

1 [Permit To Enter City Property - San Mateo Resource Conservation District - 500 Log Cabin
2 Ranch Road - Mindego Creek Fish Passage Project - 25-Year Term]

3 **Resolution authorizing and approving a no fee permit to enter and use a portion of Log**
4 **Cabin Ranch by the San Mateo Resource Conservation District for the Mindego Creek**
5 **Fish Passage Project in order to help protect federally threatened steelhead trout and**
6 **federally endangered coho salmon for a term of 25 years, to commence upon approval**
7 **by the Board of Supervisors and Mayor; finding of public purpose and determining that**
8 **competitive bidding procedures are not required; and adopting findings under the**
9 **California Environmental Quality Act.**

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11 WHEREAS, The City and County of San Francisco own approximately 614 acres of
12 land in San Mateo County near La Honda, California (the "Property") also known as the "Log
13 Cabin Ranch" and "Hidden Valley Ranch" under the jurisdiction of the Juvenile Probation
14 Department ("JUV"); and

15 WHEREAS, In 1942, a portion of Log Cabin Ranch was developed as a residential
16 facility and working ranch to house boys in the juvenile justice system; and

17 WHEREAS, The Juvenile Probation Department temporarily closed its facilities at Log
18 Cabin Ranch in June 2018; and

19 WHEREAS, The San Mateo Resource Conservation District ("RCD" and "Permittee") is
20 currently working on the Mindego Creek Fish Passage Project ("Project"), a restoration project
21 in La Honda, San Mateo County, which will improve habitat and restore access to five miles of
22 range for federally threatened steelhead trout and federally endangered coho salmon in the
23 San Gregorio Watershed; and

24 WHEREAS, The Project proposes to remove the existing Denil fish ladder and other
25 water diversion infrastructure (prone to clogging thus rendering the creek unpassable to fish)

1 currently in place in Mindego Creek situated on the Property, restoring fish passage,
2 improving the stream habitat, and creating and maintaining a functional water diversion that
3 will not entrap fish (the “Restoration Work”); and

4 WHEREAS, The Project Area consists of approximately 17,375 square feet of Mindego
5 creek (310 linear feet of channel) and use of approximately 3,060 linear feet of the dirt access
6 road (off of Alpine Creek Road) on the Property; and

7 WHEREAS, Permittee will perform the Restoration Work at no cost to the City; and

8 WHEREAS, The Restoration Work will be completed in four phases: Phase I - Access
9 as necessary, lasting approximately one year - for pre-project and permit approval, site visits,
10 surveys, photography, measurements, and restoration and repair of a fish passage barrier,
11 removal of a Denil fish ladder, removal of water diversion infrastructure, relocating the water
12 diversion intake, and reconstruction of approximately 310 linear feet of channel; Phase II –
13 Commencing at completion of Phase I, lasting one year, access as necessary for monitoring
14 and maintenance, as necessary, of the Project Area; Phase III – Commencing at completion
15 of Phase II, lasting four years, four visits per year for monitoring and maintenance, as
16 necessary, of the Project Area; and Phase IV - Commencing at completion of Phase III,
17 lasting approximately 20 years, one visit per year for monitoring and maintenance, as
18 necessary of the Project Area; and

19 WHEREAS, The Real Estate Division on behalf of the Juvenile Probation Department,
20 in consultation with the Office of the City Attorney, has negotiated a permit to enter and use
21 (“Permit”) agreement substantially the form on file with the Clerk of the Board of Supervisors
22 in File No. _____, which is hereby declared to be a part of this Resolution as if set forth fully
23 herein the Permit to allow access to the Property and use of the Project Area, to complete the
24 Project; and

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1 WHEREAS, The term of the Permit shall be for 25 years commencing upon approval
2 by the Board of Supervisors and Mayor; and

3 WHEREAS, The Director of Property has determined that the Restoration Work will
4 provide a public benefit by helping to protect federally threatened steelhead trout and federally
5 endangered coho salmon, and these public benefits and the cost of the Restoration Work
6 exceed the fair market rental value of the Project Area under the Permit; and

7 WHEREAS, The Permittee shall pay for any and all costs, insurance, and staff
8 associated with and arising from the Project, including any incurred by City, if any; and

9 WHEREAS, On July 27, 2021, the Environmental Planning Division of the San
10 Francisco Planning Department determined that the Project and use of the Project Area for
11 the Project is exempt under the California Environmental Quality Act, Public Resources Code,
12 Section 21000 et seq. ("CEQA"), Class 1 exemption, said determination is on file with the
13 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
14 reference; and

15 WHEREAS, The Permit allows limited access and use of the Project Area for the public
16 purposes set forth in the Permit and does not convey a possessory interest; now, therefore,
17 be it

18 RESOLVED, That in accordance with the recommendation of the Chief Juvenile
19 Probation Officer and the Director of Property, after consultation with the City Attorney, the
20 Director of Property on behalf of the City, as Permittor, is authorized to execute the Permit in
21 substantially the form in the Board file; and, be it

22 FURTHER RESOLVED, The Board of Supervisors accepts the Director of Property's
23 recommendation and finds that the Project serves a public purpose to the City and that there
24 will be no permit fee in consideration of the value to the City of the Restoration Work; and, be
25 it

1 FURTHER RESOLVED, The Board of Supervisors approves the Permit in substantially
2 the form in the Board's File and authorizes the Director of Property to take all actions, on
3 behalf of City, to enter into any amendments or modifications (including without limitation, the
4 exhibits) to the Permit that the Director of Property determines, in consultation with the City
5 Attorney, are in the best interests of the City, do not materially increase the obligations or
6 liabilities of the City, and are necessary or advisable to complete the transaction and
7 effectuate the purposes and intent of this Resolution and are in compliance with all applicable
8 laws, including City's Charter; and, be it

9 FURTHER RESOLVED, That the Permit contains language indemnifying and holding
10 harmless the City from, and agreeing to defend the City against, any and all claims, costs and
11 expenses, including, without limitation, reasonable attorney's fees, incurred as a result of the
12 Permittee's access and use of the Permit area, any default by the Permittee in the
13 performance of any of its obligations under the Permit or any acts or omissions of Permittee or
14 its agents, in, on, or about the Property; and, be it

15 FURTHER RESOLVED, That any action heretofore taken by any City employee or
16 official with respect to the exercise of the Permit as set forth herein is hereby approved,
17 confirmed and ratified; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors adopts the Planning
19 Department's determination under CEQA; and, be it

20 FURTHER RESOLVED, That the Competitive Bidding Procedures would be impractical
21 in light of the studies, planning, and work the RCD has already completed for the Restoration
22 Work, including obtaining grants to fund the work on the City's Property, and if the Permit was
23 not approved, the Restoration Work would not be completed; and, be it

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1 FURTHER RESOLVED, That within thirty (30) days of the Permit agreement being fully
2 executed by all parties, the Director of Property shall provide a copy of the Permit to the Clerk
3 of the Board to include into the official file.

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13 RECOMMENDED:

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16 _____/s/_____
17 Andrico Q. Penick
18 Director of Property
19 Real Estate Division

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22 RECOMMENDED:

23 _____/s/_____
24 Katherine Weinstein Miller
25 Chief Juvenile Probation Officer
 Juvenile Probation Department