



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

August 31, 2015

Curtis Banks  
Community Development Director  
City of Foster City  
610 Foster City Blvd.  
Foster City, CA 94404

Subject: Foster City General Plan Update and Climate Action Plan  
Draft Environmental Impact Report (DEIR)

Dear Mr. Banks,

Bay Area Air Quality Management District (Air District) staff has reviewed the City of Foster City's (City) Draft Environmental Impact Report (DEIR) prepared for updates to the Land Use and Circulation Element of the General Plan, an amendment to the Land Use Map (Project) and the City's Climate Action Plan (CAP). Air District staff understands that the City intends to use the Project and the CAP as a tiering and streamlining document as allowed under Section 15183.5 of the CEQA Guidelines. Below, please find comments on both the DEIR and the CAP.

**Comments on the CAP**

Air District staff commends the City for making progress toward reaching its goal of reducing greenhouse gas (GHG) emissions 15% from 2005 levels by 2020. Meeting the City's 2020 target will demonstrate consistency with the initial AB 32 Scoping Plan, as well as support progress toward the State's and the Air District's climate stabilization goal of an 80% GHG reduction below 1990 levels by 2050 (Executive Order S-3-05, Air District Resolution 2013-11). We also commend the City for identifying a GHG reduction target past 2020, and for considering a 2050 target. However, the City's proposed 2025 target to reduce GHG emissions 20% below 2005 levels will not put the City on the trajectory toward the State's 2030 and 2050 goals, and is therefore not consistent with the climate stabilization targets of the State or the Air District. The Air District recommends that the City consider GHG reduction goals/targets that are at least consistent with the State's and Air District's 2050 goals (80% below 1990 levels, not 2005 levels), as well as the State's recent 2030 goal (Executive Order B-30-15, reduce GHG emissions 40% below 1990 levels). Air District staff believes that identifying post-2020 targets that will put the City on the trajectory to meet the State/Air District goals is important for long-term planning and climate stabilization, and also in making the CAP more defensible for tiering and streamlining purposes. We also recommend that the CAP demonstrate how it supports State-level GHG reduction strategies, and that it will not impede the State's progress toward meeting state-level GHG reduction targets.

*GHG Reduction Measures*

The CAP includes a mix of voluntary and mandatory measures to reduce GHG emissions. Air District staff applauds the City for including a commitment to adopt a number of ordinances and polices that (if fully implemented) will reduce GHG emissions. However, the CAP does not include any mandatory measures to reduce energy use from existing (non-municipal) buildings. Because the General Plan anticipates very little population

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growth and associated new development, Air District staff encourages the City to focus on increasing energy efficiency to reduce GHG emissions associated with the existing building stock. This approach would be consistent with the Governor's recently stated goal to achieve 50% greater efficiency in existing buildings by 2030 (proposed in SB 350). Reaching this statewide goal will require considerable cooperation from local government agencies. The CAP does not currently have any mandatory GHG reduction measures to address the existing building stock. Therefore, Air District staff strongly encourages the City to include a mandatory policy(s) that will increase the energy efficiency of existing buildings, and therefore achieve GHG reductions from this sector. The following list of policies has been implemented in other cities throughout the region. Examples include:

- Building energy saving ordinance (BESO) that requires all buildings to complete building-specific energy assessments, as well as publicly report building's energy and water efficiency, prior to selling a building or based upon a phase-in schedule.
- Residential / commercial energy conservation ordinance (RECO/CECO) that requires all buildings to implement specific measures to reduce energy and water use. Triggers for compliance could include (but are not limited to): time of sale of the property, a significant remodel or addition, or a specific date by which all subject buildings must comply.

Staff also recommends modifying the language in measures TL4 (Encourage a preferred parking/electric plug-in policy for alternative fuel vehicles), and EC7 (Encourage solar panel installation), from "encourage" to "require".

#### *GHG Inventory*

The GHG inventory in the CAP does not include any emissions from the industrial sector. However, Air District staff identified a number of small scale GHG-emitting stationary sources that are permitted by the Air District within the City's boundaries. Staff recommends that the City include these sources of GHG emissions in its inventory, and identify any potential measures to reduce emissions from such sources in the CAP. Air District staff is happy to assist City staff in identifying these sources, quantifying their GHG emissions for inclusion in the City's GHG inventory and developing potential GHG reduction strategies.

#### *Implementation and Monitoring*

Staff understands that the City considers the CAP "tied" to all new development in the City, and will ensure that future zoning code updates, specific plans, and development projects are consistent with the CAP. Staff applauds the City's commitment to designate a staff person to conduct annual monitoring and reporting on implementation of CAP measures and overall progress toward the CAP reduction targets. As the year 2020 approaches, it is likely that the State will mandate reduction targets for years beyond 2020 (for example, the proposed legislation SB 32). Staff recommends including a discussion in the CAP regarding when and how it will be updated as ARB adopts a new scoping plan and as new GHG reduction targets and strategies are identified by the State.

#### **Comments on the DEIR**

##### *Criteria Pollutants and Toxic Air Contaminants*

The DEIR has identified potentially significant impacts associated with construction activity and proposes a list of Standard Conditions of Approval (SCA) for construction projects to reduce potential impacts below the significant level. The DEIR states that the SCA are only applied to "large new or redevelopment projects." Therefore it is unclear if the SCA will actually reduce potential impacts below

the significance level from all projects. There are a number of variables associated with a construction project that will determine the potential for significant health impacts in close proximity to the construction site. These include the distance to sensitive receptors, the number of pieces of diesel equipment working simultaneously, the age of the diesel equipment, any aftermarket emission controls on the diesel equipment, and the length of the construction period. Air District staff recommends that the City define what is considered a "large" project and include the additional Air District recommended SCA to ensure that all projects do not result in significant health impacts to nearby sensitive receptors.

- Limit the idling time of diesel powered construction equipment and diesel delivery trucks to two minutes.
- Require that all off-road and on-road equipment used for construction projects be no older than eight years at the time the building permit is issued.
- Prohibit the use of portable diesel engines at construction sites. Where access to grid power is available, grid power electricity should be used. If grid power is not available, propane and natural gas generators may be used.

#### *Greenhouse Gases (GHG)*

The DEIR states on Page 3.5-27 that the proposed Project will have a significant impact related to GHGs and climate change if it will "conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases." The DEIR concludes that the Project has a less-than-significant impact under this criterion because the CAP has set an emissions reduction target of 15% below 2005 levels by 2020. Air District staff encourages the City to also analyze the CAP's consistency with the State's 2030 (EO B-30-15) and 2050 (EO S-3-05) targets.

Air District staff is available to assist the City in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Planner, at (415) 749-5169 or [akirk@baaqmd.gov](mailto:akirk@baaqmd.gov).

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc: BAAQMD Chair Carole Groom  
BAAQMD Director David J. Canepa