



BOARD OF SUPERVISORS
AGENDA LETTER

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

Agenda Number:

Submitted on:
(COB Stamp)

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: January 9, 2018
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Planning and Development
Director(s) Glenn Russell, Ph.D., Director, 568-2085

Contact Info: Dianne Black, Assistant Director, 568-2086

SUBJECT: Mathilda Drive/Sperling Preserve Conservation Easement and Service Agreement with
City of Goleta – Third District

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: Yes

Other Concurrence: Risk Management, Real
Property

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a. Approve and authorize the Chair to execute the attached Agreement for Services of Independent Contractor with the City of Goleta, for the period of January 9, 2018 to September 1, 2018, in the amount of \$104,002 to help fund the City's purchase of a 0.25-acre parcel of land located south of the southerly terminus of Mathilda Drive in the City of Goleta (APN: 079-554-026) ("Property") Third Supervisorial District (Attachment A);
- b. Approve and authorize the Chair to execute the Conservation Easement Deed and Agreement ("Conservation Easement") with the City of Goleta (Exhibit D of Attachment A), accepting the transfer of a Conservation Easement over the Property;
- c. Approve and authorize the Clerk of the Board to execute the Certificate of Acceptance (Attachment B); and

- d. Determine that the budgeting of funds to purchase a property for protecting Monarch butterfly habitat and the execution of the Conservation Easement over the Property are exempt from the California Environmental Quality Act (“CEQA”), pursuant to Sections 15378(b)(4), 15313(a) and (c), and 15317 of the CEQA guidelines (Attachment D).

Summary Text:

The attached Agreement for Services helps the City of Goleta purchase a 0.25-acre parcel of land located south of the southerly terminus of Mathilda Drive in the City of Goleta (Attachment A). The land would be added to the larger nearby Sperling Preserve. Exhibit D of Attachment A includes the property’s Conservation Easement over the 0.25-acre property; City will record and convey the Conservation Easement to the County. The Conservation Easement would protect onsite Monarch butterfly habitat and other onsite natural resources and habitat, and allow for public access and passive recreation. In addition, the Agreement for Services reimburses a maintenance plan that the City prepared for the acquired property to restore the Monarch butterfly habitat on site.

Background:

Requirements and permit conditions of approval for six development projects required applicants to contribute money to mitigate the impacts to the Monarch butterfly (Santa Barbara Club Resort and Spa/Hyatt 86-DP-046 and Nesbitt Structure 95-RMM-003), Burton Mesa Chaparral (Providence Landing Housing 98-DP-039 and Onstott Estates TM 13,911), native grassland (*Stipa pulchra*) (Stipulated Final Judgment, 12/4/87, Court Case No. 167373), and wetland habitats (Los Carneros TM 13,646). These funds have been held by the Planning & Development Department (P&D) and are to be awarded to projects that would restore or enhance these four habitats in the County.

In December 2016, P&D solicited for interested parties and received five proposals to restore these four habitats. The Director of P&D recommended funding four of the five proposals. This contract is one of the four proposals and will help acquire land with Monarch butterfly habitat on site for permanent preservation. Contracts for the other three proposals were prepared and were brought to your Board separately for approval. The one unsuccessful proposal consisted of developing a restoration plan but included no plan implementation. The four recommended proposals include plan implementation, and directly compensate for loss of habitat.

Fiscal Analysis:

This acquisition project is fully supported by funds deposited into the P&D Mitigation fund 1392 in accordance with permit conditions on development projects. There is no General Fund impact and there are no ongoing costs associated with the proposed contract. Staff time to solicit and review proposals, prepare Agreements, and monitor compliance of the Agreements is budgeted on page D-286 of the FY 2017-18 budget in the Permitting Budget Program, and is fully supported by interest from Mitigation fund 1392.

Key Contract Risks:

A risk analysis was prepared for the contract. The contract was determined to be a low risk: the performance period is less than a year; the complexities of the contract requirements are low; and the contract is not controversial.

Special Instructions:

Clerk of the Board will:

- Ensure that a notary acknowledge the Board of Supervisor Chair's signature for recordation purposes when signing the Conservation Easement (Acknowledgement is Attachment C and Conservation Easement is Exhibit D of Attachment A of this board letter).
- Forward a copy of the signed contract to Don Grady of Real Property Division, General Services Department, and Kathy McNeal Pfeifer of the Planning and Development Department, Energy & Minerals Division;
- Execute the Certificate of Acceptance (Attachment B) and forward the original to Don Grady of Real Property Division, General Services Department; and
- Forward the original signed Conservation Easement and Acknowledgement to Don Grady of Real Property Division, General Services Department.

Don Grady of Real Property Division, General Services Department will assist with escrow for the acquisition and provide the escrow officer a copy of the contract, the original Certificate of Acceptance and the original Conservation Easement. The Escrow Officer will record the documents and provide copies to Don Grady of Real Property Division, General Services Department.

Kathy McNeal Pfeifer of P&D to request the Auditor Controllers Department to wire \$102,002 into escrow.

Attachments:

- A. Agreement for Services with The City of Goleta (Conservation Easement as Exhibit D)
- B. Certificate of Acceptance
- C. Acknowledgement
- D. Notice of Exemption

Attachment A

Agreement for Services with the City of Goleta
(Conservation Easement as Exhibit D)

Attachment B

Certificate of Acceptance

Attachment C

Acknowledgement

Attachment D

Notice of Exemption