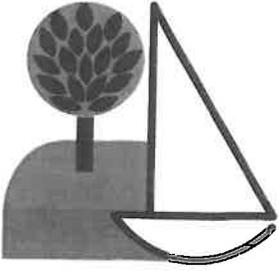


APPENDIX A

Notice of Preparation and Written Comments
Received



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

NOTICE OF PREPARATION (NOP)

TO: State Clearinghouse (via Certified Mail)
Affected Agencies (via Certified Mail)
Interested Organizations and Persons (via US Mail)

FROM: City of Foster City

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

LEAD AGENCY: City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
(650) 286-3232

CONTACT: Marlene Subhashini,
Senior Planner
msubhashini@fostercity.org
(650) 286-3244

Notice is hereby given that the City of Foster City will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project described below. We are requesting comments on the scope and content of this EIR. The City will use the EIR prepared for this project when considering approval of the project. A description of the proposed project, its location, and the probable environmental effects are provided in the attached materials. Please provide comments on the scope of this EIR to Marlene Subhashini, Senior Planner, by February 4, 2016, at the address shown above.

Further notice is hereby given that, pursuant to Section 15082 of the CEQA Guidelines, a Public Scoping Session will be held to accept comments from Responsible and Affected Agencies, and the public about the scope of the EIR on **February 4, 2016 at 7:00 pm, in the City Council Chambers at 620 Foster City Boulevard.**

Project Title: Foster City Levee Protection Planning and Improvements Project (CIP 301-657)

Project Applicant: City of Foster City

Project Location:

The Levee Protection Planning and Improvements Project (CIP 301-657) is entirely within the City of Foster City (City) levee corridor from the San Mateo City Limit to the San Mateo/Belmont City Limit. The project site includes approximately 43,000 feet (8 miles) of levees that surround Foster City along the Bayfront as shown in the attached Project Location Map.

Project Description:

The Levee Protection Planning and Improvements Project (CIP 301-657) (hereafter referred to as "the project") is entirely within the City of Foster City (City) levee corridor from the San Mateo City Limit to the San Mateo/Belmont City Limit. The San Francisco Bay side of the City levee system is fully tidal open water,

slough channels, wetlands, and mud flats. Land uses on the landward side of the levee system consist of streets, residential and commercial areas, landscaped open space and recreational areas, unimproved lots, muted tidal wetlands and seasonal wetlands. Approximately 9,000 properties in Foster City are protected from the one-percent annual chance of flooding by the levee system that was primarily designed for flood protection. An additional 8,000 properties in the City of San Mateo are also protected by the Foster City levee system. Conversely, properties in Foster City are protected from the one-percent flood by San Mateo's levee and floodwall systems south of San Mateo Creek.

Improvements to the current Foster City levee system to protect properties interior of the levee from flooding resulting from levee overtopping either from high tides (stillwater or storm surges) and / or wave runup were initially authorized by the US Army Corps of Engineers (Corps) Section 404 Clean Water Act Regulatory Program on February 20, 1976 (Permit No. 9318-49). The levee has been subsequently improved over time in order to maintain Federal Emergency Management Agency (FEMA) levee accreditation. Updated FEMA flood hazard information was provided to the City in 2014 and codified in the FEMA preliminary Flood Insurance Rate Mapping released on August 13, 2015. Current FEMA guidelines require the current levee height along the City's levee system to be raised to protect the City from flooding associated with levee overtopping from extreme high tides or storm surges.

The purpose of the project is to provide flood protection in accordance with updated FEMA guidelines and regain FEMA accreditation for its existing levee system. In addition, the improved levee system will be designed to adapt to future sea level rise while maintaining public access along the levee system and protections for sensitive habitat and species.

If FEMA accreditation is not achieved, approximately 17,000 individual properties within Foster City and San Mateo shall be placed in a high-risk Special Flood Hazard Area by FEMA, due to the risks associated with levee overtopping from high tides (stillwater or storm surges) and / or wave runup.

Based on currently available data, preliminary evaluations, and City Council direction, the environmental analysis for the project focuses on using a combination of the (1) earthen levee improvement type and (2) sheet pile floodwall improvement type. The hybrid approach (combination of improvement type 1 and 2) would provide the most flexibility to meet current FEMA standards and obtain FEMA accreditation and would also achieve the following: (a) maintain public access; (b) avoid impacts to sensitive habitats such as jurisdictional waters of the US and State (including wetlands) within San Francisco Bay; (c) minimize impacts to sensitive habitats such as jurisdictional waters of the US and State on the landward side of the existing levee; and (d) avoid direct impacts to fully tidal waters and wetlands occupied by special status species such as federal- and state-listed species. A description of both improvement types is provided below.

Improvement Type 1: Earthen Levee. The earthen levee schematic is shown in Figure 1. The top of the existing levee would be stripped and conditioned to accept new fill, which is shown in green shading. The base of the improved earthen levee would be sufficient to support additional fill (shown dashed) that may be placed in future years to restore levee elevations lost to long-term settlement or to provide protection against future sea level rise. Sufficient space for an expansion of the base of the levee must be available, making this option infeasible in some sub-reaches. Long-term settlement is given, so additional fill will need to be added to account for this. It is anticipated that lightweight fill could be used to minimize settlement. If seepage is an issue in the levee section (particularly for light weight fill), a sheet pile barrier will need to be installed. Earthen levees are the best alternative for maintaining views along the trail, providing public access to the shoreline, providing unobstructed access corridors for wildlife to adjacent areas on the landward side of the levee during flood events.

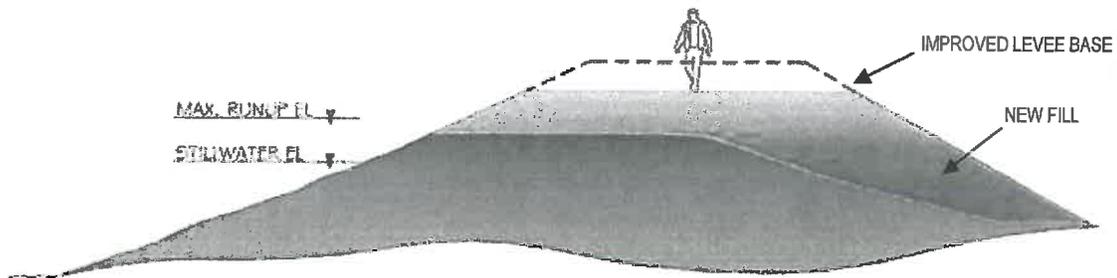


Figure 1. Typical Earthen Levee Improvement

Improvement Type 2: Sheet Pile Floodwalls. Floodwall sections are advantageous where there is not enough right-of-way to accommodate increased elevations for an earthen levee. During construction of a structural floodwall, levee excavation is required for the wall foundation. This would compromise the level of flood protection provided during construction, so a temporary sheet pile on the water side would be necessary. Rather than install and pull the sheet pile after conventional flood wall construction, this improvement type uses sheet pile floodwall sections as the permanent flood protection facility, particularly where there is not enough right-of-way for an earthen levee. The sheet piles need to be driven sufficiently deep to provide an adequate resistance against overtopping and sliding from the tide and wave loads, as well as seepage protection. The trail could then be raised with additional fill in locations where the finished floodwall elevation is higher than 3.5 feet above the trail. The Sheet Pile Floodwall schematic is shown in Figure 2 below.

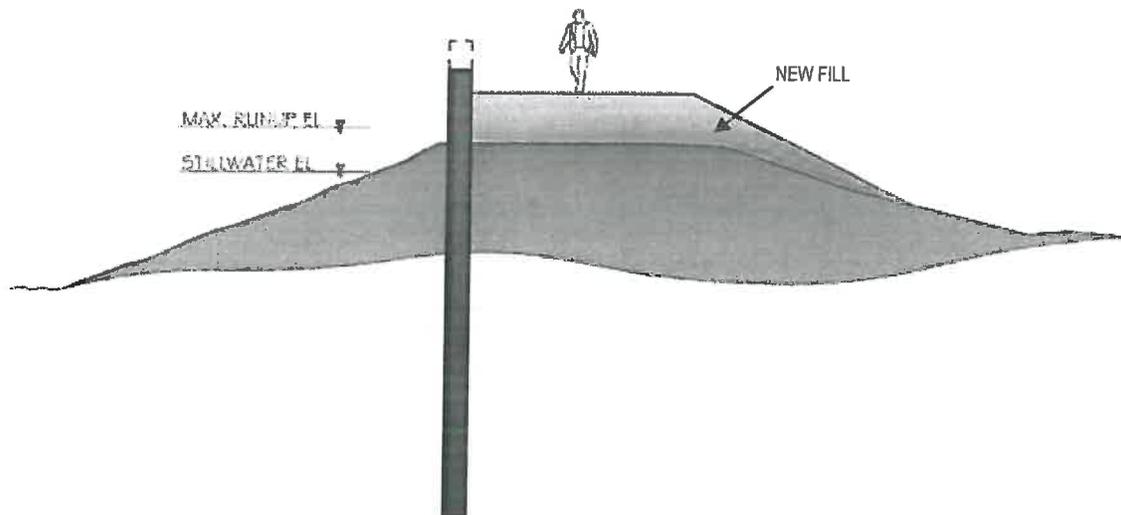


Figure 2. Typical Sheet Pile Floodwall Improvement

Requested Approvals:

The current General Plan designation for the site is Open Space and Water Commercial. The project will require the following discretionary approvals:

- An Environmental Assessment in accordance with the California Environmental Quality Act to analyze the impacts of the project.

Probable Environment Effects:

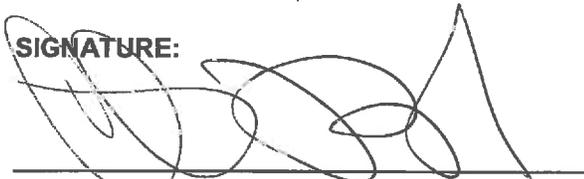
The EIR for this project is anticipated to examine the following probable environmental effects of the project:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Public Services
- Traffic and Transportation
- Public Services, Utilities and Recreation

Topics that are not anticipated to be significant and, after review, may be excluded from a detailed analysis in the EIR include: Agriculture and Forest Resources; Cultural Resources, Mineral Resources, and Population and Housing.

The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on further study, responses to this NOP and/or refinements to the project that may occur subsequent to the publication of this NOP. In addition, the EIR will include an analysis of the project's consistency with relevant City and regional planning policies, as well as potential alternatives to the proposed project.

DATE: 1-5-16

SIGNATURE: 

Curtis Banks, Community Development Director

Attachments:

Figure 3 – Project Location Map

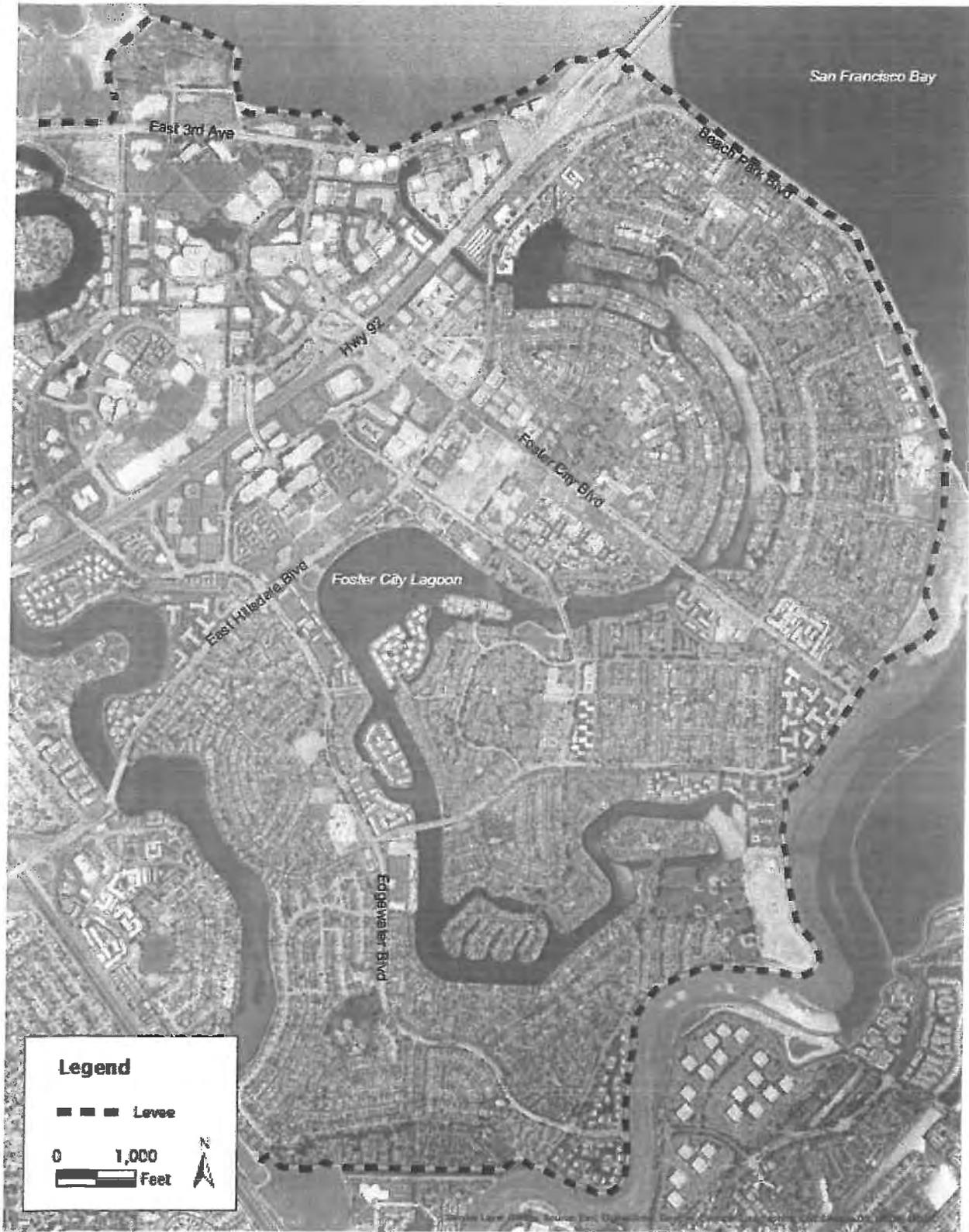


Figure 3. Project Location Map
Source: Urban Planning Partners

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

<http://www.dot.ca.gov/dist4/>**FOSTER CITY
RECEIVED****JAN 22 2016****PLANNING/
CODE ENFORCEMENT***Serious Drought.
Help save water!*

January 19, 2016

SM092160
SCH# 2016012012Ms. Marlene Subhashini
City of Foster City
610 Foster City Boulevard
Foster City, Ca 94404

Dear Ms. Subhashini:

Levee Protection Planning and Improvement Project – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. The following comments are based on the Notice of Preparation. We provide these comments to promote the state's smart mobility goals that support a vibrant economy, build active and livable communities, and responsibly manage California's transportation-related assets.

Project Understanding

The project is located entirely within the City of Foster City's (City) levee corridor from the San Mateo city limit to the San Mateo/Belmont city limit. The project site includes approximately 8 miles of levees that surround the City along the San Francisco bay front. A section of this project runs under the west end of the San Mateo Bridge/State Route (SR) 92.

The purpose of the project is to provide flood protection in accordance with updated Federal Emergency Management Agency (FEMA) guidelines and regain FEMA accreditation for the existing levee system. The improved levee system will be designed to adapt to future sea level rise while maintaining public access along the levee system and protections for sensitive habitat and species.

Lead Agency

As the lead agency, the City is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Required roadway improvements should be completed prior to the issuance of the Certificate of Completion. This information should also be presented in the Mitigation Monitoring Reporting Plan of the environmental document. Since an encroachment permit is required for work in the state right-of-way (ROW), and Caltrans will not issue a permit

Ms. Marlene Subhashini/City of Foster City
January 19, 2016
Page 2

until our concerns are adequately addressed, we strongly recommend the City work with us to ensure that our concerns are resolved during the environmental process and any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Impact Study

The environmental document should include an analysis of the travel demand expected from the proposed project including construction traffic. Early collaboration, such as submitting the traffic impact study (TIS) prior to the environmental document, leads to better outcomes for all stakeholders. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is available at the following link:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

In addition to the methodology referenced above, please analyze impacts on pedestrians and bicyclists resulting from projected vehicle miles traveled (VMT) increases. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures needed to maintain and improve access to transit facilities and reduce vehicle trips.

Mitigation for any roadway section or intersection with increasing VMT needs to be identified. Mitigation may include contributions to fee programs as applicable, and should support the use of transit and active transportation mode.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on state roadways, such as SR 92 requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the following address: Transportation Permits Office, 1823 – 14th Street, Sacramento, CA 95811-7119. See the following web link for more information: <http://www/hq/traffops/permits/>.

Transportation Management Plan

If traffic restrictions and detours are needed on or affecting the state highway system, a Transportation Management Plan (TMP) or construction TIS may be required and approved by Caltrans prior to construction. TMPs must be prepared in accordance with *California Manual on Uniform Traffic Control Devices* (CA-MUTCD). Further information is available for download at the following web address:

<http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

Ms. Marlene Subhashini/City of Foster City
January 19, 2016
Page 3

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office Traffic Management Plans at (510) 286-4579.

Encroachment Permit

Work that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to Mr. David Salladay, Office of Permits, California Department of Transportation, District 4, P.O. 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

As soon as they are available, please forward at least one hard copy and one CD of the environmental document and technical appendices. Please feel free to call or email Sandra Finegan at (510) 622-1644 or sandra.finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,



for PATRICIA MAURICE
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse



**Pacific Gas and
Electric Company**

Brandon Liddell
SENIOR LAND PLANNER
LAND & ENVIRONMENTAL MANAGEMENT

245 MARKET STREET
SAN FRANCISCO, CA 94109

MAILING ADDRESS:
MAIL CODE N10A
PO BOX 770000
SAN FRANCISCO, CA 94177

February 1, 2016

Ms. Marlene Subhashini, Senior Planner
City of Foster City
610 Foster City Boulevard
Foster City, California 94404

**FOSTER CITY
RECEIVED
FEB 08 2016
PLANNING/
CODE ENFORCEMENT**

RE: Levee Protection Planning and Improvement Project- Comment Letter on Notice of Preparation for Environmental Impact Report

Dear Ms. Subhashini:

Thank you for the opportunity to comment on your Notice of Preparation (NOP) for the environmental impact report (EIR) regarding the Levee Protection Planning and Improvements Project- CIP 301-657 (Project).

Pacific Gas and Electric Company (PG&E) has several assets that may be affected as part of the proposed Project. Our potential affected facilities include electric distribution and transmission line poles, towers and conductors; and underground natural gas distribution and transmission lines. Some specific examples within the Project study area that could be affected include but are not limited to: relocation of towers, rebuilding of boardwalks, raising towers to accommodate electric clearance requirements, or relocation of gas lines to accommodate depth of cover.

PG&E respectfully requests that the project description of our modified facilities and their associated environmental impacts as a result of the proposed Project are included in the EIR. PG&E also requests the project descriptions of our modified facilities are included in any necessary state and federal resource permit applications acquired by the City of Foster City (City).

PG&E will assign a liaison to the City to provide our input as Project description details emerge throughout the EIR process. We look forward to working with the City on your efforts. Please do not hesitate to contact me at (415) 973-4893 or BXLG@pge.com in the interim if you have any immediate questions or request for further input.

Brandon Liddell
Senior Land Planner

cc:

Craig Geldard, PG&E Manager- Environmental Planning and Permitting
Kathy Lavezzo, PG&E Senior Account Executive
Scott Hart, PG&E Governmental Relations Representative

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

February 4, 2016

Marlene Subhashini
City of Foster City
610 Foster City Blvd.
Foster City, CA 94404

Via email: msubhashini@fostercity.org

SUBJECT: BCDC Inquiry File No. SM.FC.6704.1; Comments on the Notice of Preparation (NOP) for the Foster City Levee Protection Planning and Improvement Project (CIP 301-657) draft Environmental Impact Report (EIR), State Clearinghouse Number 2016012012.

Dear Ms. Subhashini:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Foster City (City) Levee Protection Planning and Improvement Project (Project) (CIP 301-657) draft Environmental Impact Report (EIR), State Clearinghouse Number 2014102082, distributed on January 7, 2016 and received in our office on January 8, 2016. The San Francisco Bay Conservation and Development Commission (BCDC or Commission) has not reviewed the NOP, but the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan) as amended through May 2012, the McAteer-Petris Act, and staff review of the NOP. When evaluating projects, BCDC considers all applicable policies. The goal of this letter is to highlight some of the Commission's laws and policies that are relevant to the Project. Upon review of your permit application once submitted, our staff may raise additional relevant policies.

Jurisdiction. The Commission has jurisdiction over San Francisco Bay up to the shoreline, which is located at mean high tide, or in marsh areas, at the line five feet above mean sea level; a shoreline band extending upland 100 feet and parallel to the shoreline. The Commission also has land use jurisdiction within the shoreline band in those areas designated for priority uses in the Bay Plan. Based on the information provided in the NOP, the Project site is located within the Commission's jurisdiction, specifically within the shoreline band, waterfront park and wildlife refuge priority use areas in Plan Map 6. The Commission's Bay jurisdiction extends along Belmont Slough, with adjoining shoreline band jurisdiction. If the shoreline of the Slough includes vegetated tidal marsh, BCDC's Bay jurisdictional limit is located at the line five feet above mean sea level or the upland extent of marsh vegetation.



Marlene Subhashini

February 4, 2016

Page 2

Since the Project lies within the Commission's jurisdiction, a permit from the Commission will be required. Permits are issued if the Commission finds the Project activities to be consistent with the McAteer-Petris Act, and the policies and findings of the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

Projects approved by BCDC must also be consistent with the Bay Plan. The Bay Plan includes priority land use designations to ensure that sufficient lands around the Bay shoreline are reserved for important water-oriented uses such as ports, airports, water-related industry, parks, and wildlife areas. The Bay Plan also includes policies that address protecting the Bay as a resource, and provide for the wise use and development of the Bay and its shoreline. Located in the vicinity of the project are the Redwood Shores Ecological Reserve, a waterfront park and the Bair Island Ecological Reserve, a wildlife refuge, as designated in the San Francisco Bay Plan.

Recreation Policies and Waterfront Priority Use Areas. Within the waterfront park and wildlife refuge priority use areas designated in the San Francisco Bay Plan are provisions for public access, protection of harbor seals and shellfish beds offshore, and the enhancement and restoration of habitat.

Also, as stated in the Bay Plan recreation findings, "waterfront parks can serve as important gateways to wildlife refuges, wildlife areas and ecological reserves..." Further, Bay Plan policies on recreation state, in part that, "to enhance the appearance of shoreline areas, and to permit maximum public use of the shore and waters of the Bay, flood control projects should be carefully designed and landscaped..."

In the permit application, the City should discuss the relevant Bay Plan recreation and plan map policies and how the proposed Project will be consistent with these policy requirements.

Fish, Other Aquatic Organisms and Wildlife. Bay Plan policies state, in part that, "specific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered...or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes." Furthermore, the Commission should "not authorize projects that would result in the "taking" of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal endangered species acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under the California Endangered Species Act, unless the project applicant has obtained the appropriate "take" authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Game."

The NOP states that the EIR is anticipated to examine probable environmental effects on biological resources. The City should work with the relevant resource agencies to ensure Project activities sufficiently reduce impacts to fish, other aquatic organisms and wildlife. Per Bay Plan policies, the appropriate "take" authorization will be required before the Commission can issue a permit. In the permit application, the City should discuss the relevant Bay Plan policies protective of biological resources and how the proposed Project will be consistent with these policy requirements.

Water Quality and Subtidal Areas. As stated in the Bay Plan findings, "the subtidal areas of the Bay encompass the land and water below mean low tide and are intricately tied to tidal flats and tidal marshes." The Bay Plan policies on subtidal areas state, in part, that:

"Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use; and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits." Moreover, Bay Plan policies on water quality state, in part, that "water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan, San Francisco Basin* and should be protected from all harmful or potentially harmful pollutants."

The City states that the EIR is anticipated to examine probable environmental effects on hydrology and water quality. The City should work with the Regional Water Quality Control Board and other relevant resource agencies to protect against impacts to the Slough, surrounding wetlands, mudflats, and subtidal communities.

Public Access and Appearance, Design, and Scenic Views. Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate." The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part, that: "Public access to some natural areas should be provided to permit study and enjoyment of these areas...Public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding. Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed...Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat." Additionally, the Bay Plan policies on Appearance, Design, and Scenic Views state, in part, that: "Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas..."

Marlene Subhashini

February 4, 2016

Page 4

In the permit application, the City should discuss how the Project will maintain the Bay Trail, public access, and views of the Bay. If the City determines a sheet pile barrier is necessary, the City should explain how the project will provide public access that is consistent with the Commission's Bay Plan policies.

Climate Change, Shoreline Protection and Safety of Fills. This project should consider the effects of projected sea level rise and flooding from storms and be integrated with adjacent shoreline protection in order to be consistent with San Francisco Bay Plan policies on Climate Change, Shoreline Protection, and Safety of Fills. Sea level risk assessments are required when planning shoreline areas or designing larger shoreline projects. The Bay Plan policies on Climate Change state, in part, that: "all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century." Whenever feasible, projects must integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem, e.g., by including marsh or upland vegetation in the design.

The Bay Plan policies on Safety of Fills state, in part, "rights-of-way for levees or other structures protecting inland areas from tidal flooding should be sufficiently wide on the upland side to allow for future levee widening to support additional levee height so that no fill for levee widening is placed in the Bay."

Thank you for your consideration of these comments. If you have any questions regarding this letter, please do not hesitate to contact me at (415) 352-3631 or via email miriam.torres@bcdca.gov.

Sincerely,



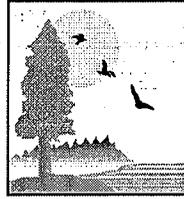
MIRIAM TORRES
Coastal Planner

MT/gg

cc: State Clearinghouse

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890
Contact FAX: (916) 574-1885

February 4, 2016

File Ref: SCH # 2016012012

Marlene Subhashini
City of Foster City
610 Foster City Blvd.
Foster City, CA 94404

**Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR)
for the Foster City Levee Protection Planning and Improvements
Project, San Mateo County**

Dear Ms. Subhashini:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the Foster City Levee Protection Planning and Improvements Project (Project), which is being prepared by the city of Foster City (City). The City, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency. CSLC staff requests that the City consult with us on the preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of

all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After reviewing the information contained in the NOP, CSLC staff has concluded that portions of the Project will extend onto State-owned sovereign lands. The CSLC has several existing leases that include portions of the existing levee and public access way improvements thereon. The existing leases include:

- Lease PRC 8902.9 with the city of Foster City for a portion of a levee and public recreational asphalt pedway.
- Lease PRC 7593.9 with the Foster City Estero Municipal Irrigation District for levee improvements and a recreational pathway system.

CSLC staff is conducting additional research to determine if there are portions of the Foster City levee system outside of the existing lease areas that extend onto State-owned sovereign land, and whether lease amendments will be required. Based on the extent of the Project, CSLC staff will need additional time to make such a determination. As additional information and Project specifics become available, please submit information to Nick Lavoie, Public Land Manager (see contact information below).

Project Description

The City is proposing improvements to the current Foster City levee system to protect properties landward of the levee from flooding, by strengthening and elevating the height of the levee system as illustrated in Figures 1, 2, and 3. These improvements are intended to help safeguard the existing levee system from overtopping from high tides and/or wave run-up. Additionally, these improvements would help the City regain Federal Emergency Management Agency (FEMA) accreditation for its existing levee system. The Project is intended to meet the City's objectives and needs as follows:

- Help defend existing land uses on the landward side of the levee system from current and future flood hazards and sea level rise;
- Meet current FEMA standards and obtain FEMA accreditation;
- Maintain public access;
- Avoid impacts to sensitive habitats such as jurisdictional waters of the United States (U.S.) and State (including wetlands) within San Francisco Bay;
- Minimize impacts to sensitive habitats such as jurisdictional waters of the U.S. and State on the landward side of the existing levee; and
- Avoid direct impacts to tidal waters and wetlands occupied by special-status species such as federal and State listed species.

Based on currently available data, preliminary evaluations, and City Council direction as explained in the NOP and Foster City Levee Protection Planning Study (updated July 2015), CSLC staff understands that the Project would include the following components:

- Earthen levee improvements (Type 1, Figure 1 in the NOP); and
- Sheet pile floodwall improvements (Type 2, Figure 2 in the NOP).

This hybrid approach includes a combination of stripping and conditioning the existing levee to accept new fill (Type 1) and installing sheet pile floodwalls (Type 2). Not only would these improvements be designed to adapt to future sea level rise, they would also provide the most flexibility for the City to meet current FEMA standards and obtain FEMA accreditation.

Environmental Review

CSLC staff requests that the City consider the following comments when preparing the Draft EIR.

General Comments

1. **Project Description**: A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Aesthetics

2. **Fill and Floodwall Improvements**: The Aesthetics section of the EIR should include discussion that any improvements made to the water side of the levee should be designed so they blend, rather than contrast, with the natural environment to minimize the visual impacts of the Project. For example, new fill should be similar in color and type as existing fill on the levee. Additionally, aesthetic impacts of the floodwall could be minimized with landscaping and aesthetic treatments (e.g., natural materials and colors) that complement and blend into the City's waterfront and San Francisco Bay visual setting. Please consider these comments with regard to the visible surface area of the levee as viewed from San Francisco Bay.

Biological Resources

3. **Sensitive Species and Habitats**: The EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The City should conduct queries of

the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special-Status Species Database, to identify any special-status plant or wildlife species that may occur in the Project area. The EIR should also include a discussion on consultation with the CDFW, USFWS, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), including any recommended mitigation measures and potentially required permits.

4. Construction Noise: The EIR should evaluate noise impacts on fish and birds from construction, restoration, or flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

5. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and as required by the State CEQA Guidelines should be included in the EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures to reduce them to the extent feasible.

Documents providing guidance on evaluating GHG emissions from projects subject to CEQA, such as *CEQA and Climate Change* and *Quantifying Greenhouse Gas Mitigation Measures*, can be found on the California Air Pollution Control Officers Association website via the following link: <http://www.capcoa.org/>. Land use emission models that may be used for analyzing the air quality impacts of a land use project include the California Emissions Estimator Model (available at: <http://www.caleemod.com/>) and the Urban Emissions Model and Bay Area Air Quality Management District GHG Model (available at: <http://www.urbemis.com/software/download.html>).

6. Sea Level Rise: The NOP indicates that the improved levee system will be designed to adapt to future sea level rise. Such adaptive management techniques are discussed in the Foster City Levee Protection Planning Study (Study) (updated July 2015), and are based on sea level rise estimates and planning guidance established by San Francisco County. For this reason, the Study identifies the following sea level rise planning scenarios for Foster City: (1) 0.5-feet by 2030; (2) 1 foot by 2050; and (3) 3 feet by 2100. Due to the uncertainty of sea level rise projections, provisions for 1 foot of sea level rise by 2050 are incorporated into the Project design, with design considerations for an additional 2 feet of sea level rise by 2100. Given the high-range estimate of 5.5 feet of sea level rise by 2100 (provided in Table 5-1 of the Study), the City should explain in the EIR why Project design considerations only incorporate 3 feet of sea level rise by 2100. The City should also consider developing a long-term monitoring program to measure future sea level changes and monitor other impacts

(e.g., storms, high tides) on the improved levee system. The information gathered from such monitoring efforts could help identify triggers that might lead to future modifications of the levee system or additional adaptation efforts.

Additionally, a tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, the City should consider discussing in the EIR the effects of sea level rise on all resource categories potentially affected by the proposed Project. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. Note that the State of California released the final "Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy" (Safeguarding Plan) on July 31, 2014, to provide policy guidance for State decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for State decision-makers.

Further, Governor Brown issued Executive Order B-30-15 in April 2015, which directs State government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision-making. Please note that when considering lease applications, CSLC staff will:

- Request information from applicants concerning the potential effects of sea level rise on their proposed projects;
- If applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects; and
- Where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

Please consider all the above information in the EIR with regard to sea level rise.

Cultural Resources

7. Tribal Cultural Resources: The City should document and discuss in the EIR how it complied with the provisions for required consultation with California Native American Tribes pursuant to the requirements added to CEQA by AB 52 (Gatto, Stats. 2014, Ch. 532), which applies to all CEQA projects initiated after July 1, 2015.¹ These new provisions provide procedural and substantive requirements for lead agency consultation with California Native American Tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. Additionally, with respect to significance determinations, the State CEQA Guidelines (§ 21084.2) state that, "A project with an effect that may cause a substantial adverse change in the

¹ Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 added to CEQA pursuant to AB 52 (Gatto, Stats. 2014, Ch. 532)

significance of a tribal cultural resource is a project that may have a significant effect on the environment.” When feasible, public agencies must avoid damaging effects to tribal cultural resources, and shall keep information submitted by the tribes confidential.

8. CEQA Analysis: The NOP mentions that Cultural Resources are among the topics that may be excluded from a detailed analysis in the EIR. However, if excavation is required for the sheet pile floodwall foundation below levee fill material and natural grade, then the Project may have the potential to impact unknown archaeological sites and historic or cultural resources. CSLC staff suggests the City conduct a pre-construction record search for such resources near the Project area. Further, CSLC staff requests that the City contact Assistant Chief Counsel Pam Griggs (see contact information below) to obtain CSLC records for the Project site. Please note that any submerged archaeological site or submerged historic or cultural resource that has remained in State waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.
9. Title to Resources: The EIR should also mention that the title to all abandoned archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that the City consult with Assistant Chief Counsel Pam Griggs (see contact information below) should any cultural resources on State lands be discovered during Project construction.

Recreation

10. Public Access: Promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (art. X, § 4), a condition of statehood in the Act of Admission (Vol. 9, Statutes at Large, page 452), and a responsibility of State agencies pursuant to the Public Trust Doctrine. During the environmental review process, the City should prepare a report and/or analyze in the EIR the feasibility of providing or improving public access to the waterfront of San Francisco Bay during and after levee improvements.

The EIR should describe all existing public access facilities associated with the levee system and Project area. In particular, describe any temporary restrictions or closures of public access during construction activities associated with the levee system, and include measures to notice the public prior to any such activities.

Mitigation and Alternatives

11. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or the environmental document should: (1) explain why deferral is necessary; (2) describe potential mitigation strategies or options that could be formulated; and (3)

describe "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way (State CEQA Guidelines, §15126.4, subd. (a))."

12. Alternatives: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the City should identify and analyze a range of reasonable alternatives to the proposed Project that would attain most of the Project objectives, while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6).

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and likely a responsible agency, CSLC staff requests that you consult with us on this Project and keep us advised of changes to the Project description and all other important developments. Please send additional information on the Project to the CSLC staff listed below as the EIR is being prepared.

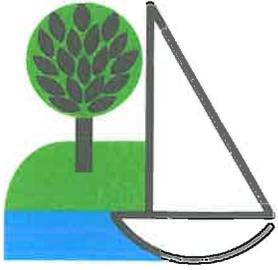
Please refer questions concerning environmental review to Kelly Keen, Environmental Scientist, at (916) 574-1938 or via e-mail at kelly.keen@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via e-mail at pamela.griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Nick Lavoie, Public Land Manager, at (916) 574-0452, or via e-mail at nicholas.lavoie@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
K. Keen, CSLC
N. Lavoie, CSLC
L. Calvo, CSLC
J. DeLeon, CSLC
P. Griggs, CSLC



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

REVISED NOTICE OF PREPARATION (NOP)

DATE: August 12, 2016

TO: State Clearinghouse (via Certified Mail)
Affected Agencies (via Certified Mail)
Interested Organizations and Persons (via US Mail)

FROM: City of Foster City

SUBJECT: **Revised Notice of Preparation of a Draft Environmental Impact Report for the Foster City Levee Protection Planning and Improvement Project (CIP 301-657)**

LEAD AGENCY: **City of Foster City** **CONTACT:** **Marlene Subhashini,**
610 Foster City Boulevard Senior Planner
Foster City, CA 94404 msubhashini@fostercity.org
(650) 286-3232 (650) 286-3244

Notice is hereby given that the City of Foster City will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project described below. We are requesting comments on the scope and content of this EIR. The City will use the EIR prepared for this project when considering approval of the project. A description of the proposed project, its location, and the probable environmental effects are provided in the attached materials. A Notice of Preparation (NOP) for the project was originally issued on January 5, 2016 and made available for a 30-day public review and comment period. In conjunction with the development and further refinement of plans for the proposed Project, certain modifications to the scope of the project have been identified which include a slight deviation from the original project footprint and the addition of a third improvement type (conventional flood wall) as further described below. This revised NOP is being circulated to afford interested parties the opportunity to provide any additional comments on the proposed scope of the EIR analysis in light of the project modifications described herein.

Please provide any written comments on the scope of this EIR to Marlene Subhashini, Senior Planner, at the address shown above, no later than September 12, 2016. Pursuant to Section 15082 of the CEQA Guidelines, a Public Scoping Session was held to accept comments from Responsible and Affected Agencies, and the public about the scope of the EIR on February 4, 2016 at 7:00 pm, in the City Council Chambers at 620 Foster City Boulevard. A new public scoping meeting will not be held.

Project Title: Foster City Levee Protection Planning and Improvements Project (CIP 301-657)

Project Applicant: City of Foster City

Project Location and Vicinity:

As shown on the Project Location Map, the Levee Protection Planning and Improvements Project (CIP 301-657) will be generally located within the footprint of the approximately 43,000 feet (8 miles) existing levee system that surrounds Foster City along the Bayfront with a slight deviation from the existing levee system footprint where shown on the attached Project Location Map.

The San Francisco Bay side of the City levee system is comprised of tidal open water, slough channels, wetlands, and mud flats. Land uses on the landward side of the levee system consist of streets, residential and commercial areas, landscaped open space and recreational areas, unimproved lots, muted tidal wetlands and seasonal wetlands.

Project Description:

The existing levee system was originally authorized by the US Army Corps of Engineers (Corps) Section 404 Clean Water Act Regulatory Program on February 20, 1976 (Permit No. 9318-49) to protect properties interior of the levee from flooding as a result of levee overtopping either from high tides (stillwater or storm surges) and/or wave runup. Approximately 9,000 properties in Foster City are protected from the one-percent annual chance of flooding by the existing levee system that was primarily designed for flood protection. An additional 8,000 properties in the City of San Mateo are also protected by the Foster City levee system. Conversely, properties in Foster City are protected from the one-percent flood by San Mateo's levee and floodwall systems south of San Mateo Creek.

The City's levee system has been subsequently improved over time in order to maintain Federal Emergency Management Agency (FEMA) levee accreditation and was last re-accredited by FEMA in 2007. Updated FEMA flood hazard information was provided to the City in 2014 and codified in the FEMA preliminary Flood Insurance Rate Mapping (FIRM) released on August 13, 2015. Current FEMA guidelines require the current levee height along the City's levee system to be raised to protect the City from flooding associated with levee overtopping from extreme high tides (stillwater or storm surges) and/or wave runup.

The purpose of the project is to provide flood protection in accordance with updated FEMA guidelines and regain FEMA accreditation for its existing levee system. In addition, the improved levee system will be designed to adapt to future sea level rise while maintaining public access along the levee system and protections for sensitive habitat and species. If FEMA accreditation is not achieved, approximately 17,000 individual properties within Foster City and San Mateo will be placed in a high-risk Special Flood Hazard Area by FEMA, due to the risks associated with levee overtopping from high tides (stillwater or storm surges) and/or wave runup.

The precise design and height of the project is not yet finalized. Therefore, the environmental analysis will study three scenarios, which would have different ranges of levee/floodwall heights as needed to meet FEMA freeboard requirements and/or protect against future sea level rise. "Freeboard" is additional levee height above the 100-year flood elevation that tends to compensate for the factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action and the hydrological effect of urbanization of the watershed. The three scenarios are:

1. FEMA Freeboard
2. FEMA Freeboard with Sea Level Rise for the Year 2050¹
3. FEMA Freeboard with Sea Level Rise for the Year 2100

Based on currently available data, preliminary evaluations, and City Council direction, the City anticipates that the project will utilize a combination of three different levee improvement types, depending on the location along the existing levee and the adjacent site constraints. These three levee improvement types are as follows:

1. Sheet Pile floodwall
2. Earthen levee
3. Conventional floodwall

This hybrid approach (combining improvement types 1, 2 and 3) would provide the most flexibility to meet current FEMA standards and obtain FEMA accreditation and would also achieve the following: (a) maintain public access and recreational opportunities; (b) avoid impacts to sensitive habitats such as jurisdictional waters of the US and State (including wetlands) within San Francisco Bay; (c) minimize impacts to sensitive habitats such as jurisdictional waters of the US and State on the landward side of the levee; and (d) avoid direct impacts to fully tidal waters and wetlands occupied by special status species such as federal- and state-listed species. A description of the three improvement types is provided below.

a. Improvement Type 1: Sheet Pile Floodwall

The sheet pile floodwall improvement type uses sheet pile floodwall sections as a permanent flood protection structure. This improvement type is planned where there is insufficient right-of-way width or where encroachment may occur into wetland areas with an alternative design (earthen levee or conventional floodwall) improvement type. It is also anticipated to be used where the levee improvements deviate from the existing levee system footprint, as shown on the attached Project Location Map.

The sheet pile floodwall design would be composed of a vertical wall that varies in height from 1.5 to 10 feet above the finish grade and is 12–20 inches wide, depending on the adaptive sea level rise scenario (2050 or 2100) selected for design. The sheet piles would be driven sufficiently deep to provide adequate resistance against deflection from the tide and wave loads, as well as seepage protection. Pending structural confirmation during detailed design, it is anticipated that piles would be driven to approximately 10–20 feet underground. Foundations would only be required for the conventional floodwall (Improvement Type 3). The piles would be driven using percussion hammers, vibratory hammers, or a press-type system. Additionally, Best Management Practices (BMPs) would be implemented including the use of silt fence or straw wattles along the shoreline to control erosion and sedimentation into adjacent waters. The Bay trail could then be raised with additional fill in locations where the finished floodwall elevation is higher than 3.5 feet above the trail. A sheet pile floodwall schematic is shown in Figure 1.

¹ For this scenario the environmental analysis will study (a) FEMA Freeboard with 2050 Sea Level Rise only, and (b) FEMA Freeboard with 2050 Sea Level Rise with the option to adapt to future sea level rise through an additional height increase.

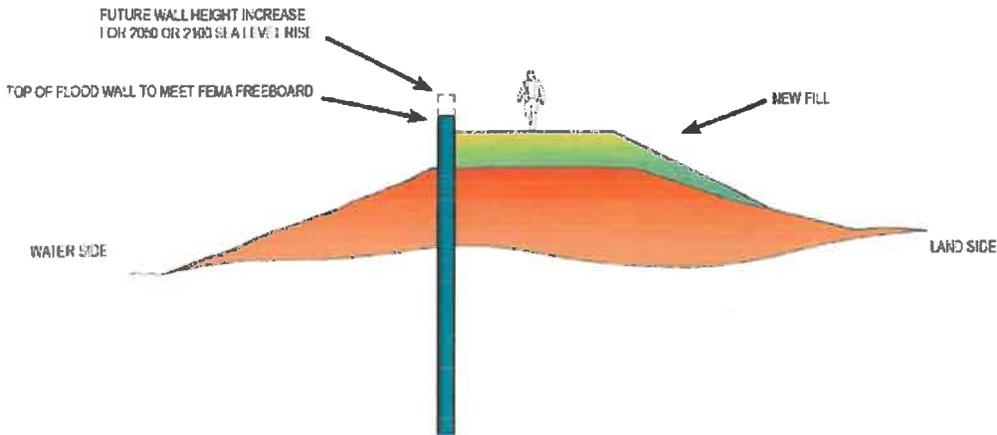


Figure 1. Typical Sheet Pile Floodwall Levee Improvement Type

The sheet pile floodwall structure would also be designed to accommodate loads from future incremental wall height increases (see dashed line in Figure 1) necessary to adapt to future sea level rise. Where space is limited along the levee, a secondary retaining wall could be installed on the landward side of the levee with a tieback to the sheet pile floodwall creating a “double floodwall,” as shown in Figure 2. It would require less right-of-way width than a single sheet pile wall because the fill is confined between the two walls. A safety rail would also be placed on the secondary wall.

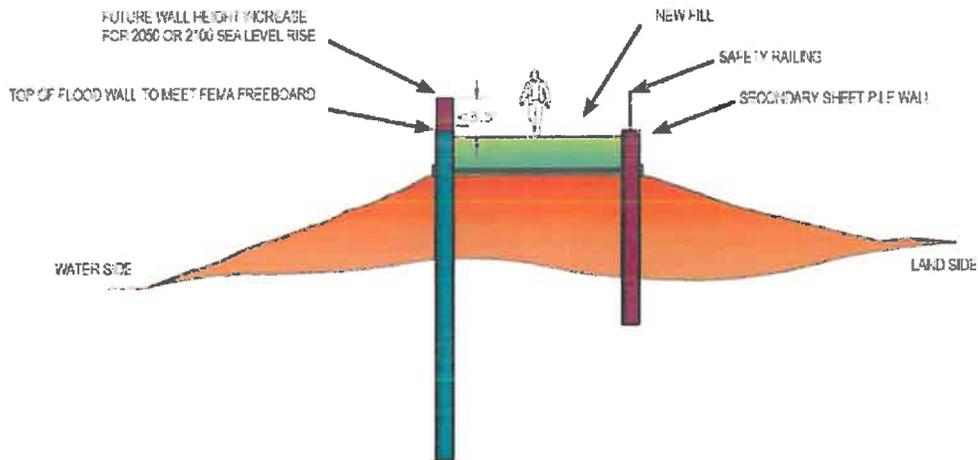


Figure 2. Double Sheet Pile Floodwall Levee Improvement Type

b. Improvement Type 2: Earthen Levee

The earthen levee improvement type is planned where there is enough right-of-way width to raise and expand the levee using fill only. For earthen levees, the top of the existing levee would be excavated and conditioned to accept new fill (shown as green shading in Figure 3). The earthen levee would range from 14 to 16 feet in elevation (on the NAVD datum) and would be 12.5–20.5 feet wide at the base, depending on the adaptive sea level rise scenario (2050 or 2100) selected for design. The weight of the new fill would result in

long-term settlement of the levee, and supplemental fill would be placed during construction to account for future settlement. The base of the improved earthen levee would be expanded to support additional fill (see dashed line in Figure 3) that may be placed in future years to provide protection against future sea level rise. Two types of fill may be used for earthen levees: conventional fill or lightweight fill. Using lightweight fill would minimize settlement; however, lightweight fill is relatively porous and would require the construction of sheet pile barriers or a clay core to minimize seepage.

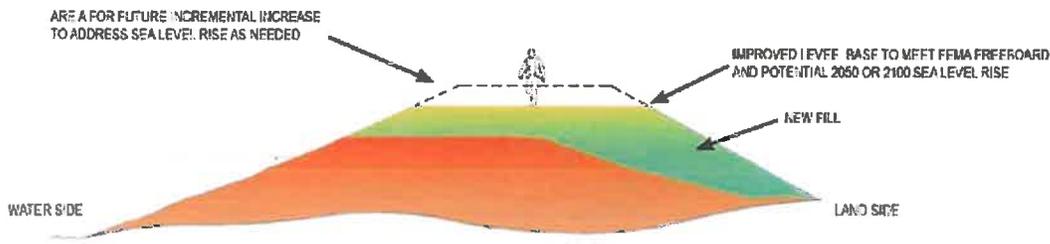


Figure 3. Typical Earthen Levee Improvement Type

c. Improvement Type 3: Conventional Floodwall

Due to limited space and limited vertical clearance under the San Mateo Bridge and limited space along the O'Neill Slough Remnant Channel from west of Port Royal Park to the end of the levee for installing sheet pile floodwalls, a conventional floodwall would be used instead at these locations. The conventional floodwall design would be composed of a vertical wall that varies in height from 4.5 to 10 feet above the finish grade and is 8–12 inches wide, depending on the adaptive sea level rise scenario (2050 or 2100) selected for design. The wall design includes a foundation that is generally as wide in dimension as the wall is ultimately tall for adaptive sea level rise protection, as measured from the foundation pending detailed structural design. The flood wall would likely be constructed of concrete, either poured-in-place or unit concrete masonry. The foundation construction would require levee excavation at the top of the existing berm. To ensure that the level of flood protection provided by the existing levee during construction is not compromised as a result of excavation for the foundation, a temporary sheet pile wall would be installed on the water side, as shown in Figure 4.

Modification to the existing levee section below new floodwalls would be necessary if seepage is an issue. A slurry (made of either cement or soil-cement mixed in-situ) or a permanent sheet pile barrier would be installed to prevent seepage, and additional earthen fill (shown as green shading in Figure 4) may be added to increase the height of the trail and reduce the relative height of the wall to preserve views of San Francisco Bay and ensure that the maximum wall height does not exceed 3.5 feet from the grade adjacent to the Bay Trail. The base of the conventional floodwall structure would be designed to accommodate an increased wall height if, subsequent to completion, the City wanted to increase the wall height to adapt to future sea level rise (see dashed line in Figure 4).

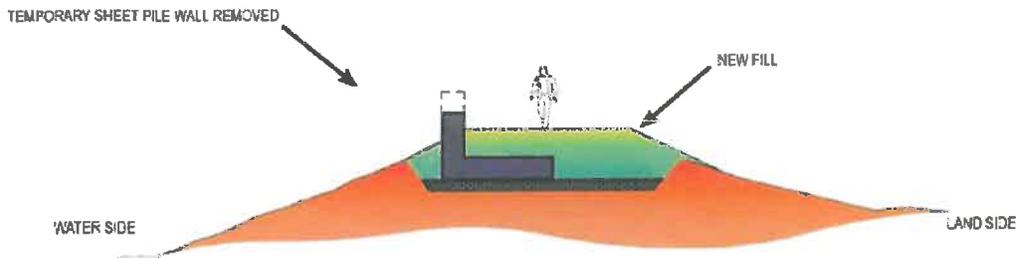


Figure 4. Typical Conventional Floodwall Levee Improvement Type

Probable Environment Effects:

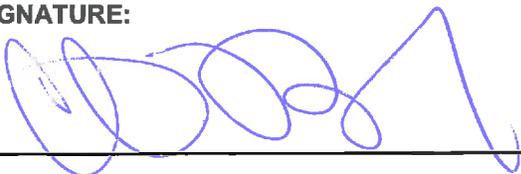
The EIR for this project is anticipated to examine the following probable environmental effects of the project:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Public Services
- Traffic and Transportation
- Public Services, Utilities and Recreation

Topics that are not anticipated to be significant and, after review, may be excluded from a detailed analysis in the EIR include: Agriculture and Forest Resources; Cultural and Historic Resources, Mineral Resources, and Population and Housing.

The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on further study, responses to this NOP and/or refinements to the project that may occur subsequent to the publication of this NOP. In addition, the EIR will include an analysis of the project's consistency with relevant City and regional planning policies, as well as potential alternatives to the proposed project.

DATE: 8/12/12

SIGNATURE: 

Curtis Banks, Community Development Director

Attachments:
Project Location Map



8/11/2016 P:\GIS\15-016 FCLV\Figure_I-0_ProjectLocationMap_NOP.mxd
 Source: Foster City, Schaaf & Wheeler, Urban Planning Partners, Inc. 2016

Figure I-1
 Foster City Levee Protection Planning and Improvements Project EIR
 Project Location Map

Marlene Subhashini

From: dkcunningham1@att.net
Sent: Monday, August 15, 2016 4:02 PM
To: Marlene Subhashini
Cc: Becki Hanan; Curtis Banks
Subject: Re: Revised NOP Levee EIR

Outstanding! Thanks.

Dave

Sent from my iPhone

> On Aug 15, 2016, at 3:55 PM, Marlene Subhashini <msubhashini@fostercity.org> wrote:

>

> Hello Dave,

>

> The Soils, Geology, and Seismicity section of the Environmental Impact Report (EIR) will analyze how the project design (both sheet pile walls and concrete walls) could be subject to seismic shaking. The EIR will evaluate potential impacts related to seismicity and specify mitigation measures, as needed, to address any identified significant impacts. I hope that answers your question. Let me know if you have any further questions. Thank you.

>

> Marlene Subhashini, LEED AP

> Senior Planner

> CDD | Planning and Code Enforcement Division City of Foster City

>

> 610 Foster City Boulevard

> Foster City, CA 94404

> www.fostercity.org

> D: 650.286.3244 | F: 650.286.3589

> Be Green Keep It On Screen

>

> Please note the Planning Counter is open from 8am -noon, Monday-Thursday.

>

>

>

> -----Original Message-----

> From: Dave Cunningham [<mailto:dkcunningham1@att.net>]

> Sent: Monday, August 15, 2016 11:54 AM

> To: Becki Hanan

> Cc: Marlene Subhashini; Curtis Banks

> Subject: Re: Revised NOP Levee EIR

>

> Thank you.

>

> Dave

>

>> On Aug 15, 2016, at 11:09 AM, Becki Hanan <bhanan@fostercity.org> wrote:

>>

>> Hello Dave, I've cc'd Marlene Subhashini on this email response. She is the planner assigned to this project and she will respond to your inquiry.

>>

>> Thank you,

>>

>> Becki Hanan

>> Management Coordinator

>> Community Development Department

>> City of Foster City

>> 650-286-3229

>> 650-286-3589 fax

>> bhanan@fostercity.org

>>

>> -----Original Message-----

>> From: Dave Cunningham [<mailto:dkcunningham1@att.net>]

>> Sent: Friday, August 12, 2016 11:21 AM

>> To: Becki Hanan

>> Subject: Revised NOP Levee EIR

>>

>> When Plum Island had its wooden bulkhead replaced with concrete sheet piles in 1996, the design took into account earthquake loads.

>>

>> The EIR section on the Sheet Pile Floodwall mentions the design taking into account tide and wave loads. Will it also take into account earthquake loads?

>> If so, that should fact be mentioned in the EIR.

>> If not, the rationale for not considering earthquake loads should be provided.

>>

>> Overall, an excellent document!

>>

>> Dave Cunningham

>> 825 Grenada Ln.

>> 650 504-9511

>



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

August 17, 2016

To: Reviewing Agencies

Re: Foster City Levee Protection Planning and Improvements Project (CIP 301-657)
SCH# 2016012012

Attached for your review and comment is the Notice of Preparation (NOP) for the Foster City Levee Protection Planning and Improvements Project (CIP 301-657) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Marlene Subhashini
City of Foster City
610 Foster City Blvd.
Foster City, CA 94404**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**FOSTER CITY
RECEIVED
AUG 22 2016
PLANNING/
CODE ENFORCEMENT**

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016012012
Project Title Foster City Levee Protection Planning and Improvements Project (CIP 301-657)
Lead Agency Foster City

Type NOP Notice of Preparation
Description Note: Revised

The purpose of the project is to provide flood protection in accordance with updated FEMA guidelines and regain FEMA accreditation for its existing levee system. In addition, the improved levee system will be designed to adapt to future sea level rise while maintaining public access along the levee system and protections for sensitive habitat and species. If FEMA accreditation is not achieved, approx. 17,000 individual properties within Foster City and San Mateo will be placed in a high-risk Special Flood Hazard Area by FEMA, due to the risks associated with levee overtopping from high tides (stillwater or storm surges) and/or wave runup.

Lead Agency Contact

Name Marlene Subhashini
Agency City of Foster City
Phone 650-286-3244 **Fax**
email
Address 610 Foster City Blvd.
City Foster City **State** CA **Zip** 94404

Project Location

County San Mateo
City Foster City
Region
Cross Streets Approx. 8 miles of levees eastward from the geographic coordinate noted below
Lat / Long 37° 34' 14" N / 122° 17' 6" W
Parcel No.

| Township | Range | Section | Base |
|-----------------|--------------|----------------|-------------|
|-----------------|--------------|----------------|-------------|

Proximity to:

Highways 92 and 101
Airports
Railways
Waterways Foster City Lagoon, SF Bay
Schools
Land Use

Project Issues Air Quality; Biological Resources; Geologic/Seismic; Other Issues; Toxic/Hazardous; Water Quality; Landuse; Noise; Public Services; Traffic/Circulation; Recreation/Parks

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Wildlife, Region 3; Department of Fish and Wildlife, Marine Region; Office of Emergency Services, California; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2

Date Received 08/17/2016 **Start of Review** 08/17/2016 **End of Review** 09/15/2016

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Denise Peterson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Lisa Johansen
- Dept. of Conservation
Elizabeth Carpenter
- California Energy Commission
Eric Knight
- Cal Fire
Dan Foster
- Central Valley Flood Protection Board
James Herota
- Office of Historic Preservation
Ron Parsons
- Dept. of Parks & Recreation Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery
Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm.
Steve Goldberg
- Dept. of Water Resources Agency
Nadell Gayou
- Fish and Game
- Dept. of Fish & Wildlife Environmental Services Division
- Fish & Wildlife Region 1
Curt Babcock

- Fish & Wildlife Region 1E
Laurie Harnsberger
- Fish & Wildlife Region 2
Jeff Drongesen
- Fish & Wildlife Region 3
Craig Weightman
- Fish & Wildlife Region 4
Julie Vance
- Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program
- Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife Marine Region
William Paznokas

Other Departments

- Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture
- Dept. of General Services
Public School Construction
- Dept. of General Services
Cathy Buck/George Carollo
Environmental Services Section
- Delta Stewardship Council
Kevan Samsam
- Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division
- Independent Commissions Boards
- Delta Protection Commission
Erik Vink

OES (Office of Emergency Services)

- OES (Office of Emergency Services)
Monique Wilber
- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission Supervisor
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

- Caltrans, District 8
Mark Roberts
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Maureen El Harake

Cal EPA

- Air Resources Board
- Airport & Freight
Cathi Slaminski
- Transportation Projects
Nesamani Kalandiyyur
- Industrial/Energy Projects
Mike Tollstrup
- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water
- State Water Resources Control Board
Div. Drinking Water # _____
- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board
Phil Crader
Division of Water Rights
- Dept. of Toxic Substances Control
CEQA Tracking Center
- Department of Pesticide Regulation
CEQA Coordinator

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other _____

Cal State Transportation Agency CalSTA

- Caltrans - Division of Aeronautics
Philip Crimmins
- Caltrans - Planning
HQ LD-IGR
Terri Pencovic
- California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Eric Federicks - South
Susan Zanchi - North
- Caltrans, District 4
Patricia Maurice
- Caltrans, District 5
Larry Newland
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Dianna Watson

From: [Irenne Zwierlein](#)
To: [Marlene Subhashini](#)
Subject: Fwd: Delivery Status Notification (Failure)
Date: Monday, August 22, 2016 12:19:57 PM

Aug 2016 12:11:31 -0700 (PDT)

From: Irenne Zwierlein <amahmutsunpetition120@gmail.com>

Date: Mon, 22 Aug 2016 12:11:31 -0700

Message-ID: <CAPb6O6mPRLq6YEOTs3_boUkMemmQ7zp5Uhn6muJxPrYv2Bv4cQ@mail.gmail.com>

Subject: Levee Protection Plann001a114e60e0e84618053aadd0fd

Marlene

Thank you for your letter about the project

We noticed that you sent an inquiry to the State Clearinghouse.

Can you let us know what the report from them states Then we can assist you better on this project

Amah Mutsun Tribal Band

Irenne Zwierlein



Theresa Bourgeois
Land Agent

408.282.7106 (Office)
t2bw@pge.com

Land Management

111 Almaden Boulevard
Room 814
San Jose, CA 95113

September 7, 2016

City of Foster City
Attn: Marlene Subhashini
610 Foster City Boulevard
Foster City, CA 94404

**FOSTER CITY
RECEIVED
SEP 12 2016
PLANNING/
CODE ENFORCEMENT**

Re: Foster City Levee Protection Planning and Improvement Project (CIP 301-657)

Dear Ms. Subhashini:

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the proposed Foster City Levee Protection Planning and Improvement Project (CIP 301-657). PG&E has the following comments to offer.

1. PG&E owns and operates gas and electric facilities located within the project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.
2. Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) may also require formal approval from the California Public Utilities Commission. If required, this approval process may take up to two years to complete. In order to expedite this process, within the environmental documents (ex. EIR), all impacts to existing facilities should be described and any associated potential environmental impacts analyzed. Proponents with development plans that may affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.
3. Developers, Agencies or Cities will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocations require long lead times and are not always feasible,

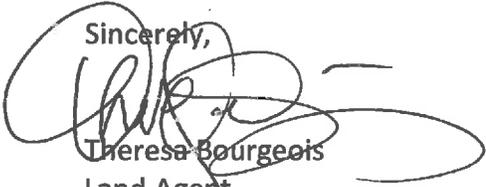
developers should be encouraged to consult with PG&E as early in their planning stages as possible.

4. Please note that continued development consistent with your General Plan will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.
5. Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions to accommodate additional load on the gas system may include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.
6. We recommend that environmental documents (example IS/MND/EIR) for proposed development projects include adequate evaluation of cumulative impacts to utility systems, a detailed description of the utility facilities needed to serve those developments, any impacts to existing facilities, and any potential environmental issues associated with extending utility service to the proposed project and/or existing facility modifications. This will assure the project's compliance with CEQA and greatly expedite the time to acquire any required CPUC utility permits.
7. We have the following specific comments and recommended modifications regarding the EIR:

G.O. 95 clearances must be maintained at all times. As with the Gas facilities, access to the facilities must be maintained for normal inspections, maintenance and operation of the facilities. Bollards must be installed by the developer in front of footings of towers located in areas vulnerable to vehicular traffic. Dust raised during construction could also increase opportunity for flash-overs.
8. PG&E remains committed to working with the City of Foster City to provide timely, reliable and cost effective gas and electric service to the impacted area. Please contact me at 408.282.7106 if you have any questions regarding our comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.
9. The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned

or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Bourgeois', written over the printed name.

Theresa Bourgeois

Land Agent

408.282.7106

**FOSTER CITY
RECEIVED**

SEP 16 2016

**PLANNING/
CODE ENFORCEMENT**

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA, 94607-4052



FEMA

September 13, 2016

Marlene Subhashini, Senior Planner
City of Foster City
610 Foster City Boulevard
Foster City, California 94404

Dear Ms. Subhashini:

This is in response to your request for comments regarding the City of Foster City Revised Notice of Preparation of Draft Environmental Impact Report Levee Protection Planning and Improvement Project CIP 301-657.

Please review the current, effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Mateo (Community Number 060310) and City of Foster City (Community Number 060311), Maps revised July 16, 2015. Please note that the City of Foster City, San Mateo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Marlene Subhashini, Senior Planner

Page 2

September 13, 2016

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Foster City floodplain manager can be reached by calling Allan Shu, Senior Civil Engineer, at (650) 286-3271. The San Mateo County floodplain manager can be reached by calling Miles Hancock, Building Inspection Manager, at (650) 599-15933.

If you have any questions or concerns, please do not hesitate to call Patricia Rippe of the Mitigation staff at (510) 627-7015.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Allan Shu, Senior Civil Engineer, City of Foster City
Miles Hancock, Building Inspection Manager, San Mateo County
Ray Lee, State of California, Department of Water Resources, North Central Region Office
Patricia Rippe, Senior NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

From: [Torres, Miriam@BCDC](mailto:Torres.Miriam@BCDC)
To: [Marlene Subhashini](mailto:Marlene.Subhashini)
Subject: Comment Letter on Foster City Levee Project
Date: Thursday, September 15, 2016 2:27:37 PM
Attachments: [FosterCityLeveeProjectNOP-BCDC9-15-16vfinal.pdf](#)

Dear Marlene Subhashini:

Thank you for the opportunity to comment on the Revised Notice of Preparation (NOP) for the Foster City Levee Protection Planning and Improvement Project (Project) (CIP 301-657) draft Environmental Impact Report (EIR), State Clearinghouse Number 2016012012, distributed on August 17th, 2016 and received in our office on August 19th, 2016. Attached please find a comment letter based on the *San Francisco Bay Plan* (Bay Plan) as amended through May 2012, the McAteer-Petris Act, and staff review of the Revised NOP. If you have any questions regarding this letter, please do not hesitate to contact me at (415) 352-3631 or via email miriam.torres@bcdca.gov.

Miriam Torres
Coastal Planner
San Francisco Bay Conservation and Development Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102
(415) 352-3631 Direct
(415) 352-3600 Main
miriam.torres@bcdca.gov

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

September 15, 2016

Marlene Subhashini
City of Foster City
610 Foster City Blvd.
Foster City, CA 94404

Via email: msubhashini@fostercity.org

SUBJECT: BCDC Inquiry File No. SM.FC.6704.1; Comments on the Revised Notice of Preparation (NOP) for the Foster City Levee Protection Planning and Improvement Project (CIP 301-657) draft Environmental Impact Report (EIR), State Clearinghouse Number 2016012012.

Dear Ms. Subhashini:

Thank you for the opportunity to comment on the Revised Notice of Preparation (NOP) for the Foster City (City) Levee Protection Planning and Improvement Project (Project) (CIP 301-657) draft Environmental Impact Report (EIR), State Clearinghouse Number 2016012012, distributed on August 17th, 2016 and received in our office on August 19th, 2016. The San Francisco Bay Conservation and Development Commission (BCDC or Commission) has not reviewed the NOP, but the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan) as amended through May 2012, the McAteer-Petris Act, and staff review of the NOP. When evaluating projects, BCDC considers all applicable policies. The goal of this letter is to highlight some of the Commission's laws and policies that are relevant to the Project. It is encouraging that the project design has been revised considering the Bay Plan's Climate Change policies and we invite the City to consult BCDC staff early in the design process to ensure each proposed scenario meets the Commission's policies. In addition to the comments we submitted on February 4, 2016, more information regarding our policies is included in this letter. Upon review of your permit application once submitted, our staff may raise additional relevant policies.

Jurisdiction. The Commission has jurisdiction over San Francisco Bay up to the shoreline, which is located at mean high tide, or in marsh areas, at the line five feet above mean sea level; a shoreline band extending upland 100 feet and parallel to the shoreline. The Commission also has land use jurisdiction within the shoreline band in those areas designated for priority uses in the Bay Plan. Based on the information provided in the NOP, the Project site is located within the Commission's jurisdiction, specifically within the shoreline band, waterfront park and wildlife refuge priority use areas in Plan Map 6. The Commission's Bay jurisdiction extends along Belmont Slough, with adjoining shoreline band jurisdiction. If the shoreline of the Slough includes vegetated tidal marsh, BCDC's Bay jurisdictional limit is located at the line five feet above mean sea level or the upland extent of marsh vegetation. Located in the vicinity of the

project are the Redwood Shores Ecological Reserve, a waterfront park and the Bair Island Ecological Reserve, a wildlife refuge, as designated in the San Francisco Bay Plan. Since the Project lies within the Commission's jurisdiction, a permit from the Commission will be required.

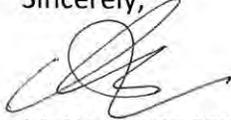
Climate Change, Shoreline Protection and Safety of Fills. This project should consider the effects of projected sea level rise and flooding from storms and be integrated with adjacent shoreline protection in order to be consistent with San Francisco Bay Plan policies on Climate Change, Shoreline Protection, and Safety of Fills. Sea level risk assessments are required when planning shoreline areas or designing larger shoreline projects. The project's first scenario, which only meets FEMA freeboard standards, would likely not meet the Commission's Climate Change and Shoreline Protection policies, which require larger shoreline protection projects to take sea level rise into account. The Bay Plan policies on Shoreline Protection state, in part, that: "New shoreline protection project and the maintenance or reconstruction of existing projects and uses should...[be] properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account...." The Bay Plan policies on Climate Change state, in part, that: "all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century." Additionally, the project's design should account for storm waves and El Niño events. The Bay Plan policies on Safety of Fills state, in part, "Adequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project."

Tidal Marshes and Tidal Flats. The City plans to install a sheet pile floodwall "where there is insufficient right-of-way width or where encroachment may occur into wetland areas with an alternative design (earthen levee or conventional floodwall) improvement type." However, a sheet pile floodwall adjacent to a wetland area could lead to erosion and greater impacts on the wetland. The Bay Plan policies on Tidal Marshes and Tidal Flats state, in part, that: "Tidal marshes and tidal flats should be conserved to the fullest possible extent...Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats." Whenever feasible, projects must integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem. For example, a horizontal levee¹ creates a transition zone and could provide the marsh an opportunity to adapt to sea level rise.

¹ A horizontal levee combines an earthen levee that provides flood protection with the enhancement of existing tidal marsh to enable adaptation to sea level rise.

Marlene Subhashini
City of Foster City
September 15, 2016
Page 3

Thank you for your consideration of these comments. If you have any questions regarding this letter, please do not hesitate to contact me at (415) 352-3631 or via email miriam.torres@bcdca.gov.

Sincerely,

MIRIAM TORRES
Coastal Planner

MT/ra

cc: State Clearinghouse