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Legislation Details (With Text)

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On agenda: 5/15/2012 **Final action:** 5/15/2012

Title: HEARING - Consider recommendations regarding a Santa Barbara Ranch Inland Development Agreement and Consideration of Consent to Transfer Agreement, as follows: (EST. TIME: 30 MIN.)

a) Receive and file a written request from SBRHC, Inc. for the County to consent to a proposed Transfer Agreement, between SBRHC, Inc. and CIP II/BR SBR, LLC, of respective interests, rights and obligations under the Inland Development Agreement, Inland Project Approvals and Subsequent Inland Approvals for the Santa Barbara Ranch Project; and either

b) Pursuant to Section 8.02 of the Inland Development Agreement for the Santa Barbara Ranch Project, approve and authorize the Chair to execute a written Consent to Transfer Agreement, which includes a statement that since the determination of Inland Development Agreement rights and obligations remains the subject of ongoing “quiet title” litigation in Santa Barbara Superior Court Case No. 1379764, between the Original Developers and SBHRC, Inc., the County reasonably cannot at this time certify those respective rights; and

c) After considering the Final Environmental Impact Report (EIR), State Clearinghouse No. 2005011049 that the Board of Supervisors certified on October 21, 2008, determine pursuant to 14 CCR 15162(a) that no subsequent EIR or Negative Declaration is required for this project because the County cannot determine on the basis of substantial evidence in light of the whole record that:

i) Substantial changes are proposed in the project which will require major revisions of the 2008 Final EIR;

ii) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the 2008 Final EIR; or

iii) New information of substantial importance concerning the project’s significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Final EIR was certified in 2008, has been received that requires a subsequent EIR or Negative Declaration; or

d) Determine that the County cannot reasonably and presently consent to the proposed Transfer Agreement because the proposed Transferee has not provided adequate evidence of its own financial resources to be able to perform the obligations proposed to be assumed.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION:

Sponsors: PLANNING AND DEVELOPMENT DEPARTMENT

Indexes:

Code sections:

Attachments: 1. Board Letter, 2. Attachment 1 - Request from SBHR, Inc., 3. Attachment 2 - Letters from CrossHarbor, 4. Attachment 3 - Excerpt of Inland Development Agreement, 5. Attachment 4 - Draft Notice of Consent to Transfer Agreement, 6. Public Comment: Chytilo, 7. Memo Requesting Continuance, 8. Public Comment: Chytilo (EDC) 5/11/12, 9. Public Comment: Vijaya Jammalamadaka, 10. Presentation 3/20/12, 11. Presentation 5/15/12, 12. Public Comment: Cheryl Maxwell

Date	Ver.	Action By	Action	Result
5/15/2012	3	BOARD OF SUPERVISORS	Acted on as follows:	Pass
5/1/2012	2	BOARD OF SUPERVISORS	Continued, as follows:	Pass
3/20/2012	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

HEARING - Consider recommendations regarding a Santa Barbara Ranch Inland Development Agreement and Consideration of Consent to Transfer Agreement, as follows: (EST. TIME: 30 MIN.)

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- d) Determine that the County cannot reasonably and presently consent to the proposed Transfer Agreement because the proposed Transferee has not provided adequate evidence of its own financial resources to be able to perform the obligations proposed to be assumed.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY