because the projections for the project include all anticipated

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<sup>8</sup> Fehr & Peers, 2023. Foster City AB 747 Emergency Evacuation Assessment, January 12.

housing and employment growth in the city through 2040, the analysis of the environmental impacts is largely a cumulative impact analysis by nature. The geographic scope for cumulative transportation impacts includes the City of Foster City. Adjacent development considered part of the cumulative analysis includes the buildout of the City's General Plan.

Criterion 1 analyzes the project's compatibility with programs, plans, ordinances, and policies related to the circulation system. Similar to residential development under the project, cumulative development projects would be required to comply with local regulations and policies. Therefore, the project's incremental contribution to cumulative impacts would be less than significant.

Impact TRANS-1 evaluates the project's VMT impact. The significant and unavoidable with mitigation impact related to VMT for the Housing Element Update would continue to occur with the addition of cumulative projects despite the decreases in the citywide VMT with implementation of the Housing Element Update as the 2040 citywide average VMT would remain above the threshold of 85 percent of 2020 Bay Area Average. For this reason, the project would contribute to significant VMT impacts that would be significant and unavoidable with mitigation.

However, the identification of the significant and unavoidable VMT impact does not preclude finding less than significant or less than significant mitigation impacts for future residential development projects consistent with the Housing Element Update. Residential development projects would continue to be evaluated for their potential VMT impacts on an individual basis. Housing development projects with a significant VMT impact shall require TDM measures and physical measures to reduce VMT as described in **Mitigation Measure TRANS-1** on page 116.

As described in Criterion 3, any modifications to the public right-of-way associated with cumulative projects would be consistent with appropriate regulations and design standards set forth by the City's applicable plans, programs, and policies. Therefore, the project's incremental contribution to cumulative impacts would be less than significant.

Criterion 4 discusses potential impacts from inadequate emergency access. As stated therein, subsequent projects consistent with the Housing Element Update would be required to meet all applicable state and local codes and ordinances related to fire protection, including emergency access. An evacuation assessment was conducted for the cumulative 2040 scenario, accounting for all housing sites included in the proposed project. The assessment showed that even using conservative evacuation vehicle assumptions, the cumulative evacuation trip demand is lower than the available evacuation capacity for the scenario as defined while maintaining contra-flow lane availability for local emergency vehicle access. Similarly, cumulative development projects would also be required to comply with local and statewide regulations, and the project's incremental contribution to cumulative impacts would be less than significant.

## C. AIR QUALITY

This section describes the current air quality conditions in the planning area and its vicinity; identifies the regulations and policies pertinent to air quality; and assesses the potentially significant impacts to the environment that could result from implementation of the Housing and Safety Elements Update project and its associated development. The analysis in this section was prepared in accordance with the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines (CEQA Guidelines).<sup>1</sup>

### 1. Setting

This section provides background information on air quality and summarizes the existing environmental setting related to air quality within the City of Foster City.

#### a. Regional Climate, Meteorology, and Topography

The city is located within the San Francisco Bay Area Air Basin (SFBAAB). Some air basins have natural characteristics that limit the ability of natural processes to either dilute or transport air pollutants. The major determinants of air pollution transport and dilution are climatic and topographic factors such as wind, atmospheric stability, terrain that influences air movement, and sunshine. Wind and terrain can combine to transport pollutants away from upwind areas, while solar energy can chemically transform pollutants in the air to create secondary photochemical pollutants, such as ozone.

The San Francisco Bay Area (Bay Area) has a Mediterranean climate characterized by wet winters and dry summers. During the summer, a high-pressure cell centered over the northeastern Pacific Ocean results in stable meteorological conditions and a steady northwesterly wind flow that generally keeps storms from affecting the California coast. During the winter, the Pacific high-pressure cell weakens, resulting in increased precipitation and the occurrence of storms. The highest air pollutant concentrations in the Bay Area generally occur during inversions, when a surface layer of cooler air becomes trapped beneath a layer of warmer air. An inversion reduces the amount of vertical mixing and dilution of air pollutants in the cooler air near the surface.

The planning area is located on the existing Brewer Island in the marshes of the San Francisco Bay on the east edge of San Mateo County, which is at the northern end of the Santa Clara Valley climatological subregion bounded by the Bay to the north and by mountains to the east, south, and west. Temperatures are warm on summer days and cool on summer nights, and winter temperatures are mild. At the northern end of the valley, mean maximum temperatures are in

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<sup>1</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

the low-80s during the summer and the high-50s during the winter, and mean minimum temperatures range from the high-50s in the summer to the low-40s in the winter.

Winds in the valley are greatly influenced by the terrain, resulting in a prevailing flow that roughly parallels the valley's northwest-southeast axis. A north-northwesterly sea breeze flows through the valley during the afternoon and early evening, and a light south-southeasterly drainage flow occurs during the late evening and early morning. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with the occasional winter storm.

The air pollution potential of the Santa Clara Valley is high. High summer temperatures, stable air and mountains surrounding the valley combine to promote ozone formation. In addition to the many local sources of pollution, ozone precursors from San Francisco, San Mateo and Alameda Counties are carried by prevailing winds to the Santa Clara Valley. The valley tends to channel pollutants to the southeast. In addition, on summer days with low level inversions, ozone can be recirculated by southerly drainage flows in the late evening and early morning and by the prevailing north-westerly in the afternoon. A similar recirculation pattern occurs in the winter, affecting levels of carbon monoxide and particulate matter. This movement of the air up and down the valley increases the impact of the pollutants significantly.

Pollution sources are plentiful and complex in this subregion. The Santa Clara Valley has a high concentration of industry at the northern end, in the Silicon Valley. Some of these industries are sources of air toxics as well as criteria air pollutants. In addition, Santa Clara Valley's large population and many work-site destinations generate the highest mobile source emissions of any subregion in the SFBAAB.<sup>2</sup>

### **b. Air Pollutants of Concern**

The California Air Resources Board (CARB) and United States Environmental Protection Agency (EPA) focus on the following air pollutants as regional indicators of ambient air quality:

- Ozone
- Coarse particulate matter (PM<sub>10</sub>)
- Fine particulate matter (PM<sub>2.5</sub>)
- Nitrogen dioxide
- Carbon monoxide

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<sup>2</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

- Sulfur dioxide
- Lead

Because these are the most prevalent air pollutants known to be harmful to human health based on extensive criteria documents, they are referred to as “criteria air pollutants.” In the SFBAAB, the primary criteria air pollutants of concern are ground-level ozone formed through reactions of oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROG), PM<sub>10</sub>, and PM<sub>2.5</sub>. Regional air pollutants, such as ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, can be formed and/or transported over long distances and affect ambient air quality far from the emissions source. The magnitude and location of specific health effects from exposure to increased ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> concentrations are the result of emissions generated by numerous sources throughout the SFBAAB, as opposed to a single project.

The BAAQMD and other air districts use regional air dispersion models to correlate the cumulative emissions of regional pollutants to potential community health effects. However, these dispersion models have limited sensitivity to the relatively small (or negligible) changes in criteria air pollutant concentrations associated with an individual project. Therefore, it is not feasible to provide reliable estimates of specific health risks associated with regional air pollutant emissions from an individual project.

The BAAQMD operates a network of air monitoring stations throughout the SFBAAB to monitor air pollutants such as ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Table IV.C-1 presents a five-year summary, for the period from 2017 to 2021, of the highest annual concentrations of criteria air pollutants at nearby air monitoring stations. Compared to applicable State and federal ambient air quality standards (Table IV.C-2), ozone levels exceeded the State and federal ambient air quality standards up to two days per year from 2017 to 2021. PM<sub>10</sub> levels exceeded the State and federal ambient air quality standards for up to about 25 days per year from 2017 to 2021. PM<sub>2.5</sub> levels exceeded the State and federal air quality standards for up to about 14 days per year from 2017 to 2021.

Localized air pollutants generally dissipate with distance from the emission source and can pose a health risk to nearby populations. Toxic air contaminants (TACs), such as diesel particulate matter (DPM), are considered localized pollutants. PM<sub>2.5</sub> is also considered a localized air pollutant, in addition to being considered a regional air pollutant. Air dispersion models can be used to reliably quantify the health risks to nearby receptors associated with emissions of localized air pollutants from an individual project.

The primary air pollutants of concern in the SFBAAB and their associated health risks are discussed below.

**TABLE IV.C-1 AIR QUALITY TRENDS**

Pollutant	Standard	2017	2018	2019	2020	2021
Ozone (O <sub>3</sub> ) <sup>a</sup>	Max 1-hour Concentration (ppm)	0.115	0.067	0.083	0.098	0.085
	Days > CAAQS (0.09 ppm)	2	0	0	1	0
	Max 8-hour Concentration (ppm)	0.086	0.049	0.077	0.077	0.063
	Days > CAAQS (0.070 ppm)	2	0	2	1	0
	Days > NAAQS (0.070 ppm)	2	0	2	1	0
Coarse Particulate Matter (PM <sub>10</sub> ) <sup>b</sup>	Max 24-hour Concentration (µg/m <sup>3</sup> )	77.0	43.0	42.0	105.0	33.0
	Days > CAAQS (50 µg/m <sup>3</sup> )	24.6	*	0	23	0
	Days > NAAQS (150 µg/m <sup>3</sup> )	0	0	0	0	0
	Annual Arithmetic Mean (µg/m <sup>3</sup> )	22.1	*	14.8	23.3	16.1
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>a</sup>	Max 24-hour Concentration (µg/m <sup>3</sup> )	60.8	120.9	29.5	124.1	30.1
	Days > NAAQS (35 µg/m <sup>3</sup> )	6.3	13.7	0	9.3	0
	Annual Arithmetic Mean (µg/m <sup>3</sup> )	9.1	10.6	*	9.8	6.1

<sup>a</sup> Measured at the nearest monitoring station located at 897 Barron Avenue in Redwood City, approximately 8.0 miles southeast of the planning area.

<sup>b</sup> Measured at Arkansas Street in San Francisco, approximately 18 miles northwest of the planning area.

\* Insufficient data available to determine the value.

CAAQS = California Ambient Air Quality Standards; µg/m<sup>3</sup> = micrograms per cubic meter; NAAQS = National Ambient Air Quality Standards; ppm = parts per million.

State statistics are based on California-approved samplers, whereas national statistics are based on samplers using federal reference or equivalent methods. State and national statistics may therefore be based on different samplers. When the measured state and national concentrations varied due to different sample methods, the highest concentration was reported in the summary table.

Source: California Air Resources Board (CARB) 2022. iADAM: Air Quality Data Statistics; Trend Summaries.

Available at: <https://www.arb.ca.gov/adam/trends/trends1.php>, accessed Nov 1, 2022.

## (1) Ozone

While ozone serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation, it can be harmful to the human respiratory system and to sensitive plant species when it reaches elevated concentrations in the lower atmosphere. Ozone is not emitted directly into the environment but is formed in the atmosphere by chemical reactions between ROG and NO<sub>x</sub> in the presence of sunlight. Ozone formation is greatest during periods of little or no wind, bright sunshine, and high temperatures. As a result, levels of ozone usually build up during the day and peak in the afternoon.

Sources of ROG and NO<sub>x</sub> are vehicle tailpipe emissions; evaporation of solvents, paints, and fuels; and biogenic emissions.<sup>3</sup> Automobiles are the single largest source of ozone precursors in the SFBAAB. Short-term ozone exposure can reduce lung function in children, facilitate respiratory infections, and produce symptoms of respiratory distress. Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. Ozone can also damage plants and trees and materials such as rubber and fabrics.

## **(2) Particulate Matter**

PM<sub>10</sub> and PM<sub>2.5</sub> consist of extremely small, suspended particles or droplets that are 10 microns and 2.5 microns or smaller in diameter, respectively. Some sources of particulate matter are naturally occurring, such as pollen, forest fires, and windblown dust. In populated areas, however, most particulate matter is caused by road dust, combustion by-products, abrasion of tires and brakes, and construction activities. Particulate matter can also be formed in the atmosphere by condensation of sulfur dioxide and ROG.

Exposure to particulate matter can affect breathing, aggravate existing respiratory and cardiovascular disease, alter the body's defense systems against foreign materials, and damage lung tissue, contributing to cancer and premature death. Individuals with chronic obstructive pulmonary or cardiovascular disease, asthmatics, the elderly, and children are most sensitive to the effects of particulate matter.

## **(3) Toxic Air Contaminants**

TACs include a diverse group of air pollutants that can adversely affect human health. Unlike criteria air pollutants, which generally affect regional air quality, TAC emissions are evaluated based on estimations of localized concentrations and risk assessments. The adverse health effects a person may experience following exposure to any chemical depends on several factors, including the amount (dose), duration, chemical form, and any simultaneous exposure to other chemicals.

For risk assessment purposes, TACs are separated into carcinogens and non-carcinogens. Carcinogens are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per 1 million exposed individuals over a lifetime of exposure. Non-carcinogenic substances are generally assumed to have a safe threshold below which health impacts would not occur. Acute and chronic exposure to non-

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<sup>3</sup> Biogenic emission sources include volatile organic compounds, which include ROG, from the decomposition of vegetative matter and certain plants, such as oak and pine trees.

carcinogens is expressed as a hazard index, which is the sum of expected exposure levels divided by the corresponding acceptable exposure levels.

In the SFBAAB, adverse air quality impacts on public health from TACs are predominantly from DPM. Emissions of DPM and PM<sub>2.5</sub> generated from the exhaust of diesel-powered engines are a complex mixture of soot, ash particulates, metallic abrasion particles, volatile organic compounds, and other components that can penetrate deeply into the lungs and contribute to a range of health problems. In 1998, CARB identified DPM from diesel-powered engines as a TAC based on its potential to cause cancer and other adverse health effects.<sup>4</sup> While diesel exhaust is a complex mixture that includes hundreds of individual constituents, DPM is used as a surrogate measure of exposure, under California regulatory guidelines, for the mixture of chemicals that make up diesel exhaust as a whole. More than 90 percent of DPM is less than 1 micron in diameter and is thus a subset of PM<sub>10</sub> and PM<sub>2.5</sub>.<sup>5</sup> The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

### **c. Existing Sources and Levels of Local Air Pollution**

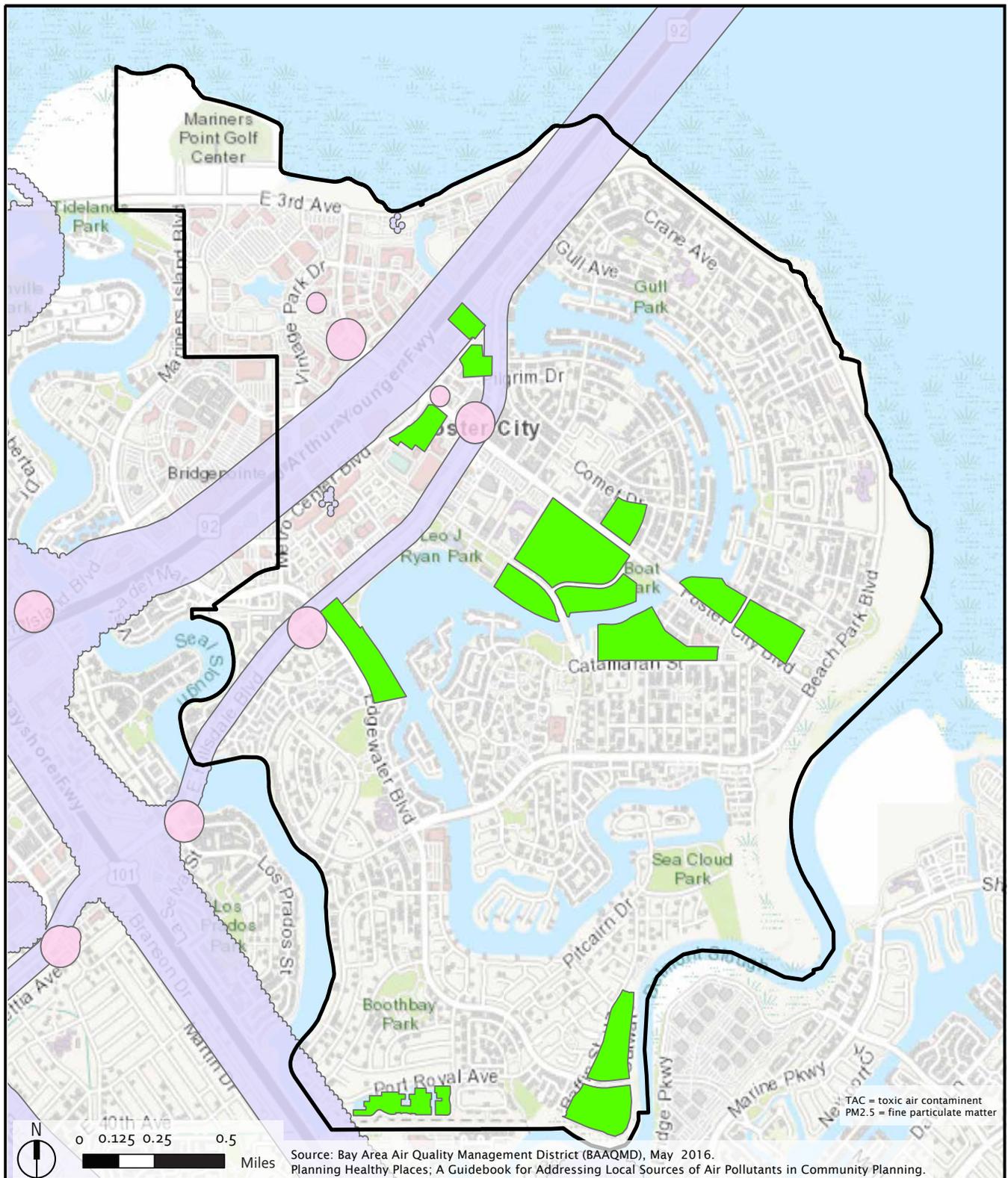
In the Bay Area, stationary and mobile sources are the primary contributors of TACs and PM<sub>2.5</sub> emissions to local air pollution. To promote healthy infill development from an air quality perspective, the BAAQMD has prepared guidance entitled Planning Healthy Places.<sup>6</sup> The purpose of this guidance document is to encourage local governments to address and minimize potential local air pollution issues early in the land-use planning process, and to provide technical tools to assist them in doing so. Based on a screening-level cumulative analysis of mobile and stationary sources in the Bay Area, the BAAQMD mapped localized areas of elevated air pollution that: 1) exceed an excess cancer risk of 100 in a million; 2) exceed PM<sub>2.5</sub> concentrations of 0.8 micrograms per cubic meter; or 3) are located within 500 feet of a freeway, 175 feet of a major roadway (with more than 30,000 annual average daily vehicle trips), or 500 feet of a ferry terminal. Within these localized areas of elevated air pollution, the BAAQMD encourages local governments to implement best practices to reduce exposure to and emissions from local sources of air pollutants. As shown by the purple areas in Figure IV.C-1, elevated levels of TACs and/or PM<sub>2.5</sub> pollution currently exist in the vicinity of mobile sources located along State Route 92 and

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<sup>4</sup> California Air Resources Board (CARB), 1998. Initial Statement of Reasons for Rulemaking; Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant.

<sup>5</sup> California Air Resources Board (CARB), 2016. Overview: Diesel Exhaust and Health. Available at: <https://www.arb.ca.gov/research/diesel/diesel-health.htm>, accessed January 13, 2017. Last updated April 12, 2016.

<sup>6</sup> Bay Area Air Quality Management District (BAAQMD), 2016. Planning Healthy Places; A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning.



- Foster City City Limit
- Housing Sites
- Areas with elevated TAC and/or PM 2.5 concentrations <sup>1</sup>
- Areas requiring further study <sup>2</sup>

<sup>1</sup>BAAQMD recommends local governments implement best practices to reduce exposure to emissions from local sources of air pollutants.

<sup>2</sup>BAAQMD recommends further study to assess local health risks from air pollution.

Figure IV.C-1  
Localized Areas of Elevated Air Pollution  
Foster City Housing and Safety Elements Update EIR

East Hillsdale Boulevard. The blue areas shown in Figure IV.C-1 are areas with potentially elevated levels of TACs and/or PM<sub>2.5</sub> pollution that require further evaluation.

#### **d. Existing Regional Air Quality**

State and federal ambient air quality standards have been developed for criteria air pollutants, which are intended to incorporate an adequate margin of safety to protect public health and welfare. In accordance with the federal Clean Air Act and California Clean Air Act, areas in California are classified as either in attainment, maintenance (i.e., former nonattainment), or nonattainment of the ambient air quality standards for each criteria air pollutant. To assess the regional attainment status, the BAAQMD collects ambient air quality data from over 30 monitoring sites within the SFBAAB. Based on current monitoring data, the SFBAAB is designated as a nonattainment area for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, and is designated an attainment or unclassified area for all other pollutants (see Table IV.C-2).

#### **e. Existing Sensitive Receptors**

Sensitive receptors are areas where individuals are more susceptible to adverse effects of poor air quality. Sensitive receptors include, but are not limited to, hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. Residential areas are also considered sensitive receptors because people are often at home for extended periods, thereby increasing the duration of exposure to potential air contaminants. The current land uses within the city are described in *Section IV.A, Land Use and Planning*.

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to air quality.

### **a. Federal, State, and Regional Regulations**

The federal EPA is responsible for implementing the programs established under the federal Clean Air Act, such as establishing and reviewing the National Ambient Air Quality Standards (NAAQS) and judging the adequacy of State Implementation Plans to attain the NAAQS. A State Implementation Plan must integrate federal, State, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. If a state fails to enforce its implementation of approved regulations, or if the EPA determines that a State Implementation Plan is inadequate, the EPA is required to prepare and enforce a Federal Implementation Plan to promulgate comprehensive control measures for a given State Implementation Plan.

TABLE IV.C-2 AIR QUALITY STANDARDS AND SFBAAB ATTAINMENT STATUS

Pollutant	Averaging Time	CAAQS		NAAQS	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone	8-Hour	0.070 ppm	N	0.070 ppm	N
	1-Hour	0.09 ppm	N	Revoked in 2005	---
Carbon Monoxide	8-Hour	9.0 ppm	A	9 ppm	A
	1-Hour	20 ppm	A	35 ppm	A
Nitrogen Dioxide	1-Hour	0.18 ppm	A	0.100 ppm	U
	Annual	0.030 ppm	---	0.053 ppm	A
Sulfur Dioxide	24-Hour	0.04 ppm	A	0.14 ppm	A
	1-Hour	0.25 ppm	A	0.075 ppm	A
	Annual	---	---	0.030 ppm	A
Coarse Particulate Matter (PM <sub>10</sub> )	Annual	20 µg/m <sup>3</sup>	N	---	---
	24-Hour	50 µg/m <sup>3</sup>	N	150 µg/m <sup>3</sup>	U
Fine Particulate Matter (PM <sub>2.5</sub> )	Annual	12 µg/m <sup>3</sup>	N	12 µg/m <sup>3</sup>	U/A
	24-Hour	---	---	35 µg/m <sup>3</sup>	N
Sulfates	24-Hour	25 µg/m <sup>3</sup>	A	---	---
	30-Day	1.5 µg/m <sup>3</sup>	A	---	---
Lead	Calendar Quarter	---	---	1.5 µg/m <sup>3</sup>	A
	Rolling 3-Month	---	---	0.15 µg/m <sup>3</sup>	A
Hydrogen Sulfide	1-Hour	0.03 ppm	U	---	---
Vinyl Chloride	24-Hour	0.010 ppm	U	---	---
Visibility Reducing Particles	8 Hour (10:00 to 18:00 PST)	---	U	---	---

Notes: A = Attainment; N = Nonattainment; U = Unclassified; "---" = not applicable; ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter; CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards; ppm = parts per million; PST = Pacific Standard Time.

Source: Bay Area Air Quality Management District (BAAQMD), 2017. Air Quality Standards and Attainment Status. Available at: <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status>, accessed August 5, 2022. Last updated January 5, 2017.

CARB is responsible for establishing and reviewing the California Ambient Air Quality Standards (CAAQS), developing and managing the California State Implementation Plans, identifying TACs, and overseeing the activities of regional air quality management districts. In California, mobile emissions sources (e.g., construction equipment, trucks, and automobiles) are regulated by CARB and stationary emissions sources (e.g., industrial facilities) are regulated by the regional air quality management districts.

The CAAQS and NAAQS, which were developed for criteria air pollutants, are intended to incorporate an adequate margin of safety to protect public health and welfare. California also has ambient air quality standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. To achieve CAAQS, criteria air pollutant emissions are managed through control measures described in regional air quality plans as well as emission limitations placed on permitted stationary sources. Based on current monitoring data, the SFBAAB, including Foster City, is designated as a nonattainment area for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, and is designated an attainment or unclassified area for all other pollutants (see Table IV.C-2).

Regulation of TACs, referred to as hazardous air pollutants (HAPs) under federal regulations, is achieved through federal, State, and local controls on individual sources. The air toxics provisions of the federal Clean Air Act require the EPA to identify HAPs that are known or suspected to cause cancer or other serious health effects to protect public health and welfare, and to establish National Emission Standards for Hazardous Air Pollutants. California regulates TACs primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act created California's program to identify and reduce exposure to TACs. To date, the CARB has identified over 21 TACs and adopted the EPA's list of 188 HAPs as TACs. The Hot Spots Act supplements the Tanner Act by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

### **(1) Bay Area Air Quality Management District Responsibilities**

The BAAQMD is primarily responsible for ensuring that the NAAQS and CAAQS are attained and maintained in the SFBAAB. The BAAQMD fulfills this responsibility by adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits, inspecting stationary sources of air pollutants, responding to citizen complaints, and monitoring ambient air quality and meteorological conditions. The BAAQMD also awards grants to reduce motor vehicle emissions and conducts public education campaigns and other activities associated with improving air quality within the SFBAAB.

The demolition of existing buildings and structures are subject to BAAQMD's Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing), which limits asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. The rule addresses the national emissions standards for asbestos and contains additional requirements. The rule requires the lead agency and its contractors to notify the BAAQMD of any regulated renovation or demolition activity. The notification must include a description of the affected structures and the methods used to determine the presence of asbestos-containing materials. All asbestos-containing material found on site must be removed prior to demolition or renovation activity in accordance with BAAQMD Regulation 11, Rule 2, which includes specific requirements for

surveying, notification, removal, and disposal of materials that contain asbestos. Implementation of Regulation 11, Rule 2 ensures that asbestos-containing materials are disposed of appropriately and safely.

The BAAQMD's CEQA Guidelines<sup>7</sup> include thresholds of significance to assist lead agencies in evaluating and mitigating air quality impacts under CEQA. The BAAQMD's thresholds establish levels at which emissions of ozone precursors (ROG and NO<sub>x</sub>), PM<sub>10</sub>, PM<sub>2.5</sub>, TACs, and odors could cause significant air quality impacts. The scientific soundness of the thresholds is supported by substantial evidence presented in the BAAQMD's Revised Draft Options and Justification Report.<sup>8</sup>

## **(2) Bay Area Clean Air Plan**

In accordance with the California Clean Air Act, the BAAQMD is required to prepare and update an air quality plan that outlines measures by which both stationary and mobile sources of pollutants can be controlled to achieve the NAAQS and CAAQS in areas designated as nonattainment. In April 2017, the BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate (2017 CAP).<sup>9</sup> The 2017 CAP includes 85 control measures to reduce ozone precursors, particulate matter, TACs, and greenhouse gases (GHGs). The 2017 CAP was developed based on a multi-pollutant evaluation method that incorporates well-established studies and methods of quantifying health benefits; air quality regulations; computer modeling and analysis of existing air quality monitoring data and emissions inventories; and traffic and population growth projections prepared by the Metropolitan Transportation Commission and the Association of Bay Area Governments, respectively.

### **b. Foster City**

The following section describes the City's existing regulatory environment related to air quality.

#### **(1) General Plan**

The following policies and programs from the Foster City General Plan are either directly or indirectly related to air quality and are applicable to the project.

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<sup>7</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

<sup>8</sup> Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report; California Environmental Quality Act Thresholds of Significance.

<sup>9</sup> Bay Area Air Quality Management District (BAAQMD), 2017. 2017 Clean Air Plan: Spare the Air, Cool the Climate.

## Land Use and Circulation Element

**Policy LUC-E-8: Pedestrian, Bicycle and Neighborhood Electric Vehicle (NEV) Friendly Design.** Encourage bicycling, walking and use of NEVs instead of driving automobiles to reduce greenhouse gas emissions, save money on fuel and maintenance, and foster a healthier population. Prioritize pedestrian and bicycle-friendly improvements including bike lanes on main streets, an urban bike-trail system, bike parking, pedestrian crossings, and associated master plans with new or modified development, as appropriate.

**Program LUC-E-8-a: Bicycle and Pedestrian Access.** Make it a condition of approval that new, large-scale developments address transit, biking and walking access to the site.

**Program LUC-E-8-b: Development Standards for Bicycles.** The City will establish standards for new development and redevelopment projects to support bicycle use, including: Develop standards for safe pedestrian and bicyclist accommodations, including:

- i. "Complete Streets" policies that foster equal access by all users in the roadway design;
- ii. "Green Streets" policies that serve to treat stormwater and include additional environmental benefits;
- iii. Bicycle and pedestrian access internally and in connection to other areas through easements;
- iv. Safe access to public transportation and other non-motorized uses through construction of dedicated paths.
- v. Safe road crossings at major intersections.

**Policy LUC-G-2: Preferred Parking/Electric Plug-in.** Encourage businesses, developers, and property managers to create preferred parking for electric and alternative fuel vehicles and study the installation of electric charging stations for plug-in vehicles.

**Program LUC-G-2-a: Low Emission Vehicles.** The City will support and promote the use of low-emission vehicles, by:

- a. Encouraging the necessary infrastructure to encourage the use of low-emission vehicles (LEV) and clean alternative fuels, such as development of electric vehicle charging facilities and conveniently located alternative fueling stations;
- b. Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate LEV and/or plug in electric hybrids (PHEV);
- c. Encouraging transportation fleet standards to achieve the lowest emissions possible.

**Policy LUC-H-1: Promote sustainability.** Encourage sustainability efforts of residents and business owners. Foster the use of technology to improve sustainability, e.g., irrigation controls coordinated with the weather, sustainable remodeling guidelines for homes, use of recycled water for landscaping irrigation, infrastructure for electric vehicles, etc.

**Program LUC-H-1-a: Green Building Guidelines and Incentives.** The City will support the use of green building practices by:

- a. Providing information, marketing, training, and technical assistance about green building practices;
- b. Considering guidelines for green building practices in residential and commercial development; and
- c. Implementing sustainable practices where feasible in public buildings and spaces.

**Policy LUC-H-2: Reduce GHG Emissions.** The City will strive to reduce GHG emissions by reducing vehicle miles traveled by supporting trip reduction programs and encouraging the use of alternative fuels and transportation technologies.

**Policy LUC-H-5: Tree and Landscape Planting.** Look for opportunities throughout the City to increase tree and landscape planting or enhance landscaped areas by promoting drought tolerant species that grow well in Foster City, pursuant to the Outdoor Water Conservation Ordinance and other landscaped related guidelines.

**Program LUC-H-5-a: Tree and Landscape Program.** Include requirements for tree and landscape planting in all new developments and redevelopment in design review and landscape guidelines.

**Policy LUC-I-2: Encourage home-based businesses.** Working from home promotes commerce and reduces vehicle commute trips out of Foster City. Encourage home-based businesses to support other commercial services within the City and reduce daily vehicle trips.

## Housing Element

**Policy H-A-4: Review Potential Environmental Impacts of New Housing.** When a new housing development is proposed, perform a review of potential environmental impacts to ensure that the impacts on existing and prospective residents are considered.

**Program H-A-4-a: Air Quality Impacts.** When site-specific development is proposed and/or a rezoning application is processed, potential air quality impacts from project traffic shall be studied, and mitigation measures to ensure compliance with the BAAQMD standards in effect at the time shall be recommended if necessary.

**Program H-B-3-a: Energy Conservation Assistance.** Consider adopting measures for new residential development and rehabilitation projects to incorporate sustainable construction and green building practices as part of a Climate Action Plan or other program.

**Program H-B-3-b: Increased Energy Conservation.** The City will continue to enforce CALGreen Energy requirements, consider fee waivers and fast-track incentives for energy conservation improvements, and will review its development ordinances to determine if zoning, building, subdivision and others discourage the use of energy conservation measures (placement of solar panels, energy conserving architectural designs, building orientation, etc.).

## Conservation Element

**Policy C-3: Air Quality.** Reduce the impact of development on local air quality.

**Program C-j: Air Quality Impacts.** Review proposed projects for their potential to affect air quality conditions.

**Program C-k: Air Pollution Sensitive Land Uses.** To the extent feasible, separate air pollution sensitive land uses from sources of air pollution.

**Program C-m: Reduction in Automobile Trips.** Encourage Foster City residents and employees to consolidate and/or eliminate motor vehicle trips as often as possible.

**Program C-n: Coordination with Other Agencies in Air Quality Improvements.** Coordinate review of large projects with local, regional and state agencies to improve air quality.

**Program C-o: Title 24.** Construct new buildings and additions to energy efficiency standards according to Title 24 of the California State Model Code.

**Program C-p: Solar Heating and Cooling.** Encourage installation of solar panels for heating and cooling with solar energy.

**Program C-q: Solar Heating for Pools.** Encourage property owners to heat all new and existing spas and swimming pools with solar energy.

## (2) Standard Conditions of Approval

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, Foster City has adopted the following Standard Conditions of Approval (SCOAs) and mitigation measures related to air quality that would apply to the project.

**SCOA 9.5:** The following controls shall be implemented at all construction sites within the project to control dust and/or mud production and fugitive dust.

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with nontoxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; and
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
- Water trucks shall be present and in use at the construction site.
- All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City in order to ensure proper control of blowing dust for the duration of the project.
- Watering on public streets shall not occur.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer.
- Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 7 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust.

- All public streets and medians soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the City.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Mitigation Measure 3.1-2.** Update the Foster City General Plan Conservation Element to include the following policies and action items. The following policies and action items shall apply during environmental review of individual projects effective immediately.

- Policy: Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.
- Policy: Require discretionary projects involving sensitive receptors such as children, the elderly, or people with illnesses that are proposed within 500 feet of the State Route 92 corridor to include an analysis of mobile source toxic air contaminant health risks. The analysis, if necessary, shall identify feasible mitigation measures to reduce health risks to acceptable levels.
- Action: Review all new industrial and commercial development projects for potential air quality impacts to residences and other sensitive receptors. The City shall ensure that mitigation measures and best management practices are implemented to reduce significant emissions of criteria pollutants.
- Action: Review development, infrastructure, and planning projects for consistency with Bay Area Air Quality Management District (BAAQMD) requirements during the California Environmental Quality Act (CEQA) review process. Require project applicants to prepare air quality analyses to address BAAQMD and General Plan requirements, which include analysis and identification of:
  1. Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions.
  2. Potential exposure of sensitive receptors to toxic air contaminants.
  3. Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions.
  4. Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

This section analyzes the potential impacts to air quality from implementation of the Housing and Safety Elements Update project. This section begins with the criteria of significance, establishing the thresholds for a significant impact. The latter part of this section describes potential impacts associated with the project and identifies mitigation measures to address these impacts, as needed.

**a. Significance Criteria**

Implementation of the project would have a significant impact related to air quality utilizing CEQA Guidelines Appendix G if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan;
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
3. Expose sensitive receptors to substantial pollutant concentrations; or
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

**b. Methodology and Assumptions**

The following impact analysis is based on the assessment of baseline conditions for the planning area, including regional and local air quality conditions. This analysis identifies potential impacts based on the interaction between the affected environment and construction and operation activities related to future development that could occur under the project.

Potential air quality impacts associated with future development under the project are evaluated in accordance with the BAAQMD’s CEQA Guidelines.<sup>10</sup> For communitywide planning documents (e.g., general plans), BAAQMD recommends that local governments demonstrate compliance with the plan-level thresholds summarized in Table IV.C-3.

**TABLE IV.C-3 BAAQMD’S PLAN-LEVEL THRESHOLDS OF SIGNIFICANCE FOR AIR QUALITY**

<b>Impact Analysis</b>	<b>Threshold</b>
Criteria Air Pollutants and Precursors	<b>Construction:</b> None <b>Operational:</b> Consistency with current air quality plan and projected vehicle miles travelled or vehicle trip increase is less than or equal to projected population increase.
Local Community Risk and Hazards	Land use diagram identifies special overlay zones around existing and planned sources of TACs and PM <sub>2.5</sub> , including special overlay zones of at least 500 feet (or Air District-approved modeled distance) on each side of all freeways and high-volume roadways, and plan identifies goals, policies, and objectives to minimize potentially adverse impacts.
Odors	Identify locations of odor sources in plan; identify goals, policies, and objectives to minimize potentially adverse impacts.

Source: Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines, May.

<sup>10</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

For individual housing developments proposed under the project, the BAAQMD recommends using their project-level thresholds of significance to identify levels at which individual projects could cause significant air quality impacts related to emissions of ozone precursors (ROG and NOx), PM<sub>10</sub>, PM<sub>2.5</sub>, and TACs. The BAAQMD’s recommended project-level thresholds are summarized in Table IV.C-4.

**TABLE IV.C-4 BAAQMD’S PROJECT-LEVEL THRESHOLDS OF SIGNIFICANCE FOR AIR QUALITY**

Impact Analysis	Pollutant	Threshold
Regional Air Quality (Construction)	ROG	54 pounds/day (average daily emission)
	NOx	54 pounds/day (average daily emission)
	Exhaust PM <sub>10</sub>	82 pounds/day (average daily emission)
	Exhaust PM <sub>2.5</sub>	54 pounds/day (average daily emission)
	Fugitive dust (PM <sub>10</sub> and PM <sub>2.5</sub> )	Best management practices
Regional Air Quality (Operation)	ROG	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
	NOx	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
	Exhaust PM <sub>10</sub>	82 pounds/day (average daily emission) 15 tons/year (maximum annual emission)
	Exhaust PM <sub>2.5</sub>	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
Local Community Risks and Hazards (Operation and/or Construction)	Exhaust PM <sub>2.5</sub> (project)	0.3 µg/m <sup>3</sup> (annual average)
	TACs (project)	Cancer risk increase > 10 in one million Chronic hazard index > 1.0
	Exhaust PM <sub>2.5</sub> (cumulative)	0.8 µg/m <sup>3</sup> (annual average)
	TACs (cumulative)	Cancer risk > 100 in one million Chronic hazard index > 10.0

Note: ROG = reactive organic gases; NOx = oxides of nitrogen; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter; TACs = Toxic air contaminants; µg/m<sup>3</sup> = micrograms per cubic meter  
 Source: Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines, May.

**c. Analysis and Findings**

The following section provides an air quality analysis of the project with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element would not generate significant new air quality impacts as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not further addressed in this analysis.

**(1) Consistency with the Bay Area Clean Air Plan (Criterion 1)**

The BAAQMD’s 2017 CAP is the applicable air quality plan for projects located in the SFBAAB. Consistency may be determined by evaluating whether the project supports the primary goals of the 2017 CAP, including applicable control measures contained within the 2017 CAP, and would not conflict with or obstruct implementation of any 2017 CAP control measures. The primary goals of the 2017 CAP are the attainment of ambient air quality standards and reduction of population exposure to air pollutants for the protection of public health in the Bay Area.

The 2017 CAP includes control measures that aim to reduce air pollution and GHGs from stationary, area, and mobile sources. The control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste, water, and super-GHG pollutants (e.g., methane, black carbon, and fluorinated gases). As described in Table IV.C-5, the project would be consistent with applicable control measures from the 2017 CAP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan, and the impact would be less than significant.

**TABLE IV.C-5 PROJECT CONSISTENCY WITH BAAQMD’S 2017 CAP**

<b>Control Measures</b>	<b>Proposed Project Consistency</b>
Stationary Source	The stationary source measures, which are designed to reduce emissions from stationary sources, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD’s Permit and Inspection programs. Future development in the city would be subject to the BAAQMD’s permitting requirements for stationary sources. Therefore, the project would be <b>consistent</b> with the stationary source control measures.
Transportation	The transportation control measures are designed to reduce vehicle trips, use, miles traveled, idling, or traffic congestion for the purpose of reducing vehicle emissions. Implementation of General Plan policies LUC-E, LUC-F, LUC-H, and PC-7 and programs C-l and C-m support the use of non-motorized transportation, trip reductions, and improved traffic circulation to reduced vehicle miles travelled and idling. Therefore, the project would be <b>consistent</b> with the transportation control measures.
Energy	The energy control measures are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. The Renewables Portfolio Standard (RPS) Program requires that all electricity retailers in California increase procurement from eligible renewable energy resources. Passage of Senate Bill (SB) 350 in September 2015 increased and extended the required procurement from renewable sources to 50 percent by 2030. Since these measures primarily apply to electrical utility providers, the energy control measures are <b>not applicable</b> to the project. However, it should be noted that Pacific Gas and Electric Company (PG&E) supplies 93 percent of its electric power mix from a combination of renewable and GHG-free sources. <sup>a</sup>
Buildings	The BAAQMD has authority to regulate emissions from certain sources in buildings, such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the building control measures focus on working with local governments that have authority over local building

**TABLE IV.C-5 PROJECT CONSISTENCY WITH BAAQMD’S 2017 CAP**

<b>Control Measures</b>	<b>Proposed Project Consistency</b>
	codes to facilitate adoption of best practices and policies to control GHG emissions. Policy C-o requires future projects within the city to meet the minimum code efficiency requirements for the Title-24 Building Energy Efficiency Standards, and policies C-p and C-q encourage developers to use solar energy for heating. Therefore, the project would be <b>consistent</b> with the buildings control measures.
Agriculture	The agriculture control measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the agriculture control measures are <b>not applicable</b> to the project.
Natural and Working Lands	The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban-tree plantings. Since the project does not include the disturbance of any rangelands or wetlands, the natural and working lands control measures are <b>not applicable</b> to the project.
Waste Management	The waste management measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. Future development under the project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the project would be <b>consistent</b> with the waste management control measures.
Water	The water control measures to reduce emissions from the water sector will reduce emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the water control measures are <b>not applicable</b> to the project.
Super GHGs	The super-GHG control measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual developments, the super-GHG control measures are <b>not applicable</b> to the project.

<sup>a</sup> Pacific Gas and Electric (PG&E), 2021. Clean Energy Solutions [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page), accessed Nov 1, 2022. Source: Bay Area Air Quality Management District (BAAQMD), 2017. 2017 Clean Air Plan: Spare the Air, Cool the Climate, April 19.

**(2) Emissions of Criteria Air Pollutants (Criterion 2)**

**Plan-Level Emissions**

According to the BAAQMD’s plan-level thresholds, operational-related criteria air pollutant and precursor impacts would be less than significant if the projected rate of increase in vehicle miles traveled (VMT) is less than or equal to the rate of increase in population. In other words, if the average vehicle emissions per person associated with VMT would remain the same or decrease, then the project would not have a potentially significant impact on regional air quality. However, if a project increases the average vehicle emissions per person associated with VMT (e.g., locating

residences in a remote region that requires longer commute trips), then the project could have a potentially significant impact on regional air quality. The BAAQMD considers reductions in the regional average VMT per person a key strategy for achieving the federal and State ambient air quality standards for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

Table IV.C-6 summarizes the rates of increase for the citywide residential population and VMT with the project. The VMT and associated criteria air pollutant emissions would increase at a lower rate than the service population growth. Therefore, implementation of the project would not result in a cumulatively considerable net increase in criteria air pollutants for which the region is in nonattainment, and this impact would be less than significant at the plan level.

**TABLE IV.C-6 SUMMARY OF EXISTING AND PLUS PROJECT POPULATION AND VEHICLE MILES TRAVELED**

	Existing Conditions	Existing Conditions + Project	Net Increase
Residential Population <sup>a</sup>	33,033	41,191	24.7%
Residential VMT <sup>b</sup>	482,282	527,245	9.3%

<sup>a</sup> See 2020 residential population reported in Table IV.H-1 and maximum population increase (8,158) at full buildout associated with the project reported in Section IV.H.3.b.

<sup>b</sup> The citywide home-based VMT/resident rates for existing conditions and existing conditions with the project (see Table IV.B-4) were multiplied by the corresponding residential populations to estimate the total VMT.

### Project-Level Construction Emissions

Construction activities for future residential developments under the project would generate temporary criteria air pollutant emissions that could potentially affect regional air quality. During construction, the primary pollutant emissions of concern would be ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from the exhaust of off-road construction equipment and on-road construction vehicles related to worker vehicles, vendor trucks, and haul trucks. In addition, fugitive dust emissions of PM<sub>10</sub> and PM<sub>2.5</sub> would be generated by soil disturbance and demolition activities, and fugitive ROG emissions would result from the application of architectural coatings and paving.

The generation of fugitive dust PM<sub>10</sub> and PM<sub>2.5</sub> emissions from soil disturbance and demolition activities could result in a cumulatively considerable net increase in regional PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. The BAAQMD considers implementation of best management practices (BMPs) to control dust during construction sufficient to reduce potential dust impacts to a less-than-significant level. The City's SCOA 9.5 requires future development projects to implement dust control measures during construction that would satisfy the BAAQMD's recommended BMPs during construction. Therefore, the increase in PM<sub>10</sub> and PM<sub>2.5</sub> concentrations from temporary dust generated during construction activities for housing developments under the project would

not result in a cumulatively considerable net increase in criteria air pollutants for which the region is in nonattainment.

The generation of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from the exhaust of off-road construction equipment and on-road vehicles and fugitive ROG emissions from the application of architectural coatings and paving could result in a cumulatively considerable net increase in criteria air pollutants. Updated General Plan Policy H-B-5 requires proposed housing developments that meet the threshold requirements for review under the CEQA to perform a review of potential environmental impacts. According to the BAAQMD's screening criteria,<sup>11</sup> construction of individual residential developments with more than 114 single-family units or more than 240 multi-family units could potentially exceed the BAAQMD's project-level thresholds of significance for criteria air pollutants (Table IV.C-4). According to the Housing Sites Inventory, there are no housing sites where the construction of single-family units could result in more than 114 single-family residential units being developed. There are three proposed projects (Lantern Cove, Schooner Bay, and Foster's Landing Apartments) where construction of multi-family housing could exceed 240 units.

**Impact AIR-1: Construction of residential development under the project would generate criteria air pollutant emissions that could potentially affect regional air quality. (S)**

To address construction emissions of criteria air pollutant emissions from future housing developments, the following mitigation shall be implemented, along with Mitigation Measure 3.1-2 adopted in General Plan FEIR 2015:

Mitigation Measure AIR-1: Residential Construction Controls for Criteria Air Pollutants. For construction of residential projects that exceed the Bay Area Air Quality Management District's (BAAQMD's) most recently adopted screening criteria (currently 114 single-family units or 240 multi-family units), the project applicant shall retain a qualified air quality consultant to identify measures to reduce the project's criteria air pollutant and precursor emissions below the BAAQMD's recommended thresholds of significance. Emission reduction measures may include, but are not limited to, the use of off-road equipment with engines that meet the Environmental Protection Agency's Tier 4 emission standards, engines retrofitted with the most effective Verified Diesel Emissions Control Strategy (VDECS) certified by the California Air Resources Board (CARB), or other off-road equipment that demonstrate equivalent emission reduction meeting the EPA's standards. Quantified emissions and identified reduction measures shall be submitted to the city (and the Air District if specifically requested) for review and approval prior to the issuance of building

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<sup>11</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

permits and the approved criteria air pollutant reduction measures shall be implemented during construction.

In addition, the project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures (if any). The Emissions Plan shall be submitted to the City (and BAAQMD if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. (LTS)

Implementation of SCOA 9.5, Mitigation Measure 3.1-2, updated Housing Element program H-B-5-a (which requires new projects to evaluate and mitigate potential air quality impacts from project traffic and other significant sources to comply with BAAQMD standards), and **Mitigation Measure AIR-1** would ensure that the construction of individual residential developments under the project would not result in a cumulatively considerable net increase in criteria air pollutants for which the region is in nonattainment, and this impact would be less than significant at the project level.

### **Project-Level Operation Emissions**

Operation of future residential developments associated with implementation of the project would generate criteria air pollutant emissions that could potentially affect regional air quality. During operation, the primary pollutant emissions of concern would be ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from mobile sources, energy use, area sources (e.g., consumer products and architectural coatings), and stationary sources. It is possible that individual development projects, if large enough, could result in significant effects related to emissions of criteria air pollutants, even if the overall plan-level analysis is determined to have a less-than-significant impact. Updated Housing Element Policy H-B-5 and program H-B-5-a require proposed housing developments that meet the threshold requirements for CEQA review to evaluate and mitigate potential air quality impacts.

According to the BAAQMD's screening criteria,<sup>12</sup> operation of an individual residential development with more than 325 single-family units or more than 451 multi-family units could potentially exceed the BAAQMD's project-level thresholds of significance for criteria air pollutants (see Table IV.C-4). According to the Housing Sites Inventory, there are no single-family sites being developed that would exceed 325 units, but there are two multi-family housing sites (Schooner Bay and Foster's Landing Apartments) being developed that would exceed 451 units.

**Impact AIR-2: Operation of residential development under the project would generate criteria air pollutant emissions that could potentially affect regional air quality. (S)**

To address operation emissions of criteria air pollutant emissions from future housing developments, the following mitigation shall be implemented:

Mitigation Measure AIR-2: Residential Operation Controls for Criteria Air Pollutants. For operation of residential projects that exceed the Bay Area Air Quality Management District's (BAAQMD's) most recently adopted screening criteria (currently 325 single-family units or 451 multi-family units), the project applicant shall retain a qualified air quality consultant to identify measures to reduce the project's criteria air pollutant and precursor emissions below the BAAQMD's recommended thresholds of significance. Emission reduction measures may include, but are not limited to, the following:

- Implementation of a Transportation and Parking Demand Management program to reduce vehicle trips.
- Compliance with off-street electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2 to reduce vehicle emissions.
- Exclusion of natural gas appliances or natural gas plumbing.

Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction. (LTS)

Implementation of **Mitigation Measure AIR-2**, **Mitigation Measure 3.1-2**, and updated Housing Element Policy H-B-5 and Program H-B-5-a would ensure that the operation of individual residential developments under the project would not result in a cumulatively considerable net increase in criteria air pollutants for which the region is in nonattainment, and this impact would be less than significant at the project level.

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<sup>12</sup> Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines.

### (3) Exposure of Sensitive Receptors to Toxic Air Contaminants during Construction (Criterion 3)

As discussed above in *Existing Sources and Levels of Local Air Pollution*, the BAAQMD's Planning Healthy Places guidance<sup>13</sup> has mapped local areas with elevated levels of TAC and/or PM<sub>2.5</sub> pollution (Figure IV.C-1, as updated by BAAQMD). As part of the BAAQMD's Planning Healthy Places guidance, the BAAQMD will maintain and update mapping of local air pollution over time. As shown by the purple and blue areas in Figure IV.C-1, elevated levels of TACs and/or PM<sub>2.5</sub> pollution may currently exist along and near SR 92 and East Hillsdale Boulevard. These areas of elevated air pollution exceed an excess cancer risk of 100 in a million or PM<sub>2.5</sub> concentrations of 0.8 micrograms per cubic meter, or are located within 500 feet of a freeway, or 175 feet of a major roadway (>30,000 annual average daily traffic).

According to the Housing Sites Inventory, there are currently three housing sites proposed in areas with elevated levels of TACs and/or PM<sub>2.5</sub> pollution (Harbor Cove Apartments, Laguna Vista Condominiums, Triton Apartments). Future residential development within the planning area would generate TACs and PM<sub>2.5</sub> emissions from vehicle trips and emergency generators (if required), which could substantially contribute to the existing poor air quality in the planning area and expose sensitive receptors to substantial pollutant concentrations. According to the Office of Environmental Health Hazard Assessment (OEHHA), exposure to local air pollutants from projects lasting less than 6 months should not be evaluated due to the uncertainty in assessing cancer risk from very short-term exposures.<sup>14</sup>

#### **Impact AIR-3: Construction of residential development under the project could expose sensitive receptors to substantial concentrations of TACs and/or PM<sub>2.5</sub>. (S)**

Based on the guidance from BAAQMD and OEHHA, the following mitigation measures include requirements to address health risks related to the generation of TACs and PM<sub>2.5</sub> during construction and operation of future housing developments under the project:

**Mitigation Measure AIR-3a: Residential Construction Controls for Diesel Particulate Matter.** For construction of residential projects with a construction duration greater than 6 months that are located in an area defined as needing "Best Practices" or "Further Study" on the BAAQMD's Planning Healthy Places Map (<https://www.baaqmd.gov/plans-and-climate/planning-healthy-places>), the project applicant shall apply **one** of the following measures:

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<sup>13</sup> Bay Area Air Quality Management District (BAAQMD), 2016. Planning Healthy Places; A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning.

<sup>14</sup> Office of Environmental Health Hazard Assessment (OEHHA), 2015. Guidance Manual for Preparation of Health Risk Assessments.

- The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the Office of Environmental Health Hazard Assessment to determine the health risks to sensitive receptors exposed to diesel particulate matter (DPM) from project construction emissions. The HRA shall be submitted to the City (and BAAQMD if specifically requested) for review and approval. If the HRA concludes that the health risks are at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risks exceed acceptable levels, DPM reduction measures shall be identified to reduce the health risks to acceptable levels. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.
- All off-road diesel equipment shall be equipped with the most effective VDECS available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, the project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and BAAQMD if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

Mitigation Measure AIR-3b: Residential Emergency Generators. Require all emergency generators for new residential development projects (if needed) to use best available control technology for air pollutant emissions, such as using engines that meet the Environmental Protection Agency's Tier 4 Final emission standards or are battery powered. (LTS)

Implementation of **Mitigation Measures AIR-3a , AIR-3b, and Mitigation Measure 3.1-2** would ensure that impacts from future residential developments under the project would be less than significant related to plan- and project-level generation of TACs and PM<sub>2.5</sub>.

#### (4) Odors (Criterion 4)

The project includes updated Housing and Safety Elements with some zoning updates. New residential development is anticipated to result from implementation of the Housing Element whereas implementation of the Safety Element will primarily focus on process and procedures. Future residential developments associated with implementation of the project would not be expected to generate significant odors because residences do not include the handling or generation of noxious materials. Therefore, the project would have no significant impact related to odors.

#### d. Cumulative Air Quality Impacts

##### (1) Criteria Pollutants

According to the BAAQMD, regional air pollution is largely a cumulative impact. No single project is likely to be sufficient in size to independently create regional nonattainment of ambient air quality standards. As described above in *Emissions of Criteria Air Pollutants (Criterion 2)*, emissions of criteria air pollutants from future residential development under the project would not result in a significant impact at the plan- or project-level with implementation of SCOA 9.5, updated Housing Element Policy H-B-5 and Program H-B-5-a, and **Mitigation Measures AIR-1 and AIR-2**. Therefore, the cumulative impact from the project would be less than significant for criteria air pollutant emissions.

##### (2) Toxic Air Contaminants

The BAAQMD's Planning Healthy Places map of local air pollution (Figure IV.C-1, as updated by BAAQMD) functions as an overlay zone with specific requirements for residential construction to reduce the generation of TACs and PM<sub>2.5</sub> in areas with elevated air pollution. With implementation of **Mitigation Measures AIR-3a and AIR-3b**, the cumulative impact on sensitive receptors exposed to substantial pollutant concentrations from future residential development under the project would be less than significant.

##### (3) Odors

As described above in *Odors (Criterion 4)*, future residential developments under the project would not be expected to generate significant odors because residences do not include the handling or generation of noxious materials. Therefore, impacts associated with implementation of the project would be less than significant related to the cumulative air quality impacts of odors and other emissions.

## D. GREENHOUSE GAS EMISSIONS

This section describes the existing greenhouse gas (GHG) conditions in the city and its vicinity; discusses the regulations and policies pertinent to GHGs; and assesses the potentially significant impacts to the environment that could result from implementation of the Housing and Safety Elements Update project and its associated development.

### 1. Setting

This section provides background information on GHG emissions and summarizes the existing environmental setting related to GHG emissions within the City of Foster City.

#### a. Climate Change and GHG Emissions

Climate change refers to change in the Earth's weather patterns, including the rise in temperature due to an increase in heat-trapping GHGs in the atmosphere. Existing GHGs allow about two-thirds of the visible and ultraviolet light from the sun to pass through the atmosphere and be absorbed by the Earth's surface. To balance the absorbed incoming energy, the surface radiates thermal energy back to space at longer wavelengths primarily in the infrared part of the spectrum. Much of the thermal radiation emitted from the surface is absorbed by the GHGs in the atmosphere and is re-radiated in all directions. Since part of the re-radiation is back toward the surface and the lower atmosphere, the global surface temperatures are elevated above what they would be in the absence of GHGs. This process of trapping heat in the lower atmosphere is known as the greenhouse effect.

An increase of GHGs in the atmosphere affects the energy balance of the Earth and results in a global warming trend. Increases in global average temperatures have been observed since the mid-20th century and have been linked to observed increases in GHG emissions from anthropogenic<sup>1</sup> sources. The primary GHG emissions of concern are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Other GHGs of concern include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>), but their contribution to climate change is less than 1 percent of the total GHGs that are well-mixed (i.e., that have atmospheric lifetimes long enough to be homogeneously mixed in the troposphere).<sup>2</sup> Each GHG has a different global warming potential. For instance, CH<sub>4</sub> traps about 28 times more heat per molecule than CO<sub>2</sub>.<sup>3</sup> As a result, emissions of GHGs are reported in metric tons of carbon dioxide

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<sup>1</sup> Anthropogenic definition: (Chiefly of environmental pollution and pollutants) originating in human activity. Oxford Dictionary, 2022.

<sup>2</sup> Intergovernmental Panel on Climate Change (IPCC), 2013. Climate Change 2013; the Physical Science Basis; Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.

<sup>3</sup> Intergovernmental Panel on Climate Change (IPCC), 2014. AR5 Synthesis Report: Climate Change 2014.

equivalents (CO<sub>2</sub>e), wherein each GHG is weighted by its global warming potential relative to CO<sub>2</sub>.

Ice-core records of historical atmospheric CO<sub>2</sub> concentrations, which currently extend back about 800,000 years, indicate that CO<sub>2</sub> concentrations naturally fluctuate between glacial and interglacial periods. According to the Intergovernmental Panel on Climate Change (IPCC), over the past few hundred years the atmospheric concentrations of CO<sub>2</sub> have increased to unprecedented levels compared to previous fluctuations in CO<sub>2</sub> concentrations observed over the past 800,000 years due to anthropogenic sources. In 2011, concentrations of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O exceeded the pre-industrial era (before 1750) by about 40, 150, and 20 percent, respectively.<sup>4</sup> Based on measurements of the Earth's global average surface temperature, eight of the top 10 warmest years on record since 1880 have occurred in the last decade.<sup>5</sup>

The global increases in CO<sub>2</sub> concentrations are due primarily to fossil fuel combustion and land use change (e.g., deforestation). The dominant anthropogenic sources of CH<sub>4</sub> are from ruminant livestock, fossil fuel extraction and use, rice paddy agriculture, and landfills, while the dominant anthropogenic sources of N<sub>2</sub>O are from ammonia for fertilizer and industrial activity. Emissions of HFCs, PFCs, and SF<sub>6</sub> are not naturally occurring; they originate from industrial processes such as semiconductor manufacturing, their use as refrigerants and other products, and electric power transmission and distribution.<sup>6</sup>

## **b. Existing GHG Emission and Projections**

In 2019, the California Air Resources Board (CARB) estimated that transportation was responsible for about 40 percent of California's GHG emissions, followed by industrial sources and electrical power generation at about 21 percent and 14 percent, respectively.<sup>7</sup> In 2015, 85 million metric tons of CO<sub>2</sub>e was emitted from anthropogenic sources within the San Francisco Bay Area Air Basin (SFBAAB). Emissions of CO<sub>2</sub> dominate the GHG inventory in the SFBAAB, accounting for about 90 percent of the total CO<sub>2</sub>e emissions reported.<sup>8</sup> The 2015 GHG emissions in the SFBAAB are summarized in Table IV.D-1.

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<sup>4</sup> Bay Area Air Quality Management District (BAAQMD), 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases, Base Year 2011.

<sup>5</sup> National Aeronautics and Space Administration (NASA), 2022. 2021 Tied for 6th Warmest Year in Continued Trend, NASA Analysis Shows. Available at: <https://climate.nasa.gov/news/3140/2021-tied-for-6th-warmest-year-in-continued-trend-nasa-analysis-shows/>, accessed May 18, 2022. Posted January 13.

<sup>6</sup> Bay Area Air Quality Management District (BAAQMD), 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases, Base Year 2011.

<sup>7</sup> California Air Resources Board (CARB), 2021. California Greenhouse Gas Emissions for 2000 to 2019—Trends of Emissions and Other Indicators.

<sup>8</sup> Bay Area Air Quality Management District (BAAQMD), 2017. Final 2017 Clean Air Plan.

**TABLE IV.D-1 SAN FRANCISCO BAY AREA 2015 GHG EMISSIONS INVENTORY**

Pollutant	Percent	CO <sub>2e</sub> (MMT/Year)
CO <sub>2</sub>	90	76.5
CH <sub>4</sub>	4	3.4
N <sub>2</sub> O	2	1.7
HFC, PFC, SF6	4	3.4
<b>Total</b>	<b>100</b>	<b>85</b>

Note: MMT = million metric tons  
 Source: Bay Area Air Quality Management District (BAAQMD), 2017. Final 2017 Clean Air Plan. April 19.

In 2014, the City of Foster City completed a 2010 Community GHG Inventory Report.<sup>9</sup> As shown in Table IV.D-2, the Foster City community GHG emissions totaled 246,543 metric tons of CO<sub>2e</sub> from the residential, commercial, industrial, transportation, waste, and municipal sectors in 2010. The greatest sources of GHG emissions in Foster City were transportation and building energy use.

**TABLE IV.D-2 FOSTER CITY 2010 COMMUNITY GHG EMISSIONS BY SECTOR**

Sectors	CO <sub>2e</sub> (MT/year)	Percent Contribution
Residential	43,068	18%
Commercial/Industrial	53,497	22%
Transportation - Local roads	52,838	21%
Transportation - State highways	81,789	33%
Transportation - Off-road equipment	11,926	5%
Solid Waste - Generated Waste	2,635	1%
Water	568	<1%
Wastewater	170	<1%
Stationary Sources	52	<1%
<b>Total</b>	<b>246,543</b>	<b>100%</b>

Note: MT = metric tons  
 Source: Foster City, 2014. City of Foster City 2010 Community Greenhouse Gas Inventory Report, June 26.

<sup>9</sup> Foster City, 2014. City of Foster City 2010 Community Greenhouse Gas Inventory Report.

### **c. Effects of GHG Emissions**

According to the BAAQMD, some of the potential effects of increased GHG emissions and associated climate change may include loss of snowpack (affecting water supply), more frequent extreme weather events, more large forest fires, more drought years, and sea level rise. In addition, climate change may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health.<sup>10</sup>

In October 2018, the IPCC published a special report on potential long-term climate change impacts based on the projected increases in temperature due to global climate change. The IPCC report found that we are already seeing the consequences of global warming due to a 1 degree Celsius (°C) increase in pre-industrial levels, such as extreme weather, rising sea levels, and diminishing Arctic Sea ice. Global warming is likely to reach 1.5°C above pre-industrial levels between 2030 and 2050 if it continues to increase at the current rate. Some of the impacts due to ongoing global warming could be avoided by limiting future global warming to 1.5°C compared to 2°C. For example, by limiting global warming to 1.5°C or lower, the likelihood of an Arctic Ocean free of sea ice in summer would be ten times lower compared to the likelihood under the scenario of 2°C increase. Beyond the 1.5°C threshold, there would be significant increases in the risk associated with long-lasting or irreversible changes, such as the loss of ecosystems. The IPCC states that to limit the global warming to 1.5°C, rapid transitions are needed in land, energy, industry, building, transport, and urban sectors to reach the goal of carbon neutrality by 2050, which means that the Earth's anthropogenic GHG emissions each year would be removed completely through carbon offsetting, sequestration, or other means.<sup>11</sup>

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to GHG emissions.

### **a. Federal Regulations**

The following provides an overview of federal regulations that pertain to greenhouse gas emissions at the local level.

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<sup>10</sup> Bay Area Air Quality Management District (BAAQMD), 2017. Final 2017 Clean Air Plan.

<sup>11</sup> Intergovernmental Panel on Climate Change (IPCC), 2018. IPCC Press Release, Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by governments.

## (1) Federal Climate Action Goals

The United States (U.S.) participates in the United Nations Framework Convention on Climate Change. In 1998, the U.S. signed the Kyoto Protocol, which would have required reductions in GHGs; however, the protocol did not become binding in the U.S. as it was never ratified by Congress. Instead, the federal government chose voluntary and incentive-based programs to reduce emissions and has established programs to promote climate technology and science. In 2002, the U.S. announced a strategy to reduce the GHG intensity of the American economy by 18 percent over a 10-year period from 2002 to 2012. In 2015, the U.S. submitted its “intended nationally determined contribution” to the framework convention, which targets to cut net GHG emissions by 26 to 28 percent below 2005 levels by 2025.

The U.S. Environmental Protection Agency (EPA) is responsible for enforcing the federal Clean Air Act and the 1990 amendments to it. On April 2, 2007, the U.S. Supreme Court ruled that CO<sub>2</sub> is an air pollutant as defined under the Clean Air Act, and that the EPA has the authority to regulate emissions of GHGs.<sup>12</sup> The EPA made two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act, as follows:

- **Endangerment Finding:** The current and projected concentrations of the six key well-mixed GHGs (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>) in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, they were a prerequisite for implementing GHG emissions standards for vehicles.

## (2) Federal Vehicle Emission Regulations

The EPA has established national GHG emission and fuel economy regulations for vehicles that would achieve substantial GHG emissions reductions along with reductions in other criteria pollutants. Some of the key EPA regulations related to GHG emissions from vehicles are summarized below:

- In 2010, EPA in collaboration with the National Highway Traffic Safety Administration (NHTSA) finalized updated Corporate Average Fuel Economy (CAFE) and GHG emissions standards for light-duty vehicles for model years 2012 to 2016.

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<sup>12</sup> Massachusetts, et al. v. U.S. Env'tl. Prot. Agency, et al. (2007) 549 U.S. 497.

- In 2012, EPA and NHTSA extended the CAFE and GHG emissions standards for light-duty vehicles for model years 2017 to 2025. Combined with the 2012 to 2016 standards, the regulation will result in vehicles emitting 50 percent less than 2010 levels in 2025.
- In 2016, EPA and NHTSA finalized national GHG emission and fuel economy standards for medium- and heavy-duty vehicles that would cover model years 2018 to 2027 for certain trailers and model years 2021 to 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks.
- In 2020, EPA and NHTSA finalized updated CAFE and GHG emissions standards for light-duty vehicles and established new standards, covering model years 2021 through 2026.
- In 2021, EPA revised the GHG emissions standards for light-duty vehicles for model years 2023 through 2026 to leverage advances in clean car technology.
- In 2022, NHSTA revised the CAFE standards for light-duty vehicles for model years 2024 to 2026, which are expected to result in average fuel economy label values of 49 miles per gallon.

## **b. State Regulations**

California has set ambitious GHG emission reduction targets for the next 30 years. As described below, the State has implemented a range of regulatory programs to help achieve statewide climate action goals.

### **(1) California Climate Action Goals**

California has established the following long-term climate action goals:

- **Assembly Bill (AB) 32:** Reduce GHG emissions to 1990 levels by 2020.
- **Senate Bill (SB) 32:** Reduce GHG emissions to 40 percent below 1990 levels by 2030.
- **Executive Order B-55-18:** Carbon neutrality as soon as possible, but no later than 2045.
- **Executive Order S-3-05:** Reduce GHG emissions to 80 percent below 1990 levels by 2050.

It should be noted that executive orders are legally binding only on State agencies and have no direct effect on local government or the private sector.

### **(2) California Vehicle Emission Regulations**

California has established statewide GHG emission and fuel economy regulations for vehicles that align with or supersede the national standards. The key State regulations related to GHG emissions from vehicles are summarized below:

- The Pavley Regulations (AB 1493), as amended in 2009, required a 30 percent reduction in state GHG emissions from new passenger vehicles from 2009 through 2016.

- The Advanced Clean Cars Program extends the Pavley Regulations beyond 2016 and established a technology mandate for zero-emission vehicles.
- The Low-Carbon Fuel Standard (Executive Order S-1-07), as amended in 2019, requires a 20 percent reduction in the carbon intensity of California's transportation fuels by 2030.
- SB 375 establishes regional GHG reduction targets for passenger vehicles for the years 2020 and 2035 by requiring metropolitan planning organizations to develop and implement Sustainable Communities Strategies that align regional transportation planning efforts with regional housing allocation needs.

### **(3) California Energy Efficiency Regulations**

California has established statewide energy efficiency regulations, including programs that increase the statewide procurement of renewable energy. The key State regulations related to GHG emissions from energy use are summarized below:

- The Renewable Portfolio Standard Program, as updated in 2018 (SB 100), requires the State to procure 60 percent of its electricity from renewable sources by 2030 and 100 percent from carbon-free sources by 2045.
- Title 24 Building Efficiency Standards are updated every three years with the long-term vision to support zero-net energy for all new single-family and low-rise residential buildings by 2020 and new high-rise residential and nonresidential buildings by 2030.
- Title 24 California Green Building Standards, referred to as the CALGreen Code, aim to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality.

### **(4) California Cap-and-Trade Program**

The Cap-and-Trade Program is a key element of California's strategy to reduce GHG emissions from covered entities<sup>13</sup> that are responsible for about 85 percent of California's GHG emissions. The program establishes a declining limit on major sources of GHG emissions throughout California, and it creates a powerful economic incentive for significant investment in cleaner and more efficient technologies. CARB creates allowances equal to the total amount of permissible GHG emissions (i.e., the "cap"). Each year, fewer allowances are created and the annual cap

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<sup>13</sup> The program's covered entities include electric power plants, fuel distributors (natural gas and petroleum), and large industrial facilities that emit more than 25,000 million tons of CO<sub>2</sub>e per year.

declines. As a result, the annual auction reserve price for allowances increases which creates a steady and sustained carbon price signal to incentivize actions to reduce GHG emissions and enable a smooth transition to a cleaner economy.

### **(5) California's Short-Lived Climate Pollutant Reduction Strategy**

The Short-Lived Climate Pollutant (SLCP) Reduction Strategy is California's plan for reducing emissions of high global-warming potential gases with short atmospheric lifetimes.<sup>14</sup> SLCPs include methane, HFCs, and anthropogenic black carbon. In accordance with SB 1383, the SLCP Reduction Strategy has set the following targets for statewide reductions in SLCP emissions:

- 40 percent below 2013 levels by 2030 for methane and HFCs.
- 50 percent below 2013 levels by 2030 for anthropogenic black carbon.

The SLCP Reduction Strategy also provides specific direction for reductions from dairy and livestock operations and from landfills by diverting organic materials.

### **(6) California's Climate Change Scoping Plan**

In December 2008, CARB adopted the Climate Change Scoping Plan to identify how the State can achieve its 2020 climate action goal under AB 32. In 2017, CARB updated the Scoping Plan to identify how the State can achieve its 2030 climate action goal under SB 32, and substantially advance toward its 2050 climate action goal under Executive Order S-3-05. The 2017 Scoping Plan includes the regulatory programs identified above, such as the Advanced Clean Cars Program, Low-Carbon Fuel Standard, Renewable Portfolio Standard Program, energy efficiency standards, SLCP Reduction Strategy, and Cap-and-Trade Program.<sup>15</sup>

## **c. Regional Regulations**

The BAAQMD is the regional government agency that regulates sources of GHG emissions within the SFBAAB. The BAAQMD established a climate protection program that includes measures that promote energy efficiency, reduce regional vehicle miles travelled (VMT), and develop alternative sources of energy, all of which assist in reducing emissions of GHGs and in reducing air pollutants that affect the health of residents. The BAAQMD also seeks to support current climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

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<sup>14</sup> California Air Resources Board (CARB), 2017. Short-Lived Climate Pollutant Reduction Strategy.

<sup>15</sup> California Air Resources Board (CARB), 2017. California's 2017 Climate Change Scoping Plan.

### **(1) BAAQMD 2017 Clean Air Plan**

The BAAQMD and other air districts prepare clean air plans in accordance with the State and federal Clean Air Acts. In April 2017, the BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate, which is a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and ambient concentrations of harmful pollutants. The 2017 Clean Air Plan also includes measures designed to reduce GHG emissions.

#### **d. Local Regulations**

The City's policies and other standards that relate to greenhouse gas emissions are summarized below.

### **(1) Foster City Climate Action Plan**

In 2016, the City adopted a Climate Action Plan (CAP)<sup>16</sup> that established the goals of reducing GHG emissions 15 percent by 2020, 20 percent by 2025, and 80 percent by 2050 when compared to 2005 levels. The purpose of the CAP is to compile existing and potential actions that the City's government and community can take to address climate change. The CAP provides strategies and specific actions to reduce GHG emissions across seven broadly grouped categories: community energy, municipal energy, community transportation and land use, transportation-related municipal operations, community waste, energy and water, and education.

### **(2) Foster City Climate Action Plan Update**

The City is in process of updating their CAP, which is expected to be completed in 2023. The 2023 CAP Update is intended to prioritize a set of actions to further reduce GHG emissions and achieve long-term GHG reductions that align with statewide goals.

### **(3) Foster City Building Codes**

The City has adopted the following codes related to GHG emissions and energy use of buildings for future projects:

- 2019 California Building Code;
- 2019 California Green Building Standards Code (CALGreen Code); and
- 2019 California Energy Code.

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<sup>16</sup> City of Foster City, 2015. Foster City Climate Action Plan.

#### (4) Foster City General Plan

The following policies and programs from the Foster City General Plan are either directly or indirectly related to GHG emissions and are applicable to the project.

##### e. Methodology and Assumptions

The following sections provide an evaluation and analysis of the potential impacts for each of the criteria of significance listed above and potential cumulative impacts.

Climate change is not caused by any individual emissions source but by a large number of sources around the world emitting GHGs that collectively create a significant cumulative impact. CEQA requires agencies in California to analyze such impacts by evaluating whether a proposed project would make a “cumulatively considerable” contribution to the significant cumulative impact on climate change. On April 20, 2022, the BAAQMD adopted updated CEQA thresholds of significance for determining whether a proposed project would have a significant impact related to GHG emissions.<sup>17</sup> The BAAQMD’s updated GHG thresholds of significance are intended to assist public agencies in determining whether proposed projects would make a cumulatively considerable contribution to global climate change, as required by CEQA.

For communitywide planning documents (e.g., general plan elements), BAAQMD recommends that local governments evaluate such plans based on whether they will be consistent with the State’s long-term climate action goals. The BAAQMD strongly recommends that local governments adopt qualified climate action plans to document specific strategies and implementation measures to achieve the statewide climate action goals. The BAAQMD recommends that local governments demonstrate compliance with at least one of the plan-level thresholds for GHG emissions summarized in Table IV.D-3, below. A proposed plan that meets at least one of these thresholds will support the State’s ability to achieve its climate goals and thus will have a less-than-significant impact on GHG emissions. Since the Foster City CAP is consistent with CEQA Guidelines Section 15183.5(b),<sup>18</sup> the project’s compliance with the CAP can be used to evaluate the potential significance of the project’s impact related to GHG emissions as Option B in Table IV.D-3.

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<sup>17</sup> Bay Area Air Quality Management District (BAAQMD), 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans.

<sup>18</sup> City of Foster City, 2015. Foster City Climate Action Plan.

**TABLE IV.D-3 BAAQMD’S GHG THRESHOLDS OF SIGNIFICANCE FOR PLANS (MUST INCLUDE A OR B)**

Option	Threshold
A	Meet the State’s goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045.
B	Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Source: Bay Area Air Quality Management District (BAAQMD), 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans, April.

### Land Use and Circulation Element

**Policy LUC-E-8: Pedestrian, Bicycle and Neighborhood Electric Vehicle (NEV) Friendly Design.** Encourage bicycling, walking and use of NEVs instead of driving automobiles to reduce greenhouse gas emissions, save money on fuel and maintenance, and foster a healthier population. Prioritize pedestrian and bicycle-friendly improvements including bike lanes on main streets, an urban bike-trail system, bike parking, pedestrian crossings, and associated master plans with new or modified development, as appropriate.

**Program LUC-E-8-a: Bicycle and Pedestrian Access.** Make it a condition of approval that new, large-scale developments address transit, biking and walking access to the site.

**Program LUC-E-8-b: Development Standards for Bicycles.** The City will establish standards for new development and redevelopment projects to support bicycle use, including: including: Develop standards for safe pedestrian and bicyclist accommodations, including:

- i. "Complete Streets" policies that foster equal access by all users in the roadway design;
- ii. "Green Streets" policies that serve to treat stormwater and include additional environmental benefits;
- iii. Bicycle and pedestrian access internally and in connection to other areas through easements;
- iv. Safe access to public transportation and other non-motorized uses through construction of dedicated paths. Safe road crossings at major intersections.

**Policy LUC-G-2: Preferred Parking/Electric Plug-in.** Encourage businesses, developers, and property managers to create preferred parking for electric and alternative fuel vehicles and study the installation of electric charging stations for plug-in vehicles.

**Program LUC-G-2-a: Low Emission Vehicles.** The City will support and promote the use of low-emission vehicles, by:

- a. Encouraging the necessary infrastructure to encourage the use of low-emission vehicles (LEV) and clean alternative fuels, such as development of electric vehicle charging facilities and conveniently located alternative fueling stations;
- b. Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate LEV and/or plug in electric hybrids (PHEV);
- c. Encouraging transportation fleet standards to achieve the lowest emissions possible.

**Policy LUC-H-1: Promote sustainability.** Encourage sustainability efforts of residents and business owners. Foster the use of technology to improve sustainability, e.g., irrigation controls coordinated with the weather, sustainable

*remodeling guidelines for homes, use of recycled water for landscaping irrigation, infrastructure for electric vehicles, etc.*

**Program LUC-H-1-a: Green Building Guidelines and Incentives.** *The City will support the use of green building practices by:*

- a. Providing information, marketing, training, and technical assistance about green building practices;*
- b. Considering guidelines for green building practices in residential and commercial development; and*
- c. Implementing sustainable practices where feasible in public buildings and spaces.*

**Policy LUC-H-2: Reduce GHG Emissions.** *The City will strive to reduce GHG emissions by reducing vehicle miles traveled by supporting trip reduction programs and encouraging the use of alternative fuels and transportation technologies.*

**Policy LUC-H-5: Tree and Landscape Planting.** *Look for opportunities throughout the City to increase tree and landscape planting or enhance landscaped areas by promoting drought tolerant species that grow well in Foster City, pursuant to the Outdoor Water Conservation Ordinance and other landscaped related guidelines.*

**Program LUC-H-5-a: Tree and Landscape Program.** *Include requirements for tree and landscape planting in all new developments and redevelopment in design review and landscape guidelines.*

**Policy LUC-I-2: Encourage home-based businesses.** *Working from home promotes commerce and reduces vehicle commute trips out of Foster City. Encourage home-based businesses to support other commercial services within the City and reduce daily vehicle trips.*

## Housing Element

**Policy H-A-4: Review Potential Environmental Impacts of New Housing.** *When a new housing development is proposed, perform a review of potential environmental impacts to ensure that the impacts on existing and prospective residents are considered.*

**Policy H-B-3: Encourage Energy Conservation in Housing.** *Encourage adoption of energy conservation measures, and promote energy conservation programs and City staff training that provide assistance for energy conservation improvements.*

**Program H-B-3-a: Energy Conservation Assistance.** *Consider adopting measures for new residential development and rehabilitation projects to incorporate sustainable construction and green building practices as part of a Climate Action Plan or other program.*

**Program H-B-3-b: Increased Energy Conservation.** *The City will continue to enforce CALGreen Energy requirements, consider fee waivers and fast-track incentives for energy conservation improvements, and will review its development ordinances to determine if zoning, building, subdivision and others discourage the use of energy conservation measures (placement of solar panels, energy conserving architectural designs, building orientation, etc.).*

## Parks and Open Space Element

**Policy PC-3 New Residential Development.** *Require that all new multi-family residential projects provide a significant amount of on-site open space/recreation facilities for residents or provide a combination of park in-lieu fees and on-site recreational facilities.*

## Conservation Element

**Policy C-1: Water Resources.** Conserve water resources in existing and new development.

**Policy C-5: Solid Waste.** Reduce the generation of solid waste through recycling and other methods.

**Program C-a: Water Saving Landscaping and Irrigation.** Promote the use of low-water-use landscaping and irrigation devices in parks, and during review of new projects and modifications to existing developments.

**Program C-b: Property Owner Water Saving Techniques.** Encourage all property owners to implement the following conservation techniques: utilize drought tolerant plant materials, limit turf areas to 25% of landscaping, limit hours of the day for watering, retrofit with water-conserving fixtures, retrofit existing bathrooms and install new bathrooms with ultra low-flow toilets and water-conserving shower heads.

**Program C-j: Air Quality Impacts.** Review proposed projects for their potential to affect air quality conditions.

**Program C-m: Reduction in Automobile Trips.** Encourage Foster City residents and employees to consolidate and/or eliminate motor vehicle trips as often as possible.

**Program C-n: Coordination with Other Agencies in Air Quality Improvements.** Coordinate review of large projects with local, regional and state agencies to improve air quality.

**Program C-o: Title 24.** Construct new buildings and additions to energy efficiency standards according to Title 24 of the California State Model Code.

**Program C-p: Solar Heating and Cooling.** Encourage installation of solar panels for heating and cooling with solar energy.

**Program C-q: Solar Heating for Pools.** Encourage property owners to heat all new and existing spas and swimming pools with solar energy.

**Program C-s: Citywide Recycling Program.** Continue the citywide residential recycling program for glass, aluminum and newspaper and establish a citywide commercial recycling program for white paper and cardboard.

### (1) Standard Conditions of Approval

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, Foster City has adopted the following Standard Conditions of Approval (SCOAs) related to GHG that would apply to the project.

**SCOA 6.6:** The applicant shall provide a letter describing the sustainable practices that are included in the project and referencing the sheets in the building permit drawings that demonstrate the inclusion of the sustainable practices for review and approval by the Community Development Director.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

This section analyzes environmental impacts related to GHG emissions that could result from the implementation of the Housing and Safety Elements Update project. The section begins with the criteria of significance that establish the thresholds for determining whether an impact is significant. The latter part of this section describes potential impacts associated with the project and identifies mitigation measures to address these impacts, as needed.

#### **a. Significance Criteria**

Implementation of the project would have a significant impact related to GHG utilizing CEQA Guidelines Appendix G if it would:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
2. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHGs.

#### **b. Analysis and Findings**

The following section provides a greenhouse gas analysis of the project with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element would not generate significant new greenhouse gas impacts as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not further addressed in this analysis.

##### **(1) Greenhouse Gas Emissions (Criterion 1)**

Residential development under that would occur under implementation of the Housing Element update could result in a cumulatively considerable increase in GHG emissions. The City's CAP meets the criteria under State CEQA Guidelines Section 15183.5(b) and identifies measures that can be implemented to achieve the GHG emission reductions that align with long-term statewide goals. Future development within the city would be required to demonstrate consistency with the GHG reduction measures identified in the CAP. Furthermore, program H-B-3-d in the updated Housing Element requires housing projects to implement recommended energy conservation measures of the 2023 CAP Update upon completion. The City's SCOA 6.6 also require project applicants to incorporate sustainable practices into their project design. Therefore, future

development would not result in a cumulatively considerable contribution to global climate change.

Overall, consistency with the City's CAP and implementation of the SCOA 6.6 and updated General Plan policies and programs related to GHG emissions would comply with the BAAQMD's recommended plan-level thresholds of significance, and future development under the project would have a less-than-significant impact related to GHG emissions.

## **(2) Greenhouse Gas Plans, Policies, or Regulations (Criterion 2)**

The 2017 Climate Change Scoping Plan identifies numerous regulations and programs the State will use to achieve its 2030 climate action goal, and substantially advance toward its 2050 climate action goal. As discussed above in *Greenhouse Gas Emissions (Criterion 1)*, implementation of the City's current CAP and the 2023 CAP Update (upon completion) would ensure that future development under the project aligns with the statewide climate action goals identified in the 2017 Climate Change Scoping Plan. As a result, future development under the project would be consistent with, and would not hinder, the 2017 Scoping Plan and associated regulations and programs to achieve statewide climate action goals. The project would have a less-than-significant impact on applicable plans and regulations adopted for the purposes of reducing the emissions of GHGs.

### **c. Cumulative Greenhouse Gas Emissions Impacts**

GHG impacts are, by their nature, cumulative impacts because one project by itself cannot significantly contribute to or cause global climate change. The thresholds of significance used in this analysis pertain to a project's contribution to cumulative impacts and whether the project's contribution is cumulatively considerable. See *Section IV.D.3, Impacts, Standard Conditions of Approval, and Mitigation Measures* above for more discussion.

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## E. HAZARDS AND HAZARDOUS MATERIALS

This section describes the environmental setting with regards to hazards and hazardous materials<sup>1</sup> in the city; discusses the relevant federal, State, regional, and local regulatory considerations; evaluates the potential impacts of the Housing and Safety Elements Update project related to hazards and hazardous materials; and describes how existing regulations and Standard Conditions of Approval (SCOAs) would address potential impacts of the project.

### 1. Setting

This section provides background information on hazards and hazardous materials and summarizes the existing environmental setting related to hazards and hazardous materials within the city.

#### a. Affected Environment

##### (1) Hazardous Materials Transport, Use, or Disposal

A hazardous material is any substance or material that could adversely affect human health or the environment. Hazardous materials are commonly used for construction, service/maintenance industries, commercial businesses, pest/weed management, medical facilities, schools, and households. Hazardous wastes are hazardous materials that no longer have practical use or are discarded or released into the environment. Hazardous wastes can be liquids, solids, or contained gases, and can be the by-products of manufacturing processes, used materials (e.g., used oil), or discarded unused commercial products (e.g., cleaning products or pesticides). Soil that is excavated and contains hazardous materials may also be a hazardous waste if it exceeds specific criteria outlined in California Code of Regulations (CCR) Title 22.

The U.S. Environmental Protection Agency (U.S. EPA) describes household hazardous waste as leftover household products that can catch fire, react, explode under certain circumstances, or that are corrosive or toxic. Household hazardous wastes include products such as paints, cleaners, oils, batteries, and pesticides.<sup>2</sup> Household hazardous waste generated in the city can be disposed of at facilities operated under the San Mateo County Household Hazardous Waste Program.

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<sup>1</sup> The California Health and Safety Code defines a hazardous material as, "...any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety, or to the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, radioactive materials, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment" (California Health and Safety Code Section 25501).

<sup>2</sup> U.S. Environmental Protection Agency (U.S. EPA) 2022a. Household Hazardous Waste. Available at: <https://www.epa.gov/hw/household-hazardous-waste-hhw>, accessed June 23, 2022.

Medical facilities, including clinics, hospitals, professional offices, blood and plasma centers, and medical research facilities generate a wide variety of hazardous substances. These substances may include contaminated medical equipment or supplies, infectious biological matter, prescription medicines, and radioactive materials used in medical procedures. San Mateo County Environmental Health Services (SMCEH) implements the Medical Waste Program in the city through the implementation and enforcement of regulations that apply to the handling, storage, treatment, and disposal of medical waste.

Hazardous materials facilities (including hazardous waste generating facilities) within the city are permitted and inspected by the SMCEH through their Certified Unified Program Agency (CUPA) programs, which includes the Hazardous Waste Generator Program, Tiered Permitting Program, Underground Storage Tank (UST) Program, Aboveground Petroleum Storage Tank (AST) Program, Hazardous Materials Business Plan (HMBP) Program, and California Accidental Release Prevention (CalARP) Program. Additional information regarding the CUPA Programs is presented below under the *Regulatory Setting* section.

Although incidents can happen almost anywhere, certain areas of the city are at higher risk for inadvertent releases of hazardous materials. Locations near roadways that may be used for transporting hazardous materials and locations near facilities that use, store, or dispose of hazardous materials have an increased potential for a release incident. Hazardous materials response, mitigation, and cleanup for San Mateo County is managed by the Belmont Fire Protection District's Hazardous Materials Team through a contractual agreement between the County of San Mateo, the Emergency Services Council, and the Belmont Fire Protection District.<sup>3</sup>

## (2) Soil and Groundwater Contamination

In California, the status and location of hazardous materials release sites under regulatory oversight for assessment and/or remediation actions are reported on the State Water Resources Control Board (State Water Board) GeoTracker database and the Department of Toxic Substances Control (DTSC) EnviroStor database. The GeoTracker database includes leaking underground storage tanks (LUST) and Cleanup Program sites. In addition to known LUST sites, it is not uncommon for older USTs to have been abandoned in place with no documentation of location or abandonment technique. Cleanup Program sites are undergoing investigation and/or cleanup due to spills and leaks of hazardous materials that were used by various businesses and industries (e.g., dry cleaners), which can include heavy metals, solvents, petroleum compounds, and other hazardous materials. The EnviroStor database includes properties such as industrial/commercial sites, school sites, military bases, and waste disposal sites that are known or suspected to be contaminated with some level of toxic substances. The SMCEH Groundwater

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<sup>3</sup> County of San Mateo, 2022. Emergency Management – Hazardous Materials Team. Available at: <https://www.smcgov.org/ceo/emergency-management-hazardous-materials-team>, accessed October 10, 2022.

Protection Program has served as the local oversight agency for investigations and cleanup of petroleum releases from LUSTs and chemical spills.

Hazardous materials release sites identified on GeoTracker and EnviroStor within the city are shown on Figure IV.E-1. As shown in Figure IV.E-1, open sites are still undergoing investigation and/or remediation, and closed sites have completed investigation and/or remediation to the satisfaction of the regulatory agency(ies) providing oversight. In some cases, closed sites may be certified as having completed investigation and/or remediation; however, site management requirements or land use restrictions may be in place to ensure that residual contamination does not pose a risk to human health or the environment. Additionally, in some cases, closed sites that do not have site management requirements or land use restrictions may have residual contamination that were considered acceptable at the time of case closure; however, the residual contamination could pose risks to human health or the environment based on more current information regarding contaminant exposure pathways (e.g., soil vapor intrusion) and toxicology, or if a change to a more sensitive land use is proposed (e.g., from industrial/commercial to residential).

As of November 2022, the GeoTracker database<sup>4</sup> records identify 18 LUST sites and six Cleanup Program sites within the city. Of these sites, all of the LUST cases and four of the Cleanup Program cases are closed, and the remaining two Cleanup Program cases are open. As of November 2022, the EnviroStor database<sup>5</sup> records identify one release site in the city, which is closed. Some parcels identified in the Sites Inventory within the Housing Element Update are located in relatively close proximity to hazardous materials release sites. Because hazardous materials contamination can migrate through groundwater and soil vapor, properties located near hazardous materials release sites can also be impacted by hazardous materials contamination.

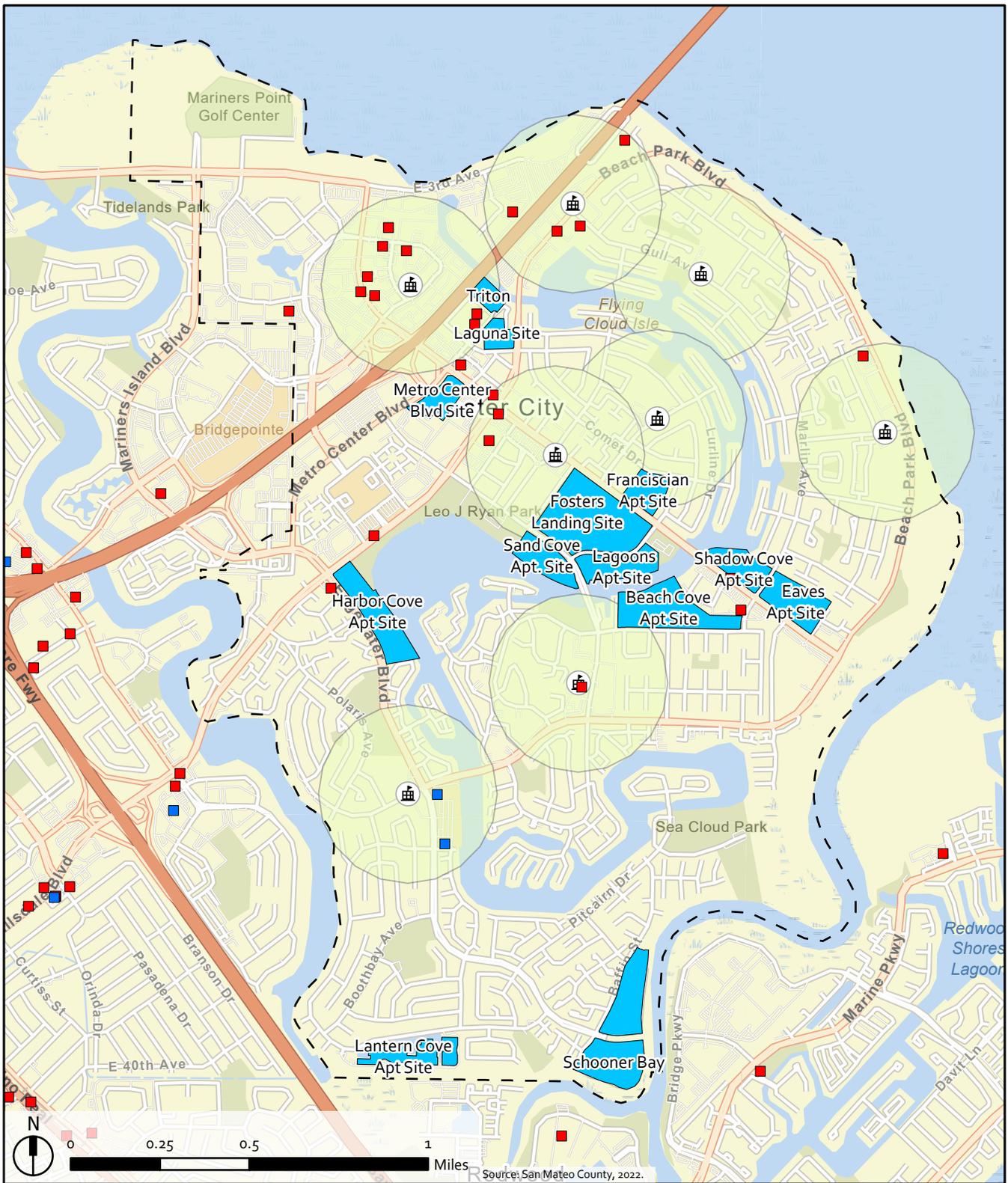
### **(1) Previously Unidentified Contamination**

In addition to the known hazardous materials release sites discussed above, there is the potential for previously unidentified hazardous materials contamination to be present in the city, particularly in areas of past or existing commercial land use. There is also the potential for previously unidentified contamination to be present in the city due to past placement of fill materials, as discussed below.

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<sup>4</sup> State Water Board, 2022. GeoTracker. Available at: <https://geotracker.waterboards.ca.gov/>, accessed November 14, 2022.

<sup>5</sup> Department of Toxic Substances Control (DTSC), 2022. EnviroStor. Available at: <https://www.envirostor.dtsc.ca.gov/public/>, accessed November 14, 2022.



- Foster City City Limit
- Housing Sites
- Schools with 0.25 mi Buffer
- Release Sites**
- Closed
- Open

Figure IV.E-1  
Hazardous Materials Release Sites

The geology of Foster City consists of artificial fill and bay mud. Foster City lies on the west shore of San Francisco Bay, on man-made land created during the late 19th century and enhanced during the mid-20th century. The city is built on fill dredged from San Francisco Bay and other artificial fill materials.<sup>6</sup> Soil and groundwater contamination can be present in areas where fill materials have been placed. Fill materials from unknown sources could be contaminated with various hazardous materials (e.g., pesticides, heavy metals, petroleum compounds, and polychlorinated biphenyls [PCBs]). Fill materials historically placed in low lying areas (particularly near historically industrial areas) often contain contaminants such as heavy metals, petroleum compounds, PAHs, and PCBs that may be associated with the presence of construction rubble/debris in the fill or the dumping of hazardous waste byproducts from past industrial/manufacturing operations.

## (2) Hazardous Building Materials

Hazardous materials are commonly found in building materials (particularly within older buildings) that may be affected by demolition and renovation activities associated with implementation of the project. The planning area includes many buildings that may contain hazardous building materials such as lead-based paint, asbestos containing materials (ACMs), PCBs containing materials and equipment, and mercury containing lights and devices.

Asbestos is a known human carcinogen that was commonly used in building materials until the early 1980's. In 1989, the U.S. EPA issued a final rule banning most asbestos-containing products. In 1991, this regulation was overturned and as a result of a court's decision. The 1989 asbestos regulation only bans new uses of asbestos in products that would be initiated *for the first time* after 1989 and bans the following specific asbestos-containing products: flooring felt, rollboard, and corrugated, commercial, or specialty paper.<sup>7</sup> Asbestos-containing products remain in use within the United States, and include some roof and non-roof coatings and other asbestos-containing building materials.<sup>8</sup> Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos.

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<sup>6</sup> Tom Origer & Associates, 2016. Historical Evaluation of Foster City and the Foster City Levee System, San Mateo County, California. Available at: <https://www.fostercity.org/community/page/creation-foster-city-land>, accessed November 10, 2022.

<sup>7</sup> U.S. Environmental Protection Agency (U.S. EPA), 2022b. Asbestos Ban and Phase-Out Federal Register Notices. Available at: <https://www.epa.gov/asbestos/asbestos-ban-and-phase-out-federal-register-notices>, accessed June 1, 2022.

<sup>8</sup> U.S. Environmental Protection Agency (U.S. EPA), 2017. Preliminary Information on Manufacturing, Processing, Distribution, Use, and Disposal: Asbestos, February. Available at: <https://www.epa.gov/sites/production/files/2017-02/documents/asbestos.pdf>, accessed June 1, 2022.

Prior to 1978, lead compounds were commonly used in exterior and interior paints. Due to its health effects, the application of lead-based paint on residential structures was banned in 1978; however, lead-based paint can be found in commercial or industrial structures, regardless of construction date (because its use is still allowed in commercial and industrial applications).<sup>9</sup>

PCBs were historically used as coolants and lubricants in transformers, capacitors, heating/cooling equipment, and other electrical equipment, and were also used as plasticizers in paints, plastics, rubber products, and caulking. PCBs have been demonstrated to cause cancer and a variety of other adverse health effects in animals, including effects on the immune system, reproductive system, nervous system, and endocrine system. Although manufacturing of PCBs has been banned in the United States since 1979, they may still be found in older electrical equipment and other building materials such as light ballasts and caulking. PCBs or PCBs-contaminated items require proper off-site transport and disposal at a facility that can accept such wastes, in accordance with the Toxic Substances Control Act (TSCA) of 1976 and other federal and State regulations. PCBs in manufactured materials such as caulking may also spread into adjoining materials, particularly porous materials such as wood, concrete, and other types of masonry.<sup>10</sup>

The U.S. EPA has indicated that there was potential widespread use of PCB-containing building materials in buildings built or renovated between about 1950 and 1979. Prior to removal, U.S. EPA recommends PCB testing of caulk and other building materials that are going to be removed to determine what protections are needed during removal and to determine proper disposal requirements.<sup>11</sup>

Fluorescent lighting tubes and ballasts, computer displays, and several other common items containing hazardous materials (including mercury, a heavy metal) are regulated as “universal wastes” by the State of California. Universal waste regulations allow common, low-hazard wastes to be managed under less stringent requirements than other hazardous wastes. Management of other hazardous wastes is governed by DTSC hazardous waste rules.

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<sup>9</sup> Department for Toxic Substances Control (DTSC), 2006. Interim Guidance Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers (Revised).

<sup>10</sup> U.S. Environmental Protection Agency (U.S. EPA), 2015a. PCBs in Building Materials – Questions & Answers. Available at: [https://www.epa.gov/sites/production/files/2016-03/documents/pcbs\\_in\\_building\\_materials\\_questions\\_and\\_answers.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/pcbs_in_building_materials_questions_and_answers.pdf), accessed June 1, 2022.

<sup>11</sup> U.S. Environmental Protection Agency (U.S. EPA), 2015b. Practical Actions for Reducing Exposure to PCBs in Schools and Other Buildings, Guidance for school administrators and other building owners and managers. Available at: [https://www.epa.gov/sites/production/files/2016-03/documents/practical\\_actions\\_for\\_reducing\\_exposure\\_to\\_pcbs\\_in\\_schools\\_and\\_other\\_buildings.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/practical_actions_for_reducing_exposure_to_pcbs_in_schools_and_other_buildings.pdf), accessed June 1, 2022.

### (3) Aviation Hazards

The city is located approximately 1.3 miles north of the San Carlos Airport and approximately 5 miles southeast of the San Francisco International Airport (SFO). The city is located within Area A of the Airport Influence Areas (AIAs) of the San Carlos Airport<sup>12</sup> and SFO<sup>13</sup> where requirements for real estate disclosure are mandatory due to potential noise issues. The southernmost portion of the city, including the Schooner Bay housing inventory site, is located within Area B of the San Carlos Airport AIA, which includes areas within a 9,000-foot radius of San Carlos Airport. Development projects within Area B of the San Carlos Airport AIA require formal review of proposed projects for potential obstruction issues.<sup>14</sup> The central and northern portions of the city, including many of the housing inventory sites, are located within Area B of the SFO AIA, where land development proposals must be reviewed by the Airport Land Use Commission.<sup>15</sup>

The city is not located within the Airport Safety Zones of SFO or San Carlos Airport. The city is located in an area where aircraft noise from SFO is below the Community Noise Equivalent Level (CNEL) of 65 decibels and aircraft noise from San Carlos Airport is below the CNEL of 60 decibels. The CNELs of 65 decibels for SFO and 60 decibels for San Carlos Airport are the noise thresholds below which all land uses are considered compatible by the Airport Land Use Compatibility Plans (ALUCPs) for these airports.<sup>16,17</sup>

### (4) Emergency Response and Evacuation Plans

The Local Hazard Mitigation Plan for Foster City is part of the 2021 San Mateo County's Multi-Jurisdictional Hazard Mitigation Plan efforts.<sup>18</sup> The plan is currently undergoing approval by California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA). The Local Hazard Mitigation Plan describes organizational

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<sup>12</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>13</sup> City/County Association of Governments (C/CAG) of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>14</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>15</sup> City/County Association of Governments (C/CAG) of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, November. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>16</sup> City/County Association of Governments (C/CAG), 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

<sup>17</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>18</sup> Tetra Tech, 2021. 2021 Multijurisdictional Local Hazard Mitigation Plan, Volume 2 – Planning Partner Annexes. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/fire\\_department/page/1231/volume2b\\_planningpartnerannexes\\_municipalities\\_eastpaloalto\\_pacifica.pdf](https://www.fostercity.org/sites/default/files/fileattachments/fire_department/page/1231/volume2b_planningpartnerannexes_municipalities_eastpaloalto_pacifica.pdf), accessed November 10, 2022.

structures, roles and responsibilities, policies, and protocols for providing emergency support to ensure the effective management of emergency operations within the city during an extraordinary emergency or disaster.

Evacuation routes for Foster City are limited by the waterways and freeways that surround the city. Foster City participates in the San Mateo County Smart Corridors Project, which includes as one of its objectives to enhance the ability to respond to emergencies and incidents to improve safety and reduce impacts to the transportation system. The use of any particular evacuation route would depend on the type and location of a specific emergency, which, if any, routes had sustained damage, and many other factors. Selection of evacuation routes in an emergency would be under the purview of law enforcement and/or the City's Emergency Services Director, usually the City Manager.<sup>19</sup>

An Evacuation Assessment<sup>20</sup> was prepared for the City in January 2023 consistent with Assembly Bills (AB) 747 and 1409 requirements. AB 747 and 1049 require that the safety element of general plans and local hazard mitigation plans be reviewed and updated to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

A flooding event resulting from a failure at the Lower Crystal Springs Dam was selected as the evacuation scenario for the Evacuation Assessment. The event was assumed to result in full citywide evacuation with parts of the city flooding in between 1.5 and 6 hours after dam failure. An evacuation assessment for the citywide flood was provided for two time periods: weekday night and weekday midday conditions. Foster City has a limited number of roadways that provide access in and out of the city. Key evacuation roadways were identified as Fashion Island Boulevard, State Route 92, and Hillsdale Boulevard, and the total capacity for available evacuation routes was estimated to be just over 17,000 vehicles per hour. Because some of the evacuation roadways would become inundated more quickly than others, capacity would be limited over the course of a citywide evacuation. With all evacuation links assumed to be inundated after three hours, the total vehicle capacity was estimated to be 36,125 vehicles. Total residential and employee populations were calculated for a future (2040) scenario that includes build out under the project, and the estimated future evacuation vehicle demand ranged from 32,738 – 35,791 vehicles using conservative assumptions (e.g., that all households would evacuate all vehicles rather than leaving some behind, and that all employees drive alone and would evacuate alone in their own vehicle). Using these conservative assumptions, the cumulative evacuation vehicle demand was estimated to be lower than the available capacity for the future evacuation scenario.<sup>21</sup>

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<sup>19</sup> Foster City, 2016. Local Hazard Mitigation Plan & Safety Element, General Plan. Adopted November 2016

<sup>20</sup> Fehr & Peers, 2023. Draft Memorandum, Foster City AB 747 Emergency Evacuation Assessment, January 12.

<sup>21</sup> Fehr & Peers, 2023. Draft Memorandum, Foster City AB 747 Emergency Evacuation Assessment, January 12.

The Evacuation Assessment recommended that the City consider collaborating with the San Mateo County Department of Emergency Management (SMC DEM) to create a Working Group of interagency partners to develop a detailed Evacuation Plan for a citywide evacuation which should consider evacuees without access to a vehicles, areas with concentrated vulnerable populations (e.g., senior centers and schools), and committing public transportation vehicles, school buses, and other shuttle vehicles to providing transportation for evacuees needing assistance. The Evacuation Assessment also identified potential measures and efforts the city could undertake that may reduce evacuation times, including creating additional roadways and bridges (especially in the southeast portion of the city), roadway capacity management (e.g., ensuring the availability of emergency responder personnel to direct traffic), and limiting the number of evacuation vehicles per household.<sup>22</sup>

### **(5) Wildfire**

The entire city and surrounding areas are highly urbanized and not located near heavily vegetated areas or wildlands that could be susceptible to wildfire. The city is located in a Local Responsibility Area and is not within or near a Very High Fire Hazard Severity Zone as mapped by the California Department of Forestry and Fire Protection (CAL FIRE).<sup>23</sup>

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to hazards and hazardous materials.

### **a. Federal Regulations**

The following provides an overview of federal legislation and policies that pertain to hazards and hazardous materials at the local level.

#### **(1) United States Environmental Protection Agency**

The U.S. EPA is the federal agency responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials and hazardous waste. The federal regulations are primarily codified in Title 40 of the Code of Federal Regulations (CFR). The legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA); TSCA; the Superfund Amendments and Reauthorization Acts (SARA) of 1986; and the Comprehensive

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<sup>22</sup> Fehr & Peers, 2023. Draft Memorandum, Foster City AB 747 Emergency Evacuation Assessment, January 12.

<sup>23</sup> California Department of Forestry and Fire Protection (CAL FIRE), 2008. San Mateo County Very High Fire Hazard Severity Zones in LRA as recommended by Cal FIRE.

Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. The U.S. EPA provides oversight for certain site investigation and remediation projects, and has developed protocols for sampling, testing, and evaluation of solid wastes.

## **(2) Resource Conservation and Recovery Act**

RCRA is a combination of the first federal solid waste statutes and all subsequent amendments mandated by Congress. RCRA establishes the framework for a national system of solid waste control. Subtitle D of the Act is dedicated to non-hazardous solid waste requirements, and Subtitle C focuses on hazardous solid waste. Solid waste includes solids, liquids and gases and must be discarded to be considered waste. Under Subtitle C of RCRA, U.S. EPA has developed a comprehensive program to ensure that hazardous waste is managed safely from the moment it is generated to its final disposal (cradle-to-grave) and may authorize states to implement key provisions of hazardous waste requirements in lieu of the federal government. If a state program does not exist, U.S. EPA directly implements the hazardous waste requirements in that state. Subtitle C regulations set criteria for hazardous waste generators, transporters, and treatment, storage and disposal facilities. This includes permitting requirements, enforcement and corrective action or cleanup.<sup>24</sup>

## **(3) Toxic Substances Control Act**

TSCA provides the U.S. EPA with authority to require reporting, record-keeping, testing requirements, and restrictions relating to chemical substances and mixtures. The TSCA addresses the production, importation, use, and disposal of specific chemicals, including PCBs, asbestos, radon, and lead-based paint.

## **(4) Occupational Safety and Health Administration**

Worker health and safety is regulated at the federal level by the Occupational Safety and Health Administration (OSHA). The federal Occupational Safety and Health Act of 1970 authorizes the states to establish their own safety and health programs with OSHA approval. Worker health and safety protections in California are regulated by the California Occupational Safety and Health Administration (Cal/OSHA), as described below. California standards for workers dealing with hazardous materials are contained in CCR Title 8; they include practices for all industries (General Industrial Safety Orders), as well as specific practices for construction. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to OSHA Hazardous Waste Operations and Emergency Response

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<sup>24</sup> U.S. Environmental Protection Agency (U.S. EPA), 2022c. Resource Conservation and Recovery Act (RCRA) Overview. Available at: <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview>, accessed June 3, 2022.

regulations. Additional regulations have been developed for construction workers potentially exposed to lead and asbestos. Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices.

#### **(5) Hazardous Materials Transportation Act**

The Hazardous Materials Transportation Act (HMTA) of 1975 is the statutory basis for the extensive body of regulations aimed at ensuring the safe transport of hazardous materials on water, rail, highways, through air, or in pipelines. It includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation.

#### **(6) Hazardous Materials Transportation Uniform Safety Act of 1990**

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.<sup>25</sup>

#### **(7) Department of Transportation**

The United States Department of Transportation (DOT) develops hazardous materials regulations, which govern the classification, packaging, communication, transportation, and handling of hazardous materials, as well as employee training and incident reporting. The transportation of hazardous materials is subject to both RCRA and DOT regulations. The California Highway Patrol, California Department of Transportation (Caltrans), and the DTSC are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials.

#### **(8) Federal Aviation Regulations Part 77**

Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use, And Preservation of The Navigable Airspace*, establishes:

- Requirements to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction, or the alteration of existing structures;

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<sup>25</sup> Occupational Safety and Health Administration (OSHA), 2022. Transporting Hazardous Materials. Available at: <https://www.osha.gov/trucking-industry/transporting-hazardous-materials>, accessed June 3, 2022.

- Standards used to determine obstructions to air navigation, and navigational and communication facilities;
- The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and
- The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

FAR Part 77 requires FAA notification of any construction or alteration that is more than 200 feet above ground level. FAR Part 77 also establishes imaginary surfaces for airports and runways to identify objects that are obstructions to air navigation. The imaginary surface is defined as a slope ratio or at a certain altitude above the airport elevation. FAA uses FAR Part 77 obstructions standards as elevations above which structures may constitute a safety hazard.

## **b. State Regulations**

The following provides an overview of State legislation and policies that pertain to hazards and hazardous materials at the local level.

### **(1) California Environmental Protection Agency/Department of Toxic Substances Control**

One of the primary agencies that regulate hazardous materials is the California Environmental Protection Agency (CalEPA). The State, through CalEPA, is authorized by the U.S. EPA to enforce and implement certain federal hazardous materials laws and regulations. California regulations pertaining to hazardous materials are equal to or exceed the federal regulation requirements. Most State hazardous materials regulations are contained in CCR Title 22. The DTSC, a department of the CalEPA, generally acts as the lead agency for soil and groundwater cleanup projects that affect public health and establishes cleanup levels for subsurface contamination that are equal to or more restrictive than federal levels. The DTSC has also developed land disposal restrictions and treatment standards for hazardous waste disposal in California.

### **(2) California Health and Safety Code**

Health and Safety Code Division 20, Chapter 6.5 – Hazardous Waste Control, is the primary hazardous waste statute in the State of California and implements RCRA as a “cradle-to-grave” waste management system. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. It also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. It exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates types of wastes and waste management activities that are not covered by federal law with RCRA.

### **(3) California Code of Regulations**

Most State and federal regulations and requirements that apply to generators of hazardous waste are spelled out in the CCR, Title 22, Division 4.5. Title 22 contains the detailed compliance requirements for hazardous waste generators, transporters, and treatment, storage, and disposal facilities. Because California is a fully authorized State according to U.S. EPA, most RCRA regulations (those contained in 40 CFR 260 et seq.) have been duplicated and integrated into Title 22. However, because DTSC regulates hazardous waste more stringently than the U.S. EPA, the integration of California and federal hazardous waste regulations that make up Title 22 do not contain as many exemptions or exclusions as does 40 CFR 260. As with the California Health and Safety Code, Title 22 also regulates a wider range of waste types and waste management activities than does the RCRA regulations in 40 CFR 260. To aid the regulated community, California compiled the hazardous materials, waste and toxics-related regulations contained in CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26 'Toxics.' However, the California hazardous waste regulations are still commonly referred to as Title 22.

### **(4) State Water Resources Control Board**

Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7), the State Water Board has authority over State waters and water quality. "Waters of the state" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code Section 13050[e]). The State Water Board enforces regulations on implementation of UST programs. It also allocates funding to eligible parties that request reimbursement of cleanup costs for soil and groundwater pollution from UST leaks. The State Water Board also enforces the Porter-Cologne Water Quality Act through its nine Regional Water Quality Control Boards, including the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) which has jurisdiction over the city. The State Water Board issued the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Associated with Construction Activity (Construction General Permit), Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-006-DWQ, which addresses management of hazardous materials at construction sites that disturb over one acre of land (described in detail in *Chapter VI, CEQA-Required Conclusions and Effects Found Not to be Significant*, in *Section 6, Hydrology and Water Quality*).

### **(5) California Department of Public Health**

The transportation and disposal of medical wastes are closely regulated under the California Department of Public Health, which regulates the generation, handling, storage, treatment, and disposal of medical waste by providing oversight for the implementation of the Medical Waste Management Act (California Health and Safety Code Sections 117600-118360). Local agencies can implement a medical waste management program pursuant to the Medical Waste Management Act.

## **(6) California Air Resources Board**

The California Air Resources Board (CARB) is responsible for coordination and oversight of State and local air pollution control programs in California, including implementation of the California Clean Air Act of 1988. CARB has developed State air quality standards and is responsible for monitoring air quality in conjunction with the local air districts.

## **(7) California Fire Code**

The California Fire Code is Part 9 of Title 24, CCR, also referred to as the California Building Standards Code. The California Fire Code incorporates the latest International Fire Code of the International Code Council with necessary California amendments. The purpose of the California Fire Code is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

The California Fire Code contains requirements for construction activities under Chapter 33, which includes the development and implementation of a site safety plan establishing a fire prevention program. The California Fire Code also contains specific requirements for welding and other hot work under Chapter 35. The requirements are intended to maintain the required levels of fire protection, limit fire ignition and spread, establish the appropriate operation of equipment, and promote prompt response to fire emergencies. Regulated features include fire protection systems, fire fighter access, water supply, means of egress, hazardous materials storage and use, and temporary heating equipment and other ignition sources.

## **(8) California Division of Occupational Safety and Health**

Worker health and safety protections in California are regulated by Cal/OSHA. California standards for workers dealing with hazardous materials are contained in CCR Title 8; they include practices for all industries (General Industrial Safety Orders), as well as specific practices for construction. Workers at hazardous waste sites (or workers who may be exposed to hazardous wastes that might be encountered during excavation of contaminated soils) must receive specialized training and medical supervision according to OSHA Hazardous Waste Operations and Emergency Response regulations. Additional regulations have been developed for construction workers potentially exposed to lead and asbestos. Cal/OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices. Like OSHA at the federal level, Cal/OSHA is the responsible State-level agency for ensuring workplace safety. Cal/OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the

event that a site is contaminated, a Site Safety Plan is prepared and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

### **(9) California Department of Transportation**

Caltrans has the primary responsibility for enforcing federal and State regulations related to transportation emergencies, including the response to hazardous materials releases. Caltrans is the first responder for hazardous material spills and releases that occur on highway and freeway lanes and intercity rail services.

### **(10) California Highway Patrol**

The California Highway Patrol (CHP) is responsible for assuring the safe, convenient, and efficient transportation of people and goods on the state highway system. The CHP implements the Commercial Vehicle Safety Program, which includes enforcement, education, and partnerships to minimize the disastrous results from collisions involving commercial vehicles. CHP's Commercial Vehicle Section provides assistance regarding the safe operation and enforcement of commercial vehicles.

Common carriers are licensed by the CHP, pursuant to the California Vehicle Code, Section 32000. This section requires licensing every motor (common) carrier who transports, for a fee, more than 500 pounds of hazardous materials at one time and every carrier who carries more than 1,000 pounds of hazardous materials that require placards. Common carriers conduct a large portion of their business in the delivery of hazardous materials.

Pursuant to Division 14.3 of the California Vehicle Code, the CHP has adopted regulations for the safe operation of vehicles transporting materials which are poisonous by inhalation. These regulations designate the routes, safe stopping places, and inspection stops to be used when transporting bulk shipments of these materials. Vehicle and equipment inspection, shipment preparation, container identification, and shipping documentation are all part of the responsibility of the CHP. The CHP conducts regular inspections of licensed transporters to assure regulatory compliance and responds to hazardous materials emergencies on roadways.

### **c. Regional Regulations**

Regional policies applicable to local hazards and hazardous materials are summarized below.

### **(1) San Francisco Bay Regional Water Quality Control Board**

The Porter-Cologne Water Quality Act established the State Water Board and divided the state into nine regions, each under the jurisdiction of a Regional Water Quality Control Board. The SFRWQCB (Region 2) regulates water quality in the city. The SFRWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened, and to require remediation actions, if necessary. The SFRWQCB has developed Environmental Screening Levels to help expedite the preparation of environmental risk assessments at sites where contaminated soil and groundwater have been identified. The SFRWQCB issued the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, NPDES Permit No CAS612008, which addresses the potential discharge of hazardous materials in municipal stormwater from the city and other municipalities in the Bay Area (described in detail under in *Chapter VI, CEQA-Required Conclusions and Effects Found Not to be Significant*, in *Section 6, Hydrology and Water Quality*).

### **(2) Bay Area Air Quality Management District**

The Bay Area Air Quality Management District (BAAQMD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of the U.S. EPA and CARB). BAAQMD is responsible for preparing attainment plans for non-attainment criteria air pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including asbestos demolition and renovation activities.

BAAQMD Regulation 11-2 requires that prior to commencement of any demolition or renovation, the owner or operator must thoroughly survey the affected structure or portion thereof for the presence of ACMs. The survey must be performed by a person who is certified by the Division of Occupational Safety and Health, and who has taken and passed an U.S. EPA-approved Building Inspector course and who conforms to the procedures outlined in the course. The survey must include sampling and the reporting of results of laboratory analysis of the asbestos content of all suspected ACMs. This survey must be made available, upon request by the Air Pollution Control Officer, prior to the commencement of any regulated ACMs removal or any demolition. If ACMs are identified, the disturbance/removal and management of ACMs must be performed in accordance with BAAQMD Regulations under Rule 11-2 to ensure that asbestos would not be released into the environment.

### **(3) City/County Association of Governments of San Mateo County, Airport Land-Use Commission**

In San Mateo County, the City/County Association of Governments (C/CAG) Board acts as the Airport Land Use Commission (ALUC). The purpose of the ALUC is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas

around public airports to the extent that these areas are not already devoted to incompatible uses. The ALUC has three primary responsibilities: to coordinate airport land use compatibility planning efforts at the state, regional and local levels; to prepare and adopt an ALUCP for each public-use airport in its jurisdiction; and, to review plans, regulations and other actions of local agencies and airport operators. Each ALUCP identifies an AIA, which is further broken down into Area A, which requires real estate disclosure of the presence of the airport; and Area B, the project referral area, which requires new plans and projects to demonstrate consistency with the goals and policies of the ALUCP. The city is located in an area where maximum building heights (based on FAR Part 77 analysis) range from approximately 550 feet in the northwest portion of the city to over 1,500 feet in the southern portion of the city, as identified in the ACLUP for SFO. The city is within areas identified in the ACLUP for SFO as having a critical aeronautical surface<sup>26</sup> elevations ranging from 210 feet in the northern and central portions of the city to 800 feet in other areas of the city.<sup>27</sup> The city is located in an area where maximum building heights (based on FAR Part 77 analysis) range from approximately 250 feet to 350 feet in the southern portion of the city, as identified in the ACLUP for San Carlos Airport. An area in the southern portion of the city requires FAA notification (through Form 7460-1), for construction of any structures between heights of 150 and 200 feet, as identified in the ACLUP for San Carlos Airport.<sup>28</sup>

#### **(4) San Mateo County Environmental Health**

SMCEH is the CUPA for the city and enforces State and local regulations pertaining to hazardous waste generators and risk management prevention programs in San Mateo County. The purpose of the CUPA is to ensure that facilities properly manage and disclose hazardous materials used to minimize the risk of a hazardous materials release and improve emergency response actions in the event of a release. As established by Cal/EPA, the CUPA consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency response programs including the Hazardous Waste Generator Program, UST Program, AST Program, HMBP Program, and CalARP. An HMBP is required for businesses that handle and/or store a hazardous material equal to or greater than the minimum reportable quantities, which are 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet (at standard temperature and pressure) for compressed gases. In addition, the SMCEH Groundwater Protection Program may act as lead agency to ensure proper remediation of LUST sites and other contaminated sites.

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<sup>26</sup> The aeronautical surfaces considered most critical by SFO and its constituent airlines that protect the airspace required for multiple types of flight procedures such as those typically factored into FAA aeronautical studies.

<sup>27</sup> City/County Association of Governments (C/CAG), 2012, Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

<sup>28</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

SMCEH manages the Medical Waste Program which is responsible for the regulation of medical waste generation, storage, transport, and disposal in San Mateo County in accordance with the Medical Waste Management Act. SMCEH enforces these regulations and additional requirements adopted by the county, such as Medical Waste Management Plans and closure requirements. Businesses that are located or provide services within San Mateo County must register for the program regardless of the volume or frequency of medical waste generated. There are five categories of Medical Waste: 1) biohazardous (e.g., red bag waste and infectious contaminated solids); 2) sharps (e.g., needles, syringes, blades, and broken glass capable of cutting or piercing); 3) pathology (e.g., human body parts, specimens, animals body parts and tissues); 4) trace chemotherapeutic waste (e.g., items previously containing chemotherapeutic agents), and 5) medicine or pharmaceuticals.<sup>29</sup>

#### **d. Local Regulations**

##### **(1) General Plan**

The Safety Element of the Foster City General Plan<sup>30</sup> contains the following goals, policies, and programs related to hazards and hazardous materials.

**Goal S-B: Emergency Response.** *Maintain an effective emergency response program that anticipates the potential for disasters and ensures the ability to respond promptly, efficiently and effectively, to provide continuity of services during and after an emergency.*

**Policy S-B-1: Emergency Response.** *The City will prepare to respond to emergencies through the City's Emergency Operations Plan, training, and other measures.*

**Program S-B-1-a: Emergency Response.** *The City will prepare to respond to emergencies through use of established procedures, programs of on-going training, periodic exercises of the City's Emergency Operations Plan, and mutual aid agreements.*

**Program S-B-1-b: Emergency Plan.** *The City will maintain the City's Emergency Operations Plan indicating responsibilities and procedures for responding to an emergency.*

**Program S-B-1-c: Mutual Aid.** *Participate in general mutual-aid agreement and agreements with adjoining jurisdictions for cooperative response to fires, floods, earthquakes, and other disasters.*

**Program S-B-1-d: Police Services.** *The City will provide adequate personnel, training, and equipment to support the provision of police services.*

**Policy S-B-2: Emergency Preparedness.** *The City will plan for and provide facilities and materials anticipated to be needed to respond to emergencies.*

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<sup>29</sup> San Mateo County Environmental Health Services (SMCEH), 2022. Website: Medical Waste Program. Available at: <https://www.smchealth.org/medwaste>, accessed October 10, 2022.

<sup>30</sup> Foster City, 2016. General Plan, Local Hazard Mitigation Plan & Safety Element. Adopted November 21.

**Program S-B-2-a: Emergency Operations Center.** Maintain the local government's emergency operations center in a full functional state of readiness.

**Program S-B-2-b: Back-up Emergency Operations Center.** As an infrastructure operator, designate a back-up Emergency Operations Center with redundant communications systems.

**Program S-B-2-c: Emergency Power for Critical Buildings.** Pre-position emergency power generation capacity (or have generation rental/lease agreement for these generators) in critical buildings to maintain continuity of government and services.

**Program S-B-2-d: Critical Intersection Lights.** Ensure that critical intersection lights function following loss of power by installing and maintaining battery back-ups and emergency generators.

**Program S-B-2-e: Post-Disaster Repair of Water and Wastewater Systems.** Develop a plan for speeding the repair and functional restoration of water and wastewater systems through stockpiling of shoring materials, temporary pumps surface pipelines, portable hydrants, and other supplies.

**Goal S-C: Long-term community resilience.** Ensure the long-term community resilience of the community by improving the resiliency to hazards, protecting the environment and planning for post-disaster recovery.

**Policy S-C-4: Minimize Loss of Life, Injuries, and Property Damage Due to Fires.** The City will minimize loss of life, injuries, and property damage due to fires through review of development proposals, public education, and maintenance of well-trained fire suppression personnel.

**Program S-C-4-a: Development Review for Fire Safety.** The City will review proposals for new and modified buildings to ensure that fire safety provisions are included as required by the most current uniform codes and local regulations.

**Program S-C-4-b: Annual Inspections for Fire Safety and Hazardous Materials.** The City will conduct annual inspections of businesses and multi-family dwellings in order to ensure compliance with fire safety and hazardous materials requirements. The City will continue to provide inspections of residential care facilities at the request of the Department of Social Services.

**Program S-C-4-c: Fire Sprinklers.** Require fire sprinklers in all new or substantially remodeled housing, regardless of distance from a fire station.

**Policy S-C-5: Hazardous Materials.** The City will protect the community from unreasonable risks associated with hazardous materials.

**Program S-C-5-a: Hazardous Materials.** The City will continue to enforce applicable codes related to hazardous materials.

## (2) Foster City Municipal Code

The Municipal Code contains the following requirements related to hazards and hazardous materials.

Chapter 17.90, Below Market Rate Inclusionary Housing Program, indicates in Section 17.90.080, Alternatives, that construction of off-site below market rate dwelling units may be performed if

the property is not contaminated with or otherwise impaired by the presence of hazardous materials or hazardous substances in the soil, soil vapor or groundwater in, on, or under the off-site location or emanating from lands in proximity thereto, as reflected in a Phase I Environmental Site Assessment, and if necessary, a Phase II Environmental Site Assessment.

Chapter 15.24, Fire Code, adopts and amends the 2019 California Fire Code and includes amended requirements related to motor fuel dispensing, storage of flammable and combustible liquids and liquefied petroleum gases, and fire apparatus access roads.

### (3) Foster City Standard Conditions of Approval

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, the City of Foster City has adopted Standard Conditions of Approval (SCOAs) for large new and redevelopment projects. The following SCOAs related to hazards and hazardous materials would apply to the project.

**SCOA 2.18:** The applicant shall prepare a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall:

- Provide procedures for evaluating, handling, storing, testing and disposing of soil and groundwater during project excavation and dewatering activities, respectively;
- Require the preparation of a project specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation;
- Require the preparation of a Contingency Plan that shall be applied should previously unknown hazardous materials be encountered during construction activities. The Contingency Plan shall be developed by the contractor(s), with the approval of the City and/or appropriate regulatory agency, prior to demolition or issuance of the first building permit. The Contingency Plan shall include provisions that require collection of soil and/or groundwater samples in the newly discovered affected area by a qualified environmental professional prior to further work, as appropriate. The samples shall be submitted for laboratory analysis by a state-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional. The analytical results of the sampling shall be reviewed by the qualified environmental professional and submitted to the appropriate regulatory agency, if appropriate. The environmental professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under the oversight of the City of regulatory agency, as appropriate; and
- Designate personnel responsible for implementation of the CRMP. The CRMP shall be submitted to the Fire Department for review and approval prior to construction activities.
- Emergency Preparedness and Response Procedures shall be developed by the contractor(s) for emergency notification in the event of an accidental spill or other hazardous materials emergency during project site preparation and development activities. These Procedures shall include evacuation

procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency. The contractor(s) shall submit these procedures to the City prior to demolition or development activities.

**SCOA 2.19:** The contractor shall prepare a Waste Disposal and Hazardous Materials Transportation Plan prior to construction activities where hazardous materials or materials requiring off-site disposal would be generated. The Plan shall include a description of analytical methods for characterizing wastes, handling methods required to minimize the potential for exposure, and shall establish procedures for the safe storage of contaminated materials, stockpiling of soils, and storage of dewatered groundwater. The required disposal method for contaminated materials (including any lead-based paint, asbestos, or other hazardous building materials requiring disposal, see SCOA 9.25, below), the approved disposal site, and specific routes used for transport of wastes to and from the project site shall be indicated. The Plan shall be prepared prior to demolition or development activities and submitted to the City.

**SCOA 2.22:** Prior to excavation or earth working activities, the applicant shall use reasonable means to determine the presence of soil and/or groundwater contamination associated with fill materials present on-site and potential for aerially-deposited lead in soil in proximity to SR 92. Those reasonable means may consist of soil and/or groundwater sampling, and/or conducting a Phase I ESA (for those areas for which a Phase I ESA has not been prepared) and, if necessary, a Phase II ESA in accordance with the most recent ASTM International Standard. A qualified environmental professional (e.g., Professional Geologist, Professional Engineer) shall complete these investigations. Where the results of the studies indicate that soil and/or groundwater contamination is present, required oversight from a regulatory agency shall be included (e.g., SMCEHD) and any necessary remediation shall be conducted. The findings of the investigation(s) shall be documented in a written report and shall be submitted to the City and, if required, to the regulatory oversight agency.

**SCOA 3.1:** Prior to issuance of a demolition permit for structures located on the project site, a lead-based paint, hazardous building materials survey (PCBs, mercury), and asbestos survey (for those structures not previously surveyed) shall be performed by a qualified environmental professional. Based on the findings of the survey, all loose and peeling lead-based paint, and identified asbestos hazards shall be abated by a certified contractor in accordance with local, state, and federal requirements (including the requirements of the BAAQMD, District Regulation 11, Rule 20) and requirements for worker health and safety.

**SCOA 3.2:** Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code and the California Green Building Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.

**SCOA 3.3:** Beginning July 1, 2019, applicants shall complete and submit the "PCB Screening Assessment Form" for any project requiring a demolition permit.

**SCOA 3.4:** Hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes, mercury switches, lead based paint, asbestos containing materials, and PCB wastes, and

subsurface hazardous building materials generated during grading and trenching activities, such as asbestos-cement piping, shall be managed and disposed of in accordance with the applicable universal waste and hazardous waste regulations. Federal and state construction worker health and safety regulations shall apply to the removal of hazardous building materials and demolition activities, and any required worker health and safety procedures shall be incorporated into the contractor's specifications for the project. Documentation of the surveys and abatement activities shall be provided to the City prior to the demolition of structures located at the project site.

**SCOA 6.15:** Upon determination by required 3<sup>rd</sup> party testing by a City approved consultant, that the erection of structures within the development results in decreased performance of the City's existing public safety communications system, the building owner shall submit plans to rectify the deficiencies. Decreases in the public safety communications system performances shall be deemed to include a loss of radio contact or other radio interference resulting in a significant reduction in the performance of the public safety communications system.

**SCOA 6.16:** Final development plans shall indicate that access to the buildings' roof area shall be granted to the City, if required, to install auxiliary transmitters and antennas.

**SCOA 9.13:** If the presence of hazardous materials is found on site, site remediation may be required by the applicable state or local regulatory agencies. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency(ies). Under the direction of the regulatory agency(ies) and the City, a Site Remediation Plan shall be prepared, as required, by the applicant. The Plan shall: 1) specify measures to be taken to protect workers and the public from exposure to the potential hazards and, 2) certify that the proposed remediation would protect the public health in accordance with local, state, and federal requirements, considering the land use proposed. Excavation and earth working activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City.

**SCOA 9.14:** Engineering fill brought on-site shall be demonstrated, by analytical testing, not to pose an unacceptable risk to human health or the environment. Threshold criteria for acceptance of engineered fill shall be selected based on screening levels and protocols developed by regulatory agencies for protection of human health and leaching to groundwater (e.g., Water Board ESLs). The engineered fill shall be characterized by representative sampling in accordance with U.S. EPA's SW-846 Test Methods, by a qualified environmental professional and demonstrated to meet the threshold criteria above. The results of the sampling and waste characterization shall be submitted by the contractor(s) to the City and SMCEHD prior to construction.

**SCOA 9.15:** All excess fill shall be disposed of in accordance with City requirements.

**SCOA 11.13:** State safety regulations regarding the transport, handling and storage of hazardous materials shall be strictly adhered to. Periodic inspection by State inspectors and city fire marshals is required.

**SCOA 11.14:** Storage of hazardous materials shall be directed to areas in the complex where maximum protection of office and other active work areas can be provided.

**SCOA 11.15:** Prior to such storage or use, individual businesses that intend to store or use hazardous materials must obtain a permit from the Fire Department (in accordance with the adopted California Fire Code).

**SCOA 11.17:** The applicant/property owner shall provide and conduct regular maintenance of the Emergency Responder Radio Coverage System (ERRCS) that meets the Telecommunications Engineering Associates (TEA) standard. The applicant/property owner shall provide an annual certificate of inspection.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

The following discussion provides analysis of the potential impacts of development associated with implementation of the project related to hazards and hazardous materials. The proposed goals, policies, and programs related to hazards and hazardous materials in the Safety Element Update are similar and functionally equivalent to existing policies in the General Plan. Therefore, no hazards or hazardous materials related impacts from updating the goals, policies, and programs of the General Plan would occur.

#### **a. Significant Criteria**

Implementation of the project would have a significant impact related to hazards and hazardous materials utilizing CEQA Guidelines Appendix G if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within  $\frac{1}{4}$ -mile of an existing or proposed school.
4. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Applicable thresholds of local significance from the City's Environmental Review Guidelines<sup>31</sup> are discussed in this section as well.

## **b. Analysis and Findings**

The following discussion describes the potential impacts associated with hazards that would result from the project.

### **(1) Transportation and Use of Hazardous Materials (Criterion 1)**

The project is an updated Housing Element and Safety Element, and its associated General Plan and Zoning Amendments, as described in *Chapter III, Project Description*. The project does not by itself alter the physical environment, nor does it include any specific development designs or development proposals. Development associated with implementation of the project would result in an incremental increase in the transportation, use, and disposal of hazardous materials. However, the planned development under the project does not include industrial uses that would transport, use, or dispose of substantial quantities of hazardous materials as these land uses are not included in the project.

Nevertheless, during construction activities under any future project, hazardous materials (e.g., fuels, lubricants, solvents, adhesives, and paints) may be transported and used, and hazardous wastes may be generated for disposal. As such, construction activities could result in an increase in the transportation, use, and disposal of hazardous materials.

The routine transportation, use, and disposal of hazardous materials during construction and operation of developments under the project may pose health and safety hazards to people handling the hazardous materials if the hazardous materials are improperly handled, or to the nearby public and environment if the hazardous materials are accidentally released into the environment. Consistent with the City's Environmental Review Guidelines, development under the project that proposes the usage, placement, storage, or transport of hazardous materials shall require the preparation of appropriate studies (including hazardous event mitigation recommendations), as determined by the Planning Commissions and/or the City Council prior to approval of any land development and/or building use permits. Potential impacts associated with accidental releases of hazardous materials into the environment are discussed under *Criterion 2*, below.

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<sup>31</sup> City of Foster City, 2007. City of Foster City/Estero Municipal Improvement District Environmental Review Guidelines. Adopted October 1, 2007.

## Transportation of Hazardous Materials

As described in the *Regulatory Setting* section above, the transportation of hazardous materials on local roadways is regulated and monitored by multiple federal and State agencies. These agencies enforce federal and State regulations regarding the transportation of hazardous materials and also respond to hazardous material spills and releases that occur on roadways, railway lines, and at railroad crossings. Should an accidental release of hazardous materials occur during transport within the city, the San Mateo Consolidated Fire Department (SMCFD) would respond to the incident. Caltrans and the CHP would also respond if spills of hazardous materials occur on a State highway (e.g., California State Route 92). Implementation of the City's SCOA 2.19 described under *Regulatory Setting* above would also ensure that a Waste Disposal and Hazardous Materials Transportation Plan is prepared prior to construction activities where hazardous materials requiring off-site disposal would be generated.

## Use of Hazardous Materials

Hazardous materials would be routinely used during construction of development associated with implementation of the project. Developments that result in disturbance of an acre or more of land would be required to manage soil and hazardous materials during construction activities in accordance with the requirements of the Construction General Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes hazardous materials storage requirements. For example, construction site operators must store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed). Projects disturbing less than an acre would generally handle smaller quantities of hazardous materials, which reduces the likelihood for the accidental release of significant quantities of hazardous materials. The City performs inspections of all construction sites in accordance with the requirements of the MRP to ensure that potential sources of stormwater pollutants, including hazardous materials, are appropriately managed. Compliance with the existing regulations described above in the *Regulatory Setting* section would ensure that hazardous materials are properly handled during construction.

Operation of developments under the project would also involve the routine transportation, use, and disposal of hazardous materials for commercial facilities, pest/weed management, medical facilities, and households. Businesses storing significant quantities of hazardous materials (e.g., in USTs or over threshold quantities for aboveground storage) would be regulated under the SMCEH's CUPA Programs which ensure the safe storage, use, and handling of hazardous materials.

## Disposal of Hazardous Materials

The disposal of hazardous materials by businesses in the city is regulated and monitored by the SMCEH's CUPA Programs. The disposal of hazardous waste is also regulated by the DTSC consistent with the requirements of federal and State regulations including RCRA, Health and Safety Code Division 20, Chapter 6.5, and CCR Title 22. Household hazardous waste generated in the city can be safely disposed of at facilities operated by the San Mateo County Household Hazardous Waste Program.

## Conclusion

The project does not envision major land use changes that would substantially alter the basic land uses of the city. While residential development envisioned by the Housing Element Update could result in an incremental increase in the transportation, use, and disposal of hazardous materials within the city, that incremental increase is not expected to change the risks associated with routine hazardous materials transportation, use, and disposal compared to the existing condition. Compliance with the existing regulation described under the *Regulatory Setting* section above, including OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, SMCEH's CUPA Programs, SMCEH's Medical Waste Program, and other federal, State, regional, and local regulations would ensure that residential development would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction and operation of developments. Therefore, this impact would be less than significant.

### (2) Accidental Release of Hazardous Materials (Criterion 2)

Releases of hazardous materials into the environment from developments under the project could potentially affect the public and/or the environment if: 1) hazardous building materials (e.g., lead paint, asbestos, PCBs, and mercury) are disturbed during demolition or renovation activities; 2) leakage, spills, or improper disposal of hazardous materials occur during construction or operation; or 3) contaminated soil or groundwater is disturbed during construction or operation. These conditions are further evaluated below:

### Hazardous Building Materials

If lead paint is present in structures to be renovated or demolished under the project, the stabilization and/or removal of lead paint would be required in accordance with applicable laws and regulations, including but not limited to: California OSHA's Construction Lead Standard, Title 8 CCR Section 1532.1, and Department of Health Services regulation 17 CCR Sections 35001 through 36100, as may be amended.

If ACMs are present in structures to be renovated or demolished under the project, the disturbance/removal and management of ACMs must be performed in accordance with BAAQMD Regulations under Rule 11-2 prior to the City issuing demolition or renovation permits to ensure that asbestos would not be released into the environment.

Electrical and lighting equipment that may contain hazardous materials such as mercury and PCBs can be readily identified and, therefore, would be appropriately managed/disposed of in accordance with applicable regulations including TSCA, DTSC hazardous waste rules, and other federal and State regulations. Other types of PCBs-containing building materials such as caulks/sealants, rubber window seals/gaskets, specialized paints, mastics, and other adhesives require testing to evaluate whether these materials contain PCBs.

The MRP requires that all Bay Area municipalities address potential sources of PCBs, including preventing certain building materials that may contain PCBs from entering storm drains as a result of building demolition activities. In order to obtain a demolition permit from the City, applicants must conduct an assessment to screen for PCBs in priority building materials including caulks and sealants, thermal/fiberglass insulation and other insulating materials, adhesive/mastic, and rubber window seals/gaskets. The requirements apply to whole building demolition of commercial, multi-family residential, public, institutional, and industrial structures constructed or remodeled between 1950 and 1980. Single-family homes and wood-frame structures are exempt.<sup>32</sup> Hazardous building materials removed during demolition or renovation activities must be transported in accordance with DOT regulations and disposed of in accordance with the RCRA, CCR, and/or California Universal Waste Rule at a facility permitted to accept the wastes. Implementation of the City's SCOAs 3.1 through 3.4 described in the *Regulatory Setting*, above, would ensure compliance with the regulations described above. Compliance with the existing regulations described above would ensure that potential impacts related to the release of hazardous building materials into the environment due to development under the project would be less than significant.

### **Spills, Leaks, or Improper Disposal of Hazardous Materials**

An accidental release of hazardous materials (e.g., oils, fuels, solvents, paints, or contaminated soil or groundwater) during construction under the project could result in exposure of construction workers, the public, and/or the environment to hazardous materials. As discussed in section Use of Hazardous Materials, above, construction projects that disturb one-acre or more of land would be subject to the requirements of the Construction General Permit, which requires preparation and implementation of a SWPPP to reduce the risk of spills or leaks from reaching the environment, including procedures to

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<sup>32</sup> Bay Area Stormwater Management Agencies Association (BASMAA), 2019. PCBs in Priority Building Materials – Screening Assessment Applicant Package. Available at: <https://www.fostercity.org/commdev/page/pcbs-priority-building-materials-screening-assessment-applicant-package>, accessed November 10, 2022.

address minor spills of hazardous materials. Measures to control spills, leakage, and dumping must be addressed through structural as well as nonstructural best management practices (BMPs). For example, equipment and materials for cleanup of spills must be available on-site, and spills and leaks must be cleaned up immediately and disposed of properly. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. As discussed above, smaller construction sites would generally handle smaller quantities of hazardous materials, which reduces the likelihood for the accidental release of significant quantities of hazardous materials, and the City performs inspections of all construction sites as required by the MRP, which ensures that hazardous materials are appropriately managed. Implementation of the City's SCOA 2.18 requires contractors to prepare Emergency Preparedness and Response Procedures for emergency notification in the event of an accidental spill or other hazardous materials emergency during project site preparation and development activities.

As discussed above, the transportation of hazardous materials is subject to both federal and State regulations. If a discharge or spill of hazardous materials occurs during transportation, the transporter is required to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and contain the spill), and is responsible for the discharge cleanup.

The SMCEH's CUPA Programs and Medical Waste Management Program require that hazardous materials be properly labeled, stored, and disposed of; and requires training and planning to ensure appropriate responses to spills and emergencies.

Compliance with existing regulations and the City's SCOAs regarding the management, transportation, and disposal of hazardous materials, as discussed under the *Regulatory Setting* section and discussion of routine transport, use, or disposal of hazardous materials (criterion a), would ensure that potential impacts related to spills, leaks, or improper disposal of hazardous materials that would be routinely handled during construction and operation of developments under the project would be less than significant.

### **Soil and Groundwater Contamination**

As discussed under *Existing Setting*, there are documented hazardous materials release sites within the city, and there is the potential for previously unidentified hazardous materials contamination to be present in the city, particularly in areas of past or existing commercial land use and areas with undocumented fill materials.

The disturbance of contaminated soil or groundwater during construction activities could potentially result in impacts to construction workers, the public, and the environment because dust or vapors laden with hazardous materials can be released into the environment; movement

of contaminated soil can spread contamination to new areas; and construction of stormwater treatment/infiltration and other landscaping features over areas of contaminated soil or groundwater could increase the leaching of contaminants into groundwater or migration of contaminated groundwater. Implementation of the City's SCOA 2.22 would ensure that the potential presence of soil and/or groundwater contamination would be evaluated prior to construction of developments under the projects through soil and/or groundwater sampling, conducting a Phase I ESA (for those areas for which a Phase I ESA has not been prepared), and conducting a Phase II ESA, if necessary. If contamination is identified, oversight from a regulatory agency (e.g., SMCEH) would be required and any necessary remediation would be conducted. Implementation of the City's SCOA 2.18 would require project applicants to prepare a project-specific CRMP to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. Implementation of the City's SCOAs would ensure that the risk of hazardous materials being released into the environment during development under the project, due to soil or groundwater contamination would be less-than-significant.

### **(3) Hazardous Materials Near Schools (Criterion 3)**

There are four schools in the city located within ¼-mile of a housing inventory site: Beach Park Elementary (1058 Shell Boulevard); Brewer Island Elementary (1151 Polynesia Drive); Ronald C. Wornick Jewish Day School (800 Foster City Boulevard); and San Mateo-Foster City Special Education Preschool (461 Beach Park Boulevard).<sup>33</sup> Given the distribution of schools in the city and surrounding areas, it is possible that future development projects may increase the likelihood of hazardous emissions and handling of hazardous materials during construction activities within ¼-mile of schools. Compliance with the existing regulation described under *Regulatory Setting* section above (e.g., a SMCEH's CUPA Programs and Medical Waste Program, OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, BAAQMD, and other federal, State, regional, and local regulations) and implementation of the City's SCOAs would ensure that potential impacts related to hazardous emissions within ¼-mile of schools as a result of development under the project would be less than significant.

### **(4) Hazardous Site Lists (Criterion 4)**

The provisions of Government Code Section 65962.5 require the DTSC, the State Water Board, the California Department of Health Services, and the California Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board) to submit

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<sup>33</sup> California Department of Education, 2022. California School Directory. Available at: <https://www.cde.ca.gov/schooldirectory/>, accessed November 15, 2022.

information pertaining to sites associated with solid waste disposal, hazardous waste disposal, LUST sites, and/or hazardous materials releases to the Secretary of CalEPA. The known hazardous materials release sites identified within the city are discussed under the *Affected Environment* section above. The closed LUST sites identified on GeoTracker within the city are included on the list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5.<sup>34</sup> Implementation of the City's SCOAs would ensure that if development under the project occurs on properties included on the list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5, potential impacts related to past hazardous materials releases would be less-than-significant.

### **(5) Aviation Hazards (Criterion 5)**

The city is not located within the Airport Safety Zones of SFO or San Carlos Airport. The southernmost portion of the city, including the Schooner Bay housing site, is located within Area B of the San Carlos Airport AIA: therefore formal review of potential obstruction issues on the Schooner Bay site would be required by the ALUC.<sup>35</sup> The central and northern portions of the city, including many of the housing inventory sites, are located within Area B of the SFO AIA, where land development proposals must be reviewed by the ALUC.<sup>36</sup> Review of developments under the project by the ALUC would ensure the project would not conflict with the ACLUPs for SFO or San Carlos Airport .

The city is located in areas where aircraft noise is below the CNELs of 65 decibels for SFO<sup>37</sup> and 60 decibels for San Carlos Airport.<sup>38</sup> Because the city is outside of the areas where aviation noise could exceed these thresholds, the project would not result in excessive aviation noise for people residing or working in the city. Therefore, potential impacts of the project related to aviation hazards would be less than significant.

### **(6) Emergency Response (Criterion 6)**

As described in the *Affected Environment* section, above, the City has developed a Local Hazard Mitigation Plan as part of the 2021 San Mateo County's Multi-Jurisdictional Hazard

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<sup>34</sup> California Environmental Protection Agency (CalEPA), 2022. Cortese List Data Resources. Available at: <https://calepa.ca.gov/sitecleanup/corteseelist/>, accessed October 10, 2022.

<sup>35</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport, October. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>36</sup> City/County Association of Governments (C/CAG) of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>37</sup> City/County Association of Governments (C/CAG), 2012, Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

<sup>38</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport, October. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

Mitigation Plan<sup>39</sup> which is designed to develop strategies, coordinate resources, and increase public awareness to reduce risk and prevent loss from future natural and human-caused hazards. Development under the project could result in an incremental increase in population within the city, which could result in an incremental increase in the demand for emergency response resources and services; however, the development under the project would not impair or interfere with implementation of the Emergency Operations Plan. Implementation of the City's General Plan goals, policies, and programs related to emergency responses, as described in the *Local Regulations* section, would ensure that the City maintain an effective emergency response program that accounts for development under the project.

Implementation of the City's SCOA 6.15, as described in the *Local Regulations* section, would ensure that development under the project would not result in decreased performance of the City's public safety communications system.

Development under the project could require temporary closure of traffic lanes on emergency evacuation routes during construction activities (e.g., for utility connections). This could impede the implementation of emergency response and evacuation plans; however, any construction activities that would result in temporary roadway closures would be required to obtain traffic permits from the City and prepare a traffic control plan, which would maintain emergency response and evacuation access through appropriate traffic control measures and detours. As discussed under in the *Affected Environment* section, an Evacuation Assessment was recently prepared for the City which found that the future evacuation trip demand under the project would be lower than the available evacuation capacity for a citywide evacuation due to failure at the Lower Crystal Springs Dam, which is considered a worst-case scenario for evacuation conditions for the city.<sup>40</sup>

As discussed under *Section IV.B, Traffic and Transportation*, of this EIR, emergency access to new development sites proposed under the project would be subject to review by the City and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The City also requires the preparation of construction management plans that minimize temporary obstruction of traffic during site construction.

As discussed under *Section IV.B, Traffic and Transportation*, of this EIR, additional vehicles associated with new development sites could increase delays for emergency response

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<sup>39</sup> County of San Mateo, 2021. Multijurisdictional Local Hazard Mitigation Plan, August. Public Review Draft, Volume 2b—Planning Partner Annexes. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/fire\\_department/page/1231/volume2b\\_planningpartnerannexes\\_municipalities\\_eastpaloalto\\_pacifica.pdf](https://www.fostercity.org/sites/default/files/fileattachments/fire_department/page/1231/volume2b_planningpartnerannexes_municipalities_eastpaloalto_pacifica.pdf), accessed November 10, 2022.

<sup>40</sup> Fehr & Peers, 2023. Draft Memorandum, Foster City AB 747 Emergency Evacuation Assessment, January 12.

vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. The project also includes new goal, policies, and actions related to emergency evacuation in the Safety Element Update (Goal 1C, Policies 1.10 and 1.11, and Actions 1.10a and 1.11a) to ensure adequate evacuation capacity and infrastructure is available for existing and new development by developing an Evacuation Master Plan and providing adequate mitigation actions to address areas with inadequate access or without at least two evacuation routes. Based on the above considerations, adequate emergency response/evacuation access would be provided to new development sites.

Development under the project would follow the goals, policies, and programs of the Safety Element Update, which would promote emergency response/evacuation planning and preparation efforts. Therefore, potential impacts related to impairing or interfering with the emergency response or evacuation plans would be less than significant.

### **(7) Wildfire Hazards (Criterion 7)**

The entire city and surrounding areas are highly urbanized and not located near heavily vegetated or wildland areas that could be susceptible to wildfire. The city is located in a Local Responsibility Area and is not within or near a Very High Fire Hazard Severity Zone as mapped by the CAL FIRE.<sup>41</sup> Therefore, the project would have a less-than-significant impact related to wildland fire hazards.

#### **c. Cumulative Hazards and Hazardous Materials Impacts**

This analysis evaluates whether the impacts of the project, together with the impacts of cumulative development, would result in a cumulatively significant impact with respect to hazards and hazardous materials. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of a significant impact. The geographic context for this analysis includes Foster City and adjacent areas.

The intensification of land uses caused by future development under the project, together with other development projects in the area, could result in the increased use of hazardous materials, and thereby create a cumulative increase in risk associated with accidental release of hazardous

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<sup>41</sup> California Department of Forestry and Fire Protection (CAL FIRE), 2008. San Mateo County Very High Fire Hazard Severity Zones in LRA as recommended by Cal FIRE.

materials into the environment. These impacts could occur through transport of hazardous materials and waste, inadvertent release of hazardous materials during construction and operation of projects within the city and its vicinity, and potential accidents that require emergency response.

Occurrence of a cumulative effect related to hazardous materials would require that multiple locations release hazardous materials at the same time near each other. Compliance with existing regulations including the OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, SMCEH's CUPA Programs, SMCEH's Medical Waste Program and other federal, State, regional, and local regulations, including the City's SCOAs, would ensure that potential impacts associated with accidental releases of hazardous materials or disturbance of soil or groundwater that may be contaminated with hazardous materials would be less than significant. Each development under the project would be required to comply with the existing hazardous materials regulations discussed above to reduce the risk of impacts associated with hazardous materials releases. Therefore, the potential for impacts associated with hazardous materials releases under the project would not be cumulatively considerable; therefore, the cumulative impact would be less than significant.

Cumulative impacts to emergency response/evacuation access and timing can occur when an increase in population and associated vehicle traffic occurs. Development under the project would increase the population in the city and associated vehicle traffic, which can impact emergency response/evacuation access and timing. As discussed under *Section IV.B, Traffic and Transportation*, of this EIR, the project's incremental contribution to cumulative impacts related to emergency access and evacuation would be less than significant.

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## F. NOISE AND VIBRATION

This section assesses the potentially significant impacts to the existing ambient noise environment in the City of Foster City that could result from implementation of the Housing and Safety Elements Update project. This section also discusses the basics of environmental acoustics, noise regulations by various agencies, and the existing noise environment.

### 1. Setting

This section provides background information on noise and vibration and summarizes the existing noise environment in Foster City.

#### a. General Information on Noise

Noise is defined as unwanted sound that annoys or disturbs people and can have an adverse psychological or physiological effect on human health. Sound is measured in units of decibels (dB) on a logarithmic scale. Decibels describe the purely physical intensity of sound based on changes in air pressure but cannot accurately describe sound as perceived by the human ear, which is only capable of hearing sound within a limited frequency range. To better characterize noise levels perceived by a human ear, a decibel scale called A-weighting (dBA) is typically used. On this scale, the low and high frequencies are given less weight than the middle frequencies. Decibels and other acoustical terms are defined in Table IV.F 1. Typical A-weighted noise levels at specific distances are shown for different noise sources in Table IV.F-2.

In an unconfined space, such as outdoors, noise attenuates with distance. Noise levels at a known distance from point sources are reduced by 6 dBA for every doubling of that distance for hard surfaces (e.g., cement or asphalt) and by 7.5 dBA for every doubling of distance for soft surfaces (e.g., undeveloped or vegetative). Noise levels at a known distance from line sources (e.g., roads, highways, and railroads) are reduced by 3 dBA for every doubling of the distance for hard surfaces and 4.5 dBA for every doubling of distance for soft surfaces. Greater decreases in noise levels can result from the presence of intervening structures.

A typical method for determining a person's subjective reaction to a new noise is by comparing it to existing conditions. The following describes the general effects of noise on people:<sup>1</sup>

- A change of 1 dBA cannot typically be perceived except in carefully controlled laboratory experiments.

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<sup>1</sup> Charles M. Salter Associates, Inc., 1998. Acoustics – Architecture, Engineering, the Environment, William Stout Publishers.

**TABLE IV.F-1 DEFINITION OF ACOUSTICAL TERMS**

<b>Term</b>	<b>Definition</b>
Decibel (dB)	A unit describing the amplitude of sound on a logarithmic scale. Sound described in decibels is usually referred to as sound or noise "level." This unit is not used in this analysis because it includes frequencies that the human ear cannot detect.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level (dBA)	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, in a manner similar to the frequency response of the human ear, and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted.
Equivalent Noise Level ( $L_{eq}$ )	The average A-weighted noise level during the measurement period. For this CEQA evaluation, $L_{eq}$ refers to a 1-hour period unless otherwise stated.
Community Noise Equivalent Level (CNEL)	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels to sound levels during the evening from 7:00 to 10:00 p.m. and after addition of 10 decibels to sound levels during the night between 10:00 p.m. and 7:00 a.m.
Day/Night Noise Level ( $L_{dn}$ )	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 dB to sound levels during the night between 10:00 p.m. and 7:00 a.m.
Ambient Noise Level	The existing level of environmental noise at a given location from all sources near and far.
Vibration Decibel (VdB)	A unit describing the amplitude of vibration on a logarithmic scale.
Peak Particle Velocity (PPV)	The maximum instantaneous peak of a vibration signal.
Root Mean Square (RMS) Velocity	The average of the squared amplitude of a vibration signal.

Source: Charles M. Salter Associates, Inc., 1998. Acoustics - Architecture, Engineering, the Environment, William Stout Publishers. Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No.0123, September.

**TABLE IV.F-2 TYPICAL SOUND LEVELS MEASURED IN THE ENVIRONMENT AND INDUSTRY**

<b>Noise Source (Distance in Feet)</b>	<b>A-Weighted Sound Level in Decibels (dBA)</b>
Jet Aircraft (200)	112
Subway Train (30)	100
Truck/Bus (50)	85
Vacuum Cleaner (10)	70
Automobile (50)	65
Normal Conversation (3)	65
Whisper (3)	42

Source: Charles M. Salter Associates Inc., 1998. Acoustics - Architecture, Engineering, the Environment, William Stout Publishers.

- A 3-dBA change is considered a just-perceivable difference.
- A minimum of 5-dBA change is required before any noticeable change in community response is expected.
- A 10-dBA change is subjectively perceived as approximately a doubling or halving in loudness.

Because sound pressure levels are based on a logarithmic scale, they cannot be added or subtracted using linear methods. For instance, if one noise source emits a sound level of 90 dBA, and a second source is placed beside the first that also emits a sound level of 90 dBA, the combined sound level is 93 dBA, not 180 dBA. In other words, a doubling of sound source is equivalent to an increase of 3 dBA. When the second noise source is lower than the first noise source by at least 10 dBA, the contribution from the second noise source to the overall sound level is negligible (i.e., close to zero). In such cases, no adjustment factor is needed because the contribution from the lower noise source makes no perceptible difference in what people can hear or measure. For example, if one noise source generates a noise level of 95 dBA and another noise source is added that generates a noise level of 80 dBA, the higher noise source dominates, and the combined noise level will be 95 dBA.

Traffic noise levels are often expressed in terms of the hourly dBA. The noise levels generated by vehicular sources mainly depend on traffic volume, the speed, and the percent of trucks within the fleet. Increases in these three factors will lead to higher noise levels. As mentioned above, doubling the number of sources, such as traffic volume, increases the noise level by approximately 3 dBA<sup>2</sup> due to the logarithmic nature of noise levels.

## **b. General Information on Vibration**

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration. Typically, groundborne vibration generated by human activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors to vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment. Vibration amplitudes are usually expressed as either Peak Particle Velocity (PPV) or as Root Mean Square (RMS) velocity. PPV is appropriate for evaluating potential damage to buildings, but it is not suitable for evaluating human response to vibration because it takes the human body time to respond to vibration signals. The response of the human body to vibration is dependent on the average amplitude of a vibration event. Thus,

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<sup>2</sup> Federal Highway Administration (FHWA), 2018. Techniques for Reviewing Noise Analyses and Associated Noise Reports.

RMS is more appropriate for evaluating human response to vibration. PPV and RMS are described in units of inches per second (in/sec), and RMS is also often described in vibration decibels (VdB).

### **c. General Information on Groundborne Noise**

Groundborne vibration can transmit energy into buildings and structures. This vibration can cause a rumbling sound and audible noise within the buildings, which is referred to as groundborne noise. Like noise that travels through the air, groundborne noise is usually measured in decibels (dB or dBA). Groundborne noise is typically dominated by low-frequency components, and the non-linearity of human hearing causes sounds dominated by low-frequency components to seem louder than higher-frequency sounds with the same sound level. As a result, groundborne noise has the potential to disturb people at lower sound levels than broadband noise.

The relationship between groundborne vibration and groundborne noise depends on the frequency content of the vibration. For example, the groundborne noise measured in dBA will be approximately 40 dBA less than the groundborne vibration measured in VdB if the spectrum peak is around 30 Hz, and 25 dBA lower if the spectrum peak is around 60 Hz. Environmental vibration is rarely of sufficient magnitude to be perceptible or cause audible groundborne noise unless there is a specific vibration source close by, such as a railroad line.

### **d. Noise-Sensitive Receptors**

Noise-sensitive receptors are defined as land uses where noise-sensitive people may be present or where noise-sensitive activities may occur. Noise-sensitive receptors include residences, schools, churches, hospitals, elderly-care facilities, hotels, libraries, auditoriums, parks, and outdoor recreation areas are generally more sensitive to noise than are commercial and industrial land uses.

### **e. Vibration-Sensitive Receptors**

The General Plan does not provide a definition for vibration-sensitive receptors. According to the Federal Transit Administration (FTA), vibration-sensitive receptors (receptors where people or activities could be disturbed by vibration) can be divided into four categories:

- **Special Buildings:** this category includes facilities that are very sensitive to vibration and noise, such as concert halls, TV and recording studios, and theaters;
- **Category 1, High Sensitivity:** this category includes buildings where vibration levels would interfere with operations within the building, such as buildings where vibration-sensitive research and manufacturing is conducted, hospitals with vibration-sensitive equipment, and universities conducting physical research operations;

- **Category 2, Residential:** this category includes all residential land uses and buildings where people normally sleep, and includes hotels and hospitals; and
- **Category 3, Institutional:** this category includes institutions and offices that have vibration-sensitive equipment and have the potential for activity interference such as schools, churches, and doctors' offices.<sup>3</sup>

#### **f. Existing Ambient Noise Levels**

According to the Noise Element of the Foster City General Plan,<sup>4</sup> the primary sources of noise in the city are traffic noise from State Route (SR-) 92, Highway 101 (Bayshore Freeway), and major arterial streets, as well as aircraft noise from San Francisco International Airport and San Carlos Municipal Airport. Other significant noise generators are residential neighborhoods including special events, retail center operations, and the location of play areas (such as school and park play areas).

Most of the project housing sites, except for the Lantern Cove site, are along the arterial streets in the city, such as East Hillsdale Boulevard, Foster City Boulevard, Metro Center Boulevard, Shell Boulevard, and Edgewater Boulevard. The Lantern Cove site is located approximately 0.3 miles west of Edgewater Boulevard. Traffic noise levels in Foster City in the year 2005 were assessed using the Federal Highway Administration's Highway Traffic Noise Model (FHWA-RD-77-108) based on the traffic volume, average traffic speed, percentage of truck traffic on roadways, and the daytime variation of noise levels measured along the various roadway facilities. It was found that most land uses at 50 feet from the major roadway segments were exposed to traffic noise exceeding 60 dBA  $L_{dn}$ .

The Noise Element also provided the annual average 60 dB CNEL noise contour due to aircraft operations at the San Francisco International Airport. The project housing sites are not located within the mapped 60 dB CNEL area.

## **2. Regulatory Setting**

In California, noise is primarily regulated at the local level through the implementation of general plan policies and local noise ordinances.

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<sup>3</sup> Federal Transit Administration (FTA), 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No.0123.

<sup>4</sup> Foster City, 1993. Foster City General Plan, Noise Element. Adopted May.

## a. State Regulations

The following provides an overview of State legislation and policies that pertain to noise at the local level.

### (1) California Noise Control Act

Sections 46000 to 46080 of the California Health and Safety Code codify the California Noise Control Act of 1973. The Act established the Office of Noise Control under the California Department of Health Services. It requires that the Office of Noise Control adopt, in coordination with the Office of Planning and Research, guidelines for the preparation and content of noise elements for general plans. The most recent guidelines are contained in the California Office of Planning and Research's General Plan Guidelines.<sup>5</sup> The document provides land use compatibility guidelines for cities and counties to use in general plans to reduce conflicts between land use and noise. The City has adopted a modified version of the State's land use compatibility guidelines, as discussed below.

### (2) California Building Standards Code

The 2019 California Building Standards Code specifies interior noise levels attributable to exterior noise sources for both residential and nonresidential uses during operation. Specifically, it specifies that interior noise levels attributable to exterior sources shall not exceed 45 dBA in any habitable room (e.g., residential homes for living, sleeping, eating, or cooking).<sup>6</sup> The noise metric used (either  $L_{dn}$  or CNEL) must be consistent with the noise element of the local general plan.<sup>7</sup> The 2019 California Building Standards Code also specifies that buildings containing non-residential uses (e.g., retail spaces and offices) that are exposed to exterior noise levels at or above 65 dBA  $L_{eq}$  or CNEL must maintain interior noise levels below 50 dBA  $L_{eq}$  in occupied areas during any hour of operation.<sup>8</sup> The buildings are required to comply with this interior sound level by either a prescriptive or performance method. A prescriptive method requires the use of building assemblies and components with appropriate Sound Transmission Class (STC) values and Outdoor-Indoor Sound Transmissions Class (OITC) values. A performance method requires an acoustical analysis documenting compliance with this interior sound level, to be prepared by personnel approved by the architect or engineer of record before the building is built.

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<sup>5</sup> California Office of Planning and Research (OPR), 2017. State of California General Plan Guidelines.

<sup>6</sup> Habitable space is a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

<sup>7</sup> California Code of Regulations (CCR), Title 24, Part 2, Vol. 1, Section 1206.4.

<sup>8</sup> California Code of Regulations (CCR), Title 24, Part 11, Section 5.507.

**b. Local Regulations**

The City’s policies and other standards that relate to noise are summarized below.

**(1) Foster City General Plan**

The Noise Element of the Foster City General Plan<sup>9</sup> establishes land use compatibility standards that are used to determine land use compatibility with the city’s noise environment for both new and major redevelopment projects. The guidelines for residential land use are summarized in Table IV.F-3 below.

**TABLE IV.F-3 COMMUNITY NOISE EXPOSURE (L<sub>DN</sub>, DB) LEVELS**

Compatibility	Residential
Normally Acceptable	<60
Conditionally Acceptable	55-70
Normally Unacceptable	70-75
Clearly Unacceptable	>75

Notes:

“Normally acceptable” = Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal construction, without any special noise insulation requirements.

“Conditionally Acceptable” = New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design.

“Normally unacceptable” = New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in design.

“Clearly unacceptable” = New construction or development clearly should not be undertaken.

Source: Foster City, 1993. Foster City General Plan, Noise Element. Adopted May.

The Noise Element of the Foster City General Plan contains the following policies and programs that are applicable to the project:

**Policy N-1: Land Use Compatibility Standards.** *New development exposed to transportation noise sources must meet acceptable exterior noise level standards. The “normally acceptable” noise standards for new land uses are established in the Noise and Land Use Compatibility Guidelines (see Noise Element Background section) as modified below:*

- a. *The goal for maximum outdoor noise levels in residential areas is an L<sub>dn</sub> of 60 dB. This level is a requirement to guide the design and location of future development and a goal for the reduction of noise in existing development.*

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<sup>9</sup> Foster City, 1993. Foster City General Plan, Noise Element. Adopted May.

However, 60  $L_{dn}$  is a goal which cannot necessarily be reached in all residential areas within the realm of economic or aesthetic feasibility. This goal will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will not normally be applied to the small decks associated with apartments and condominiums, but these will be evaluated on a case-by-case basis. Where the city determines that providing an  $L_{dn}$  of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an  $L_{dn}$  of 65 dB.

- b. The indoor noise level as required by the State of California Noise Insulation Standards must not exceed an  $L_{dn}$  of 45 dB in multi-family dwellings. This indoor criterion shall also be the maximum acceptable indoor noise level in new single-family homes.
- c. Interior noise levels in new single-family and multi-family residential units exposed to an  $L_{dn}$  of 60 dB or greater should be limited to a maximum instantaneous noise level in the bedrooms of 50 dBA. Maximum instantaneous noise levels in other rooms should not exceed 55 dB.
- d. Appropriate interior noise levels in commercial, industrial, and office buildings are a function of the use of space. For example, the noise level in private offices should generally be quieter than for data processing rooms. Interior noise levels in offices generally should be maintained at 45  $L_{eq}$  (hourly average) or less.
- e. If an area currently is below the desired noise standard, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the increase in existing noise levels and potential for adverse community impact, regardless of the compatibility guidelines.

**Policy N-3: Acoustical Studies.** The City will use the noise guidelines and contours to determine if additional noise studies are needed for a proposed new development.

**Policy N-5: Mitigating Impacts on Surrounding Uses.** The City will require proposals to reduce noise impacts on adjacent properties through the following and other means, as appropriate:

- a. Screen and control noise sources such as parking, outdoor activities and mechanical equipment.
- b. Increase setbacks for noise sources from adjacent dwellings.
- c. Wherever possible do not remove fences, walls or landscaping that serve as noise buffers, although design, safety and other impacts must be addressed.
- d. Use soundproofing materials and double-glazed windows.
- e. Control hours of operation, including deliveries and trash pickup to minimize noise impacts.

**Policy N-7: Compliance with State Noise Insulation Standards.** The adopted Noise Element will serve as a guideline for compliance with the State's noise insulation standards. Recognizing the need to provide acceptable habitation environments, State law requires noise insulation of new multi-family dwellings constructed within the 60 dB  $L_{dn}$  noise exposure contours. It is a function of the Noise Element to provide noise contour information around all major sources in support of the sound transmission control standards (Chapter 2-35, Part 2, Title 24, California Administrative Code).

**Policy N-8: Protecting Existing Residential Areas.** Protect the noise environment in existing residential areas. In general, the city will require the evaluation of mitigation measures for projects that would cause the  $L_{dn}$  to increase by 3 dB or more, if the increase would result in an  $L_{dn}$  greater than 60 dB or if the  $L_{dn}$  already exceeds 60 dB. Projects with the potential to generate significant adverse community controversy must also be evaluated. Noise created by commercial or industrial sources associated with new projects, developments or new or existing activities conducted by existing developments or companies shall be controlled so as not to exceed the noise level standards set forth in

*"Noise and Land Use Compatibility Standards for Industrial and Commercial Noise Sources" table as measured at any affected residential land use.*

**Policy N-13 Noise Ordinance.** *The City will apply the quantitative noise ordinance standards (Chapter 17.68, General Performance Standards) throughout the City.*

**Policy N-14 Vehicle Noise.** *The City will strive to reduce traffic noise levels, especially as they impact residential area and will continue enforcement of vehicle noise standards through noise readings and enforcement actions.*

## (2) Municipal Code

The City of Foster City has established regulations in the Noise Section (17.68.030) and the Vibration Section (17.68.040) of the Municipal Code. The following sections are applicable to the project:

### *17.68.030(B). Noise Limits*

*From 7:30 a.m. to 10:00 p.m., operational noise levels shall not exceed: 1) 60 dBA for any time duration greater than 3 minutes, or 65 dBA for any time duration less than 3 minutes at one or two family residential land use; 2) 65 dBA for any time duration greater than 3 minutes, or 70 dBA for any time duration less than 3 minutes at commercial (office) land use. From 10:00 p.m. to 7:30 a.m., operational noise levels shall not exceed: 1) 50 dBA for any time duration greater than 3 minutes, or 55 dBA for any time duration less than 3 minutes at one or two family residential land use; 2) 60 dBA for any time duration greater than 3 minutes, or 65 dBA for any time duration less than 3 minutes at commercial (office) land use.*

### *17.68.030(E). Prohibited Acts*

*(...)*

*3. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects prior to seven-thirty a.m. or after eight p.m. on weekdays and before nine a.m. or after eight p.m. on weekends and holidays in a residential district or within 100 yards of a residential district;*

*4. Permitting the operation of any tools, or equipment used in construction, repair, alteration, demolition or landscape maintenance prior to 7:30 a.m. or after 8:00 p.m. on weekdays and before 9:00 a.m. or after 8:00 p.m. on weekends and legal holidays, in a residential district or within 100 yards of a residential district, or during other hours such that the noise level from a single or multiple sources exceeds 100 dBA at the producer's property plane<sup>10</sup> unless prior City authorization is obtained, pursuant to Section 17.68.030(F)(7).*

### *17.68.030(F). Exemptions*

*(...)*

*7. The operation of any tools or equipment used in construction, repair, alteration, demolition, or landscape maintenance between the hours of 7:30 a.m. and 8:00 p.m. on weekdays and between the hours of 9:00 a.m. and 8:00 p.m. on weekends and legal holidays in a residential district or within one hundred yards of a residential district is allowed, subject to the following: The noise level from a single or multiple source shall not exceed 100 dBA at the producer's property plane, unless prior authorization is obtained for such activities by the director of planning and*

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<sup>10</sup> "Property plane" means an imaginary vertical plane, including the property line, which determines the property boundaries in space.

*development services. Such approvals may require special mitigation measures as determined by the director of planning and development services.*

*17.68.040. Vibration*

*No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line.*

### **(3) Standard Conditions of Approval**

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, the City of Foster City has adopted Standard Conditions of Approval (SCOAs) and mitigation measures related to noise that would apply to the project.

**SCOA 2.9:** The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.

**SCOA 2.17:** Prior to commencement of any site work or placement of any construction trailers, the applicant shall submit a Site Logistics Plan showing proposed haul routes, placement of the construction trailers (if any) and areas for materials/equipment materials/equipment delivery, materials/equipment storage, waste collection and maintenance/fueling of vehicles/equipment. The Site Logistics Plan shall be subject to approval by the Community Development Director.

- (...)
- The Site Logistics Plan shall 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.

**SCOA 9.1:** Construction activities shall be limited 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. Nonconstruction activities may take place between the hours of 7 a.m. and 8 a.m. on weekdays and 9 a.m. and 4 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery. No actual construction activities may take place between 7 a.m. and 8 a.m., except when post-tension slab foundations are being poured, the concrete pumper may be set up but no concrete may be poured. Forklifts shall be allowed to operate onsite between the hours of 5 p.m. and 6:30 p.m. on weekdays. Construction noise levels shall not exceed the interior noise level of 50 Dba  $L_{eq}$  (hourly average) or the maximum noise level of 70 dBA  $L_{max}$  within occupied noise sensitive land uses. The Planning Commission reserves the right to rescind this condition and further restrict construction activities in the event that the public health, safety and welfare are not protected due to noise levels emanating from the construction project.

- 9.1.1** Any requested deviations from the allowed hours for construction activities shall be submitted to the Community Development Director a minimum of two (2) working days in advance for review and approval. Any approved deviations from the allowed hours shall be communicated to the Building Inspection Division and the Police Department.

**SCOA 9.2:** In order to minimize construction noise impacts, all engine-driven construction vehicles, equipment and pneumatic tools shall be required to use effective intake and exhaust mufflers; equipment shall be properly adjusted and maintained; all construction equipment shall be equipped with mufflers in accordance with OSHA standards.

**SCOA 9.4:** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

**SCOA 9.5:** The following controls shall be implemented at all construction sites within the project to control dust production and fugitive dust.

- (...)
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.

**Mitigation Measure 3.9-5:** Update the Noise Element of the Foster City General Plan to include the following policy language. The following policy shall apply during environmental review of major projects that involve the use of pile drivers or other heavy equipment or construction techniques that may result in significant levels of groundborne vibration.

Projects shall be designed and implemented to reduce adverse construction vibration impacts to sensitive receptors, as feasible, when vibration-related construction activities are to occur within 100 feet or less from existing sensitive receptors. Measures to reduce noise and vibration effects may include, but are not limited to:

- Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period.
- The pre-existing condition of all buildings within a 100-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 100-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
- Substituting vibration-generating equipment with equipment or procedures that would generate lower levels of vibration. For instance, in comparison to impact piles, drilled piles or the use of a sonic or vibratory pile driver are preferred alternatives where geological conditions would permit their use.
- Other specific measures as they are deemed appropriate by the implementing agency to maintain consistency with adopted policies and regulations regarding vibration.

### 3. Impacts and Mitigation Measures

This section analyzes environmental impacts related to noise and vibration that could result from the implementation of the Housing and Safety Elements Update project. The section begins with the criteria of significance that establish the thresholds for determining whether an impact is significant. The latter part of this section presents the impacts associated with the project.

### **a. Significance Criteria**

Implementation of the project would have a significant impact related to noise utilizing CEQA Guidelines Appendix G if it would: :

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Generate excessive ground borne vibration or ground borne noise levels; or
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

### **b. Methodology and Assumptions**

The following sections provide an evaluation and analysis of the potential impacts for each of the criteria of significance listed above and potential cumulative impacts.

Consistent with Municipal Code Section 17.68.030, construction noise at an individual residential development under the project would be considered significant if it would exceed 100 dBA at the producer's property plane.

Consistent with the General Plan Policy N-8, this analysis considers permanent increases in ambient noise levels as a result of project-generated traffic to be significant when project-generated traffic would result in a permanent increase of 3 dBA or more over existing ambient noise levels.

This analysis considers permanent increases in ambient noise levels as a result of other operational noise (such as the use of mechanical heating, ventilation, and air conditioning (HVAC) systems, delivery and loading and unloading activities) to be significant when operational noise exceeds levels set forth in the Foster City Municipal Code, including the following restrictions:

- From 7:30 a.m. to 10:00 p.m., operational noise levels shall not exceed: 1) 60 dBA for any time duration greater than 3 minutes, or 65 dBA for any time duration less than 3 minutes at one- or two-family residential land use; 2) 65 dBA for any time duration greater than 3 minutes, or 70 dBA for any time duration less than 3 minutes at commercial (office) land use.
- From 10:00 p.m. to 7:30 a.m., operational noise levels shall not exceed: 1) 50 dBA for any time duration greater than 3 minutes, or 55 dBA for any time duration less than 3 minutes at one- or two- family residential land use; 2) 60 dBA for any time duration greater than 3 minutes, or 65 dBA for any time duration less than 3 minutes at commercial (office) land use.

Foster City has not adopted criteria for construction groundborne vibration impacts. In this EIR, the FTA vibration impact criteria are used to evaluate potential vibration impacts associated with the implementation of the project. Table IV.F-4 and Table IV.F-5 summarize the vibration criteria established by the FTA to prevent disturbances to building occupants and to prevent damage to structures, respectively. Vibration impacts from future residential developments under the project would be considered potentially significant if they would exceed the FTA’s recommended vibration thresholds to prevent disturbance of building occupants or damage to buildings.

**TABLE IV.F-4 VIBRATION CRITERIA TO PREVENT DISTURBANCE – RMS (VDB)**

<b>Land Use Category</b>	<b>Frequent Events<sup>a</sup></b>	<b>Occasional Events<sup>b</sup></b>	<b>Infrequent Events<sup>c</sup></b>
Buildings where vibration would interfere with interior operations	65	65	65
Residences and buildings where people normally sleep	72	75	80
Institutional land uses with primarily daytime use	75	78	83

<sup>a</sup> More than 70 vibration events of the same kind per day or vibration generated by a long freight train.

<sup>b</sup> Between 30 and 70 vibration events of the same kind per day.

<sup>c</sup> Fewer than 30 vibration events of the same kind per day.

Source: Federal Transit Administration (FTA), 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No.0123, September.

**TABLE IV.F-5 VIBRATION CRITERIA TO PREVENT DAMAGE TO STRUCTURES – PPV (IN/SEC)**

<b>Building Category</b>	<b>Peak Particle Velocity</b>
Reinforced-Concrete, Steel or Timber (No Plaster)	0.5
Engineered Concrete and Masonry (No Plaster)	0.3
Non-Engineered Timber and Masonry Buildings	0.2
Buildings Extremely Susceptible to Vibration Damage	0.12

Source: Federal Transit Administration (FTA), 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No.0123, September.

**c. Analysis and Findings**

The following section provides an analysis of the project’s potential effects related to noise with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element would not generate significant new noise impacts as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not specifically addressed in this analysis.

## **(1) Substantial Temporary or Permanent Increase in Ambient Noise Levels (Criterion 1)**

### **Construction Phase (Temporary)**

Construction noise levels would vary from day to day depending on the quantity, type, and condition of the equipment being used; the type and duration of activity being performed; the distance between the noise source and the receptor; and the presence or absence of barriers, if any, between the noise source and receptor. Demolition, excavation/grading, and foundation work are typically the noisiest phases of construction and would occur during the initial construction phases. The later phases of construction include activities are typically quieter and occur within the building(s) being constructed, thereby providing a noise barrier between the construction activity and any nearby receptors. Pile driving may also be required for some projects, which can generate extreme levels of noise.

Typical noise levels at 50 feet from construction equipment are shown in Table IV.F-6. As discussed above, noise attenuates with distance. Table IV.F-6 also presents the buffer distance that would be required to reduce noise levels to below the 100-dBA threshold at the producer's property plane. As indicated in Table IV.F-6, construction activities could generate exterior noise levels that exceed the City's standards established in the Municipal Code if it occurred near the property plane. For example, a typical impact pile driver would generate the highest levels of noise during construction, representing a worst-case scenario. Under typical conditions, an impact pile diver could generate noise levels exceeding the 100 dBA threshold if used within 55 feet from the producer's property plane. Although most heavy construction equipment would operate in the middle of the construction site, certain construction activities, such as paving and grading, could occur near the property plane. Therefore, noise levels generated from construction activities would have the potential to exceed 100 dBA at the producer's property plane.

SCOA 2.9 specifies required measures to address and track construction noise complaints during construction by designating a noise disturbance coordinator. SCOA 2.17 requires the greatest possible distance between the staging areas and the sensitive receptors near the project site. SCOA 9.1 limits the days and hours of construction equipment operation to avoid generating noise when it would be most objectionable to neighboring receptors, which would prevent the disturbance of nighttime sleep for nearby residences. SCOA 9.1 also requires that construction noise levels not exceed the interior noise level of 50 dBA  $L_{eq}$  (hourly average) or the maximum noise level of 70 dBA  $L_{max}$  within occupied noise sensitive land uses. SCOA 9.2 requires all engine-driven construction vehicles, equipment, and pneumatic tools to use effective intake and exhaust mufflers; to be properly adjusted and maintained; and to be equipped with mufflers in accordance with OSHA standards. SCOA 9.4 requires the greatest possible distance between the

**TABLE IV.F-6 TYPICAL NOISE LEVELS FROM CONSTRUCTION EQUIPMENT**

Type of Equipment	Maximum Sound Levels (dBA at 50 Feet)	Required Buffer Distance (in Feet) from Source to Project Site Boundary to Avoid Exceedance of 100-dBA
Pile Drivers (Impact)	101	55
Pile Drive (Sonic)	95	32
Crane, Derrick	88	17
Jack Hammer	88	17
Grader	85	13
Roller	85	13
Paver	85	13
Dozer	85	13
Concrete Mixer	85	13
Scraper	85	13
Pneumatic Tool	85	13
Concrete Pump	82	10
Compactor	82	10
Generator	82	10
Air Compressor	80	8
Backhoe	80	8
Loader	80	8

Notes: Buffer distance to noise threshold of 100 dBA calculated based on the following equation:

$$D2 = D1 / (10^{((dBA2 - dBA1) / 10 * (2 + G))})$$

Where:

dBA1 = Noise level at reference level

dBA2 = Noise threshold for construction

D1 = Reference distance

D2 = Buffer distance to construction noise threshold

G = Ground absorption constant (0 for hard surface, 0.5 for soft surface)

Source: Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual. FTA Report No. 0123, September.

stationary construction equipment and the sensitive receptors near the project site. SCOA 9.5 limits idling times to no longer than 5 minutes when not in use.

Implementation of the above SCOAs would reduce construction-period noise at the nearby sensitive receptors to the extent feasible. However, the amount of noise reduction that would result from implementation of the SCOAs is not practicably quantifiable, and hence the construction of individual residential development under the project still has the potential to

generate noise levels that conflict with the maximum noise limit of 100 dBA at the producer's property plane established by the Foster City Municipal Code.

**Impact NOISE-1: Construction of residential development under the project could generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (S)**

Foster City Municipal Code Section 17.68.030(F) states that the noise level from a single or multiple source shall not exceed 100 dBA at the producer's property plane, unless prior authorization is obtained for such activities by the director of planning and development services. Such approvals may require special mitigation measures as determined by the director of planning and development services.

To address construction noise impacts from future housing developments, the following mitigation shall be implemented:

Mitigation Measure NOISE-1: Should construction equipment be required within applicable 100-dBA buffer areas identified in Table IV.F-6, the project applicant shall obtain prior authorization from the director of planning and development services in accordance with Municipal Code section 17.68.030(F) *Exemptions*. The project applicant shall also comply with any special mitigation measures as determined by the Community Development Director (referred to as director of planning and development services in the ordinance). Special mitigation measures shall be described in a Construction Noise Management Plan prepared by a qualified acoustical consultant. The project contractor(s) shall implement the approved Plan during construction. Potential attenuation measures may include, but are not limited to, the following:

- Erect temporary plywood noise barriers between the equipment and adjacent land uses.
- Use "quiet" pile driving technology (e.g., silent pile driver or pre-drilling), where feasible in consideration of geotechnical and structural requirements and conditions.
- Use smart back-up alarms on mobile construction equipment that automatically adjust the sound level of the alarm in response to ambient noise levels.
- Use "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible. (LTS)

Implementation of the City's SCOA's, Municipal Code, and **Mitigation Measure NOISE-1** would ensure that temporary noise impacts from construction of individual residential developments under the project would be less than significant.

## Operational Phase (Long-Term)

The primary operation period noise generation sources from future housing developments under the project would include increased vehicular traffic on roadways and the introduction of new stationary sources such as heating, ventilation, and air conditioning (HVAC) systems and emergency backup generators.

### *Stationary Sources*

Noise from mechanical equipment would be required to comply with the operational standards set forth in Foster City Municipal Code Section 17.68.030.B as follows:

- From 7:30 a.m. to 10:00 p.m., operational noise levels shall not exceed: 1) 60 dBA for any time duration greater than three minutes, or 65 dBA for any time duration less than 3 minutes at one- or two-family residential land use; 2) 65 dBA for any time duration greater than 3 minutes, or 70 dBA for any time duration less than 3 minutes at commercial (office) land use.
- From 10:00 p.m. to 7:30 a.m., operational noise levels shall not exceed: 1) 50 dBA for any time duration greater than three minutes, or 55 dBA for any time duration less than three minutes at one- or two-family residential land use; 2) 60 dBA for any time duration greater than 3 minutes, or 65 dBA for any time duration less than 3 minutes at commercial (office) land use.

In addition, General Plan Policy N-5 requires proposals to mitigate noise impacts on adjacent properties through the following and other means as appropriate: screen and control noise sources such as parking, outdoor activities and mechanical equipment; increase setbacks for noise sources from adjacent dwellings; use soundproofing materials and double-glazed windows; and control hours of operation, including deliveries and trash pickup to minimize noise impacts.

Compliance with the Foster City Municipal Code and General Plan policy N-5 would reduce the impact to a less-than-significant level.

### *Vehicle Traffic*

As discussed under *Section IV.F.1.a, General Information on Noise*, a project would need to double the existing traffic volume on a roadway to increase the ambient noise level by approximately 3 dBA. As discussed before, most of the housing inventory sites identified in the Housing Element Update, except for the Lantern Cove site, are along the arterial streets in the city, such as East Hillsdale Boulevard, Foster City Boulevard, Metro Center Boulevard, Shell Boulevard, and Edgewater Boulevard. The Lantern Cove site is located approximately 0.3 miles west of

Edgewater Boulevard. According to the traffic counts from the 2015 Foster City Levee EIR,<sup>11</sup> the city's average daily traffic volumes on studied major roadway segments adjacent to the future residential developments under the project range from about 2,765 to 18,951 vehicles per day.

The daily vehicle trips that would be generated by the future residential development under the project were estimated using the trip generation rate from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition, as presented in Appendix C. Except for the Schooner Bay site, the housing inventory sites under the project would not double the amount of traffic on adjacent major roadway segments. The Schooner Bay site located at the southernmost portion of the city has the potential to generate about 2,933 vehicle trips per day, which would double the existing daily traffic volume of 2,918 vehicles per day on Edgewater Boulevard between Port Royal Avenue and Baffin Street. Therefore, operation of the Schooner Bay site could generate traffic that would result in a permanent increase of 3 dBA or more over existing ambient noise levels.

As mentioned above, most of the existing land uses in the city at 50 feet from the major roadway segments are exposed to traffic noise levels exceeding 60 dBA L<sub>dn</sub>. General Policy N-3 states that the City will use the noise guidelines and contours to determine if additional noise studies are needed for a proposed new development. General Plan Policy N-8 requires the protection of the noise environment in existing residential areas. The City will require the evaluation of mitigation measures for projects that would cause the L<sub>dn</sub> to increase by 3 dB or more, if the increase would result in an L<sub>dn</sub> greater than 60 dB or if the L<sub>dn</sub> already exceeds 60 dB. Compliance with General Plan Policies N-3 and N-8 would ensure that future development under the project would not result in a substantial temporary or permanent increase in ambient noise levels from traffic, and this impact would be less than significant.

## **(2) Groundborne Vibration (Criterion 2)**

### **Construction Phase**

Construction activities can result in varying degrees of ground vibration, depending on the equipment, activity, and relative proximity to sensitive receptors. Typical vibration levels for construction equipment at a distance of 25 feet are shown in Table IV.F-7 below.

As indicated in Table IV.F-7, construction activities could generate groundborne vibration that exceeds the criteria established by the FTA (Table IV.F-4 and Table IV.F-5) at vibration-sensitive receptors. A typical impact pile driver would generate the highest levels of vibration. Under a

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<sup>11</sup> Fehr & Peers, 2015. Traffic counts for the Foster City Levee EIR.

**TABLE IV.F-7 VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT**

Equipment	PPV at 25 Feet, In/Sec	RMS at 25 Feet, VdB
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.17	93
Vibratory Roller	0.21	94
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: Federal Transit Authority (FTA), 2018.

worst-case scenario for typical conditions, an impact pile driver could result in the following impacts to vibration-sensitive receptors:

- Potential disturbance to vibration-sensitive activities within about 500 feet based on the most conservative threshold of 65 VdB as presented in Table IV.F-4,<sup>12</sup> and
- Potential damage to structures within about 115 feet based on the most conservative threshold of 0.12 in/sec for extremely fragile historic buildings as presented in Table IV.F-5.<sup>13</sup>

If sensitive receptors are located within these worst-case screening distances, future housing developments under the project could generate excessive vibration levels. As mentioned under Section IV.F.b.(3), future developments under the project would be required to comply with FEIR

<sup>12</sup> The buffer distance was calculated based on the following equation:

$$D_2 = D_1 * 10^{((RMS_1 - RMS_2) / 30)}$$

Where:

RMS<sub>1</sub> is the reference vibration level at reference distance, and RMS<sub>2</sub> is the vibration threshold for vibration-sensitive activities

D<sub>1</sub> is the reference distance (in this case 25 feet), and D<sub>2</sub> is the buffer distance to vibration threshold for vibration-sensitive activities.

<sup>13</sup> The buffer distance was calculated based on the following equation:

$$D_2 = (PPV_1 / PPV_2)^{(1 / 1.1)} * D_1$$

Where:

PPV<sub>1</sub> is the reference vibration level at reference distances, and PPV<sub>2</sub> is the vibration threshold for building damage.

D<sub>1</sub> is the reference distance (in this case 25 feet), and D<sub>2</sub> is the buffer distance to vibration threshold for building damage.

Mitigation Measure 3.9-5, which requires projects to be designed and implemented to reduce adverse construction vibration impacts to sensitive receptors, as feasible, when vibration-related construction activities are to occur within 100 feet or less from existing sensitive receptors. Implementation FEIR Mitigation Measure 3.9-5 would ensure that construction of future housing developments under the project would not generate excessive groundborne vibration levels, and this impact would be less than significant.

## Operation Phase

Future development under the project will be residential and mixed-use. This land use does not involve equipment or activities that generate excessive groundborne vibration or groundborne noise levels. Therefore, operation of future developments under the project would not generate excessive groundborne vibration or groundborne noise levels, and this impact would be less than significant.

### (3) Aircraft Noise (Criterion 3)

The city is located approximately 1.3 miles north of the San Carlos Airport and approximately 5 miles southeast of the San Francisco International Airport (SFO). The city is located within Area A of the Airport Influence Areas (AIAs) of the San Carlos Airport and SFO where requirements for real estate disclosure are mandatory due to potential noise issues. The southernmost portion of the city, including the Schooner Bay site, is located within Area B of the San Carlos Airport AIA, which includes areas within a 9,000-foot radius of San Carlos Airport. Development projects within Area B of the San Carlos Airport AIA require formal review of proposed projects for potential obstruction issues. The central and northern portions of the city, including many of the housing inventory sites under the project, are located within Area B of the SFO AIA, where land development proposals must be reviewed by the Airport Land Use Commission.

As regulated by Federal Aviation Regulations (FAR) Part 150, CNEL 65 dB is considered the ambient noise level above which residential and other noise-sensitive land uses (including schools, hospitals, and places of worship) are considered incompatible. The housing inventory sites under the project are located outside of the 60-dBA CNEL contour area defined in the Land Use Plan for the San Carlos Airport<sup>14</sup> and are located outside of the 65-dBA CNEL contour area defined in the Land Use Plan for the SFO.<sup>15</sup> The future developments under the project would not expose people at the housing inventory sites to excessive noise levels from any public use

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<sup>14</sup> ESA, 2015. Final Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport, October. Available at: <https://ccag.ca.gov/plansreportslibrary-2/airport-land-use/>, accessed November 14, 2022.

<sup>15</sup> City/County Association of Governments (C/CAG), 2012, Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

airports. Therefore, the project's impact related to the exposure of people to excess noise levels from public-use airports would be less than significant.

Foster City is not located within the vicinity of a private airstrip; the project would have no impact related to the exposure of people to excess noise levels from private airstrips.

#### **d. Cumulative Noise Impacts**

Noise and vibration dissipate with increased distance from the source and therefore, cumulative noise and vibration impacts would not be expected unless new sources of noise are located in close proximity to each other. The impacts from construction noise and vibration for development under the project would be reduced to less than significant levels with implementation of the General Plan policies, the City's Municipal Code, SCOA's, and **Mitigation Measures NOISE-1** and FEIR 3.9-5 as discussed above. If multiple construction projects occur in proximity to each other, all projects would be subject to the same construction noise and vibration policies and applicable mitigation measures, thereby reducing potential cumulative construction noise and vibration impacts to a less-than-significant level.

The noise impacts from operation of residential developments under the project would be reduced to a less-than-significant level with the implementation of the City's General Plan policies, the City's Municipal Code related to noise, and applicable SCOA's. Therefore, the project's potential noise and vibration impacts from traffic and stationary sources would be less than significant.

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## G. POPULATION AND HOUSING

This section describes the current population, housing, and employment characteristics in Foster City. This section also includes a discussion of the regulatory framework and analyzes potential impacts associated with implementation of the Housing and Safety Elements Updates project.

### 1. Setting

Foster City is approximately 4 square miles of land area and is a planned community consisting of an office, commercial, and industrial base generally located northwest of East Hillsdale Boulevard. The City’s residential uses are located mainly southeast of East Hillsdale Boulevard in nine neighborhoods, most containing a mixture of single-family detached units, townhouses, condominiums, and rental apartments. Commercial uses in these nine neighborhoods are limited to those found in five shopping centers scattered throughout the neighborhoods. City administrative offices, recreation facilities, and emergency services are also located southeast of East Hillsdale Boulevard.

#### a. Population

The California Department of Finance (DOF) estimates that Foster City had a population of 33,056 persons as of January 1, 2022.<sup>1</sup> As described in Appendix A of the Draft Housing Element, Foster City’s population breaks down as follows:

Asian	47.7%
White	36.9%
Hispanic/Latino <sup>2</sup>	8.4%
Two of more races/Other	4.6%
Black/African American	<u>2.4%</u>
	100%

As shown in Table IV.G-1, Foster City’s population grew from 28,176 people in 1990 to 33,033 people in 2020, an increase of approximately 17 percent. With the exception of the year 2000, there has been a slow but steady increase in population within the city.

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<sup>1</sup> California Department of Finance (DOF), Demographic Research Unit, Population Estimates for California Cities, May 2, 2022. Available at: [https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1\\_2022PressRelease.pdf](https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1_2022PressRelease.pdf), accessed November 20, 2022.

<sup>2</sup> Note: The Census Bureau’s American Community Survey accounts for ethnic origin separate from racial identity. The numbers reported here use an accounting of both such that the racial categories are shown exclusive of Hispanic/Latino status, to allow for an accounting of the Hispanic/Latino population regardless of racial identity.

**TABLE IV.G-1 FOSTER CITY HISTORICAL POPULATION, 1990-2020**

Year	Foster City Population	Percent Increase/(Decrease) from Previous Decade	San Mateo County Population	Share of County Population
1990	28,176	---	649,623	4.34%
1995	29,086	3.23%	685,354	4.24%
2000	28,803	(0.97%)	707,163	4.07%
2005	29,770	3.36%	719,844	4.14%
2010	30,567	2.68%	718,451	4.25%
2015	32,518	6.38%	761,748	4.27%
2020	33,033	1.59%	773,244	4.27%

Source: Foster City Draft Housing Element, Appendix A.

## b. Housing

According to California Department of Finance estimates, Foster City had 13,735 housing units in as of January 1, 2022.<sup>3</sup> This included 4,796 detached single-family homes, 2,714 attached single-family homes, and 6,225 multi-family units.<sup>4</sup> As described in the Draft Housing Element, 57 percent of housing units are owner occupied and 43 percent of housing units are renter occupied.

An estimated 625 housing units were vacant in 2020, representing a 4.6 percent vacancy rate. The average household size in Foster City has remained stable in the last few decades; it was 2.47 persons per household in 2000, 2.54 persons per household in 2010, and 2.55 persons per household in 2020.<sup>5</sup>

Housing growth in Foster City has been relatively flat. As described in the Draft Housing Element, production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the population and job growth experienced throughout the region. In Foster City, the largest proportion of the housing

<sup>3</sup> California Department of Finance (DOF), 2022. Table 2: E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark.

<sup>4</sup> California Department of Finance (DOF), 2022. Table 2: E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark.

<sup>5</sup> California Department of Finance (DOF), 2022. Demographic Research Unit, Report E-8: Historical Population and Housing Estimates for Cities, Counties, and the State 2000 to 2010, November 2012; and Report E-5, Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark.

stock was built 1960 to 1979, with 8,910 units constructed during this period. The number of homes in Foster City increased 5.7 percent from 2010 to 2020, which is above the growth rate for San Mateo County of 3.6 percent and above the 5.0 percent growth rate of the Bay Area region's housing stock during this time period.

In the Bay Area, the costs of housing have long been among the highest in the nation. As described in the Draft Housing Element, the typical home value in Foster City was estimated at \$1,642,750 in December 2020, per data from Zillow. The largest proportion of homes were valued between \$1,000,000 and \$1,500,000. By comparison, the typical home value is \$1,418,330 in San Mateo County and \$1,077,230 the Bay Area, with the largest share of units valued between \$1,000,000 and \$1,500,000 (county) and \$500,000 and \$750,000 (region).

The region's home values have increased steadily since 2000, besides a decrease during the Great Recession. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area nearly doubling during this time. Since 2001, the typical home value has increased 161.5 percent in Foster City from \$628,240 to \$1,642,750. This change is above the change in San Mateo County, and above the change for the region.

Similar to home values, rents have also increased dramatically across the Bay Area in recent years. As detailed in the Draft Housing Element, in Foster City, the largest proportion of rental units (53.8 percent) rented for over \$3,000, followed by 26.0 percent of units renting for between \$2,500 and \$3,000. Since 2009, the median rent has increased by 76.2 percent in Foster City, from \$2,000 to \$3,060 per month. In San Mateo County, the median rent has increased 41.1 percent from \$1,560 to \$2,200. The median rent in the region has increased during this time from \$1,200 to \$1,850, a 54 percent increase.

The Association of Bay Area Governments (ABAG) is responsible for forecasting changes to the Bay Area population and economy. *Plan Bay Area 2050*<sup>6</sup> was adopted by the ABAG Executive Board and the Metropolitan Transportation Commission on October 21, 2021, and shows the plan's projected household and job growth for the region looking out to 2050. ABAG no longer develops growth projections for population, housing, and employment at the local level, but does provide sub-regional forecasts projections. ABAG projects San Mateo County to provide 9 percent of the region's growth in households by 2050, growing from 265,000 households in 2015 to 394,000 households in 2050, an increase of 129,000 households.<sup>7</sup>

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<sup>6</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050*, adopted October 21, 2021.

<sup>7</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050*, Final Blueprint Growth Pattern, updated January 21, 2021.

Foster City is located in the Central San Mateo County superdistrict (Superdistrict No. 6) used by ABAG for sub-regional growth projections, as presented in *Plan Bay Area 2050*. The number of households in this superdistrict is projected to grow by 39 percent between 2015 and 2050, from 87,000 households to 121,000 households, representing 2 percent of growth in the San Francisco Bay region.<sup>8</sup>

### c. Employment

The following discussion on Foster City's employment sector is provided as context for the subsequent discussion on the jobs-housing balance in the city. The jobs-housing balance is a metric for achieving and tracking progress on the transportation and environmental goals of *Plan Bay Area 2050* that are intended to accommodate the population growth anticipated for the region over the next 30 years.

As detailed in Appendix A of the Draft Housing Element, there were approximately 17,742 employed residents within Foster City. A breakdown of the employees by type of occupation is shown in Table IV.G-2. As shown with the table, the majority of employed residents are within the financial and professional services or the health and education services. In 2020 the median household income in Foster City was \$163,322.<sup>9</sup>

Employment data for Foster City produced by the California Employment Development Department, which differs slightly from the ACS data, shows that the Great Recession of 2007 through 2009 produced a peak in the city's unemployment rate that persisted for about 3 years. As shown in Table IV.G-3, unemployment began trending downward in 2013 and had achieved a low rate of 2 percent by 2019. As occurred throughout the entire country, the COVID-19 Pandemic drove unemployment back up to 5.3 percent in 2020 but returned to a lower rate of 3.6 percent in 2021.

*Plan Bay Area 2050* projects the overall regional count of employment to grow from around 4.0 million jobs in 2015 to almost 5.4 million jobs by 2050, an increase of about 35 percent.<sup>10</sup> *Plan Bay Area 2050* also projects that implementation of the full bundle of strategies adopted in the Plan will produce approximately 1.36 million new housing units by 2050, well above the 441,000-unit need identified for the 2023-2031 RHNA cycle. This would achieve a regional jobs-housing ratio of

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<sup>8</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050*, Final Blueprint Growth Pattern, updated January 21, 2021.

<sup>9</sup> U.S. Census Bureau, American Community Survey, Table S1903: Median Income in the Past 12 Months (in 2020 Inflation-Adjusted Dollars) [undated].

<sup>10</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050*, Final Blueprint Growth Pattern, updated January 21, 2021.

**TABLE IV.G-2 2020 EMPLOYED POPULATION IN THE CITY OF FOSTER CITY BY INDUSTRY TYPE**

<b>Industry Category</b>	<b>Estimated No. of Employees</b>	<b>Percentage of Total</b>
Financial and Profession Services	7,097	40.0%
Health and Educational Services	3,743	21.1%
Manufacturing, Wholesale and Transportation	3,300	18.6%
Information	1,313	7.4%
Retail	1,029	5.8%
Other	958	5.4%
Construction	302	1.7%
<b>Total</b>	<b>17,742</b>	<b>100%</b>

Source: Appendix A of the Draft Housing Element.

**TABLE IV.G-3 FOSTER CITY EMPLOYMENT, 2010-2021**

<b>Year</b>	<b>Labor Force</b>	<b>Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
2010	16,400	15,100	1,300	7.9%
2011	16,700	15,500	1,200	7.1%
2012	17,600	16,500	1,100	6.0%
2013	17,800	16,900	900	4.9%
2014	18,200	17,400	700	3.9%
2015	18,800	18,200	600	3.2%
2016	19,500	19,000	600	2.9%
2017	19,700	19,100	500	2.7%
2018	19,700	19,300	400	2.1%
2019	20,000	19,600	400	2.0%
2020	18,500	17,500	1,000	5.3%
2021	18,300	17,700	700	3.6%

Source: California Employment Development Department, 2022.

approximately 1.3.<sup>11</sup> While *Plan Bay Area 2050* identifies growth geographies and strategies for the next 30 years, the Regional Housing Needs Allocation is a short- to medium-term housing allocation process. However, the two efforts are coordinated, with RHNA's near-term focus setting the stage for early implementation of *Plan Bay Area 2050's* envisioned growth pattern, and the proposed Housing Element is a key component of that planning process.

#### **d. Jobs-Housing Balance**

A key objective of *Plan Bay Area 2050* is to improve the jobs-housing balance throughout the region, as this achieves important environmental goals of reducing vehicle traffic and associated emissions of air pollutants and greenhouse gases. A jobs-housing ratio of 0.75 to 1.5 is considered beneficial for reducing traffic congestion and vehicle miles traveled (VMT).<sup>12</sup> Lower ratios also allow more workers to walk or bicycle to work. The housing elements of Cities and Counties are critical implementation tools for *Plan Bay Area 2050*, and they are expected to achieve improvements in their jobs-housing ratios.

As described in the Draft Housing Element, the balance between jobs and workers may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly when job growth has occurred in relatively lower wage jobs. This dynamic not only means many workers will need to prepare for longer commutes, but in the aggregate, it contributes to traffic congestion and time lost for all road users. If there are more jobs than employed residents, it means a city is relatively jobs-rich, typically also with a high jobs-to-household ratio. Although there are variations in the specific metric used, such as jobs-households, jobs-employed residents, or jobs-housing units, for the purposes of comparison to the County and the region, jobs-households provides a good indicator. The jobs-household ratio in Foster City has increased from 1.37 in 2002, to 1.76 jobs per household in 2018 which has consistently been higher than both the County and the Bay Area region. Since 2010, the number of jobs located in the jurisdiction increased by 2,420 (12.7 percent).

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to population and housing.

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<sup>11</sup> Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), *Plan Bay Area 2050, Final Blueprint Growth Pattern*, updated January 21, 2021.

<sup>12</sup> U.S. Environmental Protection Agency (U.S. EPA), 2014. *EnviroAtlas Fact Sheet: Employment to Housing Ratio*.

**a. Federal**

No federal plans, policies, regulations, or laws related to population and housing are relevant to the project.

**b. State Regulations**

The following provides an overview of State legislation and policies that pertain to population and housing at the local level.

**(1) State Housing Element Law**

California Government Code (Sections 65580-65589.11) requires each City and County in California to prepare and implement a general plan housing element that identifies and analyzes the jurisdiction's existing and projected housing needs, based on population and employment projections, and identifies sites where new housing can be developed to meet the projected demand. The Housing Element Law requires Cities and Counties to update the Housing Element of their General Plans every 5 or 8 years (depending on location/jurisdiction) in order to ensure that they meet their responsibilities in helping the State of California meet its housing goal and in addressing regional housing needs. Additional information about this law is presented in *Section IV.A, Land Use and Planning*.

**(2) Housing Accountability Act**

The Housing Accountability Act (HAA) is intended to significantly increase the approval and construction of new housing for all economic segments of California's communities. This law is described in detail in *Section IV.A, Land Use and Planning*, as is the Density Bonus Law, which provides residential developers with incentives to develop affordable and senior housing by allowing them to increase the density of their projects when they meet stipulated affordability thresholds.

**c. Regional Regulations and Plans**

Regional policies applicable to local population and housing are summarized below.

**(1) Regional Housing Needs Allocation (RHNA)**

The California Housing Element Law referenced above includes a requirement, promulgated at Government Code Section 65584, for the California Department of Housing and Community Development (HCD) to determine the existing and projected need for housing in each region of the State. The HCD must prepare and adopt a Regional Housing Needs Allocation (RHNA) Plan that allocates a share of the regional housing need to each City and County. The RHNA Plan

specifies the number of units, by affordability level, that need to be accommodated within the region during the Housing Element planning period. The regional councils of government (COGs) then distribute a share of the region’s housing need to each City, Town, and County in the region. Each local government must then update the Housing Element of its general plan to inventory housing sites—zoned for residential use—sufficient to meet their RHNA.

The COG assigning RHNA goals to each local jurisdiction in the nine-county San Francisco Bay Area is the Association of Bay Area Governments (ABAG). The Foster City’s allocation is for 1,896 housing units during the 2023-2031 6<sup>th</sup> Cycle Housing Element Update. At least 43 percent (819) of the units must be affordable to low- or very low-income households. The breakdown of Foster City’s RHNA is presented in Table IV.G-4. More information on the RHNA is provided in *Section IV.A, Land Use and Planning*.

**TABLE IV.G-4 6<sup>TH</sup> CYCLE (2023-2031) ABAG HOUSING ALLOCATIONS FOR FOSTER CITY**

Income Category	Number of Housing Units	Portion of Total Allocation
<b>Very Low Income</b> (<50% of Median Area Income)	520	27%
<b>Low Income</b> (51-80% of Median Area Income)	299	16%
<b>Moderate Income</b> (81-120% of Median Area Income)	300	16%
<b>Above Moderate Income</b> (>120% of Median Area Income)	777	41%
<b>Total</b>	<b>1,896</b>	<b>100%</b>

Source: Association of Bay Area Governments and Metropolitan Transportation Commission, 2021.

**(2) Plan Bay Area 2050**

*Plan Bay Area 2050*, discussed in detail in *Section IV.A, Land Use and Planning*, is a 30-year plan for the Bay Area that presents 35 strategies for improving housing, the economy, transportation, and the environment across the nine-county region. *Plan Bay Area 2050* helps guide the new State-mandated RHNA numbers for Bay Area jurisdictions. The integrated Implementation Plan includes over 80 concrete actions that can be implemented at the City, County, regional, or State level within the next 5 years to advance each of the 35 strategies. With respect to housing strategies, the Plan projects that the Bay Area will need to add more than 441,000 new affordable housing units by 2050 to meet the region’s housing needs.

The following housing strategies in *Plan Bay Area 2050* are relevant to and would be supported by the proposed Housing Element:

- H1. Further strengthen renter protections beyond State law. Building upon recent tenant protection laws, limit annual rent increases to the rate of inflation, while exempting units less than 10 years old.*

*H2. Preserve existing affordable housing. Acquire homes currently affordable to low and middle-income residents for preservation as permanently deed-restricted affordable housing.*

*H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and select High-Resource Areas.*

*H4. Build adequate affordable housing to ensure homes for all. Construct enough deed-restricted affordable homes to fill the existing gap in housing for the unhoused community and to meet the needs of low-income households.*

*H5. Integrate affordable housing into all major housing projects. Require a baseline of 10-20% of new market-rate housing developments of five units or more to be affordable to low-income households.*

*H6. Transform aging malls and office parks into neighborhoods. Permit and promote the reuse of shopping malls and office parks with limited commercial viability as neighborhoods with housing for residents at all income levels.*

*H7. Provide targeted mortgage, rental and small business assistance to Equity Priority Communities. Provide assistance to low-income communities and communities of color to address the legacy of exclusion and predatory lending, while helping to grow locally owned businesses.*

*H8. Accelerate reuse of public and community-owned land for mixed-income housing and essential services. Help public agencies, community land trusts and other non-profit landowners accelerate the development of mixed-income affordable housing.*

#### **d. Local Plans**

The City's policies and other standards that relate to population and housing are summarized below.

##### **(1) Foster City Housing Element**

The Housing Element is one of seven mandatory elements of a general plan required by State Planning Law (Government Code Section 65300 *et seq.*). California Government Code Section 65580-65589.8 requires local jurisdictions to update the Housing Element of their General Plans every 8 years to adequately plan for the regional housing needs of residents of all income groups. Housing Elements are required to contain a series of goals, policies and implementing programs that are intended to promote housing production within a community. These goals, policies and programs are required to be accompanied by a list of eligible land resources identified for planned residential development to accommodate the State-mandated RHNA. This list of eligible land resources is referred to as a community's Housing Sites Inventory (Sites Inventory).

##### **(2) Standard Conditions of Approval**

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, Foster City has adopted the following Standard Conditions of Approval (SCOAs) and mitigation measures that would apply to the project.

- No specific SCOAs or mitigation measures specific to population and housing were adopted.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

This section analyzes the impact related to population and housing that would result from implementation of the Housing and Safety Elements Update project. The section begins with the criteria of significance, which establish the thresholds for determining whether an impact is significant. The latter part of this section presents the impacts associated with the project and identifies mitigation measures to address these impacts as needed.

#### **a. Significance Criteria**

Implementation of the project would I have a significant impact related to population and housing utilizing CEQA Guidelines Appendix G if it would:

1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

#### **b. Analysis and Findings**

The following section provides a population and housing analysis of the project with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element would not generate significant new population and housing impacts as the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not specifically addressed in this analysis.

##### **(1) Induce Unplanned Population Growth (Criterion 1)**

Implementation of the proposed Housing Element could result in the creation of 3,199 new housing units in Foster City if all identified housing sites are developed at the maximum allowable density. Although Foster City's RHNA share for the 2023-2031 6<sup>th</sup> Cycle Housing Element Update is 1,896 housing units, the HCD recommends that each jurisdiction provides a buffer of at least 15 to 30 percent above the capacity required by the RHNA. The capacity provided by Foster City's proposed housing sites would provide an approximately a 69 percent buffer above the 6<sup>th</sup> Cycle RHNA.

The project would include rezoning six sites to allow more intense residential development, rezoning a commercial site to allow residential uses, and amending zoning and general plan regulations to establish allowed densities in mixed-use areas. The physical environmental effects of these rezonings and the greater density of development that could result are addressed in other topical sections of this EIR, including those addressing air quality, greenhouse gases, transportation, and utilities. The project would accommodate residential growth and associated population growth in accordance with the City's policies for location, type, and intensity of residential development, as set forth in the Housing Element and Land Use Element.

It's unrealistic to assume that all parcels identified included in the sites inventory would be developed and that they would all be developed at the maximum allowable density, so the actual number of housing units that will be developed as a result of the project would likely be below 3,199 units. While the Housing Element encourages the development of new housing, the actual construction of new units will be driven by market forces, the motivation of property owners, subsidies for affordable housing, and other factors outside the control of the City. Nonetheless, this theoretically possible number of 3,199 new housing units is used as a basis for estimating the environmental effects associated with implementation of the project.

Based on the Department of Finance population estimates, Foster City had an average 2020 household size of 2.55 persons. Applying this average, development of 3,199 new housing units would increase the population in Foster City by approximately 8,158 people. In addition to the reasons cited above, such as it is unlikely that all sites would be developed at their maximum densities, other factors would also serve to reduce this number in actual practice. This includes that many of the new units would be accessory dwelling units (ADUs) added to existing residential properties, studio apartments, and one-bedroom apartments, all of which would typically provide a residence for 1 or 2 people. Implementation of the project would increase the population in Foster City by fewer than the conservative estimate of 8,158 people.

The proposed Housing Element is intended to accommodate anticipated growth and facilitate development of new housing to meet the City's RHNA share determined by ABAG for the 2023-2031 planning period. As such, the population growth associated with the creation of up to 3,199 new housing units would not be unplanned; to the contrary, it is specifically being planned for, with suitable sites for development identified. The project would be consistent with the General Plan, including the Housing Element, as amended by the project. The population growth would also be consistent with *Plan Bay Area 2050*, a regional plan intended to guide the regional population growth anticipated by 2050. Consequently, the project would not induce substantial unplanned population growth. This would be a less-than-significant impact.

## (2) Displace People or Housing (Criterion 2)

Some of the housing sites identified in the proposed Housing Element are currently developed and include some multi-family development.

To address the potential displacement of existing residents of properties which may be redeveloped, the project includes Policy H-C-3, Tenant Protections, which calls for the mitigation of potential impacts of displacement and promote greater awareness of tenant and landlord rights and obligations. This includes the following programs to avoid displacement:

***Program H-C-3-a Phased Redevelopment of Existing Multifamily Developments.*** *If an existing multifamily apartment development is redeveloped including the removal of 25 or more units, the project construction shall be phased such that displacement of residents is minimized to the greatest extent feasible. A Planning application submitted for redevelopment including removal of any units shall include a plan that demonstrates how impacts to existing tenants that are being displaced are minimized. Such plan shall also include a robust outreach plan to affected tenants.*

***Program H-C-3-b Anti-Displacement Strategy.*** *Develop an Anti-Displacement Strategy, including assessment of a variety of tenant protection measures to determine if appropriate for Foster City, including but not limited to: a) expansion of relocation benefits beyond those required by California law for landlords to pay to lower-income tenants to also apply to moderate-income tenants; b) expansion of the amount of relocation benefits beyond those required by California law for lower-income tenants; c) minimum lease terms; d) required notifications to tenants and landlords of legal requirements; and e) expansion of any other relocation/anti-displacement provisions.*

Although existing housing units could be displaced as part of a property's redevelopment, displaced units would be replaced by higher-density residential development resulting in a net increase in housing. Further, as described above, the City would require measures to reduce potential displacement of tenants for project specific projects. Implementation of the Housing Element would result in the net increase of units within the city and would not result in displacement of substantial numbers of population or housing. Therefore, this would be a less-than-significant impact.

### c. Cumulative Population and Housing Impacts

As discussed in the preceding impact discussions, the proposed Housing Element would not result in substantial unplanned population growth or the displacement of substantial numbers of housing units, requiring the construction of replacement housing. The potential growth in housing and population that would be facilitated by the project would be consistent with the City's RHNA, as assigned by ABAG, and would be consistent with *Plan Bay Area 2050*, the regional plan guiding sustainable development in the Bay Area. Other planning jurisdictions in the Bay Area are currently updating their housing elements on the same State-mandated schedule, and those Cities and Counties will also be identifying available sites to accommodate their designated RHNA share. Together, Bay Area jurisdictions must accommodate more than

441,000 new housing units to meet the RHNA for the region during the 2023-2031 planning period. Similar to Foster City, the housing elements prepared by other jurisdictions are plans to prepare for the population growth projected for the region and the associated need for new housing to accommodate that growth. Thus, the growth accommodated by the housing elements of other jurisdictions would be *planned* growth, not *unplanned* growth. Consequently, implementation of the project would not result in a significant cumulative impact.

While it's possible that new housing development in other jurisdictions could lead to the displacement of existing housing, either consistent with the local housing element or otherwise, implementation of Foster City's Housing Element would result in a net increase in housing. Thus, the project would not make a cumulatively considerable contribution to a regional impact related to a substantial displacement of housing or people.

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## H. PUBLIC SERVICES, UTILITIES, AND RECREATION

This section identifies the Housing and Safety Elements Update project's potential public services, utilities, and recreation impacts, which includes an evaluation of fire and emergency services, police services, water supply, wastewater, solid waste, telecommunications, and energy. Standard Conditions of Approval (SCOAs) and mitigation measures are identified, as necessary.

### 1. Setting

This section describes the existing conditions of public services, utilities, and recreation facilities within Foster City.

#### a. Fire Protection

In January of 2019, the Belmont, Foster City, and San Mateo fire departments joined together as a Joint Powers Authority. This new fire department, known as the San Mateo Consolidated Fire Department (SMCFD), provides fire suppression, prevention, life safety, and hazardous material response and containment services for Foster City, in addition to the cities of Belmont and San Mateo. SMCFD consists of nine fire stations strategically located throughout Foster City, Belmont, and San Mateo. SMCFD staffing, facilities and equipment, and response times are described below.

##### (1) Staffing

SMCFD has 154 full-time employees and 3.01 part-time employees. Staff includes 84 firefighters, 39 captains, seven battalion chiefs, one fire chief, one fire marshal, and seven administrative staff.<sup>1</sup> Generally, each SMCFD fire station has one fire engine staffed by one fire captain and two firefighter/engineers. Two stations have ladder trucks that are staffed by one fire captain and three firefighter/engineers. One member of the truck company is a paramedic. Most of the firefighters have special skills including, but not limited to, rescue systems, confined space, swift water, and hazardous materials.<sup>2</sup>

##### (2) Facilities and Equipment

One SMCFD Station is located within Foster City at 1040 East Hillsdale Boulevard and is staffed by six firefighters and houses two fire engines and one water rescue boat. There are no planned

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<sup>1</sup> Estero Municipal Improvement District (EMID), 2020. Final Budget, Fiscal Year 2021-2022. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/financial\\_services/page/3521/fy\\_2021-2022\\_final\\_budget.pdf](https://www.fostercity.org/sites/default/files/fileattachments/financial_services/page/3521/fy_2021-2022_final_budget.pdf), accessed May 17, 2022.

<sup>2</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. About Us. Available at: <https://www.smcfire.org/about-us/station-locations/>, accessed May 17, 2022.

improvements at this fire station, and there are no plans for the construction of new fire stations in the area.<sup>3</sup> Station 26, staffed by three firefighters and equipped with one fire engine, is located at 1500 Marina Court in San Mateo, just outside the Foster City limits.<sup>4</sup>

### (3) Response Times

SMCFD's goal is to respond to 90 percent of all priority 1 calls in under 7 minutes.<sup>5</sup> In 2020, the SMCFD had an average response time of 4 minutes and 58 seconds for priority 1 calls for first engine in (first engine on the scene).<sup>6</sup> The SMCFD's response time in Foster City is less than 6 minutes 90 percent of the time.<sup>7</sup>

#### b. Police Services

The Foster City Police Department (FCPD) is located at 1030 East Hillsdale Boulevard, adjacent to Fire Station 28. The FCPD has an authorized staff of 54 including one chief, two captains, two lieutenants, seven sergeants, six corporals, and 21 officers.<sup>8</sup> The FCPD has two divisions: the Patrol Division and the Administrative Division. The Patrol Division has five teams and is routinely staffed by a sergeant, a corporal, and up to five officers who provide front-line police services 24 hours per day, seven days per week.<sup>9</sup>

Based on an estimated population of 33,056 in 2022,<sup>10</sup> the current police officer-to-resident ratio is approximately 1.63 sworn officers per 1,000 residents. The Foster City Police Department Policy Number 217 guides the department's staffing requirements. The policy provides the following requirements: one supervisor and a minimum of three officers between the hours of 10:00 a.m. and 2:00 a.m., and one supervisor and a minimum of two officers between the hours of

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<sup>3</sup> Marshall, Robert, Fire Marshal, San Mateo Consolidated Fire Department (SMCFD), 2022. Personal communication with Urban Planning Partners, June 8, 2022.

<sup>4</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. About Us, Stations and Apparatus. Available at: <https://www.smcfire.org/about-us/station-locations/>, accessed May 17, 2022.

<sup>5</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. Field Operations. Available at: <https://www.smcfire.org/field-operations>, accessed May 17, 2022

<sup>6</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. 2020 Annual Report. Available at: <https://www.smcfire.org/wp-content/uploads/2021/07/2020-ANNUAL-REPORT.pdf>, accessed May 17, 2022.

<sup>7</sup> Marshall, Robert, Fire Marshal, San Mateo Consolidated Fire Department (SMCFD), 2022. Personal communication with Urban Planning Partners, June 8, 2022.

<sup>8</sup> Estero Municipal Improvement District (EMID), 2020. Final Budget, Fiscal Year 2021-2022. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/financial\\_services/page/3521/fy\\_2021-2022\\_final\\_budget.pdf](https://www.fostercity.org/sites/default/files/fileattachments/financial_services/page/3521/fy_2021-2022_final_budget.pdf), accessed May 17, 2022.

<sup>9</sup> City of Foster City, 2022. Police, Patrol Division. Available at: <https://www.fostercity.org/police/page/patrol-division>, accessed May 17, 2022

<sup>10</sup> U.S. California Department of Finance, Demographic Research Unit, Population Estimates for California Cities, May 2, 2022. Available at [https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1\\_2022PressRelease.pdf](https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1_2022PressRelease.pdf), accessed November 7, 2022.

2:00 a.m. and 10:00 a.m.<sup>11</sup> The department is currently meeting this standard.<sup>12</sup> This standard does not take daytime, non-resident populations into account. Generally, municipalities with land uses that significantly increase such populations, such as universities or large business parks, use the standard as a baseline and add officers as needed to serve those populations. The FCPD has not identified a standard that considers non-residents.

As of 2022, the average response time in Foster City for priority one calls is 5 minutes and 45 seconds.<sup>13</sup>

### c. Parks and Recreation

Foster City maintains 26 parks and recreational facilities. The parks range in size from 0.12 acres to 23.9 acres, and total approximately 156 acres of parkland.<sup>14,15</sup> In addition, the city has 212 acres of recreational waterways, 46.4 acres of walkways and pedways, and 15 acres of satellite facilities from local schools, for a total of 429.4 acres for recreation.<sup>16</sup> Ninety-nine percent of residents live within a 0.5-mile walk to a city park, and 46-percent are within a 0.25-mile walk.<sup>17</sup> All of those who do not live within 0.25 miles of a park live within 0.25 miles of the waterfront.<sup>18</sup> Recreational and community facilities include the Foster City Community Center (1000 E. Hillsdale Boulevard); the VIBE Teen Center (670 Shell Boulevard); and the William E. Walker Recreation Center, which includes the Senior Center (650 Shell Boulevard).

Foster City maintains an extensive 212-acre, 5-mile lagoon that meanders throughout the city's neighborhoods.<sup>19</sup> Adjacent to the lagoon's central lake is Leo Ryan Memorial Park, a 20-acre park with amenities including a boat launch, basketball and tennis courts, an amphitheater, and multi-

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<sup>11</sup> Foster City Police Department, 2022. Foster City PD Policy Manual 2022. Available at: <https://www.fostercity.org/police/page/fcpd-policy-manual>, accessed August 23, 2022.

<sup>12</sup> Ticas, Martin, Captain, Foster City Police Department (FCPD), 2022. Personal communications with Urban Planning Partners, June 8, 2022.

<sup>13</sup> Ticas, Martin, Captain, Foster City Police Department (FCPD), 2022. Personal communications with Urban Planning Partners, June 8, 2022.

<sup>14</sup> City of Foster City, 2009. Parks and Open Space Element, page 18. Available at: <https://www.fostercity.org/commdev/page/chapter-5-parks-and-open-space-element>, accessed May 18, 2022.

<sup>15</sup> Schweigart, Derek, Parks and Recreation Director, 2022. Personal communications with Urban Planning Partners, July 25, 2022.

<sup>16</sup> City of Foster City, 2009. Parks and Open Space Element. Available at: <https://www.fostercity.org/commdev/page/chapter-5-parks-and-open-space-element>, accessed May 18, 2022.

<sup>17</sup> Schweigart, Derek, Parks and Recreation Director, 2022. Personal communications with Urban Planning Partners, July 25, 2022.

<sup>18</sup> City of Foster City, 2019. Parks and Facilities Map. Available at: <https://www.fostercity.org/parksites/>, accessed May 17, 2022.

<sup>19</sup> City of Foster City, 2022. Parks and Recreation, Water Activities. Available at: <https://www.fostercity.org/parksrec/page/water-activities>, accessed May 17, 2022.

use paths. Foster City Community Center, William E. Walker Recreation Center, and VIBE Teen Center offer multi-purpose facilities for venue rentals and community classes. The City has approved funding and initiated the Request for Proposal (RFP) process for a new recreation center that will replace the existing William E. Walker Recreation Center and increase the square footage from 36,000 square feet to approximately 50,000 square feet.<sup>20</sup>

Foster City includes a segment of the Bay Trail, connecting to Redwood Shores to the south and San Mateo to the north. The Levee Improvements Project currently under construction will enhance levee trail access, usability, and landscaping for walkers, runners, and cyclists. Foster City's segment of the San Francisco Bay Trail (the Levee Pedway/Bikeway) is handicap accessible.

The National Recreation and Park Association established standards for the number of acres of parkland per 1,000 population. The recommended minimum standard is 3 acres per 1,000 population. However, Foster City established a standard of five acres per 1,000 population in the Parks and Open Space Element.<sup>21</sup> Moreover, the recommended standard for parks and recreation facilities (such as waterways) is 6-10 acres per 1,000 residents. Based on an estimated population of 33,056 in 2022,<sup>22</sup> the city provides approximately 4.72 acres of parkland per 1,000 residents, which is slightly below Foster City's established standard, but above the recommended minimum standard for parkland. However, it should be noted that only includes parkland, and not the additional recreation facilities (such as trails and waterways) located in the city. Taking into account all recreational facilities, the City provides approximately 12.99 acres of recreation area per 1,000 residents, which exceeds the recommended 6-10 acres per 1,000 residents.

#### **d. Schools**

Foster City is served by two school districts: the San Mateo-Foster City School District (SMFCSD) and the San Mateo Union High School District (SMUHSD). The following section describes school services within the city.

##### **(1) San Mateo-Foster City School District**

The SMFCSD operates 20 schools serving San Mateo and Foster City, including 14 elementary schools, three middle schools, and three elementary-middle schools. Districtwide enrollment for

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<sup>20</sup> Schweigart, Derek, Parks and Recreation Director, 2022. Personal communications with Urban Planning Partners, July 25, 2022.

<sup>21</sup> City of Foster City, 2009. Parks and Open Space Element, pp.18. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/community\\_development/page/3441/gp-chapter-5-parks-and-open-space-element.pdf](https://www.fostercity.org/sites/default/files/fileattachments/community_development/page/3441/gp-chapter-5-parks-and-open-space-element.pdf), accessed May 18, 2022.

<sup>22</sup> California Department of Finance, Demographic Research Unit, Population Estimates for California Cities, May 2, 2022. Available at: [https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1\\_2022PressRelease.pdf](https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1_2022PressRelease.pdf), accessed November 20, 2022.

the year 2021-2022, as of August 2022, was 10,357 students.<sup>23</sup> The SMFCSD operates four elementary schools and one middle school in Foster City. As of August 2022, Beach Park Elementary School was operating at 44-percent capacity, Brewer Island Elementary School was operating at 40-percent capacity, Audubon Elementary School was operating at 47-percent capacity, Foster City Elementary School was operating at 60-percent capacity, and Bowditch Middle School was operating at 66-percent capacity.<sup>24</sup> All SMFCSD schools in the project area are under capacity.

In November 2015, voters approved Measure X, a \$148 million bond for facilities for increasing enrollments. Measure X-funded projects are divided into two phases (Phase I and II). Both phases are underway, Phase I included additional classrooms and facilities at existing schools, as well as the construction of a new elementary school in Foster City, which was completed and opened to students as Beach Park Elementary School in May 2021. Projects under Phase II include a new elementary school in San Mateo.<sup>25</sup> In November 2020, voters approved Measure T, a \$409 million bond for improved and increased facilities, including renovations and a new gymnasium at Bowditch Middle School.<sup>26,27</sup>

As authorized by California Government Code Sections 65995, 65996(a), and 65996(b), SMFCSD also collects school impact fees from developers of new residential and non-residential building space to provide necessary funding for capital facilities. The fee for commercial development is \$0.66 per square foot, and the fee for residential is \$3.04 per square foot.<sup>28</sup> In December 2018, voters approved Measure V, a parcel tax funding SMFCSD's educational programs and staff. Measure V is anticipated to collect \$10 million in revenue over a nine-year period.

## (2) San Mateo Union High School District

The San Mateo Union High School District (SMUHSD) operates six high schools and one continuation high school serving the communities of Burlingame, Foster City, Hillsborough,

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<sup>23</sup> California Department of Education, 2022. Enrollment Multi-Year Summary by Ethnicity and Grade: San Mateo-Foster City Report (41-69039). Available at: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=4169039&aggllevel=district&year=2021-22&ro=y>, accessed August 22, 2022.

<sup>24</sup> Amy Ruffo, Director of Facilities and Construction. San Mateo-Foster City School District, 2022. Personal communication with Urban Planning Partners, August 1, 2022.

<sup>25</sup> San Mateo-Foster City School District (SMFCSD), 2021. September 2021 Measure X Update. Available at: [smfcsd.net/district-departments/business-services/facilities-and-construction/bond-measures-and-projects/measure-x-t-projects](https://smfcsd.net/district-departments/business-services/facilities-and-construction/bond-measures-and-projects/measure-x-t-projects), accessed August 22, 2022.

<sup>26</sup> San Mateo-Foster City School District (SMFCSD), 2022. Measure X & T Update May 2022. Available at: <https://www.smfcsd.net/district-departments/business-services/facilities-and-construction/bond-measures-and-projects/measure-x-t-projects>, accessed August 23, 2022.

<sup>27</sup> Amy Ruffo, Director of Facilities and Construction. San Mateo-Foster City School District, 2022. Personal communication with Urban Planning Partners, August 1, 2022.

<sup>28</sup> San Mateo-Foster City School District (SMFCSD), 2020. Level I Developer Fee Study.

Millbrae, San Mateo, and San Bruno. The SMUHSD operates three high schools that serve households in Foster City: Aragon High School, Hillsdale High School, and San Mateo High School.

As of June 2022, Aragon High School was operating at 89-percent capacity, Hillsdale High School was operating at 87-percent capacity, and San Mateo High School was operating at 85-percent capacity. With total SMUHSD enrollment of 9,659 students during the 2021-2022 school year and a total enrollment capacity of 11,581 students, the entire SMUHSD was at 83 percent capacity.<sup>29</sup>

On December 17, 2020, the SMUHSD Board approved the Measure L bond project list and bond issuance schedule for a \$385 million general obligation bond to make improvements to high school facilities across the district. In May 2021, the board heard a construction update on current and future projects included in Measure L. Current Measure L projects includes site specific projects as well as district-wide projects. Aragon High School site specific projects include a new lighted turf baseball/multi-sport field, encapsulated transite panels<sup>30</sup> to improve sustainability and building appearance, and new high-efficiency boilers. Hillsdale High School site specific projects include encapsulated transite panels, upgraded classroom technology, domestic water pipe replacement, repurposed green building classroom, and improved cafeteria acoustics and audio-visual systems. San Mateo High School site specific projects include a new HVAC system for the Large Gym, new boilers and chillers, roof replacements, a new Small Gym, and a new press box with roof access.

In addition to these high school-specific projects, the SMUHSD has a number of district-wide improvements scheduled including installation of a new public address system at all comprehensive school sites to provide for better school safety and easier communication on the sites, and a district-wide path of travel lighting project to improve wayfinding and safety on high school campuses.<sup>31</sup>

### **e. Water Services**

The Estero Municipal Improvement District (EMID) manages the distribution, operation, and maintenance of the City of Foster City's water supply system. The City's sources of water, water treatment facilities, and water distribution system are described below. EMID also supplies water

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<sup>29</sup> Don Scatena, Director of Student Services. San Mateo Union High School District, 2022. Personal communication with Urban Planning Partners, June 8, 2022.

<sup>30</sup> Transite panels are asbestos-containing, cement-board material. According to the project description on CEQAnet.opr.ca.gov, encapsulation of the existing transite panels at the school buildings to prevent exposure of the public and school students and workers to asbestos fibers in the transite panels. More information available at: <https://ceqanet.opr.ca.gov/2021110163>.

<sup>31</sup> San Mateo Union High School District. Capital Facilities Update, May 20, 2021. Available at: <https://www.smuhsd.org/Page/12038>, accessed June 8, 2022.

to residents and businesses in part of the City of San Mateo (Mariner’s Island area). This information is based primarily on the 2023 Water Capacity Study (WCS) completed as part of this environmental review and included as Appendix D to this EIR.

The EMID service area is located midway between San Francisco and San Jose. It is 10 miles south of the San Francisco International Airport. The service area of EMID consists of the City of Foster City and the Mariner’s Island area of the City of San Mateo. Most customers are residential users with a broad cross-section of offices, commercial businesses, biotech research and development, and a small number of industrial businesses. EMID served an estimated population of approximately 36,500 as reported in the EMID 2020 UWMP and the service area population is estimated to be 36,700 by 2025.

Today, the City of Foster City is almost built out with several redevelopment projects in various stages of planning. Table IV.H-1 shows the projected population in 5-year increments until the year 2045. The percent increase for the population growth is also shown. The WCS uses the population estimate published in the EMID 2020 UWMP as the baseline for year 2020 service area population. With all foreseeable future residential development included on this effort’s development list, the WCS developed an updated population projection through 2045. Population projections incorporate the City’s RHNA, which was not available at the time the EMID 2020 UWMP was developed.

**TABLE IV.H-1 EMID CURRENT AND PROJECTED POPULATION**

	2020 <sup>a</sup>	2025	2030	2035	2040	2045
Service Area Population <sup>b</sup>	36,500	36,700	41,000	42,000	42,700	43,400
% Average Annual Population Increase		0.1%	2.1%	0.5%	0.33%	0.32%

<sup>a</sup> 2020 actual population is based on the EMID 2020 UWMP. Service Area includes a small portion of San Mateo in addition to all of Foster City.

<sup>b</sup> Values have been rounded to the nearest hundred.

Source: Maddaus Water Management, 2023.

**(1) Water Sources**

EMID purchases all of its water from the San Francisco Public Utility Commission (SFPUC) as a contractual member of the Bay Area Water Supply and Conservation Agency (BAWSCA). The SFPUC’s water system consists of three regional water supply and conveyance systems: the Hetch Hetchy system, the Alameda system, and the Peninsula system. The Hetch Hetchy system is supplied by runoff from the upper Tuolumne River watershed on the western slope of the central Sierra Nevada Mountains. The Alameda system includes conveyance facilities connecting the Hetch Hetchy aqueducts and the Alameda water sources to the Peninsula system. The Peninsula system includes water facilities that connect the EMID and other Peninsula customers to the SFPUC distribution system and the Bay Division Pipelines. EMID does not have any

groundwater or recycled water sources to supplement its supply. EMID receives the already treated water from SFPUC and distributes it to its customers. As a retailer, EMID has no direct control over its water supply and treatment.

In 1934, San Francisco combined the Hetch Hetchy system and the Spring Valley system to create the SFPUC system. The rights to local diversions were originally held by the Spring Valley Water Company, which was formed in 1862. The SFPUC is owned and operated by the City and County of San Francisco. EMID does not hold any existing water rights and all water supply assurances come through the contract with SFPUC. In 1984, SFPUC executed a Settlement Agreement and Master Water Sales Contract (Contract) with the members of BAWSCA. The Contract is governed by the Master Sales Agreement (MSA), which expired in June 2009. In August of 2009, BAWSCA and its member agencies signed a new Water Supply Agreement and Individual Water Sales Contract with San Francisco. The most recent Contract runs through June 30, 2034 and guarantees a supply assurance of 184 million-gallons-per-day (MGD) to BAWSCA member agencies. EMID’s contractual allocation of water (known as its Individual Supply Guarantee) is 5.9 MGD, or approximately 6,610 AFY (2,154 million-gallons-per-year (MGY)).

In 2020, EMID purchased 4,896 AFY of water from SFPUC.<sup>11</sup> Compared to historical use, SFPUC purchases have declined due to a decrease in water demand and the drought.

The SFPUC has the capacity to meet the demands of its retail and wholesale customers in wet and normal years. The Water Supply Agreement provides for 184 MGD or 206,106 AFY total supply assurance to all BAWSCA member agencies. Going forward, SFPUC’s annual normal year supply assurance to EMID is 5.9 MGD or 6,610 AFY as shown in Table IV.H-2.

**TABLE IV.H-2 ANNUAL SUPPLY ASSURANCE FROM SFPUC**

Water Supply Source	2025	2030	2035	2040	2045
SFPUC, MGD <sup>a</sup>	5.9	5.9	5.9	5.9	5.9
SFPUC, AFY	6,610	6,610	6,610	6,610	6,610

<sup>a</sup> EMID 2020 UWMP DWR Table 7-2.  
Source: Maddaus Water Management, 2023.

Although the Master Agreement and accompanying Water Supply Contract expire in 2034, the supply assurance (which quantifies SFPUC’s obligation to supply water to its individual wholesale customers) survives the Contract expiration and continues indefinitely. According to SFPUC’s Water System Improvement Program, this amount is subject to further reductions in the event of drought, water shortage, earthquake, rehabilitation, or maintenance of the system. Table IV.H-3 shows SFPUC’s projected deliveries to EMID for a single dry year and for five consecutive dry years, based on the EMID 2020 UWMP allocations.

**TABLE IV.H-3 EMID PROJECTED ANNUAL SUPPLY ALLOCATIONS FOR A SINGLE AND MULTIPLE DRY YEARS**

Water Supply Source (AFY)	Status	Normal Year	Single Year				
			Year 1	Year 2	Year 3	Year 4	Year 5
2025 SFPUC	Max Allocation	6,610	3,170	2,716	2,716	2,716	2,716
	% Reduction	0%	48%	41%	41%	41%	41%
2030 SFPUC	Max Allocation	6,610	3,219	2,762	2,762	2,762	2,762
	% Reduction	0%	49%	42%	42%	42%	42%
2035 SFPUC	Max Allocation	6,610	3,275	2,808	2,808	2,808	2,572
	% Reduction	0%	50%	42%	42%	42%	39%
2040 SFPUC	Supply	6,610	3,354	2,879	2,879	2,538	2,538
	% Reduction	0%	51%	44%	44%	38%	38%
2045 SFPUC	Max Allocation	6,610	3,020	3,020	3,020	2,566	2,566
	% Reduction	0%	46%	46%	46%	39%	39%

<sup>a</sup> Normal year allocation same through projection period per EMID 2020 UWMP DWR Table 7-2.

<sup>b</sup> Dry year allocation unique to projection year and dry year type per 2020 UWMP DWR Table 7-3 & 7-4. In general, multiple dry years 2 & 3 supplies are the same, whereas multiple dry years 4 & 5 supplies are the same. More specifically, year 2030 multiple dry years 2-5 supplies are the same.

Source: Maddaus Water Management, 2023.

In December 2018, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 30 percent to 50 percent of the “unimpaired flow” on the three tributaries from February through June in every year type. In SFPUC modeling of the new flow standard, it is assumed that the required release is 40 percent of unimpaired flow. If the Bay-Delta Plan Amendment is implemented, the SFPUC will be able to meet the projected water demands presented in the 2020 Urban Water Management Plan in normal years but would experience supply shortages in single dry years or multiple dry years.

Negotiations on the Bay-Delta Plan have been ongoing and in November 2022<sup>12</sup> the SFPUC, Turlock Irrigation District, and Modesto Irrigation District signed onto the March 2022 “Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions.”<sup>13</sup> The signatories of the MOU submitted Voluntary Agreements (VAs) to the State Water

Resources Control Board as an alternative for the update of the Bay-Delta Plan proposed as a voluntary pathway to achieve reasonable protection of fish and wildlife beneficial uses. As of January 2023, no voluntary agreement proposals have been approved by the SWRCB. The SWRCB will consider the VA alternative along with other alternatives as part of the public process to update the Bay-Delta Plan. The Tuolumne River portion of the VAs will be evaluated in subsequent analyses.<sup>14</sup>

### **EMID Water Supply Shortage Contingency**

The Urban Water Management Planning Act requires all California urban water retailers supplying water to more than 3,000 customers, or supplying more than 3,000 AFY of water, to adopt a Water Shortage Contingency Plan (WSCP) as part of the UWMP. The objective of this legislation is to prompt every water agency to plan for droughts and to prepare a series of responses based upon the severity and length of drought.

During periods of supply reductions, EMID will have to implement its WSCP to reduce demand. The WSCP describes triggering levels and actions to be considered for each stage of demand reduction. Per Water Code Section 10632 (a)(3)(A), EMID must include six standard water shortage levels that represent shortages from the normal reliability as determined in the Annual Assessment. The shortage levels have been standardized to provide a consistent regional and statewide approach to conveying the relative severity of water supply shortage conditions. The six standard water shortage levels correspond to progressively increasing estimated shortage conditions (up to 10, 20, 30, 40, 50, and greater than 50 percent shortage compared to the normal reliability condition) and align with the response actions EMID would implement to meet the severity of the impending shortages.

The WSCP is designed to decrease demand to meet the reduced allocations by SFPUC, however, the WCS does not rely on the WSCP as the primary demand management measure that will enable EMID to sustain sufficient supplies during projected shortfalls.

Table IV.H-4 shows the EMID's supply availability over five years based on the supply reliability estimates and allocation structure provided by SFPUC and BAWSCA. See the EMID 2020 UWMP for existing customer category breakdowns and water shortage policies for each customer class.

### **Water Demand Projections**

The WCS projected demands for the EMID service area based on analysis of the 2023-2031 Housing Element and existing and planned future uses. The WCS assumes the EMID 2020 UWMP baseline water use and all post 2020 development project estimated demand.

Table IV.H-5 shows the future system demand projections without additional development and the difference (excess supply allocation) until 2045. This table presents existing demand

**TABLE IV.H-4 REGIONAL WATER SYSTEM (RWS) WHOLESALE SUPPLY AVAILABILITY DURING NORMAL AND DRY YEARS FOR BASE YEARS 2025 THROUGH 2045**

Base Year	Normal Year	Single Dry Year	Multiple Dry Years				
			Year 1	Year 2	Year 3	Year 4	Year 5
2025	100%	64%	64%	55%	55%	55%	55%
2030	100%	64%	64%	55%	55%	55%	55%
2035	100%	64%	64%	54%	54%	54%	50%
2040	100%	63%	63%	54%	54%	48%	48%
2045	100%	54%	54%	54%	54%	46%	46%

<sup>a</sup> Normal-year water supply availability is presented in terms of percentage of EMID’s annual supply assurance (5.9 MGD).

<sup>b</sup> Dry-year water supply availability is presented in terms of percentage of projected RWS demands for each base year consistent with the revised BAWSCA Drought Methodology that assumes equal percent cutbacks across all Wholesale Agencies.

<sup>c</sup> Results reflect a scenario with the Bay-Delta Plan Amendment implemented in 2023. As discussed above in Section C.5, though the Tuolumne River Voluntary Agreement has been submitted to the SWRCB, it is not guaranteed water and therefore not considered in this WCS as a reliable source of supply under any water year conditions or shortfall conditions.

Source: EMID 2020 UWMP DWR Table 7-2.

**Table IV.H-5 Future System Demand Projections (without additional Development)**

	2020 <sup>a</sup>	2025	2030	2035	2040	2045
SFPUC Supply, AFY	6,610	6,610	6,610	6,610	6,610	6,610
Demand Projections with Passive and Active Conservation Savings, AFY <sup>b</sup>	4,896	4,648	4,371	4,223	4,100	4,113
Annual Excess, AFY	1,715	1,962	2,240	2,388	2,511	2,497
Percent Excess	26%	30%	34%	36%	38%	38%

<sup>a</sup> 2020 data is based on actual demand numbers found in the EMID 2020 UWMP.

<sup>b</sup> 2025-2045 water demands are estimated using reported passive and active conservation savings volumes per the December 5, 2022 BAWSCA Study.

Source: Maddaus Water Management, 2023.

projections using the year 2020 actual demand as reported in the EMID 2020 UWMP, adjusted for active and passive savings over time, and assumes no growth in accounts in the EMID service area. Active savings refers to the savings that result from implementing conservation measures. Passive savings refers to water savings resulting from actions and activities that do not depend on direct financial assistance or educational programs implemented by water suppliers. These savings result primarily from the natural replacement of existing plumbing fixtures with water-efficient models required under current plumbing code standards, the installation of water-efficient fixtures and equipment in new buildings and retrofits as required under CALGreen Building Code Standards, and inclusion of low-water use landscaping and high-efficiency

irrigation systems to minimize outdoor water use in new connections and developments in accordance with the State’s Model Water Efficient Landscape Ordinance (MWELO).<sup>15</sup> As shown, available supplies are sufficient to meet system demand projections in a normal year.

Table IV.H-6 shows the total projected annual additional demand generated from the various development projects evaluated in the WCS in addition to system water loss (see WCS in Appendix D for water demand assumptions). Water loss is the sum of apparent and real losses. Apparent loss is associated with metering inaccuracies, billing and administrative errors, authorized unmetered uses (e.g., system flushing and firefighting), and unauthorized uses. Real loss is associated with physical water lost through line breaks, leaks and seeps, and overflows of storage tanks. The WCS applies an additional water loss demand of 7.75 percent based on the average year 2020 and 2021 EMID American Water Works Association (AWWA) validated water loss audits. The EMID 2021 AWWA validated water loss audit reported a water loss of 7.2 percent and a water loss of 8.3 percent in 2020. The 2022 BAWSCA Demand Study estimated an 8.3 percent water loss.

**TABLE IV.H-6 ANNUAL NET ADDITIONAL FUTURE DEMANDS FROM VARIOUS DEVELOPMENTS (AFY)**

<b>Development Project</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
Biomed Phase 2	19	19	19	19	19
Gilead Integrated Corporate Campus	0	10	74	74	74
Pilgrim Triton Project Completion	16	16	16	16	16
15-Acres Project (Foster Square)	3.1	3.1	3.1	3.1	3.1
Chess/Hatch Drive Offices Project	0	15	15	15	15
1601 Beach Park Blvd/Sea Island	2.2	2.2	2.2	2.2	2.2
New Hotel in Metro Center (VISA)	0	12	12	12	12
388 Vintage Park	5.7	5.7	5.7	5.7	5.7
Lantern Cove Apartments Redevelopment	0	41	41	41	41
Bridgepointe Redevelopment (City of San Mateo)	0	67	89	89	89
1065 E. Hillside (Century Plaza) R&D Conversions <sup>a</sup>	0	0	0	0	0
1065 E. Hillside Retail Pavilion (Century Plaza UP-21-0015)	2.6	2.6	2.6	2.6	2.6
Schooner Bay I Redevelopment	0	33	33	33	33
Schooner Bay II Redevelopment	0	28	28	28	28
Charter Square Demo/Beach Park Elementary School	4.3	4.3	4.3	4.3	4.3
1010 Metro Center Blvd (OSH Redevelopment)	1.3	12	12	12	12
1001 E. Hillside (Parkside Towers) <sup>a</sup>	0	0	0	0	0
901/951 Mariner’s Island Blvd Office to Life Science Building Conversion (City of San Mateo)	3.1	3.1	3.1	3.1	3.1

<b>Development Project</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
1400 Fashion Island Blvd (City of San Mateo)	1.7	1.7	1.7	1.7	1.7
999 Baker Way (City of San Mateo)	0.5	0.5	0.5	0.5	0.5
Other/Additional Non-Residential Growth	0	0	2.6	5.2	5.2
Accessory Dwelling Units (ADU) for Eaves and Single-Family Homes	2.9	4.0	4.2	4.2	4.2
2023-2031 Residential Development to Achieve RHNA (Other Sites in the Sites Inventory)	0	61	61	61	61
Other/Additional Residential Development (Other Sites in the Sites Inventory)	0	0	32	70	108
Subtotal Developments	62	341	463	504	541
Estimated System Water Loss <sup>b</sup>	5	26	36	39	42
<b>Grand Total<sup>c</sup></b>	<b>67</b>	<b>368</b>	<b>499</b>	<b>543</b>	<b>583</b>

<sup>a</sup> These development projects' net water use was evaluated and was ultimately not included in calculations because they are estimated to have a net zero demand due to landscape redevelopment or the installation of ultra-high efficiency fixtures on-site. This approach is consistent with the current trends to consider stressed water supply and demand conditions.

<sup>b</sup> With all future development demand in the service area captured in this table, water system water losses are likewise included at 7.75% based on the average year 2020 and 2021 EMID AWWA validated water loss audits.

<sup>c</sup> In some cases, values are rounded to the nearest single digit and totals may not align due to rounding. Source: Maddaus Water Management, 2023.

Table IV.H-7 shows the total system demand during non-drought (normal) conditions projected for EMID including the demand from the proposed developments (including system water loss). The total system demand is calculated by adding the total demand generated from the proposed developments from Table IV.H-6 to the system demand projections from Table IV.H-5.

**TABLE IV.H-7 TOTAL SYSTEM DEMAND WITH ADDED DEVELOPMENTS**

<b>System Demand, No Drought<sup>a</sup></b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
Demand Projection for EMID, with Passive and Active Conservation, MGD	4.4	4.1	3.9	3.8	3.7	3.7
Demand Projection for EMID, with Passive and Active Conservation, AFY	4,896	4,648	4,371	4,223	4,100	4,113
Net Demand from Additional Developments, AFY	0	67	368	499	543	583
Total System Demand, AFY	4,896	4,715	4,738	4,722	4,642	4,696
SFPUC Supply Assurance, AFY	6,610	6,610	6,610	6,610	6,610	6,610
Estimated Remaining SFPUC Supply, AFY	1,715	1,895	1,872	1,889	1,968	1,914
Est. Remaining Supply Reliability, %	26%	29%	28%	29%	30%	29%

<sup>a</sup> In some cases, values are rounded to the nearest single digit and totals may not align due to rounding. Source: Maddaus Water Management, 2023.

Table IV.H-8 shows a comparison of the supply allocations from Table IV.H-3 and projected total system demands from Table G-8 through the 20-year planning horizon as required by SB 610. As discussed in Table IV.H-3, during a period of five consecutive dry years starting in 2025, the SFPUC's plan calls for a 48 percent supply reduction of the normal year supply in the first year, followed by a 41 percent reduction of the normal year supply for each of the next 4 years. This level of reduction varies in subsequent future years. To meet the reductions, EMID will have to cut back its consumption in kind by implementing its WSCP based on the severity of the drought. In 2020, EMID refined its WSCP to achieve water savings of up to 20 percent in a Level 2 Drought, rather than the previous 15 percent goal that was targeted.

As shown in Table IV.H-8, there will continue to be sufficient supplies to meet all projected demand, including the additional demand generated from the proposed developments, in non-drought (normal) conditions until year 2045. There will not be sufficient supplies under dry year conditions even with EMID's implementation of the mandatory demand reduction as outlined in the EMID WSCP. The WSCP would minimize shortfalls from inadequate water supplies within the EMID service area if the SFPUC reduces water deliveries to EMID (as would occur during a prolonged drought) but would not eliminate all estimated shortfalls in dry year conditions.

In conclusion, the existing and planned future uses evaluated in the WCS will generate an additional net water demand of 583 AFY post year 2020 baseline EMID 2020 UWMP demand. The water demand associated with the 2023-2031 Housing Element and the existing and future uses evaluated in the WCS will be accommodated by EMID's existing supplies during non-drought years within a 20-year projection.

As documented in Table 7-5 in the EMID 2020 UWMP, during single and multiple dry years, EMID's total annual water demand is expected to exceed EMID's available water supplies from 2025 to 2045. The estimated demand from the 2023-2031 Housing Element in addition to the existing and planned future uses evaluated in the WCS, will exacerbate EMID's existing projected supply shortfall during single and multiple dry years. Therefore, the WCS concludes that there is not "sufficient water supply" (per Government Code 664737.7 (a)(2)) available to meet the demands of the 2023-2031 Housing Element, in addition to the existing and planned future uses evaluated in the WCS, during single-dry and multiple dry water years within a 20-year projection.

### **(1) Water Treatment, Distribution, and Storage Facilities**

In April 2020, EMID completed a Water Distribution System Master Plan Study (WDSMPS). The WDSMPS includes a water demand analysis, a comprehensive hydraulic modeling evaluation to determine existing and future deficiencies in the water supply system, and a long-range (20-year) Capital Improvement Plan (CIP) used to address deficiencies raised by the study. As of October 2020, the EMID/Foster City Levee Protection Planning and Improvements Project is under construction. Upon completion the levee surrounding the service area will be raised to meet the

**TABLE IV.H-8 ANNUAL SUPPLY ALLOCATION VS. MULTIPLE DRY YEARS DEMAND (AFY) WITH DEMAND REDUCTION IN DRY YEARS CONSISTENT WITH THE 2020 REVISED WATER SHORTAGE CONTINGENCY PLAN<sup>a</sup>**

Year	Topic	Normal Year	Single & Multiple Dry				
			Year 1	Year 2	Year 3	Year 4	Year 5
			Demand Reduction %				
			Assumes WSCP Supply Shortage Level 1	Assumes WSCP Supply Shortage Level 2	Assumes WSCP Supply Shortage Level 3	Assumes WSCP Supply Shortage Level 4	Assumes WSCP Supply Shortage Level 5
			10%	20%	30%	40%	50%
2020 <sup>a</sup>	Actual 2020 Demand	4,896	4,896	4,896	4,896	4,896	4,896
	Maximum Allocation	6,610	3,170	2,716	2,716	2,716	2,716
2025	Demand (NOT Including Proposed Developments)	4,648	4,183	3,718	3,254	2,789	2,324
	Demand (Including Proposed Developments)	4,715	4,244	3,772	3,301	2,829	2,358
	Excess/Shortfall (NOT Including Proposed Developments)	1,962	-1,013	-1,003	-538	-73	392
	Excess/Shortfall (Including Proposed Developments)	1,895	-1,074	-1,056	-585	-113	358
	Maximum Allocation	6,610	3,219	2,762	2,762	2,762	2,762
2030	Demand (NOT Including Proposed Developments)	4,371	3,934	3,497	3,059	2,622	2,185
	Demand (Including Proposed Developments)	4,738	4,264	3,791	3,317	2,843	2,369
	Excess/Shortfall (NOT Including Proposed Developments)	2,240	-714	-735	-297	140	577
	Excess/Shortfall (Including Proposed Developments)	1,872	-1,045	-1,029	-555	-81	393
	Maximum Allocation	6,610	3,275	2,808	2,808	2,808	2,572
2035	Demand (NOT Including Proposed Developments)	4,223	3,800	3,378	2,956	2,534	2,111
	Demand (Including Proposed Developments)	4,722	4,249	3,777	3,305	2,833	2,361
	Excess/Shortfall (NOT Including Proposed Developments)	2,388	-526	-570	-148	274	460
	Excess/Shortfall (Including Proposed Developments)	1,889	-975	-969	-497	-25	211
	Maximum Allocation	6,610	3,354	2,879	2,879	2,538	2,538
2040	Demand (NOT Including Proposed Developments)	4,100	3,690	3,280	2,870	2,460	2,050
	Demand (Including Proposed Developments)	4,642	4,178	3,714	3,250	2,785	2,321
	Excess/Shortfall (NOT Including Proposed Developments)	2,511	-336	-401	9	78	488

Year	Topic	Normal Year	Single & Multiple Dry				
			Year 1	Year 2	Year 3	Year 4	Year 5
			Demand Reduction %				
			Assumes WSCP Supply Shortage Level 1	Assumes WSCP Supply Shortage Level 2	Assumes WSCP Supply Shortage Level 3	Assumes WSCP Supply Shortage Level 4	Assumes WSCP Supply Shortage Level 5
			10%	20%	30%	40%	50%
2045	Excess/Shortfall (Including Proposed Developments)	1,968	-824	-835	-371	-247	217
	Maximum Allocation	6,610	3,020	3,020	3,020	2,566	2,566
	Demand (NOT Including Proposed Developments)	4,113	3,702	3,290	2,879	2,468	2,057
	Demand (Including Proposed Developments)	4,696	4,227	3,757	3,288	2,818	2,348
	Excess/Shortfall (NOT Including Proposed Developments)	2,497	-682	-271	141	98	509
	Excess/Shortfall (Including Proposed Developments)	1,914	-1,207	-737	-268	-252	217

<sup>a</sup> In some cases, values are rounded to the nearest single digit and totals may not align due to rounding.

<sup>b</sup> 2020 data is based on actual numbers.

Source: Maddaus Water Management, 2023.

required elevation per Title 44 of the Code of Federal Regulations (CFR), Section 65.10. The raised levee will provide long-term protection to EMID’s infrastructure from the effects of climate change such as intense flooding, erratic weather events, and sea level rise. The anticipated completion date for the Levee Protection Project is 2024.

In addition to the major projects identified above, the following water system improvement projects are also planned or have been completed since the 2015 UWMP to replace or rehabilitate aging infrastructure or improve operations:

1. Water system improvements and valve replacements – includes the replacement and addition of several valve and bypass tees (completed);
2. Recoating of Water Tanks 1, 2, and 3 (construction anticipated summer 2023);
3. Seismic improvements at Water Booster Pump Station and Water Tanks 1, 2, and 3 (construction anticipated summer 2023);
4. Water Quality Dosing and Tank Improvements (construction anticipated summer 2023);
5. Test Large Water Meters (4 inches and greater) in place to determine meter accuracy (completed);

6. Replace Large Water Meters (4 inches and greater) with inaccurate readings (ongoing); and
7. Replace Broken Valves (anticipated construction 2025).
8. Repair Steel Pipeline (construction anticipated 2026)<sup>32</sup>

As discussed above, the majority of the SFPUC's water supply originates in the upper elevations of the Sierra Nevada Mountains, in the Tuolumne Watershed. The SFPUC treats its water to meet all drinking water standards, and the EMID receives the already-treated water from the SFPUC and distributes it to its customers. EMID has only one main source of water supply, a 24-inch transmission main that is connected to SFPUC's 54-inch Crystal Springs No. 2 line. The connection point is in the City of San Mateo on Crystal Springs Road.

In addition to the 24-inch transmission main, EMID has two separate 12-inch emergency supply connections with California Water Service Company (which serves the City of San Mateo) and with Mid-Peninsula Water Agency (formerly called Belmont County Water District, which serves the City of Belmont, San Carlos, and part of Redwood City). EMID has agreements with both agencies that allow EMID to use these connections during emergency situations. Both the California Water Service Company and the Mid-Peninsula Water Agency are members of BAWSCA.

The EMID has four at-grade, water storage tanks with a total capacity of 20 million gallons for emergencies, peak, and fire flow demand. Booster pumps are necessary to pump water from the storage tanks into the distribution system. The booster pump station has two electrical pumps and four engine-driven pumps. The engine-driven pumps are powered by natural gas with propane backup.

To enhance the ability of the SFPUC's water supply system to meet identified service goals for water quality, seismic reliability, delivery reliability, and water supply, the SFPUC is undertaking a Water System Improvement Program (WSIP). The Water System Improvement Program (WSIP) is a \$4.8 billion-dollar multi-year capital program to upgrade the SFPUC's regional and local water systems. The program repairs, replaces, and seismically upgrades crucial portions of the Hetch Hetchy Regional Water System. The program consists of 87 projects - 35 local projects located within San Francisco and 52 regional projects, spread over seven counties from the Sierra foothills to San Francisco. The San Francisco portion of the program is 100 percent complete as of

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<sup>32</sup> City of Foster City, 2021. 2020 Urban Water Management Plan for Estero Municipal Improvement District. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/public\\_works/page/32041/final\\_draft\\_2020\\_emid\\_uwmp\\_wappendices.pdf](https://www.fostercity.org/sites/default/files/fileattachments/public_works/page/32041/final_draft_2020_emid_uwmp_wappendices.pdf), accessed May 18, 2022.

October 2020. The Regional Portion is approximately 99 percent complete. The current forecasted date to complete the overall WSIP is May 2023.<sup>33</sup>

## **f. Wastewater (Sanitary Sewer) System**

The wastewater collection and treatment system serving the planning area is owned by EMID and operated by the Sewer Division of the Foster City Public Works Department. The existing collection system and wastewater treatment facilities serving the city are described below. This information is based primarily on the 2022 Sanitary Sewer Impact Study (SSIS) completed as part of this environmental review and included as Appendix E to this EIR.

### **(1) Collection System**

The Wastewater Division of the Foster City Public Works Department operates and maintains more than 63 miles of sanitary sewer lines, more than 4.5 miles of sewer force mains, 48 lift stations, and one high-capacity pump, 15 permanent standby generators, and four portable generators to ensure that the approximately 3 million gallons of wastewater that Foster City homes and businesses generate each day is pumped to the jointly-owned San Mateo Wastewater Treatment plant (WWTP) in San Mateo.<sup>34</sup>

Wastewater is transported via a collection of mains and lift stations within the city directly to the San Mateo Wastewater Treatment Plant, where it is reclaimed and then discharged into the San Francisco Bay. The system is maintained and upgraded on an as-needed basis.

### **(2) Wastewater Treatment Facilities**

Wastewater treatment is provided by the San Mateo Wastewater Treatment Plant (WWTP), which is jointly owned by EMID and the City of San Mateo, serving over 130,000 people and businesses. EMID owns approximately 25 percent of the treatment plant. The WWTP has a permitted capacity of 15.7 million gallons per day (MGD) for average dry weather flow (ADWF). The current ADWF is approximately 11 MGD.<sup>35</sup> Based on current flow data, average daily dry-weather flows are below the capacities anticipated in the Joint Powers Agreement.

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<sup>33</sup> San Francisco Public Utilities Commission (SFPUC), 2021. Water Infrastructure Improvements, About the WSIP. Available at: <https://sfpuc.org/construction-contracts/water-infrastructure-improvements>, accessed May 18, 2022.

<sup>34</sup> Estero Municipal Improvement District, 2019. Wastewater Collection System Master Plan. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/public\\_works/page/33101/emid\\_wastewater\\_collection\\_system\\_master\\_plan\\_-\\_june\\_2019.pdf](https://www.fostercity.org/sites/default/files/fileattachments/public_works/page/33101/emid_wastewater_collection_system_master_plan_-_june_2019.pdf), accessed November 8, 2022.

<sup>35</sup> City of Foster City, 2021. 2020 Urban Water Management Plan for Estero Municipal Improvement District. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/community\\_development/page/30281/local\\_hazard\\_mitigation\\_plan\\_safety\\_element.pdf](https://www.fostercity.org/sites/default/files/fileattachments/community_development/page/30281/local_hazard_mitigation_plan_safety_element.pdf), accessed November 8, 2022.

The WWTP is an aging wastewater collection system, with facilities and components that are up to 75 years old. To address these issues, the City of San Mateo's Clean Water Program is upgrading and expanding the WWTP facilities in collaboration with Foster City/EMID. The WWTP upgrades will accommodate heavy storm events up to 78 MGD. Construction was initiated in August 2019 with an anticipated date of completion in 2024.<sup>36</sup> In addition, the WWTP is currently undergoing an approximately \$600 million expansion on the liquid processing side of the plant to better address wet weather events.<sup>37</sup>

In addition, there are number of Capital Improvement Program (CIP) projects scheduled through 2039 to improve the existing conditions of the sanitary sewer infrastructure. Projects include lift stations, sanitary sewer manholes, force mains, and gravity sewers that were identified as hotspots in EMID's 2019 Wastewater Collection System Master Plan. The City is currently carrying out Phase 5 of its CIP projects. Phase 6 of the proposed CIP is set to start in FY 2023-2024 and Phase 8 in 2027-2032.

#### **g. Storm Drainage System**

The Foster City Lagoon, as a drainage detention basin, is designed to successfully withstand a storm of 100-year return frequency or a storm of such severity that it is likely to occur only once each century. The lagoon therefore provides maximum drainage security for Foster City. Stormwater collected throughout the City flows to the Foster City Lagoon. All storm water enters the storm drain system through curb inlets and catch basins and drains into the lagoon from which it is pumped into the bay.<sup>38</sup> The Lagoon Pump Station located at the City/District's Corporation Yard, houses two (2) engines and pumps used to pump water from the lagoon to the bay and controls the water level in the lagoon.<sup>39</sup> A third pump is planned for the Lagoon Pump station to increase pumping capacity, address increased severity of storms, and reduce the risk of flooding should a failure of one of the two exiting pumps occurs during a severe storm and high tide condition.<sup>40</sup>

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<sup>36</sup> City of San Mateo, 2018. Clean Water Program: WWTP. Available at: <http://cleanwaterprogramsanmateo.org/wwtp/>, accessed May 18, 2022.

<sup>37</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

<sup>38</sup> City of Foster City, 2023. Lagoon System. Available at: <https://www.fostercity.org/publicworks/page/lagoon-system>, accessed February 12, 2023.

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<sup>40</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

## **h. Solid Waste**

The following section describes Foster City's non-hazardous and hazardous waste disposal services and capacity.

### **(1) Non-Hazardous Solid Waste**

Foster City is a member agency of the South Bayside Waste Management Authority (SBWMA), also known as RethinkWaste, a Joint Powers Authority created in 1982 to facilitate waste management programs for its member agencies. The SBWMA contracts with Recology San Mateo County, a private service, to provide recycling, compost, and garbage collection services for residents and businesses in the SBWMA service area. Non-hazardous solid waste and recyclables are taken to the Shoreway Environmental Center (Shoreway), located on the border of the cities of San Carlos and Redwood City. Shoreway's facilities include a Transfer Station operated by South Bay Recycling and a Public Recycling Center.

As of 2010, the facility is permitted to receive 3,000 tons per day of solid waste and recyclables, with permit review required every five years.<sup>41</sup> Currently, the facility receives an average of 555 tons of trash, 264 tons of green waste, and 187 tons of recyclables, or approximately 1,119 tons of waste per day.<sup>42</sup> The facility is currently conducting a comprehensive Site Optimization Plan with the goal of streamlining and expanding currently offered services, new services, and support facilities. Once the study is complete, a master plan will be developed for potential Capital Improvement projects over the next two decades.<sup>43</sup>

After undergoing processing, waste from Shoreway is delivered to the Corinda Los Trancos (Ox Mountain) Landfill in Half Moon Bay. The landfill handles construction, demolition, and mixed municipal waste. The landfill has a permitted throughput of 3,598 tons per day and an estimated "cease operation date" of January 1, 2034. As of December 31, 2015, the estimated remaining capacity was 22.18 million cubic yards, or 36 percent of the original total.<sup>44</sup>

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<sup>41</sup> CalRecycle, 2022. SWIS Facility Detail: Shoreway Environmental Center. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1575?siteID=3236>, accessed May 18, 2022.

<sup>42</sup> Rethink Waste, South Bayside Water Management Authority, 2022. 2021 Annual Report. Available at: <https://rethinkwaste.org/wp-content/uploads/2022/05/2021-Annual-Report.pdf>, accessed May 18, 2022.

<sup>43</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

<sup>44</sup> CalRecycle, 2022. SWIS Facility Detail: Corinda Los Trancos Landfill (Ox Mtn). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223>, accessed May 18, 2022.

## (2) Hazardous Solid Waste

Foster City's hazardous wastes are disposed of at the Kettleman Hills Facility, Landfill B-18, which is operated by Chemical Waste Management, Inc. The Kettleman Hills Facility is in the San Joaquin Valley, about 2.5 miles west of Interstate 5, approximately midway between San Francisco and Los Angeles. The facility is approved under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and permitted under the Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA) to manage hazardous waste materials.<sup>45</sup> In 2020 the TSCA approved increasing the capacity of the Kettleman Hills Landfill B-18 from 10.7 to 15.6 million cubic yards.<sup>46</sup> However, according to staff, at the current rate of disposal, the landfill is anticipated to reach capacity by 2034, and plans are actively being made for when capacity is reached.<sup>47</sup> According to the California Department of Resources Recycling and Recovery (CalRecycle), no closure date has been identified for the landfill.<sup>48</sup>

### i. Telecommunications

There are multiple telecommunications providers in Foster City including AT&T, Verizon, T-Mobile, and Crown Castle, each with their respective consumer packages for video, data, and landline-based telephone services. Additional consumer video service is provided by DISH TV. Wireless cellular service for telephone, data and streaming video is provided by AT&T, Verizon, and T-Mobile as well as Xfinity Mobile (T-Mobile), and Mint Mobile (Verizon).

The city regulates Comcast services as provided under federal law. This service provider is privately owned and operated, and recovers the costs of operation, maintenance, and capital improvement through connection and user fees collected from all customers.

The California Public Utilities Commission regulates California's telecommunications industry and requires that local phone service providers anticipate and serve new growth. To meet this requirement, local providers continually upgrade their facilities, technology, and infrastructure to remain in conformance with California Public Utilities Commission tariffs and regulations and to serve customer demand in the City.

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<sup>45</sup> California Environmental Protection Agency (Cal/EPA), 2019. Kettleman Hills. Available at: <https://www.epa.gov/ca/kettleman-hills>, accessed May 18, 2022.

<sup>46</sup> California Environmental Protection Agency (Ca/EPA), 2020. Kettleman Hills Facility: TSCA PCB permit and Supporting Documents. Kettleman Hills Facility TSCA Approval. Available at: <https://www.epa.gov/ca/chemical-waste-management-inc-kettleman-hills-facility-tsca-pcb-permit-and-supporting-documents>, accessed May 18, 2022.

<sup>47</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

<sup>48</sup> CalRecycle, 2022. SWIS Facility Detail: Kettleman Hills – B18 Nonhaz Codisposal. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/3771?siteID=914>, accessed May 18, 2022.

The implementation of new and expanded telecommunications facilities throughout Foster City is on-going. AT&T, T-Mobile, and Crown Castle have been and will continue to add infrastructure of city-owned facilities to expand 5G and fiber networks. Currently, wired providers are upgrading their systems city-wide to add more fiber where it does not exist and are repairing and re-building underground conduit to accommodate higher capacity fiber-optic infrastructure. With the roll-out of 5G from providers including AT&T, Verizon, and T-Mobile, city-wide 5G coverage is expected in the next 1 to 2 years.

## **2. Regulatory Setting**

The following describes the federal, State, regional, and local regulatory setting as it relates to public services, utilities, and recreation in Foster City.

### **a. Federal Regulations**

The following provides an overview of federal legislation and policies applicable to the project that pertain to public services, utilities and recreation in Foster City.

#### **(1) Clean Water Act**

The Clean Water Act established the basic structure for regulating discharges of pollutants into the waters of the U.S. and gave the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs, such as setting wastewater standards for industry. The Clean Water Act sets water quality standards for all contaminants in surface waters. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The Army Corps of Engineers has jurisdiction over all waters of the U.S. including, but not limited to, perennial and intermittent streams, lakes, and ponds, as well as wetlands in marshes, wet meadows, and side hill seeps. Under Section 401 of the Clean Water Act, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards.

#### **(2) National Pollutant Discharge Elimination System**

The National Pollutant Discharge Elimination System (NPDES) permit program, under the Clean Water Act, controls water pollution by regulating point and non-point sources that discharge pollutants into "waters of the U.S." California has an approved State NPDES program. The U.S. EPA has delegated authority for NPDES permitting to the California State Water Resources Control Board (SWRCB), which has nine regional boards. The San Francisco Bay Regional Water Quality Control Board (RWQCB) regulates water quality in the Plan Area.

## **b. State Regulations**

The following section describes the State of California regulatory environment related to utilities, public services, utilities, and recreation and are applicable to the project.

### **(1) California Fire Code**

The California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The provisions of the Fire Code apply to the construction, alternation, movement, enlargement, replacement, repair, equipment, use and occupancy, location maintenance, removal, and demolition of every building or structure throughout the State of California. The Fire Code includes regulations regarding fire resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, and fire safety during construction and demolition.

California Fire Code Section 403.2 addresses public safety for both indoor and outdoor gatherings, including emergency vehicle ingress and egress, fire protection, emergency medical services, public assembly areas and the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution, and the need for the presence of law enforcement and fire and emergency medical services personnel at events.

### **(2) Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50)**

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), codified as California Government Code Sections 65995, 65996(a) and 65996(b), authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities.<sup>49</sup> The California State Legislature has determined that school impact fees shall be the exclusive method of mitigating the school facilities impacts of a project or plan, has set limits on school impact fees, and has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. SB 50 also prohibits local agencies from denying land use approvals on the basis that school facilities are inadequate.

### **(3) Water Conservation in Landscaping Act (AB 1881, AB 2006)**

The Water Conservation in Landscaping Act of 2006 (Assembly Bill [AB] 1881, Laird) required cities and counties to adopt landscape water conservation ordinances by January 1, 2010.

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<sup>49</sup> Eric Brunner, 2006. Financing School Facilities in California. Available at: <https://cepa.stanford.edu/sites/default/files/6-Brunner%283-07%29.pdf>, accessed August 30, 2022.

Pursuant to this law, the Department of Water Resources has prepared a Model Water Efficient Landscape Ordinance for use by local agencies. Most new and rehabilitated landscapes are subject to a water efficient landscape ordinance. Public landscapes and private development projects, including developer-installed single-family and multi-family residential landscapes with at least 2,500 square feet of landscape area, are subject to the model water ordinance. Homeowner-provided landscaping at single-family and multi-family homes is subject to the ordinance if the landscape area is at least 5,000 square feet. However, the ordinance does not apply to registered local, State, or federal historic sites; ecological restoration projects; mined-land reclamation projects; or plant collections.

#### **(4) Water Supply Consultation**

Sections 10910 to 10915 of the California Public Resources Code require local water providers to conduct a water supply assessment for projects proposing over 500 housing units, 250,000 square feet of commercial office space (or more than 1,000 employees), a shopping center or business establishment with over 500,000 square feet (or more than 1,000 employees), or equivalent usage. Local water suppliers must also prepare (or have already prepared) an urban water management plan to guide planning and development in the water supplier's service area and efficiently use water resources. Issuance of a water supply assessment determination by the local water supplier for a proposed project verifies that the supplier has previously considered a project in its plan and has adequate capacity to serve a project in addition to its existing service commitments (or, alternatively, measures that would be required to adequately serve the project).

#### **(5) California Integrated Waste Management Act**

In 1989, the California Legislature enacted the California Integrated Waste Management Act, which requires the diversion of waste materials from landfills in order to preserve landfill capacity and natural resources. Cities and counties in California were required to divert 25 percent of solid waste by 1995 and 50 percent of solid waste by 2000. This Act further requires every City and County to prepare two documents demonstrating how the mandated rates of diversion will be achieved. The Source Reduction and Recycling Element must describe the chief source of the jurisdiction's waste, the existing diversion programs, and current rates of waste diversion and new or expanded diversion programs. The Household Hazardous Waste Element must describe each jurisdiction's responsibility in ensuring that household hazardous wastes are not mixed with nonhazardous solid wastes and subsequently deposited at a landfill.

#### **(6) California Solid Waste Reuse and Recycling Access Act of 1991**

Public Resources Code Sections 42900–42901, also known as the California Solid Waste Reuse and Recycling Access Act, are part of the California Integrated Waste Management Act. In

addition to the solid waste diversion requirements of AB 939, this legislation required the California Integrated Waste Management Board, on or before March 1, 1993, to adopt a model ordinance for adoption by a local agency relating to adequate areas for collecting and loading recyclable materials in development projects. A local agency is required to adopt and enforce that model ordinance if it did not adopt an ordinance providing for collection and loading by September 1, 1994. In 2010, the California Integrated Waste Management Board was replaced by CalRecycle.

### **(7) SB 1383 State Organics Law**

SB 1383 is a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) by establishing methane reduction targets for California. The bill sets goals to reduce disposal of organic waste in landfills such as food scraps, yard trimmings, paper, and cardboard. Specifically, the law sets the following targets: reduce statewide disposal of organic waste by 50 percent by January 1, 2020, and by 75 percent by January 1, 2025 (based on 2014 levels); and rescue at least 20 percent of currently disposed edible food for human consumption by 2025. CalRecycle is the state agency responsible for creating the regulatory standards for SB 1383. Starting in 2022, all jurisdictions will need to provide organic waste collection services to all residents and businesses and recycle these organic materials using recycling facilities such as anaerobic digestions facilities that create biofuel and electricity, and composting facilities that make soil amendments.<sup>50</sup>

### **(8) California Code of Regulations, Title 23: California Model Water Efficiency Landscape Ordinance**

Title 23, California's Model Water Efficient Landscape Ordinance, requires new construction and rehabilitated landscape project applicants to submit a Landscape Documentation Package to the local agency or designated agency for approval. The Landscape Documentation Package includes project and water supply information, and a Water Efficient Landscape Worksheet.<sup>51</sup>

### **(9) California Code of Regulations, Title 24, Part 11: California Building Standards (CALGreen)**

CALGreen is a Statewide regulatory code for all residential, commercial, hospital, and school buildings. The regulations are intended to encourage more sustainable and environmentally friendly building practices, require low-pollution-emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. Title 24 standards require all new residential and nonresidential development to

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<sup>50</sup> CalRecycle, 2022. California's Short-Lived Climate Pollutant Reduction Strategy. Available at: <https://calrecycle.ca.gov/organics/slcp/>, accessed August 30, 2022.

<sup>51</sup> California Code of Regulations (CCR), Title 23, Section 490 – 495.

comply with several energy conservation standards through the implementation of various energy conservation measures—including ceiling, wall, and concrete slab insulation; vapor barriers; weather stripping on doors and windows; closeable doors on fireplaces; insulated heating and cooling ducts; water heater insulation blankets; and certified energy-efficient appliances. CALGreen became mandatory on January 1, 2011, for new residential and commercial construction. Please refer to the regulatory framework subsection of *Section IV.D, Greenhouse Gas Emissions*, for a detailed discussion of AB 32, and other energy-related State regulations.

### **(10) California Porter-Cologne Water Quality Act**

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), which was passed in 1969, the State Water Resources Control Board (SWRCB) has the ultimate authority over State water rights and water quality policy. Porter-Cologne also establishes nine Regional Water Quality Control Boards (RWQCBs) to oversee water quality on a day-to-day basis at the local and regional level. The RWQCBs engage in several water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater.

#### **c. Regional Regulations**

Regional policies applicable to public services, utilities, and recreation in Foster City and the project are summarized below.

##### **(1) Regional Water Quality Control Board (RWQCB)**

The RWQCB governs many of the regulations associated with utilities, specifically potable water, sanitary sewers, storm drains, and recycled water. The RWQCB has the authority to enforce water quality regulations found in the Clean Water Act based on the Porter-Cologne Water Quality Control Act. Wastewater discharges are guided by the NPDES permits granted by the RWQCB. San Francisco Regional Water Quality Control Board, Region 2, is responsible for San Mateo County.<sup>52</sup>

#### **d. Local Regulations**

The City's policies and other standards that relate to public services, utilities, and recreation are summarized below.

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<sup>52</sup> California Water Boards, 2013. Fact Sheet. Available at: [https://www.waterboards.ca.gov/publications\\_forms/publications/factsheets/docs/region\\_brds.pdf](https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/region_brds.pdf), accessed August 30, 2022.

## (1) General Plan Policies

The City's General Plan includes the following goals, policies, and programs from elements that are relevant to the project.

### Land Use and Circulation Element

**Goal LUC-L: Provide Adequate Services and Facilities.** *Ensure that new and existing developments can be adequately served by municipal services and facilities.*

**Policy LUC-L-10: Adequacy of Public Infrastructure and Services.** *New projects which require construction or expansion of public improvements shall pay their pro rata fair share of the costs necessary to improve or expand infrastructure necessary to serve them, including streets and street improvements, parks, water storage tanks, sewer and water service, and other public services. The City has established several assessment districts to pay for needed municipal improvements. Facilities benefiting a specific development must be provided by the developer of that project.*

### Parks and Open Space Element

**Goal PC-A: Provide Sufficient and Diverse Recreational Opportunities.** *Provide sufficient and diverse recreational opportunities for all the City of Foster City residents through the development of new recreational facilities as needed, given available funding and support, and the construction of additional park amenities in existing parks and elsewhere in locations where deficiencies have been identified or opportunities occur.*

### Conservation Element

**Policy C-1: Water Resources.** *Conserve water resources in existing and new development.*

**Policy C-5: Solid Waste.** *Reduce the generation of solid waste through recycling and other methods.*

**Program C-a: Water Saving Landscaping and Irrigation.** *Promote the use of low-water-use landscaping and irrigation devices in parks, and during review of new projects and modifications to existing developments.*

**Program C-b: Property Owner Water Saving Techniques.** *Encourage all property owners to implement the following conservation techniques: utilize drought tolerant plant materials, limit turf areas to 25 percent of landscaping, limit hours of the day for watering, retrofit with water-conserving fixtures, retrofit existing bathrooms and install new bathrooms with ultra-low-flow toilets and water conserving shower heads.*

**Program C-o: Title 24.** *Construct new buildings and additions to energy efficiency standards according to Title 24 of the California State Model Code.*

**Program C-p: Solar Heating and Cooling.** *Encourage installation of solar panels for heating and cooling with solar energy.*

**Program C-t: Source Reduction and Recycling Element.** *Implement the Source Reduction and Recycling Element in accordance with State regulations.*

## Safety Element

**Policy S-A-3: Water Supply.** *The City will provide an adequate supply of water for daily use and emergency situations.*

**Program S-A-3-a: Water Supply and Delivery.** *The City will maintain a water supply and delivery system that can meet potential fire-fighting demands through annual exercising of fire hydrants and periodic review of storage needs.*

**Policy S-C-4: Minimize Loss of Life, Injuries, and Property Damage Due to Fires.** *The City will minimize loss of life injuries, and property damage due to fires through review of development proposals, public education, and maintenance of well-trained fire suppression personnel.*

**Program S-C-4-a: Development Review for Fire Safety.** *The City will review proposals for new and modified buildings to ensure that fire safety provisions are included as required by the most current uniform codes and local regulations.*

**Program S-D-4-b: Development Review for Crime Prevention.** *The City will review proposals for new and modified buildings for compliance with crime prevention requirements.*

**Policy S-E-2: Police Services.** *The City will provide police services necessary to maintain community order and public safety.*

**Program S-E-1-a: Police Services.** *The City will provide adequate personnel, training, and equipment to support the provision of police services.*

### (2) Foster City Standard Conditions of Approval

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, the City of Foster City has adopted Standard Conditions of Approval (SCOAs) for large new and redevelopment projects. The following SCOAs related to public services, utilities, and recreation would apply to the project.

**SCOA 2.3:** The applicant shall provide a Waste Management Plan for all aspects of construction from start to finish with estimated quantities of debris expected to be generated by the project, how it will be recycled/disposed of, and an accompanying deposit in accordance with Chapter 15.44 of the Foster City Municipal Code. A separate Waste Management Plan will be required for projects that require Demolition (see Section 3.0).

**SCOA 2.4:** Prior to issuance of a building permit, the Construction Best Management Practices (BMPs) from the San Mateo Countywide Stormwater Pollution Prevention Program shall be included as notes on the building permit drawings.

**SCOA 2.9:** The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The construction contractor shall protect all

downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.

**SCOA 5.8.1:** The applicant shall have a registered civil engineer prepare a sewer flow projection study and a hydraulic capacity study, to be submitted to the Engineering Division for review. The study shall meet the approval of the Engineering Division and should:

- Verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site.
- Study the on and off-site sewer system (including lift stations) which services the project (both upstream and downstream).
- Show the new connecting points to the existing sewers and model the estimated flows and peaking factors, as they relate to the changes in land use for the project.

No on-site or downstream overloading of existing sewer system will be permitted. Any necessary improvements identified by the study shall be constructed by the developer/applicant at applicant's sole cost.

**SCOA 5.8.2:** Prior to issuance of a building permit, the improvement plans shall include the design of a wastewater collection system in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. Wastewater collection system items of construction should include at least the following:

- The locations and numbers of on-site pump stations with permanent standby power, telemetry system and controls. All shall be as approved by the Engineering Division.
- Modification to and addition of permanent standby power to which the proposed system is contributing sewage, if required.
- Sanitary sewer mains.
- Manholes with manhole frames and covers.
- Cleanouts. In commercial/industrial buildings the sewer inspection cleanouts shall be at accessible outside locations to allow for wastewater sampling.
- Wye branches and laterals.
- And together with appurtenances to any or all of the above.

**SCOA 5.9.1:** Prior to issuance of a building permit, the improvement plans shall include the design of stormwater improvements in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. Stormwater improvements items of construction should include at least the following:

- surface and subsurface storm drain facilities;
- manholes with manhole frames and covers;
- catch basins and laterals;
- construct all catch basins as silt detention basins;
- And together with appurtenances, to any or all of the above.

**SCOA 5.9.2:** Prior to issuance of a building permit, a complete storm drainage study of the proposed development shall be prepared by a registered civil engineer and submitted as part of the improvement plans package. Drainage facilities shall be designed in accordance with accepted engineering principles and be approved by the Engineering Division. The hydrology/hydraulic analysis shall include the following:

- The amount of runoff, and existing and proposed drainage structure capacities.

- Verification that the existing storm drain system is adequately sized to handle the run-off from the project.
- Conformance with the City's Drainage Design Criteria/Standards available on the City's website: <https://www.fostercity.org/publicworks/page/city-standard-design-criteria>
- Calculations and plans showing hydraulic gradelines.
- Evidence that the system is capable of handling a 25-year storm with the hydraulic grade line at least one foot below every grate.

No overloading of the existing system will be permitted. All needed improvements shall be installed by the applicants at applicants' sole cost.

**SCOA 5.9.3:** The applicant shall fully comply with the C.3 provisions of the Municipal Regional Stormwater NPDES Permit (MRP). Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.

All Stormwater control measures outlined in the current San Mateo Countywide Water Pollution Prevention Program's C.3 Stormwater Technical Guidance manual shall be incorporated into the project design. Low Impact Development features, including rainwater harvesting and reuse, and passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are required under the MRP. Higher-maintenance BMP's may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance for all BMPs must be specified (as the City will not assume maintenance responsibilities for these features). The applicant shall establish a self-perpetuating drainage system maintenance program for the life of the project that includes annual inspections of any stormwater detention devices and drainage inlets. Any accumulation of sediment or other debris would need to be promptly removed. In addition, an annual report documenting the inspection and any remedial action conducted shall be submitted to the Public Works Development for review and approval.

The drainage plan shall be prepared to the satisfaction of the Engineering Division.

**SCOA 5.9.4:** Prior to issuance of a building permit, should the City determine that the City's storm drain system or storm drain pumping capacity requires expansion or modification as a result of the applicants' development, the applicants shall pay for all necessary improvement costs. The timing and amount of payment shall be as determined by the City.

**SCOA 5.10.1:** To properly evaluate necessary improvements, a complete water system capacity study of the on-and-off site water system which services the project shall be prepared by a registered civil engineer approved by the City/District Engineer, and retained by the project developer prior to approval of a building permit. The study shall include: a map showing the project location, utility drawings for the project area (pdf and CAD files), a project description (type of development, number of units, land use, acreage, etc.), and a system demand analysis (including average daily demand, maximum daily demand, peak hour demand, and fire flow requirements), specific to the proposed development. The study shall include a detailed water pipe hydraulic flow analysis to determine whether the existing water distribution system is properly sized to meet the projected new water demands on the project site. All needed construction improvements to upsize the existing water distribution system to meet the demands of the new project

shall be constructed to meet California Fire Code and Foster City Fire Department requirements, by the applicant at the applicant's sole cost

**SCOA 5.10.2:** Prior to the issuance of a building permit, the improvement plans shall include the design of a domestic water system to the satisfaction of the Engineering Division. Water distribution system items of construction shall include at least the following:

- backflow prevention devices;
- water mains – minimum main size is 8 inches in any area. Fire flow determined for buildings/areas per "The Guide for Determining Required Fire Flow; Insurance Services Office; Municipal Survey Service;"
- valves;
- tees;
- fittings;
- hydrants;
- meters;
- services;
- and together with appurtenances to any or all of the above;
- all water mains serving fire hydrants, shall be a minimum of 8 inches in diameter.

**SCOA 5.10.3:** Water lines shall be designed for fire flows to meet California Fire Code and Fire Department requirements.

**SCOA 5.10.4:** All on-site fire water service mains shall have two sources of supply connections to City/District water system, be looped and meet the requirements of the State Department of Health Services and the City Fire Marshal. A Fire Water Service Plan shall be submitted separate from civil drawings.

**SCOA 5.10.6:** Prior to the issuance of a building permit, fire mains shall be designed to Fire Department specifications. Fire mains shall be constructed according to those specifications

**SCOA 8.1:** Submit documentation showing compliance with Chapter 8.8 of the EMID Code, including, but not limited to submittal of the Outdoor Water Use Efficiency Checklist.

**SCOA 9.15:** All excess fill shall be disposed of in accordance with City requirements.

**SCOA 9.16:** All excess fill shall be disposed of in accordance with City requirements. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.

**SCOA 10.7:** Prior to occupancy the existing storm drain pipe lines on the project site and downstream to the nearest lagoon inlet shall be cleaned and sediment removed at the completion of the project. Applicant shall submit a map illustrating the route to be televised for approval of the Engineering Division prior to sediment removal. The storm drain pipe lines shall be televised after cleaning to verify that the sediment has been removed and to identify any damages to the storm drain pipe lines during construction. A post construction survey report shall be prepared identifying facilities to be repaired and confirming removal of sediment from storm lines. The applicant shall be responsible for constructing and financing any such repairs. Sediment left in mains shall be subject to re-cleaning at the applicant's sole cost.

**SCOA 10.8:** Prior to occupancy the applicant shall arrange a joint field meeting with representatives of the Water Department to perform a visual survey of the condition of the existing water distribution system (including testing of valves and appurtenances) in the vicinity of the project site. The applicant shall prepare a post-construction survey report to be submitted to the Foster City Public Works Department for review. Report shall document any necessary repairs required to the existing water supply infrastructure. The applicant shall be responsible for constructing and financing any such repairs.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

This section discusses public services, utilities, and recreation impacts that could result from implementation of the Housing and Safety Elements Update project. The section begins by identifying significance criteria from the CEQA Guidelines and the City's Environmental Review Guidelines that establish the thresholds used to determine whether an impact is significant. The latter part of this section presents the impacts associated with the project and identifies SCOAs or mitigation measures, where necessary.

#### **a. Significance Criteria**

Implementation of the project would have a significant impact related to public services, utilities, or recreation utilizing CEQA Guidelines Appendix G if it would:

1. Result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  - Fire protection;
  - Police protection;
  - Schools; or
  - Other public facilities.
2. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
3. Create a shortage of parks facilities for new residents, because total parks acreage does not meet the Government standard of 5 acres per 1,000 persons (Foster City Municipal Code Section 16.36).
4. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
5. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Result in a

determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

6. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Applicable thresholds of local significance from the City's Environmental Review Guidelines<sup>53</sup> are discussed in this section as well.

## **b. Analysis and Findings**

The following section provides an analysis of the project's potential effects related to public services, utilities, and recreation with a focus on the residential growth associated with the Housing Element Update and associated zoning amendments components of the project. The proposed updates to the Safety Element focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, implementation of the Safety Element would not result in physical adverse impacts and no further analysis is provided.

### **(1) Fire Protection (Criterion 1)**

As described above, the SMCFD's average response time goal is to respond to 90 percent of all priority 1 calls in under 7 minutes.<sup>54</sup> As noted by the SMCFD, the average response rate of the department is 4 minutes and 58 seconds for priority 1 calls and first engine in.<sup>55</sup> The SMCFD's response time in Foster City is less than 6 minutes, 90 percent of the time.<sup>56</sup>

The increase in development intensity and density in the project area would result in an increase in demand for fire protection and emergency services. The project could result in the creation of 3,199 new housing units in Foster City (when accounting for both the 1,896 housing units for the 6<sup>th</sup> Cycle RHNA allocation and a 69 percent buffer) if all identified housing sites are developed at the maximum allowable density. This number of additional housing units would result in an

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<sup>53</sup> City of Foster City, 2007. City of Foster City/Estero Municipal Improvement District Environmental Review Guidelines. Adopted October 1, 2007.

<sup>54</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. Field Operations. Available at: <https://www.smcfire.org/field-operations>, accessed May 17, 2022

<sup>55</sup> San Mateo Consolidated Fire Department (SMCFD), 2022. 2020 Annual Report. Available at: <https://www.smcfire.org/wp-content/uploads/2021/07/2020-ANNUAL-REPORT.pdf>, accessed May 17, 2022.

<sup>56</sup> Marshall, Robert, Fire Marshal, San Mateo Consolidated Fire Department (SMCFD), 2022. Personal communication with Urban Planning Partners, June 8, 2022.

estimated increase of 8,158 residents in Foster City (see *Section IV.G, Population and Housing*, for more detail). With buildout of potential residential units, the population of the city would grow by approximately 24.68 percent, from 33,056 residents in 2022 to 41,214 residents at full implementation of the project.<sup>57</sup> While the project would result in additional demand for fire services, Foster City is an urban community with existing fire stations. As such, the project would not require the provision of, or need for, new or physically altered facilities to continue to serve the project area at the current level, nor would the project impact the Department's current response times.<sup>58</sup> Moreover, increased development associated with the project would not exceed the capabilities of existing SMCDFD staffing levels or require new personnel. The SMCDFD currently has sufficient numbers and types of engines, equipment and non-personnel resources to adequately serve development associated with implementation of the project. As such, implementation of the project would result in a less-than-significant impact to fire and emergency medical services within the city.

Future development associated with the project would be required to meet all applicable Foster City fire code regulations as set forth in Chapter 15.24 of the municipal code. Foster City has modified, by City Ordinance, some sections of the California Fire Code (CFC) which would require further compliance. While development associated with implementation of the project would result in an incremental increase in demand for fire protection and emergency medical response services, the project's impact on fire protection would be less than significant.

## **(2) Police Protection (Criterion 1)**

Implementation of the project would result in development of 3,199 housing units and an increase of 8,158 residents in Foster City. This could increase the demand for police services which include responding to service calls, receiving calls, dispatching officers, generating reports, maintaining records, investigations, crime prevention, and community outreach.

An increase in demand for police services, as a result of the housing units associated with the project, could lengthen police response times. Police services and staffing ratios are reviewed through an annual budgeting process during which citywide priorities are established and service levels monitored, allowing adjustments where needed. Any added personnel would be funded through the city's General Fund. Development impact fees and taxes generated by any developments associated with the project would contribute to the city's General Fund for purposes such as funding added personnel and facility improvements. In June 2022, the City

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<sup>57</sup> California Department of Finance, Demographic Research Unit, Population Estimates for California Cities, May 2, 2022. Available at: [https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1\\_2022PressRelease.pdf](https://dof.ca.gov/wp-content/uploads/Forecasting/Demographics/Documents/E-1_2022PressRelease.pdf), accessed November 20, 2022.

<sup>58</sup> Marshall, Robert, Fire Marshall, San Mateo Consolidated Fire Department (SMCFD), 2022. Personal correspondence with Urban Planning Partners, June 8, 2022.

Council adopted new developer impact fees including the park facilities impact fee, transportation impact mitigation fee, and the public safety impact fee.<sup>59</sup> The public safety impact fee includes both police and fire services in Foster City, and is based on estimated costs for specific upgrades and additions needed for these departments to serve new growth in the City.<sup>60</sup> Additional officers needed to meet FCPD's desired staffing level are anticipated to be accommodated within existing facilities.<sup>61</sup> The project would therefore have a less-than-significant impact on police protection services.

### **(3) Parks and Recreation (Criteria 2, 3, and 4)**

With the anticipated development associated with implementation of the project, there would be an increase in the number of residents, triggering the need for additional parks and recreation facilities and staff. Using the City ratio of 5 acres of parkland and 6-10 acres of parks and recreation facilities (such as waterways) per 1,000 residents, the approximate addition of 8,158 residents on the project would yield an increased demand of approximately 40.79 acres of parkland and 48.95 to 81.58 acres of parks and recreation facilities. In Foster City there is approximately 156 acres of parkland, 46.4 acres of walkways and pedways, and 15 acres of satellite facilities from local schools, as well as 212 acres of waterways, for a total of approximately 429.4 acres of existing recreation area.<sup>62,63</sup> This currently falls below the parkland ratio of 5 acres per 1,000 residents but exceeds the parks and recreation facility ratio of 6-10 acres of recreation area per 1,000 residents. To meet the parkland standard for the existing population, an additional 9.28 acres of parkland would need to be provided. However, in addition to parkland, the city currently has 15 acres of satellite facilities such as local school yards and recreation facilities, which exceeds the needed 9.28 acres of parkland.

While development under the project would result in an increase of residents using local parks and recreation facilities, it would not be expected to result in substantial deterioration of existing facilities or result in the need for new or expanded facilities. Moreover, as described in the settings section above, the City has approved funding for the replacement of the recreation

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<sup>59</sup> City of Foster City, 2022. June 20, 2022 City Council Meeting Minutes. Available at: <https://fostercityca.civicclerk.com/Web/Player.aspx?id=1055&key=-1&mod=-1&mk=-1&nov=0>, accessed October 10, 2022.

<sup>60</sup> Economic & Planning Systems, Inc., 2022. Foster City Comprehensive Development Impact Fee Nexus Study. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/community\\_development/project/43678/foster\\_city\\_comprehensive\\_development\\_impact\\_fee\\_nexus\\_study\\_dated\\_may\\_2022.pdf](https://www.fostercity.org/sites/default/files/fileattachments/community_development/project/43678/foster_city_comprehensive_development_impact_fee_nexus_study_dated_may_2022.pdf), accessed October 10, 2022.

<sup>61</sup> Ticas, Martin, Captain, Foster City Police Department (FCPD), 2022. Personal communications with Urban Planning Partners, September 9, 2022.

<sup>62</sup> City of Foster City, 2009. Parks and Open Space Element. Available at: <https://www.fostercity.org/commdev/page/chapter-5-parks-and-open-space-element>, accessed May 17, 2022.

<sup>63</sup> Schweigart, Derek, Parks and Recreation Director, 2022. Personal communications with Urban Planning Partners, July 25, 2022.

center which will increase the square footage of the facility from 36,000 square feet to approximately 50,000 square feet. The establishment of a new recreation center would be subject to all local and State requirements, including CEQA review. Future residential development under the project would also be expected to pay for Parks and Recreation impact fees. As of 2022, the city collects a developer fee for park facilities of \$14,926 per single-family residential unit, and \$11,639 per multi-family residential unit.<sup>64</sup> Based on the 3,199 housing sites Inventory, this impact fee could net approximately \$37,200,000. Furthermore, as required within the Foster City Municipal Code, high density multi-family residential projects are required to provide open green area as applicable,<sup>65</sup> which would reduce the overall demand and use on local recreation facilities. With the payment of fees and adherence with applicable open space regulations impacts associated with implementation of the project-related parks and recreational facilities would be less than significant.

#### (4) Schools (Criterion 1)

As stated previously, implementation of the Housing and Safety Element Updates could result in an additional 3,199 housing units in the city. This increase in new housing units would result in a potential population increase of up to 8,158 residents, which would increase the number of school-aged children in the city. Both the San Mateo-Foster City School District (SMFCSD) and the San Mateo Union High School District (SMUHSD) are currently operating under capacity. The SMFCSD's elementary and middle schools that serve Foster City are all operating under capacity, with an additional 2,440 seats available, based on 2022 enrolment.<sup>66</sup> The SMUHSD, which serves both San Mateo and Foster City, also has additional capacity for 2,180 students based on 2022 enrolment.<sup>67</sup> In addition to the SMFCSD and SMUHSD, Foster City has five private schools including elementary and middle schools.

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<sup>64</sup> City of Foster City, 2022. City of Foster City/Estero Municipal Improvement District Master Fees & Service Charges Schedule Fiscal Year 2022-23. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/financial\\_services/page/3691/fy\\_2022-2023\\_master\\_fees\\_services\\_charges\\_schedule.pdf](https://www.fostercity.org/sites/default/files/fileattachments/financial_services/page/3691/fy_2022-2023_master_fees_services_charges_schedule.pdf), accessed October 17, 2022.

<sup>65</sup> City of Foster City, 2022. Chapter 17.20 R-4 High Density Multiple-Family Residence District. Foster City Municipal Code. Available at: <https://www.codepublishing.com/CA/FosterCity/?FosterCity17/FosterCity17.html>, accessed October 27, 2022.

<sup>66</sup> Ruffo, Amy, Director, Facilities and Construction (SMFCSD), 2022. Personal communications with Urban Planning Partners, August 1, 2022.

<sup>67</sup> Scatena, Don, Director of Student Services (SMUHSD), 2022. Personal communications with Urban Planning Partners, June 8, 2022.

Based on SMFCSD's student generation rates, 3,199 new housing units in Foster City would produce and estimated 288 students in the SMFCSD. Based the SMUHSD student generation rates,<sup>68</sup> 3,199 new housing units would produce an estimated 304 students in the SMUHSD.<sup>69</sup>

Anticipated development under the project would also be subject to California Education Code Section 17620(a)(1), which requires developers to pay impact fees to the SMFCSD and SMUHSD. In January 2020, the State Allocation Board increased the amount of Level I developer fees that school districts are authorized to collect to \$4.08 per square foot for residential construction and \$0.66 per square foot for commercial/industrial construction. SMUHSD collects fees for both school districts. The SMFCSD has a fee sharing agreement with the SMUHSD which allows the high school district to receive 40 percent of the fee and the elementary school district to receive 60 percent of the fee. As of 2022, combined SMFCSD and SMUHSD collects a developer fee of \$4.08 per square foot for residential construction, \$0.66 per square foot for commercial/industrial construction, and \$0.04 per square foot for storage construction.<sup>70</sup> With current capacity levels and the payment of fees, impacts associated with the implementation of the project would result in a less-than-significant impact related to school services.

### **(5) Water Supply (Criterion 5)**

As discussed above, implementation of the Housing Element could result in an additional 3,199 housing units in the city. According to the WCS conducted for the project and other major projects in Foster City (see Appendix D), the project and reasonably foreseeable future development would result in approximately 583 acre-feet of additional water demand per year by 2045. Table IV.H-9 shows the anticipated SFPUC water supply assurance every five years between 2025 and 2045 (assuming no supply disruptions or critical multi-year droughts), projected demand within the EMID service area as determined by BAWSCA, additional demand from proposed developments (including an apportioned total system water loss). The total system demand is calculated by adding the total net demand generated from the proposed developments in Table IV.H-6 to the system demand projections from Table IV.H-5.

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<sup>68</sup> San Mateo Union High School District (SMUHSD), 2022. Residential Development Research Report. August 6, 2021.

<sup>69</sup> Student generation calculation was based on single-family attached and multi-family unit student generation rates.

<sup>70</sup> San Mateo Union High School District (SMUHSD), 2022. School Impact (Developer) Fees. Available at: <https://www.smuhsd.org/domain/2518#:~:text=We%20are%20available%20by%20appointment,%240.66%20for%20Commercial%20Construction>, accessed October 17, 2022.

**TABLE IV.H-9 TOTAL SYSTEM DEMAND WITH ADDED DEVELOPMENTS**

<b>System Demand, No Drought<sup>a</sup></b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
Demand Projection for EMID, with Passive and Active Conservation, AFY	4,896	4,648	4,371	4,223	4,100	4,113
Net Demand from Additional Developments, AFY	0	67	368	499	543	583
Total System Demand, AFY	4,896	4,715	4,738	4,722	4,642	4,696
SFPUC Supply Assurance, AFY	6,610	6,610	6,610	6,610	6,610	6,610
Estimated Remaining SFPUC Supply, AFY	1,715	1,895	1,872	1,889	1,968	1,914
Estimated Remaining Supply Reliability%	26%	29%	28%	29%	30%	29%

<sup>a</sup> In some cases, values are rounded to the nearest single digit and totals may not align due to rounding.  
 Source: Maddaus Water Management, 2023.

As indicated in Table IV.H-9, EMID is under contract to receive 6,610 AFY from the SFPUC, assuming no significant supply disruptions or prolonged drought conditions. Considering the anticipated development projects within the EMID service area, including the additional housing units under the Housing Element, EMID would have enough water supply to meet expected demand in normal years. The expected water supply surplus would range from 1,700 AFY in 2020 to 2,000 AFY in 2045.

In the event of prolonged drought conditions, according to the SFPUC's Water System Improvement Project, water supply would be subject to reductions in the event of drought, water shortage, earthquake, rehabilitation, or maintenance of the system. During periods of supply reduction, EMID would implement the Water Shortage Contingency Plan (WSCP), which would result in reduced water demand. The plan has six levels with each level set to respond to increasingly more severe conditions. The WSCP is designed to decrease demand to meet the reduced allocations by SFPUC, however, the WCS does not rely on the WSCP as the primary means to enable EMID to sustain sufficient supplies during projected shortfalls.

Table IV.H-10 shows SFPUC's projected deliveries to EMID for a single dry year and for five consecutive dry years, based on the EMID 2020 UWMP allocations.

Table IV.H-11 compares the supply allocations from Table IV.H-10 above with projected total system demands from Table IV.H-9 through the 20-year planning horizon as required by SB 610. Table IV.H-11 compares the total demand both with and without projected development. As discussed in Table IV.H-10, during a period of five consecutive dry years starting in 2025, the SFPUC's plan calls for a 48 percent supply reduction of the normal year supply in the first year, followed by a 41 percent reduction of the normal year supply for each of the next 4 years. This level of reduction varies in subsequent future years. To meet the reductions, EMID would implement the WSCP based on the severity of the drought. In 2020, EMID refined the WSCP to

**TABLE IV.H-10 EMID PROJECTED ANNUAL SUPPLY ALLOCATIONS FOR A SINGLE AND MULTIPLE DRY YEARS**

Water Supply Source (AFY)	Status	Normal Year	Single Year				
			Year 1	Year 2	Year 3	Year 4	Year 5
2025 SFPUC	Max Allocation	6,610	3,170	2,716	2,716	2,716	2,716
	% Reduction	0%	48%	41%	41%	41%	41%
2030 SFPUC	Max Allocation	6,610	3,219	2,762	2,762	2,762	2,762
	% Reduction	0%	49%	42%	42%	42%	42%
2035 SFPUC	Max Allocation	6,610	3,275	2,808	2,808	2,808	2,572
	% Reduction	0%	50%	42%	42%	42%	39%
2040 SFPUC	Supply	6,610	3,354	2,879	2,879	2,538	2,538
	% Reduction	0%	51%	44%	44%	38%	38%
2045 SFPUC	Max Allocation	6,610	3,020	3,020	3,020	2,566	2,566
	% Reduction	0%	46%	46%	46%	39%	39%

<sup>a</sup> Normal year allocation same through projection period per EMID 2020 UWMP DWR Table 7-2.  
<sup>b</sup> Dry year allocation unique to projection year and dry year type per 2020 UWMP DWR Table 7-3 & 7-4. In general, multiple dry years 2 & 3 supplies are the same, whereas multiple dry years 4 & 5 supplies are the same. More specifically, year 2030 multiple dry years 2-5 supplies are the same.  
 Source: Maddaus Water Management, 2023.

achieve water savings of up to 20 percent in a Level 2 Drought, rather than the previous 15 percent goal that was targeted.

Consistent with Table IV.H-9 above, Table IV.H-11 shows there will be sufficient supplies to meet all projected demand, including the additional demand generated from the proposed developments, in non-drought (normal) conditions until year 2045. However, there will not be sufficient supplies (with or without the projected developments) under dry year conditions even with EMID’s implementation of the mandatory demand reduction as outlined in the EMID WSCP. The WSCP would minimize shortfalls from inadequate water supplies within the EMID service area if the SFPUC reduces water deliveries to EMID (as would occur during a prolonged drought) but would not eliminate all estimated shortfalls in dry year conditions.

As shown in Table IV.H-11 the existing and planned future uses evaluated in Foster City will generate an additional net water demand of 583 AFY post year 2020 baseline EMID 2020 UWMP demand. Of the 583 AFY total net water demand 275 AFY are associated with the Housing Element. The development under the Housing Element and the existing and future uses evaluated in the WCS will be accommodated by EMID’s existing supplies during non-drought years within a 20-year projection. However, during single and multiple dry years, EMID’s total annual water demand is expected to exceed EMID’s available water supplies from 2025 to 2045.

**TABLE IV.H-11 ANNUAL SUPPLY ALLOCATION VS. MULTIPLE DRY YEARS DEMAND (AFY) WITH DEMAND REDUCTION IN DRY YEARS CONSISTENT WITH THE 2020 REVISED WATER SHORTAGE CONTINGENCY PLAN<sup>a</sup>**

Year	Topic	Normal Year	Single & Multiple Dry				
			Year 1	Year 2	Year 3	Year 4	Year 5
			Demand Reduction %				
			Assumes WSCP Supply Shortage Level 1	Assumes WSCP Supply Shortage Level 2	Assumes WSCP Supply Shortage Level 3	Assumes WSCP Supply Shortage Level 4	Assumes WSCP Supply Shortage Level 5
			10%	20%	30%	40%	50%
2020 <sup>b</sup>	Actual 2020 Demand	4,896	4,896	4,896	4,896	4,896	4,896
	Maximum Allocation	6,610	3,170	2,716	2,716	2,716	2,716
	Demand (NOT Including Proposed Developments)	4,648	4,183	3,718	3,254	2,789	2,324
2025	Demand (Including Proposed Developments' NET Demand)	4,715	4,244	3,772	3,301	2,829	2,358
	Excess/Shortfall (NOT Including Proposed Developments)	1,962	-1,013	-1,003	-538	-73	392
	Excess/Shortfall (Including Proposed Developments' NET Demand)	1,895	-1,074	-1,056	-585	-113	358
2030	Maximum Allocation	6,610	3,219	2,762	2,762	2,762	2,762
	Demand (NOT Including Proposed Developments)	4,371	3,934	3,497	3,059	2,622	2,185
	Demand (Including Proposed Developments' NET Demand)	4,738	4,264	3,791	3,317	2,843	2,369
	Excess/Shortfall (NOT Including Proposed Developments)	2,240	-714	-735	-297	140	577
	Excess/Shortfall (Including Proposed Developments' NET Demand)	1,872	-1,045	-1,029	-555	-81	393
	Maximum Allocation	6,610	3,275	2,808	2,808	2,808	2,572
2035	Demand (NOT Including Proposed Developments)	4,223	3,800	3,378	2,956	2,534	2,111
	Demand (Including Proposed Developments' NET Demand)	4,722	4,249	3,777	3,305	2,833	2,361
	Excess/Shortfall (NOT Including Proposed Developments)	2,388	-526	-570	-148	274	460
	Excess/Shortfall (Including Proposed Developments' NET Demand)	1,889	-975	-969	-497	-25	211
	Maximum Allocation	6,610	3,354	2,879	2,879	2,538	2,538
2040	Demand (NOT Including Proposed Developments)	4,100	3,690	3,280	2,870	2,460	2,050

Year	Topic	Normal Year	Single & Multiple Dry				
			Year 1	Year 2	Year 3	Year 4	Year 5
			Demand Reduction %				
			Assumes WSCP Supply Shortage Level 1	Assumes WSCP Supply Shortage Level 2	Assumes WSCP Supply Shortage Level 3	Assumes WSCP Supply Shortage Level 4	Assumes WSCP Supply Shortage Level 5
			10%	20%	30%	40%	50%
	Demand (Including Proposed Developments' NET Demand)	4,642	4,178	3,714	3,250	2,785	2,321
	Excess/Shortfall (NOT Including Proposed Developments)	2,511	-336	-401	9	78	488
	Excess/Shortfall (Including Proposed Developments' NET Demand)	1,968	-824	-835	-371	-247	217
	Maximum Allocation	6,610	3,020	3,020	3,020	2,566	2,566
	Demand (NOT Including Proposed Developments)	4,113	3,702	3,290	2,879	2,468	2,057
2045	Demand (Including Proposed Developments' NET Demand)	4,696	4,227	3,757	3,288	2,818	2,348
	Excess/Shortfall (NOT Including Proposed Developments)	2,497	-682	-271	141	98	509
	Excess/Shortfall (Including Proposed Developments' NET Demand)	1,914	-1,207	-737	-268	-252	217

<sup>a</sup> In some cases, values are rounded to the nearest single digit and totals may not align due to rounding.

<sup>b</sup> 2020 data is based on actual numbers.

Source: Maddaus Water Management, 2023.

**Impact SVCS-1: There are not sufficient water supplies available to serve the project and reasonably foreseeable future development one dry year and multiple dry years within a 20-year projection. (S)**

The estimated demand from the Housing Element in addition to the existing and planned future uses evaluated in the WCS, will exacerbate EMID's existing projected supply shortfall during single and multiple dry years. Therefore, there is not "sufficient water supply" (per Government Code Section 664737.7 (a)(2)) available to meet the demands of the Housing Element, in addition to the existing and planned future uses, during single-dry and multiple dry water years within a 20-year projection. EMID is coordinating with the City of San Mateo, SFPUC, and BAWSCA to assess potential options for producing and using recycled water in the future to assist with offsetting future new potable demands. EMID has updated its WSCP and will continue to invest in and implement ongoing and long-term demand management measures.

Per Water Code Section 10911, EMID shall consider this projected water supply insufficiency and shall provide the City with its plans to acquire and develop additional water supplies. However, as documented in the EMID 2020 UWMP, EMID has no approved plans for acquiring additional water supplies as a retailer.

A long-term demand management measure EMID shall consider is a water neutral growth policy for all new development. A water neutral growth policy requires offsetting the projected water demand of new development with water efficiency measures to create a neutral impact on the overall service area demands and water use.<sup>71</sup> A development may be required to offset 50 percent to 100 percent of the estimated net demand for a project based on a combination of water use factors, square footage, building uses, occupancy, and other considerations.

Offsets are commonly achieved through a combination of on-site water efficiency measures, off-site efficiency upgrades or other improvements at existing facilities, and/or payment of fees to the water supplier to fund conservation programming in the overall service area. Reducing on-site demand could be achieved by installing high efficiency plumbing fixtures (with flow rates that exceed state code), installing only native and drought-adapted landscaping, and/or using alternative on-site water sources such as rainwater or graywater. Off-site demand offsets in the existing service area could be achieved through measures such as the direct installation of high efficiency toilets or appliances in older existing homes or businesses, or the conversion of turf fields to synthetic turf.

At the time of this EIR, EMID is evaluating a water neutral growth policy consisting of the following:

- The Water Neutral Growth Policy will require all developments that require a new water service or are undergoing a change in use that is expected to increase water demand above the existing water service level to offset 100 percent of its net increase in water demand. The only exceptions will be: 1) residential additions (including ADUs) less than 750 square feet and non-residential additions less than 750 square feet will be exempt, and 2) ADUs 750 square feet or greater and 100 percent affordable housing projects, which will be required to offset 50 percent of its net increase in water demand.
- The net increase in water demand associated with any new development will be calculated as the estimated total water use due to the proposed development, minus the amount of existing water use (average of five previous years), on-site credits (if available, such as the installation of high-efficiency plumbing fixtures that exceed regulatory requirements, low

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<sup>71</sup> Alliance for Water Efficiency. 2023. Net Blue: Supporting Water Neutral Growth. Available at: <https://www.allianceforwaterefficiency.org/resources/topic/net-blue-supporting-water-neutral-growth>, accessed February 12, 2023

water-use landscaping), and/or planned use of alternative on-site water sources. Alternative on-site water sources may include, but are not limited to: (1) reused graywater, (2) reused blackwater, (3) reused mixed gray/blackwater, (4) captured rainwater/stormwater, and (5) air conditioning condensate.

- The offset amount will be determined using a detailed projection of the total annual water demand resulting from the proposed development, excluding temporary demands such as those required for landscape establishment. The City and the EMID will codify the Water Neutral Growth Policy by June 1, 2023. Prior to this date, the City and the EMID will document the specific activities an applicant shall use to achieve the offset amount, and will establish a process to verify that all requirements of the Water Neutral Growth Policy have been met prior to authorizing the submittal of a building permit application and/or certificate of occupancy.

EMID staff have indicated that they will present this policy to their board for adoption in March 2023. If adopted, the final policy details will be included in a Water Supply Assessment which will accompany the Final EIR.

Mitigation Measure SVCS-1: Water Neutral Growth Policy. EMID shall adopt a Water Neutral Growth Policy to offset projected water demand. The Policy shall, at a minimum, include water efficiency measures to create a neutral impact on the overall service area demands and water use for future development projects. Given this mitigation measure is not under the jurisdiction of the City of Foster City and they cannot ensure EMID will adopt such a policy, the impact is significant and unavoidable. (SU)

## **(6) Wastewater Treatment (Criterion 5)**

As described above, the WWTP's average daily dry weather capacity is 15.7 MGD, and the average wet weather capacity is 40 MGD. The WWTP current average daily dry-weather flow of 11 MGD. The average daily flow for both the WWTP is within the average daily flow design capacity.<sup>72</sup>

According to the WCS conducted for the project and other major projects in Foster City (see Appendix D), the project would result in approximately 275 acre-feet of additional water demand per year by 2045.<sup>73</sup> Assuming the total amount of water demand generated by the project is equal

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<sup>72</sup> City of Foster City, 2021. 2020 Urban Water Management Plan for Estero Municipal Improvement District. Available at: [https://www.fostercity.org/sites/default/files/fileattachments/community\\_development/page/30281/local\\_hazard\\_mitigation\\_plan\\_safety\\_element.pdf](https://www.fostercity.org/sites/default/files/fileattachments/community_development/page/30281/local_hazard_mitigation_plan_safety_element.pdf), accessed November 8, 2022.

<sup>73</sup> Housing Element water demand calculated by adding the Annual Net additional future demand (AFY) from the following developments in Table 1V.H-6: Lantern Cove Apartments Redevelopment (41), Schooner Bay I

to the total amount of wastewater generated, the project would generate approximately 89,609,025 gallons of wastewater per year, or 245,504 gallons per day (0.25 MGD).<sup>74</sup> The net increase of 0.25 MGD would increase EMID and WWTP's average daily flow; however, this would be an incremental increase to both the EMID and WWTP's remaining average daily flow of 4.7MGD.

As discussed in the settings section above, in addition to capital improvement projects that address aging infrastructure, an expansion of the liquid processing side of the WWTP is currently underway to replace aging infrastructure and facilities, build wet weather sewer system capacity assurance to prevent overflows, meet current and regulatory requirements, and production of Title 22 water. In addition, developments under the project would be required to comply with SCOAs 5.8.1 and 5.8.2 which require applicants to complete a sewer system capacity study and install all needed construction improvements, as well as require applicants to prepare a sewer flow projection study and a hydraulic capacity study to verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site.

The project would allow EMID to remain well below its allocated daily flow capacity at the WWTP. For these reasons, and with the implementation of the above SCOAs, the project's impact on wastewater treatment and disposal would be less than significant.

### **(7) Stormwater (Criterion 5)**

Foster City is largely developed with urban/suburban uses and existing stormwater infrastructure serves most of Foster City's neighborhoods. According to the City Public Works Department staff, the existing storm drain system is adequate. As explained in settings section above, a third pump is planned for the Lagoon Pump station to increase pumping capacity, address increased severity of storms, and reduce the risk of flooding should a failure of one of the two existing pumps occurs during a severe storm and high tide condition.<sup>75</sup>

In addition, future residential projects associate with implementation of the project would be required to meet all applicable storm drain system standards and ensure adequate infrastructure is in place or is put in place under the project during the permitting process, as described in General Plan Goal LUC-L and Policy LUC-L-10.

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Redevelopment (33), Schooner Bay II Redevelopment (28), ADUs for Eaves and Single-Family homes (4.2), 2023-2031 Residential Development to Achieve RHNA (61), and Other/Additional Residential Development (108).

<sup>74</sup> 1 acre-foot is equal to 325,851 gallons.

<sup>75</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

Future development project would also be required to meet the City's SCOA's; these include requiring that prior to construction, existing storm drain pipelines on a project site and downstream from the lagoon be monitored to verify they have not become filled with sediment and cleaned out concurrently. If the existing storm drain system is by-passed or replaced, a hydrology/hydraulic analysis for the project would be performed to the satisfaction of the City Engineer in accordance with the City's SCOA's. The analysis would verify whether proposed modifications to the drainage infrastructure would be adequate to receive and convey runoff from the project site. If the findings of the analysis reveal that implementation of the project would create runoff beyond the capacity of the existing storm drain systems, the project would be required to upgrade undersized components as a condition of approval for the project. In addition, prior to approval of development associated with implementation of the Housing Element Update, drainage plans would be subject to review by the Foster City Public Works Department to ensure that proposed storm drainage systems would be adequate to convey runoff under the proposed setting. The SCOA's also require that post-construction survey reports be completed on the existing storm drain system, which would include identification of any necessary repairs to restore the facilities. If required, the existing storm drains would be cleaned as necessary during and at the completion of the project.

In addition, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared to reduce potential adverse impacts to surface water quality during construction. As specific projects are proposed, the City would review the environmental documentation, plans, and specifications to ensure projects meet applicable city stormwater engineering standards and SCOA's. With implementation of applicable SCOA's, the project's impact on stormwater would be less than significant.

### **(8) Solid Waste (Criterion 6)**

Implementation of the project would result in development of up to 3,199 new residential units, resulting in an estimated increase of 8,158 new residents in the city. Using the 2020 solid waste disposal rate of 0.44 tons per resident per year (equivalent to 2.4 pounds per day), implementation of the project could generate approximately 3,590 tons of waste per year (equivalent to 19,671 pounds per day). This increase in residential units would occur gradually over eight years. It's reasonable to assume that the per resident disposal rate would remain at the citywide per capita target of 3.7 pounds per person per day.<sup>76</sup> According to CalRecycle, the Corinda Los Trancos (Ox Mountain) Landfill (non-hazardous solid waste) has remaining capacity of 22.18 million cubic yards of solid waste, for which the project's contribution would not be

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<sup>76</sup> CalRecycle, 2022. Foster City – Jurisdiction Per Capita Disposal Rate Trends (Post 2006). Available at: <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports>, accessed October 27, 2022.

significant, with an estimated closure date of 2034.<sup>77</sup> Furthermore, the 2034 closure date of the Ox Mountain Landfill extends past the project's horizon of 2031. In addition, according to the California Environmental Protection Agency, the Kettleman Hills Facility, Landfill B-18 (hazardous solid waste) has a capacity of 15.6 million cubic yards.<sup>78</sup> However, according to staff, at the current rate, the landfill is anticipated to reach capacity by 2034. Implementation of new organics diversion programs under SB 1383 may extend this capacity, but plans are actively being made for when capacity is reached.<sup>79</sup>

As required by AB 939, the California Integrated Waste Management Act, a minimum of 50 percent of the City's waste must be recycled. In addition, any projects proposed under the Housing Element would be required to meet the City's SCOA's including SCOA 2.4 requiring applicants to provide a Waste Management Plan for all aspects of construction with estimated quantities of debris and how it will be recycled/disposed of. In addition, per the City's construction and demolition ordinance, the construction contractor would be required to recycle a minimum of half of all demolition and construction debris to meet City requirements. Chapter 15.44 (Ordinance 593) of the Foster City Municipal Code requires construction contractors to take their construction and demolition debris to a facility that processes construction and demolition materials for recycling. Most of these facilities yield recycling rates in excess of 80 percent. The typical remaining refuse sent to the landfill is 10 to 15 percent of the debris. This would not substantially decrease the available capacity at the Ox Mountain Sanitary Landfill.

For these reasons, with implementation of the City's SCOA's, the project's impact on solid waste would be less than significant.

### **c. Cumulative Public Services, Utilities, and Recreation Impacts**

The intensification of land uses caused by future development associated with implementation of the project, in combination with other development projects in the area, would incrementally increase the demand for fire, police, school, and recreation services. However, as described above, future development would be subject to impact fees, applicable municipal code requirements, and General Plan policies. Moreover, these services are subject to an annual budgeting process during which service priorities are established and service levels are monitored, allowing for adjustments where needed. Furthermore, development would occur

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<sup>77</sup> CalRecycle, 2022. SWIS Facility Detail: Corinda Los Trancos Landfill (Ox Mtn). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223>, accessed May 18, 2022.

<sup>78</sup> California Environmental Protection Agency (Ca/EPA), 2020. Kettleman Hills Facility: TSCA PCB permit and Supporting Documents. Kettleman Hills Facility TSCA Approval. Available at: <https://www.epa.gov/ca/chemical-waste-management-inc-kettleman-hills-facility-tsca-pcb-permit-and-supporting-documents>, accessed May 18, 2022.

<sup>79</sup> Galli, Laura, Engineering Manager. City of Foster City, 2022. Personal communication with Urban Planning Partners, June 20, 2022.

gradually over time, and would not happen all at once. For these reasons, implementation of the project would result in a less-than-significant cumulative impact.

Impact SVCS-1 evaluates the project's water supply impact for normal and single and multiple dry years. The significant and unavoidable impact related to water supply for the Housing Element would continue to occur with the addition of cumulative projects, as shown in the WCS which evaluates the Housing Element and other foreseeable development projects, as there is insufficient water supply for EMID's existing water demand in single and multiple dry years. For this reason, the project would contribute to significant water supply impacts that would be significant and unavoidable.

The project and cumulative development projects would increase demand for wastewater and other utilities in Foster City. It is not projected that the amount of waste generated from the project in conjunction with other cumulative development would exceed the capacity of these solid waste facilities. In addition, all cumulatively considerable projects would be required to comply with the City's waste reduction and recycling requirements. Thus, the cumulative impact of the project would be less than significant.

The project would increase demand for electrical and gas services. New development would occur in areas where these services already exist, along with other foreseeable cumulative development projects. Further, the extent to which demand would grow is not expected to have a significant adverse cumulative impact. All applicable cumulatively considerable developments, including the project, would be subject to California Title 24 energy conservation standards for new construction, which require specific energy-conserving design features, the use of non-depletable energy resources, or a demonstration that buildings would comply with a designated energy budget. Therefore, the project would not violate applicable statutes and regulation related to energy standards. No significant adverse cumulative energy impacts are expected.

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## **I. AESTHETICS**

This section of this EIR includes a description of the aesthetic resources within Foster City, a summary of the existing regulatory framework, an analysis of the Housing and Safety Elements Update project's potential impacts, and identification of mitigation measures to reduce these potential impacts, if required.

### **1. Environmental Setting**

This section describes the existing visual character of Foster City.

#### **a. Scenic Resources**

Located along the southwestern coast of the San Francisco Bay, Foster City includes a variety of scenic vistas and landscapes which contribute to the existing aesthetic setting of the city. The largest and most unique scenic resources in the city are the waterways including the San Francisco Bay, Belmont Slough, Marina Lagoon, the Foster City Lagoon and Canal system, and Vintage Park Lake. These waterways are described below.

##### **(1) The San Francisco Bay**

The San Francisco Bay serves as the north and northeastern boundary to the city and is an important scenic resource and landmark, providing scenic vistas and natural view corridors. Beach Park Boulevard, East Third Avenue, and the pedway system along the Bay provide scenic views of the Bay.

##### **(2) Belmont Slough**

The Belmont Slough serves as the southeastern boundary to the city and the border between Foster City and Redwood City. The slough provides a wildlife refuge for estuarine and marine deep-water habitats as a result of its tidal action, mudflats, and marshland vegetation. The pedway system provides the best views of the slough and opportunities to view bird species that frequent the slough.

##### **(3) Marina Lagoon**

The Marina Lagoon establishes the southwestern boundary of Foster City. The Marina Lagoon is an important visual and recreational amenity for Foster City because it provides frontage along the water for the western boundary of the city along Port Royal Avenue. The pedway and East Hillside Boulevard, especially at the Bridge, provide the best views of the Marina Lagoon in Foster City.

#### **(4) The Foster City Lagoon**

The Foster City Lagoon was entirely man-made and is used as a storm drainage retention basin with gates at the south end and pumps at the north end. The recreational uses of the lagoon system include boating, windsurfing and swimming, along with passive recreational uses which are enhanced by the many views provided from waterfront land uses.

Views of the Foster City Lagoon system are provided from Foster City Parks (Sea Cloud Park, Leo Ryan Park, Gull Park and Marlin Park) and individual residences. The best view of the system is provided from an airplane.

#### **(5) Vintage Park Lake**

This artificial water system was constructed as part of the Vintage Park development. The lake has a public access easement over it and also serves as a drainage catch basin. The Vintage Park development also includes several small open areas near the existing lake. Most of the open areas are small plazas except for the green area and pathway around the lake.

### **b. View Corridors and Scenic Vistas**

The following provides a brief summary of view corridors and scenic vistas within the city.

#### **(1) View Corridors**

There are various roadway throughout the city that provide view corridors of the San Francisco Bay and waterways in the city. These include:

- Beach Park Boulevard
- East Third Avenue
- East Hillsdale Boulevard (especially at the bridge)
- Pedway system

#### **(2) Scenic Vistas**

In addition to the view corridors along the roadways, there are various parks throughout the city that provide scenic vistas of the waterways. These include:

- Sea Cloud Park
- Leo Ryan Park
- Gull Park
- Marlin Park
- Bridgeview Park
- Shorebird Park

- Baywinds Park
- Levee Pedway

### **c. Existing Sources of Light and Glare**

Lighting is an essential part of the built environment and is often necessary to provide a safe and secure setting for residents. Existing sources of light and glare in the city include those common in urbanized areas such as building lights (both interior and exterior), signage, public streetlights, vehicular use area lighting, and automotive lights.

## **2. Regulatory Setting**

The following section describes the existing regulatory environment related to aesthetics.

### **a. State Regulations**

The following provides an overview of State legislation and policies that pertain to aesthetics at the local level.

#### **(1) California Scenic Highway Program**

The California Scenic Highway Program is administered by Caltrans with the purpose of preserving the character of scenic highways and protecting them from changes that may diminish the aesthetic value of adjacent lands. There are no officially designated scenic highways located in or immediately adjacent to Foster City.<sup>1</sup>

### **b. Local**

The City's policies and other standards that relate to aesthetics are summarized below.

#### **(1) City of Foster City General Plan**

### **c. Regulatory Context**

Applicable regulatory provisions are discussed below. Included in this discussion are policies of the Foster City General Plan and regulations of the Foster City Zoning Code.

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<sup>1</sup> California Department of Transportation, California Scenic Highway Mapping System, Officially Designated Scenic Highways. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed November 4, 2022.

## (1) Foster City General Plan

The Foster City General Plan contains goals, policies and programs related to visual and aesthetics resources within Chapter 3: Land Use and Circulation Element, Chapter 5: Parks and Open Space Element, and Chapter 8: Conservation Element.

### Chapter 3: Land Use and Circulation Element

The Land Use and Circulation Element of the General Plan directs growth and development throughout the city. In a built-out city like Foster City, the land use patterns are critical for maintaining a mix of uses, traffic flow, and provision of services. Goals, policies and programs included in the Land Use and Circulation Element provide direction for decisions related to all land uses, as well as for those related to specific land use designations.

A key consideration of the City of Foster City's Land use goals, policies and programs is neighborhood compatibility. Policies for neighborhood compatibility promote connections and transitions to existing neighborhoods through the design of public spaces, as well as upholding high standards of design for new or remodeled buildings. Goals, policies and programs related to aesthetics and visual resources are listed below.

**Goal LUC-A Preserve the Quality of the City's Residential Neighborhoods.** *Preserve and strengthen the identity and qualities of Foster City's residential neighborhoods and assure that: (1) all new development, renovation or remodeling are harmoniously designed and operated to integrate with the existing neighborhood; (2) noise, traffic and other conflicts between residential and non-residential land uses are eliminated or minimized to the extent possible; (3) each residential neighborhood has access to a developed park or park-like recreational area within walking distance to most residents, and that park facilities are well maintained, diverse and adequate to meet the needs of residents; and (4) maintain availability of commercial and retail services.*

**Policy LUC-A-2 Preservation of Views.** *The City will use the design review process to balance the ability of the property owner to improve/expand their property with the desire of the owners of neighboring Bayfront or waterfront houses to continue to enjoy views of the San Francisco Bay or the Foster City Lagoon.*

**Goal LUC-B: Promote Proper Site Planning, Architectural Design and Property Maintenance.** *Ensure high quality site planning and architectural design for all new development, renovation or remodeling and require property maintenance to maintain the long-term health, safety, appearance and welfare of the community.*

**Policy LUC-B-1: City Approach to Design (Architectural) Review.** *The City will establish a continuing program of civic beautification, tree planting, maintenance of homes and streets, and other measures which will promote an aesthetically desirable environment in order that neighborhood areas appear attractive both within and without. The City will use a design review process (called Architectural Review) whereby the design of most public and private development proposals, including those for individual residences, are subject to review and approval by the City. The primary objective of this review is to preserve the character of the neighborhood and community regarding appropriate and acceptable design for property improvements. Design review shall address, among other things, the following issues:*

- A. *Preservation of the architectural character and scale of neighborhoods.*
- B. *That the development is well designed, in and of itself, and in relation to surrounding properties.*

- C. *Preservation of waterfront views.*
- D. *Minimizing impacts on the privacy and access to sunlight of adjacent properties.*
- E. *Minimizing impacts due to excessive noise or undue glare.*
- F. *Screening of unsightly uses including trash, loading docks/areas, roof top equipment, and special ventilating systems.*
- G. *Use of setbacks, open space, and landscaping.*
- H. *Exterior colors and materials.*

**Policy LUC-B-2: Residential Design Review Process.** *The design review process shall be used to ensure compatibility of new residential projects, or property improvements, including room additions, with existing residential property, with the existing character of the neighborhoods in which they are located, and with respect to architectural style, scale, mass, bulk, color, materials, lot coverage and setbacks. Design review shall be used to ensure that new residential projects are protected from undesirable traffic, noise, or other intrusions, especially along arterial roads. Residential projects to be located near existing commercial or industrial land uses shall be appropriately designed to reduce noise, traffic, visual, and other potential conflicts.*

**Policy LUC-B-3: Architectural and Solar Guidelines and Related Policies.** *In order to preserve the character of neighborhoods and the community and to ensure appropriate and acceptable design for property improvements, the Architectural and Solar Guidelines, as amended, the solar policy and other related policies adopted by the Planning Commission and City Council shall apply to the review of improvements in the R-1, Single-family Residential District.*

**Policy LUC-C-9: Parcels Adjacent to Waterways.** *Development or redevelopment of parcels adjacent to waterways shall incorporate public open space or water-oriented design features into any development on these sites.*

**Policy LUC-D-9: Design Review of Commercial and Industrial Projects.** *The City will use a design review process for commercial and industrial projects to ensure that basic land uses, density, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharges of wastes, and nighttime lighting do not negatively affect adjacent or nearby residential land uses.*

**Program LUC-H-5-a: Tree and Landscape Program.** *Include requirements for tree and landscape planting in all new developments and redevelopment in design review and landscape guidelines.*

## Chapter 5: Parks and Open Space Element

The Parks and Open Space Element of the General Plan addresses the preservation of parks and open space in the city. The Element has three primary concern: preserve and improve the quality of life within existing neighborhoods, assure the proper development of undeveloped property, and assure that redevelopment of developed or underutilized property occurs in an appropriate manner. Policies and programs related to aesthetics or visual resources are listed below.

**Policy PC-10: Improvements in Open Space.** *Design any improvements in open space areas to minimize adverse impacts to habitats, including provision of a buffer to minimize human disturbances, views or other open space resources.*

**Policy PC-12: Bayfront Open Space System.** *Provide a continuous open space system along San Francisco Bay and the Belmont Slough.*

**Policy PC-13: Wetlands Protection.** *Protect the health and safety of the community by excluding development in environmentally sensitive areas which would result in a net loss of significant wetlands.*

**Policy PC-15: Access to Existing Open Space.** *Design open space already in public ownership to be more accessible to the public.*

**Policy PC-16: Open Space Access for Special Need Groups.** *Design open space to be accessible to people with special needs such as elderly and handicapped persons.*

**Policy PC-17: Protection of Open Space Access.** *Pursue public access to open space lands through the tentative map process, dedications, easements and other mechanisms.*

**Program PC-h: Existing Pedway Enhancement.** *Enhance the existing pedway system by providing observation points, water fountains, additional and replacement landscaping, trash cans, additional paved access points with hand rails and additional benches along the pathways.*

**Program PC-k: Public Access.** *Require dedication of open space lands or public access easements as a part of new development or redevelopment along the Bay or the Belmont Slough.*

**Program PC-l: Wetlands Enhancement.** *Improve wetland areas in accordance with State and federal regulations to enhance the natural characteristics of the wetlands.*

**Program PC-n: Architectural Review.** *Review all new development or improvement proposals through the City of Foster City's architectural review process for: (1) Impacts on access to sunlight on public areas; (2) provision of street furniture and attractive landscaping in public open spaces; and (3) impacts on waterfront views.*

**Program PC-s: Shoreline Band.** *Work with the Bay Conservation Development Commission and the Association of Bay Area Governments to protect and enhance the 100-foot shoreline band for conservation and recreation.*

**Program PC-u: Leo J. Ryan Park and Boardwalk.** *Complete the redesign and refurbishment of the park which includes landscaping, pathway repairs, park entry improvements and new restroom facilities.*

**Program PC-v: Bay Trail.** *The City of Foster City shall work with the Bay Conservation Development Commission and all other applicable agencies to develop a Bay Trail System.*

**Program PC-cc: Maintenance of Lagoon Pathways.** *The City of Foster City shall develop a program to identify which parties are responsible for maintenance of the areas adjacent to the lagoon.*

## Chapter 8: Conservation Element

The Conservation Element of the General Plan addresses the preservation of conservation of natural resources in the city, such as water, air and energy. Policies and programs related to aesthetics or visual resources are listed below.

**Program C-g: Lagoon Views and Recreational Opportunities.** *Conserve and protect the Foster City Lagoon System by maintaining accessibility for views and recreational opportunities.*

***Program C-x: Public Viewing Areas.** Expand public opportunities to learn about wetland areas and Protect and Conserve Natural Resources*

***Program C-y: Wetland Habitat.** Protect wetland habitat from human disturbance by posting signs prohibiting trespassing on vegetation typical of wetland areas.*

***Program C-aa: Projects in the Vicinity of Shoreline Band.** Strictly control development proposals in the vicinity of the shoreline band.*

## **(2) Foster City Municipal Code**

The Foster City Municipal Code contains the following regulations related to aesthetics and visual impacts.

### **Chapter 17: Zoning**

Chapter 17 of the City of Foster City's Municipal Code establishes the City's zoning standards for future development.

#### **Chapter 17.58 Architectural Control and Supervision**

Projects involving construction of new buildings are subject to architectural review by the Planning Commission.<sup>2</sup> Chapter 17.58 of the Foster City Municipal Code establishes procedures and criteria for review of proposed structures, buildings, and improvements to real property and modifications.

##### **Chapter 17.58.010 Intent and Purpose**

The intent of this chapter to protect the health, safety, and general welfare of the city by maintaining the high standards of architectural design that have distinguished Foster City as the first successful planned community created in California.

This chapter establishes procedures and criteria for review of proposed structures, buildings, and improvements to real property and modifications to such which are necessary in order to meet the following objectives:

1. To preserve the architectural character and scale of the neighborhoods and community;
2. To assure that development is well designed, in and of itself and in relation to surrounding properties, including that the height, facade length, roof form, colors, materials, and architectural details of a proposed building should be compatible with the height, facade

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<sup>2</sup> City of Foster City Municipal Code, Title 17 Zoning, Chapter 17.58.

length, roof form, colors, materials, and architectural details of buildings in the immediate vicinity

3. To prevent the erection of structures, additions or alterations or other property improvements which significantly impact the privacy of adjacent properties; cause a significant diminution of sunlight to the interior of an adjacent building or to the exterior of adjacent properties; cause undue glare or noise impacts to adjacent properties; and significantly block or limit existing views from the interior and exterior of adjacent properties, and that individual rights are weighed against the needs and requirements of the community;
4. To assure that developments enhance their sites and are harmonious with the highest standards of improvements in the surrounding area;
5. To promote and protect the health, safety and general welfare of the City;
6. To preserve views of and from the lagoons and waterways which provide a visual connecting link for adjacent lots and developments;
7. To enhance the residential and business property values within the City and in neighborhoods surrounding new or modified development;
8. To assure that each new development is designed to best comply with the intent and purpose of the zone in which the property is located and with the general plan of the City;
9. To encourage the maintenance, repair, replacement or improvement of surrounding properties. (Ord. 371 Section 24 (part), 1989)

## **Chapter 17.68 General Performance Standards**

### *Chapter 17.68.080 Glare*

No direct or reflected glare, whether produced by floodlight, high-temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced, shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs. (Ord. 38 1 (part), 1972: prior code 10-406.508)

### **(3) Foster City Standard Conditions of Approval**

As part of the adoption of the General Plan Final Environmental Impact Report (FEIR) in 2015, the City of Foster City has adopted Standard Conditions of Approval (SCOAs) for large new and redevelopment projects. The following SCOAs related to aesthetics and visual resources would apply to the project.

**SCOA 8.2:** An exterior lighting plan including fixture and standard design, coverage and intensity shall be submitted, to be reviewed and approved by the Community Development Department and the Police Department. In its review of the lighting plan, the City shall ensure that any outdoor night lighting proposed for the project is downward-facing, not overly bright at the property line and shielded so as to minimize nighttime glare and lessen impacts to neighboring properties. The City shall also ensure that all development plans for the project conform to the performance standards provided under Section 17.68.080 of the Foster City Municipal Code.

#### **(4) Foster City Architectural and Solar Guidelines**

In order to promote high quality design for single-family development, Foster City requires design review for public and private development proposals in the R-1 zoning district. Within this review process, the preservation of existing views to and from the City's lagoon and waterways occurs. The Guidelines, as well as Zoning Ordinance Section 17.58.010, list a number of objectives. One of these objectives is "to preserve views of and from the lagoons and waterways which provide a visual connecting link for adjacent lots and developments." Applicants are required to consider the neighbors' views of the surrounding waterways and lagoons as part of the site planning process.

The site planning standards established by the Guidelines require that natural amenities such as the water, landscape, and views should be preserved and incorporated into site designs and that all exterior lighting should be functional, subtle, and architecturally integrated with the building style.

### **3. Impacts, Standard Conditions of Approval, and Mitigation Measures**

This section describes the significance criteria, potential aesthetic impacts, applicable SCOAs, and mitigation measures, as required.

#### **a. Significance Criteria**

Implementation of the project would have a significant impact related to aesthetics utilizing CEQA Guidelines Appendix G if it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that one experiences from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality;

4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas.

Applicable thresholds of local significance from the City's Environmental Review Guidelines<sup>3</sup> are discussed in this section as well.

## **b. Analysis and Findings**

This section considers the impacts related to aesthetics that could result from implementation of the project, including the Housing Element update and associated zoning amendment components and the Safety Element update component. Implementation of the updated Safety Element would not result in adverse physical changes to the city and its surrounds rather the policies focus on improvements the City will make primarily related to processes that will help the community be in a better position to remain safe from environmental hazards including but not limited to flooding, climate change, fire, geologic hazards, hazardous materials, etc. As a result, the Safety Element updates are not specifically addressed in this analysis.

### **(1) Scenic Vistas and State Scenic Highways (Criteria 1 and 2)**

Foster City is generally flat, and while the city contains numerous areas and viewsheds with scenic value, there are no officially designated scenic vista points in Foster City. Additionally, there are no officially designated scenic highways located in Foster City. However, as described in the above setting, the city's General Plan has identified important scenic resources in the city of Foster City including the views of the San Francisco Bay, Marina Lagoon, Belmont Slough, Foster City Lagoon and Canal System, and Vintage Park Lake.

As a developed urban/suburban area with distinct boundaries, new development in Foster City would primarily come from the redevelopment of underutilized infill sites. As a result, the adoption and implementation of the project could result in potentially significant impacts to scenic resources as residential development occurs at increased densities and intensities across the city. This increased development potential is anticipated to be accommodated on housing sites along major roadway corridors and waterways. These include the Schooner Bay Apartments site along the Belmont Slough, the Harbor Cove Apartment Site along the Central Lake, and the Sand Cove Apartments Site, the Lagoons Apartments Site, the Beach Cove Apartments Site, the Shadow Cove Apartments Site, and the Triton Site which are all along the Foster City Lagoon. See Figure III-2 in *Chapter III, Project Description*.

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<sup>3</sup> City of Foster City, 2007. City of Foster City/Estero Municipal Improvement District Environmental Review Guidelines. Adopted October 1, 2007.

Implementation of the Housing Element Update component would result in changes to the zoning that would accommodate increased development densities and intensities on some of the possible housing sites and allow for development of the sites with additional multifamily development within the allowed density range. Many of the possible sites are currently zoned for medium-density Multiple-Family Residential. Future development associated with the Housing Element Update could result in sites being rezoned as High-Density Multi-Family Residential and result in the development of currently underutilized parcels.

The General Plan contains numerous goals, policies, and programs related to the protection, preservation and enhancement of the city of Foster City's aesthetic and scenic resources. For instance, the adopted Land Use and Circulation Element ensures that new development in Foster City is designed and implemented in such a way as to avoid, reduce, and minimize impacts to scenic resources in and around the city. Additionally, the Land Use and Circulation policies further ensure that new development is designed in a way that enhances the visual quality of the community, complements the visual characteristics of the city, and the adverse effects on public views are minimized. General Plan Land Use and Circulation Element goals, policies and programs that mitigate potential impacts, and are provided in greater detail above in the Regulatory Settings of this chapter, are listed below:

- Goal LUC-A: Preserve the Quality of the City's Residential Neighborhoods.
- Policy LUC-A-2: Preservation of Views.
- Policy LUC-A-3: Continue Code Enforcement Program.
- Goal LUC-B: Promote Proper Site Planning, Architectural Design and Property Maintenance.
- Policy LUC-B-1: City Approach to Design (Architectural) Review.
- Policy LUC-B-2: Residential Design Review Process.
- Policy LUC-B-3: Architectural and Solar Guidelines and Related Policies.
- Policy LUC-C-9: Parcels Adjacent to Waterways.
- Policy LUC-D-9: Design Review of Commercial and Industrial Projects.
- Program LUC-H-5-a: Tree and Landscape Program.

In addition to the Land Use and Circulation Element, the Chapter 5: Parks and Open Space Element and the Chapter 8: Conservation Element also contain numerous policies and programs related to the preservation and enhancement of viewsheds. These applicable policies and programs are identified and detailed in the Regulatory Setting (above) and are summarized below:

- Policy PC-10 protects open space areas by minimizing adverse impacts to habitats, including provisions of a buffer to minimize human disturbances, views or other open space resources.
- Policy PC-12 provides for a continuous open space along San Francisco Bay, and PC-13 and PC-14 protects the wetlands in the City.
- Policies PC-15, PC-16, and PC-17 consider accessibility of the wetlands for the public.

- Program PC-h, PC-l, and C-y call for the enhancement and protection of the existing pedway system and the City's wetlands.
- Program C-x expands the public viewing areas in the City, and program PC-k requires dedication of open space lands or public access for new development or redevelopment along the Bay or the Belmont Slough.
- Programs PC-s and C-aa discuss the protection and enhancement of the Shoreline Band.
- Programs PC-cc and C-g require that the City develop a program to identify which parties are responsible for maintenance of the areas adjacent to the lagoon and conserve and protect the Foster City Lagoon System by maintaining accessibility for views and recreational opportunities.

The implementation of the policies and programs listed above that are in the General Plan, Land Use and Circulation, Parks and Open Space, and Conservation Elements would ensure that new development in Foster City is designed and implemented in such a way as to avoid, reduce, and minimize impacts to the scenic resources of the City. Accordingly, the impacts of the development of housing sites identified by the project are considered less than significant, and no mitigation measures are required.

## **(2) Conflicts with Regulations Governing Scenic Quality (Criterion 3)**

Housing sites identified as part of the project for future redevelopment and development are located within existing urbanized areas of the City of Foster City. As described within the above Regulatory Setting section, development of housing sites would be required to be reviewed either ministerially or discretionally, dependent on the proposed housing development, for consistency with applicable regulations governing scenic quality. Development of these housing sites would not conflict with applicable zoning and other regulations governing scenic quality in the city.

For development on housing sites that qualifies for ministerial review pursuant to State laws, development would be reviewed by City Staff only for consistency with Foster City's SCOAs. The SCOAs include policies intended to further promote the goals of the General Plan, including preservation and protection of the city's scenic quality which would ensure impacts to scenic quality would be reduced.

Development of housing sites which do not qualify for ministerial review would be required to comply with the City's Architectural Review Process, as described in the above Regulatory Setting section and outlined within Chapter 17 of the City's Zoning Regulations. The City's Architectural Review Process is utilized to ensure development occurs consistent with the City's General Plan policies, many of which are related to scenic quality.

Moreover, the City has existing Environmental Review Guidelines intended to augment the general, state-wide thresholds established in CEQA, based on important or sensitive local conditions and community values, including the visual quality of the city. The guidelines require developments located south of East Hillsdale Boulevard, within established residential neighborhoods, in building configurations that are out-of-scale with immediately abutting properties or those within the neighborhood of the proposed development site to provide a visual impact analysis to be prepared by qualified experts and conducted as part of an overall environmental assessment on the project to be reviewed by the Planning Commission and/or City Council prior to approval of any land development permits. This visual impact analysis may consist of photomontage studies, computer simulations, or any other form of analysis approved by the Planning Commission or City Council.

As described above, Foster City is a built-out community and therefore, new development would primarily come from the redevelopment of underutilized sites. As a result, many of the housing sites identified under the project are located in existing residential neighborhoods south of East Hillsdale Boulevard, including the Harbor Cove Apartment Site, the Fosters Landing Site, the Sand Cove Apartment Site, the Franciscan Apartment Site, the Lagoons Apartment Site, the Beach Cove Apartments Site, the Shadow Cove Apartments Site, and the Eaves Apartment Site. See Figure III-2 in *Chapter III, Project Description*.

Many of the housing sites listed above are existing multiple-family residential areas, however, the Franciscan Site, the Eaves Apartment Site, and Shadow Cove Apartment Site are directly abutting Single-family residential areas. While the City has identified situations under which visual simulations would be required, the housing sites could be developed at greater intensity and density than the existing and abutting single-family residential neighborhoods. While visual character and scenic quality are subjective, development under the project could be a stark contrast to the existing aesthetic environment. For these reasons, and given Foster City's evolution from a planned community and no clear information on how each project may implement design features to reduce any potential impact or effects to be consistent with City's established policies, the City has conservatively assumed that development under the project located south of East Hillsdale Boulevard, within established residential neighborhoods, could have a significant adverse impact on the visual quality of the City.

**Impact AES-1: Development under the project located south of East Hillsdale Boulevard, within established residential neighborhoods, could have a significant adverse impact on the visual quality of the city. (S)**

**Mitigation Measure AES-1:** Due to the nature of aesthetic impacts being the effects of a project on the visual appearance of an area including changes to views and the overall appearance of the environment, there are no feasible mitigation measures to reduce this impact to a less-than-significant impact while meeting the project objectives. (SU)

### **(3) Glare (Criterion 4)**

The primary sources of daytime glare are generally sunlight reflecting from structures and other reflective surfaces and windows. The primary sources of nighttime lighting are generally from exterior building lights, street lights, and vehicle headlights. Exterior lighting around commercial and industrial areas may be present throughout the night to facilitate extended employee work hours, ensure worker safety, and to provide security lighting around structures and facilities. Nighttime lighting impacts would be most severe in areas that do not currently experience high levels of nighttime lighting.

Foster City is almost fully built out. The housing sites identified in the Housing Element Update would involve redevelopment of currently developed areas and development of underutilized and infill sites. Future development has the potential to create new sources of nighttime lighting and daytime glare in existing neighborhoods.

Future development and redevelopment would be required to be consistent with the General Plan, as well as lighting requirements in the City's Municipal Code. The General Plan contains policies and programs related to the regulation and reduction of daytime glare and nighttime lighting. Policy LUC-B-1 considers preservation of views of the San Francisco Bay and Foster City Lagoon through the design review process. Policy LUC-B-1 requires the minimization of daytime glare created by new development in the city.

Furthermore, Policies LUC-B-2 and LUC-D-9 require residential, industrial and commercial development to go through the Architectural Review process. These policies are implemented by Zoning Ordinance Chapter 17.58. Additionally, Zoning Ordinance Section 17.68.080 addresses potential glare and nighttime lighting issues within the city. Policy LUC-B-3 requires the City's architectural and solar guidelines to be used in evaluating development proposals.

Standard Conditions of Approval applied to development projects in the city include standards to reduce impacts related to light and glare. Specifically, SCOA 8.2 requires an exterior lighting plan that includes fixture and standard design, coverage, and intensity to be reviewed and approved by the Community Development Department and the Police Department. In its review of proposed development projects, the City would ensure that any outdoor night lighting is downward-facing and shielded to minimize nighttime glare and lessen impacts to neighboring properties.

As described above, the City has measures to reduce impacts of nighttime lighting and glare by addressing lighting, use of metal materials, and design/placement of windows. Given the City's SCOA's and General Plan policies, potential light and glare impacts associated with implementation of the project would be reduced to a less than significant level.

### **c. Cumulative Aesthetics Impacts**

As described above, the development of future housing sites was determined to result in a significant and unavoidable aesthetic impact due to conflict with local regulations governing scenic quality. However, the identification of the significant and unavoidable aesthetic impact does not preclude finding less than significant or less than significant mitigation impacts for future residential development projects consistent with the Housing Element Update. The programmatic aspect of the projects is cumulative in nature. Therefore, the impacts related to scenic vistas and highways, and light and glare would continue to be less than significant under the cumulative scenario. Future projects and residential developments considered in the cumulative scenario would be subject to the City's underlying zoning standards that include regulations pertaining to permitted uses, minimum lot dimensions, and maximum building height and subject to City SCOA's and Architectural and Solar Guidelines. Future projects will be located where similar existing uses occur, and as such, would not entail a significant visual change such that the existing visual character or quality of project sites and their surroundings would be substantially degraded. As such, the proposed development of housing sites would not result in cumulative significant impacts on scenic vistas and highways or light and glare that would degrade the existing visual character or quality of the area and its surroundings.

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## V. ALTERNATIVES

The California Environmental Quality Act (CEQA) Guidelines require the analysis of a range of reasonable alternatives to Foster City's 6<sup>th</sup> Cycle Housing Update, Safety Element Update, and Associated Rezonings (project), which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR set forth only those alternatives necessary to permit a reasoned choice.<sup>1</sup> An EIR is not required to consider alternatives which are infeasible and need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

The primary purpose of this chapter is to ascertain whether there are alternatives of design, scale, land use, or location that would avoid or substantially lessen the project's significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives, or would be more costly."<sup>2</sup>

The three project alternatives considered include:

- **No Project Alternative.** Under this alternative, the City would continue to implement the adopted 2015-2023 Housing Element and Local Hazard Mitigation Plan and Safety Element adopted in 2016, and the proposed 2023-2031 Housing Element and Safety Element would not be adopted.
- **Partial Reallocation to Mixed Use Alternative.** Under this alternative, housing sites located at the Schooner Bay Apartments Site (646 units), would be eliminated from the Housing Inventory Sites. Foster's Landing Site would be rezoned to allow for a total of 1,400 new units and the Edgewater Place Center Site would be rezoned to allow for 146 new units; both sites would allow mixed-use development.
- **Higher Density Alternative.** Under this alternative, housing sites located at the Schooner Bay Apartments Site (646 units) would be eliminated from the Housing Inventory Sites. Foster's Landing Site would be rezoned to allow for a total of 1,400 new units and the Metro Center Boulevard Site would be rezoned to allow for a total of 146 new units.

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<sup>1</sup> CEQA Guidelines, Section 15126.6.

<sup>2</sup> CEQA Guidelines, Section 15126.6(b).

## A. PROJECT OBJECTIVES AND IMPACTS

In determining what alternatives should be selected for further analysis, the impacts identified for the project were considered along with the project objectives. The project is described in detail in *Chapter III, Project Description*, and the potential environmental effects of the project are analyzed in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*. The project objectives and impacts are summarized below.

### 1. Project Objectives

In accordance with CEQA Guidelines Section 15124, an EIR must present a statement of project objectives.

“A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.”

In this EIR, and as presented in *Chapter III, Project Description*, the project objectives of the Housing and Safety Elements Update are detailed below.

- Update the General Plan’s Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation (RHNA) and to provide an appropriate buffer.
- Identify and include housing sites, policies and programs that will help the City meet its Regional Housing Needs Allocation in a manner that affirmatively furthers fair housing.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Foster City and perpetuating the safety and welfare of both existing and future residents.
- Update the General Plan’s Safety Element to comply with State-mandated safety requirements and identify and assess potential risks within the City including seismic hazards, sea level rise, flooding (including dam inundation), climate change, urban fires, and hazardous materials release.

### 2. Project Impacts

To help define project alternatives that could further reduce or eliminate significant impacts, the impacts identified associated with implementation of the project are listed below. Impacts that

can be reduced to a less-than-significant level with implementation of mitigation measures are identified as with an “LTS” after the impact statement. Impacts that are considered significant an unavoidable even with mitigation measures are identified with an “SU” after the impact statement.

### Transportation

- **Impact TRANS-1:** Implementation of the Housing Element and associated zoning amendments components of the project that are not 100 percent affordable projects could generate home-based VMT per resident of 12.8 and that is greater than 85 percent of the 2020 Bay Area regional average home-based VMT per resident. (SU)

### Air Quality

- **Impact AIR-1:** Construction of residential development under the project would generate criteria air pollutant emissions that could potentially affect regional air quality. (LTS)
- **Impact AIR-2:** Operation of residential development under the project would generate criteria air pollutant emissions that could potentially affect regional air quality. (LTS)
- **Impact AIR-3:** Construction of residential development under the project could expose sensitive receptors to substantial concentrations of TACs and/or PM<sub>2.5</sub>. (LTS)

### Noise

- **Impact NOISE-1:** Construction of residential development under the project could generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (LTS)

### Public Services, Utilities, and Recreation

- **Impact SVCS-1:** There are not sufficient water supplies available to serve the project and reasonably foreseeable future development one dry year and multiple dry years within a 20-year projection. (SU)

### Aesthetics

- **Impact AES-1:** Development under the project located south of East Hillsdale Boulevard, within established residential neighborhoods, could have a significant adverse impact on the visual quality of the city. (SU)

## **B. CEQA ALTERNATIVES CONSIDERED**

The principal characteristics of each selected alternative and its associated environmental effects relative to the proposed project are described below. These selected alternatives are intended to meet the CEQA requirement to consider a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project while avoiding or substantially lessening significant impacts.

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

#### **a. Principal Characteristics**

Under the No Project Alternative, the proposed project (City of Foster City's 6<sup>th</sup> Cycle Housing Update, Safety Element Update, and Associated Rezonings) would not be adopted; therefore, the existing regulatory documents would continue to be in effect. The No Project alternative would include development that could occur even without the adoption of the project. The existing Housing Element (2015-2023) had an identified RHNA of 430 units. While the approximately 885 total units were permitted during the last housing element cycle, the majority of these units (717) fell within the above moderate category. This alternative assumes development of the remaining very low-, low-, and moderate-income level units, for a total of 145 affordable units (although additional units could be constructed under existing zoning and general plan designations). Under the No Project Alternative, any residential development would occur under the existing zoning; no new zoning districts or rezoning would be developed or adopted under this alternative.

This alternative would result in fewer units of 145 total than the City's identified 2023-2031 RHNA, which is 1,896 units or the RHNA plus buffer, which is 3,199 units. It should be noted that if the City were to adopt the No Project Alternative, there would likely be additional development constructed under a situation called the "Builder's Remedy." If a municipality does not have a Housing Element certified by the California Department of Housing and Community Development (HCD), the California's Housing Accountability Act (HAA) allows developers of affordable housing projects (i.e., projects with at least 20 percent low-income or 100 percent moderate-income housing) to bypass the zoning code and general plan requirements of cities that are out of compliance with the Housing Element Law. Therefore, this can result in development that exceeds adopted development standards (e.g., height and density standards) and a City would have a very limited ability to deny qualifying housing development projects. Given the speculative nature of determining the amount of housing that could occur under a Builder's Remedy situation, this alternative just includes an analysis of the 145 units, as described above. However, if the No Project Alternative was adopted by the City Council, this alternative would likely result in the development of more units than analyzed within this alternative.

## **b. Relationship to Project Objectives**

The No Project Alternative would not achieve, or achieve to a lesser degree, the following project objectives:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the City between 2023 and 2031.
- Include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation (RHNA) and to provide an appropriate buffer.
- Identify and include housing policies and programs that will help the City meet its Regional Housing Needs Allocation in a manner that affirmatively furthers fair housing.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the character of Foster City and perpetuating the safety and welfare of both existing and future residents.
- Update the General Plan's Safety Element to comply with State-mandated safety requirements and identify and assess potential risks within the City including seismic hazards, sea level rise, flooding (including dam inundation), climate change, urban fires, and hazardous materials release.

## **c. Analysis of the No Project Alternative**

### **(1) Land Use and Planning**

As with the proposed project, the No Project Alternative would not divide an established community. This alternative assumes continuation of the existing Housing Element and would not cause a significant impact related to a plan, policy or regulation adopted to avoid or mitigate an environmental impact. The No Project Alternative would have a reduced less-than-significant land use impact compared to the propose project.

### **(2) Traffic and Transportation**

The No Project Alternative assumes less residential development (145 units) than the proposed project, which assumes development of 3,199 units. As noted in Chapter 4.B, the significance criteria used by the City of Foster City to evaluate the project's impacts on transportation under CEQA are based on the four criteria from Appendix G of the State CEQA Guidelines. Similar to the proposed project, since residential development under this alternative would be subject to all applicable City guidelines, standards, and specifications, this alternative would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Further, similar to the proposed project, any new roadway, bicycle, pedestrian, and transit infrastructure

improvements associated with residential development projects associated with the No Project Alternative, would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. Similar to the proposed project, any residential development under this alternative would be subject to industry design standards which ensure adequate access and circulation of emergency response vehicles. The cumulative evacuation trip demand is expected to be lower than the available evacuation capacity, similar to the proposed project. Therefore, the No Project Alternative would result in a less-than-significant impact to transit, bicycle, and pedestrian facilities, to transportation hazards, and to emergency access.

As noted in Chapter 4.B, the evaluation of VMT for residential projects is based on a per capita values CEQA Guidelines Section 15064.3, subdivision (b). As noted in Impact TRANS-1, factors such as density, location, mix of uses, and the affordability of units affect the home-based VMT generated by residents of future projects. Given that the No Project Alternative would reduce the density of some housing sites, future residents at these sites would generate more VMT per capita than they would under the proposed project, and the average home-based VMT per resident of Foster City would increase slightly compared to the proposed project. Therefore, VMT per capita associated with this alternative would be similar or slightly higher than the proposed project, but this alternative would result in a similar significant and unavoidable impact to VMT, with implementation of the identified mitigation measures, when compared to the proposed project.

### **(3) Air Quality**

The No Project Alternative assumes less residential development (145 units) than the proposed project, which assumes development of 3,199 units. Similar to the proposed project, under this alternative the City's SCOA 9.5 requires future development projects to implement dust control measures during construction that would satisfy the BAAQMD's recommended BMPs during construction; the BAAQMD considers implementation of BMPs to control dust during construction sufficient to reduce potential dust impacts to a less-than-significant level. Given the limited amount of residential development associated with the No Project Alternative, Mitigation Measure AIR-1 (required for projects with 114 single-family units or 240 multi-family units) and Mitigation Measure AIR-2 (required for projects with more than 325 single-family units or 451 multi-family units) would likely not be required. Mitigation Measures AIR-3a and 3b would likely still be required under the No Project Alternative, depending on where new housing units are located. Air quality emissions associated with this alternative would be reduced compared to the proposed project, and this alternative would result in a reduced less-than-significant impact, with implementation of the identified mitigation measures, when compared to the proposed project.

#### **(4) Greenhouse Gas Emissions**

The No Project Alternative results in less development than the proposed project, and would result in a reduction in greenhouse gas emissions in Foster City. Similar to the proposed project, residential development under this alternative would be required to demonstrate consistency with the GHG reduction measures identified in the climate action plan (CAP) and future development would not result in a cumulatively considerable contribution to global climate change. The City's SCOA 6.6 requires project applicants to incorporate sustainable practices into their project design. Additionally, further implementation of the existing Housing Element Update would not fundamentally conflict with a plan adopted for the purposes of reducing GHG emissions. The No Project Alternative would result in reduced GHG emissions compared to the proposed project and would result in a less than significant impact.

#### **(5) Hazards and Hazardous Emissions**

As with the proposed project, hazardous materials would be present during the construction and operation of development associated with the No Project Alternative. Similar to the proposed project, under the No Project Alternative compliance with existing regulations including the OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, SMCEH's CUPA Programs, SMCEH's Medical Waste Program and other federal, State, regional, and local regulations, including the City's SCOAs, would ensure that potential impacts associated with accidental releases of hazardous materials, or disturbance of soil or groundwater that may be contaminated with hazardous materials, would be less than significant. Developments under the No Project Alternative would be required to comply with the existing hazardous materials regulations to reduce the risk of impacts associated with hazardous materials releases. The No Project Alternative would have a less-than-significant hazard impacts and would be considered similar to the project.

#### **(6) Noise and Vibration**

The No Project Alternative would result in less development than the proposed project. Similar to the proposed project, the No Project Alternative could result in construction related temporary increase in vibration or ambient noise levels requiring mitigation measures. Similar to the proposed project, the noise impacts from operation of residential developments under the project, including vehicular noise, would be less than significant. With implementation of the identified mitigation measures the potential noise impacts would be less than significant and would be considered similar to the proposed project.

### **(7) Population and Housing**

This alternative would result in a reduced amount of residential development, and associated population growth, compared to the proposed project. This alternative would result in a reduced less-than-significant impact compared to the project.

### **(8) Public Services, Utilities and Recreation**

This alternative would result in a reduced amount of development and related population growth, which would result in less demand for public services and utilities compared to the project. This alternative would result in a similar but less intensive significant and unavoidable public services and utilities impact compared to the project .

### **(9) Aesthetics**

The No Project Alternative assumes less residential development than compared to the project. Under the No Project Alternative, there would not be an increase in densities and intensities associated with the new zoning districts proposed as part of the project, and there would be less new residential development within the city. Development of housing sites which do not qualify for ministerial review would be required to comply with the City's Architectural Review Process. Additionally, the City has existing Environmental Review Guidelines intended to augment the general, State-wide thresholds established in CEQA, based on important or sensitive local conditions and community values, including the visual quality of the city.

A significant and unavoidable aesthetic impact was identified for the proposed project. Given the significant reduction in development associated with this alternative (a reduction of 3,045 units), this alternative would result in a less-than-significant aesthetic impact.

## **2. Partial Reallocation to Mixed Use Alternative**

### **a. Principal Characteristics**

Under this alternative, the Schooner Bay Apartments Site (646 units), which is in a high Vehicles Miles Travelled (VMT) area, would be eliminated from the Housing Inventory Sites. The units at this site would be reallocated to lower VMT areas as follows:

- Foster's Landing Site would be rezoned from R-4/PD to allow Mixed-Use and the development of 500 units. This would increase the number of new units at this site from 900 to 1,400. Rezoning Foster's Landing to allow mixed use would require a General Plan Amendment.

- Edgewater Place Center would be rezoned from C-1/PD to Mixed-Use to allow for 146 new units. Rezoning Edgewater Place Center to allow mixed use would require a General Plan Amendment.

Both the Foster's Landing Site and Edgewater Place Center Site are located in areas with lower home-based VMT. All other inventory sites within the Housing Element Update would remain as proposed, and all the components of the project (Housing Element Update, Safety Element Update and Associated Rezonings) would be adopted. This alternative would result in the same amount of development as associated with the project (a total of 3,199 units). The combination of Foster's Landing and Edgewater place would replace the amount of retail that currently exists at Edgewater place. As a result, there would not be a change to the total amount of retail space.

### **b. Relationship to Project Objectives**

The Partial Reallocation to Mixed Use Alternative would achieve all of the project objectives. This alternative would maintain approximately the same required number of units per RHNA. However, this alternative meets the AFFH project objectives to a lesser degree with the reallocation of units away from the Schooner Bay Apartments site by reducing the housing choices including affordable housing in the southern part of Foster City.

### **c. Analysis of the Partial Reallocation to Mixed Use Alternative**

#### **(1) Land Use and Planning**

As with the proposed project, the Partial Reallocation to Mixed Use Alternative would not divide an established community. This alternative assumes adoption of the updated Housing and Safety Elements goals, policies and programs. As with the proposed project, this alternative would not cause a significant impact related to a plan, policy or regulation adopted to avoid or mitigate an environmental impact. The Partial Reallocation to Mixed Use Alternative would have a similar less-than-significant land use impact compared to the proposed project.

#### **(2) Traffic and Transportation**

This alternative would result in the same amount of residential development within the City as the proposed project, but at different locations. Similar to the proposed project, since residential development under this alternative would be subject to all applicable City guidelines, standards, and specifications, this alternative would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Further, similar to the proposed project, any new roadway, bicycle, pedestrian, and transit infrastructure improvements associated with residential development projects associated with the Partial Reallocation to Mixed Use Alternative, would be subject to, and designed in accordance with City standards and specifications which address

potential design hazards including sight distance, driveway placement, and signage and striping. Similar to the proposed project, any residential development under this alternative would be subject to industry design standards which ensure adequate access and circulation of emergency response vehicles. The cumulative evacuation trip demand is expected to be lower than the available evacuation capacity, similar to the proposed project. Therefore, the Partial Reallocation to Mixed Use Alternative would result in a less-than-significant impact to transit, bicycle, and pedestrian facilities, to transportation hazards, and to emergency access.

As noted in Chapter 4.B, the evaluation of VMT for residential projects is based on a per capita values CEQA Guidelines Section 15064.3, subdivision (b). As noted in Impact TRANS-1, factors such as density, location, mix of uses, and the affordability of units affect the home-based VMT generated by residents of future projects. Given that the Partial Reallocation to Mixed Use Alternative would increase the density of some housing sites and locate more units at mixed use sites, future residents at these sites would generate less VMT than existing Foster City residents and the home-based VMT per resident for the City would decrease slightly compared to the proposed project. This alternative would help continue the trend in VMT per capita reductions compared to existing conditions as indicated in Table IV.B-4 due to regional transit investments and densification of land uses associated with the proposed project. However, the reduction in VMT per capita would not be substantial enough to reduce the remaining amount of the threshold given the proportion of this densification to the existing residents within Foster City. Therefore, while the VMT per capita associated with this alternative would be less than the proposed project, the Partial Reallocation to Mixed Use Alternative would result in a similar but less intensive significant and unavoidable impact to VMT, with implementation of the identified mitigation measures, when compared to the proposed project.

### **(3) Air Quality**

This alternative would result in the same amount of residential development within the City as the proposed project, but at different locations. Under this alternative, there would likely be a slight decrease in overall vehicle miles traveled (VMT) given the change and intensity of housing sites. SCOA 9.5 requires future development projects to implement dust control measures during construction that would satisfy the BAAQMD's recommended BMPs during construction; the BAAQMD considers implementation of BMPs to control dust during construction sufficient to reduce potential dust impacts to a less-than-significant level. Under this alternative, Mitigation Measure AIR-1 (required for projects with 114 single-family units or 240 multi-family units) and Mitigation Measures AIR-2 (required for projects with more than 325 single-family units or 451 multi-family units) would still be required. Mitigation Measure AIR-3a and 3b, which addresses TACs and PM<sub>2.5</sub>, would still be required under the Mixed Use Alternative. This alternative would result in a slight decrease in vehicle emissions, and the air quality impacts would be reduced to

less-than-significant levels with the identified mitigation measures and be considered similar to the proposed project.

#### **(4) Greenhouse Gas Emissions**

As with the proposed project, residential development under this alternative would be required to demonstrate consistency with the GHG reduction measures identified in the climate action plan (CAP) and future development would not result in a cumulatively considerable contribution to global climate change. Additionally, this alternative would not fundamentally conflict with a plan adopted for the purposes of reducing GHG emissions. This alternative would have a similar less-than-significant greenhouse gas emissions impact when compared to the proposed project.

#### **(5) Hazards and Hazardous Emissions**

As with the proposed project, hazardous materials would be present during the construction and operation of development associated with the Partial Reallocation to Mixed Use Alternative. Similar to the proposed project, under this alternative compliance with existing regulations including the OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, SMCEH's CUPA Programs, SMCEH's Medical Waste Program and other federal, State, regional, and local regulations, including the City's SCOAs, would ensure that potential impacts associated with accidental releases of hazardous materials or disturbance of soil or groundwater that may be contaminated with hazardous materials would be less than significant. Development under this alternative would be required to comply with the existing hazardous materials regulations to reduce the risk of impacts associated with hazardous materials releases. The Partial Reallocation to Mixed Use Alternative would have a less-than-significant hazard impacts and would be considered similar to the project.

#### **(6) Noise and Vibration**

Similar to the proposed project, this alternative could result in construction related temporary increase in vibration or ambient noise levels requiring mitigation measures. Similar to the proposed project, the noise impacts from operation of residential developments under the project, including vehicular noise, would be less than significant. With implementation of the identified mitigation measures the potential noise impacts would be less than significant and would be similar to the proposed project.

#### **(7) Population and Housing**

This alternative would result in the same amount of residential development, and associated population growth, as the proposed project. This alternative would result in a similar less-than-significant population and housing impact compared to the project.

## **(8) Public Services, Utilities and Recreation**

This alternative would result in a similar amount of development and related population growth as the proposed project, which would result in similar demand for public services and utilities compared to the project. This alternative would result in a similarly significant and unavoidable public services and utilities impact compared to the project.

## **(9) Aesthetics**

The Partial Reallocation to Mixed Use Alternative assumes the same amount of residential development compared to the project, but with no new development at the Schooner Bay Apartments Site and an increase in development and development intensities at the Foster's Landing Site and Edgewater Place Center Site. Similar to the proposed project, any new development under this alternative would be subject to the development and design standards for each respective zoning district. This alternative would still result in a significant and unavoidable aesthetic impact and would be considered similar to the proposed project.

## **3. Higher Density Alternative**

### **a. Principal Characteristics**

Under this alternative, housing units identified for the Schooner Bay Apartments Site (646 units), which are in a high VMT area, would be eliminated from the Housing Inventory Sites. These units would be reallocated to lower VMT areas as follows:

- Foster's Landing Site would be rezoned to allow for up to 41 units per acre, increasing the amount of development at the site by 500 units. This would increase the number of new units at this site from 900 to 1,400. Rezoning Foster's Landing to allow higher density would require a General Plan Amendment.
- Metro Center Boulevard Site would be rezoned to allow up to 58 units per acre, increasing the amount of residential development at this site by an additional 146 new units.

Both the Foster's Landing Site and Metro Center Boulevard Site are located in areas with lower home-based VMT. This alternative assumes all other inventory sites within the Housing Element Update would be developed as proposed, and all the components of the project (Housing Element Update, Safety Element Update, Associated Rezoning and General Plan Amendments) would be adopted. This alternative would result in the same amount of development as associated with the project (3,199 units).

**b. Relationship to Project Objectives**

The Higher Density Alternative would achieve all of the project objectives. This alternative would maintain approximately the same required number of units per RHNA. However, this alternative meets the AFFH project objectives to a lesser degree with the reallocation of units away from the Schooner Bay Apartments site.

**c. Analysis of the Higher Density Alternative****(1) Land Use and Planning**

As with the proposed project, the Higher Density Alternative would not divide an established community. This alternative assumes adoption of the updated Housing and Safety Elements goals, policies and programs. As with the proposed project, this alternative would not cause a significant impact related to a plan, policy or regulation adopted to avoid or mitigate an environmental impact. The Higher Density Alternative would have a similar less-than-significant land use impact compared to the proposed project.

**(2) Traffic and Transportation**

This alternative would result in the same amount of residential development within the City as the proposed project, but at different locations. Similar to the proposed project, since residential development under this alternative would be subject to all applicable City guidelines, standards, and specifications, this alternative would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities. Further, similar to the proposed project, any new roadway, bicycle, pedestrian, and transit infrastructure improvements associated with residential development projects associated with the Higher Density Alternative, would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. Similar to the proposed project, any residential development under this alternative would be subject to industry design standards which ensure adequate access and circulation of emergency response vehicles. The cumulative evacuation trip demand is expected to be lower than the available evacuation capacity, similar to the proposed project. Therefore, the Higher Density Alternative would result in a less-than-significant impact to transit, bicycle, and pedestrian facilities, to transportation hazards, and to emergency access.

As noted in Chapter 4.B, the evaluation of VMT for residential projects is based on a per capita values CEQA Guidelines Section 15064.3, subdivision (b). As noted in Impact TRANS-1, factors such as density, location, mix of uses, and the affordability of units affect the home-based VMT generated by residents of future projects. Given that the Higher Density Alternative would increase the density of some housing sites and locate more units at mixed use sites, future

residents at these sites would generate less VMT than existing Foster City residents and the home-based VMT per resident for the city would decrease slightly compared to the proposed project. This alternative would help continue the trend in VMT per capita reductions compared to existing conditions as indicated in Table IV.B-4 due to regional transit investments and densification of land uses associated with the proposed project. However, the reduction in VMT per capita would not be substantial enough to reduce the remaining amount of the threshold given the proportion of this densification to the existing residents within Foster City. Therefore, while the VMT per capita associated with this alternative would be less than the proposed project, the Higher Density Alternative would result in a similar but less intensive significant and unavoidable impact to VMT, with implementation of the identified mitigation measures, when compared to the proposed project).

### **(3) Air Quality**

The alternative would result in the same amount of residential development within the City when compared to the proposed project, but at different locations. Under this alternative, there would likely be a slight decrease in overall vehicle miles traveled (VMT) given the change and intensity of housing sites. SCOA 9.5 requires future development projects to implement dust control measures during construction that would satisfy the BAAQMD's recommended BMPs during construction; the BAAQMD considers implementation of BMPs to control dust during construction sufficient to reduce potential dust impacts to a less-than-significant level. Under this alternative, Mitigation Measure AIR-1 (required for projects with 114 single-family units or 240 multi-family units) and Mitigation Measures AIR-2 (required for projects with more than 325 single-family units or 451 multi-family units) would still be necessary. Mitigation Measure AIR-3a and 3b, which address potential TACs and PM<sub>2.5</sub> impacts, would still be required under the Higher Density Alternative. This alternative would result in a slight decrease in vehicle emissions, the air quality impacts would be reduced to less-than-significant levels with the identified mitigation measures, and air quality impacts associated with this alternative would be considered similar to the proposed project.

### **(4) Greenhouse Gas Emissions**

As with the proposed project, residential development under this alternative would be required to demonstrate consistency with the GHG reduction measures identified in the climate action plan (CAP) and future development would not result in a cumulatively considerable contribution to global climate change. Additionally, this alternative would not fundamentally conflict with a plan adopted for the purposes of reducing GHG emissions. This alternative would have a similar less-than-significant greenhouse gas emissions impact when compared to the proposed project.

### **(5) Hazards and Hazardous Emissions**

As with the proposed project, hazardous materials would be present during the construction and operation of development associated with the Higher Density Alternative. Similar to the proposed project, under this alternative compliance with existing regulations including the OSHA and Cal/OSHA regulations, the California Health and Safety Code Division 20, Chapter 6.5, CCR, DOT, RCRA, SMCEH's CUPA Programs, SMCEH's Medical Waste Program and other federal, State, regional, and local regulations, including the City's SCOAs, would ensure that potential impacts associated with accidental releases of hazardous materials or disturbance of soil or groundwater that may be contaminated with hazardous materials would be less than significant. Development under this alternative would be required to comply with the existing hazardous materials regulations to reduce the risk of impacts associated with hazardous materials releases. The Higher Density Alternative would have a less-than-significant hazard impacts and would be considered similar to the project.

### **(6) Noise and Vibration**

Similar to the proposed project, this alternative could result in construction-related temporary increases in vibration or ambient noise levels requiring mitigation measures. Similar to the proposed project, the noise impacts from operation of residential developments under the project, including vehicular noise, would be less than significant. With implementation of the identified mitigation measures the potential noise impacts would be less than significant and would be similar to the proposed project.

### **(7) Population and Housing**

This alternative would result in the same amount of residential development, and associated population growth, as the proposed project. This alternative would result in a similar less-than-significant population and housing impact compared to the project.

### **(8) Public Services, Utilities and Recreation**

This alternative would result in a similar amount of development and related population growth as the proposed project, which would result in similar demand for public services and utilities compared to the project. This alternative would result in a similarly significant and unavoidable public services and utilities impact compared to the project.

### **(9) Aesthetics**

The Higher Density Alternative assumes the same amount of residential development compared to the project, but with no new development at the Schooner Bay Apartments Site and an

increase in development and development intensities at the Foster's Landing Site and Metro Center Boulevard Site. Similar to the proposed project, any new development under this alternative would be subject to the development and design standards for each respective zoning district. This alternative would still result in a significant and unavoidable aesthetic impact and would be considered similar to the proposed project.

### **C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

CEQA requires the identification of the environmentally superior alternative in an EIR. The No Project Alternative is considered the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the alternatives examined (including the proposed project). However, as noted previously in this chapter, adoption of a No Project Alternative would likely not result in HCD certifying the City's Housing Element, which could allow for additional development under the Builder's Remedy. Given the speculative nature of the timing and type of development that could occur under the Builder's Remedy, this alternative's analysis only looked at the potential environmental impacts associated with the remaining RHNA under the existing Housing Element. However, it should be noted that additional unanticipated development could occur if the city does not have a Housing Element that has been certified by HCD.

In cases like this where the No Project alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative as described above, indicates that the Partial Reallocation to Mixed Use Alternative or Higher Density Alternative would represent the next-best alternative in terms of reduced significant environmental impacts as they would generate less VMT per capita than either the No Project Alternative or proposed project. The Partial Reallocation to Mixed Use Alternative and Higher Density Alternative would both generate a similar amount of VMT given the similarities in density and location of additional housing units at sites with a mix of services within walking distance.

## **VI. CEQA REQUIRED ASSESSMENT CONCLUSIONS AND EFFECTS FOUND NOT TO BE SIGNIFICANT**

As required by the California Environmental Quality Act (CEQA), this chapter discusses the following types of impacts that could result from implementation of the City of Foster City's 6<sup>th</sup> Cycle Housing Update, Safety Element Update, and Associated General Plan Amendments and Rezoning (the project): effects found not to be significant, growth-inducing impacts, significant unavoidable impacts, and significant irreversible changes.

### **A. EFFECTS FOUND NOT TO BE SIGNIFICANT**

The City of Foster City published and circulated a Notice of Preparation (NOP) on January 26, 2022, and a public scoping session was held in conjunction with the Planning Commission meeting on February 17, 2022. No verbal public comments were received during the scoping session. Written comments received on the NOP were considered in the preparation of the final scope for this document and in the evaluation of the project.

The environmental topics analyzed in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*, include topics identified as having the potential to result in a significant impact associated with implementation of the project. By contrast, the following topics were excluded from detailed discussion in this EIR because it was determined, during the scoping phase, that project impacts associated with these environmental topics would not be significant: agriculture and forest resources; energy; biological resources; cultural resources; tribal cultural resources; geology and soils; hydrology and water quality; mineral resources; and wildfire. An explanation of why these topics were found not to be significant is included below.

#### **1. Agriculture and Forest Resources**

Foster City is located in a developed urban area. There are no agricultural uses—including area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance—located within or adjacent to the city. Additionally, there are no forest lands or resources within or in the vicinity of the city. As a result, the implementation of the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and would not result in the loss of forest land or conversion of forest land to a non-forest use; the project would have no impact on agriculture or forest resources, and no mitigation measures are required.

## 2. Biological Resources

The project is an updated Housing Element, Safety Element and associated General Plan Amendments and Rezonings to comply with State regulations requiring local jurisdictions to update the Housing Element every eight years to adequately plan for the regional housing needs of residents of all income groups. The project, by itself, does not alter the physical environment. However, the project provides for the potential to develop up to 3,199 new housing units (when accounting for both the 1,896 housing units for the 6<sup>th</sup> Cycle RHNA allocation and a 69 percent buffer) if all identified housing sites are developed at the maximum allowable density. Moreover, Foster City is located within a developed urban area, and all identified housing sites are located in existing urbanized and developed areas. Given this existing, long-standing urban setting, the city does not provide suitable habitat for any special-status plant or animal species and is unlikely to be a part of an established native resident or migratory wildlife corridor. Future development under the project would be required to comply with the City's SCOA's requiring pre-construction surveys prior to any ground-disturbing activities. The project would not conflict with any local goals, policies, or programs protecting biological resources. For the reasons stated above, the project would not have a significant impact on any biological resources or conflict with any policies, plans, or regulations related to biological resources; no mitigation measures are required.

## 3. Cultural Resources

The city is located in an urban area and is largely developed. As the city has been subject to continuous urban development over the past century, any existing archaeological or paleontological resources would likely be located in areas where development has already occurred. Implementation of the project would generally result in demolition and infill development, requiring permits and approvals from the city or other applicable regulatory agencies. As part of the adoption of the General Plan Final Environmental Report (FEIR) in 2015, Foster City has adopted the following Standard Conditions of Approval (SCOAs) and mitigation measures that are related to cultural resources. The following SCOAs are required for all projects to ensure that if archaeological or paleontological deposits or human remains are encountered during excavation or construction activities, appropriate measures would be implemented to reduce potential adverse effects. Moreover, the following mitigation measure is required for the demolition of any building over 50 years old.

- **SCOA 9.19:** If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected and the Community Development Director immediately notified. A qualified paleontologist shall be contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks. Ancient marine sediments may contain invertebrate

fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Fossil vertebrate land animals may include bones of reptiles, birds, and mammals. Paleontological resources also include plant imprints, petrified wood, and animal tracks.

Upon completion of the assessment, the paleontologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the paleontological resources discovered. This report shall be submitted to the project applicant, the Foster City Community Development Department, and the paleontological curation facility.

Adverse effects to paleontological resources shall be avoided by project activities. If avoidance is not feasible (as determined by the City, in conjunction with the qualified paleontologist), the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, adverse effects on the resources shall be avoided, or such effects shall be mitigated. Mitigation can include, but is not necessarily limited to: excavation of paleontological resources using standard paleontological field methods and procedures; laboratory and technical analyses of recovered materials; production of a report detailing the methods, findings, and significance of recovered fossils; curation of paleontological materials at an appropriate facility (e.g., the University of California Museum of Paleontology) for future research and/or display; an interpretive display of recovered fossils at a local school, museum, or library; and public lectures at local schools on the findings and significance of the site and recovered fossils. The City shall ensure that any mitigation involving excavation of the resource is implemented prior to project construction or actions that could adversely affect the resource. (CDD, BD)

- **SCOA 9.20:** If deposits of prehistoric or historic archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and the Community Development Director immediately notified. A qualified archaeologist shall be contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of the analysis and provide recommendations for the treatment of

the archaeological deposits discovered. The report shall be submitted to the project applicant, the Foster City Community Development Department and the Northwest Information Center. Project personnel shall not collect or move any archaeological materials or human remains. Adverse effects to such deposits shall be avoided by project activities. If avoidance is not feasible (as determined by the City, in conjunction with the qualified archaeologist), the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological material at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving excavation of the deposit is implemented prior to the resumption of actions that could adversely affect the deposit.

- **SCOA 9.21:** If human remains are encountered, work within 25 feet of the discovery shall be directed and the County Coroner and the Community Development Director immediately notified. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project applicant shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The project sponsor shall comply with these recommendations. The report shall be submitted to the project applicant, the Foster City Community Development Department, the MLD, and the Northwest Information Center.

- **Mitigation Measure 3.3-4:** Update the Foster City General Plan Conservation Element to include the following policy language. The following policy shall apply during the construction of individual projects effective immediately.
  - During environmental review of individual projects that would result in the destruction or demolition of a building or structure 50 years old or greater, City staff shall review and evaluate architectural resources proposed for destruction or demolition using criteria for listing in the California Register of Historic Resources, in order to determine if the structure is a qualified historical architectural resource. If it is determined that the structure proposed for destruction or demolition is not a qualified historical architectural resource, no further action is required.
  - If it is determined that the structure is a qualified historical architectural resource, the resources shall be recorded by a qualified architectural historian on appropriate California Department of Parks and Recreation (DPR) 523 forms, photographed, and mapped. The DPR forms shall be produced and forwarded to the Central California Information Center. If federal funding or approval is required, then the implementing agency shall comply with Section 106 of the National Historic Preservation Act.
  - If architectural resources are deemed as potentially eligible for the California Register of Historic Resources or the National Register of Historic Places, the City shall consider avoidance through project redesign as feasible. If avoidance is not feasible, the City shall ensure that the historic resource is formally documented through the use of large-format photography, measured drawings, written architectural descriptions, and historical narratives. The documentation shall be entered into the Library of Congress, and archived in the California Historical Resources Information System. In the event of building relocation, the City shall ensure that any alterations to significant buildings or structures conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

With implementation of the SCOAs and mitigation measures identified above, the project would not result in significant impacts to cultural or paleontological resources.

#### 4. Tribal Cultural Resources

Assembly Bill (AB) 52 was enacted on July 1, 2015, and establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding tribal cultural resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

According to Appendix G of the State CEQA Guidelines, an impact to tribal cultural resources from implementation of the project would be significant if the project would cause a substantial adverse change in the significance of a tribal cultural resource that meets the criteria listed in PRC Section 21074. The City of Foster City prepared and mailed formal notification letters in accordance with the provisions of AB 52 to the following tribes:

1. Muwekma Ohlone Tribe of the San Francisco Bay Area
2. Costanoan Rumsen Carmel Tribe
3. The Ohlone Indian Tribe
4. Indian Canyon Mutsun Band of Costanoan
5. Wuksache Indian Tribe/Eshom Valley Band
6. Amah Mutsun Tribal Band

No responses have been received as of the publication of this Draft EIR.

No housing sites included in the Housing Element Update are listed, or eligible for listing, in the California Register of Historical Resources or in a local register of historical resources as defined in PRC Section 5020.1(k). The city has been developed over the past century, and it is likely that any archaeological resources that would qualify as tribal cultural resources would be buried by fill. Should tribal resource be discovered during construction activities, the development project would be subject to SCOA 9.20 and SCOA 9.21, listed below.

- **SCOA 9.20:** If deposits of prehistoric or historic archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and the

Community Development Director immediately notified. A qualified archaeologist shall be contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of the analysis and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to the project applicant, the Foster City Community Development Department and the Northwest Information Center. Project personnel shall not collect or move any archaeological materials or human remains. Adverse effects to such deposits shall be avoided by project activities. If avoidance is not feasible (as determined by the City, in conjunction with the qualified archaeologist), the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological material at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving excavation of the deposit is implemented prior to the resumption of actions that could adversely affect the deposit.

- **SCOA 9.21:** If human remains are encountered, work within 25 feet of the discovery shall be directed and the County Coroner and the Community Development Director immediately notified. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project applicant shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American

Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The project sponsor shall comply with these recommendations. The report shall be submitted to the project applicant, the Foster City Community Development Department, the MLD, and the Northwest Information Center.

Implementation of the above SCOAs would reduce any potential adverse effects to unknown tribal cultural resources to a less-than-significant level and no mitigation measures are required.

## 5. Geology and Soils

Implementation of the project would result in the construction of up to 3,199 new housing units, which could increase exposure of people and structures to seismic hazards, including rupture of a fault, strong seismic shaking, and seismic-related ground failure. There are no known active, potentially active, or inactive faults located within Foster City, and none of the sites identified in the Housing Element Update are located within an Alquist-Priolo zone. Liquefaction potential in Foster City is designated as "Very High," with a few areas designated as "Moderate." Development in areas determined to have a "Very High" liquefaction potential in regional studies require specific geotechnical investigation prior to development. All development in Foster City requires geotechnical investigation to be submitted and approved by the Foster City Building Division.

Landslides are most likely on hillsides where rock strata parallels surface slopes, high clay content absorbs excess water, displacement has fractured a fault zone, or the base of a slope has been removed by erosion or people. Foster City is relatively flat and therefore landslide potential is very low.

Expansive or shrink-swell soils are soils that swell when subjected to moisture and shrink when dry. According to the Natural Resources Conservation Service (NRCS), the linear extensibility (aka shrink-well potential, or expansive potential) of subsurface soils (i.e., Bay Mud) within Foster City is high. However, the top 4 to 5 feet of fill soil is sandy silt, which is generally considered a soil with low linear extensibility. Moreover, the standard procedures used in the construction of concrete footings, as required by the California Building Code (CBC), address the potential impact of future development associated with the project. Future development could be on unstable or expansive soils, but compliance with existing regulations, like the CBC, would decrease any risk.

All future development associated with the project would be required to comply with local regulations including the General Plan, Zoning Ordinance and the Alquist-Priolo Earthquake Fault Zoning Act, and CBC. The project also includes policies to minimize risk and vulnerability of the community to hazards and reduce damages, such as proper design and retrofitting of older facilities to current standards, encouraging utility service providers to continue upgrading their facilities and infrastructure to improve seismic/geologic resilience and survivability, and locating essential and critical facilities in areas of low seismic and geologic hazard risk to the greatest extent feasible. Moreover, the following SCOA's would apply to any proposed new or redevelopment project:

- **SCOA 2.2:** Three (3) sets of a site specific, design level, fault zone geotechnical report satisfactory to the Chief Building Official, including one electronic or pdf version, shall be submitted for review and approval to the Building Division and contain design recommendations for grading, footings, retaining walls, and provisions for anticipated differential settlement for each construction site within the project area. Specifically:
  - Each investigation shall include an analysis of expected ground motions at the site identified faults. The analysis shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults. The analysis presented in the geotechnical investigation report shall provide recommendations to minimize seismic damage to structures from total and differential settlements and to protect steel and concrete (and any other material that may be placed in the subsurface) from long-term deterioration caused by contact with corrosive on-site soils. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.
  - The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots and sidewalks).
  - The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Foster City.
  - The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

- The geotechnical report for the project shall include evaluation of fixtures, furnishings, and fasteners with the intent of minimizing collateral injuries to building occupants from falling fixtures or furnishings during the course of a violent seismic event. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
- Final seismic considerations for the site shall be submitted to and approved by the Building Division prior to commencement of the project.
- If deemed necessary by the Chief Building Official, a peer review may be required for the geotechnical report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
- A licensed geotechnical engineer or their representatives shall be retained to provide geotechnical observation and testing during all earthwork and foundation construction activities. The geotechnical engineer shall be allowed to evaluate any conditions differing from those encountered during the geotechnical investigation and shall provide supplemental recommendations, as necessary. At the end of construction, the geotechnical engineer shall provide a letter regarding contractor compliance with project plans and specifications and with the recommendations of the final geotechnical investigation report and any supplemental recommendations issued during construction. The letter shall be submitted for review to the Building Division.

The final geotechnical investigation report shall provide recommendations to minimize the potential damage to structures from total and differential settlement and to protect steel and concrete (and any other material that may be placed in the subsurface) from long-term deterioration caused by contact with corrosive on-site soils. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.

- **SCOA 2.7:** The applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the construction period. The SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP). The SWPPP shall include the minimum BMPs required for the identified Risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall be designed to address the following objectives:
  1. All pollutants and their sources, including sources of sediment associated with construction activity are controlled;

2. Where not otherwise required to be under a Regional Water Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
3. Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity to the Best Available Technology and Best Conventional Technology (BAT/BCT) standard; and
4. Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
5. Best Management Practices (BMPs) shall be designed to mitigate construction-related pollutants and at a minimum, include the following:
  - a. Practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain.
  - b. Reduce erosion of exposed soil which may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff.
  - c. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e. keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.
6. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board requirements, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff."

To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

A QSD shall be responsible for implementing BMPs at the site. The QSD shall also be responsible for performing all required monitoring, and BMP inspection, maintenance and

repair activities. The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Foster City Public Works Department to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

- **SCOA 5.3:** Due to potential differential settlement, flexible connections shall be provided for gas, electric, sewer, water and other utilities. Hinged, reinforced slabs shall be provided at transitions from building to sidewalks, walkways and driveways.

For the reasons stated above, and the implementation of the above SCOAs, the project's impacts to geology and soil would not be significant and no mitigation measures are required.

## 6. Hydrology and Water Quality

Implementation of the project would result in the development of up to 3,199 new housing units (when accounting for both the 1,896 housing units for the 6<sup>th</sup> Cycle RHNA allocation and a 69 percent buffer) and would involve construction activities, including excavation and grading, which could increase the potential for erosion and sedimentation from stormwater runoff and exposure to potential contaminants from disturbed soil. Moreover, development associated with the project could increase exposure of people and structures to hazards (such as flood, tsunami, or seiche zones, and risk release of pollutants due to inundation) and could increase the impervious surfaces in the city, resulting in an increase in stormwater runoff.

As described in *Section IV.H, Public Services, Utilities, and Recreation*, Foster City receives its water supply from surface water sources. The potential increase in water demand associated with the project would not deplete groundwater supplies.

Foster City is relatively flat with an existing ground surface elevation of between 5 and 7 feet above sea level. Foster City is located within an urban area developed with residential, commercial, office, and industrial uses. These developed areas consist of impervious surfaces. Stormwater primarily flows to the lagoon system, which serves as a drainage retention basin for storm water runoff. The lagoon system is designed and operated to store runoff from a 100-year storm event.

Foster City is currently designated Zone X "Area with reduced flood risk due to levee" on Flood Insurance Rate Maps (FIRMs) published by the Federal Emergency Management Agency (FEMA). The lagoon's themselves are designated Zone AE "Subject to 100-year flooding" with a base

elevation of 2.<sup>1</sup> The Foster City levee system surrounds the majority of the outer bay-front perimeter of the City and provides protection from flood hazards and storms. In 2014, FEMA determine the levee system did not meet minimum requirements for flood protection. In 2018, Foster City voters approved Measure P, a \$90 million general obligation bond to improve and strengthen the levee system. The measure provides funds to strengthen the levee to meet FEMA standards and protect city services during storms and other hazards, including earthquake. Construction began in October 2020 and will continue through 2023.<sup>2</sup>

Development associated with implementation of the project would be required to comply with the CBC, the City's General Plan, Zoning Ordinance, SCOA's and other regulations. In addition to compliance with the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), the Regional Water Quality Control Board (RWQCB) requires project-specific Storm Water Pollution Prevention Plans (SWPPP) to be prepared for each project that disturbs an area of one acre or larger. The SWPPPs include best management measures to control drainage and erosion. The General Plan includes policies to minimize impacts associated with flooding and drainage patterns, including changes in drainage patterns that could affect the city's levee and lagoon system. The Conservation Element also establishes a program to minimize storm water related erosion. In addition, the project includes policies for flood protection, water supply, and wastewater treatment that would further reduce any impact. Policies in the project include protecting and preserving wetlands that serve as natural mitigation against the impacts of flooding, continuing participation in FEMA's National Flood Insurance Program, ensuring data and information for flood hazards is readily available and up to date, and requiring mitigation for development within flood and dam inundation zones. Finally, any development under the project would also be subject to the following SCOA's and mitigation measures adopted under the 2015 General Plan FEIR:

- **SCOA 1.13:** Prior to issuance of a building permit, the plans shall demonstrate compliance with the San Mateo Countywide Water Pollution Prevention Program, (see [www.flowstobay.org](http://www.flowstobay.org)) including, but not limited to, submittal of checklists related to impervious surface and stormwater:
  - 1.13.1 C.3 and C.6 Data Collection Form
  - 1.13.2 Project Applicant Checklist for NPDES Permit Requirements
  - 1.13.3 Stormwater Control Plan:
  - A Stormwater Control Plan (SWCP) shall be required and approved by the City prior to issuance of the first building permit. Any improvements identified in the SWCP shall be

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<sup>1</sup> Federal Emergency Management Agency (FEMA), 2019. Flood Insurance Rate Map (FIRM), San Mateo County, California and Incorporated Areas, Map Number 06081C0167G, revised April 5.

<sup>2</sup> City of Foster City, 2022. Foster City Levee Improvements Project. Available at: <https://fostercitylevee.org/>, accessed November 3, 2022.

constructed prior to first occupancy to the satisfaction of the Public Works Director/City Engineer.

- **SCOA 2.4:** Prior to issuance of a building permit, the Construction Best Management Practices (BMPs) from the San Mateo Countywide Stormwater Pollution Prevention Program shall be included as notes on the building permit drawings.
- **SCOA 2.6:** Prior to issuance of a building permit, any development involving one or more acres of total land area must obtain a General Permit from the State Water Resources Control Board. This permit requires the owner/developer to do the following:
  - Submit a Notice of Intent (NOI) to the State Water Resources Control Board prior to commencement of construction activity.
  - Copies of the NOI and the SWPPP must be submitted to the Engineering Division along with proof of compliance.
- **SCOA 2.7:** The applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the construction period. The SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP). The SWPPP shall include the minimum BMPs required for the identified Risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. The SWPPP shall be designed to address the following objectives:
  1. All pollutants and their sources, including sources of sediment associated with construction activity are controlled;
  2. Where not otherwise required to be under a Regional Water Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
  3. Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity to the Best Available Technology and Best Conventional Technology (BAT/BCT) standard; and
  4. Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
  5. Best Management Practices (BMPs) shall be designed to mitigate construction-related pollutants and at a minimum, include the following:
    - a. Practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain.

- b. Reduce erosion of exposed soil which may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff.
  - c. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e. keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.
6. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board requirements, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.”

To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

A QSD shall be responsible for implementing BMPs at the site. The QSD shall also be responsible for performing all required monitoring, and BMP inspection, maintenance and repair activities. The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Foster City Public Works Department to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

- **SCOA 2.8:** The applicant shall fully comply with the C.3 provisions of the Municipal Regional Stormwater NPDES Permit (MRP). Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.

All Stormwater control measures outlined in the current San Mateo Countywide Water Pollution Prevention Program’s C.3 Stormwater Technical Guidance manual shall be

incorporated into the project design. Low Impact Development features, including rainwater harvesting and reuse, and passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are required under the MRP. Higher-maintenance MBP's may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance for all BMPs must be specified (as the City will not assume maintenance responsibilities for these features). The applicant shall establish a self-perpetuating drainage system maintenance program for the life of the project that includes annual inspections of any stormwater detention devices and drainage inlets. Any accumulation of sediment or other debris would need to be promptly removed. In addition, an annual report documenting the inspection and any remedial action conducted shall be submitted to the Public Works Development for review and approval.

The City of Foster City Public Works Department shall ensure that the SWPPP and drainage plan are prepared and are adequate prior to approval of the first building permit for the site.

- **SCOA 5.12: Storm Water System**
  - 5.12.1 Prior to issuance of a building permit, the system shall be designed to be capable of handling a 25-year storm with the hydraulic grade line at least one foot below every grate, to the satisfaction of the Engineering Division. Drainage facilities shall be designed in accordance with accepted engineering principles and shall conform to the Foster City Drainage Design Criteria/Standards available on the City's website: <https://www.fostercity.org/publicworks/page/city-standard-design-criteria>
  - 5.12.2 Calculations and plans showing hydraulic gradelines shall be submitted as part of the improvement plans package.
  - 5.12.3 Items of construction shall include at least the following:
    - surface and subsurface storm drain facilities;
    - manholes with manhole frames and covers;
    - catch basins and laterals;
    - construct all catch basins as silt detention basins;
    - And together with appurtenances, to any or all of the above.
- **SCOA 5.13:** All storm drain lines and related storm drainage appurtenances located both within the property boundaries of the development site and associated offsite private easements shall be privately owned and maintained. Prior to issuance of a building permit, the applicants shall submit to the City Engineer evidence of easements granted for offsite storm drainage facilities. Said easements shall provide the applicants the right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew all offsite storm drainage facilities, and appurtenant structures in, upon, over and across such easements.

- **SCOA 5.15:** Prior to issuance of a building permit, should the City determine that the City's storm drain system or storm drain pumping capacity requires expansion or modification as a result of the applicants' development, the applicants shall pay for all necessary improvement costs. The timing and amount of payment shall be as determined by the City.
- **SCOA 5.16:** Prior to the issuance of a building permit, the improvement plans shall include the design of a domestic water system to the satisfaction of the Engineering Division.
- **SCOA 9.5:** The property owners/tenants are prohibited from discharging any commercial fertilizers, pesticides or herbicides into the lagoon or water features.
- **SCOA 9.9:** The applicant/property owners/tenants shall control accumulations of petroleum wastes and other pollutants in the streets and parking areas by frequent sweeping.
- **Mitigation Measure 3.7-7:** Update the Foster City General Plan Safety Element to include the following policies and action item.
  - New Safety Policy 1: Incorporate consideration of, and measures to mitigate the risks of, sea level rise into the planning process. These measures should include response strategies that increase resilience to mid-century sea level rise risks for both new and existing development.
  - New Safety Policy 2: Prepare response plans that will help Foster City adapt and respond to climate change, including measures that would protect sensitive land uses such as residential development, and critical facilities.
  - New Safety Action 1: Sea Level Rise Response Strategy. Prepare response strategies that address sea level rise and increased flooding, and other climate change induced events such as flooding, landslides, and soil erosion. Include response strategies to address sea level rise on Foster City's levee system.

For the reasons discussed above, and the implementation of SCOA's and mitigation measures above, the project's impact on hydrology and water quality is less than significant and no mitigation measures are required.

## 7. Energy

As mentioned above, the project could result in the construction of 3,199 new housing units in Foster City. Pacific Gas & Electric Company (PG&E) and Peninsula Clean Energy (PCE) provide energy to Foster City. According to the California Energy Commission, the total electricity usage in PG&E's service area in 2020 was approximately 78,520 million kilowatt-hours (kWh).<sup>3</sup>

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<sup>3</sup> California Energy Commission (CEC), 2021. Electricity Consumption by Entity. Available at: <http://ecdms.energy.ca.gov/elecbyutil.aspx>, accessed October 31, 2022.

New development in Foster City would lead to increased energy consumption during both the construction and operational phases. Construction phases would require energy for the manufacture and transportation of building materials, preparation (e.g., demolition and grading) of each project site, and construction of buildings and associated infrastructure. Once in operation, the completed projects would consume energy for building heating and cooling, lighting, and operation of appliances and electronics. In addition, vehicle trips associated with both construction and operation would consume fuel (primarily gasoline). It's worth noting that development associated with implementation of the project would occur incrementally over time and are dependent on external factors outside of the City's control such as market forces.

Moreover, construction activities associated with development under the project would be temporary and construction contractors would have a financial disincentive to waste fuel used by the construction equipment. Therefore, it is generally assumed that fuel used during construction would be conserved to the maximum extent feasible. Furthermore, best management practices and regulations enforced by the California Air Resources Board (Title 13, Section 2485 of California Code of Regulations) limit the idling time of diesel construction equipment to five minutes. Therefore, it is anticipated that energy consumption during the construction period would be minimized to the maximum extent practical.

Future development would also comply with applicable provisions of the CBC related to energy efficiency and conservation, including the recently adopted 2022 California Building Standards Code requiring all electric appliances for newly constructed buildings, and Title 24 Building Efficiency Standards and California Green Building Codes (CALGreen). Operation of the project would not interfere with the current Renewables Portfolio Standard program requirement for investor-owned utilities, electrical service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent by 2030. The current 2019 Title 24 Building Efficiency Standards also requires newly constructed single-family and low-rise multifamily buildings to install rooftop photovoltaic systems.

The City's Climate Action Plan, adopted in 2015, includes targets and measures to increase energy efficiency, including:

- EC 2: Encourage Personal Energy Audits and Energy Efficient Home Upgrades.
- EC 3: Encourage and Facilitate Residential Energy Efficiency Upgrades.
- EC 7: Encourage Residential Solar Panel Installation.

Moreover, the General Plan's conservation element includes policy C-4 which promotes energy conservation in new and existing developments. The General Plan's Land Use and Circulation Element includes program LUC-H-1a Green Building Guidelines and Incentives. The project also includes policies and programs to encourage energy conservation by encouraging and expediting energy conservation permits (Programs H-B-3-a and H-B-3-b) and increasing awareness regarding energy conservation (Program H-B-3-c).

Compliance with existing regulations and the General Plan policies and programs would ensure that future developments under the project provide beneficial support to existing renewable energy and energy efficiency programs. Thus, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and would not conflict with any state or local plans for renewable energy or energy efficiency. Therefore, this impact would be less than significant.

## 8. Mineral Resources

Foster City is located in an existing urban area and there are no known mineral resources sites and no mineral extraction activities that have taken place in recent history within or near the city. The Foster City General Plan does not identify areas within the city as locally important mineral recovery sites. Implementation of the project would not result in quarrying, mining, dredging, or extraction of locally important mineral resources, nor would it deplete any known mineral resource that would be of value to the region and the residents of the state. For these reasons, the project's impacts to mineral resources would not be significant and no mitigation measures are required.

## 9. Wildfires

Foster City is located within a developed urban area and is located in a Local Responsibility Area. The city is not regarded as a Very High Fire Hazard Severity Zone as mapped by the California Department of Forestry and Fire Protection.<sup>4</sup> Therefore, the project would not expose people or structures to a significant loss, injury or death involving wildland fires.

The city is within a developed urban area with existing infrastructure including roads, water sources, and other utilities. The city is not located in the wildland-urban interface (WUI) where development would intensify existing fire risk. The project does include policies and programs to improve the city's infrastructure, such as improvements to emergency evacuation routes. Moreover, development associated with implementation of the project would install on-site connections to this infrastructure and would be required to meet local regulations including General Plan policies, Zoning Ordinance, the CBC, and their own CEQA review.

Although the impacts of wildfire can be exacerbated in landslide-prone areas that can be destabilized following a wildfire, the project site is not located within a landslide hazard zone, as discussed above. Development under the project would not alter the project area's risk from downstream flooding or landslides due to post-fire slope instability. For these reason, the

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<sup>4</sup> California Department of Forestry and Fire Protection (CAL FIRE), 2008. San Mateo County Very High Fire Hazard Severity Zones in LRA as recommended by Cal FIRE.

project's impact to wildfire would be less than significant and no mitigation measures are required.

## **B. GROWTH-INDUCING IMPACTS**

According to Section 15126.2 (d) of CEQA Guidelines, growth-inducing impacts of a project must be discussed in the EIR. Growth-inducing impacts are those effects of a project that might foster economic or population growth or the construction of new housing, either directly or indirectly, in the surrounding environment. According to CEQA, increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place without implementation of a project. Additionally, growth may be induced through the provision of infrastructure or service capacity that would accommodate new development. Typically, the growth inducing potential of a project would be considered significant if it results in growth or population concentration that exceeds those assumptions included in pertinent master plans, land use plans, or projections made by regional planning authorities. Based on the definition of growth inducement, a general plan, and its associated Housing Element is inherently growth-inducing because it must, by law, accommodate existing and projected housing needs as determined by California Department of Housing and Community Development (HCD) and Association of Bay Area Governments (ABAG) and described within the Project Description contained within *Chapter III, Project Description*.

As described within *Chapter III, Project Description*, to accommodate the existing and projected housing needs of Foster City, the Housing Element of the city is being updated as part of the project to identify housing sites intended to accommodate the City's Regional Housing Needs Allocation (RHNA) of 1,896 new residential units located throughout the city. The City has also identified additional sites as surplus sites to provide a RHNA buffer. The Housing Element demonstrates that the city has capacity to accommodate 1,303 housing units beyond its RHNA of 1,896 housing units for a total of 3,199 units. In conjunction with identification of these housing sites, the City will rezone six of these sites to allow for residential development or more intense residential development than presently permitted, along with comparable General Plan amendments which will be required to make the land use designations of the sites consistent with the zoning.

While the project anticipates accommodation of up to 3,199 units, it is unrealistic to assume that all housing site parcels identified in the Housing Element would be developed and that they would all be developed at the maximum allowable density. While the Housing Element encourages the development of new housing, the actual construction of new units will be driven

by market forces, the motivation of property owners, subsidies for affordable housing, and other factors outside the control of the City. Nonetheless, this theoretically possible number of 3,199 new housing units is used as a basis for estimating the effect this could have on Foster City's population. As discussed in *Section IV.G, Population and Housing*, the Department of Finance population estimates Foster City had an average 2020 household size of 2.55 persons. Applying this average, development of 3,199 new housing units would increase the population of Foster City by approximately 8,158 people. It is important to note that with respect to household size, the growth forecast presented in Plan Bay Area 2050 were developed using the Bay Area UrbanSim 2 Land Use Model. The model, which synthesizes U.S. Census data, developed a region-wide average household size of 2.7 persons per household. Applying this average, development of 3,199 new housing units would increase the population in Foster City by approximately 8,638 people.

In addition to the reasons cited above, other factors would also serve to reduce this number in actual practice. First, many of the new units would be accessory dwelling units (ADUs) added to existing residential properties, studio apartments, and one-bedroom apartments, all of which would typically provide a residence for one or two people. Secondly, one objective of the proposed Housing Element is to provide housing for currently unhoused people residing in Foster City. Implementing *Policies H-F-2, Housing for the Homeless*, and *H-F-3, Transitional and Supportive Housing*, provide for the development of housing for the homeless through rezoning and expanding residential uses. Providing this housing to existing residents would not add to the city's population. Finally, existing residents of Foster City would likely take advantage of new housing opportunities in the city, which would not add to the city's population. Accordingly, it is likely that the implementation of the Project would increase the population in Foster City by fewer than 8,158.

Additionally, due to the project being proposed and implemented to meet the City's RHNA requirements as determined by HCD and ABAG for the 2023-2031 planning period, housing sites identified as part of the project were identified consistent with HCD Guidance, which requires the locating of housing sites according to certain standards. Accordingly, housing sites identified by the project are located within existing urbanized parts of the city, in proximity to existing or planned infrastructure. Additionally, the project would result residential growth, and associated population growth, in accordance with the city's policies for location, type, and intensity of residential development, as set for in the Housing Element and Land Use Element. As such, the population growth associated with implementation of the project's potential development of 3,199 new residential units is considered planned, not unplanned, growth that is consistent with the City's General Plan. Accordingly, unplanned population growth impacts are determined to be less than significant as demonstrated in *Section IV.G, Population and Housing*.

## C. SIGNIFICANT IRREVERSIBLE CHANGES

CEQA Guidelines Section 15126.2 (d) requires an evaluation of significant irreversible environmental changes. CEQA defines “Significant Irreversible Changes” as follows:

*Significant Irreversible Environmental Changes which would be Caused by the Proposed Project. Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

### 1. Consumption of Non-Renewable Resources

Consumption of nonrenewable resources refers to the loss of physical features within the natural environment, including the conversion of agricultural lands, open space, sensitive habitats, and nonrenewable energy use. The project includes updates to some of the city’s long-range planning documents, including the Housing Element and Safety Element. These planning documents are included within the City’s General Plan and are being updated to account for present and future housing needs through 2031, as required by HCD and ABAG. As part of these updates, the City is planning for the potential development of up to 3,199 new residential units between 2023-2031, as described in *Chapter III, Project Description*. The project anticipates the development of infill sites and reuse of underutilized sites, which would conserve agricultural and other natural resources elsewhere in the region. The project does not propose to change the land use designations of the city’s open spaces or waterways and, as a result, would minimize the potential for impacts to the nonrenewable resources, including biological resources and waterways.

Any future development of individual housing sites identified by the project would include limited consumption of slow to renew, or non-renewable resources as part of the construction phase; this may include building materials such as metals, lumber, and asphalt among other materials; and fuel used to operate machinery and transport persons and other materials. However, the buildings and infrastructure constructed as part of the project are expected to be long-lasting and construction methods are expected to be modern and efficient based on required compliance with City requirements, the CBC, CALGreen, and Title 24 of the California Code of Regulations (Title 24). Therefore, the use of these materials would not be considered wasteful. Accordingly, while future development of housing sites facilitated by the project would result in consumption of non-renewable resources, they would be developed consistent with regulations included within this EIR which are intended to require green building practices which reduce the

consumption of non-renewable resources as part of construction and development. Additionally, it is important to note that development of individual housing sites is not anticipated to occur concurrently but rather incrementally over the course of the 8-year planning period (2023-2031). Accordingly, the project would result in the consumption of non-renewable resources on a relatively small scale in a regional context, and the impact the project is anticipated to have on the consumption on nonrenewable resources would less than significant.

## **2. Changes in Land Use Which Would Commit Future Generations to Similar Uses**

The project includes updates to extensive long-range planning documents of the City of Foster City including the Housing Element and Safety Element. These planning documents are included within the City's General Plan and are being updated to account for present and future housing needs of the city through 2031, as required by HCD and ABAG. Moreover, the city is located in an urban area and is largely developed. As a result, the location of housing sites identified under the project are located on developed land, and development under the project would not occur on land that is currently undeveloped. Accordingly, the project does not constitute a commitment of future generations to land uses, but rather updates to the City's General Plan, in accordance with State Law.

## **3. Irreversible Changes from Environmental Actions**

The project includes updates to the city's long-range planning documents, including the Housing Element and Safety Element. These planning documents are included within the City's General Plan and are being updated to account for future residential growth and development through 2031, as required by HCD and ABAG. As part of these updates, the City is planning to accommodate up to 3,199 new residential units between 2023-2031, as described within *Chapter III, Project Description*. Housing sites are anticipated to be developed over an 8-year planning period. Any future development of housing sites may include the temporary use of some hazardous agents, such as paints, oils, solvents, and cleansers, as well as temporary storage of these materials and fuel on site. However, the amounts of chemical agents typically used during the construction of housing units is limited. Furthermore, compliance with federal, State, and local regulations of the City of Foster City, and the implementation of SCOA's and mitigation measures identified in *Section IV.E, Hazards and Hazardous Materials*, would reduce the possibility that hazardous substances could cause significant environmental damage to a less-than-significant level.

## D. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided even with implementation of feasible mitigation measures. Based on the environmental analysis in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*, the project would only result in three significant and unavoidable impacts related to Aesthetics; Public Services, Utilities, Recreation; and Traffic and Transportation.

## E. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively considerable. Per Section 15065(a)(3) of the CEQA Guidelines, “cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of likely future projects. Cumulative effects of the project are discussed under the respective topic sections in *Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures*.

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