



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** June 2, 2009  
**Placement:** Departmental  
**Estimated Tme:** 20 minutes  
**Continued Item:** Yes  
**If Yes, date from:** 2/12/08, 7/8/08, 7/15/08, 2/3/09, and 5/19/09  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department John Baker, Deputy CEO & Director of Planning & Development, Director 568-2085  
Contact Info: Doug Anthony, Deputy Director, Energy Division, 568-2046  
**SUBJECT:** Acquisition of Gaviota Village Property

---

**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

---

**Recommended Actions:**

That the Board of Supervisors approve the attached amendment (Attachment A) to the County's contract with the Trust for Public Lands (Contract No. BC-09-079), increasing the amount of the Coastal Resource Enhancement Fund (CREF) grant from \$860,938 to \$1,360,938 to be used for the purchase of the Gaviota Village property and transfer of ownership to the California Department of Parks and Recreation.

**Summary Text:**

The Trust for Public Lands (TPL) has requested the County to increase the amount of its current \$860,938 CREF grant by \$500,000 in order to help acquire the Gaviota Village property. TPL's revised written request is included herein as Attachment B. TPL has secured the following grants to purchase the property:

- \$889,062 from the National Oceanic and Atmospheric Administration's (NOAA) Coastal and Estuarine Land Conservation Program (CELCP),
- \$600,000 from the Goleta Valley Land Trust, and
- \$860,938 from the County's Coastal Resource Enhancement Fund.

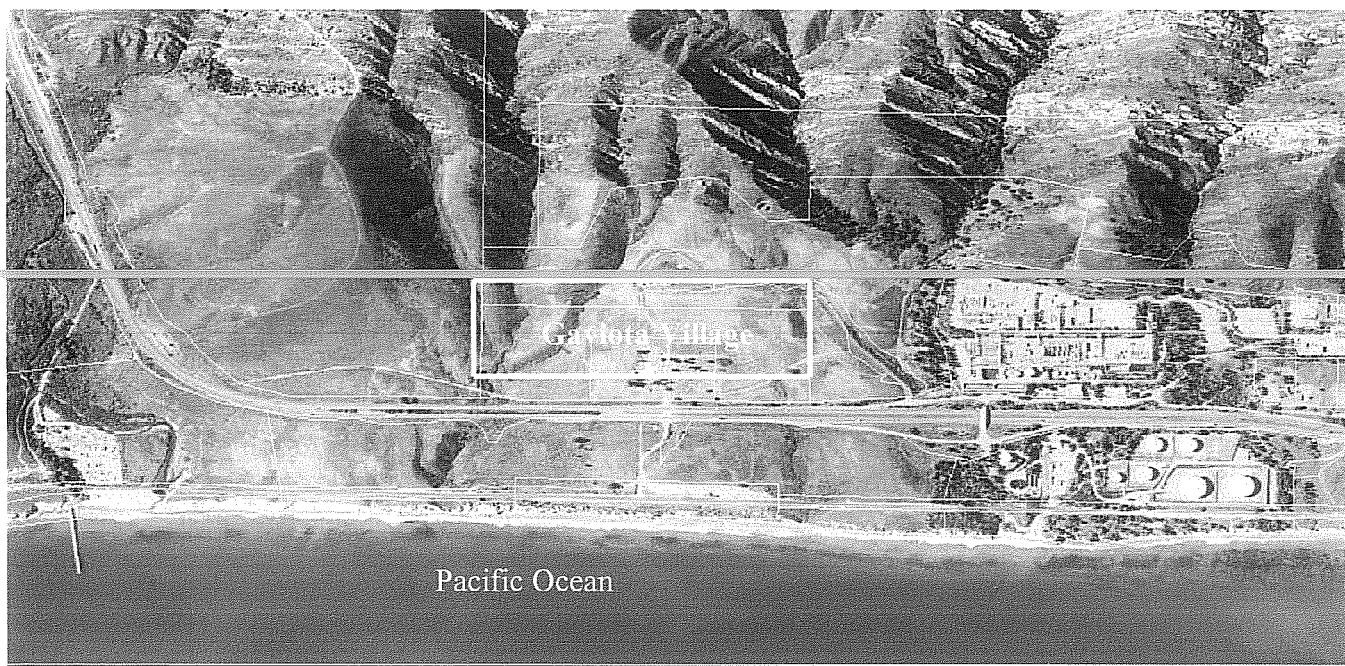
The California Parks Department was to have contributed the final \$500,000 in order to consummate the acquisition, and assume ownership. Unfortunately, the State's current budgetary issues prevent that contribution from occurring in time to consummate the acquisition prior to close of escrow. The twelve-

month escrow for this acquisition is scheduled to close on June 30, 2009, and TPL does not believe the landowner is willing to extend it another time unless all monies to acquire the property have been secured. (Escrow has been extended once by three months to accommodate the State's slow process, but this has not been sufficient time to accomplish the acquisition.)

TPL plans to reassign ownership of the property to the California Department of Parks and Recreation for long-term stewardship. Ultimate use of the property by the California Department of Parks and Recreation would be restricted by the deed as directed in the CELCP, Goleta Valley Land Trust, and CREF grants. These restrictions limit use to protection of open space, restoration and conservation of habitat, and passive recreation as a trailhead, trailhead parking area and interpretive signage.

**Background:**

The Gaviota Village property, shown below, is bordered by Gaviota State Park open space on the west, Highway 101 on the south, and to the east and, to the north, agricultural lands and the Gaviota Fire Station. The Gaviota Village property is made up of two parcels, one which is zoned Commercial Highway, and has historically been used as a restaurant, service station and grocery store. Canada del Barro runs through the Gaviota Village property, and the property supports a variety of habitat types, such as grasslands, chaparral, and coastal sage scrub.



The Board of Supervisors unanimously approved the current CREF grant on February 3 of this year.

**Fiscal and Facilities Impacts:**

**Budgeted:** The County would need to approve a budget revision for the additional \$500,000 grant unless another grantee (Wildlife Care Network) is not yet ready to move forward with execution of a grant agreement this fiscal year. CREF revenues are shown in the County's Budget Book for FY 08-09 "Source of Funds Summary – Use of Prior Fund Balances" and expenditures are budgeted under "Use of Funds Summary – Mitigation Programs" (page D-313). The current \$860,938 to acquire the Gaviota Village

Property would be expended from Fund #0063, Department #053, Program #5090, Account #7863, and Project #0803.

CREF is funded by mitigation fees paid by developers of offshore oil and gas reserves. CREF currently has a balance of \$878,076.87 in deferred acquisitional funds. Approval of the recommended amendment would reduce this reserve to \$378,076.87.

**Special Instructions:**

The Clerk of the Board will forward two certified copies of the amendment to Ms. Kathy Pfeifer of the Energy Division.

**Attachments:**

- A. Draft amendment to Contract No. BC-09-079
- B. Request from Trust for Public Lands

**Authored by:**

Doug Anthony

**cc:** William Dillon

**Attachment A**

**Amendment No. 1 to**  
**Contract No. BC-09-079**

**BOARD OF SUPERVISORS CONTRACT AMENDMENT NO. 1  
TO  
CREF GRANT AGREEMENT (BC-09-079)  
BETWEEN COUNTY OF SANTA BARBARA  
AND TRUST FOR PUBLIC LANDS**

This Amendment (hereinafter referred to as Amendment No. 1) constitutes a modification to the original agreement between County of Santa Barbara (COUNTY) and Trust for Public Lands (GRANTEE), Contract No. BC-09-079, which was entered into on February 3, 2009.

Effective as of June 2, 2009 the original agreement is modified as follows:

1. Replace Article 1 with the following:

- (1) CREF GRANT FOR ACQUISITION: COUNTY shall pay a total of one million, three hundred and sixty thousand, nine hundred and thirty eight dollars (\$1,360,938) from the Coastal Resource Enhancement Fund (Fund #0063, Dept. #053, Program #5090, Account #7863, Project #0803) (hereinafter referred to as "Grant Funds") towards the purchase of the 43.37-acre Gaviota Village property as stipulated herein.

2. Replace Article 5 with the following:

- (5) TERMS OF PAYMENT.

- (a) GRANTEE shall have secured an amount of funds not less than \$1,489,062 subject to an independent appraisal of the fair market value (including the amount of this grant) plus escrow and title fees to obtain sole interest in PROPERTY.

- (b) GRANTEE shall submit escrow instructions identified in Article (6) to COUNTY 30 days before close of escrow, and COUNTY shall verify compliance with this Agreement.

- (c) COUNTY shall deposit the \$1,360,938 award or shall wire said sums to the escrow not later than twenty-four (24) hours before the close of escrow on PROPERTY.

- (d) If for any reason COUNTY shall have deposited the \$1,360,938 into escrow and escrow shall have failed to close, the \$1,360,938 shall be returned to COUNTY in its entirety within sixty (60) days of the date escrow was to have closed at the time the \$1,360,938 was deposited.

- (e) GRANTEE guarantees that, in the event a loan is obtained as partial purchase money for the PROPERTY, GRANTEE shall use other assets as collateral for the loan and shall not encumber the PROPERTY.

3. Replace Article 10 with the following:

(10) MAXIMUM CONTRIBUTION OF COUNTY UNDER THIS AGREEMENT:

Notwithstanding any other provision of the Agreement, the maximum contribution of the COUNTY with regard to the CREF award and the terms of this Agreement shall not, under any circumstances, exceed the sum of \$1,360,938 toward the purchase price of the PROPERTY. GRANTEE shall be responsible for all costs of acquisition and any portion of the purchase price in excess of the CREF awards.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

// //

This Amendment No. 1 to BC-09-079 between the County of Santa Barbara and GRANTEE is executed at Santa Barbara, California, on the above signed date.

**ATTEST:**

**APPROVED:**

MICHAEL F. BROWN  
Clerk of the Board

**COUNTY**

By \_\_\_\_\_  
Deputy Clerk of the Board

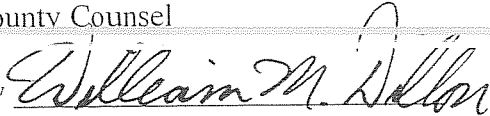
\_\_\_\_\_  
Joseph Centeno, Chair  
County of Santa Barbara  
BOARD OF SUPERVISORS

**CREF GRANTEE**

\_\_\_\_\_  
Tily Shue, Acting Regional Director  
The Trust for Public Land, Western Region  
CREF GRANTEE

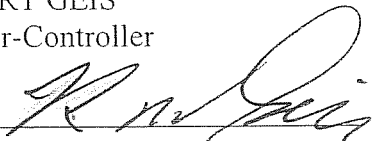
**APPROVED AS TO FORM:**

DENNIS MARSHALL  
County Counsel

By 

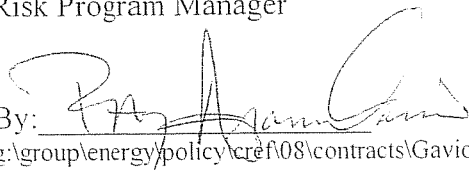
**APPROVED AS TO  
ACCOUNTING FORM:**

ROBERT GEIS  
Auditor-Controller

By 

**APPROVED AS TO  
INSURANCE FORM:**

RAY AROMATORIO  
Risk Program Manager

By:   
g:\group\energy\policy\cref\08\contracts\GaviotaVillage Amd1

**Attachment B**

**Revised Request from the  
Trust for Public Lands**

---





Doug Anthony  
Page 2  
May 22, 2009

approval will allow TPL to acquire and transfer the property to DPR prior to June 30, 2009, thereby securing the protection of this property, as part of Gaviota State Park, in perpetuity.

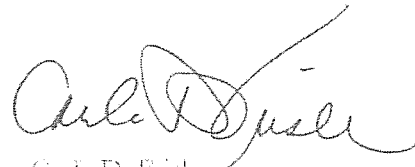
If you have any questions regarding this request, please feel free to contact either me or TPL project consultant, Carla Frisk. Ms. Frisk can be reached at 805 350-3811 and I can be reached at 415 495-5660, ext. 496.

As always, thank you so much for your past assistance on this project and for your efforts regarding this new request.

Sincerely,  
The Trust for Public Land



Debra Geiler, Director  
Southern California



Carla D. Frisk  
Project Consultant

cc: Ronn Carlentine, Public Works-Real Estate Services