

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer

CONTACT: Kristina Aguilar, CPA, Administrative Division Manager, (805) 961-8813

SUBJECT: Delegate Authority to the Air Pollution Control Officer to Enter into a Real Estate Purchase Agreement

RECOMMENDATION:

Consider recommendations as follows:

1. Delegate authority to the Air Pollution Control Officer to enter into a real estate purchase agreement and open escrow (with the concurrence of Risk Management, Auditor Control, and District Counsel) for the purchase of an office building in northern Santa Barbara County. If negotiations are successful and an agreement is entered into, the Board directs the Air Pollution Control Officer to return to the Board at the Board meeting immediately following entering the agreement for the Board to ratify the action; and
2. Determine that this delegation of authority is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 finding that the project consists of the repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of existing or former use.

BACKGROUND:

During the Fiscal Year 2020-2021 budget process, the proposal of a one-time expenditure for the purchase of a District office space in North County was discussed and included in the approved budget. With a healthy fund balance and the desire to maintain a presence in North County, the possibility of investing in an office space for District staff would allow the District to diversify its assets from solely cash to real estate on the balance sheet. A total of \$1.5 million was included in the Board approved budget for a potential purchase. These funds currently reside in the District's general reserves. Making this purchase would allow the District's North County fleet to be housed at the new building versus being home garaged and would eliminate the rent of \$49,083 that is paid annually for the District's current office space in Santa Maria.

[Aeron Arlin Genet](#), Air Pollution Control Officer

DISCUSSION:

The District has been searching for suitable properties since August of 2020. This delegation will allow the Air Pollution Control Officer (APCO) to negotiate and enter into a purchase agreement with a selling party to secure an office building and open escrow. The District will return to your Board at the board meeting in the month immediately following when the purchase agreement is signed to request that the Board ratify the action.

FISCAL IMPACT:

The District included the funds to purchase a building in the Fiscal Year 2020-21 budget, as approved by your Board on June 18, 2020. There are no additional fiscal impacts to note.

ATTACHMENT:

- A. Notice of CEQA Exemption

NOTICE OF CEQA EXEMPTION

TO: Clerk of the Board for Santa Barbara County

FROM: Kristina Aguilar, CPA, Administrative Division Manager

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

PROJECT TITLE: Delegation of authority to the Air Pollution Control Officer to enter into a real estate purchase agreement and open escrow for the purchase of an office building in northern Santa Barbara County.

PROJECT DESCRIPTION: Delegate authority to the Air Pollution Control Officer to enter into a real estate purchase agreement and open escrow (with the concurrence of Risk Management, Auditor Control, and District Counsel) for the purchase of an office building in northern Santa Barbara County. If negotiations are successful and an agreement is entered into, the Board directs the Air Pollution Control Officer to return to the Board at the Board meeting immediately following entering the agreement for the Board to ratify the action.

EXEMPT STATUS: (Check One)

- Ministerial
- Statutory
- Exemption [15301]
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: 15301

Reasons to support exemption findings: The proposed action is exempt from environmental review pursuant to Section 15301 [*Existing Facilities*] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in this section are not intended to be all-inclusive of the types of projects that might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

This Class includes a wide range of activities concerning existing structures and facilities. Examples include, but are not limited to, the following:

- 15301(a): Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and
- 15301(c): Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

The exceptions to the Existing Facilities categorical exemption that must be considered pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location.** *Classes 3,4,5,6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resources of hazardous or critical concern where designated, precisely mapped, and official adopted pursuant to law by federal, state, or local agencies.*

Section 15301 is a Class 1 Categorical Exemption; therefore, this exception is not applicable.

- (b) **Cumulative Impact.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There are no successive projects of the same type in the same place anticipated for this location. There is no cumulative impact and, therefore this exception does not apply.

- (c) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The proposed purchase and subsequent modifications, alterations, and/or renovations will not result in any physical changes outside the licensed area or impacts to the environment and therefore will not result in a significant effect on the environment.

- (d) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

There are no state scenic highways in the project area. This exception does not apply.

- (e) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

This proposed project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, it is not located on a hazardous waste site and this exception does not apply.

- (f) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The proposed project does not involve historical resources. This exception does not apply.

As described above, none of the exceptions to the categorical exemptions contained within Section 15300.2 of the State CEQA Guidelines apply to this project.

Lead Agency Contact Person: Kristina Aguilar

Phone: (805) 961-8813

Department/Division Representative: Aeron Arlin Genet

DATE FILED WITH CLERK OF THE BOARD

Department /Division Representative Date