



COUNTY OF SAN MATEO

Inter-Departmental Correspondence

Department of Public Works

DATE: June 1, 2009

BOARD MEETING DATE: June 9, 2009

SPECIAL NOTICE/HEARING: None Required

VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: James C. Porter, Director of Public Works
SUBJECT: Midcoast Stormwater Drainage Committee Final Report and Recommendations

RECOMMENDATION:

Adopt a resolution authorizing the Director of Public Works to:

1. Develop a conceptual design report including environmental review to improve drainage on 2nd Street, Kanoff Street, and East Avenue in Montara.
2. Develop a capital improvement project for drainage improvements on 2nd Street, Kanoff Street, and East Avenue in Montara based on the recommendations provided in the conceptual design report, subject to available funding
3. Conduct public meetings by June 30, 2010 to gauge the MidCoast community's interest in developing a MidCoast Stormwater Master Plan and implementing stormwater capital projects and enhanced maintenance levels of service subject to approval of local funding sources.
4. Seek Legislative Committee support for legislation that provides funding for stormwater system improvements and provides an exemption from Proposition 218 requirements for generating local revenue for stormwater system improvements.

VISION ALIGNMENT:

Commitment: Responsive, effective, and collaborative government

Goal 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

The recommendations contribute to the commitment and goal by implementing the recommendations of an advisory committee to your Board to address the highest priority drainage problems on the MidCoast.

BACKGROUND:

Your Board formed the Midcoast Stormwater Drainage Committee (MSDC) in October 2006 as part of the Midcoast Local Coastal Program Update. MSDC began meeting in July 2007 and has been meeting monthly to discuss MidCoast stormwater drainage, flooding, and pollution issues.

The Committee initially developed a work plan that addressed the following elements: Education, Identification of Problem, Potential Solutions, and Funding. MSDC has received presentations from Coastal Commission staff as well as County Planning and Public Works staff and received comments from the public to help frame the extent of drainage problems on the Midcoast, the regulations and policies in place that impact drainage, and various approaches to improving drainage facilities. From these presentations and discussions, MSDC developed a list of 11 policy issues and four funding issues that were further evaluated and form the basis for the recommendations presented.

DISCUSSION:

During the course of the meetings, County policies, practices, and base level of service for stormwater system maintenance and management were outlined along with County development requirements and State and Federal requirements that relate to stormwater management. Many of the recommendations provided herein involve enhancements to the current level of service being provided. It is acknowledged that any enhancements to the current level of service specific to the MidCoast would need to be agreed to by the residents of the Midcoast and funded by a source other than County General Fund or Road Funds, i.e., benefit assessment district(s), parcel taxes, grant funds, and/or other funds contributed by the community that is receiving the benefit. Details of the policy and funding issues discussed by the MSDC are provided later in this report.

The MSDC recommendations provide a practical approach for addressing the highest priority drainage improvements identified during the course of their meetings based on Committee member and public input, while exploring the broader vision of performing a Stormwater Master Plan. It was recognized that a limited amount of Road Improvement Fund fees generated on the MidCoast are available to address stormwater capital improvements, and that those funds should be used first to develop an improvement project that will show tangible benefits rather than performing a broader MidCoast area study. The first step in developing a project such as this is to evaluate design options, their impact on the environment, and potential mitigation measures necessary to allow construction of the recommended solution. MSDC recognizes that the cost to perform the improvements to drainage in the 2nd Street, Kanoff Street, and East Avenue area in Montara may exceed the current amount of funds available in the Road Improvement

Fund for the MidCoast, but that additional funds will be generated as development continues.

In conjunction with the work identified in 2nd Street, Kanoff Street, and East Avenue area, the Committee believes it is worthwhile to gauge the support of the community to take a more holistic view of the drainage issues on the MidCoast through a comprehensive Stormwater Master Plan. The Stormwater Master Plan would identify the extent of the current stormwater management system on the entire Midcoast, i.e., from Miramar to Montara, determine improvements to the system that would improve stormwater handling capabilities.

Given the limited resources available in the Road Improvement Fund, and the relatively long period of time it will take to generate enough funding to perform the recommended improvements in the 2nd Street, Kanoff Street, and East Avenue area, MSDC recommends that the County conduct a public meeting to inform the community of the work of the MSDC, the funding constraints of the County for stormwater improvements, and gauge community interest for self-funding a Master Plan and/or other enhancements to stormwater management levels of service.

The following sections describe the many issues that have been discussed over the course of MSDC's meetings along with associated recommendations.

Stormwater Master Plan: In order to properly identify and assess the impacts that capital projects and other on-site retention techniques would have in improving stormwater conveyance on the MidCoast, it is recommended that a comprehensive study be prepared, subject to available funding. The MidCoast Stormwater Master Plan would document current conditions and drainage facilities along the entire MidCoast, evaluate stormwater carrying capacity via hydraulic modeling, develop a prioritized list of capital projects that will improve stormwater carrying capacity, and also prepare cost estimates and a financial plan to fund the capital improvements. The financial plan would also evaluate annual costs of enhanced maintenance activities (described later in this report) if the MidCoast community agrees that they are beneficial and are willing to self-fund the enhanced activities. As part of the study, a public outreach program will be implemented in parallel to educate the community on work that is being done and receive community input throughout the entire process.

Given the current economic climate, the Committee believes it is prudent to delay discussions with the community on whether they would support funding of a Master Plan until the spring of 2010, but no later than June 30, 2010. It is hoped that by that time, the economy will have recovered to a point where residents would be more amenable to funding the study.

Green Building Points for Enhanced On-Site Stormwater Capture: As part of the County's Green Building Program under the Innovative Features category, additional green building points could be given for projects that provide larger than required on-site stormwater retention systems. To ensure effectiveness, a compliance program should also be developed whereby the County has the ability to fine property owners if they

don't maintain and repair the failing system, subject to adequate funding to administer the program.

Other areas to evaluate for additional points include using runoff water for irrigation, planting additional native trees, and minimizing the ratio of impervious surface area to lot size. These items can be incorporated into the current Green Building Program.

Maintenance of Stormwater Facilities on “Paper Streets”: Currently, the County limits its right-of-way maintenance activities to streets that are part of the County Maintained System approved by your Board. Many areas on the MidCoast have streets that are not included in the County maintained system but have drainage ditches or in some cases pipes that have been installed by private property owners over the years that convey stormwater. MSDC would like to explore the County accepting maintenance responsibility for drainage features on paper streets that are currently the responsibility of the property owner to maintain.

The annual cost to implement such a policy change Countywide exceeds \$1 Million. The Road Fund funds stormwater maintenance activities countywide, which also is the funding source for pavement maintenance. Given the large backlog of roadway improvements, it is not practical to implement such an enhanced stormwater system maintenance policy unless additional revenue is identified for this purpose.

In order to maintain equity for level of service throughout the County, it is recommended that as part of the community outreach process, the Midcoast community be asked whether they would support the increased level of service and whether they would be willing to fund it. Rough estimates indicate that it would cost about \$200,000 annually to provide the service. If there were support, staff would pursue a benefit assessment district type process to formally implement a fee.

Maintenance Requirements for On-Site Retention Systems: On-site retention systems such as retention structures or infiltration devices typically require maintenance to ensure that they function properly over time. Maintenance typically involves removing excess sediment or silt that lessens the capacity and effectiveness of the system. Although it is assumed that property owners will provide proper maintenance over time, there currently is no formal requirement for maintenance. In addition, there currently is no formal mechanism to advise a new owner of a property of the presence of a retention system other than word of mouth during the property transfer process.

The County should consider a method for requiring ongoing maintenance of on-site retention systems. One method could be requiring language in a deed when property is transferred that notifies potential buyers of the presence of an on-site retention system and requires maintenance of the system. The Committee recommends development of an enforcement program, potentially based on the County's existing Septic/Environmental Health Regulations, including possible penalties and/or fines for noncompliance, and/or incentives for compliance, with the possibility that if the property owner did not comply, the County could complete the maintenance and charge the property owner for the work.

A challenge identified was the County's ability to monitor maintenance of the systems. The Building and Planning Department is not currently staffed to monitor this activity. Any added increase to the Department's workload would need to be offset by added revenue, which would likely be generated through the permit process and require an increase in fees.

Tahoe Regional Planning Agency Approach: The Tahoe Regional Planning Agency (TRPA) was established in 1969 to address environmental concerns in the Lake Tahoe region caused primarily by impacts from development and transportation. TRPA encourages low impact development (LID) techniques, transit oriented development, and best management practices (BMP) for minimizing runoff from parcels. The MSDC supports the LID and BMP concepts used by TRPA and recommends that they be considered as development and redevelopment takes place on the MidCoast. It is recommended that the MidCoast Stormwater Master Plan include an evaluation of the impacts of implementing the LID and BMP elements of the TRPA approach on the MidCoast for future development and redevelopment.

Multi-Year Maintenance Permits: To perform maintenance on drainage structures on the MidCoast, it is necessary to first receive permits from a variety of State and Federal agencies including the Army Corp of Engineers, Regional Water Quality Control Board, Coastal Commission, State Fish and Game, and U. S. Fish and Wildlife Services. Permits are issued on a project-by-project basis and generally take between six and 18 months to receive. The long lead-time on permits causes delays in preventive maintenance. MSDC supports pursuing multi-year permits with the various agencies for routine maintenance activities to facilitate timely preventive maintenance. Public Works staff is currently pursuing multi-year permits for maintenance activities in the Colma Creek and San Bruno Channel Flood Control Districts and will evaluate the feasibility of multi-year maintenance permits on the MidCoast.

Prioritization of Roadway Improvements and Stormwater Improvements: The Department of Public Works currently maintains 316 miles of roads. The Department is also responsible for maintenance of stormwater facilities associated with the roadway system. Funding for road maintenance and stormwater management associated with the roads comes from a variety of sources, primarily from gas tax received from the State and Federal governments. The General Fund does not contribute to this function.

Unfortunately, the demands for road maintenance alone outpace the revenues received. The County currently has a backlog of over \$100 Million in identified roadway improvement projects. Given these financial constraints, limited funds are used to preserve the current roadway and drainage systems to the best of our ability. With regard to stormwater conveyance systems, Public Works provides inspection and cleaning services before and during storm events, and also provides emergency response for flooding events when necessary. Public Works staff believes that the current methodology for dedicating resources to roadway maintenance and stormwater system maintenance be continued. MSDC acknowledges the funding challenges of maintaining the existing infrastructure, and recommends that enhancements to current maintenance levels of service for stormwater systems be implemented subject to agreement by the community and identification of a revenue source adequate to fund the added work.

During the community outreach process for development of the Stormwater Master Plan, MSDC recommends that residents be made aware of County policies and practices regarding stormwater management. During the outreach process, the community will be asked if they are interested in pursuing enhancements to levels of service and will be provided costs associated with providing the service on the MidCoast. If the community is interested in pursuing enhanced levels of service, staff will initiate a process such as a benefit assessment district to fund the work.

Maintenance Responsibility for Driveway Culverts: Over the years, many property owners have installed pipes at drainage ditches along the sides of the road between the County road and their driveway. These culverts are maintained by the property owners. MSDC discussed at length whether the County should accept responsibility for maintenance of the culverts. Public Works staff is reluctant to accept responsibility for maintenance of the culverts because of the condition and varying sizes of the many pipes, as well the sheer number of these culverts in communities. In general, these pipes are not “designed”. Thus, their ability to accommodate ditch flows is not known. In addition, many of these pipes are deteriorated to the point where replacement is the only viable option. It was agreed that during the community outreach process, maintenance of driveway culverts on the MidCoast would be discussed as an enhanced level of service subject to identification of adequate new revenue from the community to fund the work.

Community Outreach on Stormwater Improvement and Maintenance Funding: As mentioned previously, MSDC recommends that a community outreach process be conducted to brief the community on the work done by MSDC, County policies and practices as they relate to stormwater management, and methods for funding enhancements to the current level of service. Funding options include special purpose parcel taxes, benefit assessment district(s), maintenance assessment districts, and grants. Discussions will include voter approval thresholds for each option as well as the recommendation to prepare a Stormwater Master Plan.

Short Term Stormwater Improvements: During the course of meetings held by MSDC, many residents have attended and brought to the attention of the group drainage problems that they encounter in their neighborhoods. These problems were prioritized as shown below, and are located at:

1. Second Street, Kanoff Street, and East Avenue in Montara,
2. Stanford Avenue in Princeton,
3. Airport Street in Moss Beach,
4. 8th Street in Montara,
5. Miramar Drive in Miramar,

6. Date Street in Montara,
7. Capistrano Road in Princeton, and
8. Cedar Street in Montara.

Problems that can be remedied as part of Public Works normal maintenance practices are addressed as soon as possible. Larger issues that are outside of the normal maintenance practices have been noted and would be analyzed further as part of the Stormwater Master Plan. MSDC recommends that at the community outreach meeting(s), additional information gained about stormwater problems be addressed in the same manner.

Tree Planting Program: MSDC recommends that your Board support policies that encourage replacement of trees with appropriate species that help to mitigate stormwater runoff. To further this goal, MSDC recommends that the update of the tree replacement list for the coastside be moved up on the Planning and Building Department's list of upcoming projects. The update would include replacing inappropriate trees on the replacement list with species more appropriate for the coastside.

Use of Road Improvement Fund Fees: In 1990, your Board determined that there was a need to finance a Countywide program to reconstruct existing public roads which have suffered deterioration to the extent that operational aspects of the road are in danger of becoming impaired, to upgrade existing public roads to meet the additional burden caused by increased development and to establish a mechanism to finance drainage facility improvements in easements that are reaching the end of their serviceable life. It was further determined that fees collected from development in an established area of benefit may only be used to reconstruct public roads and drainage facilities lying within the same area.

Road Improvement Fund fees, or “mitigation fees” generated on the MidCoast have been used to fund roadway and drainage improvements. On January 27, 2008 your Board approved clarifications recommended on the use of mitigation fees that is consistent with current practice. MSDC recommends that these mitigation fees continue to be used for this purpose, specifically to fund the MidCoast Stormwater Master Plan and subsequent improvement projects that are eligible for funding as outlined in 2.53.070 “Limitations on use of fee” of the San Mateo County Code.

Stormwater Funding Legislation: The Committee recognizes that the County does not have a dedicated revenue stream for stormwater system improvements and the difficulties in generating dedicated revenues under current State law. MSDC recommends that staff continue to track proposed legislation intended to provide dedicated funding sources for stormwater system management and seek County Legislative Committee support for the legislation. Additionally, the Committee supports exempting stormwater system management funding from the requirements of Proposition 218 and recommends that staff seek Legislative Committee support for proposed legislation that furthers this goal.

Other Funding Sources: MSDC recommends that the County pursue all available means to fund stormwater improvements including special purpose parcel taxes, benefit assessment district(s), maintenance assessment districts, and grants such as those recently made available through Proposition 84 and Proposition 1E.

The Environmental Quality Committee positively endorsed the MSDC's recommendation at their May 14, 2009 meeting, and recommended that this report be forwarded to the Board of Supervisors for consideration.

FISCAL IMPACT:

Road Improvement Funds generated from the MidCoast would fund the 2nd Street, Kanoff Street, and East Avenue conceptual design report, including environmental review. Approximately \$400,000 is available at this time. Staff will also pursue other funding sources such as grants as they become available. It is estimated that the study and environmental review could cost between \$60,000 and \$100,000. The cost of construction will be determined based on the findings of the study and are unknown at this time. However, construction costs will likely be several hundred thousand dollars based on the potential scope of work.

The MidCoast Stormwater Master Plan is estimated to cost between \$300,000 and \$500,000. Development of the Master Plan, along with any enhancements to current stormwater maintenance and management services would be paid for by benefit assessment district(s), parcel taxes, grant funds, and/or other funds contributed by the community that is receiving the benefit. There is no fiscal impact to the General Fund.