



**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: July 25, 2017
Placement: Administrative
Estimated Tme:
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: Janette D. Pell, Director of General Services, 560-1011
Contact Info: Tom Fayram, Deputy Director – Water Resources, 568-3435
Skip Grey, Assistant Director of General Services, 568-3083
SUBJECT: Lower Mission Creek – Reach 2A revised Exhibit A to Resolution of Necessity for Easement Acquisitions, Second 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 Clerk of the Board to amend the general description of the permanent easement in the March 15, 2016 Resolution of Necessity (“Resolution”) Exhibit “A” (description of Permanent Easement) including adding Attachment “3” to Exhibit “A” (sketch of “Open Channel Area”) for the acquisition of a permanent easement necessary for the Lower Mission Creek – 2A Project (“Project”), on the property located at 134 Chapala Street, Santa Barbara (“Property”); with the description set forth in Attachment 4 (Resolution) which more accurately conforms to the Project; and
- b) 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 action is within the scope of the Project covered by the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the 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:

Summary Text:

The Resolution of Necessity approved by the Board of Directors of the Flood Control and Water Conservation District (“District”) on March 15, 2016, is required to facilitate the acquisition of easements on the Property located at 134 Chapala Street, Santa Barbara 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. The proposed replacement of the Resolution Exhibit “A” (description of Permanent Easement), clarifies the scope of the permanent easement together with Exhibit “A” Attachment “3” (sketch of “Open Channel Area”) to conform to the Project currently being constructed.

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 as Exhibit A (Map of Lower Mission Creek Flood Control and Restoration Project) in Attachment 1

Staff has been working with City of Santa Barbara and private owners to facilitate construction of various Reaches. The acquisition of property by the District 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 1,235 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. No changes to the configuration, size, width or location of easements are being proposed.

A diagram showing the configuration of the proposed permanent flood control easement acquisition is depicted in Attachment 2. A diagram showing the configuration of the proposed temporary construction easements shown in Attachment 3.

The general description of the permanent easement in Exhibit “A” (description of Permanent Easement) and Attachment “3” to Exhibit “A” (sketch of “Open Channel Area”) of the Resolution for the Property is proposed to be replaced with the description set forth in Attachment 5 to this Board Letter, which more accurately conforms to the Project as designed, approved and currently being constructed. The proposed clarifications are delineated in Attachment 6 (Resolution of Necessity Redline of Exhibit “A” Language) with underlining for additions and strike through for deletions. As noted, above, no changes to the configuration, size, width or location of easements are being proposed.

Fiscal and Facilities Impacts:

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. 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 |
| 1. 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) March 15, 2016 , Resolution of Necessity
- 5) Amended Exhibit A Resolution of Necessity and Attachment “3” to Exhibit “A”
- 6) Resolution of Necessity Redline of Exhibit A Language

