



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/General Services
Department No.: 054/063
For Agenda Of: March 15, 2016
Placement: Departmental
Estimated Tme: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Scott McGolpin, Director of Public Works, 568-3010
Directors Matthew P. Pontes, Director of General Services, 560-1011
Contact Info: Tom Fayram, Deputy Director – Water Resources, 568-3435
Janette Pell, Assistant Director of General Services, 568-3096

SUBJECT: Lower Mission Creek – Reach 2A (The Funk Youth Hostel) Easement Acquisitions, Second Supervisorial District (APN: 033-074-001)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to adopt the attached Resolution of Necessity (Attachment 1) to acquire one permanent and two temporary easements (Flood Control Easements) for the Lower Mission Creek – Reach 2A Project on the property located at 134 Chapala Street, Santa Barbara (“Property”), which is owned by the Funk Youth Hostel, LLC (Second Supervisorial District); and
- b) Authorize the Director of Public Works, or designee, to deposit a sum equal to the value of the easements, estimated at \$292,000, plus related costs and fees, with the Santa Barbara Superior Court in order to acquire the easements on the Property; and
- c) Find that pursuant to the California Environmental Quality Act (CEQA) Section 15162, no new effects will occur and no new mitigation measures would be required as a result of the approval of the recommended action and therefore pursuant to CEQA Section 15162, the recommended actions are within the scope of the project covered by the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project as well as the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and no new environmental

document is required. The findings, statement of Overriding, 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:

The Resolution of Necessity is required to facilitate the acquisition of Flood Control Easements on the Property owned by the Funk Youth Hostel, LLC (“Owner”), for the Lower Mission Creek – Reach 2A Project (the “Project”). It is in the public interest and necessary to acquire these easements to complete this section (“Reach”) of the Project and to ultimately complete the overall Lower Mission Creek Project which will reduce flood risk in the downtown area of the City of Santa Barbara. Proceeding under eminent domain authority is necessary at this time to meet the Reach 2A project schedule. Construction is scheduled for the summer or fall of 2016. Upon adoption of this Resolution, County Counsel and Special Legal Counsel shall commence with the necessary condemnation proceedings in Superior Court.

Background:

The Lower Mission Creek Flood Control Project is a federal U.S. Army Corps of Engineers (Corps) project that has been under study and development since the 1960’s. The Corps completed a feasibility study in 2000. The County and City of Santa Barbara are constructing the Project in sections (Reaches) as funding becomes available. As a locally funded project, the District is responsible for the right-of-way acquisition associated with the Lower Mission Creek Flood Control Project. This includes negotiating permanent and temporary easements required to facilitate the construction of the improvements. Acquisition of the necessary property rights is required prior to commencement of any construction of the flood control improvements related to the Project.

The following Reaches for this project have been completed:

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

A map showing the portion of the Lower Mission Creek Project that includes Reach 2A is attached as Exhibit A.

County staff has been working with City of Santa Barbara and private owners to facilitate construction of various Reaches. The acquisition of property by the Flood Control District (fee and easement) associated with the Lower Mission Creek Improvement Project was found to be in compliance with the City of Santa Barbara’s adopted General Plan in 2007 and again in 2012, as required by California Government Code Section 65402.

The District currently owns an existing permanent easement on the Property for flood control purposes, consisting of 1,478 square feet, and—adjacent to it—an access easement consisting of 1,697 square feet. Upon acquisition of the *additional* easement rights required to facilitate the Project, the existing *access* easement will become a permanent flood control easement and will be combined with the proposed additional permanent flood control easement, which consists of 1,232 square feet. The two temporary construction easement areas, consisting of 497 square feet, and 368 square feet, that are required for the Project are adjacent to the permanent flood control easement areas.

A diagram showing the configuration of the proposed permanent flood control easement acquisition is attached as Exhibit B. A diagram showing the configuration of the proposed temporary construction easements is attached as Exhibit C.

In October 2015, a local appraiser hired to determine fair market value for the easements to be acquired provided a final appraisal for those property interests, which determined the fair market value of the easements to be \$292,000 (the sum of \$286,000 for the permanent flood control easement and \$6,000 for the two temporary construction easements).

A first offer of just compensation, as well as a second and final written offer, have been sent to the Owner. Despite negotiations and discussions, the parties have not been able to come to an agreement. Negotiations will continue in order to resolve any concerns; however, these matters may not be resolved in time to meet the construction schedule. Approval of the Resolution of Necessity is the first step in the condemnation process.

A Notice of Opportunity to be Heard at this Departmental Hearing was sent to the Owner of record in accordance with Section 1245.235 of the Code of Civil Procedure.

Fiscal and Facilities Impacts:

The total appraised value for the Flood Control Easements on the Funk Youth Hostel property is \$292,000. Costs for this land acquisition were included in the adopted FY 2015-16 budget in the Water Resources Division of the Public Works Department as shown on page D-302 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 2016-2021. The deposit estimated at \$292,000, plus related costs and fees, will be paid from Department 054, Fund 2610, Program 3005, Account 8700. There will be no facilities impacts caused by this action.

Special Instructions:

After Board action, please distribute as follows:

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| (1) Original Resolution & Minute Order | Clerk of the Board |
| (2) Copy of Resolution & Minute Order | Flood Control, Water Resources
Attn: Christina Lopez |
| (3) Copy of Resolution & Minute Order | General Services, Real Property Division
Attn: James Cleary |

Exhibits and Attachments:

- (1) Exhibit A: Map of Lower Mission Creek Flood Control and Restoration Project
- (2) Exhibit B: Diagram of Permanent Easement
- (3) Exhibit C: Diagram of Temporary Easement Areas
- (4) Attachment 1: Resolution of Necessity

EXHIBIT A





