DATE: September 18, 2023

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager
Marlene Subhashini, Assistant City Manager

FROM: Andrew Brozyna, Public Works Director

DEPARTMENT: Public Works

SUBJECT: LEVEE IMPROVEMENTS PROJECT (CIP 327-657) – ACCEPTANCE OF 2017 LEVEE FEIR ADDENDUM ANALYZING MODIFICATIONS TO O'NEILL SLOUGH

RECOMMENDATION

It is recommended that the City Council, by Minute Order, approve the recommendation to remove the existing temporary cofferdams to restore tidal flow back into the O'Neill Slough as required by the San Francisco Bay Conservation and Development Commission (BCDC) and accept an addendum to the certified 2017 Foster City Levee Protection Planning and Improvements Project Final Environmental Impact Report (2017 FEIR), State Clearinghouse #2016012012.

EXECUTIVE SUMMARY

As part of the BCDC permit for the Levee Improvements Project, the City is required to restore full tidal flows to a portion of the O'Neill Slough. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, an Addendum to the 2017 FEIR was prepared to analyze restoring tidal action into the O'Neill Slough. Staff requests that the City Council approve the recommendation to remove the existing temporary cofferdams to restore tidal flow back into the O'Neill Slough as required by the BCDC permit and accept a second Addendum to the 2017 FEIR and approve the modification analyzed in the Addendum.

BACKGROUND/ANALYSIS

The FEIR for the Foster City Levee Protection Planning and Improvement Project (Levee Project) was approved by the City Council in 2017. An addendum to the FEIR was approved in November 2020 which analyzed modifications to project construction restrictions, assumptions, phasing schedule, and staging.

As part of the BCDC permit requirements for the Levee Project, the City is required to restore full tidal flows to a portion of the O'Neill Slough. In order to meet the requirements of the permit and restore full tidal flows, two pedestrian bridges (Baffin Street Bridge and Egress Bridge) were constructed on either end of the O'Neill Slough as shown below in Figure 1. As part of the construction of the two pedestrian bridges, a temporary cofferdam was installed.

Figure 1: O'Neill Slough & Pedestrian Bridge Locations

Construction for the Baffin Street bridge was completed in November 2021. On the morning of January 29, 2022, the temporary cofferdam was removed and water filled the slough. The removal of the temporary cofferdam coincided with a king tide event. Because this level of tidal action had not been experienced for years, some of the adjacent City of Belmont residents perceived the tidal flows from the bay to be flooding. City staff determined it was prudent to reinstall the cofferdam later that day to restrict tidal flows until the City confirmed the effects of unimpeded tidal action.

At this time, the City is proposing to remove the temporary cofferdam to restore the tidal action into the O'Neill Slough. An Addendum to the FEIR was prepared relating to this action pursuant to CEQA Guidelines section 15164. The two topics determined to be affected by the proposed tidal action restoration are biological resources and hydrology and water quality.

Biological Resources

According to the BCDC Permit, restoring the tidal flow will lower water temperatures, nitrogen levels, and biological oxygen demand and enhance tidal marsh vegetation along the banks, resulting in vegetated connectivity between the adjacent marsh habitat within O'Neill Slough. Full tidal connectivity also allows for enhanced carbon import and export and unimpeded movement of connectivity of aquatic organisms and wildlife within O'Neill Slough and the Bay. Thus, removal of the temporary cofferdam to restore tidal action is

not a substantial change to the Levee Project that would require major revision to the FEIR and would not result in any new or more severe biological resources impacts than what was previously analyzed in the 2017 Levee FEIR.

Hydrology and Water Quality
The removal of the temporary cofferdam to restore tidal flow back in the O'Neill Slough would alter the current drainage pattern, but not in a manner which would result in substantial erosion, siltation, or flooding. Tidal flow would not be expected to increase erosion or siltation due to the slopes being vegetated. The slough and existing housing developments to the south are included in the FEMA 100-year flood hazard zone with a base elevation of 10 feet North American Vertical Datum (NAVD). With or without tidal restoration, the effective base flood elevation remains 10 feet NAVD. Under current conditions with tidal flow impeded, flood waters from a 100-year event would spill over the southern embankment of the slough which could cause rapid flooding, erosion, and siltation within the slough. Restoring tidal flows back into the slough would allow for flood waters to rise more gradually in the slough to minimize potential erosion and siltation. In addition, the removal of the temporary cofferdam to restore tidal flow would not adversely affect local groundwater supplies; contribute to runoff or storm drain system capacity; add housing or structures in flood hazards area; contribute to dam and levee failures; or degrade water quality from project construction or operation. Thus, removal of the temporary cofferdam to restore tidal action is not a substantial change to the Levee Project that would require a major revision to the FEIR and would not result in any new or more severe hydrology and water quality impacts than what was previously analyzed in the 2017 Levee FEIR.

As disclosed in the attached Addendum and briefly summarized above, Urban Planning Partners reviewed the BCDC permit mitigation measure to provide unimpeded tidal flow into the O'Neill Slough for the project and found that: (1) there are no substantial project changes, (2) there are no substantial changes in the project circumstances, and (3) there is no new information of substantial importance which could not have been known with the exercise of reasonable diligence when the 2017 Levee FEIR was certified and that would require major revisions of the certified 2017 Levee FEIR because of a new significant effect or an increase in the severity of a previously identified significant effect. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Sections 15162 and 15163, no further environmental review is required.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

An Environmental Impact Report was prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 2016012012). The EIR can be found on the Documents and Resources page of the Levee Improvement Project website: https://fostercitylevee.org/documents-and-resources/

FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Facilities and Infrastructure

ATTACHMENTS:

Attachment 1 – Urban Planning Partners Memo Re CEQA Compliance for O'Neill Slough Tidal Action Restoration