



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.: 063/054
For Agenda Of: April 7, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Janette D. Pell, Director of General Services, 560-1011
Public Works Scott D. McGolpin, Director of Public Works, 568-3010
Contact Info: Skip Grey, Assistant Director, General Services, 568-3083
Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: Lower Mission Creek Improvement and Restoration Project, Reach 2B Phase II Acquisition, District Project No. SC8042, First District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute an original and duplicate original Easement Purchase Agreement (Attachment A) between the Santa Barbara County Flood Control and Water Conservation District (District) and 317 Chapala Street, LLC., (Owner) for the purchase, for a total cost not to exceed \$364,000 inclusive of relocation costs, of a permanent easement, permanent non-exclusive access & staging easement and temporary construction easement & agreement on a portion of real property located at 317 Chapala Street (County Assessor Parcel Number: 037-245-012) in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 2B Phase II District Project No. SC8042 (First District);
- b) Accept the attached original Permanent Easement Deed, (Attachment B) and Permanent Non-Exclusive Access & Staging Easement Deed (Attachment C) conveying easement interests in the real property located at 317 Chapala Street (County Assessor Parcel Number 037-245-012) to the District and authorize the Clerk of the Board to sign the Certificates of Acceptance attached thereto;

- c) Approve and authorize the Chair to execute an original and duplicate original Temporary Construction Easement & Agreement (Attachment D) between the District and Owner for the temporary use on a portion of the property located at 317 Chapala Street (County Assessor Parcel Number 037-245-012) and authorize the Clerk of the Board to execute the attached Certificate of Acceptance attached hereto;
- d) 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 F) 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:

Staff recommendations relate to the acquisition of a permanent easement, a permanent non-exclusive access & staging easement, and a temporary construction easement & agreement, which will be used for constructing flood control improvements relating the Lower Mission Creek Improvement and Restoration Project, Reach 2B Phase II District Project No. SC8042.

Background:

Over the past years the Flood Control and Water Conservation District Board of Directors has heard and approved a number of items relating to the Lower Mission Creek Flood Control Project (“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 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 15 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.

On March 2, 2010, the Board of Directors authorized negotiations for the purchase of fee simple interests in several private parcels and the acquisition of both permanent and temporary construction easements for all Reaches and phases of the Project. Since that time County and District staff have been working with the City staff and private owners to prepare Reaches for construction.

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.

The following Reaches for this project have been completed:

- UPRR Culvert – 2009
- Reach 1A, Phase I – 2011
- Reach 1A, Phase II – 2016
- Reach 1B - 2016
- Reach 2A – 2017
- Reach 2B, Phase I – 2012

The owner of the parcel located at 317 Chapala Street (Assessor Parcel Number 037-245-012, depicted in Attachment E) has been contacted in regards to the District’s interest in acquiring permanent and temporary construction easements in the parcel. Approval, acceptance and execution of the Easement Purchase Agreement will allow the District to complete the acquisition of easement interests in Assessor’s Parcel Numbers 037-245-012 and proceed to continue construction with Lower Mission Creek Improvement and Restoration Project, Reach 2B Phase II, District Project #SC8042.

Fiscal and Facilities Impacts:

Budgeted: Yes

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ			\$ 364,000.00
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 364,000.00

Fiscal Analysis:

Narrative: Costs for the acquisitions were included in the adopted FY 2019-20 budget in the Water Resources Division of the Public Works Department as shown on page D-305 in the budget book.

The Lower Mission Creek Flood Control and Restoration Project is included in the Five-Year Capital Improvement Program for Fiscal Year 2019-2024 on page D-137. No General Fund monies will be utilized for this project. Costs will be paid from Department 054, Fund 2610, Program 3005, Account 8700. There will be no facilities impacts caused by this action.

Staffing Impacts: None

Special Instructions:

After Board action, please distribute as follows:

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| (1) Two (2) Original Easement Purchase Agreements | General Services, Real Property Division
Attn: James Cleary |
| (2) Original Permanent Easement Deed Certificate of Acceptance | General Services, Real Property Division
Attn: James Cleary |
| (3) Original Permanent Non-Exclusive Access & Staging Easement Deed Certificate of Acceptance | General Services, Real Property Division
Attn: James Cleary |
| (4) Temporary Construction Easement & Agreement Certificate of Acceptance | General Services, Real Property Division
Attn: James Cleary |
| (5) Copy of Minute Order | General Services, Real Property Division
Attn: James Cleary |
| (6) Copy of Minute Order | Flood Control, Water Resources
Attn: Christina Lopez |

Attachments:

Attachment A – Easement Purchase Agreement

Attachment B – Permanent Easement Deed and Certificate of Acceptance

Attachment C – Permanent Non-Exclusive Access & Staging Easement Deed and Certificate of Acceptance

Attachment D – Temporary Construction Easement & Agreement and Certificate of Acceptance

Attachment E – Permanent and Temporary Construction Easements

Attachment F – Notice of Determination

