



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 128 Anacapa Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,806 and standard agreements relating to the approved subdivision at 128 Anacapa 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 128 Anacapa Street (Attachment 1), was conditionally approved on January 22, 2014, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 005-14 (Attachment 2). The project involves a one-lot subdivision to create two residential condominium units, and the construction of two detached residential units, each with a two-car garage. The subject lot is 5,085 square feet in size, and is currently vacant. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories high with a roof-top deck, and have access to a common open yard space at the ground level. 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 Owners (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-00371. 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 has been 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.

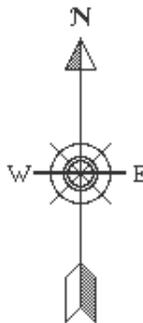
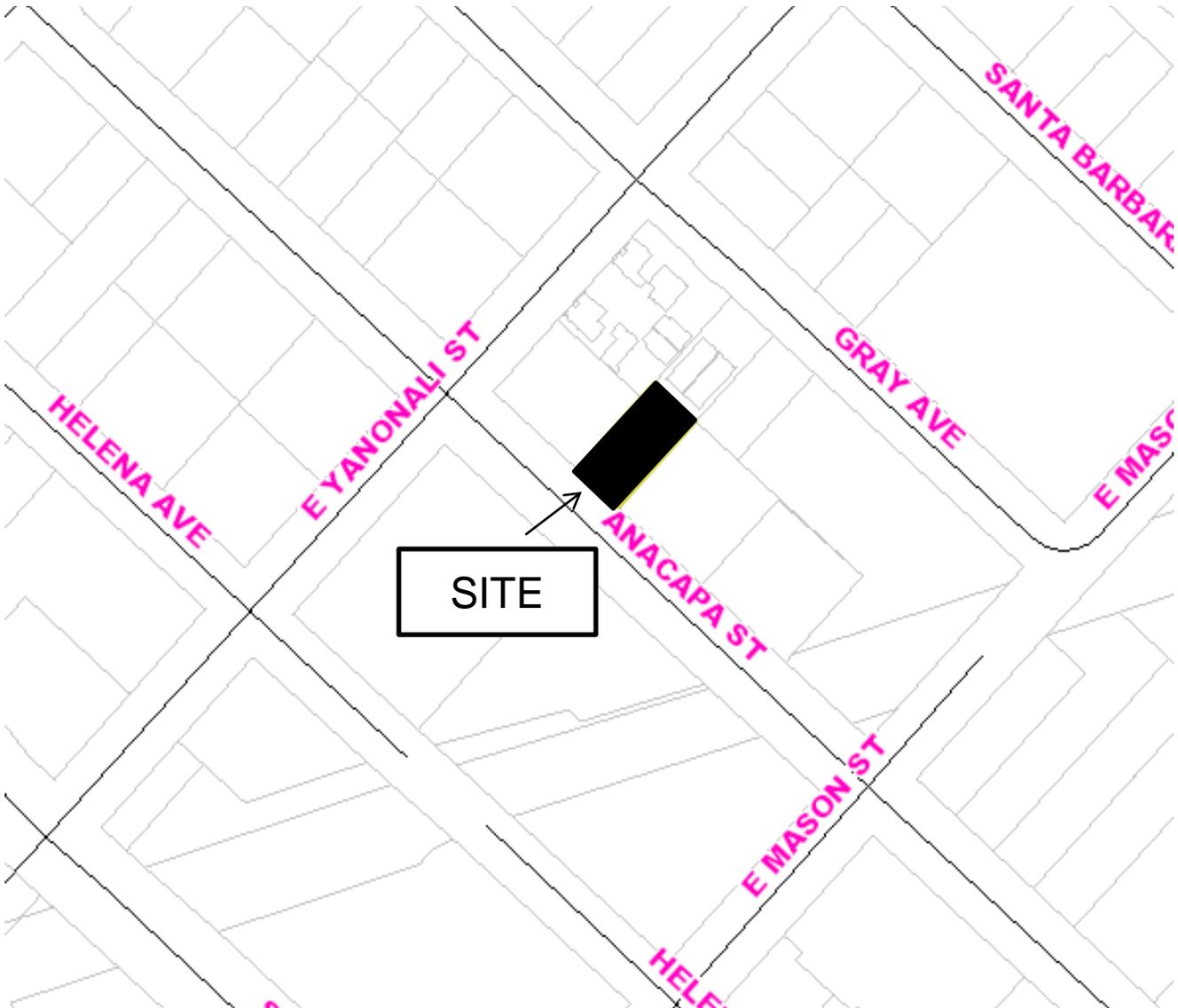
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,806 by the Staff Hearing Officer Conditions of Approval Resolution Number 005-14
 3. List of Owners/Trustees

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
128 Anacapa Street



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,806 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 005-14

128 Anacapa Street

Said approval is subject to the following conditions:

1. **Approved Development.** The project consists of a one lot subdivision to create two residential condominium units and the construction of the two detached residential units, each with a two-car garage. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories with a roof-top deck, and have access to all common open yard space at the ground level. Grading for the project would comprise 140 cubic yards of excavation and 90 cubic yards of import. Access to the site is directly from Anacapa Street.
2. **Use Limitations.** Due to potential traffic and parking impacts, uses other than residential are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
3. **Uninterrupted Water Flow.** 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 Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
5. **General Plan and Zoning Designation Advisory.** The current General Plan and Zoning designation of the project site and surrounding parcels, as of the date of approval of this project by the Staff Hearing Officer, is Ocean Related Commercial /Medium High Residential and OC (Ocean-Oriented Commercial)/SD-3 (Coastal), respectively. Most of the allowed uses in the OC Zone district may be developed up to the parcel boundaries. Future owners of the condominiums are advised to review the regulations in effect at the time of sale of the units to determine the development potential of the adjacent lots, as well as, the required setbacks (if any). Adjacent development could require physical changes to the condominiums, such as, removing the fixed windows and/or affect private views.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water control devices in a functioning state. Should any of the project's surface

or subsurface drainage structures fail to capture storm water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. 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 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. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.

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. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.

f. **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

128 Anacapa Street

128 Anacapa Street, LLC, a California Limited Liability Company

LIST OF OWNERS

Leo Blickley, III, Manager

James B. McDonald, Manager