



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: General Services
Department No.: 063
For Agenda Of: December 15, 2015
Placement: Administrative
Estimated Time:
Continued Item:
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Directors: Matthew P. Pontes, General Services 560-1011
Contact Info: Greg Chanis, Assistant Director of General Services 568-3096
SUBJECT: Proposed Quitclaim of Open Space, Trail and Public Area Easements and
Acceptance of Open Space, Trail and Public Area Easements, Santa Barbara;
First Supervisorial District (Real Property File # 3707)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions: That the Board of Supervisors:

- A) Approve the attached quitclaim deeds releasing any and all county rights, title, and interest in the Trail and Public Area Easements and the Open Space Easement on the real property currently known as County Assessor Parcel Numbers 005-210-061, 005-210-065, 005-210-066, 005-210-067, & 005-210-068, to Montecito Ranch Estates, Inc.; by authorizing the Chair of the Board to execute the Quitclaim of Easement Deeds for Trail and Public Area Easements (Attachment 1), and the Open Space Easement (Attachment 2);
- B) Accept the Open Space, Viewing Area, Riding and Hiking Trail Easements on the real property currently known as County Assessor Parcel Numbers 005-210-061, 005-210-064, 005-210-065, 005-210-066, 005-210-067, & 005-210-068, from Montecito Ranch Estates, Inc.; by authorizing the Chair of the Board to execute the Certificates of Acceptance attached to the Grant of Open Space Easement (Attachment 3) and the Grant of Easement for Viewing Area, Riding and Hiking Trail Purposes (Attachment 4); and
- C) Find that pursuant to the California Environmental Quality Act (CEQA) 14 CCR Section 15162, no new effects will occur and no new mitigation measures would be required as a result of the recommended actions because there are no substantial changes proposed, no substantial changes in circumstances, and no new information of substantial importance regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures;

the recommended actions are within the scope of the previously adopted Mitigated Negative Declaration (11NGD-00000-00020), and the project is therefore exempt from further environmental review.

Summary Text:

On September 3, 2013, the Board of Supervisors heard and approved Case Number 13APL-00000-00012, (an appeal filed by Patrick Nesbitt of the County Planning Commission's denial of the Montecito Ranch Estates Recorded Map Modification and Lot Line Adjustment project) and granted *de novo approval* of the project (Case Numbers 10RMM-00000-00001 and 11LLA-00000-00008). The project involves APNs 005-210-061, and -064 through -068, located at 2700 Via Real, in the Summerland area, in the County's First Supervisorial District. Approval of the project required open space areas and public riding and hiking trails to be quitclaimed and accepted by the County of Santa Barbara.

Background:

Vesting Tentative Tract Map (TM) 14,290 for an eight-lot subdivision named the Serena Subdivision (now named Montecito Ranch Estates) was approved by the Board of Supervisors on the subject property on November 23, 1993. Consistent with Tract Map 14,290, an Open Space Easement comprising the areas of the project site outside of the development envelopes, which include slopes greater than 20%, was dedicated to the County, approved by the County Board of Supervisors, and recorded on November 5, 2002.

In 2010, Montecito Ranch Estates, Inc., requested a Lot Line Adjustment to adjust the lot lines of Tract No. 14,290, and a Recorded Map Modification on Tract No. 14,290. The Lot Line Adjustment and Recorded Map Modification will reconfigure the building envelope boundaries to seven of the eight lots, reconfigure the boundaries and extent of the open space easement, resulting in a net increase of 1.76 acres of open space; and realign the recorded trail and public viewing easement to correspond to existing field conditions and facilitate improved access to the public trail from Asegra Road.

Additionally, the Lot Line Adjustment and Recorded Map Modification would serve to resolve a grading violation for unpermitted grading that went beyond the scope of the approved 2006 grading permit associated with creation of the building pads and lowering of the "Knoll" in excess of what was previously approved.

The approval of the Lot Line Adjustment and Recorded Map Modification now requires the County to quitclaim the existing open space, trail and public area easements. Then upon recordation of the Lot Line Adjustment and Recorded Map Modification, the recordation of a Grant of Open Space Easement and Grant of Easement for Viewing Area, Riding and Hiking Trail Purpose will be recorded.

The project site received extensive review in the Summerland Community Plan Final EIR (91-EIR-7), including evaluation of several alternative land use designations for the site. Numerous policies specific to the property were included in the Community Plan to address potential environmental impacts and related issues associated with development of the property. Some of the impact analysis,

mitigating policies and development standards in the Community Plan EIR were somewhat general, resulting in the preparation of a site specific Addendum for TM 14,290 that was approved by the Board of Supervisors on September 1, 1993. The Addendum identified the specific environmental impacts of TM 14,290 and, where appropriate, refined the program-level mitigation measures from 91-EIR-7 to reduce the environmental impacts of the project to less than significant levels. Cumulative impacts were addressed in 91-EIR-7 and the Addendum discussed the following issue areas: Water Resources, Circulation, Archaeology, Noise, Public Facilities, Geology/Drainage, Biological Resources, Recreation, Aesthetics, Land Use/Agriculture, and Electro-Magnetic Fields.

A Mitigated Negative Declaration (MND) was prepared (11NGD-00000-00020) to evaluate the impacts of the Recorded Map Modification and Lot Line Adjustment project. The MND analyzed the physical effects of the project and concluded that the effects of the project can be reduced to less than significant levels with appropriate mitigation. As part of the approval of the project on September 3, 2013, the Board of Supervisors adopted the Final MND.

The approval of the Lot Line Adjustment and Recorded Map Modification by the Board of Supervisors now requires the County to quitclaim the existing open space, trail and public area easements. Then concurrent with recordation of the Lot Line Adjustment and Recorded Map Modification, the recordation of a Grant of Open Space Easement and Grant of Easement for Viewing Area, Riding and Hiking Trail Purpose will be complete.

Fiscal and Facilities Impacts: There is no cost associated with this action.

Special Instructions:

After Board action, distribute as follows:

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| 1. | Copies of Quitclaim Deeds | Clerk of the Board Files |
| 2. | Copies of Certificates of Acceptance | Clerk of the Board Files |
| 3. | Original Quitclaim Deeds,
Certificates of Acceptance,
and Minute Order | General Services/Real Property Division |
| 4. | Minute Order | Auditor-Controller, Financial Reporting
Division, Attn: Betsy Schaffer |

Attachments:

1. Quitclaim of Easement – Trail and Public Area Easements
2. Quitclaim of Easement – Open Space Easement
3. Certificate of Acceptance – Grant of Open Space Easement
4. Certificate of Acceptance – Grant of Easement for Viewing Area, Riding and Hiking Trail Purposes