



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano

**SUBJECT:** SEE BELOW

**DATE:** March 15, 2021

Approved 

Date

**3/18/2021**

**COUNCIL DISTRICT: 4**

**SUBJECT: ACCEPTANCE OF THE PLANNING STUDY REPORT FOR THE RIVER  
OAKS REGIONAL STORMWATER CAPTURE PROJECT AND  
ADOPTION OF THE PROJECT'S MITIGATED NEGATIVE  
DECLARATION**

## **RECOMMENDATION**

1. Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration (MND) for the River Oaks Regional Stormwater Capture Project (File No. PP ER20-186) and the associated Mitigation Monitoring and Reporting Program (MMRP), in accordance with the California Environmental Quality Act.
2. Accept the Planning Study Report for the River Oaks Regional Stormwater Capture Project.

## **OUTCOME**

Acceptance of the Planning Study Report and adoption of the Mitigated Negative Declaration for the River Oaks Regional Stormwater Capture Project (Project) will allow staff to:

- a) continue with the process of negotiation and execution of the Local Project Sponsor Agreement with the Association of Bay Area Governments (ABAG) to effectuate the Integrated Regional Water Management (IRWM) grant funding for the Project; and
- b) proceed with the final Project design and advertising, meeting the IRWM grant funding schedule requirement.

The Initial Study and Mitigated Negative Declaration, including the Project Planning Study Report, are available at [River Oaks Planning Study Report/MND](#).

## **BACKGROUND**

In September 2019, City Council approved the Green Stormwater Infrastructure (GSI) Plan which describes the City's approach to integrating green stormwater infrastructure into drainage infrastructure to ensure stormwater runoff is treated or infiltrated rather than directed to creeks untreated. The River Oaks Stormwater Capture Project is included in the Council-approved GSI Plan, and is the first publicly-funded regional project in the City. Construction of the Project will also contribute to the City's efforts towards meeting Municipal Regional Stormwater NPDES Permit (MRP) requirements. Measure T – The Disaster Preparedness, Public Safety and Infrastructure Bond, passed in 2018, allocates approximately \$25 million to clean water projects.

The Project, which would capture and treat stormwater at the existing detention basin site prior to discharge to the Guadalupe River, is intended to provide a functional multi-benefit GSI project that improves storm water quality, maintains flood control benefits, adds public access to educational, recreational, and aesthetic amenities and enhances nearby habitat.

In November 2014, California voters passed Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, which provides \$510,000,000 for Integrated Regional Water Management (IRWM) Planning and Implementation. The IRWM Grant Program is administered by the California Department of Water Resources (DWR), which awards funds to local public agencies and non-profit organizations for projects and programs to improve water supply reliability and improve and protect water quality using regional strategies, rather than strictly local strategies.

On June 2, 2020, DWR announced the grant recipients, including the City's River Oaks Stormwater Capture Project. ABAG will serve as the lead grantee with DWR through a ABAG/DWR Grant Agreement, and will establish a Local Project Sponsor Agreement (LPSA) with each project sponsor. ABAG will administer and disperse the grant.

On August 25, 2020, the City Council adopted a resolution authorizing the City Manager to negotiate and execute a Local Project Sponsor Agreement with the ABAG to effectuate a \$3,203,550 grant with City matching funds of 65% for the total project cost relating to the River Oaks Stormwater Capture Project. The 65% matching funds would come from the Measure T Program – Clean Water and Green Infrastructure Projects.

On February 9, 2021, City Council approved the master consultant agreements with GHD Inc. and Brown and Caldwell to support the City of San Jose's planning and implementation of GSI Plan. Included in these master agreements are the design and construction management support

services for the River Oaks Stormwater Capture Project once the Project's CEQA documentation is adopted.

## **ANALYSIS**

As part of developing the Project's scope and the associated CEQA documents, staff, with consultant support from Woodard and Curran Consultant, developed three project alternatives and solicited input from the community. Each project alternative included four primary project goals with various proposed design elements: a.) Treatment (bioretention, infiltration, wetlands); b.) Recreation (boardwalk, perimeter pathway, seating area); c.) Aesthetics (interactive sculptures, mural, fountain), and d.) Education (outdoor classroom space, demonstration projects, educational signage). As a result of staff's analysis, public input and project stakeholders' comments, staff developed the preferred project alternative, finalized the Project Scope, and proceeded with the Initial Study/Mitigated Negative Declaration in compliance with CEQA and state and local guidelines implementing CEQA.

### **Project Scope/Project Description**

The 5.2-acre project site is located in North San José between Riverview Parkway and the Guadalupe River (Assessor's Parcel Number 097-060-37), San José, California. The Project would convert the existing facility to provide stormwater treatment via bioretention prior to discharge to the Guadalupe River. The Project would allow for low flow water to be routed into the detention basin after trash capture and sedimentation. Water would then flow through the bioretention basin to receive bio-treatment, which occurs through various natural processes including filtration, plant uptake, adsorption, microbial degradation, decomposition, sedimentation, and volatilization. The treated stormwater would be captured by underdrains and discharged to the pump station wet well; and would then be discharged to the Guadalupe River via the 84-inch outfall.

The Project would also include park-like enhancements to provide recreational, aesthetic, and educational benefits for the community. Anticipated park-like features include a walking trail around the basin composed of permeable pavement, a boardwalk and viewing platform over the detention basin, two deck overlooks with seating, exercise equipment, interpretive signage, a demonstration bioretention planter, and public art (mural on the pump station and educational sculpture). The area surrounding the detention basin would be planted with new trees, native grasses, and a pollinator garden. Park facilities would be designed to meet accessibility standards of the Americans with Disabilities Act.

### **Initial Study and Mitigated Negative Declaration**

On December 23, 2020, the Director of Planning, Building, and Code Enforcement circulated an Initial Study/Draft Mitigated Negative Declaration for a 25-day public review through the State Clearinghouse in conformance with the requirement of the California Environmental Quality Act (CEQA). Three comment letters were received from public agencies including Valley Water and Santa Clara County. The comments were correction to the text in the Initial Study, but did not result in changes to the analysis.

### **Proposition 1 IRWM Grant Funding**

The estimated total project cost is approximately \$9.2M, including about \$3.2M supported through the Proposition 1 IRWM Grant funding. The River Oaks Stormwater Water Capture Project is included in the ABAG/DWR Grant Agreement as a placeholder, and upon the City Council's adoption of the Project's Mitigated Negative Declaration, the Grant Agreement will be amended to include the Project as a full Local Project, and negotiations and execution of the Local Project Sponsor Agreement with ABAG will proceed right after.

Per the ABAG/DWR Grant Agreement, all Project work shall be completed by March 31, 2025, and no funds may be requested after June 30, 2025.

### **CONCLUSION**

Staff recommends the acceptance the Planning Study Report and adoption of the Mitigated Negative Declaration for the River Oaks Regional Stormwater Capture Project. This will allow the City to proceed with the final Project design and advertising, and continue the process of negotiation and execution of the Local Project Sponsor Agreement with ABAG for Proposition 1 IRWM Grant funding.

### **EVALUATION AND FOLLOW-UP**

At the conclusion of the bid process, the Department of Public Works will return to the City Council for approval of the construction contract.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum is consistent with major strategies, goals, and policies of the Envision San José 2040 General Plan, and aligns with the direction the City is moving with Climate Smart San José initiatives.



HONORABLE MAYOR AND CITY COUNCIL

March 15, 2021

**Subject: River Oaks Regional Stormwater Capture Project – Planning Study Report and Mitigated Negative Declaration**

Page 5

## **PUBLIC OUTREACH**

In March and May of 2020, the City, with support from Woodard and Curran Consultant, conducted community meetings to present the three project alternatives, and solicited comments and input from the community and various project stakeholders. Refer to attachment that shows the conceptual rendering of the alternatives. The Project Scope and Project Description is developed based on the result of this public outreach effort.

## **COORDINATION**

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement, the City Attorney's Office, and the City Manager's Office.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

## **CEQA**

River Oaks Stormwater Capture Project Initial Study and Mitigated Negative Declaration, Planning File Nos. ER20-186.

/s/

MATT CANO

Director of Public Works

For questions, please contact Michael O'Connell, Deputy Director, Public Works Department at Michael.OConnell@sanjoseca.gov.

Attachment



**Figure ES-2: Conceptual Rendering of Alternative Two Site Layout**





**Figure ES-3: Conceptual Rendering of Alternative Three Site Layout**



**Figure ES-4: Conceptual Rendering of the Preferred Alternative Site Layout**

**Figure ES-4 R / Figure 6-1 R: Conceptual Rendering of the Preferred Alternative Site Layout**

