



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 and
Flood Control
Department No.: 063 and 054
For Agenda Of: November 16, 2021
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: General Services: Janette D. Pell, Director of General Services (805) 560-1011
Contact Info: Skip Grey, Assistant Director of General Services (805) 568-3083
Flood Control: Scott D. McGolpin, Public Works Director, (805) 568-3010
Contact Info: Walter Rubalcava, Deputy Public Works Director, (805) 568-3436

SUBJECT: Santa Barbara High School, Resolution, Findings, and Summary Order to Vacate Flood Control Easement; Second District (R/P File No.: 003830)

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Directors of the Flood Control and Water Conservation District:

- A. Approve, adopt, and direct staff to record a Resolution, Findings, and Summary Order to Vacate which (a) finds that the Santa Barbara County Flood Control and Water Conservation District ("Flood Control District") no longer needs for its uses and purposes, the easement rights described as: (i) Parcel 1.1 in the Easement Deed (Permanent Easement) granted to the Santa Barbara County Flood Control and Water Conservation District, its successors and assigns, in the document recorded June 27, 1983 as Instrument No. 1983-0032633 of Official Records of said County, more particularly described in Exhibit A-1 and depicted in Exhibit B-1 (hereinafter, the "AREA 1 FLOOD CONTROL EASEMENT"); and (ii) Parcel 1.2 in the Easement Deed (Permanent Easement) granted the Santa Barbara County Flood Control and Water Conservation District, its successors and assigns, in the document recorded June 27, 1983 as Instrument No. 1983-0032633 of Official Records of said County, more particularly described in Exhibit A-2 and depicted in Exhibit B-2, (hereinafter, the "AREA 2 FLOOD CONTROL EASEMENT", both of which are portions of Santa Barbara County Assessor Parcel Number 029-240-010 owned in fee by the Santa Barbara High School District ("School District"), in the City of Santa Barbara, County of Santa Barbara, Second Supervisorial

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District; (b) finds that the AREA 1 FLOOD CONTROL EASEMENT and AREA 2 FLOOD CONTROL EASEMENT are excess and contain no public utility service facilities that would be affected by this summary vacation; and (c) vacates the AREA 1 FLOOD CONTROL EASEMENT and AREA 2 FLOOD CONTROL EASEMENT; and

- B. Determine that the recommended actions are exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3), No Possibility of an Environmental Impact, and direct staff to file a Notice of Exemption on that basis.

Summary Text:

Pursuant to California Water Code Appendix Section 74-32 and California Streets and Highways Code Section 8333(c), the Santa Barbara County Flood Control and Water Conservation District (“Flood Control District”), through the County of Santa Barbara, General Service Department, requests the Board adopt a Resolution and Summary Order to Vacate (Attachment 1) AREA 1 FLOOD CONTROL EASEMENT and AREA 2 FLOOD CONTROL EASEMENT, located on a portion of County APN 029-240-010, which is owned in fee by the Santa Barbara High School District (“School District”), and together with continuous parcels is commonly known as Santa Barbara High School.

Background:

In 2019, the School District completed its Santa Barbara High School Storm Drain Project (“Project”), which involved the removal, relocation, and replacement of its storm drain from within the particular flood control easement interests. After completion of the School District’s Project, it was determined that the flood control easement interests are excess and does not need to be retained by the Flood Control District for flood control uses and purposes. The summary vacation process further applies because it has been determined that there are no in-place public utility facilities that will be affected by the summary vacation.

The purpose of summarily vacating the AREA 1 FLOOD CONTROL EASEMENT and AREA 2 FLOOD CONTROL EASEMENT is to clear title of this matter. The School District owns the underlying real property in fee and it is in the interest and benefit of the School District that clear title to the AREA 1 FLOOD CONTROL EASEMENT and AREA 2 FLOOD CONTROL EASEMENT be vested in the School District. As fee owner of the above referenced County APN 029-240-010, the School District already owns in fee the real property underlying the two subject easement areas; therefore, a quitclaim is not required and instead, the summary vacation applies.

Because the proposed summary vacation is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity is required to consider the general plan prior to vacating the public service easement, in accordance with California Government Code Section 65402(a). The effected real property is in the jurisdiction of the City of Santa Barbara. A request for determination of General Plan conformity was made on September 7, 2021. The allowable period of 40 days for response to our request expired. A response was received on October 13, 2021 in the form of a formal letter from Tommy Bolton, Project Planner for the City of Santa Barbara, stating that the Planning Division finds that the proposed action is in conformity with the City of Santa Barbara General Plan and is exempt from environmental review. Any future development that may occur on the School District site may be subject to the City of Santa Barbara’s development review process. Compliance with CEQA would be considered at that time for any new project as applicable.

The proposed action is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3). The proposed action will have No Possibility of an Environmental Impact. Therefore, a Notice of Exemption has been prepared and is attached hereto as Attachment 2.

Fiscal and Facilities Impacts:

The Board of Directors of the District's approval and adoption of the Resolution and Summary Order to Vacate will have no direct fiscal or facilities impacts. There are no facilities nor impacts associated with the proposed actions. There is no compensation received by the District (nor the County) in exchange for the easement summarily vacated, as the applicant owns the underlying real property in fee.

Key Risks:

There is little to no risk to the District by adopting the Resolution and Summary Order to Vacate.

Staffing Impacts: N/A

Special Instructions:

Clerk of the Board, after action by the Board of Directors, please distribute as follows:

1. Original Resolution and Summary Order to Vacate: General Services Department
Real Estate Services Division
Attn: Lucero Garcia, for recordation.

2. Minute Order: General Services Department
Real Estate Services Division
Attn: Shauna Dragomir.

Attachments:

1. Resolution and Summary Order to Vacate
2. CEQA Notice of Exemption

Authored by:

Shauna Dragomir, Real Property Agent, General Services Department, (805) 448.0680