

COASTAL CONSERVANCY

Project Summary  
August 2, 2001

**SEASIDE BEACH PARCEL ACQUISITION**

File No. 01-086  
Project Manager: Karen Rust

RECOMMENDED ACTION: Authorization to disburse up to \$180,000 to the Coastal Land Trust for the acquisition of approximately 6.5 acres adjacent to Seaside Beach, in Mendocino County.

LOCATION: Seaside Beach, just north of Ten Mile River, north of the City of Fort Bragg, in Mendocino County (Exhibit 1 & 2)

PROGRAM CATEGORY: Public Access

ESTIMATED COST: Coastal Conservancy \$180,000

The expected source of Conservancy funds is Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000" funds specifically appropriated for Mendocino County coast projects.

PROJECT SUMMARY: This authorization would enable the Coastal Land Trust (CoLT) to acquire 6.5 acres of coastal property adjacent to Seaside Beach in Mendocino County, known as the "Smith Property," for the purpose of providing new public coastal access.

The Smith Property is primarily east of Highway 1, but a sliver of the parcel is to the west, adjacent to a wide, deep sandy beach that was previously donated to CoLT. The property is bordered on the north by a creek with riparian habitat. The middle area is low lying, and at high tides, especially with storm surges, ocean water does enter the property both under and over the highway. The eastern and southern portions are higher in elevation, and do not have any wetland or riparian characteristics. This parcel is currently undeveloped but it does contain good road access and a level development site (Exhibit 3). Acquisition of the parcel will provide the opportunity for CoLT to develop much needed restroom facilities and parking

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for the beach, as well as for additional passive recreational use, such as a nature trail. The portion to the west of the highway must be acquired if vehicular intrusion onto the beach is to be curtailed. CalTrans has indicated a willingness to provide large boulders and tree trunks to erect a barricade to such activity.

Previous Conservancy board action, in September 1998, authorized a grant to CoLT for, among other things, costs involved in maintaining the major portion of the beach at Seaside, which was donated to the Coastal Land Trust.

If the Conservancy approves this acquisition, CoLT will maintain the property. CoLT will return with a grant application for the design and construction of access related facilities at Seaside Beach, after soliciting local participation in an access needs assessment.

Conservancy funds for this project are expected to come from a current appropriation from Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000," which allocated \$8 million to acquire, restore, and improve scenic, habitat, and recreational lands along the Mendocino Coast.

COASTAL CONSERVANCY

Staff Recommendation

June 28, 2001

**SEASIDE BEACH ACQUISITION**

File No. 01-086

Project Manager: Karen Rust

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred eighty thousand dollars (\$180,000), to the Coastal Land Trust ("CoLT"), to acquire approximately 6.5 acres of land adjacent to Seaside Beach, Mendocino County Assessor's Parcel Number 015-350-52 (“the Smith Property”), as shown in Exhibit 2 of the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Conservancy's Executive Officer shall review and approve all title and acquisition documents, purchase agreements, appraisals, deeds, title reports and escrow instructions;
2. CoLT shall not pay more than fair market value for the property acquired pursuant to this authorization, as established in an appraisal approved by the Executive Officer;
3. CoLT shall enter into an agreement with the Conservancy pursuant to Government Code Section 831.5 providing limited tort immunity in exchange for the provision of limited public access on the property;
4. CoLT shall permanently dedicate the property for public access in accordance with the requirements of Public Resources Code 31116 (b); and
5. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign that has been reviewed and approved by the Executive Officer of the Conservancy."

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Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the guidelines and criteria in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31405) regarding the provision of coastal public access;
2. The proposed project is consistent with the Conservancy's Project Selection Guidelines and Criteria adopted by the Conservancy on January 24, 2001; and
3. The proposed project will serve greater than local public needs; and
4. The Coastal Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, having among its principal purposes the preservation of land for scientific, educational, scenic and open space opportunities.”

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**STAFF DISCUSSION:**

**Project Description:** The project will result in the acquisition by the Coastal Land Trust (CoLT) of 6.5 acres of coastal property at Seaside Beach. CoLT will take title to the property and will manage it as part of its efforts to provide public coastal access, and for development of environmental education opportunities such as a nature trail and interpretive signing.

In 1998 the Conservancy and CoLT began efforts to enhance the public's use of Seaside Beach, which is one of the few good-sized beaches on the north coast approachable from nearly beach-level parking along Highway 1. The Smith Property provides scenic view, good road access, coastal stream habitat, and developable space for pump-out toilets and a parking area.

This property is being acquired to provide controlled public access to the beach and shoreline and its adjacent inland environments, and to allow for the interpretation of habitat areas and the provision of a nature trail and scenic viewpoints and bird watching spots within the property.

**Project Financing:** Coastal Conservancy \$180,000

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The expected source of Conservancy funds is a current appropriation from Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000" specifically for Mendocino County coast projects. CoLT will continue to manage the property, a significant contribution from this small, north-coast land trust.

**Site Description:** The Smith Property consists of a coastal stream, seasonal wetland area, and coastal grasslands on the eastern side of Highway 1, and a narrow strip of beach sand on the western side. There is a diverse population of plant and animal species found in and along the stream and its surrounding environment, but none on the endangered or threatened lists.

The Smith property was the subject of a recent development permit application that was still under review by the County when the owners agreed to sell their parcel to CoLT, pending the Conservancy's approval. The Smith Property offers extensive coastal and inland views. Nearby land uses include agriculture and recreation, with a large-lot residential development on bluffs to the north and south of the low-lying beach area.

**Project History:** In September 1998, the Conservancy authorized disbursement of \$26,000 to CoLT for a pre-acquisition/parcel analysis of the Seaside Beach area, planning and management of certain improvements at the Seaside Beach shoreline parcel donated to the land trust, and acceptance and management of the Campbell OTDs near the Navarro Headlands, in Mendocino County. A report on the activities undertaken under this initial grant is attached (Exhibit 4).

When it became clear that the Smiths owned a sliver of the sandy beach area between Highway 1 and the donated beach property west of the highway, the land trust's focus shifted to acquiring the Smith property. This would allow the erection of barriers to curtail the problem of people driving vehicles onto the beach to collect driftwood or to camp, or worst of all, to simply race up and down the beach at low tide to the State Park unit at Ten Mile River. CalTrans has worked with CoLT to try to stop this activity, but have had difficulty finding the time to use highway building equipment to move in boulders or tree stumps, and are wary of making any such efforts until ownership of the sliver of beachside property is clear. The size and layout of the Smith property also lends itself to the development of ancillary facilities such as pump-out toilets, and safe, expanded parking off the shoulder of the highway.

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The pre-acquisition/parcel analysis of the Smith property, conducted by the CoLT, was to highlight fee acquisition opportunities, trail and public access potential, and the conservation and interpretation of unique natural features, and to establish contacts with the landowners and the public. Biological/botanical assessments, hazardous waste initial assessments, and an appraisal were obtained and the Smith Property was given a high priority rating for acquisition because of its environmental, biological, scenic, and multi-purpose characteristics. The CoLT alerted the Conservancy to the availability of the property and of the willingness of the Smiths to sell at fair market value.

An appraisal was conducted and has been reviewed and approved. The Smiths agreed to sell the property for \$170,000, the fair market value as determined by that independent appraisal. Transaction costs are expected to cost up to \$10,000.

**PROJECT SUPPORT:** The Smith Property acquisition has public support as indicated by the letters either attached to the staff recommendation (Exhibit 5) or to be delivered separately.

**CONSISTENCY WITH  
CONSERVANCY'S  
ENABLING LEGISLATION:**

This project would be undertaken pursuant to Chapter 9 of the Conservancy's enabling legislation, Sections 31400-31405 of the Public Resources Code.

Under Section 31400 the Legislature charged the Conservancy with the duty to take a principal role in establishing a system of public accessways to and along the coast. The acquisition of the Smith Property will enable CoLT to develop parking and other facilities in support of the existing public access at Seaside Beach.

Section 31400.1 authorizes the Conservancy to award grants to public agencies and nonprofit organizations which are public land trusts having the authority to acquire, develop, and operate public coastal accessways for the purposes of acquisition of interests in, and for the development of, lands which are suitable for and which will be used for public accessways to and along the coast. This acquisition will add to the beach parcel now owned and managed for public use by CoLT. The proposed action is consistent with this Section in that the acquisition will promote and enable the development of more and safer parking. Public access will be restricted on much of the

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inland portion of the property to the parking and restroom area, and to a nature trail to be built later.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of land acquisition and the initial development of public access ways by any public agency or nonprofit organization. The Conservancy funds will enable CoLT to acquire the property; CoLT will continue to provide operation and maintenance, a significant contribution from a small organization.

Under Section 31400.3, the Conservancy may provide assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways. This project represents a cooperative effort among county and state agencies and a nonprofit organization to aid in achieving that goal along Highway 1 at Seaside Beach. All the participants have agreed on the urgency and timeliness of the acquisition, since the owners want to either develop or sell the property as soon as possible.

CONSISTENCY WITH  
CONSERVANCY'S  
PROJECT SELECTION  
CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

**Promotion of the Conservancy's statutory programs and purposes:** See "Consistency with Conservancy's Enabling Legislation" above.

**Consistency with the purposes of the funding source:** The project will be funded with funds specifically appropriated by the Legislature for Mendocino County coast projects from Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000."

**Support from the public:** This project has the support of State Senator Wes Chesbro, Assemblywoman Virginia Strom-Martin, and others (Exhibit 5). Efforts of public agencies and CoLT have been made to designate the Smith Property as a priority for acquisition and to carry out its acquisition for the provision of new and improved public access. CoLT has committed many hours to analysis and negotiation of the property's sale. The land trust has also spent much time and effort on operation and maintenance of the beach parcel, including renting

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portable toilets for holiday weekends when large crowds find their way to Seaside Beach.

**Location:** The parcel lies within the coastal zone and will provide enhanced public access to and along the coast. Acquisition of this property will also provide spectacular views of Seaside Beach and the surrounding bluffs and hills.

**Urgency:** Now is the time to purchase the Smith Property. Discussions with the Smiths have concluded in a favorable fashion, after nearly three years of working through the analysis and negotiation process. CoLT and the landowners have agreed on a purchase price, and the property will likely be developed or sold for other uses if this acquisition does not occur.

**Additional Criteria**

**Need:** The addition of the Smith Property to the existing beach area will enable CoLT to protect the beach from vehicular damage and provide opportunities for expanded parking, restroom facilities, and nature trail development. The property is located along Highway 1 in Mendocino County, a major tourist route and destination. With the addition of the Smith parcel, many more of the tourists passing through Mendocino County will be able to stop and enjoy the easily accessible Seaside Beach. CoLT will not be able to purchase or develop the property without the Conservancy's contributions.

**Realization of Prior Conservancy goals:** Acquisition of the Smith Property will continue the Conservancy's extensive efforts through Propositions 70 and 12 to implement habitat enhancement projects, riparian corridor restoration projects, public access improvements, and the acquisition of priority coastal parcels.

**CONSISTENCY WITH  
THE COASTAL ACT:**

The proposed project is consistent with the following policies of the Coastal Act, Public Resources Code Section 30000 *et seq.*:

Section 30210 states that “maximum public access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with the public safety needs and the need to protect public rights, rights of private property owners and natural resources from overuse.” After the acquisition of the Smith Property by the CoLT, it will be conserved and managed so that all of the above conditions shall be met.

Section 30240(a) states in part that “Environmentally sensitive areas shall be protected against disruption of habitat values.” The planning and design limitations placed on the property will ensure that the property’s natural resources are protected and that limited public access improvements are designed to be compatible with the preservation of habitat values.

**CONSISTENCY WITH  
LOCAL COASTAL  
PROGRAM POLICIES:**

The project is consistent with the following sections of the Mendocino County Local Coastal Program, certified in 1992 and revised several times through 1998:

**V. Recreation**

**Acquisition Priorities:** All proposed accessways have been designated by priority in the Mendocino County Local Coastal Program. Acquisition criteria include safety, quality of destination, bluff stability, distance from other access points, environmental suitability, compatibility with surrounding land uses, and the ease of development and operation.

The scenic and natural resources qualities, as well as planned barrier-free public access where possible, make this a quality destination. The Smith Property, referred to as the Seaside Creek area, is specifically identified in the LCP for public acquisition.

**Acquiring Access:** Public access can be acquired through purchase. Sources of funds can be state, local, or a combination of the two.

**Operation of Accessways:** Public accessways must be managed for the good of the public. An agency or organization must be willing to accept responsibility and operation of the accessway before it is opened to the public.

The Coastal Land Trust has agreed to add the Smith Property to the existing beach area, which it already owns, operates and maintains.

**COMPLIANCE  
WITH CEQA:**

The Smith Acquisition is exempt from review of environmental impacts under the California Environmental Quality Act (CEQA) in that the acquisition involves the transfer of land that is in a natural condition, in order to establish a park, where the management plan for the park has not yet been prepared (14 California Code of Regulations Section 15316).

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Staff will file a Notice of Exemption upon Conservancy Board approval.