



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

Legistar File Number: RES 18-058

May 22, 2018

Introduced: 5/9/2018

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

- a. Certify that the County of Monterey has considered the State of California Department of Transportation's ("Caltrans") *Initial Study with Mitigated Negative Declaration* dated March 23, 2017;
- b. Approve and authorize the Chair of the Board of Supervisors to execute a Right of Way Contract with Caltrans, effective the earlier of: i) May 31, 2018, or ii) the close of escrow with Caltrans for 0.1 acres of land (APN: 245-111-006) located at San Lorenzo Park in King City, California;
- c. Grant a permanent utility easement to Pacific Gas and Electric Company ("PG&E");
- d. Approve and authorize the Chair of the Board of Supervisors to execute the Easement Deed to PG&E for 0.1 acres of land located at San Lorenzo Park in King City, California; and
- e. Adopt the *County Mitigation Monitoring and Reporting Program*.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Certify that the County of Monterey has considered the State of California Department of Transportation's ("Caltrans") *Initial Study with Mitigated Negative Declaration* dated March 23, 2017;
- b. Approve and authorize the Chair of the Board of Supervisors to execute a Right of Way Contract with Caltrans, effective the earlier of: i) May 31, 2018, or ii) the close of escrow with Caltrans for 0.1 acres of land (APN: 245-111-006) located at San Lorenzo Park in King City, California;
- c. Grant a permanent utility easement to Pacific Gas and Electric Company ("PG&E");
- d. Approve and authorize the Chair of the Board of Supervisors to execute the Easement Deed to PG&E for 0.1 acres of land located at San Lorenzo Park in King City, California; and
- e. Adopt the *County Mitigation Monitoring and Reporting Program*.

SUMMARY

Caltrans has requested use of 0.1 acres of County-owned land located at San Lorenzo Park for a permanent utility easement ("Easement") to PG&E to accommodate Caltrans' construction of the relocation of an 8" gas main to enable a seismic retrofit of the Highway 101 Northbound Bridge. The 8" gas main is currently located on the Highway 101 Northbound Bridge. Caltrans approached the County with engineered construction plans, a completed Environmental Impact Report, and Mitigation and Monitoring Plan with a request to allow PG&E to directionally bore under the Salinas River along the southern edge of San Lorenzo Park.

There is a small .1 acres of San Lorenzo Park property that is proposed to be impacted along the southern edge of the Park. Staff does not anticipate the Easement impacting future park development plans given that the location of this Easement is in the Salinas River, along the southern park boundary parallel to the Northbound Highway 101 Bridge.

Excavation will not be on County owned property, but will impact access to the Park from construction staging and project mobilization. The main temporary impact to San Lorenzo Park will be during the construction phase when a 30 foot by 40 foot excavation will take place along the entry road to the Park. This excavation will enable PG&E to insert their drilling equipment to complete construction and directional boring. Please see Attachment C for construction staging. RMA will work with PG&E and Caltrans to minimize impacts to Park operations.

DISCUSSION:

On August 29, 2017, RMA received a letter from Caltrans (Attachment F) requesting written concurrence from RMA that “Caltrans project to retrofit the Salinas River Bridges on Hwy 101 will not involve a section 4(f) use of any park property.” RMA responded with a letter (Attachment G) on September 25, 2017 concurring with Caltrans assessment that the “Caltrans project to retrofit the Salinas River Bridges on Hwy 101 will not involve a section 4(f) use of any park property.” On February 22, 2018 Caltrans emailed the RMA (Attachment H) that in fact Caltrans will need a portion of San Lorenzo Park land and provided the final determination that it falls under Section 4(f).

On November 28, 2017 Caltrans sent a letter to the RMA (Attachment E) indicating the appraised value of the Easement was \$14.30. Caltrans has a minimum allowable acquisition offer of \$500; however, RMA negotiated a payment of \$1,000 for the Easement.

Caltrans has made a preliminary determination that this use of Park property meets the criteria of a *de minimis* impact. A *de minimis* impact is defined as an impact that, after taking into account avoidance, minimization, mitigation, and enhancement measures, does not adversely affect the activities, features, and attributes of the Section 4(f) resource. The gas line will be installed under the Salinas River and any areas of ground disturbance will be re-contoured and revegetated. Based on the incorporation of these minimization measures, Caltrans has determined that the seismic retrofit project will not adversely affect the activities, features, and attributes of San Lorenzo Park.

Section 4(f) requires that the public be given the opportunity to review and comment on the effects of the project on the identified 4(f) resource. Caltrans placed a public notice in local King City newspapers to inform the public of the *de minimis* impact finding and let them know that they may submit comments on this finding. The comment period was open for 20 days, and closed on April 2, 2018. Caltrans did not receive any public comment on this item.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Caltrans is the lead agency for this project, and has considered and adopted an Initial Study with Mitigated Negative Declaration (“MND”). As a responsible agency, the County has considered the MND and Caltrans’ Mitigation and Monitoring Plan (MMP) as part of this action, and the attached draft resolution finds that no additional environmental review is needed for the grant of the Easement.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved as to form, and the insurance and indemnification provisions. The Auditor/Controller has approved the fiscal provisions.

FINANCING:

Caltrans has agreed to pay the County \$1,000 for Right of Way access, which will be deposited in the General Fund 001, Facilities Services Appropriation Unit RMA006. Costs associated with this transaction for staff time are included in the adopted FY2017-18 General Fund 001, Facilities Services Appropriation Unit RMA006 budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

County cooperation in granting this Easement for greater public benefit supports Public Safety and Infrastructure initiatives.

☐ Economic Development
☐ Administration
☐ Health & Human Services
☒ Infrastructure
☒ Public Safety

Prepared by: Brett Fulgoni, Real Property Specialist (831) 755-8912

Reviewed by: John Dugan, RMA Deputy Director Land Use and Community Development

Approved by: Carl P. Holm, AICP, Director, Resource Management Agency

Attachments:

Attachment A - State of California Right of Way Contract

Attachment B - Permanent Easement Deed

Attachment C - Construction Staging

Attachment D - Location Map

Attachment E - Letter from Caltrans Dated November 28, 2017

Attachment F - Letter from Caltrans Dated August 29, 2017

Attachment G - Letter from RMA Dated September 25, 2017

Attachment H - Email from Caltrans Dated February 22, 2018

Attachment I - Resolution

Attachment J - County of Monterey Mitigation Monitoring and Reporting Program

Attachment K - CEQA Mitigated Negative Declaration

(Attachments on file with the Clerk of the Board)