



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/  
Public Works/Flood Control  
**Department No.:** 063/054  
**For Agenda Of:** August 29, 2023  
**Placement:** Departmental  
**Estimated Time:** 25 minutes  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 4/5

---

**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** General Services Kirk Lagerquist, Director of General Services, (805) 560-1011  
Public Works Scott D. McGolpin, Director of Public Works, (805) 568-3010  
  
Contact Info: Skip Grey, Assistant Director, General Services  
(805) 568-3083  
Walter Rubalcava, Deputy Public Works Director  
(805) 568-3436

**SUBJECT:** Resolution of Necessity to Acquire Easements for the Lower Mission Creek Flood Control Project, Reach 4, Santa Barbara, California, by the Santa Barbara Flood Control and Water Conservation District for Flood Control Purposes (APNs 037-203-021; 037-203-020; 037-203-019; 037-500-CA; 037-203-011); First Supervisorial District (RES File #003988)

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Manager

As to form: Yes

**Recommended Actions:**

That the Board of Directors:

- a) Approve, adopt and authorize the Chair to execute the attached Resolution of Necessity (Attachment 1), for the acquisition of easements of real property located at 430 and 432 De La Vina Street (APN: 037-203-021); 428 De La Vina Street (APN: 037-203-020); 426 De La Vina Street (APN: 037-203-019); 414 De La Vina Street, Common Area Lot 1 (APN: 037-500-CA); 124 West Gutierrez Street (APN: 037-

203-011), all in the City of Santa Barbara and hereinafter referred to, collectively, as the “Properties”.

- b) Authorize the Director of Public Works, or designee to execute any and all documents to expend funds for deposit with the State Treasurer’s Office in a sum equal to the appraised market value of the easements, in the amount of \$1,095,846.00 for APN’s 037-203-021; 037-203-020; 037-203-019; 037-500-CA; and 037-203-011, and any additional fee costs associated with the transaction, in order to acquire fee interest.
- c) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to California Environmental Quality Act (CEQA) Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required; and approve and direct staff to file the Notice of Determination (Attachment 3) on these bases. The findings, statement of overriding consideration, EIS/EIR and associated information can be found at:

**<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>**

**Summary Text:**

This item is before the Board of Supervisors, acting as the Flood Control and Water Conservation District Board of Directors, to adopt a Resolution of Necessity to facilitate the acquisition of permanent and temporary easements over APNs 037-203-021; 037-203-020; 037-203-019; 037-500-CA; and 037-203-011, owned by various property owners for the Lower Mission Creek Flood Control Project, Reach 4, hereinafter referred to as the “Project”. It is in the public interest and necessary to acquire easement interests in the Properties in order to construct and complete this phase of the Project and facilitate further Flood Control improvements.

The Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury, and the Properties described in the attached Resolution of Necessity (Attachment 1) are necessary for the Project. Project construction is scheduled for April 2025 with an anticipated completion date of December 2025. Upon adoption of this Resolution, County Counsel and Special Legal Counsel shall commence with the necessary condemnation proceedings in the Superior Court.

**Background:**

Over the past several years, the Flood Control and Water Conservation District Board of Directors has heard and approved a number of items relating to the Project. The acquisition of real property and interests therein has been required prior to commencing construction of Project-related flood control improvements. The Project is a federal U.S. Army Corps of

Engineers (“Corps”) project that has been under study and development since the 1960’s. The City of Santa Barbara and the Flood Control District (District) worked with a community consensus group in the 1990’s to develop the current project which focuses on both flood control and environmental issues.

The Corps completed the Feasibility Study over 20 years ago, but has been slow to get adequate funding for design and construction. Since that time, the City and District have been working on finding opportunities to construct elements of the Project as funding options arise.

In March of 2010, the Board authorized negotiations for the purchase of fee simple interests in several private parcels and acquisition of construction easements for all reaches and phases of the Project. County and District staff have been working with the City and private owners to prepare reaches for construction. In 2022, the Board approved the District’s purchase of a permanent and temporary construction easement required for Reach 4 of this Project. In accordance with Government Code 7267.2, offers were made to each property owner which were rejected. Further offers were made based upon higher appraisal values received by the District which were also rejected by the property owners. While it is the intent of the District to continue ongoing negotiations with the remaining property owners, it is necessary to proceed with the Resolution of Necessity at this time in order to meet Project timelines and commence with flood control improvements.

Pursuant to Government Code Section 65402, the Project was determined to be in conformity with Santa Barbara City’s adopted General Plan in 2007, and with its revised General Plan in 2012. The Environmental Initial Study/Environmental Impact Report for the Project was certified by the City of Santa Barbara Planning Commission on June 28, 2001.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
South Coast Flood Zone			\$ 1,095,846.00
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 1,095,846.00

Narrative:

The combined appraised market value for the Properties is \$1,095,846.00 and the property acquisition cost was included in the adopted FY 2023-24 budget in the Water Resources Division of the Public Works Department on page D-331 in the budget book. All costs for the Properties will be paid from the South Coast Flood Zone.

**Special Instructions:**

After Board action, distribute as follows:

- |  |   |
|--|---|
| 1. Original executed Resolution of Intention   | Clerk of the Board Files                              |
| 2. Copy of Resolution & Minute Order<br>Attn: Christina Lopez                            | Flood Control Water Resources                         |
| 3. Three (3) Certified Copies of the Resolution<br>and copy of Resolution & Minute Order | Real Estate Services Division<br>Attn: Carlo Achdjian |

**Attachments:**

1. Resolution of Necessity (APN's 037-203-021; 037-203-020; 037-203-019; 037-500-CA; and 037-203-011)
2. Map of LMC subject area for all impacted parcels
3. Notice of Determination Project Description includes CEQA Transmittal Memorandum and JE No. 0253452

**Authored by:**

Carlo Achdjian, Real Estate Services Division of General Services