

RESOLUTION NO. P-32-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LAND USE AND CIRCULATION ELEMENT UPDATE AND CLIMATE ACTION PLAN - EA-11-002

CITY OF FOSTER CITY PLANNING COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, a lead agency must adopt a Mitigation Monitoring and Reporting Program for changes to a project that it adopts or makes a condition of project approval in order to ensure compliance with the measures during project implementation; and

WHEREAS, the Mitigation Monitoring and Reporting Program set forth in the attached Exhibit A, which is incorporated herein by reference, accurately reflects the mitigation measures contained in the Final EIR.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission, based on facts and analysis in the Final EIR, all written and oral testimony, evidence submitted in connection with the Final EIR and exhibits, finds and recommends that the City Council finds:

1. The Final EIR including documents incorporated by reference has been reviewed and considered by the Planning Commission, including the information contained therein prior to adoption of this Resolution; and
2. The Final EIR has been completed in accordance with CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and
3. The Final EIR adequately describes the environmental impacts of the proposed project; and
4. The Final EIR reflects the City's independent judgment and analysis.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster does hereby recommend that the City Council certify the Final EIR prepared by DeNovo Planning Group comprised of the Final EIR dated September 2015, incorporating the Public Review Draft dated July 2015, as complete and adequate.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission hereby recommends that the City Council adopt the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at a Regular Meeting held on October 1, 2015, by the following vote:

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

NOES, COMMISSIONERS:

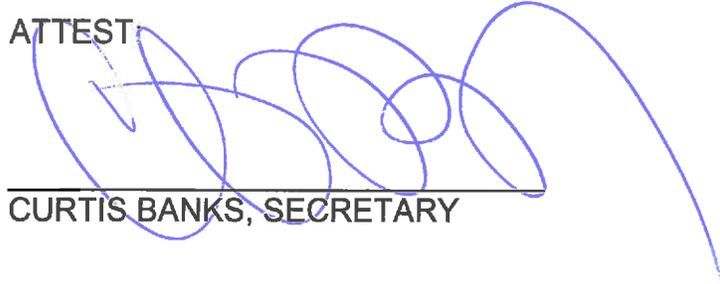
ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:



PAUL C. WILLIAMS, CHAIRMAN

ATTEST



CURTIS BANKS, SECRETARY

EXHIBIT A

FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOSTER CITY LAND USE AND CIRCULATION ELEMENT UPDATE, LAND USE MAP UPDATE AND CLIMATE ACTION PLAN

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Foster City Land Use and Circulation Element Update, Land Use Map Update, and Climate Action Plan project (proposed project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Section 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Foster City will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

Mitigation Measures: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.

Mitigation Timing: Identifies at which stage of the project mitigation must be completed.

Monitoring Responsibility: Identifies the agency that is responsible for mitigation monitoring.

Compliance Verification: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
AIR QUALITY				
<p>Impact 3.1-2: Project implementation may cause health risks associated with toxic air contaminants</p>	<p>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.</p> <p><u>Policy:</u> Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.</p> <p><u>Policy:</u> 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.</p> <p><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.</p> <p><u>Action:</u> Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD and General Plan requirements, which include analysis and identification of:</p> <ol style="list-style-type: none"> 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 	<p>Foster City Community Development Department</p>	<p>Measures shall be implemented during environmental review of individual projects, effective immediately.</p> <p>The update of the Conservation Element shall occur as soon as deemed feasible by the City Council.</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>cumulative conditions.</i></p> <p>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.</p>			
CULTURAL RESOURCES				
<p>Impact 3.3-4: Project implementation could result in damage to or the destruction of historical buildings</p>	<p>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.</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>	<p>Foster City Community Development Department</p>	<p>Measures shall be implemented during environmental review of individual projects, effective immediately.</p> <p>The update of the Conservation Element shall occur as soon as deemed feasible by the City Council.</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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.</p>			
HYDROLOGY AND WATER QUALITY				
<p>Impact 3.7-7: Project implementation may expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of sea level rise</p>	<p>Mitigation Measure 3.7-7: Update the Foster City General Plan Safety Element to include the following policies and action item.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Foster City Community Development Department</p>	<p>The update of the Safety Element shall occur as soon as deemed feasible by the City Council.</p>	
NOISE				
<p>Impact 3.9-5: Construction Vibration</p>	<p>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</p>	<p>Foster City Community Development</p>	<p>Measures shall be implemented during</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>may result in significant levels of groundborne vibration.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> • <i>Phase demolition, earth-moving and ground-impacting operations so as not to occur in the same time period.</i> • <i>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.</i> • <i>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.</i> • <i>Other specific measures as they are deemed appropriate by the implementing agency to maintain consistency with adopted policies and regulations regarding vibration.</i> 	Department	<p>environmental review of individual projects, effective immediately.</p> <p>The update of the Noise Element shall occur as soon as deemed feasible by the City Council.</p>	