

Central Services
Joan Araujo, Director

Engineering Services
Christopher Cooper, Director

Roads & Transportation
Christopher Kurgan, Director

Water & Sanitation
Joseph Pope, Director

Watershed Protection
Glenn Shephard, Director

March 28, 2023

Board of Supervisors
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

Subject: Approval of, and Authorization for the Director of Ventura County Watershed Protection District (Director) or Designee to Sign, a License Agreement (Agreement) with Santa Paula Materials, Inc., a California Corporation, for Santa Paula Materials to use a portion of Assessor's Parcel Numbers 104-0-200-185 and 104-0-200-265, in the City of Santa Paula, for Monthly Rent of \$7,560; Finding that the Agreement is Categorically Exempt from the California Environmental Quality Act; Authorization for the Director to Approve Minor Modifications to the Agreement; Supervisorial District No. 3

Recommendations:

1. Approve and authorize the Director of Ventura County Watershed Protection District (Director) or designee to sign the attached License Agreement (Agreement) with Santa Paula Materials, Inc., a California corporation, for a portion of Assessor's Parcel Number 104-0-200-185 and 104-0-200-265, in the city of Santa Paula with monthly rent of \$7,560.
2. Find that your Board's approval of the Agreement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as an action solely to lease existing facilities.
3. Authorize the Director to approve minor modifications to the Agreement provided that any such modification is consistent with the original purpose of the Agreement, does not result in additional costs to the County of Ventura and is reviewed and approved as to form by the County Counsel's Office.



Fiscal/Mandates Impact:

Mandatory: No
Source of Funding: Santa Paula Materials, Inc.
Funding Match Required: No
Impact on Other Department(s): None

Summary of Revenue and Total Costs:

	<u>FY 2022-23</u>		<u>FY 2023-24</u> through FY 2027-2028	
Revenue:	\$	45,360	\$	408,240
Costs:				
Direct	\$	0	\$	0
Indirect – Agency/Dept.				
Indirect – County CAP				
Total Costs	\$	0	\$	0
Net Revenue	\$	45,360	\$	408,240
Recovered Indirect Costs	\$		\$	

Current Fiscal Year Budget Projections:

Current FY 2022-23 Budget Projection for Watershed Protection District Zone2 - Unit 4221				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriation	\$2,865,900	\$3,122,761	\$2,740,100	\$382,661
Revenue	\$12,343,100	\$12,343,100	\$12,351,400	\$8,300
Net Cost	(\$9,477,200)	(\$9,220,339)	(\$9,611,300)	\$390,961

Sufficient revenue is included in the current year budget and will be included in future years budgets as appropriate.



Discussion:

Ventura County Watershed Protection District (WPD) owns real properties in Santa Paula, south of and adjacent to Highway 126, west of and adjacent to Santa Paula Creek and north of the Santa Clara River. The WPD properties are identified as Assessor's Parcel Nos. 104-0-200-185 and 104-0-200-265 (the "Properties"). A vicinity map and location map are attached as Exhibits 1 and 2, respectively.

In January 2018, WPD's staff became aware that Santa Paula Materials, Inc. (SPM), a rock processing business located west of the Properties, was encroaching on a portion of the Properties (Premises) by storing rock and other construction materials without WPD's permission. After verification of the unauthorized activities, WPD sent SPM a notice of violation on January 23, 2019, with a request to submit a permit application to abate the violation. SPM submitted a permit application and was granted a permit. After the permit was granted, SPM inquired about the possibility of licensing the Premises for storage, and WPD determined that this would be acceptable upon approval by your Board.

Under the proposed License Agreement (Agreement) for the Premises, SPM would be authorized to begin paying monthly rent effective January 1, 2023. The Agreement also includes a lump sum settlement from SPM to WPD of \$21,420 for SPM's encroachment on the Premises from January 23, 2019, through December 31, 2022.

The proposed Agreement would authorize SPM to use the Premises for outdoor storage of clean natural rock, construction aggregate products, and building materials in accordance with the permit previously issued to SPM by WPD; SPM's use has not adversely affected the Premises.

Your Board's approval of the Agreement is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as an action to lease existing facilities. Staff has also determined that no unusual circumstances or other facts set forth in CEQA Guidelines section 15300.2(c) precludes use of this categorical exemption.

The salient terms of the proposed Agreement are as follows:

LICENSEE: Santa Paula Materials, Inc., a California corporation

PREMISES: 120,000 rentable sq. ft. of space of a portion of Assessor's Parcel Numbers 104-0-200-185 and 104-0-200-265 (Premises)



TERM: The term of this Agreement shall be for five (5) years and commence on January 1, 2023. In the event of an emergency, WPD has the right to reclaim use of the Premises from SPM, and SPM shall have the right to abatement of the rent for the duration of WPD's emergency use of the Premises.

RENT: Rent shall be \$7,560 per month. This rent reflects a rate of \$0.063 per square foot which Real Estate Services has determined to be representative of fair market rent for such space in Santa Paula. The rent will be a fixed rate throughout the term of the Agreement.

This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions concerning this item, please contact Charles Alvarez, Manager of the Real Estate Services Division, at 805-654-2402, or the undersigned at 805-654-2084.

Sincerely,



Joan Araujo
Director, Central Services

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Location Map
- Exhibit 3 – License Agreement

