



**MEMORANDUM**  
**GENERAL SERVICES DEPARTMENT**

**Date:** August 6, 2018

**To:** Santa Barbara County Flood Control and Water Conservation District Board of Directors

**From:** Janette D. Pell *Janette D Pell*  
General Services Director

**Subject:** Proposed Resolution of Necessity for Acquisition of 324 De La Vina Street, Santa Barbara (APN:037-245-018)

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The purpose of this memorandum is to provide additional information about the proposed Resolution of Necessity for the acquisition of the fee interest in the real property located at 324 De La Vina Street, Santa Barbara (the “324 De La Vina Parcel”) for the Lower Mission Creek Project.

**Background**

On July 17, 2018, the Santa Barbara County Flood Control and Water Conservation District (the “District”) Board of Directors was scheduled to consider the above-referenced Resolution of Necessity. Counsel for the property owner, De La Vina Holdings, LLC, submitted a letter on July 16, 2018. The property owner had also requested a continuance in an email dated June 22, 2018. On July 17, 2018, the Public Works and General Services Departments requested that the Board continue the matter to August 14, 2018 to review the points made in this letter. The Board called the matter, called for public comment, and approved the request to continue the matter to August 14, 2018.

**Offer Letter**

A revised offer letter (Attachment 1) was sent to the Property Owner on July 17, 2018 after the District’s hearing was continued. In this letter, the District restated its offer to purchase the 324 De La Vina Parcel for the total purchase price of \$1,700,000.

**Payment Pursuant to Cal. Code Gov. Proc. § 1263.025**

Cal. Code Civ. Proc. Section 1263.025(a) includes the following requirement:

A public entity shall offer to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by the owner of a property that the public entity offers to purchase under a threat of eminent domain, at the time the public entity makes the offer to purchase the property.

A letter dated December 21, 2017, (Attachment 2) was sent to the property owner regarding the reimbursement of costs, not to exceed \$5,000, of an independent appraisal ordered by the property owner regarding their property.

Offer letters sent to the property owners on March 8, 2018 and July 17, 2018 each included an offer to pay the reasonable cost, not to exceed \$5,000, of an independent appraisal ordered by the property owner. These offer letters directed the property owner to submit any request for payment that complies with the referenced code section directly to the Santa Barbara County General Services Real Property Division (“General Services”). As of Friday, August 6, 2018, General Services has not received a request for payment that meets these requirements.

### **CEQA**

Flood Control proposes to undertake the same activities on the 324 De La Vina Parcel as those analyzed in the EIS/EIR. For clarity, the components of the proposed activities and citations to their analysis in the EIS/EIR are briefly discussed below. All citations are page numbers in the EIS/EIR for the Lower Mission Creek Flood Control Project, accepted by the Board of Directors as a Responsible Agency on May 10, 2011.

#### **• Construction:**

- This site is a designated access point to the Lower Mission Creek Project (“Project”), to be used for limited stockpiling (3,000-4,000 cubic yards of excavated material), and a staging area including temporary trailers and sanitary facilities during construction of the entire Project. (3-43; 3-46.)
- At the time the EIS/EIR was drafted, federal funding for the planning, design, and construction of the Project was to be provided jointly by the United States Army Corps of Engineers and Santa Barbara Flood Control and Water Conservation District (“District”), with the District responsible for operation and maintenance of the Project, and the Army Corps of Engineers responsible for construction. (1-8.). The Army Corps is no longer providing funding for the Project or constructing the Project, so the time it will take to complete the entire Project will take longer as it is reliant on the District obtaining funding for individual reaches of the Project. However, although it is currently estimated to take 7.5 to 8 years to complete the Project (based on current funding estimates, which are subject to change), instead of the 2 to 4 years stated in the EIS/EIR (3-21), the amount of time that construction activities will actually be occurring is expected to be similar to the 2 to 4 years stated in the EIS/EIR.
- The 324 De La Vina Parcel is one of only three sites with an access ramp to be used for construction and maintenance of the Project (3-46) and the only site with area available to be used for limited stockpiling and staging during construction (compare 3-31 against 3-25 and 3-28). Therefore, use of the 324 De La Vina Parcel is necessary during construction for the entire Project.
- After environmental review was completed in the EIS/EIR, Staff initially considered acquiring only temporary construction easements and permanent



access easements. However, upon a review of the Lower Mission Creek Project, including the necessity of utilizing the 324 De La Vina Property for access, stockpiling, and staging during construction of the entire Project (which is currently estimated to take 7.5 – 8 years), acquiring the Property in fee is necessary. Further, the Property has been identified as the location of a possible future habitat expansion zone (3-17; 10-52.) If, prior to completion of Project construction, the site is remediated, then the habitat expansion zone would be constructed. (3-20.)

- **Operations and Maintenance:** Future maintenance for the life of the Project was included in the Project description analyzed in the EIS/EIR. (ES-4.) The access ramp used for construction was also analyzed to be used for maintenance of the Project. (3-46; 3-47.) Frequency of sediment removal would be as often as once a year and the impact analysis for future maintenance is discussed throughout the EIS/EIR, including mitigation measures for future operation and maintenance for the life of the project. (3-47.) Sediment removal maintenance activity may take about 15 to 30 days per year (3-48) and material would not be stockpiled within the Project area. (13-11.) It is estimated that about 2,400 cubic yards of material would be required to be removed to maintain the constructed project capacity (13-11) and about 4-8 truck trips per day would be required to transport the sediment to a disposal site or material could be distributed to construction sites needing the material. (8-9.) No structures to be used for operations and maintenance are proposed to be constructed or placed on the 324 De La Vina Parcel.

Once the EIS/EIR was certified and accepted by the Board of Directors as a Responsible Agency on May 10, 2011, no subsequent environmental review shall be prepared for the Project unless one of the conditions listed in CEQA Guidelines Section 15162 has occurred. As discussed above and in the Board Agenda Letter dated July 17, 2018, incorporated herein by reference, none of the conditions in CEQA Guidelines 15162 have occurred so as to require additional environmental review. The EIS/EIR analyzed the impact of the proposed Project on the environment, and the District proposes to use the 324 De La Vina Parcel consistent with the Project as analyzed in the EIS/EIR, as discussed above. The Thomas Fire and subsequent debris flow had no significant impact on the Mission Creek watershed as only approximately 5% of this watershed was impacted by the Thomas Fire.