

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: September 4, 2003
Department Name: P&D
Department No.: 053
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TO: Board of Supervisors

FROM: Valentin Alexeeff, Director
Planning and Development

STAFF CONTACT: Anne Almy, Supervising Planner (568-2053)
Alice Daly, Planner (568-2059)

SUBJECT: **Approval, execution, and recordation by the Clerk of the Board of the attached Grant of Development Rights and Notice to Property Owner, from Eugene L. and Dolores M. Gallego to the County of Santa Barbara the right to develop Lot 3 of TPM 14,454, 1095 Mockingbird Lane in the More Mesa, Goleta area, APN 065-680-040, Second Supervisorial District, with anything other than landscaped open space.**

Recommendation(s):

That the Board of Supervisors acknowledge, approve and direct the execution and recordation by the Clerk of the Board of the attached Grant of Development Rights and Notice to Property Owner from Eugene L. and Dolores M. Gallego to the County of Santa Barbara for the right to develop Lot 3 of TPM 14,454, APN # 065-680-040 with anything other than landscaped open space.

Alignment with Board Strategic Plan: Goal 5: Maintain and Enhance the Quality of Life for all Residents.

Executive Summary and Discussion:

Condition of approval # 27 of Parcel Map 14,454 states that title to Lot 3 of TPM 14,454 shall be held jointly, in perpetuity, by the owners of lots 1 and 2 for use as common landscaped open space for passive recreation, and that a Notice to Property Owner document shall be recorded against all three lots to ensure future implementation of this condition. Condition # 28 for TPM 14,454 states that the applicant shall convey the rights to the County of Santa Barbara to develop lot 3 with anything other than landscaped open space. The Grant of Development Rights and Notice to Property Owner (Attachment A) has been approved as to form by County Counsel and now requires acknowledgement and acceptance by the Board of Supervisors before the document can be recorded.

On October 25, 2000, TPM 14,454 was approved by the Planning Commission, providing for three new lots; lot 1 and lot 2 would be developed for residential use, and title to lot 3 would be held jointly by the owners of lot 1 and lot 2 as common open space. In consideration of neighborhood input during the Planning Commission hearings, the project was conditioned for a conveyance to the County of development rights on lot 3. As part of project mitigation, the following condition was included as part of the approval of TPM 14,454:

28. The applicant shall convey, to the County of Santa Barbara, the rights to develop lot 3 with anything other than landscaped open space for purposes of passive private recreation. **Plan Requirements and Timing:** Concurrent with recordation of the Parcel Map, the applicant shall record a document, subject to review and approval of P&D and County Counsel specifying conveyance of these development rights. The conveyance document shall be cross referenced on the Parcel Map. **Monitoring:** P&D shall confirm recordation of the document.

Because the TPM does not include a public dedication, the Office of the Surveyor will follow standard protocol and cause the map to be recorded following satisfaction of all relevant project conditions.

Mandates and Service Levels:

The Tentative Parcel Map TPM 14,454 was approved with a condition requiring that the applicant enter and record a Grant of Development Rights to the County for lot 3. The acceptance and recordation of these documents will satisfy the requirements of the condition. The acceptance of these documents will not affect County levels of service.

Fiscal and Facilities Impacts: None. The County of Santa Barbara is not obliged to maintain, improve, or otherwise expend funds in connection with the Grant of Development Rights. All costs will be borne by the property owner.

Special Instructions:

Clerk of the Board will forward the executed document to the County Clerk for recordation.

Clerk of the Board shall send a copy of the Minute Order and the recorded document to P&D Hearing Support Section, Attn: Cintia Mendoza; P&D; and to the applicants, Eugene L. and Dolores M. Gallego, 1095 Mockingbird Lane, Santa Barbara, CA 93110.

Concurrence: County Counsel

ATTACHMENTS:

Exhibit A: Grant of Development Rights and Notice to Property Owner

Exhibit B: Legal Description of Lot

Exhibit C: Parcel Map