



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 and Development
Department No.: 053
For Agenda Of: April 5, 2016
Placement: Administrative
Estimated Time: 0 hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director (805) 568-2085
Contact Info: Dianne Black, Assistant Director, Planning & Development
(805) 568-2086
SUBJECT: Acknowledgement of Paradiso del Mare Irrevocable Offer to Dedicate Public Access Easements

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On April 5, 2016, staff recommends that your Board take the following actions:

- a) Approve and authorize the Chair to execute an acknowledgement of the Applicant's Irrevocable Offer to Dedicate Public Access Easements (Attachment-1); and,
- b) Determine that the execution of the acknowledgement is exempt from CEQA pursuant to CEQA Guideline Section 15378(b)(5) (Attachment-2).

Summary Text:

As a part of the Paradiso del Mare Ocean and Inland Estates Project, which was approved by the Board of Supervisors on February 4, 2014, the project applicant proposed an offer to dedicate (OTD) easements for both vertical and lateral public access and recreation facilities. Government Code Section 7050 allows for an irrevocable offer of dedication to be made and states, "Such offer of dedication shall be executed, acknowledged, and recorded in the same manner as a conveyance of real property." The OTD easements are before your Board to satisfy the "acknowledgement" requirement of Government Code Section 7050. Your Board is not taking action to accept the OTD at this time.

Background:

The OTD easements are described in Attachment-1 (Irrevocable Offer to Dedicate Public Access Easements) and illustrated in Attachment-3 (OTD Exhibit), and include:

1. A segment of the California Coastal Trail along the length of the ocean lot including a loop trail and lookout points. Portions of the Coastal Trail are defined as “Floating Trail” to allow for the best initial trail alignment. Approximately 1,600 linear feet of the total length of the California Coastal Trail on-site would be constructed by the property owner;
2. Vertical access to the beach from the California Coastal Trail at one of seven potential vertical beach access trail locations;
3. An access road from the existing site entry from Highway 101 to a parking lot for up to 20 vehicles (at one of two potential locations);
4. Pedestrian access from a parking lot and over the Union Pacific Railroad tracks from the inland lot to the Coastal Trail (at one of two potential alignments); and,
5. Access along the length of the property on the beach from the base of the bluffs to the mean high tide line.

Acknowledgement of the OTD Easements by the Board of Supervisors is an administrative activity that is exempt from CEQA (please see Attachment-2, CEQA Exemption). In addition, an Environmental Impact Report (09EIR-00000-0003) for the Paradiso del Mare project (which included the OTD Easements) was certified by the Board of Supervisors on February 4, 2014. The EIR included consideration of the Irrevocable Offer to Dedicate Public Access Easements in its analysis. No changes have been made to the project or to the OTD public access easements approved by the Board of Supervisors, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has become available.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs to process the project were borne by the applicant through the payment of processing fees, and are budgeted in the Permitting Budget Program of the Department, as shown on page D-289 of the 2015/17 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the April 5, 2016 hearing. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements using the enclosed labels. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos. A second minute order of the hearing shall be returned to Planning and Development, attention Nicole Lieu.

Attachments:

1. Irrevocable Offer to Dedicate Public Access Easements
2. CEQA Notice of Exemption

3. OTD Exhibit

Authored by:

Nicole Lieu, Senior Planner