



Midpeninsula Regional
Open Space District

R-16-75
Meeting 16-13
June 8, 2016

SPECIAL MEETING AGENDA ITEM 1

AGENDA ITEM

Selection of Preferred Option for the Mount Umunhum Radar Tower and Authorization to Receive Outside Funds

GENERAL MANAGER'S RECOMMENDATIONS *SM*

1. Approve the "Retain and Seal" Option for the Mount Umunhum Radar Tower.
2. Rescind the Partnership Guidelines for the Mount Umunhum Radar Tower that were approved by the Board on January 8, 2014 to establish formal funding agreements.
3. Authorize the General Manager to receive public and private funds for the Radar Tower as donations to fund future repairs and maintenance activities, as determined by the District.

SUMMARY

On May 10, 2016, the Santa Clara County Board of Supervisors unanimously approved listing the Mount Umunhum Radar Tower on the County Heritage Resource Inventory to ensure ongoing preservation of the structure. This action effectively removes the "Restoration" and "Open-Air" options from further consideration and leaves the Midpeninsula Regional Open Space District (District), as landowner, with the long-term responsibility for managing the radar tower in a safe condition in view of the public opening of the summit. Consistent with this decision, the General Manager recommends that the District Board of Directors (Board) select the "Retain and Seal" option for the Radar Tower at this time as the reasons for waiting until October 2017, as originally contemplated, no longer apply. Since selection of the Retain and Seal option is no longer predicated on establishing formal funding partnerships, the General Manager also recommends that the Board authorize the General Manager to receive funds for future repairs and maintenance of the structure as donations and rescind the Board-approved Partnership Guidelines that were established to create formal funding agreements.

MEASURE AA

This item is not subject to Measure AA.

BACKGROUND

Mount Umunhum Radar Tower Options and Interim Repairs

On October 17, 2012, the Midpeninsula Regional Open Space District (District) Board of Directors (Board) unanimously approved the Mount Umunhum Environmental Restoration and

Public Access Project with the exception of selecting an option for the Radar Tower, which was deferred for five years pending the outcome of community fundraising efforts to preserve the structure. The Board deferred making a selection on one of the following three options:

1. Restoration: remove entire structure and environmentally restore the footprint;
2. Open-Air: substantially remove the structure, but leave an open-air, publically accessible ground floor; or
3. Retain and Seal: retain and seal entire structure, allowing public access to the exterior only.

To proceed with the opening of the summit to public access during the five-year timeframe, the Board approved interim “Life Safety” repairs to the Radar Tower to allow the public to safely walk around the exterior base of the tower and enjoy all of the surrounding vista points and extended views once the summit is opened to public use (scheduled for October 2016). These repairs were completed in March 2016, at a total project cost of \$351,989 (includes design, permitting, and construction). These repairs were intended to span the “interim” time period until and if sufficient outside funds were raised to fund additional, longer-term repairs.

Community Fundraising Efforts

Community fundraising efforts were part of a Partnership Guideline that the Board established on January 8, 2014 to allow interested parties to raise funds to preserve and maintain the radar tower. Since October 2012, the District is aware of only one non-profit organization that has formed to raise funds for the long-term preservation and maintenance of the structure (Option 3- Retain and Seal). Reports on the internet indicate that approximately 25% of the funds needed to preserve the tower for the long term, or approximately \$375,000, have already been raised.

County Historical Designation

In 2011, the District conducted an exhaustive historic evaluation, including, a professional Historic Resource Study regarding the structure, applying the historic significance criteria used for federal, state and local registers. The Historic Resource Study concluded that the structure was not eligible for listing due to the lack of historic integrity. Since that time two independent studies were also released and those evaluations found the structure did have historical integrity. The types of evaluations in these reports are highly subjective, making it possible to arrive at different conclusions.

DISCUSSION

On May 10, 2016, the Santa Clara County Board of Supervisors (BoS) voted to add the Mount Umunhum Radar Tower to the County of Santa Clara Heritage Resource Inventory, referring the item to County Counsel for preparation of the required findings.

Implications of Listing on the Heritage Resource Inventory

Any alteration to the Radar Tower that would result in full or partial demolition would require a demolition permit from the County. Since the building has been placed on the Heritage Resource Inventory, the permit would be subject to review by the County Historical Heritage Commission, who would recommend approval or denial of the permit to the County Planning Director, who makes the final decision. Recent events strongly indicate that the County would deny such a permit request. While the County Planning Director’s decision is appealable to the BoS, it is highly unlikely that the BoS would reverse the decision.

Given the implications of the recent BoS decision, the General Manager recommends the Board take action on the Radar Tower at this time, rather than wait until after October 2017 when the 5-year timeframe is set to end. The intent of the 5-year timeframe was to allow the public to experience the tower first-hand after the summit was opened to the public and enable that experience to provide broad and informed feedback to the Board on the three options, as well as to determine if community interest in preservation was sufficient to produce funding for its preservation. Due to the historic resource listing, the “Restoration” and “Open Air” options are no longer viable, and preservation of the structure no longer hinges on the availability of sufficient outside funding.

The District recognizes that the Radar Tower, with or without historic integrity, is an important physical feature for many of the residents living in the valley. Although only a small percentage of these residents live within District boundaries (approximately 17%), the Board has the discretion to consider a larger, regional perspective as part of their deliberation in selecting a preferred Radar Tower option given the wider reaching effects of the decision.

It is expected that some visitors will go to the summit to see the Radar Tower where they can then uncover the many other important and captivating stories unique to Mount Umunhum. These stories include the remarkable natural history of the specialized plants and animals that thrive at higher altitudes and are adapted to the summit’s seasonally extreme weather, as well as the mountain’s cultural significance as the place of creation for the Native American Amah Mutsun Tribe who were the original caretakers of the landscape for over 10,000 years.

For these reasons, the General Manager recommends that the Board proceed at this time with selecting the “Retain and Seal” option for the Radar Tower.

Withdrawal of Partnership Guidelines and Receipt of Donations

Since preservation of the structure is no longer contingent on outside funding, a formal partnership for the preservation of the Radar Tower is no longer required or relevant. Therefore, the General Manager also recommends that the Board rescind the Partnership Guidelines for the Mount Umunhum Radar Tower approved by the Board on January 8, 2014 (R-14-11) and instead approve the receipt of funds from outside parties as donations to support future Radar Tower repairs and maintenance work. These donations would be administered using the same process as other District donations yet reserved specifically for the Radar Tower. Any future repairs for the Radar Tower would be approved by the Board, and performed by the District.

FISCAL IMPACT

The interim repairs completed to date for the Radar Tower were only meant to stabilize the structure for a period of 5 to no more than 10 years. Additional work will be needed to address stabilization and safety issues over the longer term. The General Manager will return to the Board with a full scope of work for these additional repairs together with estimated costs for Board approval. Given current Action Plan priorities, assessment of these repairs is recommended for Fiscal Year 2017-18. Any donated funds raised for the Radar Tower, if conveyed to the District, would be used to cover a portion of these costs, or if not forthcoming, the District would fund the repairs.

A secondary result of the BoS historical listing of the Radar Tower is that the liability associated with the structure must be borne by the District, and it is in the District’s long-term interest to

ensure that the Radar Tower is safe for the public to approach and stand along the exterior of the structure. To achieve this, future recommendations regarding the physical integrity for the radar tower, including prioritization and timing of the repairs, will be developed by the District's Engineering and Construction Department.

BOARD COMMITTEE REVIEW

All three options for the Mount Umunhum Radar Tower were previously reviewed by the Sierra Azul/ Bear Creek Redwoods Ad Hoc Committee in 2011 and 2012 and forwarded to the Board of Directors for consideration. In October 2012, the Board of Directors deferred making a decision on the Radar Tower to give the community interested in retaining the Radar Tower an opportunity to raise funds for its preservation. Furthermore, the District's Legislative, Funding, and Public Affairs Committee met on March 5, 2013, June 4, 2013, and October 8, 2013 to review the Partnership Guidelines for the Mount Umunhum Radar Tower, which were approved by the full Board on January 8, 2014.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Additional public notice was provided to interested parties and Mount Umunhum Road neighbors.

CEQA COMPLIANCE

Three options for the Mount Umunhum Radar Tower, including the "Retain and Seal Option", were evaluated as part of the Environmental Impact Report (EIR) and Mitigated Monitoring Plan (MMP) approved by the Board on October 17, 2012, for the Mount Umunhum Environmental Restoration and Public Access Project in Sierra Azul Open Space Preserve (R-12-104).

NEXT STEPS

Pending Board approval of the recommendations, the General Manager would return at a later date with a full scope of work and cost estimate for the longer-term repairs to the Radar Tower. The General Manager would also work with the public and outside organizations to receive funds raised for the Radar Tower.

Responsible Manager:
Stephen E. Abbors, General Manager

Prepared by:
Ana Ruiz, AICP, Assistant General Manager