



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: December 08, 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: Department Director
Janette D. Pell, Director (805) 560-1011
Scott McGolpin, Director of Public Works, 568-3010

Contact Info: Thomas D. Fayram, Deputy Director, Water Resources, 568-3435

SUBJECT: **The Village at Los Carneros Flood Control Resolution and Summary Order to Vacate, Easement Deed and License Agreement, in the City of Goleta, Third District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Risk Management

Recommended Actions:

That the Board of Directors:

- a) Adopt the attached Resolution and Summary Order to Vacate (Attachment 1), which (i) finds that, because it has been relocated, the Flood Control and Water Conservation District will no longer need for its purposes, the sixteen (16)-foot wide Access Easement identified as Parcel 2 in the Grant of Easements recorded on November 28, 2000, as Instrument Number 2000-0074010, on the property owned by THE VILLAGE AT LOS CARNEROS MASTER HOMEOWNERS ASSOCIATION formerly known as RCS-LOS CARNEROS, L.L.C., and located on Assessor Parcel Numbers 073-330-025 and included formerly -017 & -028, in the City of Goleta, Third Supervisorial District (the "Original Easement"); and (ii) vacates the Original Easement; and
- b) Approve and accept the attached Flood Control Access and Maintenance Easement Deed (Attachment 2) for portions of real property conveyed from THE VILLAGE AT LOS CARNEROS MASTER HOMEOWNERS ASSOCIATION to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT consisting of an easement for access over the private streets Calle Koral to Cortona and onto Tecolotito Creek (Parcel 1) and a 50' wide easement running conjointly to the existing flood control maintenance access road for the purposes of flood control

access and maintenance of Tecolotito Creek (Parcel 2), both exhibits within (Attachment 3), and located on the property known as County Assessor Parcels Numbers 073-330-028, and -029, and authorize the Clerk of the Board to sign the Certificate of Acceptance attached thereto; and

- c) Approve and authorize the Chair of the Board to execute the attached License Agreement (Attachment 3) detailing the terms and conditions for the access, use and maintenance responsibilities of the trail, to cross the new easement, by the general public, Flood Control District and the Los Carneros Master Homeowners' Association; and
- d) Consider the environmental effects of the project as shown in the Final Environmental Impact Report (FEIR), dated June, 2014, adopted by the Goleta Planning Commission on February 3, 2015, and find that pursuant to California Environmental Quality Act (CEQA) Guidelines §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 approval of the Recommended Actions are within the scope of the Final Environmental Impact Report (FEIR). <http://www.cityofgoleta.org/city-hall/planning-and-environmental-review/ceqa-review/village-at-los-carneros-project-feir>

Summary Text:

This item is on the agenda after the City of Goleta Planning Commission's approval on February 3, 2015, of the Final Map Number 32,050 referencing Lots, 9, 10 & 12, that affected the Flood Control District's easement interest in the Tecolotito Creek. The Map contained conditions in this area which reflect the negotiations between the developer, Comstock Homes, and the Flood Control District and are the subject of the attached License Agreement. The District will receive an easement for access over the private street Calle Koral from Los Carneros Road to Cortona Drive, and a 50-foot wide easement contingent to the existing easement from Los Carneros Road to just beyond Cortona Drive. The new easement will allow for greater access to the creek for routine maintenance and necessary repairs. This new easement enables the District to summarily vacate an existing 16-foot wide access easement.

The License Agreement was negotiated and generated in order to memorialize the understanding between both the Flood Control District and the Los Carneros Master Homeowners Association with regard to use of the Trail by the Los Carneros Master Homeowners Association members, and the general public. The agreement details the terms, conditions and responsibilities for the security, access, use, safety, maintenance, cleanup of graffiti and trash, and closures of the trail for walking and biking users. The Flood Control District will have no responsibility for any costs related to the aforementioned terms, conditions and responsibilities.

California Government Code Section 65402(b) requires a determination as to the conformity of any property acquisition with the applicable general plan. The effected property is in the jurisdiction of the City of Goleta. A request for a determination of conformity with the City of Goleta's General Plan was made on January 13, 2016. The allowable period of 40 days for response to our request pursuant to Government Code Section 65402(b) expired. A response came in the form of a call from a City of Goleta planner on February 10, 2016, stating that there wasn't enough time to place the item on their Planning

Commission Agenda, and that being said, an email was sent stating “In this instance, it is acceptable to the City [of Goleta] for this easement to be deemed in conformance with the General Plan based on the provisions of Government Code Section 65402.”

Fiscal Analysis: N/A

There are no costs associated with this action.

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Return the original Resolution and Summary Order to Vacate to General Services, Attn: Carlo Achdjian, for recordation
2. Return the original Easement Deed to General Services, Attn: Carlo Achdjian, for recordation.
3. Return the fully-executed duplicate License Agreement to General Services/Real Property Division, Attn: Carlo Achdjian
4. Forward a copy of the Minute Order to the Flood Control District office: Attn: Christina Lopez and to General Services/Real Property Division, Attn: Carlo Achdjian

Attachments:

Attachment 1: Resolution and Summary Order to Vacate

Attachment 2: Access and Maintenance Easement Deed

Attachment 3: License Agreement