



DATE: October 21, 2019

TO: Mayor and Members of the City Council

VIA: Jeff Moneda, City Manager

FROM: Norm Dorais, Public Works Director/City Engineer

SUBJECT: LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT
(CIP 301-657) – GENERAL UPDATE

RECOMMENDATION

It is recommended that the City Council consider and accept, by Minute Order, the general update on the Levee Protection Planning and Improvements Project (CIP 301-657).

EXECUTIVE SUMMARY/BACKGROUND/ANALYSIS

Since the last City Council update at the January 7, 2019 meeting, the following accomplishments have been achieved:

- Incorporation of the comments provided by multiple agencies in order to obtain the necessary permits.
- Analyzed potential utility conflicts along the ~6.5 miles of the project and incorporated into the project drawings.
- Completed the design drawings and specifications to the 95% level.
- Caltrans Encroachment Permit for work adjacent to the San Mateo Bridge.
- Executed right-of-way and right-of-entry agreements with private properties adjacent to the levee.
- U.S. Fish and Wildlife Service and National Marine Fisheries Service Endangered Species Act Biological Opinions have been issued.

REGULATORY PERMITS

Since Foster City residents voted to approve a General Obligation Bond for the Levee

Improvements Project in June 2018, the City's project team has prepared and submitted the regulatory permit applications. Along with the applications, letters of support from Senator Jerry Hill, Congresswoman Jackie Speier, and Assemblyman Kevin Mullin were also submitted. The following table summarizes permitting schedule and status for major regulatory agencies as of October 8, 2019.

Permit	Type of Authorization	Date of Application	Anticipated Issue Date	Comments
U.S. Army Corps of Engineers (USACE)	Individual Permit	9/20/2018	Late December 2019 or early January 2020	USACE needs the following remaining items to issue their permit: <ul style="list-style-type: none"> 1. RWQCB 401 Water Quality Certification (401 WQC) and 2. BCDC Coastal Zone Management Act Consistency Determination.
SF Bay Regional Water Board (RWQCB)	401 Water Quality Certification and Waste Discharge Requirements	9/28/2018	On or before 10/25/2019	RWQCB is in process of final their authorization. This has been confirmed by their upper management.
SF Bay Conservation and Development Commission (BCDC)	Development Permit and Coastal Zone Management Act - Consistency Determination	11/6/2018	11/7/2019 (if BCDC application deemed complete by 10/25/2019) or 11/21/2019 (if BCDC application deemed complete within two weeks after	1. City staff and consultants are responding to minor project clarifications requested by BCDC staff and BCDC staff have begun preparing permit documentation including project description and permit conditions that will be presented at the

			10/25/2019)	<p>upcoming BCDC Commissioners hearing. To help expedite the approval process City staff and consultants are assisting BCDC staff with preparation of exhibits to be presented at the upcoming Commission hearing.</p> <ol style="list-style-type: none">2. BCDC permit application will be deemed complete when RWQCB issues 401 WQC.3. Once application deemed complete BCDC staff will officially schedule the BCDC Commission hearing, prepare and release a 28-day notice of BCDC intent to issue a project development permit to Foster City to relevant state and federal agencies for review and comment. Notice included project description and permit conditions.4. During 28-day notice period and
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				<p>at least 2 weeks prior to the BCDC hearing, BCDC staff will provide Commissioners the permit application materials which have been deemed complete and draft permit with special conditions for approval.</p> <p>5. BCDC staff's goal is to be ready for Commission hearing on November 7, 2019.</p>
State Lands Commission (SLC)	Lease Agreement	11/26/2018	Completed	Lease agreement with SLC have been approved and fully executed.

The following tentative schedule is based on the most recent information available and is subject to change based on the date that all permits are received. The schedule below is based on permits being received by December 2019. It should be noted that every attempt to obtain permit approval prior to the December 2019 date will be pursued including involving our legislative officials as appropriate (Senator, Congresswoman, and Assemblyman).

- Obtain Permits: December 2019
- Approval of Plans and Specs and Call for Bids: February 2020
- Bid Opening: May 2019
- Award of Contract: June 2020
- Notice to Proceed: July 2020
- Construction Completion: 2023

FISCAL IMPACT

Once start of construction schedule is confirmed, the General Obligation Bond will be issued to coincide with the funding needs. It takes approximately 3-4 months from the date of bond issuance to receive funding. In addition, the City Attorney's Office has prepared a draft of the bylaws and structure for the formation of the Levee Bond Oversight Committee for staff to review. It is anticipated that staff will be bringing this item to the City Council by

the end of the year.