



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: General Services
Department No.: 063
For Agenda Of: September 20, 2016
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: General Services: Matthew P. Pontes, Director (805) 560-1011

Contact Info: Skip Grey, Assistant Director (805) 568-3083

SUBJECT: **Real Property Exchange Agreement Casa Dorinda Project (APN: 009-640-001);
First Supervisorial District (File No.: 003809)**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Yes

Community Services Department, Parks Division
Public Works Department, Surveyor's Office
Assessor's Office

Recommended Actions:

That the Board of Supervisors, in the following order:

- a) Approve and authorize the Chair to execute the original and duplicate original Real Property Exchange Agreement ("Agreement") between the County of Santa Barbara ("County") and the Montecito Retirement Association ("Owner"), involving the property described as County Assessor's Parcel Number ("APN") 009-640-001;
- b) Approve and authorize the Chair to execute the attached Quitclaim Deed releasing any and all County rights, title, and interest in the existing open space easements conveyed by the Owner to the County on the property described as APN 009-640-001;
- c) Approve and authorize the Chair to execute the attached Quitclaim Deed releasing any and all County rights, title, and interest in Grant of Easement for Riding and Hiking Trail ("Trail Easement") conveyed by the Owner to the County on the property described as APN 009-640-001;
- d) Approve the attached Resolution granting to the County approximately 21.73 acres of Open Space Easement;

Auditor-Controller Concurrence

As to form: Yes

- e) Approve and authorize the Chair to execute the Grant of Open Space Easement on APN 009-640-001, from the owner to the County by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached to the Grant of Open Space Easement;
- f) Approve and authorize the Chair to execute the Grant of Easement for Riding and Hiking Trails on APN 009-640-001, from the owner to the County by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached to the Grant of Easement for Riding and Hiking Trails;
- g) Direct the General Services Department to record the documents granting the easements and to file with the County Assessor a copy of the Grant of Open Space Easement; and
- h) Find, pursuant to State CEQA Guidelines Section 15162, that no substantial changes are proposed and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the proposed actions are within the scope of the Negative Declaration (15NGD-00000-003) and Mitigation Monitoring Program adopted by the Montecito Planning Commission approval of the project on May 18, 2016, and that therefore no new environmental document is required.

Summary Text:

Approval of the Real Property Exchange Agreement (Attachment 1), will allow certain actions that are required by the conditions of case no. 14RVP-00000-00005, the Casa Dorinda Master Plan Revision, which was approved by the Montecito Planning Commission on May 18, 2016. These actions are as follows:

- (1) The quitclaiming of the existing open space easements area (Attachment 2) and riding and hiking trails easements (Attachment 3) conveyed by the Owner to the County on APN 009-640-001.
- (2) The exchange of approximately 18.6 acres of existing, dedicated open space easement area located on APN 009-640-001, for approximately 18.6 acres of open space easement area in a different configuration on the same parcel.
- (3) The Owner will dedicate to the County an additional 3.13 acres of open space easement adjacent to the reconfigured 18.6 acres, to create a continuous open space area along the entire southern portion of the parcel. The resulting new Open Space Easement Area (Attachment 4) will be approximately 21.73 acres in size.
- (4) The quitclaiming of approximately 1.07 acres of existing trail easements and dedication of 2.56 acres of Trails Easement (Attachment 5).

California Government Code section 25365(b) authorizes the County to exchange real property of equal value where the real property to be exchanged is not needed for county use and the property to be acquired is required for County use provided that such exchange is approved by four-fifths (4/5) vote of the County's Board of Supervisors. As shown in the Real Property Exchange Agreement, the COUNTY will exchange approximately 18.6 acres of existing, dedicated open space easement area located on APN 009-640-001 (1992 Open Space Easement), for approximately 18.6 acres of open space easement in a

different configuration on the same parcel. The exchanged areas are identical in size and largely overlap in area; thus, this action represents an exchange of real properties of equal value.

Background:

The Casa Dorinda retirement community is located on an approximately 48-acre parcel at 300 Hot Springs Road in Montecito. The subject parcel contains approximately 18.6 acres of open space easement and 1.07 acres of riding and hiking trail easements granted to the County as a condition of a previous permit approval. On January 14, 2014, Casa Dorinda filed an application to revise their existing Conditional Use Permit (CUP) and update their Master Plan to allow demolition, remodeling, and new construction (case no. 14RVP-00000-00005). The Montecito Planning Commission (MPC) approved 14CUP-00000-00005 on May 16, 2016 with conditions of approval that require the following:

- **Open Space Easement.**

- The Owner and County shall enter into a real property exchange pursuant to Government Code Section 25365(b), wherein the County would exchange approximately 18.6 acres of existing, dedicated open space easement located on APN 009-640-001, pursuant to the Montecito Planning Commission memorandum dated November 12, 2015, for approximately 18.6 acres of open space easement in a different configuration on the same parcel.
- The Owner shall also offer to dedicate to the County an additional approximately 3.13 acres of open space adjacent to the reconfigured approximately 18.6 acres. The Owner volunteered to grant to the County the additional approximately 3.13 acres of open space easement.
- The County shall record an easement for the entire approximately 21.73-acre open space easement.

- **Trail Easement.**

- Also as part of the land exchange agreement, the County will quitclaim approximately 1.07 acres of existing trail easements in favor of a grant from the Owner of approximately 1.07 acres of trail easements which reflect the trails currently being used by the public.
- The Owner shall dedicate an additional approximately 1.49 acres of trail easements within the revised open space easement, to conform to the trails currently being used by the public. The Owner offered to grant to the County the additional approximately 1.49 acres of trail easements.
- The County shall record an easement for the entire approximately 2.56 acres of trail easements.

Because, pursuant to State CEQA Guidelines Section 15162, no substantial changes are proposed and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, the proposed actions are within the scope of the Negative Declaration (15NGD-00000-003) and Mitigation Monitoring Program adopted by the Montecito Planning Commission approval of the project on May 18, 2016. Therefore, no new environmental document is required.

Performance Measure: N/A

Fiscal and Facilities Impacts:

None.

Staffing Impacts: N/A

Special Instructions:

After Board action, distribute as follows:

1. Original Real Property Exchange Agreement,
Copies of Quitclaim of Easements and
Open Space Easement Clerk of the Board Files
2. Duplicate Original Real Property Exchange Agreement
Original Quitclaim of Easements, Open Space Easement
and Minute Order Real Property, Attn: James Cleary
3. Copies of documents and Minute Order Auditor-Controller,
Financial Reporting Division,
Attn: Betsy Schaffer
Planning & Development,
Attn: Joyce Gerber

Note: Upon recordation, Real Property will return copies of the recorded Open Space Easement and Riding & Hiking Trail Easement to the Clerk for file and reference.

Attachments:

1. Real Property Exchange Agreement
2. Quitclaim Deed of Open Space Easement
3. Quitclaim Deed for Riding and Hiking Trail Easement
4. Resolution Accepting the Grant of Open Space Easement
5. Grant of Open Space Easement
6. Grant of Riding and Hiking Trails Easement

Co-Authored by:

James Cleary, General Services, Project Manager, 568-3072
Joyce Gerber, Planning and Development, Senior Planner, 568-3518

cc:

Steven Baugh Deputy County Counsel
Rachel Van Mullem, Chief Assistant County Counsel