



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: November 12, 2019

Subject: Three Creeks Parkway Restoration Project approval and take related actions under California Environmental Quality Act. Project No. 7562-6D8490

RECOMMENDATION(S):

1. CONSIDER the approved Initial Study/Mitigated Negative Declaration (IS/MND) for the Three Creeks Parkway Restoration Project, together with Addendum No. 1 and proposed Addendum No. 2, attached hereto.
2. ADOPT Addendum No. 2 to the IS/MND.
3. FIND, on the basis of the whole record, including the IS/MND and Addenda Nos. 1 and 2 (CEQA Documents), that there is no substantial evidence the Three Creeks Parkway Restoration Project (Project), as described in the CEQA Documents, will have a significant effect on the environment, and that the CEQA Documents reflect the independent judgment and analysis of the lead agency.
4. APPROVE the Project and AUTHORIZE the Chief Engineer, Contra Costa County Flood Control and Water Conservation District (Flood Control District), or designee, to advertise the civil/earth work portion of the Project.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/12/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 12, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Gus Amirzehni, (925)
313-2128

RECOMMENDATION(S): (CONT'D)

5. DIRECT the Director of Conservation and Development to file a Notice of Determination with the County Clerk.

6. SPECIFY that the Chief Engineer is the custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision is based and that the record of proceedings is located at 255 Glacier Drive, Martinez, CA.

7. AUTHORIZE the Chief Engineer, or designee, to arrange for payment of a \$50 fee to the County Clerk for filing the Notice of Determination, and a \$25 fee to the Department of Conservation and Development for processing.

FISCAL IMPACT:

The estimated cost for advertising the Project for bids is \$11,000, which will be funded by Flood Control Drainage Area 130 funds. The Flood Control District is currently working on an agreement with American Rivers for sharing costs and responsibilities for the Project. Payment of the required \$75 in fees will also be funded by Flood Control Drainage Area 130 funds.

BACKGROUND:

The Three Creeks Parkway Restoration Project, a joint effort by the Flood Control District and American Rivers, Inc. (American Rivers), involves the widening of Marsh Creek and installation of native landscaping in and alongside three reaches of the creek in the Brentwood area, starting at the Union Pacific Railroad overcrossing and ending at Dainty Avenue. The Project is an expansion of a smaller project, originally proposed by American Rivers, for which the California Department of Water Resources in 2016 provided a grant to both American Rivers and the Flood Control District. In March 27, 2018, the Flood Control District and American Rivers entered into an agreement to share costs of completion of the smaller project. American Rivers has obtained a number of grants to fund the larger Project, while the Flood Control District is utilizing Flood Control Drainage Area 130 funds to pay its costs.

An IS/MND based on an early project description was approved by the Board on September 27, 2016. When the scope of the project changed, Addendum 1 to the IS/MND was prepared and approved by the Board when the Board approved the Project on March 27, 2018. However, some of the project components, including the installation of park improvements on a city-owned parcel known as the "Dainty Triangle," and development of a trail leading to a proposed pedestrian bridge over the creek, were not identified in either the IS/MND or Addendum 1. For this reason, Addendum 2 was prepared to identify and analyze the additional improvements. Because the current Project

is technically different from the Project approved in 2018, it is necessary to approve the current Project and file a new Notice of Determination.

The Flood Control District and American Rivers, Inc., are in the final stages of negotiation of a funding agreement to set forth cost sharing and other obligations of each party with regard to completing the Project. The funding agreement would supercede the 2018 agreement between the parties. It is anticipated that the Flood Control District will take the lead on advertising and constructing the civil/earth work portion of the Project, and that the construction would take place next spring. It is also anticipated that American Rivers will take the lead on advertising and completing the landscaping portion of the Project, and then maintaining and monitoring the landscaping during an establishment period.

Staff is recommending advertising for bids of the civil/earth work portion of the Project at this time to maintain the Project schedule. Action by the Board to authorize advertising for bids does not commit the Flood Control District to enter into a construction contract. Staff does not intend to recommend award of a construction contract until after approval of the above-referenced funding agreement.

CONSEQUENCE OF NEGATIVE ACTION:

Without the above Board actions, the Project cannot move forward to construction, potentially causing \$5.2 million of grant funding to be lost. Instead, only the smaller project approved on March 27, 2018 could be constructed.

ATTACHMENTS

Three Creeks Parkway Restoration Project Initial Study/Mitigated Negative Declaration

Addendum No. 1 to the Three Creeks Parkway Restoration Project Initial Study/Mitigated Negative Declaration

Addendum No. 2 to the Three Creeks Parkway Restoration Project Initial Study/Mitigated Negative Declaration