



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 20-803

Board Meeting Date: 10/20/2020

Special Notice / Hearing: None
Vote Required: 4/5 Vote

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Manager
Subject: Execution of a Habitat Preservation Deed Restriction and execution of an Easement Exchange Agreement with Midpeninsula Regional Open Space District for the Cordilleras Health System Replacement Project

RECOMMENDATION:

Adopt a resolution authorizing:

- A) The County Manager to execute a Declaration of Covenants and Restrictions for Oak Woodland and Oak Woodland Understory Habitat Preservation ("Deed Restriction") over approximately 4.7 acres of County owned property located at 200 Edmonds Road in Redwood City and identified as Assessor's parcel 050-470-050 required for the Cordilleras Health System Replacement Project ("Project"), in a form substantially similar to the attached; and
- B) The County Manager to execute an Easement Exchange Agreement with Midpeninsula Regional Open Space District ("District") exchanging a non-exclusive parking easement for ten (10) parking spaces to serve District's Pulgas Ridge Open Space Reserve over County owned property located at 200 Edmonds Road in Redwood City and identified as Assessor's parcel 050-470-050, for an Outfall Easement and Subsurface Easement required for the Project over District property known as Pulgas Ridge Open Space Reserve and identified as Assessor's Parcel Number 050-470-090, in forms substantially similar to those included in the Exchange Agreement; and
- C) The County Manager to execute an Environmental Mitigation Agreement in a form substantially similar to that one included in the Exchange Agreement, upon approval by County counsel, after offering District the opportunity to perform a Red-Legged Frog mitigation project to mitigate for the biological impacts of the Project, or alternatively for the County Manager to execute an agreement to purchase credits at a mitigation bank approved by United State Fish & Wild Life, in a form approved by County counsel, in an amount not to exceed Three Hundred Eighty Thousand Dollars (\$380,000.00) or as prescribed by regulatory agencies; and

- D) The County Manager, or designee, to execute escrow instructions, notices, consents, approvals, and any other, or make modifications to the documents or agreements, in connection with the Deed Restriction, Easement Exchange and Environmental Mitigation Agreement.

BACKGROUND:

The Cordilleras Health System Replacement Project ("Project") requires that the County address certain environmental mitigation measures associated with the Project. The Project also requires the re-construction of infrastructure improvements and placement of building support facilities that impact the adjacent parcel owned by District. To accomplish this, the County needs two easements over District property: 1) an Outfall Easement for a stormwater culvert and creek flow management and 2) a Subsurface Easement for soil nail underpinnings required for support. In exchange for these easements, the County will grant District a non-exclusive easement for ten (10) parking spaces across County-owned property to serve the Pulgas Ridge Open Space Reserve.

The environmental mitigation measures required for the Project include: 1) the execution of a Deed Restriction over 4.7-acres of bay laurel-oak woodland and creek habitat located in the south tributary of Cordilleras Creek, in the canyon behind the Canyon Oaks Youth Center and contiguous with District's Pulgas Ridge Open Space; 2) native landscaping; 3) creek restoration downstream of the main stormwater outfall, including recontouring to stop downcutting and erosion, replacement of a 48-inch culvert under Edmonds Road with a natural bottomed culvert, and 4) removal of in-channel concrete; and removal of in-channel concrete upstream of the Project. The Project impacts aquatic and riparian habitat, but it includes design measures, restoration, and conservation of on-site habitat that will directly benefit native plant and wildlife species in freshwater aquatic and riparian habitats in the watershed.

DISCUSSION:

The Real Property Division assisted the Project Development Unit in addressing the environmental mitigation measures and construction requirements that require real property interests.

The County can execute the Deed Restriction over 4.7-acres of the same parcel being used for the Project. The deed restriction prevents future development of the impacted property in perpetuity and will allow access for habitat management and protection measures, if needed.

The District has agreed to provide a permit to allow for the culvert replacement under Edmonds Road after completion of the Project.

The County can execute the Easement Exchange Agreement on the terms and conditions set forth therein that provide for the Outfall Easement and Subsurface Easement across District property in exchange for the non-exclusive easement for ten (10) parking easements across County-owned property. The existing culvert is comprised of broken cement and fallen trees. The debris will be removed and the culvert will be strengthened so as to prevent existing erosion. District's rights to the parking spaces will not commence until December 31, 2023 after completion of the Project. The exchange can be executed provided the property interests are required for the Project. The County Easements set forth critical public uses and are required by the County.

The County shall offer District the opportunity to perform a Red-Legged Frog mitigation project to

mitigate for the biological impacts of the Project. In the event this option is not possible, the County will purchase credits from a mitigation bank. The County's mitigation project funding contribution shall be an amount not to exceed Three Hundred Eighty Thousand Dollars (\$380,000.00) or as prescribed by regulatory agencies in order to fulfill the mitigation requirements.

The Project Development Unit concurs in this recommendation. County Counsel has approved the resolution, Deed Restriction, Easement Exchange Agreement, Parking, Subsurface and Outfall Easements as to form. County Counsel will approve the Environmental Mitigation Agreement or Purchase Agreement needed to meet the mitigation requirements of the Project.

FISCAL IMPACT:

There are no property costs associated with the exchange of easement interests. Funds for the environmental mitigation measures for the red-legged frog are included in the Cordilleras Mental Health Replacement Project. Staff time has been paid for by the Project Development Unit.