

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **June 20, 2023**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Catherine Engberg, City Attorney
Maz Bozorginia, Public Works Director

TITLE: ACQUISITION OF ACCESS LICENSE AND EASEMENT LOCATED AT 20 STONE PINE ROAD FOR THE CARTER PARK IMPROVEMENT PROJECT

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute the Agreement to Acquire Temporary Construction Access License and Permanent Pathway Easement over real property owned by Bahram Abolmoluki and Zohreh Abolmoluki, located at 20 Stone Pine Road in Half Moon Bay California (San Mateo County APN: 056-391-010), including 1) a *nonexclusive* 12-month Temporary Construction Access License, 2) an *exclusive* 12-month Temporary Construction Access License, and 3) a Permanent Pathway Easement (collectively, Access).

FISCAL IMPACT:

The cost to acquire the Access is \$273,150, which is included in the John L. Carter Park Improvement Project in the Recommended Capital Improvement Program Budget for FY 2023-24.

STRATEGIC ELEMENT:

This action supports the *Infrastructure and the Environment* and *Healthy Communities and Public Safety* Elements of the Strategic Plan.

BACKGROUND:

The John L. Carter Park Improvement Project will redevelop and improve Carter Park, which is located at 10 Stone Pine Road in downtown Half Moon Bay. The City's 2019 Parks Master Plan identified the park as an area of potential increased community recreation and activities. The City initiated the Project in response to these recommendations.

The Project, which is primarily funded through a State grant of \$4.75 million, will add many improvements including a new amphitheater, a stage with storage space and changing room, children's play area, picnic area, restroom and concession stand building, park access improvements, a nature trail, landscaping, lighting, and utility improvements. Additionally,

following the winter storms and historic rainfall in the autumn and winter of 2022 and 2023, City staff further modified the Project to increase overall resiliency and minimize flooding impacts to Park improvements. These modifications, incorporated into the Project design, include redesigning the stage area to include more flood resilient construction materials and methods, changing low-lying surface areas to natural materials better withstand flooding conditions, and relocation of storage facilities and dry utilities in the lower areas of the park.

On December 8, 2020, the Planning Commission approved environmental review, adopted a mitigated negative declaration (MND), and approved an application for a Coastal development Permit, Use Permit, Architectural Review, and Parking Exception, to allow the renovation of Carter Park.

DISCUSSION:

The property at 20 Stone Pine Road, which houses a shopping center including several restaurants and other small businesses, lies between Carter Park and Stone Pine Road. In order to complete construction of the Project, the City requires a non-exclusive Temporary Construction Access License to permit the City and its contactors ingress and egress through a parking lot on the Property, an exclusive Temporary Construction Access License over several parking spaces on the Property to serve as a staging area for construction equipment and materials, and a Permanent Pathway Easement on an existing paved pathway for public access to Carter Park. Bahram and Zohreh Abolmoluki, as Trustees of the Abomoluki Living Trust dated May 25, 2018, own the Property. City staff and the owners have engaged in negotiations for the Access for several months, and recently reached terms on the attached agreement.

Acquisition of the Access is necessary for the Project, which will increase opportunities for recreation and community activities in Half Moon Bay and improve an underutilized park. The Permanent Pathway Easement will secure unimpeded public access to the park over an existing paved pathway. Furthermore, the Carter Park improvement project will be carried out in a manner that works to not impede use of the Property by the owners, their tenants, or other users of the Property.

ATTACHMENTS:

1. Resolution
2. Draft Agreement