



Legislation Details (With Text)

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**Title:** Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Execute a Grant of Easement with the Alameda County Flood Control and Water Conservation District for Storm Drainage (Grants an easement over City property for storm drainage)

**Sponsors:** Keith Cooke

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Date	Ver.	Action By	Action	Result
6/21/2021	1	City Council	Received and Filed	Pass

Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Execute a Grant of Easement with the Alameda County Flood Control and Water Conservation District for Storm Drainage (Grants an easement over City property for storm drainage)

**SUMMARY AND RECOMMENDATIONS**

Alameda County Flood Control and Water Conservation District requests an easement over a portion of the City’s Dredge Material Management Site for construction, maintenance, and storm water purposes that will benefit the City of San Leandro.

Staff recommends authorizing execution of a grant of easement.

**BACKGROUND**

Flood Insurance Rate Maps adopted by the Federal Emergency Management Agency (FEMA) in 2018 indicate that when a significant rain event coincides with a very high tide, there is a risk that water in the Estudillo Canal will not flow to San Francisco Bay and will instead flow over the northern bank of the canal and enter the neighborhood to the north. The Alameda County Flood Control and Water Conservation District (District) owns and operates the Estudillo Canal and has engineered a solution to reduce the risk of flooding from this canal. The District plans to store excess water in the City’s Dredge Material Management Site (DMMS) until the tide recedes rather than allowing stormwater to otherwise spill out of the canal in an uncontrolled manner and into the adjacent Marina Faire and Mulford Gardens neighborhoods. The District requests an easement over a 5,550 square foot area of the DMMS for construction of interlocking pavers to protect against erosion, for maintenance of the same, and for rights to divert storm water into the DMMS.

The DMMS is located between the Heron Bay Marshland and the Estudillo Canal and is protected

from high tide by an existing levee. The site was formerly used to store material dredged from the San Leandro Marina while it dried. Dredging and the storage of dredged material has been discontinued due to insufficient funds.

The General Plan Land Use Map of the City of San Leandro designates the DMMS as Resource Conservation land. The Resource Conservation land use designation “denotes land which is to remain undeveloped due to high environmental sensitivity, or land to be used primarily for passive recreation (such as walking trails). It also includes land within and immediately along the banks of San Leandro Creek. Development is generally not permitted in Resource Conservation areas so there is no building intensity standard; the land is to be managed to enhance and restore its natural features.” On May 6, 2021 the Planning Commission found that use of the DMMS for storm water purposes is consistent with the General Plan.

### **Analysis**

Storage of storm water in the DMMS is anticipated to be an infrequent event, corresponding to a 100-year storm and a storm related high tide event. The District project supported by the subject easement will reduce the risk of flooding from the Estudillo Canal. The overall risk of flooding for the neighborhood will be reduced when both the Estudillo Canal and the Neptune Drive Shoreline Flood Protection projects are completed.

A higher risk of flooding results in higher insurance costs for residents and businesses and reduces the amount of capital available for other economic activity.

The requested easement is in conformance with the agreement for the improvements to the Estudillo Canal between the City and ACFCD and approved by Resolution 2020-036.

### **Current Agency Policies**

- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation

### **Previous Actions**

- On April 20, 2020, by Resolution No. 2020-036, City Council approved an agreement with the District for the project.

### **Applicable General Plan Policies**

- Policy EH-1.7 Reducing Flood Hazards.

Work collaboratively with County, State, and federal agencies to develop short and long term programs that reduce flood hazards in the City.

### **Permits and/or Variances Granted**

The District has obtained permits from the Army Corps of Engineers, Bay Conservation and Development Commission, Department of Fish and Wildlife, and the Water Board for the project.

### **Environmental Review**

The District has determined that this project is Categorically exempt from CEQA.

**Board/Commission Review and Actions**

On May 6, 2021, via Resolution No. 2021-003, the Planning Commission found that the requested easement is in conformance with the General Plan.

**Fiscal Impacts**

This project will be funded by the District, the action will have no impact on the City of San Leandro Budget. The Estudillo Canal improvement project valued at approximately \$7 million directly benefits the citizens of San Leandro and is the consideration for the easement rights.

**Attachment to Staff Report**

- Agreement ACFCD

**Attachment to Related Legislative File**

- Grant of Easement

**PREPARED BY:** Nick Thom P.E., City Engineer, Engineering and Transportation Department