



Midpeninsula Regional  
Open Space District

R-14-123  
Meeting 14-26  
September 24, 2014

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Partnership with the City of East Palo Alto to Apply for a Habitat Conservation Fund Program Grant for Cooley Landing Park

### **GENERAL MANAGER'S RECOMMENDATION**

A handwritten signature in black ink, appearing to be "JLQ", is placed to the right of the "GENERAL MANAGER'S RECOMMENDATION" heading.

Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District approving a grant application, prepared by the City of East Palo Alto, as applicant, for funds from the Habitat Conservation Fund Program to implement future phases of Cooley Landing Park.

### **SUMMARY**

In February 2010, the Midpeninsula Regional Open Space District (District) Board of Directors (Board) authorized a Partnership Agreement with the City of East Palo Alto (City) for the Cooley Landing Area of Ravenswood Open Space Preserve (Preserve) with the goal of developing the site into a city park (R-10-29). The City completed Phase I in 2011 and opened Cooley Landing Park in 2012. In June 2012, the City was awarded a \$5 million California Proposition 84 grant to construct Phases II through V of the Cooley Landing Vision Plan (Vision Plan). Since then, the City completed Phase II in early 2014, which included access road and parking lot upgrades, utilities installation, and re-seeding. The City then completed design and permitting plans for Phase III, which includes a proposed nature education center, has bid and awarded the project, and is now beginning construction. The City continues to seek additional funding sources for Phases IV and V of their Vision Plan, and seeks the District's support in submitting an application to the Habitat Conservation Fund Program. The District has and will continue to provide Planning staff support to the City during the design of each Phase of work.

### **DISCUSSION**

The Habitat Conservation Fund Program was established by the State of California to provide matching grants to local agencies for the acquisition of wildlife corridors and urban trails, nature interpretation programs, and other programs that bring urban residents into parks and wildlife areas. The grant program requires a non-state dollar-for-dollar match. Eligible match sources include local, federal, or private funds, or donated materials and services. Owners of property where HCF grant-funded projects are constructed are required to record a deed restriction or other recordable document restricting the future use of the property to parks and recreation

purposes. The attached Resolution authorizes the General Manager to execute a deed restriction or equivalent instrument after completion of the project. Given the location of the Cooley Landing property, its adjacency to bay water and restored baylands, its critical link to the regional Bay Trail, and the important wildlife viewshed that the property provides to the public, the General Manager recommends executing a deed restriction on the Cooley Landing property to protect the unique recreational opportunities and benefits that this site provides for the larger public. In addition, the Westbay Community Associates property purchased in 1980 that surrounds and portions of which are part of Cooley Landing Park is dedicated. The City is also required to execute a deed restriction on their parcel.

If approved by the City Council on Tuesday, September 23, City staff will apply for a grant in the amount of \$200,000, which is the maximum possible award, to fund future site work at Cooley Landing Park as follows (Exhibit B):

1. Create and/or install interpretive elements along the park trails
2. Install lighting along the access road
3. Install park amenities such as seating and picnic tables
4. Construct an outdoor classroom for educational activities

Applications are due no later than 5:00 p.m. on October 1, 2014. The State Office of Grants Administration will notify applicants of a project award before July 1, 2015. Because Cooley Landing spans City and District property, Resolutions of Support are required from both the District Board and the East Palo Alto City Council.

If awarded, the City must commit to providing a local match, excluding State funds, in the same amount as the grant. City staff is currently proposing that the match funding be allocated from the City's Capital Reserve, if the grant is awarded, while they continue to explore other sources for matching funds. District staff anticipates future discussions with City staff regarding the District's role in providing matching funds related to future interpretive facilities or features.

## **FISCAL IMPACT**

Future phases of Cooley Landing are currently being financed by City funds and City-obtained grants. If successful, the City's submission of this grant application will require expenditure of funds. Currently, the City's Capital Reserve is identified as providing the required matching funds. However, the District may be asked in the future to consider funding portions of Phase IV and V. Any such request would be evaluated by the District and a recommendation made that would be forwarded first to the Planning and Natural Resources Committee for review, and then brought to the full Board for consideration.

## **BOARD COMMITTEE REVIEW**

This item was not previously reviewed by a Committee and instead has been brought directly to the full Board due to the time sensitive nature of the City's grant application deadline of October 1, 2014.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

**CEQA COMPLIANCE**

In accordance with CEQA, a Mitigated Negative Declaration for the Cooley Landing Vision Plan was certified by the City Council on February 15, 2011. No further CEQA review is required.

**NEXT STEPS**

Upon City Council and District Board approval of the respective Resolutions, City staff will submit a grant application to the HCF Program. Design and implementation for project phases funded by an HCF grant would follow completion of Phase III (the nature education center) in Spring 2015. City staff will continue to pursue alternative funding sources.

**Attachment**

1. Cooley Landing Area
2. Cooley Landing Vision Plan
3. Resolution approving a grant application, prepared by the City of East Palo Alto, as applicant, for funds from the Habitat Conservation Fund Program to implement future phases of Cooley Landing Park

**Responsible Department Head:**

Jane Mark, AICP, Planning Department

**Prepared by:**

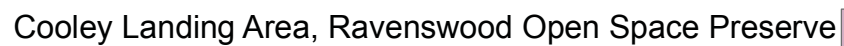
Tina Hugg, Senior Planner, Planning Department

**Graphics prepared by:**

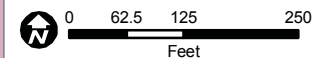
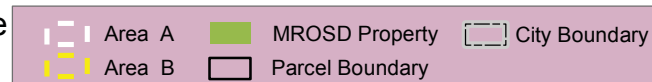
Attachment 1: Galli Basson, Planner I

Attachment 2: Callander Associates, Consultant to City of East Palo Alto



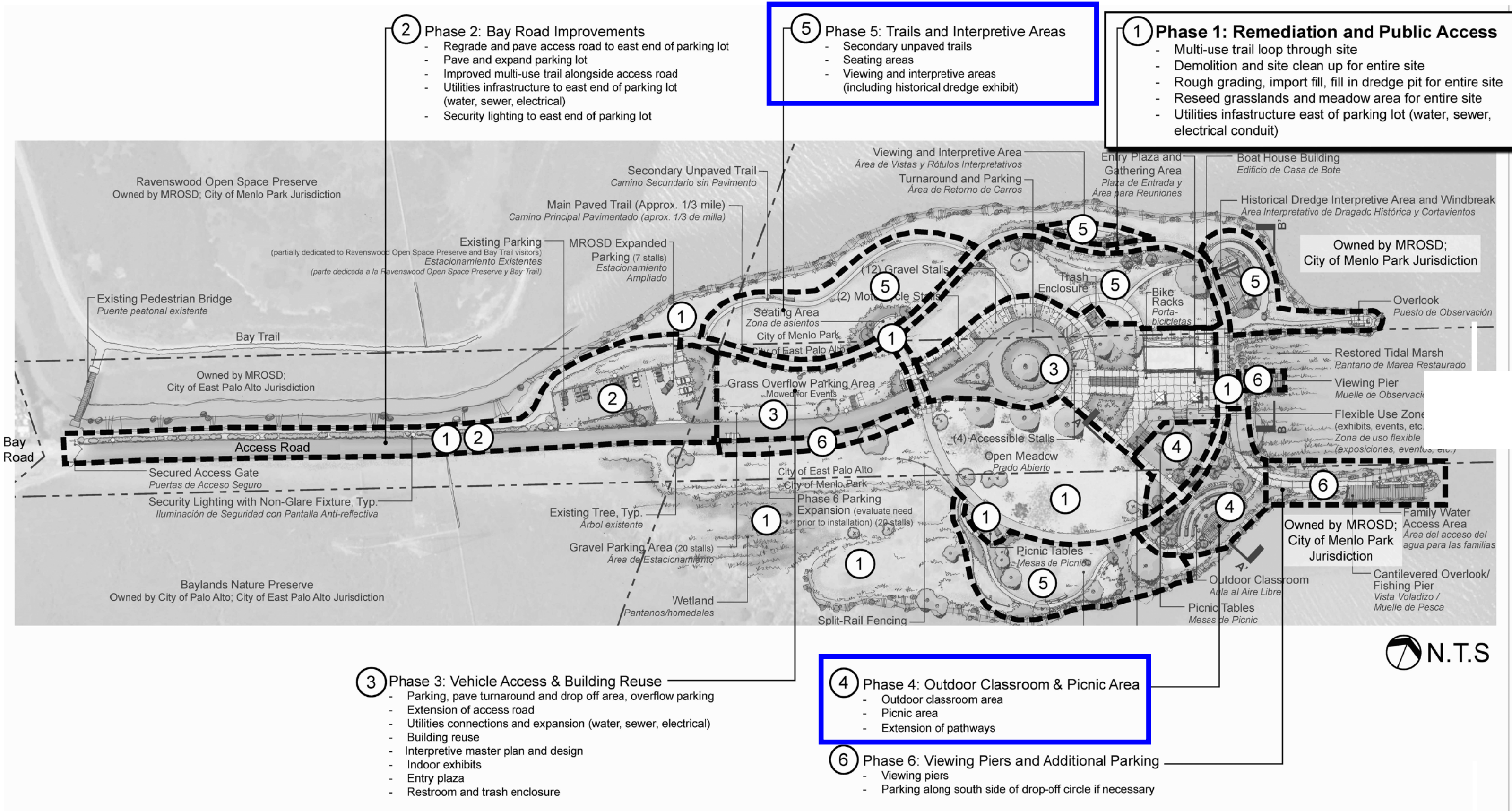


Produced by Midpeninsula Regional Open Space District, December 2009





PHASING PLAN - FOR REFERENCE ONLY



**RESOLUTION NO. 14-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA  
REGIONAL OPEN SPACE DISTRICT APPROVING THE CITY OF EAST PALO  
ALTO'S APPLICATION FOR GRANT FUNDS FROM THE HABITAT  
CONSERVATION FUND PROGRAM**

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**WHEREAS**, the people of the State of California have enacted the California Wildlife Protection Act of 1990, which provides funds to the State of California for grants to local agencies to acquire, enhance, restore or develop facilities for public recreation and fish and wildlife habitat protection purposes; and

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the Habitat Conservation Fund (HCF) Program, setting up necessary procedures governing project application under the HCF Program; and

**WHEREAS**, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

**WHEREAS**, the applicant, the City of East Palo Alto ("City"), will enter into a contract with the State of California to complete certain phases of the Cooley Landing project(s), which is partially situated on District property; and

**WHEREAS**, because Cooley Landing spans City and District property, resolutions of support are required from both the Board of Directors of the District and the East Palo Alto City Council approving the City's application for grant funds.

**NOW THEREFORE**, be it resolved that the Board of Directors of the Midpeninsula Regional Open Space District does hereby:

1. Approve the filing of an application for the Habitat Conservation Fund Program by the City of East Palo Alto for Cooley Landing Park, which is partially situated on land belonging to the Midpeninsula Regional Open Space District; and
2. Certify that the applicant has reviewed, understands and agrees to the provisions contained in the contract shown in the grant administration guide; and
3. Delegate the authority to the District's General Manager to conduct all negotiations, and execute and submit all documents, including, but not limited to, applications, agreements, amendments, deed restrictions or equivalent recordable documents limiting the future use of the property to park and recreation purposes, and any other documents as may be necessary for the completion of the project; and
4. Agree to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

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PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional  
Open Space District on \_\_\_\_\_, 2014, at a Regular Meeting thereof, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary  
Board of Directors

\_\_\_\_\_  
President  
Board of Directors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
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.

\_\_\_\_\_  
District Clerk