



AGENDA REPORT SUMMARY

Meeting Date: October 11, 2022

Subject Consider approval of the updated License Agreement with SFPUC for Hetch Hetchy Trail in Los Altos; find that the approval of the agreement is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

Prepared by: Manny A. Hernandez, Parks and Recreation Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Draft Revocable License to City of Los Altos (SFPUC draft 9.16.22)(v .6)
2. License Area
 - 2a. Revocable Permit GEN-0215 dated April 4.1961
 - 2b. Revocable Permit GEN-0687 dated May 21, 1963
 - 2c. Land Use Permit GEN-1339 dated May 9. 1972
 - 2d. Bridge Full Plan Set
 - 2e. Land Use Permit dated Feb 4.1987 (P3137B)
 - 2f. Permit_to_City_of_Los_Altos_P3137A
3. Maintenance Parcels
4. Deeds
5. Right of Way Integrated Vegetation Management Policy
6. Encroachment Policy 2007

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

The approval of the updated license agreement is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the only work required under the agreement is limited to the operation, repair,

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



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maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and none of the circumstances identified in CEQA Guidelines Section 15300.2 applies.

Policy Question(s) for Council Consideration:

- Does City Council desire to maintain usage of the easement on the SFPUC property as a public recreation trail?
 - If so, does City Council wish to amend the license agreement with the SFPUC under the proposed terms?

Summary:

- Keeping the SFPUC parcels open as a bicycle and pedestrian trail is important to the public
- There will be a noticeable impact when the vegetation along the trail is brought up to current vegetation management policy as mandated by SFPUC
- Protection and maintenance of the SFPUC infrastructure is vital
- Staff will work with SFPUC to maintain as much current vegetation as possible under the updated license agreement and vegetation management policy

Staff Recommendation:

Staff recommends the City Council authorize the City Manager to execute the updated license agreement with the San Francisco Public Utilities Commission for the continued use of the Hetch Hetchy Trail as a publicly accessible recreation trail that connects with Palo Alto across the Adobe Creek pedestrian bridge.

Direct staff to work with SFPUC to maintain as much current vegetation as possible while complying with the updated license agreement and vegetation management policy.

Purpose

Provide continued public bicycle and pedestrian access along the Hetch Hetchy Trail that connects with Palo Alto at the Adobe Creek pedestrian bridge and begin maintenance of three additional parcels located on the east side of Los Altos Avenue which are currently maintained by SFPUC.

Background

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million.



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The City of Los Altos currently has a land use permit with the San Francisco Public Utilities Commission that allows the City to maintain SFPUC parcel numbers 236 and 237 (between Los Altos Ave. and the Adobe Creek pedestrian bridge) as a bike and pedestrian path that connects to Palo Alto along the Hetch Hetchy trail. As part of this land use permit the City is expected to maintain the landscaping along these parcels and are subject to approval by the SFPUC for any modifications or improvements. There are three additional SFPUC parcels (numbers 233-A and portions of 232-A and 234-A) within City of Los Altos property that are not included in the current Land Use Permit, but would be incorporated into the permit if the recommended license agreement is approved by the City Council.

SFPUC will complete the maintenance of the parcels by removing vegetation that is not in conformance with their vegetation management policy regardless of whether or not the City agrees to an updated license agreement.

Discussion/Analysis

The San Francisco Public Utilities Commission is mandating updates to the current land use permit with the City of Los Altos that would allow for the continued public use of the Hetch Hetchy trail as a bike and pedestrian trail that connects to Palo Alto across Adobe Creek. The required updates will be part of a License Agreement between the SFPUC and the City of Los Altos.

As part of the license agreement, the City of Los Altos will be expected to maintain all or a portion of three additional parcels of land between Los Altos Avenue and Mercedes Avenue, as well as maintain both parcels included in the current Land Use agreement, in accordance with the SFPUC amended Right of Way Integrated Vegetation Management Policy. The initial work to bring the vegetation up to the SFPUC amended policy will be done by the SFPUC before handing over maintenance duties to the City.

According to the SFPUC Vegetation Management Policy, it is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way so that it does not pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance and operations. The existence of large woody vegetation and water transmission lines within the right of way are not considered compatible. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the right of way and to implement integrated pest management.



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The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC. Low water use plant species are encouraged and invasive plant species are not allowed. All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times.

City of Los Altos staff has evaluated the maintenance plan for the current and added parcels to this license agreement and it is not expected to add significant cost or labor hours to the Park Maintenance Division of the Parks and Recreation Department. Under the SFPUC amended Vegetation Management Policy, staff has concluded that maintenance can be accomplished within the current operating budget and maintenance crew staffing levels. There is no expected fiscal impact.

It is anticipated that a significant amount of existing vegetation on the trail will be removed by the SFPUC in order to bring it into compliance with the amended Right of Way Integrated Vegetation Management Policy. City staff has reached out to the residents and trail users in that area to assist in answering questions and relay concerns to the SFPUC. Staff is has also reached out to the SFPUC to get the center of the waterlines marked out. This has been completed to assist in getting a better visual of vegetation distances from the 72” and 90” lines.

City staff also worked with the SFPUC to add wording to Section 3.a.(i) of the License Agreement that states the allows City staff and SFPUC to meet and designate vegetation that will stay in place prior to the actual work being done.

Recommendation

The staff recommends the City Council authorize the City Manager to execute the Revocable License Agreement with the San Francisco Public Utilities Commission.