



Legislation Text

File #: 2020-0049, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Regional Parks, Permit Sonoma

Staff Name and Phone Number: Ken Tam 565-3348, Gary Helfrich 565-2404

Vote Requirement: Majority

Supervisorial District(s):Fifth

Title:

Public Access Acquisition at Scotty Creek Beach

Recommended Action:

Accept fee title of private land necessary to provide ocean access at Scotty Creek Beach (Fifth District)

Executive Summary:

In early 2017, Caltrans District 4 submitted a Coastal Development Permit application to the California Coastal Commission to realign a 0.7 mile section of Highway 1 between the road intersection of Calle Del Sol and Gleason Beach. This section of roadway needs to be relocated due to coastal bluff retreat which has already caused the collapse of several homes into the Pacific Ocean.

The road realignment work includes the construction of a new inland alignment of Highway 1 including an 850 foot bridge over Scotty Creek, construction of the California Coastal Trail, resource restoration and enhancement along Scotty Creek, restoration of the bluff and beach seaward of the realigned Highway, and other mitigation measures such as preserving public access to Scotty Creek Beach.

Scotty Creek Beach provides the public direct access to the Pacific Ocean off Highway 1. The northern portion of Scotty Creek Beach is owned by the California Coastal Conservancy and is approximately 2.9 acres. The south portion of Scotty Creek Beach is owned by the McAllister Family Trust. Historically the public has been using the state owned land and privately owned land to access the beach and ocean. To maintain the public's access interest to Scotty Creek Beach, Caltrans and the County will acquire 0.65 acres of the McAllister property in the amount of \$144,000.

Discussion:

The Gleason Beach Subdivision area has been subject to coastal bluff retreat for many years. The ongoing soil erosion along the coast line has caused several homes to collapse into the Pacific Ocean while the other remaining homes have been red-tagged as unsafe and unlivable. The soil erosion is projected to continue and will eventually cause the collapse and failure of Highway 1 between the road intersection of Calle Del Sol and Gleason Beach. This section of Highway 1 is within the jurisdiction of Caltrans District 4 in Oakland.

Caltrans has created a project called "Gleason Beach Roadway Realignment" to address the future road failure. For the project, Caltrans has prepared improvement plans and an environmental document to realign the road inward. A copy of the draft improvement plans, environmental document, and Coastal Development

Permit application were submitted to the California Coastal Commission and County for review in February 2017.

The Gleason Beach Roadway Realignment project falls within the jurisdiction of both the Coastal Commission and Sonoma County and the Coastal Act and the Sonoma County Local Coastal Program are the standard of review for the project. The scope and complexity of this project required that the County amend the Local Coastal Plan, have the Coastal Commission certify the amendment, process the Coastal Permit and then send the project to the Coastal Commission for final approval. On April 17, 2018, the Board of Supervisors agreed (Resolution Number 18-0133) to streamline the permitting process by delegating local control to the Coastal Commission, which consolidated the permitting process into a single action by the Coastal Commission.

Because a project of this scope and complexity cannot be redesigned to conform to Local Coastal Program policies, the County would need to amend the Coastal Program to explicitly allow for the project before processing the Coastal Permit application. Amending the Local Coastal Program, approval of the amendment by the Coastal Commission, local processing of a Coastal Permit for realignment, and final approval by the Coastal Commission are separate actions that will create significant project delay.

The proposed Highway 1 road improvements are located within the coastal zone and are subject to the California Coast Act. The proposed project improvements include the realignment of the two 12 foot wide lanes with 4 foot paved and 4 foot unpaved shoulders in each direction, installation of an approximately 850 foot long vehicle bridge with a 6 foot wide sidewalk in the southbound direction to accommodate pedestrian access, installation of an approximately 120 foot pedestrian and bicycle bridge across Scott Creek, new residential access roads, public parking, development of the California Coastal Trail, resource restoration work, and other mitigation measures such as preserving public access to Scotty Creek Beach.

Scotty Creek Beach provides the public direct access to the Pacific Ocean off Highway 1. There is no public parking lot at Scotty Creek Beach. The general public is currently parking on the road shoulders of Highway 1 to access Scotty Creek Beach. The road realignment will be shifted inward and away from Scotty Creek Beach; thus, creating an access gap between Highway 1 and Scotty Creek Beach. To mitigate project impacts to public access, the California Coastal Commission is requiring Caltrans to make public access improvements that include property acquisition.

The northern portion of Scotty Creek Beach is owned by the California Coastal Conservancy and is approximately 2.9 acres. The south portion of Scotty Creek Beach is owned by the McAllister Family Trust. Historically the public has been enjoying the use of state owned land and privately owned land to access the beach and ocean. To maintain the public's access interest to Scotty Creek Beach, Caltrans and the County will acquire 0.65 acres of the McAllister property as shown in the attached map. Caltrans has obtained a preliminary title report and completed the appraisal of the McAllister property.

The McAllister Family Trust have asked for a \$144,000 purchase price for the McAllister property. The valuation of the McAllister property is complex and not subject to appraisal certainty. Caltrans was unsuccessful in negotiating a lower price. CalTrans will pay the purchase price, but intends to deduct \$64,000 of the purchase price from a payment of \$5.2 million dollars to the County to perform mitigation work related to the Gleason Beach Roadway Realignment.

Caltrans has executed a Right of Way Contract (also known as a Purchase Agreement) with the McAllister Family Trust and the McAllister Family Trustees have signed the Grant Deed. Upon Board approval of the acceptance of the McAllister property, Caltrans will pay the McAllister Family Trust the amount of \$144,000 within five days. Per the attached resolution, County staff is requesting the following actions from the Board: 1) Authorize the Board Chair to execute a certificate of acceptance of fee title of McAllister property, 2) Authorize the Regional Parks Director to take additional actions with County Counsel approval if needed to complete the property acquisition, 3) Authorize the Regional Parks Director to record the grant deed and certificate of acceptance, and 4) Direct the Regional Parks Director to file a Notice of Exemption for the property purchase pursuant to Section 15316.

Prior Board Actions:

April 17, 2018 (Resolution 18-0133) Board authorizes the consolidation of the Coastal Development Permit for the Caltrans Gleason Beach Roadway Realignment Project.

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Caltrans pays \$144,000 for the property acquisition. No financial contribution from the County is needed to complete the property acquisition. Regional Parks will increase the operation and maintenance budget in FY 20-21 to include Scotty Creek Beach Regional Parks anticipates the increase in operations and maintenance costs will be marginal due to the minimal existing facilities. Operations and maintenance costs associated with the proposed public access facilities will be included in a future public access plan subject to the Board's approval.

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

Narrative Explanation of Staffing Impacts (If Required):

Acquiring public access at Scotty Creek Beach will not increase staffing.

Attachments:

Attachment 1: Map of Scotty Creek Beach

Attachment 2: Map of Proposed Highway 1 Realignment and Scotty Creek Beach

Attachment 3: Resolution

Related Items “On File” with the Clerk of the Board:

On File 1: Right of Way Contract

On File 2: Grant Deed

On File 3: Certificate of Acceptance

On File 4: Notice of Exemption