



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: Flood Control
Department No.: 054
For Agenda Of: 2/21/2012
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: Accept an Easement for the Lower Mission Creek Flood Control and Restoration Project, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: NA

Auditor-Controller Concurrence

NA

Recommended Actions: Authorize the Chair of the Board of Directors to:

- A. Accept the Grant of Nonexclusive Easement Agreement from the Housing Authority of the City of Santa Barbara (the "Authority") for flood control improvements located on a portion of 512 Bath Street, County Assessor's Parcel Number 037-161-035, by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached thereto.
- B. Find that pursuant to CEQA Section 15162, no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the acceptance of an easement is within the scope of the project covered by the EIS/EIR for the Lower Mission Creek Flood Control and Restoration Project approved by the City of Santa Barbara Planning Commission in 2010 acting as Lead Agency under CEQA, and subsequently accepted by the Santa Barbara County Flood Control Board of Directors in May 2011 acting as a Responsible Agency under CEQA, and that therefore no new environmental document is required.

Summary Text:

Acceptance and recordation of the Easement will convey a permanent flood control easement from the Authority to the Flood Control District. The easement will allow for the installation, operation and maintenance of flood control channel and related drainage improvements on a portion of 512 Bath Street.

Background:

The Lower Mission Creek Flood Control Project is a U.S. Army Corps of Engineers project. The project will improve the channel along its length thereby increasing capacity to reduce flooding and property damage to the surrounding neighborhoods.

While the Lower Mission Creek Flood Control Project is a federal project, the Flood Control District and the City of Santa Barbara are acting as local co-sponsors and pursuing the construction of the project with a combination of state and local funding. Currently, federal funding for construction has not been allocated or made available for this project.

Pursuant to the requirements of CEQA and the National Environmental Policy Act (NEPA), an EIS/EIR for the Lower Mission Creek Flood Control Project was prepared by the U.S. Army Corps of Engineers to identify alternatives, analyze impacts and identify associated mitigation measures for the Lower Mission Creek Flood Control Project. Acting as the lead agency, under CEQA, the City of Santa Barbara Planning Commission approved and adopted the EIS/EIR in 2001.

On May 10, 2011 the Santa Barbara County Flood Control and Water Conservation District Board of Directors, (the “District”) acting as a Responsible Agency and pursuant to the California Environmental Quality Act (CEQA) Section 15096(f), certified that it had considered the environmental effects of the EIS/EIR for the Lower Mission Creek Flood Control Project, appendices and technical studies.

Also on that date the District acting as a Responsible Agency and pursuant to CEQA Section 15091 as required by Section 15095(h), certified that it has reviewed and considered the information contained in the Final EIS/EIR for the Lower Mission Creek Flood Control Project, appendices and technical studies, and adopted the CEQA Findings and Statement of Overriding Considerations.

The acquisition of property by the Flood Control District (fee and easement) associated with the Lower Mission Creek improvement project were found to be in compliance with the City of Santa Barbara’s adopted General Plan in 2007 and again in 2012 (65402 clearance).

Fiscal and Facilities Impacts: Budgeted: Yes

Fiscal Analysis: Narrative: The Housing Authority is donating the subject easement to the District without charge.

Special Instructions: After Board action, distribute as follows:

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|----|------------------------|--------------------------------------|
| 1. | Original Easement Deed | Flood Control, Attn: Jeff Havlik |
| 2. | Copy of Easement Deed | Clerk of the Board Files |
| 3. | Minute Order | Flood Control, Attn: Christina Lopez |
| 4. | Minute Order | Flood Control, Attn: Jeff Havlik |

Public Works Real Property will deliver the original Easement Deed to the County Recorder’s office for recordation. Once the Easement Deed has been recorded, Real Property will return the recorded original to the Clerk of the Board. Real Property will keep copies of the Easement in its files and will provide copies to the Grantor and to the Flood Control District.

Attachments: Authored by:

Grant of Nonexclusive Easement Agreement

Jeff Havlik, Real Property Section, Flood Control
Division, Public Works: 568-3073