



Agenda Item No. _____

File Code No. _____

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 11, 2014

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 836 Bath Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,808 and standard agreements relating to the approved subdivision at 836 Bath Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document.

DISCUSSION:

A Tentative Map for the subdivision located at 836 Bath Street (Attachment 1), was conditionally approved on June 26, 2013, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 037-13 (Attachment 2). The project consists of a one-lot subdivision to create two (2) residential condominium units on a 7,336 square-foot lot. The proposed construction consists of structural upgrades and improvements to the existing one-story, three-bedroom house, a new attached two-story, three-bedroom dwelling unit, and two attached two-car garages. Staff has reviewed the Parcel Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-00780. Council approval is required if Council agrees with the staff determination that the Map 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, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *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.

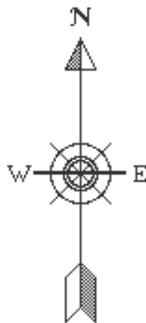
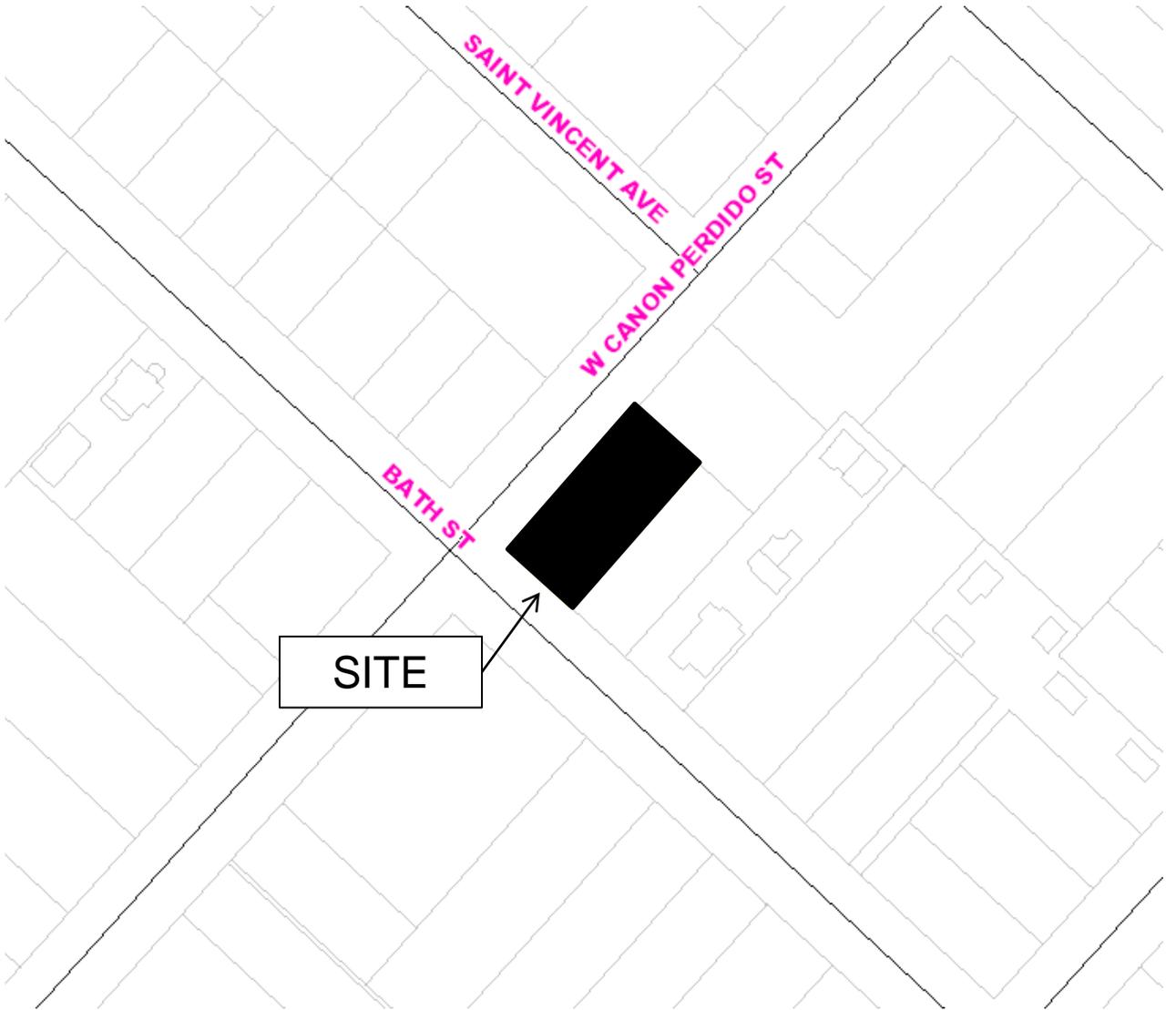
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,808 by the Staff Hearing Officer Conditions of Approval Resolution Number 037-13
 3. List of Owners/Trustees

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DAS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
836 Bath Street



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,808 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 037-13

836 Bath Street.

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 26, 2013, is limited to a one-lot subdivision to create two (2) residential condominium units. The proposed construction consists of structural upgrades and improvements to the existing three-bedroom, one-story house (*as per the Historic Structures Report prepared by Post/Hazeltine, dated October 22, 2012*), construction of a new attached two-story, three-bedroom dwelling unit and two attached two-car garages, demolition of an attached 102 square foot service porch, two detached single care garages, a 383 square foot, one-bedroom cottage, and two detached storage sheds. Also proposed is associated new landscaping, paving and photo documentation of the property prior to start of construction and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara
2. **Future Development.** The development approved on the Real Property by the Staff Hearing Officer on June 26, 2013, shall be subject to the following conditions:
 - a. All future construction shall comply with the applicable conditions of approval contained in Section E "Requirements Prior to Permit Issuance," F. "Construction Implementation Requirements," and G. "Prior to Certificate of Occupancy" of Staff Hearing Officer Resolution 037-13.
3. **The Owner(s)** of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc., as may be deemed appropriate.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the real property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The Landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. 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 of restoration become necessary, prior to the commencement of such repair or restoration work, the Owner 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, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for 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 condominium units.
 - 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 garages were designed and permitted.
 - c. **Parking Space Assignment.** Parking spaces within the project shall be allocated.
 - d. **Landscape Maintenance.** A covenant that provides the landscaping shown the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If the landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement
 - e. **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 offsite 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 offsite.
 - f. **Public Improvement Districts.** A covenant that includes a waiver to protest information of public improvement districts.
 - g. **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

836 Bath Street

BATH-PTL, LLC, A California Limited Liability Company

LIST OF OWNERS

Arthur Louie, Owner