



## Legislation Text

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**File #:** 10-0068, **Version:** 1

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### WITHDRAWN

~~Recommendation to authorize the acceptance of a conservation easement in lieu of fee for four acres of property north of Second Street owned by LCW Partners, LLC, as part of the real estate exchange approved by City Council on August 4, 2009. (Districts 1,3)~~

On August 4, 2009, City Council authorized the City Manager to enter and consummate a real estate exchange of approximately 13.4 acres of City-owned land for approximately 37.77 acres of land owned by LCW Partners, LLC. Subsequently, an issue was raised regarding the applicability of a requirement for a Coastal Development Permit resulting from the City's acquisition of the four-acre parcel north of Second Street, which is not currently a legal parcel. The creation of this parcel through acquisition by a municipal entity is legal under the Subdivision Map Act, but is being characterized as a lot split under the broad definition of "Development" in Section 30106 of the Coastal Act.

The Coastal Act provides an exemption from the requirement for a Coastal Development Permit for the acquisition of land for recreation purposes. However, there is resistance at the Coastal Commission staff level to include wetland protection and restoration within this exemption. The primary purpose and objective of the Coastal Act is to "Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources," and this exchange is intended to fall within this primary purpose and objective. However, City staff believes that acquisition of a permanent conservation easement over these four acres achieves the City's goal of protecting its wetlands while not being defined as "Development" under the Coastal Act.

A conservation easement will be prepared through the City Attorney's Office which will run in perpetuity and will secure the same surface rights as anticipated to be received under the original exchange agreement.

A Categorical Exemption, CE 10-09, has been issued in connection with this proposed transaction in accordance with the provisions of the California Environmental Quality Act.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on December 17, 2009 and Budget and Performance Management Bureau Manager David Wodynski on December 17, 2009.

City Council authorization is requested on January 19, 2010, in order to proceed with the exchange in a timely manner.

There is no fiscal impact associated with this action.

Approve recommendation.

MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER