

## COASTAL CONSERVANCY

Staff Recommendation

July 21, 2011

### PURISIMA LAND TRANSFERS

Project No.11-021-01

Project Manager: Timothy Duff

**RECOMMENDED ACTION:** Approval of an Implementation Plan for transfer of two parcels located adjacent to Purisima Creek in San Mateo County to the Coastside Land Trust for open space preservation, natural resource protection, and compatible public access; and authorization to disburse \$45,000 to the Coastside Land Trust to construct, operate and maintain public access improvements on these parcels.

**LOCATION:** Purisima historic townsite and cemetery, Half Moon Bay, San Mateo County

**PROGRAM CATEGORY:** Public Access

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#### **EXHIBITS**

Exhibit 1: [Project Location and Aerial Map](#)

Exhibit 2: [Site Map](#)

Exhibit 3: [Site Photos](#)

Exhibit 4: [Implementation Plan](#)

Exhibit 5: [Green Cemetery Brochure](#)

Exhibit 6: [Project Letters](#)

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400 *et. seq.* and 31107 of the Public Resources Code:

“The State Coastal Conservancy hereby: 1) approves the Implementation Plan attached as Exhibit 4 to the accompanying staff recommendation, for transfer of two adjacent parcels located along Purisima Creek (San Mateo County Assessor Parcel Numbers 066-180-110 and 066-180-060) to Coastside Land Trust for purposes of open space preservation, natural resource protection; and for public access consistent with these purposes; and 2) authorizes disbursement of up to forty-five thousand dollars (\$45,000) to the Coastside Land Trust to construct, operate and maintain public access improvements on these parcels. This authorization is subject to the following conditions:

1. Coastside Land Trust shall obtain all permits and approvals necessary to complete the project.
2. Coastside Land Trust shall permanently dedicate these properties for open space preservation, natural resource protection, and for compatible public access through an irrevocable offer to dedicate an interest in property or other instrument approved by the Executive Officer, in accordance with the requirements of Public Resources Code 31116(b).
3. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign that has been reviewed and approved by the Executive Officer.
4. Coastside Land Trust shall use any revenue generated from the property for operation and maintenance of the two parcels consistent with the purposes of the transfer and for operation and maintenance of other properties the Trust owns or manages.”

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 Sections 31400 *et. seq.* of Division 21 of the Public Resources Code, regarding coastal access.
2. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines last updated on June 4, 2009.
3. The Coastside Land Trust is a nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

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### **PROJECT SUMMARY:**

Conservancy staff recommends approval of an implementation plan to transfer two parcels totaling approximately 12 acres to the Coastside Land Trust (Trust) for preservation of open space, natural resource protection, and for public access that is compatible with these purposes. Staff also recommends the Conservancy award a grant of \$45,000 to the Trust to construct public access improvements and to operate and maintain the property for public access.

The two adjacent parcels are located approximately three miles south of Half Moon Bay. They are located along Purisima Creek east of Highway One, approximately one-half mile from the Highway One trailhead of the new Cowell-Purisima Coastal Trail, which provides public access to and along the shoreline. (Exhibits 1 and 2). One of the parcels consists of the historic Purisima Townsite, which the Conservancy acquired in 1992 from the Peninsula Open Space Trust (POST) in conjunction with the acquisition of property interests in the surrounding Cowell Ranch property that are still held by the Conservancy today. The other parcel is a historic cemetery that was transferred by San Mateo County to the State Department of General Services in 1974 and, given its location in the coastal zone, deemed to be under the jurisdiction of the Conservancy beginning in 1976. The Conservancy has now owned the cemetery and the townsite for past 35 years and 20 years respectively. The Conservancy has limited resources to manage land, and therefore the transfer of the subject property to a local land trust with the capacity to

protect the ecological resources and provide public access to the site is a high priority. The Implementation Plan for transfer of these two parcels is set forth as Exhibit 4.

Once the parcels are transferred, the Trust will use the grant funds to construct improvements that are needed to provide passive public access to the property such as fencing, signage and a gravel parking area on the townsite parcel. Fencing and signage will discourage access to the creek and riparian areas. The Trust will also use the grant funds to operate and maintain these public access improvements. Visitors to the Cowell-Purisima Coastal Trail who find the trailhead parking areas full will be able to use the parking area on the townsite parcel to access the trail. Thus, the public access improvements will facilitate access to these historic coastal properties as well as access to the shoreline.

The Trust is exploring the possibility of using a portion of the townsite parcel adjacent to the cemetery parcel as a green cemetery, which entails burials using wood coffins and other organic and biodegradable materials. See Exhibit 5 for details on green cemeteries. If the Trust proposes a green cemetery that preserves the townsite's natural resources and open space and that continues to allow public access, such a use could be consistent with the purposes of the transfer of the parcels to the Trust. No Conservancy grant funds would be used to develop the green cemetery. Revenue generated by the proposed cemetery would be restricted to uses associated with managing and maintaining the two subject parcels and other nearby lands owned and managed by the Trust.

Originally established in 1997 as the Half Moon Bay Open Space Trust, the Coastside Land Trust remains based in Half Moon Bay with a mission to acquire and protect local lands in and around the City of Half Moon Bay. Today the trust owns and manages close to 1,000 acres and supports POST with the management and monitoring of several protected properties in the area. The Trust is well positioned to assume ownership and management of the two subject parcels.

**Site Description:** The cemetery and historic Purisima Townsite are located at the juncture of Highway One, Verde Road and Purisima Creek Road approximately 1.5 miles south of the city limits of Half Moon Bay (Exhibit 1). The site is bounded by Highway One to the west, Verde Road to the north, Purisima Creek to the south, and farm and open space lands to the east. Purisima Creek Road also provides access to nearby parkland at the Midpeninsula Regional Open Space District's Purisima Creek Redwoods Open Space Preserve and Burleigh-Murray State Park. The two parcels comprise a total of roughly twelve acres though approximately half of the acreage lies in the riparian corridor of Purisima Creek which flows west roughly one mile to the shoreline where a steep rocky drop off prevents any anadromous fish from migrating up it.

The Purisima Townsite was once the center of the town of Purisima, established in 1853 by Henry Dobbel who lived in the "Dobbel Mansion" though today nothing remains of either the town or the mansion. In 1890 the townsite was acquired by Henry Cowell and became part of the historic 1,270-acre Cowell Ranch which was purchased by POST in 1987. The Conservancy also owns fee title and easement interests in farmland, three sandy beaches and bluffs on Cowell Ranch, and is currently working with POST to operate a new Coastal Trail segment there and on the adjacent Purisima Farms property.

The cemetery site was established sometime in the mid-to-late 1800s and headstones there date from that time period into the 1960s. Today, only a dozen or so headstones are visible on the site, although records show up to 200 people were buried there. Both the cemetery and the townsite

are undeveloped and covered by a canopy of eucalyptus, Monterey pine and cypress trees. An array of native plant species dominate the groundcover including wild lilac, monkeyflower, coffeeberry, wild radish, periwinkle, lizardtail, ivy and grasses (Ex 3).

The townsite parcel is zoned in the San Mateo County Local Coastal Program (LCP) as Prime Agriculture, though no agricultural operations appear to have occurred there over the past several decades, and historical records make no reference to such uses. The parcel is also located within state and county designated scenic highway corridors and on a floodplain. The creek's riparian corridor is designated as sensitive habitat in the LCP. LCP policies allow for land zoned for agriculture as well as suitable portions of the site outside of sensitive habitat areas to be developed for public access and recreation.

**Project History:** In 1989 the Conservancy acquired from POST conservation and trail easements over the 1,270-Cowell Ranch that included the Purisima Townsite for public access, open space protection and preservation of agriculture. POST subsequently sold fee title to all of the ranch's farmland to a local farmer for continued agricultural production. In 1992 POST transferred to the Conservancy fee title to portions of the Cowell Ranch property collectively named the "Recreation Property" that included the Purisima Townsite along with fee title to three sandy beaches and blufftops for public access purposes. In 1995 the Conservancy entered into an agreement with the State Department of Parks and Recreation (DPR) and transferred fee title to one of the beaches and a vertical accessway from Highway One to this beach that today is known as the Cowell Ranch State Beach. Unfortunately, a previous staff-level agreement to transfer all of the Conservancy's fee title interests to DPR, including the Purisima Townsite, was never executed and for the past 20 years the Conservancy has continued to own fee title to these remaining property interests. Fee title to the cemetery was granted by San Mateo County to the State Department of General Services in 1974. Due to its location in the coastal zone, the site was deemed to be under the jurisdiction of the Conservancy beginning in 1976.

In 2008 the Coastside Land Trust contacted Conservancy staff expressing interest in assuming fee title ownership of the two parcels for public access and resource protection purposes, and to potentially pursue development of a green cemetery on portions of the historic Purisima Townsite adjacent to the cemetery site. As required by the terms of POST's 1992 transfer of the townsite, the Conservancy confirmed POST's support for the transfer to the Trust. In late 2010 Conservancy and Trust staff reached agreement on the terms of the transfer, including the granting of Conservancy funds for the initial phase of development of public access improvements at the site. POST's 1992 transfer of the townsite to the Conservancy also included a requirement that any subsequent transfers of the property by the Conservancy would be subject to the Conservancy's retention of an easement to protect the open space, habitat and public access values of the property. Conservancy staff has obtained written confirmation from POST that the recordation of deed restrictions and the right of the Conservancy to assume title to the property if the deed restrictions are violated as provided in Public Resources Code § 31116(b) is sufficient protection of the townsite property and is acceptable in lieu of an easement.

**PROJECT FINANCING**

**Coastal Conservancy**

Public Access Improvements	\$20,000
Operations and Maintenance	<u>\$25,000</u>
<b>Total Project Costs</b>	\$45,000

There are two anticipated sources for the Conservancy funds for this project. The proposed public access improvements are to be funded by an appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Public Resources Code § 75001 *et seq.* (“Proposition 84”). Proposition 84 authorizes the use of bond funds for projects that promote access to and enjoyment of the coastal resources of the state and are consistent with the Conservancy’s enabling legislation, Public Resources Code § 31000 *et seq.* (Public Resources Code § 75060(b)). The construction of the public access improvements will facilitate public access to and enjoyment of two historic coastal parcels and is consistent with the Conservancy’s statutory mission as discussed below in “Consistency with Conservancy’s Enabling Legislation.” Therefore the propose project is an appropriate use of Proposition 84 funds.

The expected source of Conservancy funds for the operation and maintenance activities are appropriations to the Conservancy from the Coastal Access Account, which authorizes grants for the development, maintenance, and operation of new or existing facilities that provide public access to the shoreline of the sea. See Public Resources Code § 30620.2. Consistent with this funding source, the proposed project will facilitate public use of the two historic coastal parcels and enable public access from these sites to the Cowell-Purisima Coastal Trail, which runs to and along the shoreline. The grantee is expected to provide volunteer services to operate and maintain the access improvements and the value of these services is estimated to be no less than \$5,000 annually.

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

Public Resources Code § 31400 directs the Conservancy to have a principal role in the implementation of public accessways to and along the state’s coastline. To this end, Public Resources Code § 31400.1 authorizes the Conservancy to award grants to nonprofit organizations for purposes of acquiring land and for developing, operating and managing lands for public access purposes to and along the coast. In addition, Public Resources Code §31400.3 authorizes the Conservancy to “provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division.” Transferring the two parcels to the Trust for purposes of open space, natural resource protection and compatible public access is consistent with these provisions because it will facilitate public access on land along the coast, while protecting the natural resources of the property for public enjoyment. Similarly, providing funds to the Trust is consistent with these provisions because it will enable the Trust to construct,

operate and maintain public access improvements on the parcels. The project will serve the recreational needs of tourists from all over the Bay Area and beyond, as well as local residents.

Consistent with Section 31400.2, the amount of funding provided by the Conservancy has been determined by the total amount available for coastal public accessway projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. The Coastside Land Trust is a small local trust with a small number of staff. However the trust has a strong cadre of volunteers to provide substantial services needed to implement the project. The proposed project is consistent with the San Mateo County Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

Public Resources Code § 31107 requires the Director of General Services (DGS) to transfer land at the Conservancy's request provided that the request is pursuant to an approved implementation plan. In addition, section 31107.1 requires DGS and the Conservancy to develop appropriate procedures for land transfers and other property transactions. DGS and the Conservancy entered into a Memorandum of Understanding Concerning Real Property Transactions in 1990 (MOU) setting forth such procedures. The MOU requires the Conservancy to adopt a "property disposition plan" that consists of or is an element of an implementation plan required by section 31107 and that includes certain findings. The Implementation Plan attached as Exhibit 4 constitutes a property disposition plan and contains the findings required by the MOU. Thus, the Implementation Plan is consistent with the MOU. Accordingly, it is appropriate for the Conservancy to adopt the Implementation Plan, thereby authorizing the Executive Officer to request that DGS transfer the Conservancy's two parcels to the Coastside Land Trust.

#### **CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOALS & OBJECTIVES:**

Consistent with **Goal 2 Objective C**, the project would serve to open a coastal area that is currently inaccessible or closed to public use while respecting the rights of nearby landowners and the need to minimize impacts on sensitive natural resources.

Consistent with **Goal 2 Objective E**, the project entails constructing access facilities and enhances coastal recreational opportunities for residents and visitors.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.

3. **Support of the public:** This project enjoys the support of local elected officials, public agencies, and nonprofit organizations. See letters of support attached as Exhibit 6.
4. **Location:** The proposed project is located within the coastal zone of San Mateo County.
5. **Need:** The Conservancy has limited capacity to manage the two subject parcels and therefore, transfer to an organization qualified to accept and manage the property will facilitate public access and appropriate management for natural resource protection and open space preservation and for public access. The Coastside Land Trust needs funding support to develop and manage the proposed access facilities.
6. **Greater-than-local interest:** The two parcels to be transferred are of interest to people from throughout the Bay Area and beyond who enjoy learning the history of old and defunct California coastal towns as well as those interested in historic cemeteries. In addition, there is increasing public interest in green cemeteries and Conservancy staff has received numerous calls in recent years from individuals from throughout the state seeking information about the possibility of such a use at this site.
7. **Sea level rise vulnerability:** The project area is located approximately 3,000 feet inland from the shoreline on a coastal terrace 200 feet above sea level and is well outside the elevations projected for sea level rise vulnerability.

**Additional Criteria.**

8. **Readiness:** The Coastside Land Trust has been preparing to receive the two parcels and is ready to proceed now with the transfer and subsequent planning and implementation of access improvements proposed for the site.
9. **Realization of prior Conservancy goals:** As mentioned in “Project History” section above, a previous staff-level agreement to transfer all of the Conservancy's fee title interests to DPR, including the Purisima Townsite, was never executed, and for the past 20 years the Conservancy has sought to transfer these remaining property interests to a more appropriate land manager.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The proposed project is consistent with the San Mateo County Local Coastal Program (LCP) which contains policies that support the protection of land for park and open space uses, and the protection of sensitive habitat areas while allowing suitable areas for public access and recreation uses. LCP Policy 5.5 allows public access and recreation on agricultural lands and LCP Policy 11.12(a) permits public recreation and visitor-serving facilities located on lands adjacent to sensitive habitats when there is adequate separation by barriers such as fences, the habitat is not threatened, and there would not be substantial impacts on habitat, topography, and water resources. LCP Policy 11.18(b) calls for improvements and management adequate to protect sensitive habitats such as informative displays, brochures, and signs to minimize public intrusion and impact, organized tours of sensitive areas, landscaped buffers or fences and staff to maintain improvements and manage the use of sensitive habitats. The Coastside Land Trust proposes to develop and manage public access and recreation on the lands to be transferred consistent with these LCP policies.

**COMPLIANCE WITH CEQA:**

The transfer of property as provided in this staff recommendation is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to 14 California Code of Regulations Sections 15325 and 15316 because it is a transfer of ownership of interests in land in order to preserve open space and existing natural conditions as well as to establish a park for which a management plan has not yet been prepared.

The proposed public access improvements, i.e., the signage, fencing and small parking area are exempt from CEQA under 14 California Code of Regulations Sections 15304 (Minor Alterations to Land) and 15303 (New Construction or Conversion of Small Structures). Consistent with Section 15304, the proposed improvements will consist of minor alterations in the condition of the land, water, and vegetation that do not involve removal of healthy, mature, scenic trees. Further, consistent with 15304(a), any grading will be on land with a slope of less than 10 percent and will not occur in any waterway, wetland, officially recognized scenic area, or severe geologic hazard area. The proposed fencing to protect sensitive habitat areas and parking area are also exempt under Section 15303 which exempts “...construction and location of limited numbers of new, small facilities, or structures...”. Section 15303(e) explicitly identifies fencing as an example of and exempt accessory structure.

Upon approval staff will file a Notice of Exemption for this project.