

STAFF WILL PREPARE THE LEGAL LANGUAGE FOR THE FINDINGS AFTER THE COMMISSION STATES ITS CONCERNS OR POSITION REGARDING THE APPLICATION AND THE FINDINGS IT WISHES TO MAKE

RESOLUTION NO. P- -17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY RECOMMENDING CITY COUNCIL TO DENY CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE FOSTER CITY LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 301-657) – CITYWIDE – EA-15-002

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the proposed Levee Protection Planning and Improvements Project (CIP 301-657) includes approximately 43,000 linear foot (8 miles) of the existing levee system that surrounds Foster City along the bayfront with a slight deviation from the existing levee system footprint, and includes six (6) proposed construction staging areas; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, a FEMA coastal flood hazard study completed in July 2014 indicated that the current Foster City levee does not meet the required freeboard elevation per Title 44 of the Code of Federal Regulations (CFR) and therefore, the City's levee system will not retain accreditation status, when the Flood Insurance Rate Map (FIRM) is updated in mid-2016; and

WHEREAS, current FEMA guidelines require the current levee elevation 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; and

WHEREAS, FEMA has agreed to use Seclusion Mapping for Foster City, as a temporary measure to not require mandatory flood insurance for Foster City residents while the City continues with planning, design, environmental studies and funding to allow for the construction of levee improvements to retain FEMA accreditation; and

WHEREAS, the Levee Protection Planning and Improvements Project (CIP 301-657) will raise the levee to the required height to retain FEMA accreditation and to address future sea level rise; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has prepared an Environmental Impact Report ("EIR") which analyzes the environmental impacts of the proposed project (SCH #2016012012, EA-15-002); and

WHEREAS, a Notice of Preparation of an EIR (January 5, 2016 and then revised on August 12, 2016) for the Project was prepared and circulated for the required 30-day public review period; and

WHEREAS, a Planning Commission public scoping session to solicit feedback on the scope and content of the environmental information to be included in the EIR was held on February 4, 2016; and

WHEREAS, a Draft EIR (November 2016) was prepared by Urban Planning Partners, Inc. and circulated by the City for a 45-day public review period beginning on November 23, 2016 and ending on January 12, 2017 as required by the law; and

WHEREAS, the City transmitted for filing a Notice of Completion (November 21, 2016) of the Draft EIR and in accordance with CEQA and the State CEQA Guidelines forwarded the Draft EIR to the State Clearinghouse for distribution to those state agencies that have discretionary approval or jurisdiction by law over natural resources affected by the Project; and

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

WHEREAS, the Planning Commission held a noticed Public Hearing to receive comments on the adequacy of the Draft EIR on January 19, 2017; and

WHEREAS, a Final Response to Comments Document (March 2017) was prepared by Urban Planning Partners, Inc. incorporating responses to comments received on the Draft EIR; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Final EIR (consisting of the Draft EIR and the Final Response to Comments Document) at the Planning Commission meeting of April 18, 2017, and on said date the Public Hearing was opened, held and closed; and,

WHEREAS, the Planning Commission reviewed and considered the Final EIR (consisting of the Draft EIR and the Final Response to Comments Document), all of the written correspondence, verbal testimony, and staff reports; and,

WHEREAS, copies of the Final EIR and other documents and materials which constitute the record of the proceedings upon which this decision is based are available for

public review from the custodian of these records, the Community Development Department, at City Hall, 610 Foster City Boulevard, Foster City; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Foster City, based on facts and analysis in the Final EIR, all written and oral testimony, evidence submitted in connection with the Final EIR and exhibits, finds that the Final EIR is not an adequate environmental document pursuant to CEQA and the State CEQA Guidelines for the Project because _____

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_____ and recommends that the City Council not certify the Final EIR for the proposed Project under CEQA.

NOW, BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council denies the resolution certifying the Final Environmental Impact Report (EA-15-002) for the proposed project.

PASSED AND ADOPTED as a Resolution of the City of Foster City Planning Commission at the Special Meeting held on April 18, 2017, by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

RICHARD D. WYKOFF, CHAIR

Attest:

CURTIS BANKS, SECRETARY