

## Memorandum

DATE	November 11, 2020		
TO	Norm Dorais, Public Works Director City of Foster City ndorais@fostercity.org	FROM	Carla Violet, Senior Planner Lynette Dias, President

**RE: CEQA Compliance for Changes to Levee Protection Planning and Improvements Project Construction Restrictions, Hours, and Staging Areas**

### INTRODUCTION

The City of Foster City has worked with the contractor to finalize the construction details and initiate construction resulting in some modifications to construction restrictions, assumptions, phasing, schedule, and staging for the Foster City Levee Protection Planning and Improvements Project (project). The project Environmental Impact Report (EIR), which was prepared by Urban Planning Partners and its team of technical consultants (Baseline Environmental Consulting, Fehr & Peers, Huffman-Broadway Group, and Tom Origer & Associates), describes what was anticipated related to construction at the time the EIR was prepared but also acknowledges that changes may occur as it is essentially impossible to know all the details until final engineering is complete. The purpose of this memo is to document these modifications and confirm such modifications do not trigger the need for any additional environmental review.

### EXECUTIVE SUMMARY

This memo, prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, is an addendum to the certified 2017 Foster City Levee Protection Planning and Improvements Project Final EIR, State Clearinghouse #2016012012 (2017 Levee FEIR). The purpose of this memo is to analyze the following modifications to the project construction restrictions, assumptions, phasing, schedule, and staging since certification of the 2017 Levee FEIR:

- (1) Bay Trail closure plan allowing closure of contiguous segments in three phases and ultimate closure of the entire Bay Trail;
- (2) Modified soil sourcing and hauling assumptions;
- (3) Partial closure of Shorebird Park to use as an additional staging area; and

(4) Saturday construction activities.

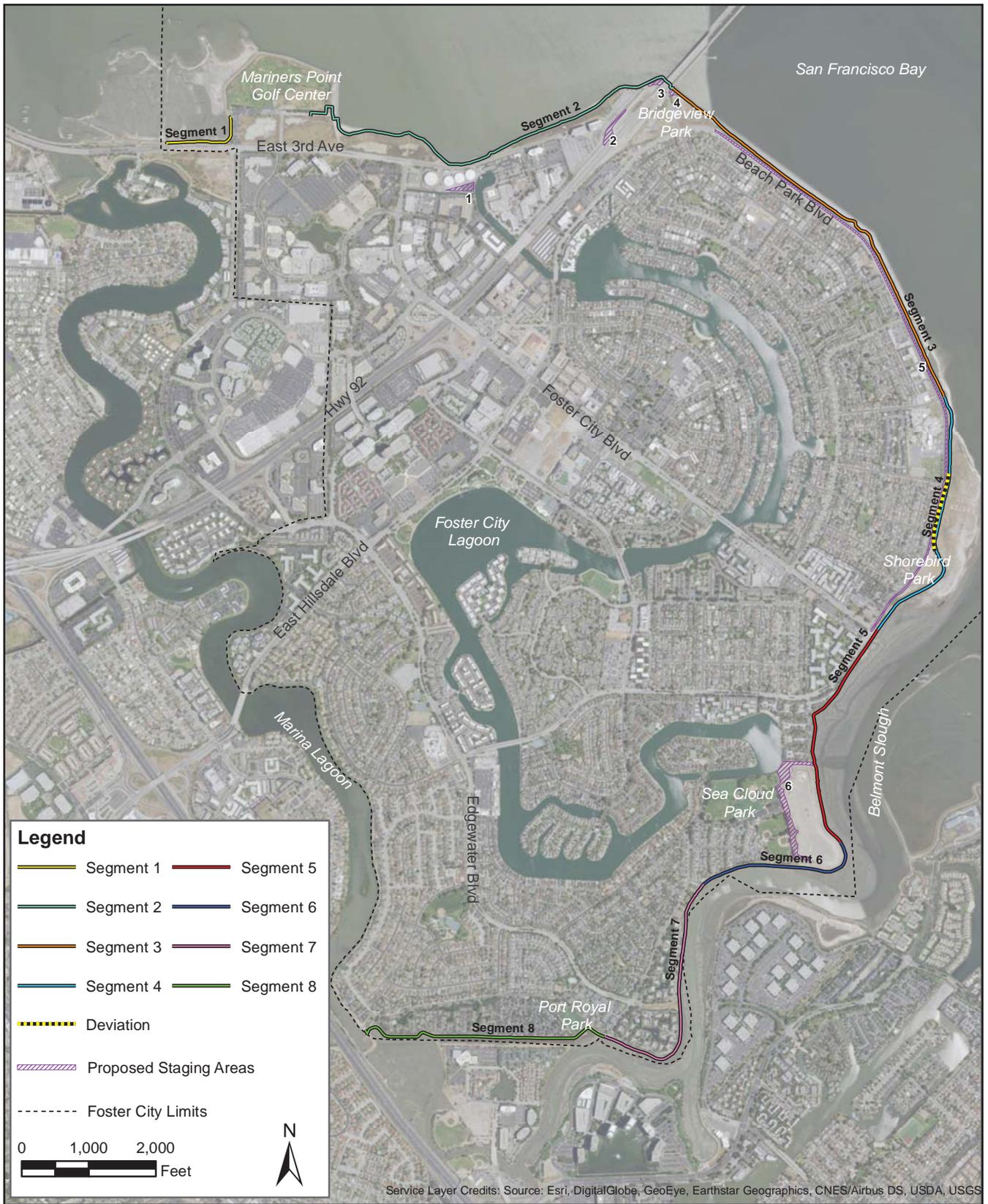
As discussed in this memo, these modifications to the project construction restrictions, assumptions, phasing, schedule, and phasing (collectively referred to as "Project Modifications"), would not result in any new or more significant environmental effects beyond those identified in the 2017 Levee FEIR. It is important to note that the first two modifications (the Bay Trail closure plan and modified soil sourcing and hauling assumptions) are already underway and do not require further discretionary approval for the reasons explained below. Therefore, they do not trigger additional environmental analysis under CEQA. Nonetheless the City has asked that these two modifications be addressed in this analysis for informational purposes.

### **BAY TRAIL CLOSURE PLAN**

The 2017 Levee FEIR originally assumed a five-phase construction plan that placed a restriction on the contractor that no two contiguous (adjacent) segments of the Bay Trail would be closed at one time. Since certification of the FEIR, the San Francisco Bay Conservation and Development Commission (BCDC), a regulatory agency with permitting jurisdiction over the project, lifted this restriction by issuance of its permit in December 2019 which allows the entire Bay Trail to be closed in a single phase. Given this and to achieve cost, timing and accessibility efficiencies, the contractor developed a Bay Trail closure plan that includes three phases with contiguous segments closed at one time: (1) closure of levee segments 5, 6, 7, and 8 starting October 29, 2020, (2) closure of segments 3 and 4 starting in the first quarter of 2021, and (3) closure of segments 1 and 2 beginning as early as the first quarter of 2021. Consistent with the assumptions in the 2017 Levee FEIR, alternative routes will be provided for each segment that is closed and the Bay Trail detour routes presented in the 2017 Levee FEIR remain unchanged. Once closed, segments will remain closed and will not reopen through the duration of levee construction, resulting in a single closure of the Bay Trail as already authorized by the BCDC Permit. A map showing the levee segments is provided in Figure 1 below.

### **MODIFIED SOIL SOURCING AND HAULING ASSUMPTIONS**

Certain assumptions in the 2017 Levee FEIR regarding soil hauling have also changed. The 2017 Levee FEIR assumed all soil needed for the project would originate from the Pilarcitos Quarry site in Half Moon Bay. However, to take advantage of available soil from construction sites closer to the project site, approximately 10-15 percent of the soil needed for the project will be sourced from a site near the San Mateo County Fairgrounds and arrive to the project site in two 8- to 10-day periods in October and November of 2020. Additionally, based on revised estimates of the cubic yards (CY) of soil needed for the project (from 200,534 CY of total bulk fill volume to approximately 100,000 CY of total bulk fill volume), the 20-ton truck haul trips will be reduced by nearly 40 percent (from 12,252 total 20-ton haul truck trips to approximately 7,500 total 20-ton haul truck trips) from what was analyzed in the 2017 Levee FEIR.



Source: Schaaf & Wheeler, Urban Planning Partners, 2016

Note: The location of staging areas are preliminary and may change.

Figure 1  
 Foster City Levee Protection Planning and Improvements Project EIR  
 Project Vicinity Map

## **PARTIAL CLOSURE OF SHOREBIRD PARK AND SATURDAY CONSTRUCTION**

To facilitate the construction schedule and reduce costs, the contractor is requesting permission to use a portion (about half) of Shorebird Park for construction staging (i.e., stockpiling soil) and for construction activities to occur on Saturdays between 9:00 a.m. and 4:00 p.m.

### **CEQA GUIDELINES SECTION 15164 FINDINGS**

This memo is prepared pursuant to CEQA Guidelines Section 15164 which states: "The lead agency or a responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that no subsequent EIR shall be prepared for a project unless:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Urban Planning Partners reviewed the Project Modifications and, based on the analysis in this memo, has concluded that there are no substantial project changes, substantial changes in circumstances, or new information that would result in any new significant effects or any

substantial increase in the severity of a previously identified significant effect:

- The Bay Trail closure plan will result in a longer duration of reduced availability and access to the Bay Trail compared to what was analyzed in the 2017 Levee FEIR; however, because the detour routes will remain the same, this will not result in new significant or more severe impacts compared to the project.
- The modified soil sourcing and hauling assumptions will generate more trips per day during certain periods of each phase compared to what was originally assumed in the 2017 Levee FEIR; however, this will not result in new significant or more severe impacts compared to the project.
- The proposed partial Shorebird Park closure would result in less access to a passive City park; however, this would not result in new significant or more severe impacts compared to the project.
- Saturday construction activities is consistent with the Noise Section (17.68.030) of the Municipal Code and was previously analyzed in the 2017 Levee FEIR. As such, it would also not result in new significant or more severe impacts compared to the project.

Therefore, under CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163, no further environmental review is required.

The discussion below provides: (1) an overview of the Levee Protection Planning and Improvements Project and 2017 Levee FEIR; (2) a discussion of the project changes resulting from the Project Modifications; and (3) an analysis concluding that Project Modifications fall within the scope of the 2017 Levee FEIR and do not require preparation of subsequent or supplemental environmental review pursuant to CEQA Guidelines Section 15162 and 15163.

## **PRIOR PROJECT APPROVALS AND ENVIRONMENTAL REVIEW**

Urban Planning Partners and team of technical experts prepared an EIR for the Levee Protection Planning and Improvements Project. On May 8, 2017, the City Council certified the 2017 Levee FEIR to improve the City's existing levee system to provide flood protection in accordance with updated Federal Emergency Management Agency (FEMA) guidelines, retain FEMA accreditation for the levee, and protect against future sea level rise. The EIR studied the following two scenarios at an equal level, which would have different ranges of levee elevations/floodwall heights as needed to meet FEMA freeboard requirements and protect against future sea level rise: (1) FEMA Freeboard + 15 inches of Sea Level Rise for the Year 2050 (2050 SLR); and (2) FEMA Freeboard + 46 inches of Sea Level Rise for the Year 2100 (2100 SLR).

The 2017 Levee FEIR prepared in accordance with CEQA concluded that, with the exception of two impacts, all project impacts would be mitigated to a less-than-significant level with implementation of the 2017 FEIR's mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP). The two significant and unavoidable impacts from the 2012 Levee FEIR are

associated with aesthetics and noise and vibration. The increased elevation of the levee would alter the existing visual character and may adversely impact scenic vistas of the San Francisco Bay from Shorebird Park (segment 4) under the two project scenarios (2050 SLR and 2100 SLR) and scenic vistas of the Belmont Hills from Sea Cloud Park (segment 6) under the 2100 SLR project scenario (AES-1). The construction of the project could also result in the exposure of nearby sensitive receptors to temporary noise levels that would conflict with Foster City Municipal Code regulations, and could generate substantial increases in noise levels for intermittent periods when certain construction activities occur (e.g., pile driving) (NOISE-3).

Below is a list of required project permits and approvals obtained from regulatory agencies with permitting jurisdiction over the project:

- United States Army Corps of Engineers – USACE Permit, File No. 2015-00391S, dated January 6, 2020
- San Francisco Regional Water Quality Control Board – SF RWQCB Amended Clean Water Act Section 401 Water Quality Certification, CIWQS No. 851477, dated November 26, 2019
- San Francisco Bay Conservation and Development Commission - BCDC Permit, No. 2018.005.00.00, dated December 2, 2019
- National Oceanic and Atmospheric Administration - NOAA/NMFS ESA Concurrence Letter, File No. WCRO-2018-00327, dated August 28, 2019
- United States Fish and Wildlife Service - USFWS BO, O8FBDT00-2019-F-0036, dated October 2, 2019
- California Department of Fish & Wildlife - CDFW Executed Temporary Entry Permit, dated October 2, 2019
- State Lands Commission - SLC Lease Agreement, File Ref. PRC 9539.9, dated September 10, 2019

## PROJECT MODIFICATIONS

Since the 2017 Levee FEIR was certified, certain changes to the project construction restrictions and assumptions have occurred. These Project Modifications include:

- **Bay Trail Closure Plan** – The Bay Trail will now be closed in three phases (instead of the five phases assumed by the 2017 Levee FEIR). Ultimately, the entire length of the Bay Trail will be closed as early as the first quarter of 2021 pursuant to the contractor’s three-phase closure plan. This is inconsistent with the “restriction” stated in the Project Description on page 79 of the 2017 Levee FEIR: “Only select portions of the Bay Trail may be closed simultaneously and no two contiguous (adjacent) segments of the Bay Trail would be closed at one time, as directed by the City.” However, the BCDC, a regulatory agency with permitting jurisdiction over the project, modified this by approving a single phase Bay Trail closure plan in December 2019 as part of its issued permit that was approved following several public hearings. The BCDC approval relied on both the 2017 Levee FEIR and their own staff report analyzing conformance with the Bay Plan (which is a certified regulatory

document under CEQA). Per Section 21080.5(d) and Section 15251(h) of the CEQA Guidelines, their certified Bay Plan exempts the BCDC from the requirement to prepare an EIR on its actions and instead may rely on its staff report as the “functional equivalent” of an EIR under CEQA Guidelines Section 15252 in addition to the EIR. The BCDC staff report states that, “Given that the project can be phased only to the extent that existing access points line up with City approved haul routes for construction equipment access, completing the project in a single phase will be the shortest and most cost effective phasing alternative. A single closure will also be the safest and least disruptive to the community because it will set the detour routes for the term of the project.”

- **Modified Soil Sourcing and Hauling Assumptions** – To take advantage of available soil from construction sites closer to the project site, approximately 10-15 percent of the soil needed for the project is being sourced from a site near the San Mateo County Fairgrounds. This soil is being hauled to the project site in two 8- to 10-day periods in October and November of 2020. Additionally, based on a reduction in soil estimated to be needed for the project, the project is now expected to generate approximately 7,500 total 20-ton haul truck trips, which is nearly 40 percent less than what was analyzed under the 2017 Levee FEIR.
- **Shorebird Park Partial Closure** – In addition to the construction staging areas identified in the 2017 Levee FEIR, the contractor has also proposed to use a portion (approximately half) of Shorebird Park for stockpiling soil. This will likely result in a further decrease in the number of 10-ton truck trips necessary since the 20-ton trucks will deliver the soil directly to the final destination rather than rely on alternative staging locations, as was assumed in the 2017 Levee FEIR.
- **Saturday Construction Activities** – To achieve the project schedule, the contractor is requesting that staff be authorized to allow construction to occur on Saturdays between 9:00 a.m. to 4:00 p.m. under the following circumstances: (1) to make up for weather or other potential construction delays (unforeseen delays); (2) improve efficiencies for production work (i.e. concrete forming, site clean-up, and maintenance); and (3) perform corrective work as required from inspection or internal controls.

## CEQA ANALYSIS

Urban Planning Partners reviewed the Project Modifications and found that there: (1) are no substantial project changes, (2) are no substantial changes in the project circumstances, and (3) is no new information of substantial importance which could not have been known with the exercise of reasonable diligence when the 2017 Levee FEIR was certified and that would require major revisions of the certified 2017 Levee FEIR because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163, no further environmental review is required.

Each environmental topic assessed under CEQA and in the 2017 Levee FEIR was considered, including Aesthetics and Shade and Shadow; Air Quality; Biological Resources; Cultural Resources; Soils, Geology, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise and Vibration; Traffic and Transportation; and Recreation.

The Project Modifications will be required to comply with the 2017 Levee FEIR MMRP along with all the conditions adopted as a part of City Council Resolution 2018-28. As discussed below, there are no new impacts or more severe impacts not already identified and analyzed in the 2017 Levee FEIR that would result due to project changes, new information, or changed circumstances and therefore, no new or different mitigation measures would be required.

A summary of the assessment prepared for Recreation, Traffic and Transportation, and Noise and Vibration findings is provided below as these are the three topics determined to be affected by the Project Modifications.

## **RECREATION**

Recreation impacts of the project are described in *Section V.L.* of the 2017 Levee FEIR, and, as described below, would be similar to the Project Modifications. The 2017 Levee FEIR did not identify any project impacts related to substantial physical deterioration of parks or facilities, shortage of parks facilities for new residents, recreational facilities which might have an adverse impact of the environment, or existing recreational opportunities during operation of the project. The 2017 Levee FEIR identified one significant impact for existing recreational opportunities during construction of the project and identified Mitigation Measure REC-1 which mitigates the impact to less than significant by requiring implementation of Mitigation Measure TRANS-1. Mitigation Measure TRANS-1 includes a Bay Trail closure plan prepared by the project contractor and reviewed by the City of Foster City Public Works Department and/or the project team that includes recommended detour routes, appropriate signage and striping, and public outreach strategies, for each phase of construction. As noted below, the Project Modifications would continue to provide the Bay Trail detour routes recommended in the 2017 Levee FEIR for the entire length of the trail as well as partial access to Shorebird Park; therefore, the Project Modifications would not result in any new significant effects or any increase in the severity of a previously identified significant effect in the 2017 Levee FEIR.

### **Bay Trail Closure Plan**

The 2017 Levee FEIR assumed segments of the Bay Trail would be temporarily closed due to construction of the project. As described in *Chapter III, Project Description*, of the 2017 Levee FEIR, only select portions of the Bay Trail would be closed simultaneously, as directed by the City, to ensure no two contiguous (adjacent) segments of the Bay Trail would be closed at one time.

Despite this restriction, the 2017 Levee FEIR concluded that the Bay Trail closures would result in a significant recreation impact temporarily.

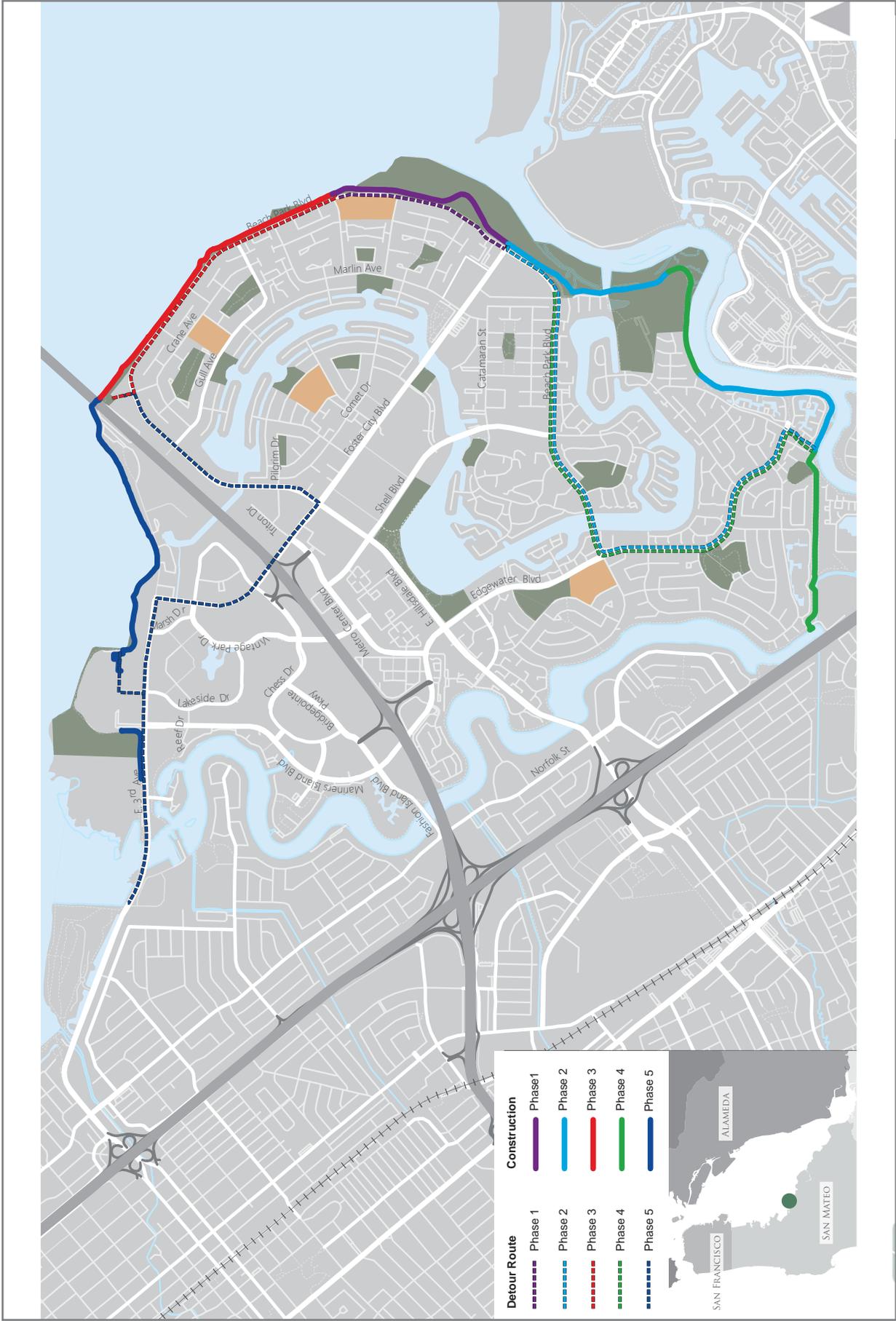
The contractor's Bay Trail closure plan (required by Mitigation Measure TRANS-1) requires closure of the Bay Trail in three phases with contiguous segments closed at one time: (1) closure of levee segments 5, 6, 7, and 8 starting October 29, 2020, (2) closure of segments 3 and 4 starting in the first quarter of 2021, and (3) closure of segments 1 and 2 beginning as early as the first quarter of 2021. Once closed, segments will not reopen through the completion of levee construction, resulting in a single closure of the Bay Trail as early as the first quarter of 2021 through project completion, as authorized by the BDCD permit. With implementation of Mitigation Measure REC-1 (which incorporates Mitigation Measure TRANS-1), recommended detour routes, appropriate signage and striping, and public outreach strategies, would be required for each phase of construction. The contractor's Bay Trail closure plan, which is required by Mitigation Measure TRANS-1, includes the same recommended detour routes shown in Figure V.K-5 in *Section V.K., Traffic and Transportation* of the 2017 Levee FEIR, (and shown in Figure 2 below).

Given that trail users will still have a safe detour route that complies with 2014 California Manual on Uniform Traffic Control Devices (MUTCD), the San Mateo County Resource Guide, the Bicycle Technical Guidelines, and Caltrans Standards and is temporary during project construction; the contractor's Bay Trail closure plan will not create any new impacts to existing recreational opportunities during construction, nor would it increase the severity of Impact REC-1 identified in the 2017 Levee FEIR.

Since March 2020, the nine county Bay Area has been under a shelter-in-place order due to the COVID-19 pandemic. As such, there are potentially more Foster City residents working from home and utilizing the Bay Trail for recreation. However, this change in circumstance does not trigger any new evaluation of the contractor's Bay Trail closure plan because, a single phase Bay Trail closure was approved by the BCDC and no further discretionary approval is required. Information, including any change in circumstance, appearing after an approval is final and does not require reopening of that approval under CEQA. However, even if this change in circumstances were considered in this CEQA analysis, it would not result in any new significant effects related to existing recreational opportunities during construction or increase the severity of Impact REC-1 identified in the 2017 Levee FEIR.

### **Shorebird Park Partial Closure**

The 2017 Levee FEIR did not anticipate any city parks along the project site would be closed during construction or operation of the project. However, to help create project efficiencies, the contractor is proposing to use approximately half of Shorebird Park for soil stockpiling. Shorebird Park is a 3.85-acre park on the east side of Beach Park Boulevard near its intersection with Halibut Street. Shorebird Park is a passive park meaning there are no structured recreational activities. It includes several covered and uncovered seating areas, a fitness court, and a restroom facility. The Project



Source: Fehr & Peers, 2016

Figure 2  
Foster City Levee Protection Planning and Improvements Project EIR  
Bay Trail Detour Routes

Modifications includes closing a linear portion of Shorebird Park currently covered in tanbark adjacent to Beach Park Boulevard. Seating areas, the fitness court, and Beach Park Trail would still be accessible to the public. Furthermore, the BCDC Permit allows for “intermittent and short-duration [park] closures to facilitate the delivery of equipment and materials to nearby work sites.” Since the Project Modifications still permits trail users to walk or bicycle through the park and/or use seating areas and the fitness court, the partial closure of Shorebird Park does not create any new impacts to existing recreational opportunities during construction, nor would it increase the severity of Impact REC-1 identified in the 2017 Levee FEIR.

Due to the COVID-19 pandemic and Bay Area shelter-in-place order, there are potentially more people working from home and utilizing city parks for recreation. However, even with the potential increase in park usage because of the pandemic, approximately half of Shorebird Park would remain open to trail users and this would be a temporary impact during construction. Therefore, this change in circumstances would not result in any new significant effects related to existing recreational opportunities during construction or increase the severity of Impact REC-1 identified in the 2017 Levee FEIR.

## **TRAFFIC AND TRANSPORTATION**

Traffic and transportation impacts of the project are described in *Section V.K.* of the 2017 Levee FEIR, and, as described below, would be similar to the Project Modifications. The 2017 Levee FEIR did not identify any significant project transportation impacts related to roadway segments, intersection operations, transit facilities, emergency vehicle access, or air traffic. The 2017 Levee FEIR identified a significant impact of the project on pedestrian and bicycle facilities and identifies a Mitigation Measure TRANS-1 which mitigates the impact to a less-than-significant level. As noted below, the Project Modifications would not change traffic volumes on the surrounding roadway network and therefore would not contribute to any cumulative impacts, as identified in the 2017 Levee FEIR.

The Project Modifications include the following changes that could potentially affect traffic and transportation:

- Bay Trail Closure Plan
- Modified Soil Sourcing and Hauling Assumptions

The Bay Trail closure plan would not change the types and/or locations of construction equipment that would be used for the project, or the numbers and/or locations of daily trips that would be generated by the project. It would potentially affect pedestrian and bicycle facilities, and is discussed below in the Pedestrian and Bicycle Facilities subsection.

The modified soil sourcing and hauling assumptions may affect the truck routing and numbers and/or locations of daily trips that would be generated by the project. It would potentially affect

roadway segment analysis, intersection operations, and VMT as discussed below under applicable subsections.

The partial closure of Shorebird park would not change the overall access assumptions or the number of daily trips that would be generated by the project. Therefore, this change would not affect traffic and transportation.

Construction on Saturdays is consistent with the City's ordinance and was previously included as part of the FEIR transportation assumptions (which assumed a 6-day work schedule) and therefore does not represent a change in impact determination related to traffic and transportation.

### **Existing Conditions**

The 2017 Levee FEIR existing conditions are based on roadway volumes, intersection operations, and observations from 2016 or earlier. Roadway segment volumes are from 2015, while intersection volumes are from 2014 and 2015. Roadway and intersection observations are from 2016.

### **Changes to the Existing Conditions**

The most recently available intersection traffic counts and operations analysis are from the New Hotel in the Metro Center General Development Plan Area Project EIR Transportation Impact Study. Intersection counts and field observations for this EIR were collected in May of 2019. At most overlapping study intersections between the two studies, operations were similar during the AM and PM peak hours with several intersections operating with lower vehicle delay in 2019 in the AM peak hour and several intersections operating with higher vehicle delay in the PM peak hour in 2019. However, as noted above and in the 2017 Levee FEIR, construction traffic is not expected to occur during the PM peak hour.

Since March 2020, the Bay Area has been under a shelter-in-place order due to the COVID-19 pandemic, which has altered traffic patterns and operations considerably. The office closures on the peninsula have substantially reduced the amount of traffic passing through Foster City each day. Generally, traffic conditions have been less congested under the shelter-in-place order compared to pre-COVID traffic levels, especially during the AM and PM peak hours. Given the uncertainty for when offices will reopen and the economy will return to 2019 levels, it is uncertain when traffic will return to pre-COVID levels. However, even if traffic returns to pre-COVID levels construction truck traffic would not be added to intersections that were operating near or over capacity at pre-COVID levels based on routing to the construction sites.

### **Impact Criteria**

The 2017 Levee FEIR analyzed the project's impact on six topic areas related to transportation: roadway segment analysis, intersection operations, pedestrian and bicycle facilities, transit facilities, emergency access, and air traffic. The 2017 Levee FEIR also looked at the project's contribution to cumulative impacts to the same six topics.

Since the 2017 Levee FEIR was certified, California Senate Bill 743 (SB 743) has gone into effect, which states that transportation impacts shall not be based on metrics derived from automobile delay, specifically level of service (LOS). California's Office of Planning and Research (OPR) has issued guidance that recommends the use of vehicle miles traveled (VMT) as the primary metric to evaluate environmental impacts to transportation. A brief discussion on the project's potential impact on VMT is provided below.

### **Roadway Segment Analysis**

Existing (2015) daily traffic volumes on key roadway segments in Foster City are summarized in Table V.K-1 of the 2017 Levee FEIR. Per the 2017 Levee FEIR, construction truck traffic would represent less than 1.6 percent of daily traffic volumes on any one roadway segment in Foster City, while the vast majority of roadway segments would experience less than a 0.5-percent increase due to construction trucks. Added truck trips are summarized in Table V.K-7 of the 2017 Levee FEIR, which shows the maximum number of daily truck trips added and the phase in which this maximum number of truck trips is observed. The modified soil sourcing and hauling assumptions are expected to result in 40-60 daily truck trips delivering 10-15 percent of the soil required for the project in two 8- to 10-day periods in October and November of 2020. The routes for trucks to the project site were also updated to reflect the additional soil source location in San Mateo. The 2017 Levee FEIR calculated daily truck trips by first spreading them over the duration of the construction period, not just the days that trips would actually be occurring, and then distributing them to individual roadway segments. As stated on page 37 of EIR Appendix F in the "Construction Trip Calculations Assumptions", "[t]rucks are evenly distributed across full construction period for each phase (i.e. we should not assume a higher number of trucks to represent peak construction periods as they will even out)." Accordingly, spreading out the concentrated truck trips arriving in the two 8- to 10-day periods so that they are evenly distributed over the 77-104 day construction period for levee segments 5-8 and then distributing trips to individual roadway segments in a manner consistent with what was done for the FEIR analysis, would result in 4 to 27 trips per day (in any one roadway segment) which is well within the estimated up to 48 trips per day for levee segments 5-8 as estimated by the 2017 Levee FEIR.

Therefore, the truck trips generated by the modified soil sourcing and hauling assumptions are not expected to represent a substantial increase to daily traffic volumes on key roadway segments compared to what was presented in the 2017 Levee FEIR.

Similar to the 2017 Levee FEIR, all the truck trips generated by the modified soil sourcing and hauling assumptions would be added to the roadway segments outside of the peak evening traffic period and would result in minor effects on the roadway network. In addition, the construction activities would be temporary and not a permanent addition to the roadway network. As previously mentioned, the Bay Area shelter-in-place order due to the COVID-19 pandemic has altered traffic patterns and operations considerably. Generally, traffic conditions on roadway segments have been

less congested under the shelter-in-place order compared to pre-COVID traffic levels, so truck trips would have less of an effect on roadway segments than was considered in the 2017 Levee FEIR.

The revised project conditions would not create any new impacts to roadway segments, nor would they create a more severe impact than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact to the roadway segments.

### **Intersection Operations**

Existing intersection operations are summarized in Table V.K-3 of the 2017 Levee FEIR. Some of the study intersections presented in Table V.K-3 operate at or near capacity under existing conditions, especially during the evening peak hour. As presented above, daily construction truck traffic would not represent a substantial increase compared to what was originally presented in the 2017 Levee FEIR. Construction worker trips are not expected to change from what was assumed in the 2017 Levee FEIR. During the morning peak period, construction truck traffic would not be added to intersections that operate near or over capacity (based on pre-COVID levels of congestion) based on routing to the construction sites. Further, construction traffic would still leave the construction area by 4:00 p.m. on weekdays based on the project's truck routing assumptions, as presented in the 2017 Levee FEIR.

Therefore, construction traffic is not expected to represent a substantial increase to peak hour vehicle delay or level of service at study intersections compared to what was presented in the 2017 Levee FEIR. As previously mentioned, the Bay Area shelter-in-place order due to the COVID-19 pandemic has altered traffic patterns and operations considerably. Generally, traffic conditions at intersections have been less congested under the shelter-in-place order compared to pre-COVID traffic levels, so truck trips would potentially have less of an effect on intersections than was considered in the 2017 Levee FEIR.

The revised project conditions would not create any new impacts to intersection operations, nor would it create a more severe impact than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact to intersection operations.

### **Pedestrian and Bicycle Facilities**

Upon completion, the project would not result in any increased pedestrian or bicycle activity nor would it alter pedestrian or bicycle paths through Foster City. However, during construction of the project, sections of the Bay Trail (Class I shared multi-use path) would be temporarily closed, as identified in the 2017 Levee FEIR. This was identified as a potentially significant impact in the 2017 Levee FEIR, and a mitigation measure was developed to reduce the impact to less than significant with mitigation. Mitigation Measure TRANS-1 requires detailed detour plans for alternate pedestrian/bicycle routes during the temporary Bay Trail closures. As stated in Mitigation Measure

TRANS-1, the final phasing plan is to be submitted by the contractor, and as stated on page 79 of the EIR the phasing assumed in the EIR is subject to change as “there are a number of other construction phasing plans that could achieve the restrictions and target schedule.” Under a scenario where the entire length of Bay Trail is closed simultaneously, the detour plans still apply and must provide an appropriate detour for the entire length of trail.

The revised project conditions would not create any new impacts to pedestrian and bicycle facilities, nor would it create a more severe impact than was identified in the 2017 Levee FEIR. With the implementation of Mitigation Measure TRANS-1, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact with mitigation to pedestrian and bicycle facilities.

### **Transit Facilities**

The project would continue to generate construction truck trips in the vicinity of existing transit services, as presented in the 2017 Levee FEIR. Changes to the project conditions would not result in a substantial contribution to additional transit trips and does not include features that would disrupt existing or planned transit routes or facilities.

The revised project conditions would not create any new impacts to transit facilities, nor would it create a more severe impact than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact to transit facilities.

### **Emergency Access**

As presented in the 2017 Levee FEIR and above, construction truck traffic would represent a very small percentage of daily traffic volumes on any one roadway segment in Foster City. The changes to project conditions do not include features that would alter emergency vehicle access routes or roadway facilities and fire, water and police vehicles would continue to have access to all facilities around the entire City.

The revised project conditions would not create any new impacts to emergency vehicle access, nor would it create a more severe impact than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact to emergency vehicle access.

### **Air Traffic**

The changes to project conditions are not anticipated to alter demand for commercial flights. Therefore, the project will not substantially increase flight operations. In addition, no buildings or features will be constructed that would interfere with flight operations at local airports.

The revised project conditions would not create any new impacts to air traffic, nor would it create a more severe impact than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact to air traffic.

### **Cumulative Conditions**

The 2017 Levee FEIR outlines the project's potential impacts under a cumulative scenario. Since the project is only a temporary construction project with no long-term changes to the transportation network or vehicle trips, the Project Modifications do not affect the long-term impacts of the project.

The revised project conditions would not contribute towards any new cumulative impacts, nor would it create more severe cumulative impacts than was identified in the 2017 Levee FEIR. Therefore, similar to the project analyzed in the 2017 Levee FEIR, the Project Modifications would have a less-than-significant impact under cumulative conditions.

### **Vehicle Miles Traveled**

Since the 2017 Levee FEIR was certified, California Senate Bill 743 (SB 743) has gone into effect, which states that transportation impacts shall not be based on metrics derived from automobile delay, specifically LOS. California's Office of Planning and Research (OPR) has issued guidance that recommends the use of vehicle miles traveled (VMT) as the primary metric to evaluate environmental impacts to transportation.

Projects such as the levee improvements project that do not have components that permanently increase VMT would be screened out and would be presumed to have no impact on VMT because they would not contribute to worsening Foster City's performance towards the State's greenhouse gas reduction goals. As this project only increases temporary construction-related truck trips, it would not cause a significant impact on VMT. Further, some soil has been identified for hauling from the site near the San Mateo County Fairgrounds rather than all soil being hauled from the Pilarcitos Quarry site. Because the San Mateo County Fairgrounds site is closer to Foster City than the Pilarcitos Quarry site, the total VMT generated by the project as revised would be less than the project as described in the 2017 Levee FEIR.

### **Summary of Impact Findings**

While the Project Modifications would now generate more trips per day during certain periods of each phase compared to what was originally assumed in the 2017 Levee FEIR, this would not result in new significant or more severe impacts compared to the project. As outlined above and summarized in Table 1 below, the Project Modifications would not result in any new or more severe impacts than were in the 2017 Levee FEIR.

**TABLE 1**                      **SUMMARY OF IMPACT FINDINGS**

<b>Impact Criteria</b>	<b>2017 Levee FEIR Finding</b>	<b>Mitigation Measure Identified</b>	<b>Project Modifications Finding</b>	<b>Mitigation Measure Required</b>
Roadway Segments	Less than Significant	--	No More Severe	--
Intersection Operations	Less than Significant	--	No More Severe	--
Pedestrian and Bicycle Facilities	Less than Significant with Mitigation	Mitigation Measure TRANS-1	No More Severe	Mitigation Measure TRANS-1
Transit Facilities	Less than Significant	--	No More Severe	--
Emergency Access	Less than Significant	--	No More Severe	--
Air Traffic	Less than Significant	--	No More Severe	--
Cumulative Conditions	Less than Significant	--	No Change	--
Vehicle Miles Traveled	--	--	No Impact	--

Source: Fehr & Peers, 2020.

## NOISE AND VIBRATION

Noise and vibration impacts of the project are described in *Section V.J.* of the 2017 Levee FEIR, and, as described below, would be similar to the Project Modifications. The 2017 Levee FEIR identified four significant impacts related to noise and vibration that would exceed thresholds of significance based on the CEQA Guidelines and applicable standards recognized by Foster City. As described below, noise and vibration impacts from the Project Modifications would be similar.

The project would: (1) generate noise from hauling trucks on area roadways and potentially disturb nearby receptors; (2) generate noise from hauling trucks along the levee and potentially disturb nearby receptors; (3) generate noise from construction equipment and expose nearby sensitive receptors to temporary noise levels that conflict with the City of Foster City Municipal Code regulations, and substantially increase noise levels for intermittent periods when certain construction activities occur (e.g., pile driving); and (4) expose nearby receptors to excessive vibration.

The 2017 Levee FEIR recommended mitigation measures to reduce the impacts, which include: (1) requirement of the development and implementation of a plan to minimize noise from hauling trucks (including requiring an adjustment of truck arrival and/or unloading times); (2) notification of nearby receptors regarding details of construction activity; (3) requirement of a Construction Noise Management Plan that contains site-specific noise attenuation measures; (4) designation of a noise disturbance coordinator to address potential noise complaints and correct the problem; (5)

limitation of construction hours; (6) use of equipment that is equipped with effective intake and exhaust mufflers; and (7) locating construction equipment as far away from nearby receptors as possible. The 2017 Levee FEIR determined that the impact related to noise from construction equipment would conservatively remain significant and unavoidable because the construction of the project could still generate noise levels that conflict with the Foster City Municipal Code regulations at the producer's property plane temporarily. However, the other three impacts were found to be reduced to a less-than-significant level in the 2017 Levee FEIR after implementation of mitigation measures.

The Project Modifications include the following changes that could potentially affect generation of noise and vibration:

- Modified Soil Sourcing and Hauling Assumptions
- Partial Closure of Shorebird Park
- Construction on Saturdays would be allowed between 9:00 a.m. to 4:00 p.m.

The Bay Trail closure plan would not change the types and/or locations of construction equipment that would be used for the project, or the numbers and/or locations of daily trips that would be generated by the project. Therefore, this change would not affect generation of noise and vibration.

### **Modified Soil Sourcing and Hauling Assumptions**

The 2017 Levee FEIR calculated daily trips by spreading them over the duration of the construction period, not just the days that trips would be occurring. As stated on page 37 of 2017 Levee FEIR Appendix F in the "Construction Trip Calculations Assumptions", "[t]rucks are evenly distributed across full construction period for each phase (i.e. we should not assume a higher number of trucks to represent peak construction periods as they will even out)." In addition, it is assumed that the construction duration for each segment of the levee for the Project Modifications is the same as what was analyzed in the 2017 Levee FEIR.

Based on these assumptions, Table 2 illustrates the daily 20-ton trucks trips that would be generated by the Project Modifications during construction of each segment of the project, compared to what was analyzed in the 2017 Levee FEIR.

As indicated in Table 2, the Project Modifications would result in 4 to 27 trips per day, which is within the estimated up to 48 trips per day that has been analyzed in the 2017 Levee FEIR.

The 2017 Levee FEIR concluded that the potential impact related to noise from hauling trucks on area roadways and disturbing nearby receptors would be reduced to a less-than-significant level after the implementation of Mitigation Measure NOISE-1, which requires the development and implementation of a plan to minimize noise from hauling trucks (including requiring an adjustment of truck arrival and/or unloading times).

**TABLE 2 PROJECT MODIFICATIONS TRIPS COMPARED TO 2017 LEEVE FEIR TRIPS**

2017 Levee FEIR									Range of trips/day
Phase	1	2	3	4	5				
Construction Segment	4	5	7	3	6	8	1	2	
Construction Duration (days)	183	104	104	207	77	77	78	260	
20-ton Truck Trips total	1898	462	32	4928	211	28	235	4458	
20-ton Truck Trips Per Day	21	9	1	48	5	1	6	34	1 to 48
Project Modifications									
Phase	1			2			3		
Construction Segment	5	6	7	8	3	4	1	2	
Construction Duration (days)	104	77	104	77	207	183	78	260	
20-ton Truck Trips total	1364			4908			1076		
20-ton Truck Trips Per Day	13	18	13	18	24	27	14	4	4 to 27

Source: 2017 Levee FEIR, Appendix F and Foster City Public Works Director, October 20, 2020.

Because the 2017 Levee FEIR has considered higher daily trips than what could be generated by the Project Modifications, they would not result in any new significant noise impact or a substantial increase or severity of a previously identified significant noise impact related to noise from hauling trucks. The potential impact would also be reduced to a less-than-significant level after the implementation of Mitigation Measure NOISE-1.

### Shorebird Park Partial Closure for Construction Staging

A portion of Shorebird Park would be closed for construction staging, which could result in construction noise that could affect sensitive receptors. Due to the COVID-19 pandemic and Bay Area shelter-in-place order, there are potentially more people working from home and therefore more people that could be disturbed in their homes from activities associated with staging and noise from truck trips. The 2017 Levee FEIR analyzed potential noise and vibration impacts on nearest sensitive receptors associated with the operation of the construction equipment on the project site and in the staging areas. The 2017 Levee FEIR identified the nearest sensitive uses as close as 5 feet from the project site and the staging areas. The nearest sensitive receptor to

Shorebird Park is about 90 feet, which is farther than the closest distance analyzed in the 2017 Levee FEIR. Since the types of construction equipment that would be used for the Project Modifications would be similar to those analyzed in the 2017 Levee FEIR, no new impact that has not already been analyzed would occur related to noise and/or vibration from activities associated with staging. In addition, as discussed under Modified Soil Sourcing and Hauling Assumptions, because the 2017 Levee FEIR has considered higher daily trips than what could be generated by the Project Modifications, they would not result in any new significant noise impact or a substantial increase in severity of a previously identified significant noise impact related to noise from hauling trucks.

### **Saturday Construction Activities**

The change of construction hours (i.e., allowing Saturday construction activities) could result in construction noise that could affect sensitive receptors. Potential construction noise impacts were analyzed in the 2017 Levee FEIR. Mitigation Measure NOISE-3d restricts the construction activities to the hours of 8:00 a.m. to 5:00 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. The 2017 Levee FEIR found that the potential noise impact to be significant and unavoidable impact, even after implementation of all mitigation measures.

To achieve the project schedule, the contractor is requesting that staff be authorized to allow construction on Saturdays between 9:00 a.m. to 4:00 p.m. As described in the 2017 Levee FEIR, allowing Saturday construction activities is consistent with the time limit in the city ordinance (see Noise Section 17.68.030 of the Municipal Code). The ordinance allows construction 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. Therefore, since the 2017 Levee FEIR (Mitigation Measure NOISE-3d) allows the City to modify the schedule, and the Project Modifications is consistent with the noise ordinance, it would not result in any new or more significant impacts than what was analyzed in 2017 Levee FEIR.

### **CONCLUSION**

For the reasons set forth above, the Project Modifications do not require preparation of a subsequent or supplemental EIR under CEQA Section 21166 or CEQA Guidelines Sections 15162 and 15163. Specifically, there are no substantial changes proposed in the Project Modifications nor changes in circumstances under which the Project Modifications will be undertaken, and there is no other relevant new information of substantial importance which will require any major revisions to the 2017 Levee FEIR. Therefore, no further environmental review is required and in considering approval of the Project Modifications, the City should rely on the previously certified 2017 Levee FEIR.