



Midpeninsula Regional  
Open Space District

R-15-94  
Meeting 15-18  
July 8, 2015

## AGENDA ITEM 6

### AGENDA ITEM

Proposed Purchase of the Toepfer Property as an addition to La Honda Creek Open Space Preserve, located on Bear Gulch Road in unincorporated San Mateo County (Assessor's Parcel Number 072-343-110).

### GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "JGD".

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Toepfer property.
3. Adopt a Preliminary Use and Management Plan for the Toepfer property, as set out in the staff report.
4. Indicate the intention to withhold the Toepfer property as public open space.

### SUMMARY

The Midpeninsula Regional Open Space District (District) is proposing to purchase the 38.14-acre Toepfer property for \$1,220,000, as an addition to the La Honda Creek Open Space Preserve. Because of its strategic location, this property may serve a critical role in connecting El Corte de Madera and La Honda Creek Open Space Preserves in the future. The following report presents a description of the Toepfer property, a Preliminary Use and Management Plan, the District's environmental review, the purchase terms and conditions, and financial considerations. The Fiscal Year (FY) 2015-16 Budget contains sufficient funds to cover the cost of this purchase.

### MEASURE AA

A 5-year Measure AA Project List was approved by the Board at their October 29, 2014 meeting and includes Project #5-1 (Pursue Land Conservation Opportunities at La Honda Creek Open Space Preserve). This proposed purchase serves the goals of Project #5-1 by conserving open space, increasing recreational opportunities, and protecting the headwaters of La Honda Creek watershed and its wildlife habitats.

## DISCUSSION

### **Property Description and Regional Context (see attached map)**

Located in unincorporated San Mateo County, the 38.14-acre Toepfer property is approximately 0.5 miles west of Skyline Boulevard (State Highway 35) and 1.5 miles northwest of the community of Sky Londa. It lies between the 6,073-acre La Honda Creek Open Space Preserve to the west and south and the 2,906-acre El Corte de Madera Creek Open Space Preserve to the north. Private parcels surround the property, though only some of them have been developed. One property corner of El Corte de Madera Creek Open Space Preserve is located across from the Toepfer property, on the other side of Bear Gulch Road, and an access point to the Preserve's Spring Board Trail is approximately 600' from the parcel's northwest property line. Because Bear Gulch Road is considered the southern boundary of El Corte de Madera Creek Open Space Preserve, the property is proposed as an addition to La Honda Creek Open Space Preserve. The Toepfer property may serve a critical role in establishing a future connection between the two preserves.

The property reaches an elevation of approximately 2,320 feet and is characterized by sloping terrain that flows into the headwaters of La Honda Creek. Second growth redwood, Douglas fir, and mixed evergreen forest form a dense canopy over the entire property. The property provides varied habitat, forage, and unimpeded movement for local species.

### **Improvements and Land Use**

The property is not improved. Approximately 500 feet of the parcel's northwest property line fronts Bear Gulch Road. A gated, unimproved driveway provides access from Bear Gulch Road. An overgrown roadbed begins at the driveway and leads into the center of the property. On-site, there are existing trails that bisect the property and lead to the creek. The property has access to electrical service via an above-ground PG&E transmission line along the western boundary.

## USE AND MANAGEMENT

### **Planning Considerations**

The property is comprised of one legal parcel in unincorporated San Mateo County. The current General Plan designation is Open Space and zoned RM (Resource Management). Reportedly, there are no submissions for development. Per the County General Plan, the proposed uses for natural resource management, sensitive habitat preservation, and low intensity recreation are allowable within an Open Space designation.

If purchased, the property would be incorporated into the La Honda Creek Open Space Preserve and the Preliminary Use and Management Plan would be implemented. A subsequent planning process would analyze opportunities for natural resource management and public use compatible with surrounding land uses. Further environmental review would be prepared as needed.

### **Preliminary Use and Management Plan**

The Preliminary Use and Management Plan (PUMP) establishes a status quo land management approach in the interim between the purchase and the completion of a subsequent long-term plan. The PUMP takes effect at the close of escrow and remains effective until an amendment to the Preserve Master Plan for La Honda Creek Open Space Preserve is warranted. The PUMP includes site security, new signage, and maintenance of the property in its natural condition, as

described more fully below. If changes to land use or the physical environment are proposed in the future, the plan would be subject to further environmental review and public input.

Public Access:	Designate the property as closed to public use at this time. Issue neighbor permits on a case-by-case basis allowing hiking use consistent with historical use patterns.
Signs and Site Security:	Install Preserve boundary and closed area signs, where appropriate.
Fences and Gates:	Install gates/fencing as necessary to prevent unauthorized vehicular entry.
Roads and Trails:	Maintain access route into the site in a serviceable condition. Implement maintenance and minor erosion and sediment control measures for access roads in accordance with District standards.
Patrol:	Routinely patrol property using existing access.
Resource Management:	Conduct invasive plant and animal management activities consistent with the District's standard policies and procedures.
Wildfire Fuel Management:	Implement standard District-wide fuel management and defensible space practices.
Site Safety Inspection:	No evidence of hazardous materials detected.
Name:	Name the property as an addition to La Honda Creek Open Space Preserve.
Dedication:	Indicate your intention to withhold dedication of the subject property as open space at this time.

## **CEQA COMPLIANCE**

### **Project Description**

The project consists of the purchase of the 38.14-acre Toepfer property as an addition to the District's open space preserve system and concurrent adoption of a Preliminary Use and Management Plan. Minor erosion and sediment control measures in accordance with District standards may be conducted along the existing access routes/trails to prevent water quality degradation. Minor resource management activities may be conducted to control invasive plants. The land would be preserved as open space and maintained in a natural condition.

### **CEQA Determination**

The District concludes that this project will not have a significant effect on the environment. It is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301, 15316, 15317, 15325 and 15061 of the CEQA Guidelines as follows:

Section 15301 exempts the repair, maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The project proposes performing erosion control work as necessary along the existing road and performing minor restoration activities to maintain the property in a natural condition.

Section 15316 exempts the acquisition of land in order to create parks if the land is in a natural condition and the management plan proposes to keep the area in a natural condition. The Preliminary Use and Management Plan specifies that the land will not be developed and will remain in a natural condition.

Section 15317 exempts the acceptance of fee interests to maintain the open space character of an area. The District will acquire fee interest to maintain the open space character of the property.

Section 15325 exempts transfers of ownership of interests in land to preserve open space. This acquisition will transfer fee ownership of the property to the District and ensure that the open space will be preserved. The Preliminary Use and Management Plan ensures that the property is preserved as open space by incorporating it into the La Honda Creek Open Space Preserve.

Section 15061(b)(3) exempts actions recommended in the Preliminary Use and Management Plan as it has been determined that there is no possibility the recommended actions will have a significant effect on the environment.

**TERMS AND CONDITIONS**

The 38.14-acre Toepfer property is proposed for purchase at a price of \$1,220,000.00. The property fair market value was determined by an appraisal commissioned by the District that is well supported by sales in the Skyline Boulevard-Woodside real estate market area in San Mateo County. The property would be purchased as-is on an all cash basis.

**FISCAL IMPACT**

**Fiscal Year (FY) 2015–2016 Budget for New Land Purchases:**

New Land Purchases Budget (FY 2015-16)	\$11,000,000.00
Previous Land approved for purchase this year	(\$ 525,000.00)
<b>Toepfer Property</b>	<b>(\$ 1,220,000.00)</b>
New Land Purchase Budget Remaining	\$ 9,255,000.00

The District Controller was consulted on this proposed purchase and has indicated that, considering cash flow and account balances, funds are available for this property purchase.

Installation of boundary demarcation and gates/fencing to prevent unauthorized vehicular entry is estimated at \$10,000. These costs are included in the Real Property Budget for FY2015-16. No other capital costs are required as part of the purchase.

## **BOARD COMMITTEE REVIEW**

The District's Real Property Committee held a meeting on June 18, 2015 to review information about the property and receive public input on the proposed purchase. Notice of the meeting was distributed on June 11, 2015 to property owners located adjacent to or surrounding the subject property and interested parties. One adjoining neighbor was in attendance. Staff provided an overview and photo tour of the property and reviewed the purchase terms. Staff also described how the property would remain closed and managed as an extension of the surrounding Preserve under the proposed Preliminary Use and Management Plan. The Real Property Committee approved recommending this purchase to the full Board of Directors in a vote of 3-0.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. Property owners of land located adjacent to or surrounding the subject property have also been mailed a copy of this agenda.

## **NEXT STEPS**

Upon Board approval, the General Manager will direct staff to proceed with the close of escrow for the purchase of the property and implement the Preliminary Use and Management Plan. Real Property staff will continue to work with neighboring property owners in this area to explore trail connections between El Corte de Madera and La Honda Creek Open Space Preserves. The District's Skyline Field Office will manage the property as an addition to La Honda Creek Open Space Preserve.

### **Attachments:**

1. Resolution Authorizing Acceptance of Purchase Agreement, Authorizing the General Manager or Other Officer to Execute Certificate of Acceptance of Grant to District, and Authorizing General Manager to Execute any and all Other Documents Necessary or Appropriate to Closing of the Transaction (La Honda Creek Open Space Preserve - Lands of Toepfer)
2. Location Map

Responsible Department Head:  
Michael Williams, Real Property Manager

Prepared by:  
Michael Williams, Real Property Manager  
Elish Ryan, Real Property Planner III

Contact person:  
Michael Williams, Real Property Manager

Graphics prepared by:  
Michele Childs, GIS Technician

**RESOLUTION 15-\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF PURCHASE AGREEMENT, AUTHORIZING THE GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AND AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (LA HONDA CREEK OPEN SPACE PRESERVE - LANDS OF TOEPFER)**

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THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT DOES RESOLVE AS FOLLOWS:

**SECTION ONE.** The Board of Directors of the Midpeninsula Regional Open Space District (District) does hereby accept the offer contained in that certain Purchase and Sale Agreement between George O. Toepfer, Jr., Trustee of George Toepfer Family Trust, and Dolores V. Toepfer, Trustee of the Dolores Toepfer Family Trust, each as to an undivided 1/2 interest, and the Midpeninsula Regional Open Space District, a copy of which purchase agreement is attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors, General Manager or other appropriate officer to execute the Agreement and all related transactional documents on behalf of the District to acquire the real property described therein (“the Toepfer Property”).

**SECTION TWO.** The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute the Certificate of Acceptance for the Grant Deed on behalf of the District.

**SECTION THREE.** The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to the seller and to extend escrow if necessary.

**SECTION FOUR.** The General Manager or the General Manager’s designee is authorized to expend up to \$5,000.00 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction and up to \$10,000 for the site security of the property.

**SECTION FIVE.** The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and documents, which do not involve any material change to any term of the Agreement or documents, which are necessary or appropriate to the closing or implementation of this transaction.

**SECTION SIX.** The purpose of this Section is to enable the District to reimburse its general fund for the cost of certain land acquisitions. The District wishes to finance certain of these real property acquisitions and expects to use tax-exempt debt, such as bonds, but a tax-exempt financing is not cost-justified for the District unless the principal amount of the financing is large enough to justify the related financing costs. Consequently, it is the District’s practice to buy property with its general funds and, when a tax-exempt financing is cost-justified based on the aggregate value of acquisitions, to issue tax-exempt obligations to reimburse itself for

previous expenditures of general funds. These general funds are needed for operating and other working capital needs of the District and are not intended to be used to finance property acquisitions on a long-term basis.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2015, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary  
Board of Directors

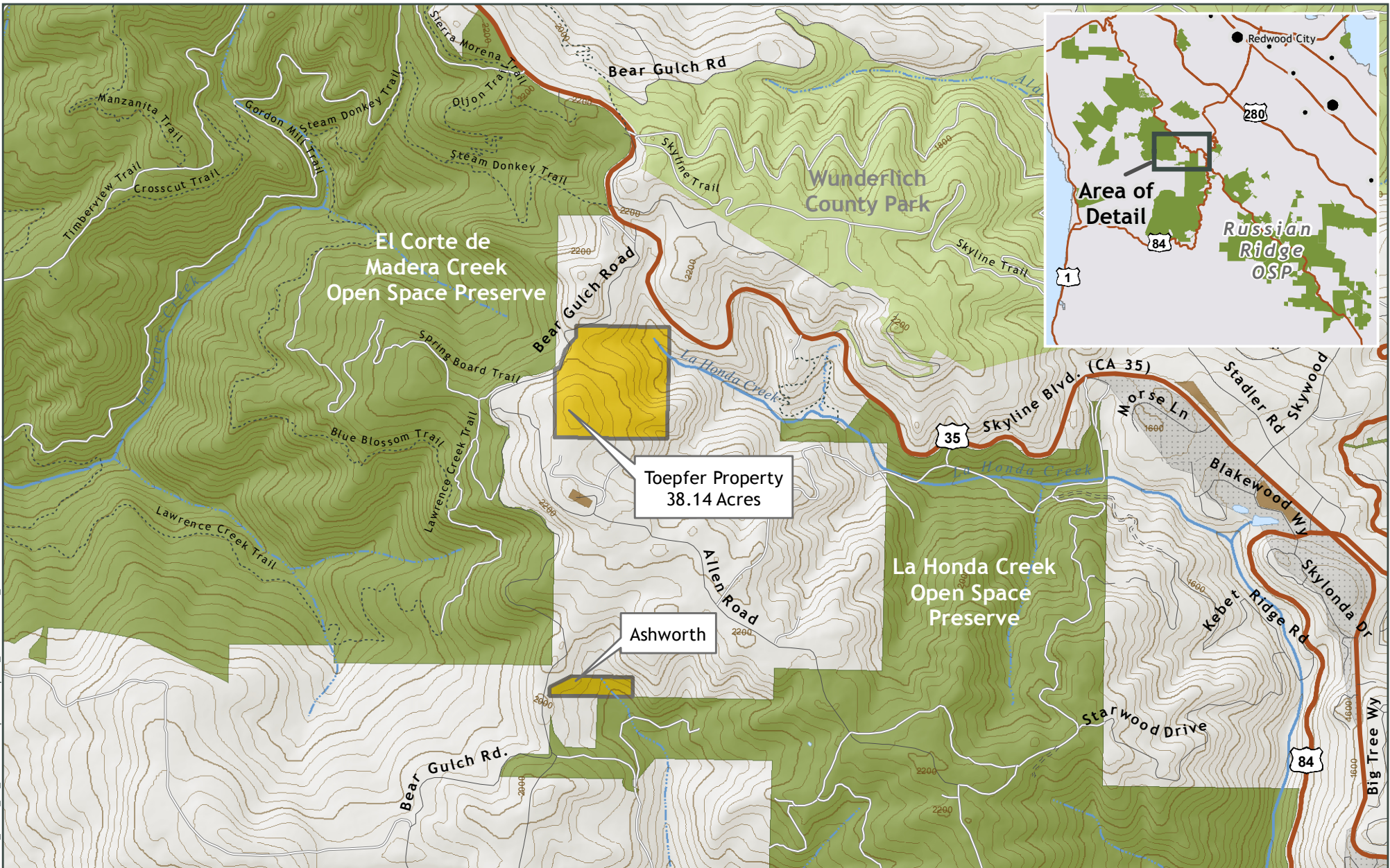
\_\_\_\_\_  
President  
Board of Directors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

\_\_\_\_\_  
District Clerk



### Toepfer Property 38.14 Acres

- |  |   |  |
|--|---|--|
|  Highlighted Property                     |  Other Public Agency                             |  Private Property |
|  MROSD Preserves                          |  Non MROSD Conservation or Agricultural Easement |  Developed Land   |
|  Other Protected Open Space or Park Lands |  MROSD Conservation or Agricultural Easement     |  |

Midpeninsula Regional  
Open Space District  
(MROSD)



June, 2015

