



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 6, 2009

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Authorization To Terminate The Green Mobile Home Park Encroachment Permit

**RECOMMENDATION:** That Council:

- A. Authorize and direct the Public Works Director to terminate a portion of the Encroachment Permit, Agreement No. 16,786, Ordinance No. 4788, for the Green Mobile Home Park (Park), from 120 feet south of Punta Gorda Street to Highway 101, effective September 1, 2010, in accordance with the terms of the Agreement; and
- B. Authorize the Public Works Director to terminate the remainder of the Encroachment Permit effective September 1, 2011.

**BACKGROUND:**

Caltrans is now constructing the Highway 101 Widening Project from Milpas Street to Hot Springs Road, which includes a new bridge that approximately triples the flood carrying capacity of Sycamore Creek under Highway 101. In order to fully utilize the increased capacity, Sycamore Creek must be widened. City staff has been working on a plan to reduce neighborhood flooding, like that experienced in 1995, by incrementally widening Sycamore Creek just upstream from Highway 101. This is especially important given the expected potentially large increase in runoff due to the effects of the Tea Fire in the Sycamore Canyon watershed.

Prior to 1989, Green Mobilehome Park was a privately owned park which rented mobilehome spaces to low income mobilehome owners. At that time, the SB Community Housing Corporation took the lead in working with the tenants and in approaching the park owner and arranging a sale of the Park to its tenants using an acquisition loan through from the State Housing and Community Development Department. This loan, along with a loan from the City Redevelopment Agency, allowed the low-income tenants in the Park to purchase and rehabilitate the Park so they could run the Park as a owner co-operative.

In 1992, SBCHC wanted to lower their debt service on several of the affordable rental properties which it had acquired and financed as part of its original tax exempt financing bonds. SBCHC had retained a security interest in Green MHP and had pledged Green MHP as one of the real properties used as security for the bonds. At a later date SBCHC had Green MHP removed as collateral used to secure the bonds and arranged for the Park's ownership to be transferred to a non-profit corporation incorporated by CHC called Cypress Tree Apartments.

As part of this refinancing, the City also granted Green MHP a 30-foot wide Revocable Encroachment Permit (Agreement No. 16,786) to accommodate seven mobilehome sites that encroach into the City's 60-foot Soledad Street right-of-way (Attachment 1). [The remaining 30 feet of Soledad Street right of way is occupied by Sycamore Creek.] The issuance of the encroachment permit by the City apparently was related to a demand from the title company which handled the refinance transaction after it discovered that the City right-of-way for Soledad Street went through the Park and caused the encroachment of several mobilehomes within this right-of-way. Apparently, this encroachment had been overlooked at the time of the original 1989-90 purchase by SBCHC.

On January 13, 2009, Council authorized a contract with Penfield & Smith to perform a study and conceptual design options for Lower Sycamore Creek Drainage Improvements (Study). The Study showed the necessity of using the entire 60-foot Soledad Street right of way for widening Sycamore Creek in order to increase its flood carrying capacity. Currently, Sycamore Creek Channel is approximately 27 feet wide at the top of the existing bank. In consultation with both the Creeks and Planning Divisions, Option A from the Study (Attachment 2) was selected as the typical Channel cross section. It is an earthen cross section with a rock slope that will be 60-feet wide at the top of bank.

In order to proceed with widening Sycamore Creek, staff needs Council's authorization to proceed to terminate the Encroachment Permit between the City and the successor owner, now Cypress Tree. Paragraph 6 of this Encroachment Permit states:

“REVOCATION UPON NOTICE: City may revoke this Encroachment Permit or a part hereof, at the sole discretion of the City, by giving written notice to Permittee at least 365 days prior written notice to Permittee of termination. In such event, Permittee shall, at Permittee's sole expense, remove any Encroachment or part thereof, and restore the area as shall be required by City.”

## **DISCUSSION:**

The Park consists of 50 mobile home spaces adjacent to the Soledad Street right of way between Highway 101 and Punta Gorda Street (Attachment 3). There are seven spaces (Numbers 1, 2, 3, 4, 28, 48, and 51) that encroach into the City's Soledad Street

right of way at the southerly end (starting 120 feet south of Punta Gorda Street to the new Highway 101 Bridge). In addition, the driveway entrance from Punta Gorda Street encroaches into the City's Soledad Street right of way at the northerly end (the first 120 feet of Sycamore Creek downstream from Punta Gorda Street).

Staff proposes to partially terminate the Encroachment Permit, starting 120 feet downstream and south of Punta Gorda Street to the new Highway 101 Bridge, so that the first phase of creek widening can occur at the southerly end. This partial termination will directly impact the seven mobile home spaces that currently encroach into the Soledad Street right of way. The driveway entrance from Punta Gorda can continue to encroach until the City can finance the next phase of construction that will widen Sycamore Creek at the northerly end and replace the Punta Gorda Street Bridge.

Generally, creek widening construction should proceed from downstream to upstream in order to get the maximum hydraulic benefit. Caltrans is currently widening the Highway 101 Bridge. Further downstream is the Union Pacific Railroad Bridge (UPRB) that also needs widening. However, it has been determined that, in this instance, widening of the UPRB can occur and provide benefits at any time. Therefore, staff proposes widening the southerly (downstream) portion of the Soledad Street right of way first and requests authorization to terminate that portion of the existing Encroachment Permit, effective September 1, 2010.

Staff is working to find funding to replace the old existing Punta Gorda Street Bridge, thus allowing the City to widen the remaining northerly portion of the Sycamore Creek between the new Highway 101 Bridge and Punta Gorda Street. By delaying the termination of the remaining encroachment by one year, the Park will have additional time to prepare plans to eliminate this driveway and to reconfigure its layout to meet fire and safety requirements.

The President of the Board of Directors of Cypress Tree has been cooperating with staff by attempting to obtain information from residents who would be displaced by the proposed Sycamore Creek widening project and developing strategies to minimize any relocation inconveniences to the occupants. The City is not legally required to pay relocation costs to displaced residents; however, the Housing Authority has advised the City they will move any qualified displaced residents' names to the top of the eligibility list for Section 8 Housing because they are being displaced by government action. This is irrespective of the City's right under the Encroachment Permit to require removal of the Park's encroachments by giving written notice. It is currently unknown whether or not any of residents qualify for Section 8 Housing.

In addition, one of the seven mobile home sites that encroaches into the City's Soledad Street right of way is currently vacant. Staff is investigating renting this space until Channel construction starts. This way, the space will remain vacant, thereby reducing the number of residents that will be displaced by the proposed Sycamore Creek widening project, and the Park will continue to receive rent for that space.

Upon direction from Council to proceed with the termination of the Encroachment Permit, staff will move forward with completing final design to widen the Sycamore Creek Channel to accommodate the Caltrans bridge widening.

Public Outreach

On August 12, 2009, City staff met with approximately 15 Park residents to discuss the very clear public necessity for the Sycamore Creek Widening Project, including the unavoidable need to terminate the Encroachment Permit. A Spanish translator was provided. The meeting generally went well and Park residents appeared to understand the need to widen the creek and terminate the Encroachment Permit. Park residents and the Board of Directors of Cypress Tree were also notified of this Council Meeting.

**BUDGET/FINANCIAL INFORMATION:**

Currently, there are sufficient funds in the Streets Capital Program Fund to widen Sycamore Creek from 120 feet south of Punta Gorda Street to Highway 101. Staff will return to Council for construction contract authorization.

- ATTACHMENTS:**
1. Vicinity Map
  2. Option A - Typical Section Trapezoidal Channel
  3. Santa Barbara Green Mobile Home Park

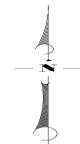
**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/LA/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

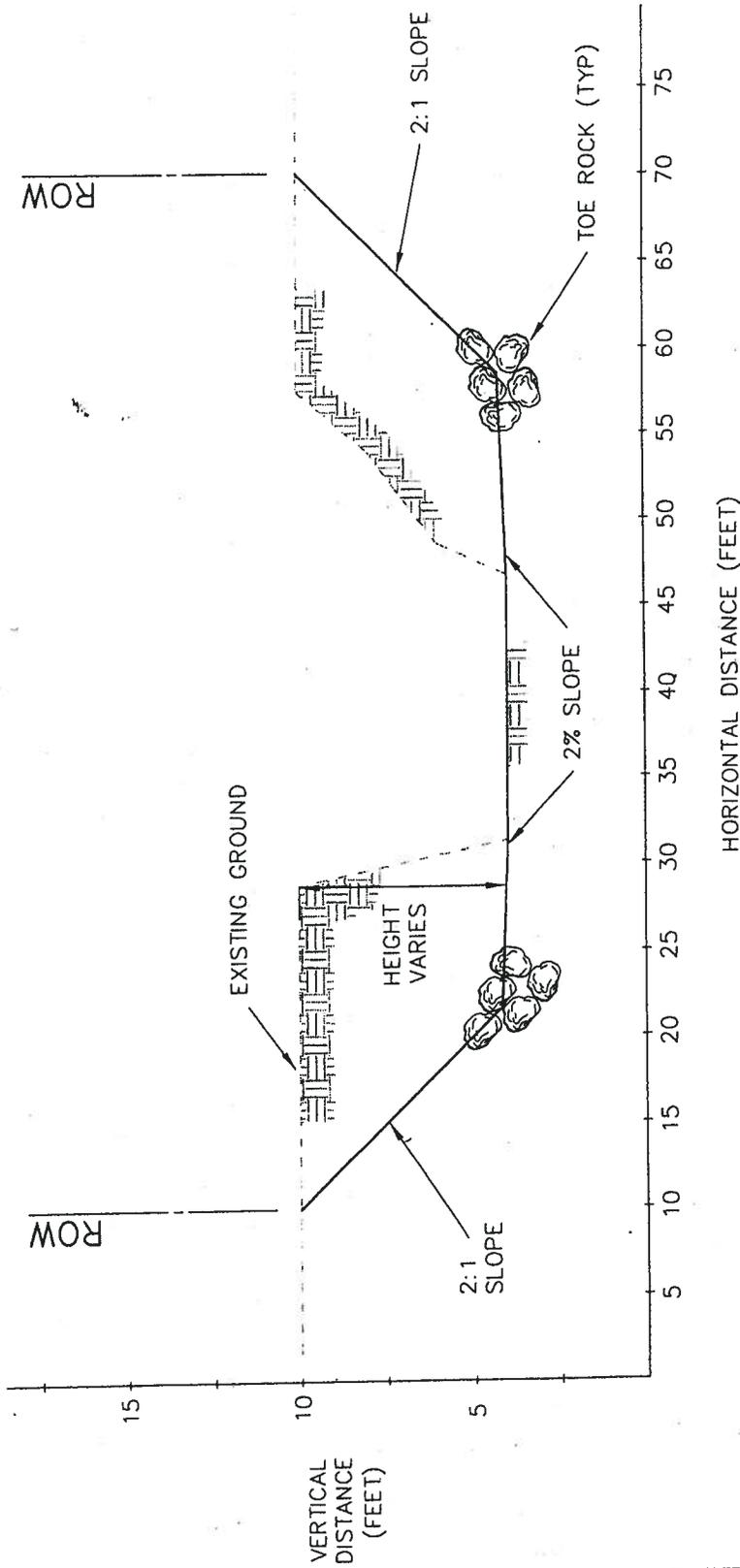


VICINITY MAP





ATTACHMENT 2



**OPTION A - TYPICAL SECTION  
TRAPEZOIDAL CHANNEL**

SOLEDAD RIGHT OF WAY CLEARANCE REPORT



**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

18767.01      HORIZ. 1"=10' / VERT. 1"=5'

# SANTA BARBARA GREEN MOBILE HOME PARK

Not to scale

Punta Gorda St.

