DATE: May 22, 2012

TO: Board of Supervisors

FROM: Liz Kniss
    Supervisor, District 5

SUBJECT: Public Hearing on Potential Recreational Facilities

RECOMMENDED ACTION

Public hearing to consider possible actions related to alternative mitigation for Impact OS-3 as identified in the Environmental Impact Report for Stanford University’s 2000 General Use Permit.

Possible action:

a. Open public hearing and receive testimony.

b. Close public hearing.

c. Find that the following projects would provide adequate substitute mitigation, in part, for the adverse effect on recreational opportunities for existing or new campus residents and facility users caused by the housing and academic development approved by the 2000 Stanford University General Use Permit, which reduces the availability of recreational facilities while increasing the demand for such facilities (Impact OS-3):

   1. Dumbarton Link to the Bay Trail; and
   2. Adobe Creek Bridge over Highway 101
d. Declare intent to use $3 million of the Trails Agreement in lieu payment from Stanford University to fund the Dumbarton Link to the Bay Trail project and delegate authority to the County Executive to enter into an agreement with the Midpeninsula Regional Open Space District (“MROSD”) for this funding after all legal requirements, including CEQA compliance, for the project have been fulfilled by MROSD, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

e. Declare intent to use $5 million of the Trails Agreement in lieu payment from Stanford University to fund the Adobe Creek Bridge over Highway 101 and delegate authority to the County Executive to enter into an agreement with the City of Palo Alto for this funding after all legal requirements, including CEQA compliance, for the project have been fulfilled by the City of Palo Alto, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive.

FISCAL IMPLICATIONS
The recommended actions would have no financial impact to the County’s General Fund. These two projects would use $8 million of the $10,379,474 payment pursuant to the Trails Agreement. Therefore, over $2 million would remain for additional recreational facilities that would address Impact OS-3.

REASONS FOR RECOMMENDATION
One of the significant impacts identified in the Environmental Impact Report (“EIR”) prepared for the General Use Permit (“GUP”) issued to Stanford University in 2000, was an adverse effect on recreational opportunities from the project due to a reduction in the availability of recreational facilities and an increase in the demand for such facilities due to development and activities under the GUP (Impact OS-3). To mitigate this impact, Stanford University was required to, among other actions, dedicate two trail easements shown on the Countywide Trails Master Plan.

In 2005, Stanford and the County entered into an Agreement for Trail Easements, Construction, Management and Maintenance and Grant of Easements (“Trails Agreement”) for the two trails, which were identified as C-1 and S-1. The S-1 trail has been dedicated, constructed, and opened to the public. However, completion of the C-1 trail did not occur in accordance with the terms of the Trails Agreement, which triggered a provision in the Trails Agreement requiring Stanford to make an in lieu payment to the County to provide alternate...
mitigation for impact OS-3. Stanford University made a payment of $10,379,474 to the County of Santa Clara in February 2012.

Thus far, two projects have been identified to partially mitigate impact OS-3: the Dumbarton Link to the Bay Trail and the Adobe Creek Bridge over Highway 101. These projects will provide sufficient partial mitigation for impact OS-3 for the following reasons: The Dumbarton Link to the Bay Trail is approximately four miles from Stanford University (directly up University Avenue), and would provide access from Stanford to the Bay Trail’s Peninsula, South Bay, and East Bay segments. This project would also provide users of recreational facilities at Stanford University, such as, the Dish Trail, with a connection to a regional recreational asset. The Adobe Creek Bridge over Highway 101 is also approximately four miles from the Stanford campus. This bridge would provide a safe, year-round connection for pedestrians and bicycles between Stanford University and Palo Alto to the Palo Alto Baylands and its extensive trail system. It is estimated that nearly a quarter of a million cyclists would cross Highway 101 every year. This bridge would also be a regional recreational asset accessible to users of recreational facilities at Stanford University, such as, the Dish Trail.

Stanford Lands
Neither project – the Dumbarton Link in the Bay Trail and the Adobe Creek Bridge over Highway 101 – is on Stanford’s lands. Therefore, consent from Stanford University is not required for approval of these alternative mitigation measures.

CHILD IMPACT
This proposal would have a positive impact upon children by increasing the opportunity for safe and healthy recreation.

SENIOR IMPACT
This proposal would have a positive impact upon seniors by increasing the opportunity for safe and healthy recreation.

SUSTAINABILITY IMPLICATIONS
This proposal would have a positive impact upon sustainability by increasing emissions free access to public open space.
BACKGROUND

Attached to this memo are two reports related to background and clarification of the subject matter, "The Trails Agreement". In addition, off-agenda information was provided by the County Counsel to the Board of Supervisors.

On February 29, 2012, the County received funds from Stanford University in the sum of $10,379,474 pursuant to the “Agreement for Trail Easements, Construction, Management and Maintenance and Grant of Easements” (Trails Agreement), executed January 3, 2006. Section 4. i. of the Trails Agreement required Stanford to make a payment to the County of Santa Clara in the event that Stanford and the County of San Mateo had neither built improvements to the C-1 Trail (along Alpine Road in San Mateo County) nor agreed upon an up-to-two year extension by December 31, 2011. Because there was neither improvement to the C-1 Trail nor an extension, the payment provision in the Trails Agreement was effective. The amount of the payment was to be an indexed $8.4 million, which resulted in a final payment amount of $10,379,474.

The Trails Agreement stipulates that these funds may only be used to mitigate lost recreational opportunities for campus residents or facility users. The complete provision is as follows: “The County shall use such funds only to mitigate impact OS-3 described on page 4.2-21 of the Environmental Impact Report for the GUP (to wit: the adverse effect on recreational opportunities for existing or new campus residents and facility users that will be caused by the housing and academic development approved by the GUP, which will reduce the availability of recreational facilities while increasing the demand for such facilities); provided the funds shall not be used on Stanford’s lands without Stanford’s consent.”

Neither project – the Dumbarton Link in the Bay Trail and the Adobe Creek Bridge over Highway 101 – is on Stanford’s lands. Therefore, consent from Stanford University is not required for approval of these alternative mitigation measures.

Dumbarton Link in the Bay Trail

The Dumbarton link is an un-built segment of the (San Francisco) Bay Trail of less than one mile in length between the Ravenswood Open Space Preserve and the Dumbarton Bridge in East Palo Alto. The MidPeninsula Regional Open Space District is the lead agency for the environmental review and the development of the Trail.
The Bay Trail, including the Dumbarton link, is a recreational facility. The Bay Trail is a 500-mile shoreline trail ringing San Francisco Bay, of which 310 miles have been completed. According to the Association of Bay Area Governments (ABAG), “the Bay Trail provides easily accessible recreational opportunities for outdoor enthusiasts, including hikers, joggers, bicyclists and skaters” and “offers a setting for wildlife viewing.”

The Dumbarton Link in the Bay Trail is the final link in the Bay Trail between Redwood City and Alviso and would link approximately 27 miles of uninterrupted shoreline trail. This link would also connect the Peninsula and South Bay segments of the Bay Trail to the East Bay segments. The Dumbarton link is 4.8 miles from Stanford University. According to Google Maps, it is 4.6 miles and 25 minutes from Stanford by bicycle.

The Dumbarton link is within the area of “Recreational and Open Space Facilities Outside Stanford” identified in Section 4.2 of the Environmental Impact Report for the Stanford General Use Permit. The Ravenswood Open Space Preserve is specified by Section 4.2 as one of the “Recreational and Open Space Facilities Outside Stanford” in the immediate vicinity of Stanford that is open to the public, including to members of the Stanford community.

Although this project meets the criteria in the Trails Agreement as a recreational facility, there are other benefits. Completion of this link would provide a Bayfront bike commute option for Stanford residents commuting to Stanford’s Redwood City campus.

Adobe Creek Bridge over Highway 101

The Adobe Creek Bridge over Highway 101 would be a safe, year-round connection for pedestrians and bicycles between Stanford and Palo Alto to the Palo Alto Baylands and its trail system.

The Adobe Creek Bridge is an un-built overcrossing of Highway 101 in Palo Alto. The City of Palo Alto has already approved the location of this bridge. The City would be the lead agency for the environmental review and the development of the Bridge.

The Adobe Creek Bridge is a recreational facility. The Adobe Creek Bridge would provide safe, year-round access from Stanford and Palo Alto for pedestrians and cyclists to the Palo Alto Baylands Preserve. According to the City of Palo Alto, the 1,940-acre Baylands Preserve is the largest tract of undisturbed marshland remaining in the San Francisco Bay.
Fifteen miles of multi-use trails provide access to a unique mixture of tidal and fresh water habitats. Many consider this area to be one of the best bird watching areas on the west coast. The preserve has a substantial resident population of birds as well as being a major migratory stopover on the Pacific Flyway. Recreational activities include walking, running, or biking on 15-miles of trails, bird watching, wind surfing, and boating (non-motorized such as canoes, kayaks or small, hand-launched boats and sailboards). The City also offers a variety of nature walks and programs on ecology and natural history.

The Adobe Creek Bridge is 3.5 miles from Stanford University. According to Google Maps, it is 3.2 miles and 15 minutes from Stanford by bicycle.

The Adobe Creek Bridge is within the area of “Recreational and Open Space Facilities Outside Stanford” identified in Section 4.2 of the Environmental Impact Report for the Stanford General Use Permit. The Palo Alto Baylands Nature Reserve/Baylands Athletic Center is specified by Section 4.2 as one of the “Recreational and Open Space Facilities Outside Stanford” in the immediate vicinity of Stanford that is open to the public, including to members of the Stanford community.

Although this project meets the criteria in the Trails Agreement as a recreational facility, there are other benefits. Completion of this bridge would also enable bicycle trips to commute destinations, such as, Google, Microsoft, and NASA-Ames.

**ATTACHMENTS**

- Board Referral of January 2012 Related to Trails Agreement Payment
- Administration Status Report on Referral