



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 22, 2013

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 1712 Anacapa Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,788 for a subdivision at 1712 Anacapa Street (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision; and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

DISCUSSION:

A Tentative Map for a subdivision located at 1712 Anacapa Street (Attachment 1) was conditionally approved on October 8, 2009, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 040-09 (Attachment 2). The project involves the subdivision of a 23,160 square foot parcel into 3 new residential parcels.

In accordance with the Planning Commission approval, the Owner(s) (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2010-00002. It is necessary that Council approve the Parcel Map since it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060).

Staff recommends that Council authorize the City Administrator to execute the subject *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, and the *Agreement for Land Development Improvements*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions that are required to be recorded concurrent with Parcel Map Number 20,788 by the Planning Commission Conditions of Approval, Resolution Number 040-09
 3. List of Owners/Trustees

PREPARED BY: Mark Wilde, Supervising Civil Engineer/DAS/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
1712 Anacapa



Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH
PARCEL MAP NUMBER 20,788 BY PLANNING COMMISSION CONDITIONS OF
APPROVAL, RESOLUTION NO. 040-09

1712 ANACAPA STREET

Said approval is subject to the following conditions:

Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director, and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on **October 8, 2009**, is limited to 3 lots (Lot 1 will be 8,140 square feet with a maximum of 2 dwelling units, Lot 2 will be 7,000 square feet with a maximum of 1 dwelling unit, and Lot 3 will be 7,850 square feet with a maximum of 2 dwelling units) for a total maximum of 5 dwelling units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Any second units developed on Lots 1 and 3 will be restricted to 600 square feet.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Design Review Board.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Design Review Board. Such plan shall not be modified unless prior written approval is obtained from the Design Review Board. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the Design Review Board, the owner is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
5. **Oak Tree Protection.** The existing oak tree(s) shown on the Tentative Subdivision Map, Tree Protection Plan and Landscape Plan shall be preserved, protected, and maintained (in accordance with the recommendations contained in the Arborist's Report prepared by Peter Win, Westree, dated December 8, 2008. A copy of this report shall be attached to the recorded conditions as an exhibit. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the tree(s).) The following provisions shall apply to any oak trees to remain on the property:

- a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
- 6. Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- 7. Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants (CC&R's), a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

ATTACHMENT 3

LIST OF OWNERS

1712 Anacapa Street

1712 Anacapa Street, LLC

Janice Izzi, Manager

Lyman Orton, Manager