



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PARKS

**File #:** 24-458

Board Meeting Date: 6/11/2024

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Nicholas J. Calderon, Parks Director

**Subject:** Amendments related to the development of the new County Park at Tunitas Creek Beach and operation of the Cowell-Purisima Trail

**RECOMMENDATION:**

Adopt a resolution authorizing:

- A) The Parks Director, or the Parks Director's designee, to execute the first amendment to the Tunitas Creek Beach Post-Transfer Agreement between the County of San Mateo ("County") and the Peninsula Open Space Trust ("POST") to authorize the County to utilize grant funds to design and construct the new County park at Tunitas Creek Beach by removing Section 4 of the Post-Transfer Agreement; and
- B) The Parks Director, or the Parks Director's designee, to execute the first amendment to the Cowell-Purisima Trail Agreement between the County, POST, and the California State Coastal Conservancy ("Coastal Conservancy"): (1) to authorize grant funds to be utilized solely for the development of the new County park at Tunitas Creek Beach; and (2) to amend the agreement to authorize the County to perform its management responsibilities during the agreement's second 5-year term at the County's expense; and
- C) The Parks Director, or the Parks Director's designee, to execute further amendments to the terms and/or services of both the Tunitas Creek Beach Post Transfer Agreement and the Cowell-Purisima Trail Agreement, so long as the modified term(s) and/or services is/are within the current or revise fiscal provisions.

**BACKGROUND:**

The Tunitas Creek Beach property ("Property") is located eight miles south of the City of Half Moon Bay in unincorporated San Mateo County. The Property totals approximately 58 acres and includes almost one mile of sandy beach, steep coastal bluffs, and the mouth of Tunitas Creek. The Property has sweeping views of the Pacific Ocean to the west and is framed by iconic sandstone cliffs to the north. Numerous special status and protected plant and animal species, including the Western Snowy Plover, can be found on the Property.

On or around May 14, 2019, the County entered into a Purchase and Sale Agreement with the Peninsula Open Space Trust by which the County agreed to purchase all of POST's rights, title, and interest to the Property and convert the Property into a County park for the betterment of the public and protection of natural resources. As a condition precedent to the consummation of the Purchase and Sale Agreement, the parties agreed that two separate agreements would be subsequently negotiated and executed: specifically, (1) the Post Transfer Agreement between the County and POST, and (2) the Cowell-Purisima Trail Agreement between the County, POST, and Coastal Conservancy. Both agreements were executed on or about March 24, 2020, as authorized by Board Resolution 077272.

The Post-Transfer Agreement, among other things, sets forth certain financial commitments made by both the County and POST as related to the development of the Property as a County park, including that POST would dedicate at least \$3.245 million to the County for the planning, permitting, design, and construction of the new park. However, Section 4 of the agreement specifically dedicated and restricted \$1 million of the \$3.245 million for the County's operation and maintenance of the Cowell-Purisima Trail. The County's operation and maintenance obligations for the Cowell-Purisima Trail, a 3.6-mile long Coastal Trail segment located south of Half Moon Bay, is established by the terms of the Cowell-Purisima Trail Agreement.

#### **DISCUSSION:**

Due to the construction costs associated with converting the Property into a County park, the County desires to utilize all \$3.245 million dedicated by POST for construction of the Tunitas Creek Beach Improvement Project. By utilizing all funds dedicated by POST for construction related expenses, forecasted budget shortfalls are anticipated to be resolved. As a result, these funds will not be available for the County to access for the operation and maintenance of the Cowell-Purisima Trail. With current staffing levels and established operating procedure, the Parks Department is able to satisfy its Cowell-Purisima Trail operation and maintenance obligations without these funds.

Thus, the parties desire to amend both the Post-Transfer Agreement and the Cowell-Purisima Trail Agreement to account for this change in how funds are to be used. This specifically involves: (1) removing Section 4 of the Post-Transfer Agreement, which previously restricted \$1 million of POST's \$3.245 million in post-closing funds for use by the County to perform its Cowell-Purisima Trail management and maintenance obligations, thereby allowing the County to access all \$3.245 million to convert the Property into the newest County park; and (2) making various corresponding modifications to the Cowell-Purisima Trail Agreement to provide that the County will perform its maintenance and operations responsibilities at the County's own expense. The forms of both amendments are attached as Exhibits A and B, respectively.

The County Attorney has reviewed and approved the resolution and agreements as to form.

#### **FISCAL IMPACT:**

Sufficient appropriations associated with the amendments are included in the Department's FY 2024-25 Recommended Budget and will be included in all future budgets.

There is no Net County Cost associated with this recommendation.