



Midpeninsula Regional  
Open Space District

R-19-166  
Meeting 19-32  
December 18, 2019

## AGENDA ITEM 1

### AGENDA ITEM

Caltrans Funding Opportunity to Support the Ravenswood Bay Trail Project – Related to a Bay Conservation and Development Commission Permit Requirement for the Caltrans San Mateo 101 Express Lanes Project to Fund Public Access Improvements

### GENERAL MANAGER'S RECOMMENDATIONS

1. Consider whether to accept funds from Caltrans for the Ravenswood Bay Trail Project related to a Bay Conservation and Development Commission permit requirement for a monetary contribution toward public access improvements.
2. If the Board of Directors is supportive of accepting Caltrans funds for the Ravenswood Bay Trail Project, adopt a resolution authorizing the General Manager to negotiate and execute a funding agreement with Caltrans.

### SUMMARY

Caltrans is working to establish express or High-Occupancy Toll lanes in each direction along Highway 101 in San Mateo County. Caltrans applied for and was granted a permit from the Bay Conservation and Development Commission (BCDC) for the portions of work within BCDC's jurisdiction, the San Francisco Bay and the Bay's shoreline band. BCDC included a permit condition that requires Caltrans to contribute \$1.5M toward public access improvements in the vicinity of the project. Caltrans has contacted the Midpeninsula Regional Open Space District (District) about the possibility of providing funds to support the Ravenswood Bay Trail Project to satisfy the BCDC permit condition.

### DISCUSSION

Caltrans is working to establish express lanes in each direction along Highway 101 in San Mateo County. This multi-agency, multi-year project aims to reduce traffic congestion and encourage carpooling and transit use on the U.S. 101 in San Mateo County. The project will create 22 miles of express lanes on Highway 101 from I-380 in San Bruno to the San Mateo County/Santa Clara County border. The Project will largely stay within existing Caltrans' right-of-way.

Portions of this work occur in the jurisdiction of BCDC. BCDC, established by the McAteer-Petris Act, is a California state planning and regulatory agency with regional authority over the San Francisco Bay and the Bay's shoreline band. Its mission is to protect and enhance the San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations. BCDC is tasked with implementing a primary purpose of the McAteers-Petris Act, to include public access consistent with proposed projects. Public access is required by BCDC as

a condition of approval for most shoreline development projects. Caltrans and BCDC contacted the District to inquire about the possibility of providing funding for the Ravenswood Bay Trail Project to meet the requirement of the Caltrans Express Lanes Project to provide public access.

Caltrans applied for and was granted a permit from BCDC for the portions of work with the San Francisco Bay and the Bay's shoreline band. BCDC included a permit condition that requires Caltrans to contribute \$1.5M towards public access improvements in the vicinity of the project. Caltrans' project permit, issued on September 25, 2019, includes specific language that states funds should be disbursed to San Mateo County Parks Department, for the Coyote Point Eastern Promenade Rejuvenation Project, and the District, for the Bay Trail Connection at Ravenswood Open Space Preserve Project or another project or projects acceptable to BCDC.

#### BCDC Permit Language for the Caltrans Managed Lanes Project

*Monetary Contribution for Public Access Improvements. No later than December 31, 2023, or by the opening of the U.S. 101 Managed Lanes, whichever occurs first, the permittee shall pay an in-lieu mitigation fee of \$1,500,000.00 toward public access improvements in the vicinity of the project site. The funds shall be disbursed to either (1) San Mateo County Parks Department, for the Coyote Point Eastern Promenade Rejuvenation Project; (2) Midpeninsula Regional Open Space District, for the Bay Trail Connection at Ravenswood Open Space Preserve Project; or (3) another project or projects acceptable to the Executive Director that develop or enhance some portion of a shoreline public access trail in the vicinity of the project site. The funds may be distributed entirely to one project, or some combination of funds may be distributed to any combination of projects identified above, so long as funds totaling \$1,500,000.00 are distributed no later than December 31, 2023, or by the opening of the U.S. 101 Managed Lanes, whichever occurs first. The permittee shall submit evidence to the Executive Director that the funds have been disbursed and that Caltrans has entered into an agreement(s) that stipulates that the funds will be spent only on the identified project(s).*

This item was originally scheduled to be on the January 22, 2020 Board agenda, but District staff communicated with Caltrans on December 11, 2019 explaining construction is already underway. Caltrans staff recommended bringing this item forward for Board consideration as soon as possible to begin the funding agreement process. Caltrans staff understands the District's project constraints and is willing to be flexible and expedite their review process.

On June 11, 2019, staff presented to the Legislative, Funding, and Public Affairs Committee (LFPAC) on potential mitigation funding from BCDC for the Ravenswood Bay Trail Project. At that time, BCDC had not yet issued Caltrans a permit for the 101 Express Lanes Project, and therefore the purpose and requirements of the funding was unclear. The Committee members recommended establishing a board policy on mitigation funding before making a commitment. A new board policy on mitigation funding is scheduled for Fiscal Year 2021. LFPAC also requested that more information from BCDC on the specifics for potential mitigation funding agreements be gathered. Since BCDC has issued the Caltrans permit, the purpose of this funding is clarified, as a required monetary contribution to provide public access within the vicinity of Caltrans' project.

This Caltrans funding is not related to mitigation for impacts to the natural resources, but instead public access requirements of BCDC due to their responsibility to maximize public access within their jurisdiction. However, the Caltrans 101 Express Lanes Project will result in less than one acre of permanent and temporary impacts to wetlands. Caltrans will address the permanent

impacts through the purchase of tidal wetland mitigation credits from the San Francisco Bay Wetland Mitigation Bank. Caltrans will mitigate the temporary impacts by replacing the impacted roadside ditches with an equivalent length of newly constructed vegetated ditches within the project limits.

## FISCAL IMPACT

If an agreement with Caltrans is reached, it would represent a positive fiscal impact to the Ravenswood Bay Trail Design and Implementation project (MAA02-002). The table below shows the project budget, including previously awarded grant funds, total spent to date and encumbrances. Funding received from Caltrans would be applied to the projected funding gap.

| <b>Ravenswood Bay Trail Design and Implementation<br/>MAA02-002</b> | <b>Prior Year<br/>Actuals</b> | <b>FY2019-20<br/>Adopted</b> | <b>FY2020-21<br/>Projected</b> | <b>Estimated<br/>Future<br/>Years</b> | <b>TOTAL</b>         |
|---|-------------------------------|------------------------------|--------------------------------|---------------------------------------|----------------------|
| District Funded (Fund 30):  | \$212,301                     | \$551,849                    | \$828,207                      | \$0                                   | <b>\$1,592,357</b>   |
| Grant Amount:**   | \$660,608                     | \$1,424,911                  | \$669,809                      | \$0                                   | <b>\$2,755,328</b>   |
| <b>Total Budget:</b>  | <b>\$872,909</b>              | <b>\$1,976,760</b>           | <b>\$1,498,016</b>             | <b>\$0</b>                            | <b>\$4,347,685</b>   |
| Spent-to-Date (as of 12/12/19):                                     | (\$872,909)                   | (\$924,236)                  | \$0                            | \$0                                   | <b>(\$1,797,145)</b> |
| Encumbrances:   | \$0                           | (\$3,688,045)                | \$0                            | \$0                                   | <b>(\$3,688,045)</b> |
| <b>Budget Remaining (Proposed):</b>                                 | <b>\$0</b>                    | <b>(\$2,635,521)*</b>        | <b>\$1,498,016</b>             | <b>\$0</b>                            | <b>(\$1,137,505)</b> |

\*This project is progressing faster than contemplated in the Spring of 2019 when the budget was prepared and allocated over Fiscal Years 2020 and 2021. The budget overage in FY20 and the budget surplus in FY21 will be adjusted at the Q2 Budget Review in February 2020.

\*\*Additional funding from Caltrans is not included in the Grant Amount in the table above.

The following table outlines the Measure AA Portfolio 02 (Regional: Bayfront Habitat Protection and Public Access Partnerships) allocation, previously-awarded grants, costs-to-date, and encumbrances.

|   |                    |
|---|--------------------|
| <b>MAA02 Portfolio Allocation:</b>  | <b>\$5,052,000</b> |
| <i>MAA02-001 Cooley Landing Interpretive Facilities Design and Implementation</i> |                    |
| Life-to-Date Spent (as of 12/12/2019):  | (\$1,208,262)      |
| Encumbrances:   | (\$30,000)         |
| <i>MAA02-002 Ravenswood Bay Trail Design and Implementation</i>                   |                    |
| Grants and Donations Awarded:   | \$2,755,328        |
| Life-to-Date Spent (as of 12/12/2019):  | (\$1,797,145)      |
| Encumbrances:   | (\$3,688,045)      |
| <b>Portfolio Balance Remaining (Proposed):</b>                                    | <b>\$1,083,876</b> |

## BOARD COMMITTEE REVIEW

On June 11, 2019, staff presented to LFPAC on potential mitigation funding from BCDC for the Ravenswood Bay Trail Project. BCDC had not yet issued Caltrans a permit for the 101 Express Lanes Project, and therefore the purpose and requirements of the funding was unclear. The Committee members recommended establishing a board policy on mitigation funding before making a commitment. Since this Committee meeting, Caltrans has clarified that this funding is

not mitigation funding, but rather a permit condition to provide a monetary contribution in support of a public access project.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

The Ravenswood Bay Trail Project was evaluated in a Mitigated Negative Declaration and Initial Study (IS/MND), adopted by the Board on November 16, 2016 (R-16-146). An addendum to the IS/MND, prepared to analyze (1) repaving the additional linear feet of existing Bay Trail and pedestrian access path, and (2) modifying the bridge abutment installation method was approved on November 13, 2019.

## **NEXT STEPS**

If the Board supports the potential for Caltrans funding, the General Manager will continue to negotiate and execute an acceptable funding agreement with Caltrans. Funding is contingent upon BCDC review and approval. If the final funding agreement contains nonnegotiable and burdensome conditions or requirements for the District, the General Manager will not enter into an agreement with Caltrans and notify the Board of Directors.

### **Attachment**

1. Resolution Authorizing the General Manager to Execute a Funding Agreement with Caltrans for the Ravenswood Bay Trail and Authorizing the General Manager and General Counsel to Execute any and all Other Documents Necessary or Appropriate to Effectuate the Agreement

Responsible Department Head:  
Jane Mark, AICP, Planning Manager

Prepared by:  
Gretchen Laustsen, Planner III, Planning Department

**RESOLUTION NO. 19-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE GENERAL MANAGER TO EXECUTE A FUNDING AGREEMENT WITH CALTRANS FOR THE RAVENSWOOD BAY TRAIL AND AUTHORIZING THE GENERAL MANAGER AND GENERAL COUNSEL TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO EFFECTUATE THE AGREEMENT**

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**WHEREAS**, Caltrans is working to establish High-Occupancy Toll (HOT) lanes in each direction along Highway 101 in San Mateo County; and

**WHEREAS**, Caltrans applied for and was granted a permit from the Bay Conservation and Development Commission (BCDC) for the portions of work within BCDC’s jurisdiction, the San Francisco Bay and the Bay’s shoreline band; and

**WHEREAS**, BCDC included a permit condition that requires Caltrans to contribute \$1.5M towards public access improvements in the vicinity of the project; and

**WHEREAS**, the Midpeninsula Regional Open Space District (District) is making certain public access improvements to the Ravenswood Bay Trail, which is in the vicinity of the Caltrans HOT project; and

**WHEREAS**, Caltrans agrees to contribute funding towards for the Bay Trail Connection Project at Ravenswood Open Space Preserve; and

**WHEREAS**, the District and Caltrans will memorialize the terms and conditions of their understanding in a Funding Agreement (“Agreement”).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of Midpeninsula Regional Open Space District hereby:

1. Authorizes the General Manager or designee to negotiate and execute a Funding Agreement with Caltrans for the purpose described herein, and to execute any related documents on behalf of the District which are necessary or appropriate to effectuate the Agreement.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2019, at a regular meeting thereof, by the following roll call vote:

\* \* \* \* \*

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Secretary  
Board of Directors

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President  
Board of Directors

**APPROVED AS TO FORM:**

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General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

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District Clerk