



## Legislation Text

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**File #:** 2021-0779, **Version:** 1

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**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Kevin Booker/975-4395 Jennifer Willits/494-3094  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** Third

**Title:**

Grant of Easement to 3575 Mendocino Avenue Associates, LLC

**Recommended Action:**

- A) Authorize Sonoma County Water Agency's General Manager to execute the Easement Agreement with 3575 Mendocino Avenue Associates, LLC, in a form approved by County Counsel.
- B) Determine that the granting of the subject easement will not adversely affect Sonoma Water in any respect.
- C) Adopt a resolution determining that the grant of easement to 3575 Mendocino Avenue Associates for the Project will not have a significant adverse effect on the environment, and that the grant of easement to 3575 Mendocino Avenue Associates will not adversely affect Sonoma Water in any respect.

(4/5<sup>th</sup> Vote Required) (Third District)

**Executive Summary:**

This item involves the granting of an easement by the Sonoma County Water Agency (Sonoma Water) to 3575 Mendocino Avenue Associates, LLC, a California limited liability company (Property Owner), in order to allow its designee BRJE Housing Partners, L.P., a California limited partnership (Burbank Housing), to construct storm drain outfall improvements for a housing redevelopment project (Project). The grant will not adversely affect Sonoma Water in any respect. The Project is located at 3575 Mendocino Avenue in Santa Rosa, the site of the former Journey's End mobile home park (APN 173-030-001). Sonoma Water owns real property (APN 173-030-002) adjacent to the Project site, and operates the Russell Creek Channel (Sonoma Water Property) for flood control maintenance purposes where the proposed storm drain outfall for the Project is planned.

**Discussion:**

Property Owner has requested that Sonoma Water execute an easement agreement for installation of storm drain outfall improvements on Sonoma Water property. The storm drain outfall improvements, which consists of a storm drain collection system and a storm drain outfall, will allow Property Owner to meet permitting requirements necessary to construct the redevelopment of approximately 13.3-acre infill site. The Project includes 532 high-density multi-family housing units consisting of 162 affordable housing units for low and very low-income senior households and up to 370 market rate housing units.

Property Owner has requested that Sonoma Water grant a perpetual easement over portions of the Sonoma Water Property for the purpose of accessing, constructing, maintaining, repairing, and replacing the storm

drain collection system improvements needed for the Project. Upon completion of the construction of the storm drain collection system, those improvements will be offered for dedication to the City, and thereafter owned and maintained by the City, following City's acceptance of the improvements and the easement. At that point, Property Owner's rights and obligations under the proposed easement agreement will be transferred to the City, and Property Owner will be released from its obligations pursuant to the easement agreement.

Section 9 of Sonoma Water's enabling legislation requires that any easement granted to a private entity must be granted for adequate consideration. Sonoma Water staff has determined that the value of the easement is nominal and that adequate consideration for granting of the easement is reimbursement of Sonoma Water's staff cost and other related costs to grant the easement. Property Owner has agreed to reimburse Sonoma Water for its costs to process the easement. Sonoma Water Staff have determined that the easement would not adversely impact Sonoma Water's use of its property in any respect.

Sonoma Water's enabling legislation requires that granting this easement be considered at no less than two regularly scheduled board meetings. In accordance with Section 9 of Sonoma Water's enabling legislation, this item was considered at the August 24, 2021 Board Meeting.

#### CEQA

The City of Santa Rosa (City) has completed environmental documentation in accordance with the California Environmental Quality Act (CEQA) for 3575 Mendocino Avenue Project. The City prepared a Sustainable Communities Environmental Assessment (SCEA) for the Project. The City approved the project December 8, 2020. A Notice of Determination for the Project was filed on December 9, 2020. The easement meets all the requirements of Government Code, Section 65402, for General Plan consistency.

Sonoma Water has prepared a Notice of Determination in accordance with CEQA, the State CEQA Guidelines and Sonoma Water's Compliance Procedures under CEQA. As a Responsible Agency under CEQA, Sonoma Water staff considered the Sustainable Communities Environmental Assessment as prepared by the City. With the incorporation of the mitigation measures identified in the SCEA, the Project would not have an adverse impact upon the environment.

#### Prior Board Actions:

8/24/2021: Consideration of Grant of Easement to 3575 Mendocino Avenue Associates, LLC

#### FISCAL SUMMARY

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			

Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

The grant of easement is at the request of Property Owner 3575 Mendocino Avenue Associates, LLC, a California limited liability company. Funds for staff costs were budgeted in the Sonoma Water General Fund; however, Property Owner will reimburse Sonoma Water for staff costs for the grant of easement.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Resolution

Map

**Related Items "On File" with the Clerk of the Board:**

None