



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: February 9, 2016
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: Kevin Drude, Deputy Director, Energy & Minerals Division
568-2519

SUBJECT: Coastal Resource Enhancement Fund (CREF) Grant Contract – Arroyo Burro Creek
Acquisition, Second District

County Counsel Concurrence:

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence:

As to form: Yes

Real Property

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a. Approve and authorize the Chair to execute the Coastal Resource Enhancement Fund contract with The Trust for Public Land, in the amount of \$300,000, to help fund The Trust for Public Land's purchase of 14.7 acres, known as the Arroyo Burro Creek Property, APNs: 047-010-064, 047-010-065, and 047-061-026, located along the Arroyo Burro Creek in the City of Santa Barbara ("Property"), in the Second Supervisorial District (Attachment A), which The Trust for Public Land will then transfer to the City of Santa Barbara;
- b. Approve and authorize the Chair to execute Conservation Easement Deed with the City of Santa Barbara (Exhibit B to CREF Contract in Attachment A) 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 allocation of the CREF grant for the Arroyo Burro Creek acquisition and the Conservation Easement over the Property are exempt from CEQA pursuant to Sections 15313(a) and (c) and 15317 of the State Guidelines for the implementation of the California Environmental Quality Act (Attachment D).

Summary Text:

The attached Coastal Resource Enhancement Fund (CREF) Contract awards The Trust for Public Land (TPL) a \$300,000 CREF grant to purchase 14.7 acres, known as the Arroyo Burro Creek Property in Santa Barbara close to the County’s Arroyo Burro Beach Park. The Trust for Public Land secured an additional \$3,700,000 from the City of Santa Barbara, the California Coastal Conservancy and the California Natural Resources Agency to purchase the Arroyo Burro Creek Property for \$4 million, at fair market value. Once acquired, TPL will convey the property to the City of Santa Barbara, who will immediately convey a Conservation Easement to the County of Santa Barbara, California Coastal Conservancy and California Natural Resources Agency.

Exhibit B of the CREF Contract (Attachment A) includes the Conservation Easement that the City will record to the Arroyo Burro Creek Property. The Conservation Easement would protect plants, animals, the Arroyo Burro Creek and other natural resources and habitat onsite, and allow for public access and passive recreation.

Background:

At the May 5, 2015 Board of Supervisors hearing, the Board of Supervisors awarded seven Coastal Resource Enhancement Fund (CREF) grants from the 2015 CREF cycle, including the subject grant to The Trust for Public Land.

Mitigation of impacts to coastal resources from offshore oil and gas development is required as a condition of approval on the Point Arguello, Point Pedernales, and Santa Ynez Unit projects. Mitigation is provided through the Coastal Resource Enhancement Fund.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Grants Costs</u>
General Fund			
State			
Federal			
Fees			
Other: CREF			\$ 300,000.00
Total	\$ -	\$ -	\$ 300,000.00

No fiscal and facilities impacts. The Arroyo Burro Creek Project does not involve County property or ongoing costs. Funding for this project is budgeted on page D-291 of the FY 2015-16 budget in the Coastal Mitigation Budget Program, and is fully supported by funds in the Coastal Resource Enhancement Fund. CREF is funded by annual mitigation fees paid by developers of offshore oil and gas reserves.

Key Contract Risks:

A risk analysis was performed for the proposed contract and was determined to be of low risk: the performance period is less than two years; 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 will 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 B to 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 the Planning and Development Department to request the Auditor Controllers Department to wire the CREF grant money into escrow.

Attachments:

- A. Contract with The Trust for Public Land
- B. Certificate of Acceptance
- C. Acknowledgement
- D. Notice of Exemption

Attachment A

Contract with The Trust for Public Land

Attachment B

Certificate of Acceptance

Attachment C

Acknowledgement

Attachment D

Notice of Exemption