



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Board of Supervisors

FROM: Glenn Russell, Ph.D. Director, Planning and Development
(805) 568-2085

DATE: January 31, 2014

RE: Paradiso del Mare Ocean and Inland Estates Appeal

On January 31, 2014, Santa Barbara County Planning and Development received a letter from the Santa Barbara Trails Council withdrawing their appeal (Case No. 13APL-00000-00027) of the Paradiso del Mare Ocean and Inland Estates project. Withdrawal of the appeal is based upon agreement between the Santa Barbara Trails Council and the project applicant for project description changes as described in Attachment-B to this memorandum. Staff recommends that your Board incorporate the proposed project description changes outlined in Attachment-B into Condition No. 1 (Project Description) of the proposed project.

Attachments:

A: Santa Barbara Trails Council Letter, dated January 31, 2014
B: Applicant Letter, dated January 30, 2014



SANTA BARBARA COUNTY
Trails Council

January 31, 2014

Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors
105 E Anapamu St
Santa Barbara, CA 93101

Subject: Paradiso Del Mare | Appeal #13-APL-27

Dear Mr. Lavagnino:

The Santa Barbara County Trails Council (Trails Council) supports the following solution to its pending appeal to the Santa Barbara County Board of Supervisors for the County Planning Commission approval of the EIR for the Paradiso del Maré project. Trails Council agrees to **withdraw the appeal** based on content of the attached *Proposed Public Access Implementation Endowment Project Description Revision* dated January 30, 2014

Trails Council wishes to coordinate with the County to ensure that the proposed conditions are feasible and enforceable.

Based on the revised project description for the Paradiso del Maré residential project to incorporate a proposed public access implementation endowment, Trails Council agrees to support the proposed development of Paradiso del Maré project before the Board of Supervisors and the Coastal Commission. When executed, this transaction will be the largest financial contribution to the recreational trail system in Santa Barbara County. Furthermore, it sets a positive precedent for implementation of the California Coastal Trail along the full length of the Gaviota Coast.

Sincerely,

Mark Wilkinson
Executive Director

cc: Chris Yelich, Brooks Street
Otis Calef, Santa Barbara County Trails Council

MEMORANDUM

TO: Nicole Lieu, County of Santa Barbara Planning and Development
Johannah Hartley, Deputy County Counsel
Mark Wilkinson, Santa Barbara County Trails Council
Amber Geraghty, California Coastal Commission

FROM: April Winecki

SUBJECT: Santa Barbara County Trails Council Appeal Resolution, Paradiso del Mare Public Access Implementation Endowment

DATE: January 30, 2014

CC: Chris Yelich, Howard Zelefsky, Otis Calef, Steve Kaufmann

As a follow-up to our appeal facilitation meeting conducted with County Counsel and representatives of the Santa Barbara County Trails Council on January 16, 2014, and subsequent meetings and discussions with representatives of the Santa Barbara County Trails regarding resolution of the subject appeal, please accept the below request to revise the project description for the Paradiso del Mare residential project to incorporate a proposed public access implementation endowment. We have worked closely with representatives of the Santa Barbara County Trails, County of Santa Barbara Planning and Development and the California Coastal Commission to reach agreement on the below project description revision and to clarify certain conditions of approval for the project to resolve the subject appeal. On behalf of CPH Dos Pueblos Associates, I would like to thank you for your time and assistance with achieving a resolution of the subject appeal.

Proposed Public Access Implementation Endowment Project Description Revision

The proposed project includes contribution of \$500,000 of seed money for the benefit of the Santa Barbara County Trails Council, or similar qualified nonprofit organization or public agency acceptable to the Planning Director, should the Santa Barbara County Trails Council no longer be available to accept and/or utilize the endowment, for the specific purpose of funding implementation (design, permitting, construction and/or maintenance) of the proposed Paradiso del Mare public access easements on parcels 079-200-004 and 079-200-008.

Payment of the public access implementation endowment funds shall occur only when the project approval is no longer subject to administrative or judicial challenge, when all administrative appeal periods have expired without an appeal having been filed; or when all statutes of limitation for judicial challenge to the Project approval have expired without litigation

being filed; or, if litigation is filed, when a successful defense in such litigation has resulted in a final judgment upholding the Project approval. Concurrent with issuance of the first building permit for the Paradiso del Mare project, the applicant shall deposit the \$500,000 public access implementation endowment funds into an interest bearing escrow account, or similar account, to be established and managed by the Santa Barbara County Trails Council, or similar qualified nonprofit organization or public agency acceptable to the Planning Director should the Santa Barbara County Trails Council no longer be available to accept and/or utilize the endowment. Release of funds and any accrued interest from the public access implementation endowment account shall not occur until County Planning and Development has reviewed and approved the proposed use of the funds as being consistent with the intent and purpose of this condition.

MEMORANDUM

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Johannah Hartley, Deputy County Counsel
Mark Wilkinson, Santa Barbara County Trails Council
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