



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Public Works



Date: April 3, 2014

Board Meeting Date: June 3, 2014

Special Notice / Hearing: None

Vote Required: Majority

To: Honorable Board of Supervisors, Acting as the Governing Board of the San Mateo County Flood District

From: James C. Porter, Director of Public Works

Subject: Consider the potential Environmental Effects of the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 and Agreement for Funding Construction

RECOMMENDATION:

Acting as the Governing Board of the San Mateo County Flood Control District, adopt a Resolution:

- A) Making Findings of Fact and adopting the Mitigation, Monitoring, and Reporting Program pursuant to the provisions of the California Environmental Quality Act of 1970 for with the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101; and
- B) Authorizing an Agreement among the San Francisquito Creek Joint Powers Authority, the Santa Clara Valley Water District, the San Mateo County Flood Control District, the City of Palo Alto, the City of Menlo Park, and the City of East Palo Alto for Funding Construction of the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101.

BACKGROUND:

San Francisquito Creek (Creek) forms the boundary between San Mateo and Santa Clara Counties, as well as a portion of the city limits of Palo Alto, East Palo Alto and Menlo Park and has a history of flooding within the three (3) cities. The Creek can cause severe flood damage with very little warning and has overflowed seven times since 1910. During the February 1998 El Niño event (approximately a 45-year or 2.2 percent potential frequency event), record flooding caused an estimated \$28 million in damages in Palo Alto, East Palo Alto and Menlo Park. More than 1,100 homes were flooded in Palo Alto, and Highway 101 was closed, as were numerous other roadways. The largest flood on record prior to 1998 occurred in December of 1955, when the Creek overtopped its banks in several locations, inundating about 1,200 acres of

commercial and residential property. Damages resulting from this flood event were estimated at nearly \$2 million in 1956 dollars. Total damages from a potential one percent (100-year) frequency flood event are estimated at \$300 million in Santa Clara and San Mateo Counties, as calculated by the United States Army Corps of Engineers (USACE) in 2011.

The San Francisquito Creek Joint Powers Authority (SFCJPA) was formed between the cities of Palo Alto, East Palo Alto and Menlo Park together with the San Mateo County Flood Control District (SMCFCD), and the Santa Clara Valley Water District (SCVWD) to address issues regarding San Francisquito Creek (Creek) after the 1998 storm event. The SFCJPA and its member agencies have been working cooperatively to implement a series of projects to provide flood protection for local residents.

In November 2005, the SFCJPA and USACE executed the Feasibility Cost Share Agreement, which enabled the Corps to start work on a Feasibility Study for Creek-related flood control projects. The SFCJPA, SMCFCD, and SCVWD executed a funding agreement under which the SMCFCD and SCVWD would each provide \$1,500,000 (\$3,000,000 total) to fund the Feasibility Study. Due to uncertain federal funding and the desire to move forward with projects that would result in flood damage reduction and ecosystem restoration, the SFCJPA Board authorized the SFCJPA staff to evaluate upstream retention projects and downstream improvement projects that could also receive credit towards the local share of project(s) identified under the Feasibility Study through Section 104 of the Water Resources Development Act of 1986.

Your Board previously adopted resolutions authorizing execution of an Agreement and two Amendments to provide funding of the planning and design of the project on San Francisquito Creek between Highway 101 and San Francisco Bay with the SFCJPA, the SCVWD, and the SMCFCD. The SMCFCD has provided \$566,252 of funding in connection with the Agreement and Amendments for the Project.

DISCUSSION:

The SFCJPA and its member agencies have been working cooperatively to implement a series of projects to provide flood protection for local residents. The improvements being proposed on San Francisquito Creek will address riverine flooding only, and not flooding due to tidal events. Protection of downstream communities from tidal flooding will need to be addressed by raising bayside levees through a separate project. The SFCJPA has been working to secure the funds needed to implement its planned capital projects through a combination of federal (Corps), state and local funding sources. Although federal dollars have proved to be elusive to date, the SFCJPA has identified state and local funding that will pay for the following set of flood protection improvements:

Downstream of Highway 101 (San Francisco Bay to Highway 101)

The SFCJPA's first major construction-ready capital improvement project will provide protection from a one-percent flood event in the Creek for the communities of East Palo

Alto and Palo Alto between San Francisco Bay and Highway 101. This portion of the Creek is at a high risk of severe flooding from flows coming down the Creek from the hills, with the extent of flooding influenced significantly by concurrent tide levels in the Bay. The San Francisco Bay to Highway 101 Flood Protection Project (Project) is the necessary first step in an overall plan to provide protection to properties located within the flood-prone areas of the Creek watershed. Work upstream of Highway 101 cannot be undertaken until the Creek's capacity has been increased downstream, because before more water can be allowed to flow down the Creek, the downstream reaches of the Creek need to be expanded to accommodate the higher flow rates. The scope of this Project will include construction of setback levees and floodwalls from San Francisco Bay to Highway 101.

Upstream of Highway 101

The SFCJPA has identified state and local funding to pay for improvements that will enable the Creek to contain flood waters equal to approximately the February 1998 flood levels (approximately a 30-year or 3.3 percent potential frequency event) This will include correcting existing channel constrictions and modifying bridges at Newell Road and Pope/Chaucer Street. If sufficient funding becomes available through the USACE or a local voter-approved funding initiative, a one percent flood protection project upstream of Highway 101, including some combination of modifications to the University Avenue and Middlefield Road bridges, upstream detention, underground bypass channels and floodwalls, could be built in the future.

Multi-Agency Funding Agreement for San Francisco Bay to Highway 101 Project and Future Projects Upstream of Highway 101

The SFCJPA, including representatives of the cities of Palo Alto, Menlo Park, and East Palo Alto, the SMCFCFCD, and the SCVWD, have agreed on the terms of a funding plan to pay for the construction of the projects described above. The Construction Funding Agreement for the Project being considered by your Board is structured consistent with the funding sources shown in the following table. The estimated construction cost of the projects downstream and upstream of Highway 101 and the proposed funding sources are listed in the following tables.

San Francisco Bay to Hwy 101 -- Construction Funding Sources

	Funding Sources	Amount
S.F. Bay to Highway 101	East Palo Alto	\$0.8M
	SMCFCD (match of EPA funding)	\$0.8M
	SCVWD	\$27.95M
	SFCJPA	\$7.85M
	Estimated Project Cost	\$37.4M

Upstream of Highway 101 – Future State-Local Construction Funding Sources

	Funding Sources	Amount
Upstream of Highway 101: Newell Road Bridge modification	SCVWD	\$0.5M
	CalTrans Grant	\$3.5
	Estimated Project Cost	\$4M

Upstream of Highway 101: Pope/Chaucer Bridge modification and in-channel/ bank work	Funding Sources	Amount
	Menlo Park	\$0.5M
	East Palo Alto	\$0.2M
	SMCFCD (match of EPA and Menlo Park funding)	\$0.7M
	SCVWD	\$9.7M
	Estimated Project Cost	\$11.1M

The SFCJPA has completed the design work and the Environmental Impact Report for the Project. Construction of the Project should begin later this summer, pending receipt of all required regulatory permits. The SFCJPA and its member agencies have drafted a Construction Funding Agreement for construction of the Project, which each agency has agreed to present to its respective governing body for approval.

California Environmental Quality Act (CEQA)

The SFCJPA, acting as the Lead Agency, certified the Final Environmental Impact Report (EIR) for the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 in October 2012. In March 2013, the SFCJPA prepared an Addendum to the Final EIR to evaluate environmental effects associated with longfin smelt. As a Responsible Agency under CEQA, the SMCFCD must consider the SFCJPA's EIR and Addendum and make required findings prior to taking action to approve the multi-agency Construction Funding Agreement.

The EIR identified three significant unavoidable impacts associated with construction of the project: emissions of nitrous oxides from construction equipment in excess of the Bay Area Air Quality Management District (BAAQMD) daily threshold of 54 pounds per day; toxic air contaminant emissions in excess of BAAQMD daily emission thresholds; and the reduced availability of existing recreational facilities (the Palo Alto Golf Course) by converting 7.4 acres of the golf course to flood conveyance. The EIR proposes mitigation for these impacts, but even with the implementation of proposed measures, the impact would remain significant (or in the case of the golf course implementation of mitigation is not within the jurisdiction of the SFCJPA or the SMCFCD). SMCFCD approval of the Project would allow the construction of proposed facilities and thus contribute to these significant impacts.

The SMCFCD is required to adopt a Resolution making certain findings under CEQA, including a Statement of Overriding Considerations for the significant and unavoidable impacts associated with the Project and adopt a mitigation monitoring and reporting program for the Project. The SFCJPA is responsible for implementing all mitigation measures identified in the EIR with the coordination of the member agencies, including the SMCFCD.

County Counsel has reviewed and approved the Resolution and Agreement as to form.

Approval of these actions will contribute to the Shared Vision 2025 outcome of a Collaborative Community by continuing to support the framework for the collaborative

work of the SFCJPA member agencies by contributing to the construction of a project to solve flooding within a specific reach of the Creek.

FISCAL IMPACT:

There is no impact to the General Fund. Funding for the SMCFCFCD's portion of the Agreement (\$800,000) will be from the San Francisquito Creek Flood Control Zone 2.