



Midpeninsula Regional
Open Space District

R-25-128
Meeting 25-29
October 22, 2025

AGENDA ITEM 3

AGENDA ITEM

Proposed Purchase of the Tabachnik Trust Property in unincorporated San Mateo County (Assessor's Parcel Numbers 066-300-010 (portion) and 066-300-020) as an addition to Tunitas Creek Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS *se den*

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of various real property assets: a conservation easement, reciprocal access easements, and fee title of a portion of the Tabachnik Trust Property and amending the Fiscal Year 2025-26 Budget to increase the Measure AA Fund Capital budget in the amount of \$950,000 and an additional adjustment of \$10,000 for miscellaneous costs related to the transaction.
3. Adopt a Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the Tabachnik Trust Property as public open space at this time.

SUMMARY

The General Manager recommends purchasing: (1) the 1.85-acre Tabachnik Trust Property (Fee Property), (2) a conservation, trail, and riparian easement over 150.76 acres of the 213.31-acre Tabachnik Trust Property (Easement Property), (3) a right of first offer over the 213.31-acre parcel, and (4) executing reciprocal access easements, all for at a total price of \$950,000 as additions to Tunitas Creek Open Space Preserve (Properties) and authorizing an additional adjustment of \$10,000 for miscellaneous costs related to this transaction. An overall increase of \$960,000 to the Fiscal Year 2025-26 (FY26) budget is required to proceed with the acquisition. The following report includes a description of the Properties, a Preliminary Use and Management Plan, findings of the environmental review, the purchase terms and conditions, and financial considerations.

BACKGROUND

The Midpeninsula Regional Open Space District (District) and the Tabachnik Trust have been interested in negotiating a property purchase since 2017. On January 22, 2020, the Board of

Directors (Board) approved the purchase of 151 acres of the Tabachnik Trust land holdings ([R-20-13](#)). On February 24, 2021, due to delays in the close of escrow because of litigation related to San Mateo County land divisions and COVID-19 disruptions, an amendment to the purchase and sale agreement was made ([R-21-29](#)). Ultimately, timing challenges posed by the County land division process prevented the Seller from effectuating the transaction.

DISCUSSION

Proposed Purchase

The District is now proposing to purchase multiple property rights across 152.61 acres of two mostly undeveloped legal parcels that form a part of the larger Tabachnik Trust land holdings. The first parcel, which is proposed for purchase in fee title by the District, is 1.85 acres, undeveloped, and zoned Resource Management/Coastal Zone (RM/CZ) (Fee Property, APN 066-300-020). The second property is 213.31 acres and zoned Planned Agricultural District/Coastal Development (PAD/CD). The District proposes purchasing a conservation, trail, and riparian easement over 150.76 undeveloped acres of the 213.31-acre parcel (Easement Property, APN 066-300-010 (portion)). The Tabachnik Trust would retain the remaining 62.55 acres, which would remain unburdened by the easement and is improved with a single-family home, shop, and several one-room cabins. The proposed purchase also includes a right of first offer on the entire 213.31-acre parcel. An unpaved dirt road provides direct access to both the Fee and Easement Properties from Lobitos Creek Road. The Tabachnik Trust and the District would grant reciprocal access easements over a portion of this dirt access road. This purchase advances land conservation opportunities in Measure AA Portfolio #15 for Salmon Fishery Conservation and Vision Plan Portfolio #32 for additional Watershed Preservation.

Property Description and Regional Context (see attached map)

The proposed 152.61-acre Fee and Easement Properties are located between Lobitos Creek Road and Tunitas Creek Road, approximately 1 mile east of Hwy 1. The District's Purisima Creek Redwoods Open Space Preserve is located immediately to the north, and Tunitas Creek Open Space Preserve is located immediately to the south of the Properties. The Properties are visible from and would provide a direct connection between the two District preserves.

Land Use and Improvements

The larger 213.31-acre parcel is improved with a single-family residence, garage, shed and access roads. The conservation, trail, and riparian easement is configured over the undeveloped portion of the parcel. The improved areas of the Easement Property would remain unencumbered. The 1.85-acre Fee Property is improved with a ranch road, of which the District and the Tabachniks would grant reciprocal access easements. The Easement Property's terrain is moderately steep with the main improvements built on a level area near the center of the Easement Property. The high point on the Easement Property rises to 1,000 feet, and the low point near Tunitas Creek sits at 300 feet. The Fee Property terrain is mostly flat to slightly rolling and contains no improvements other than a dirt access road. Over 30 years ago, the property was grazed and farmed, but most of the property is now covered with mature brush and no longer used for agriculture or in a current viable state to support farming or grazing without significant investments. No evidence of hazardous materials has been detected.

Future Public Access

The Property purchase would provide a direct connection between the District's Purisima Creek Redwoods and Tunitas Creek Open Space Preserves. There are no current plans for a public trail in this area, however, the purchase opens up the possibility to create a public trail through the Property to connect the two preserves.

Habitat and Natural Resources Value

Along the creek tributaries on the Easement Property are stands of sensitive Red Alder series and Arroyo Willow series vegetation communities. The remaining Easement Property consists of coastal scrub over hillsides and one large stand of eucalyptus trees. The Properties provide habitat for a number of larger animal species, including deer, coyotes, bobcats, and mountain lions. A wide variety of small mammals, birds, and other species occupy or migrate through the general area.

Water Resources and Rights

A majority of the Easement Property drains to Tunitas Creek, and a half mile of Tunitas Creek traverses the southeast boundary of the Easement Property. The Tunitas Creek watershed supports spawning habitat for the threatened steelhead trout. There are also a couple developed springs located near the northeast corner of the Properties, and the spring water does not flow off the Property.

COASTAL ANNEXATION AREA SERVICE PLAN COMPLIANCE

The Properties are within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area (Service Plan), adopted in June 2003. The Service Plan and subsequent conditions approved by the San Mateo Local Agency Formation Commission (LAFCo) established policies and procedures for conducting the District's Coastsides Protection Program (Program). The Program guides the District's coastal purchases, as well as the use and management of open space land within the Service Plan Area.

The District's coastal land purchases are subject to a Memorandum of Understanding between the San Mateo County Farm Bureau and the District. In accordance with the memorandum, District staff presented information and solicited comments on the proposed property purchase at a regularly scheduled Farm Bureau meeting on October 6, 2025 (previous consultations with the Farm Bureau included a meeting on November 4, 2019, and a site visit with the executive committee on October 28, 2019). In the previous consultations, the Farm Bureau made comments regarding constructing a perimeter fence around the 62.55 acres retained by the Tabachniks and asked questions regarding the density credits for the Property. No comments were made during the more recent October 6, 2025 meeting.

USE AND MANAGEMENT**Planning Considerations**

The Properties consists of two parcels located in an unincorporated area of San Mateo County. The Easement Property has a General Plan designation of Agricultural Rural, with a zoning designation of Planned Agricultural Development/Coastal Development (PAD/CD). The Fee Property has a General Plan designation of Agricultural Rural, with a zoning designation of

Resource Management-Coastal Zone/Coastal Development District (RM-CZ/CD). Natural resource management, habitat preservation, and low intensity recreation are allowable uses within both land use designations, though some projects may require permits from the County. On December 11, 2019, the San Mateo County Planning Commission confirmed that the acquisition of the Property for open space complies with the County's General Plan.

If purchased, the Properties will be incorporated into the Tunitas Creek Open Space Preserve, and a Preliminary Use and Management Plan will be implemented. When undertaken, a future planning process would analyze opportunities for compatible public use. Further environmental review would be prepared as needed. Subsequent planning would be in accordance with the District's Service Plan, including consultation with appropriate agencies and organizations.

Williamson Act Considerations

The Properties are not subject to a Land Conservation Agreement under the California Land Conservation Act of 1965 (also known as the Williamson Act).

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 future long-term plan. The PUMP includes site security and maintenance of the Properties in its natural condition, as described below. The PUMP takes effect at the close of escrow and remains effective until changes warrant an amendment or a Preserve Master Plan is developed to include these Properties. If changes to the land use or physical environment were proposed in the future, the plan would be subject to further environmental review and public input.

Name:	Name the Fee Property and Easement Property as additions to Tunitas Creek Open Space Preserve.
Dedication:	Withhold dedication of the Fee Property and Easement Property as open space at this time.
Coastal Service Plan:	Operate and manage the Fee Property and Easement Property in compliance with the District's Service Plan for the Coastal Annexation Area and the mitigation measures adopted pursuant to the Service Plan's Environmental Impact Report.
Public Access:	Designate the Fee Property as closed to public use at this time.
Signs and Site Security:	Install District signage, including boundary and operational signs, as needed on the Fee Property. Install signs in accordance with the terms of the conservation easement indicating that the property is protected by the District, if and when necessary for the Easement Property.
Fences and Gates:	Install gates and fencing as necessary to prevent unauthorized entry on the Fee Property.

Roads and Trails:	Continue to maintain the existing access road in a serviceable condition in accordance with the District's adopted Resource Management Policies standards and Open Space Maintenance and Restoration program.
Patrol:	Routinely patrol the Fee Property and Easement Property using the existing access road.
Resource Management:	Maintain the Fee Property in its natural condition. Conduct plant and animal management and restoration activities consistent with the terms of the conservation easement on the Easement Property and the District's adopted Resource Management Policies, Integrated Pest Management Program Guidance Manual, Open Space Maintenance and Restoration Program, Wildland Fire Resiliency Program, and Best Management Practices, as well as regulatory permits as needed.
Water Resources:	Protect creeks, springs and seeps on the Fee Property and within the Easement Property consistent with the District's adopted Resource Management Policies and Best Management Practices.
Wildfire Fuel Management:	Implement standard District-wide fuel management and defensible space practices consistent with the District's adopted Wildland Fire Resiliency Program on the Fee Property (and Easement Property if desired). Monitor the conservation easement to ensure adherence to District fuel management and defensible space practices.
Baseline Conditions:	Continue to maintain Baseline Conditions documents prepared for the conservation easement to serve as a basis for monitoring compliance with the terms of conservation easement on the Easement Property.
Easement Monitoring:	Conduct regular inspections of the conservation easement area to monitor the easement and ensure compliance with the conservation easement terms and conditions on the Easement Property. Provide the owner with reasonable prior notice of such visits and do not unreasonably interfere with the use of the easement area by the owner.
Subsequent Planning:	A subsequent planning process that includes these Properties may be undertaken and may analyze additional opportunities for natural resource management and implementation of the public trail component of the conservation easement. Further environmental review will be prepared as needed. Subsequent planning will be in accordance with the District's Service Plan and Environmental Impact Report, including consultation with appropriate agencies and organizations.

CEQA COMPLIANCE

Project Description

The project consists of the purchase of a 1.85-acre Fee Property and a 150.76-acre Easement Property (conservation, trail, and riparian easement) as additions to the District's open space

preserve system and concurrent adoption of a PUMP. Minor erosion and sediment control measures in accordance with District standards will be conducted along existing access routes to prevent water quality degradation. Minor resource management activities covered by previous programmatic CEQA documents and/or are categorically exempt from CEQA may be conducted. The land will be preserved as open space and maintained in a natural condition.

The Fee Property and Easement Property fall within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area. The Service Plan and the Service Plan Final Environmental Impact Report (FEIR), certified in 2004, includes policies, guidelines, and mitigations to ensure compatibility with the County General Plan and Local Coastal Program. The actions proposed will be conducted in compliance with the Service Plan and FEIR.

Any erosion and sediment control measures, wildland fuel management, and resource management activities implemented by the District as part of the PUMP will be conducted in accordance with the District's approved Resource Management Policies and the mitigation measures adopted as part of the Resource Management Policies' FEIR, and in accordance with applicable regulatory permits. Any invasive species control will be conducted in accordance with the District's adopted Integrated Pest Management Policies and Integrated Pest Management Program Guidance Manual, Best Management Practices, and the mitigation measures adopted as part of the Integrated Pest Management Policies' FEIR.

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, and 15325 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 PUMP for the Properties includes erosion control work as necessary along existing roads and restoration activities to maintain the Properties in a natural condition.

Section 15316 exempts the acquisition of land 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 PUMP for the Properties specifies that the land will remain in a natural condition.

Section 15325 exempts transfers of ownership of interests in land to preserve open space. This acquisition will transfer fee ownership of the Fee Property to the District to ensure that the open space will be preserved and incorporated into Tunitas Creek Open Space Preserve.

TERMS AND CONDITIONS

The purchase price of the 152.61-acre Tabachnik Trust Property (1.85-acre Fee Property and 150.76-acre Easement Property), plus right of first offer and reciprocal access easements, is \$950,000 plus \$10,000 to cover other miscellaneous associated transaction costs. The Properties would be purchased "as-is" and on an all-cash basis. Escrow would close on or before October 31, 2025.

FISCAL IMPACT

Land acquisitions brought before the Board for approval include a budget adjustment to the adopted budget. If approved, an increase to the FY26 budget of \$950,000 for the acquisition plus \$10,000 to cover other miscellaneous associated costs related to this transaction are required.

Tabachnik Trust Property Purchase Amount (including \$5,000 option deposit)	\$950,000
Total Land purchases approved to date for FY26	\$1,550,000
Total FY26 Land Purchases (if approved)	\$2,500,000

The following table outlines the *Measure AA Portfolio 15, Regional: Redwood Protection and Salmon Fishery Conservation* allocation, costs to date, projected future project expenditures and projected portfolio balance remaining.

MAA15 Regional: Redwood Protection and Salmon Fishery Conservation	
Total Portfolio Allocation:	\$50,728,000
Life-to-Date Spend (as of 09/17/2025):	(\$6,405,243)
Encumbrances:	\$0
Tabachnik Land Purchase:	(\$950,000)
MAA15-004 Title Insurance, Escrow fees, and other miscellaneous project costs:	(\$10,000)
Remaining FY26 Budget:	\$0
Future Fiscal Year Projections (through FY29):	\$0
Total Projected Expenditures:	(\$7,365,243)
Proposed Portfolio Amount Remaining:	\$43,362,757

The following table outlines the Measure AA Portfolio 15 allocation, projected life of project expenditures and projected portfolio balance remaining.

MAA15 Regional: Redwood Protection and Salmon Fishery Conservation	
Portfolio Allocation:	\$50,728,000
Total Portfolio Allocation:	\$50,728,000
Projected Expenditures (Life of Project):	
15-001 Conservation Easement Upper Alpine Ranch Area	(\$2,508,695)
15-002 Conley Property Purchase	(\$509,855)
15-004 Irish Ridge Land Conservation	(\$1,037,768)
15-005 Upper La Honda Creek Land Conservation (Eberhard)	(\$2,302,685)
15-006 Fifths Property Purchase	(\$1,006,240)
Total Projected Expenditures:	(\$7,365,243)

Proposed Portfolio Amount Remaining:	\$43,362,757
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Coastside Protection Area Fiscal Considerations

The Tabachnik Property is located within the service area of San Mateo County Fire (County Fire). Under the terms of the District and County Fire Agreement, the District would pay \$103.43 the first year and annually increase the amount by 2%.

The Property is not located within the service area of the La Honda-Pescadero Unified School District; therefore, no fees are incurred under that Agreement as a result of the proposed purchase.

PRIOR BOARD AND COMMITTEE REVIEW

The Real Property Committee did not review the purchase due to the compressed timeline of this acquisition.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act, and a copy of this agenda was mailed to property owners of land located adjacent to or surrounding the Properties, as well as the Coastside Protection Area mailing list.

NEXT STEPS

Upon approval, the General Manager will direct staff to proceed with the close of escrow for the purchase of the Fee and Easement Properties and the reciprocal access easement and implement the PUMP. The District's Skyline Field Office will manage the Properties as additions to Tunitas Creek Open Space Preserve.

Attachments:

1. Resolution Authorizing Acceptance of Purchase and Sale Agreement, Authorizing the General Manager or Other Officer to Execute Certificate of Acceptance of Grants to District, and Authorizing General Manager to Execute any and all Other Documents Necessary or Appropriate to Closing of the Transaction (Tunitas Creek Open Space Preserve - Lands of Tabachnik Trust)
2. Tabachnik Trust Property Location Map

Responsible Department Head:
Allen Ishibashi, Real Property Manager

Prepared by/Contact person:
Jasmine Leong, Real Property Agent II

Graphics prepared by:
Nathan Greig, Senior Technologist

RESOLUTION 25-__

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF PURCHASE AND SALE AGREEMENT, AMENDING THE FISCAL YEAR 2025-26 MEASURE AA CAPITAL FUND BUDGET, AUTHORIZING GENERAL MANAGER OR OTHER APPROPRIATE OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANTS TO DISTRICT, AND AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (TUNITAS CREEK OPEN SPACE PRESERVE - LANDS OF TABACHNIK TRUST, APNs 066-300-020 & 066-300-010 (PORTION)).

The Board of Directors of Midpeninsula Regional Open Space District (Board) does hereby resolve as follows:

SECTION ONE. The Board of Midpeninsula Regional Open Space District (District) does hereby accept the offer contained in that certain Purchase and Sale Agreement between Mateo Tabachnik and Alessandra Centrone Tabachnik, as Trustees of The Mateo and Alessandra Tabachnik Living Trust, U/A Dated September 15, 2011, 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 Tabachnik Trust Property”).

SECTION TWO. The Board authorizes the expenditure of \$950,000.00 covering the purchase of the Tabachnik Trust Property, including a deposit of \$5,000.00.

SECTION THREE. The General Manager or the General Manager’s designee (Real Property Manager) is authorized to expend up to \$10,000.00 to cover the cost of title insurance, escrow fees, survey and miscellaneous costs related to this transaction.

SECTION FOUR. The Board approves an amendment to the Budget and Action Plan for Fiscal Year 2025-26 consisting of an increase to the Measure AA Fund Capital budget in the amount of \$960,000.00. Except as herein modified, the FY 2025-26 Budget and Action Plan, Resolution No. 25-11 as amended, shall remain in full force and effect.

SECTION FIVE. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute Certificates of Acceptance and Grant Deeds on behalf of the District.

SECTION SIX. The General Manager or the General Manager’s designee (Real Property Manager) is authorized to provide notice of acceptance to the seller, execute all escrow documents and to extend escrow if necessary.

SECTION SEVEN. 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.

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PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on October 22, 2025, at a regular meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Zoe Kersteen-Tucker, Secretary
Board of Directors

Jed Cyr, President
Board of Directors

APPROVED AS TO FORM:

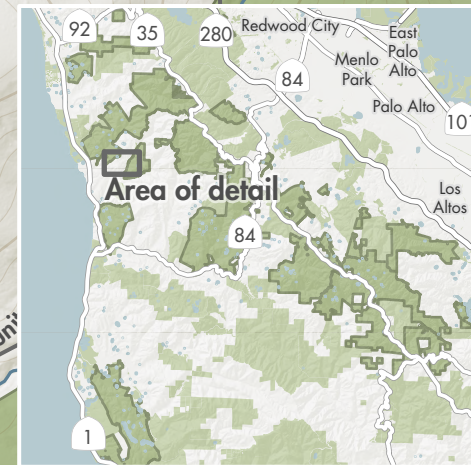
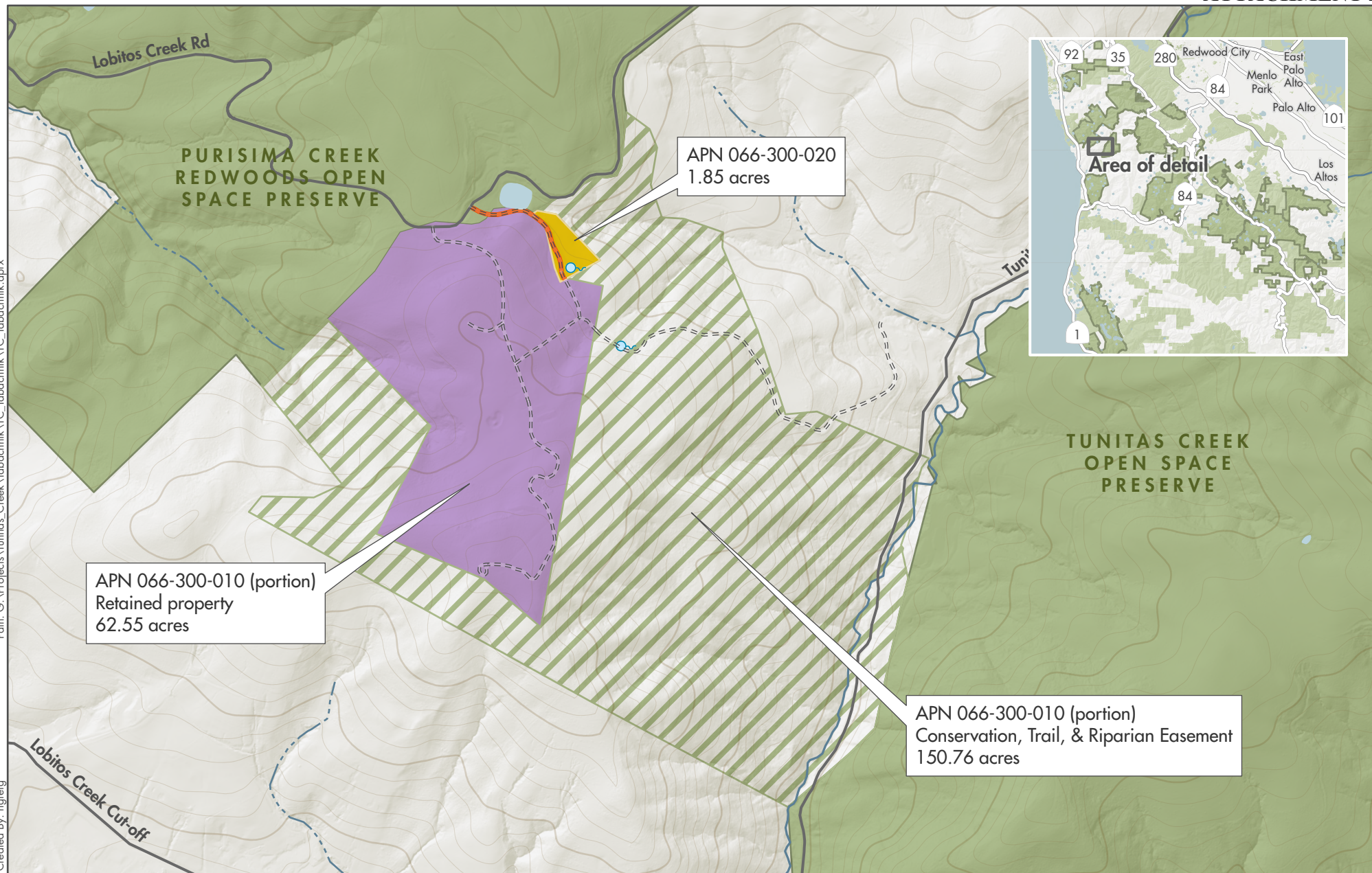
Hilary Stevenson, General Counsel

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.

Maria Soria, District Clerk

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Tabachnik Trust Property

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|------------------|--|----------------------------|
| Midpen preserves | Midpen fee purchase | Reciprocal access easement |
| Internal road | Tabachnik retained property | |
| Spring | Conservation, Trail, and Riparian Easement | |

Midpeninsula Regional
Open Space District
(Midpen)
9/15/2025



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