

FLOOD CONTROL ZONE 9 ADVISORY BOARD MEETING
SEPTEMBER 20, 2016
LARKSPUR CITY HALL

STAFF REPORT

Item 1. Approval of Meeting Minutes for June 21, 2016

Action by Board: Advisory Board members will review meeting minutes from the June 21, 2016 meeting, make corrections, and approve the minutes as corrected.

Item 2. Open Time For Items Not On The Agenda

Comments will be heard for items not on the agenda (limited to three minutes per speaker).

Item 3. Lower Corte Madera Creek Improvement Project: Phase 1 of the Hillview Neighborhood Drainage Improvements in City of Larkspur

On April 19, 2016, the Flood Control Zone 9 Advisory Board approved a budget line item consisting of \$20,000 in Fiscal Year 2016/17 for District to reimburse City of Larkspur for Phase 1 of the Hillview Drainage Improvement Project, which includes developing a conceptual design for the project. Upon further coordination with City of Larkspur it was determined that this budget was insufficient to provide the conceptual design, therefore a recommended action involves increasing the budget amount from \$20,000 to \$42,000 to account for the full cost of the City's consultant proposal plus an approximate 15% contingency. Enclosed Memorandum of Agreement between District and City describes anticipated Zone 9 funding contributions for 30% of Phase 1 estimated cost of \$140,000, or \$42,000, which pertains only to developing a conceptual design for the Pump Station and Storm Drain Improvements in the Hillview Neighborhood. Phases 2 and 3 of the Pump Station and Storm Drainage Improvements in the Hillview Neighborhood are anticipated to involve developing a final engineering design and constructing the improvements, respectively. As soon as the City Council followed by Board of Supervisors approves the agreement for Phase 1, work can proceed for this effort.

Recommended Action: adjust the Board's previously recommended Fiscal Year 16/17 budget from \$20,000 to \$42,000 for funding City of Larkspur's study involving development of project alternatives for the Hillview Drainage Improvements.

Recommended Action: recommend approval by the Board of Supervisors of a Memorandum of Agreement with City of Larkspur for the Hillview Drainage Improvements.

Item 4. Program EIR / Phoenix Lake IRWM Project Environmental Compliance

CH2M prepared a technical memo dated February 10, 2015 entitled "Phoenix Lake IRWM/Ross Valley Flood Protection and Watershed Management Program Environmental Compliance Approach" which described alternative approaches for complying with the California Environmental Quality Act (CEQA) for the overall flood program and the Phoenix Lake Project.

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The memo recommended that a Program Environmental Impact Report (Program EIR) be prepared and it be combined in a single document with a project-level environmental document for the Phoenix Lake Project. The combined document was recommended because the program and the Phoenix Lake Project were approximately on the same schedule. The memo was presented to the Advisory Board (AB) on February 17, 2015 and the AB passed an action that recommended the preparation of a Program/Phoenix lake Project environmental review document.

The Program EIR portion of the combined document was started on October 21, 2015, put on hold, and restarted in August 2016. The Phoenix Lake portion of the combined document has not started because the feasibility studies were still in progress and a new Memorandum of Understanding (MOU) with the Marin Municipal Water District (MMWD) is required before the Phoenix Lake Project environmental review can start. The scoping session with the public for the Program EIR is scheduled for either October or November 2016 and the Phoenix Lake Project is still not ready to be included in the combined document because the tasks described above are incomplete, though good progress has been made on the feasibility studies. We do not want to delay the Program EIR because it can provide a foundation for other project-level environmental review documents such as for projects with grant deadlines.

Staff recommends that the Advisory Board modify their previous recommendation to recommend staff prepares Program EIR and companion, tiered project level environmental compliance for Phoenix Lake IRWM Project as separate document.

Recommended Action: recommend staff prepares Program EIR and companion project level environmental compliance for Phoenix Lake IRWM Project as separate document.

Item 5. Reciprocal License Agreements between District and Richard Atwood, property owner of 14 E. Sir Francis Drake Boulevard, for reciprocal access, and maintenance of a portion of District-owned Assessor Parcel Number 018-172-08

The owner of 14 East Sir Francis Drake Boulevard commercial property approached the District to request a license of a portion of District owned lands, hereinafter referred to as Premises, abutting the south side of the 14 East Sir Francis Drake Boulevard. A proposed License agreement developed by the Public Works Real Estate Division on behalf of District will allow for an annual fee of \$500 the owner and tenants of 14 East Sir Francis Drake Boulevard to ingress and egress over said Premises with no new permanent structures allowed on Premises. Agreement also grants District reciprocal access to District lands through the existing 14 East Sir Francis Drake Boulevard driveway for an annual fee of \$1. Atwood Licensee shall take reasonable care of the Premises for use in accordance with all applicable laws, ordinances, rules, orders and regulations of any federal, state, regional, District, or municipal entities having jurisdiction. Atwood Licensee shall furnish at its sole expense all maintenance and trash removal which may be required by its use of the Premises

Recommended Action: recommend approval by the Board of Supervisors of the License Agreements for reciprocal access purposes.

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Item 6. Program & Other Project Updates

Brief Update on Department of Water Resources Grant (former Memorial Park grant) for San Anselmo Flood Protection Project:

The San Anselmo Flood Protection Project originally included a multi-use detention basin at Memorial Park in San Anselmo, but a voter initiative passed in November 2015 removed it from further consideration. A grant from the California Department of Water Resources (DWR) was awarded to the Memorial Park Project and the grant can be transferred to a different project if it meets the grant requirements.

At the April 19, 2016 meeting, the Advisory Board recommended that the four project alternatives described in the technical memorandum Analysis of Project Alternatives for DWR Grant be presented to DWR for consideration of receiving grant funds originally intended for the Memorial Park Project.

Since the June Advisory Board meeting, staff continues to meet with DWR to explain the analysis of replacement projects and to confirm the requirements for transferring the grant to a different project or set of projects. To help identify feasible projects, staff have outreached to homeowners associations, town staff, and held a community meeting with the Morningside neighborhood to gain input and feedback on the project types.

At this Advisory Board meeting, Planning Manager Liz Lewis will present next steps, opportunities for public involvement and input, and District/Town roles and responsibilities as we move forward with a recommendation of a preferred project or set of projects for the use of grant funds.

Creek Maintenance Program

Zone 9 undertakes and/or funds creek maintenance activities in both incorporated and unincorporated areas of Ross Valley Flood Control Zone 9.

The Creek Committee consisting of District staff and representatives from each of the Ross Valley Flood Control Zone 9 City and Towns met on Monday August 2nd and determined that each municipality would receive \$8,500 in creek maintenance budget allocation in addition to \$4,000 emergency reserve for the Fiscal Year 2016/17 work plan. All identified creek maintenance activities are to be completed by October 15th, and a short presentation will show various locations of these planned activities.

Creek maintenance is performed within District owned or leased facilities such as the earthen and concrete channel reach of Corte Madera Creek. Creek Maintenance activities within these areas which will be completed by October 15th include trimming vegetation and tree removal/maintenance, fire-fuel reductions, sediment removal in the fish resting pools of the concrete channel and flap gate/tide gate servicing and repair as needed. In addition, District will provide guidance during community creek cleanup days scheduled during the first half of October within unincorporated Sleepy Hollow and Kentfield communities.

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Former Sunnyside Nursery Potential Detention Basin

A purchase agreement with the property owners became effective on July 12, 2016 which defined the terms for the purchase of the site. On July 19, 2016, GEI Consultants started work performing soil sampling at the site and testing the soil samples. Nothing was discovered relating to soil properties, chemicals present, or groundwater which deterred the purchase of the site. On September 9, 2016, the purchase of the site by the County of Marin was completed, as contemplated by the contract, after the close of the contingency period.

Simultaneously, staff held three (3) neighborhood meetings with adjacent neighborhood groups to explain the potential flood basin use project concept, answer questions, and obtain neighbor feedback. There have not yet been any broader outreach efforts that would include other members of the community who would likely benefit from the potential project. Among those who attended the three neighborhood meeting held thus far, there was significant opposition from some of the adjacent property owners to the potential use of the property as a flood basin site project.

On August 31, 2016, a CEQA petition was filed in the Marin Superior Court by the Trestle Glen Homeowner Association and several individuals demanding that the Flood Control District (and, inaccurately, the County of Marin) not purchase the property until CEQA compliance was completed prior to the purchase. The case is *The Trestle Glen Homeowners Association, et. al v. County of Marin, et. al.* CIV1603145. On September 13, the CEQA Petitioners' request for an emergency temporary restraining order (TRO) was denied. Accordingly, the District and the Advisory Board may continue to gather information relevant to assessing the viability of the property for its potential use as a detention basin. CEQA analysis will be conducted regarding this potential use if the information obtained suggests that this might be a viable use that the District decides to pursue and outreach to the community with solicited feedback will be part of the process. Despite the denial of their TRO, Petitioners continue to pursue their action against the District, so the Court has set a briefing schedule and a hearing date for October 14, 2016. An update will be provided after the Court has ruled on the Petitioners' writ, which the District's attorneys believe is without merit. Other than providing this update, this is a pending litigation matter, and should not be further discussed, per the advice of counsel.

Phoenix Lake Integrated Regional Water Management Retrofit

See earlier Agenda item 4 of this Staff Report "Program EIR / Phoenix Lake IRWM Project Environmental Compliance".

Announcement of recently held public and technical advisory group meetings, upcoming public meetings, and other opportunities for public input:

- Marin County Local Hazard Mitigation Plan Update
District staff is assisting Marin County Sheriff's Office of Emergency Services to update the County's Local Hazard Mitigation Plan (LHMP). The public is encouraged to check marinsheriff.org website and the calendar page from marincounty.org for upcoming LHMP public virtual engagement activities planned from September through February 2017, with LHMP community meetings likely to be held November 2016 through February 2017. Please see the enclosed Local Hazard Mitigation Plan Road Map generated by the County LHMP Team together with valuable feedback provided through the Marin County Multi-LHMP group (municipalities). Note the concept of this document

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was borrowed from Association of Bay Area Governments.

- **Technical Work Group Meeting Held September 15, 2016**
A Technical Work Group meeting was held on September 15, 2016 and included presentations of bridge hydraulic design criteria, an update on the San Anselmo grant migration, and an update on the Program Environmental Impact Report.
- **Creek Cleanup Days**
Community creek cleanup days with guidance from District staff are planned in Sleepy Hollow on October 1st and in Kentfield on October 15th. If interested in additional details about these upcoming events please contact Engineering Assistant, Bene DaSilva at bdasilva@marincounty.org.
- **Marin County Flood Preparedness Fair**
The 2nd annual Marin County Flood Preparedness Fair will be on Saturday October 29th, please check MarinWatersheds.org soon for more details.
- **Sleepy Hollow Creek Feasibility Study Neighborhood Meeting November 15, 2016**
A neighborhood meeting is tentatively scheduled for Tuesday November 15th to present the draft study results. For more information, please contact Zone Engineer Felix Meneau at fmeneau@marincounty.org.
- **Other Opportunities for Public Input**
Sign-up for updates of upcoming public meetings and events by clicking on 'Sign Up Now' link on right hand side of RossValleyWatershed.Org website.
Discuss with staff after tonight's meeting regarding any Zone 9 related item not covered during tonight's meeting. Obtain staff contact information by requesting staff business cards at a public meeting or event or by visiting RossValleyWatershed.Org and obtaining staff contact on right-hand side of the homepage.

Item 7. Adjourn (Next Meeting Scheduled for December 20, 2016)

At the December 15, 2015 meeting of the Flood Control Zone 9 Advisory Board, December 20th was selected as the next meeting date following today's meeting.