



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 26, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Final Map And Execution Of Agreements For 34 West Victoria Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,796 and standard agreements relating to the approved subdivision at 34 West Victoria Street, and authorize the City Engineer to record 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 after the public improvements are complete.

DISCUSSION:

A Tentative Map for the subdivision located at the intersection of West Victoria and Chapala Streets (Attachment 1), was conditionally approved on April 12, 2010, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 009-10 (Attachment 2). On April 27, 2011, planning staff issued a Substantial Conformance Determination (SCD) to approve a change to the total amount of square footage of the commercial portion of this project. The project involves redevelopment of the former Von's grocery store site, located at the intersection of West Victoria and Chapala Streets, for a new mixed-use development of retail space and 37 residential condominium units above an underground parking garage. Vehicular access to the site will be from Chapala Street. Staff has reviewed the Final Map (Map) Number 20,796 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 PC Conditions of 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 PBW2011-00244 and PBW2011-00479. Council approval is required if Council agrees with the staff determination that the Map conforms to all of 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 FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

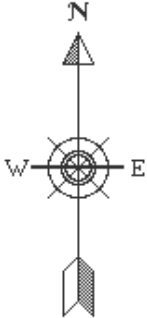
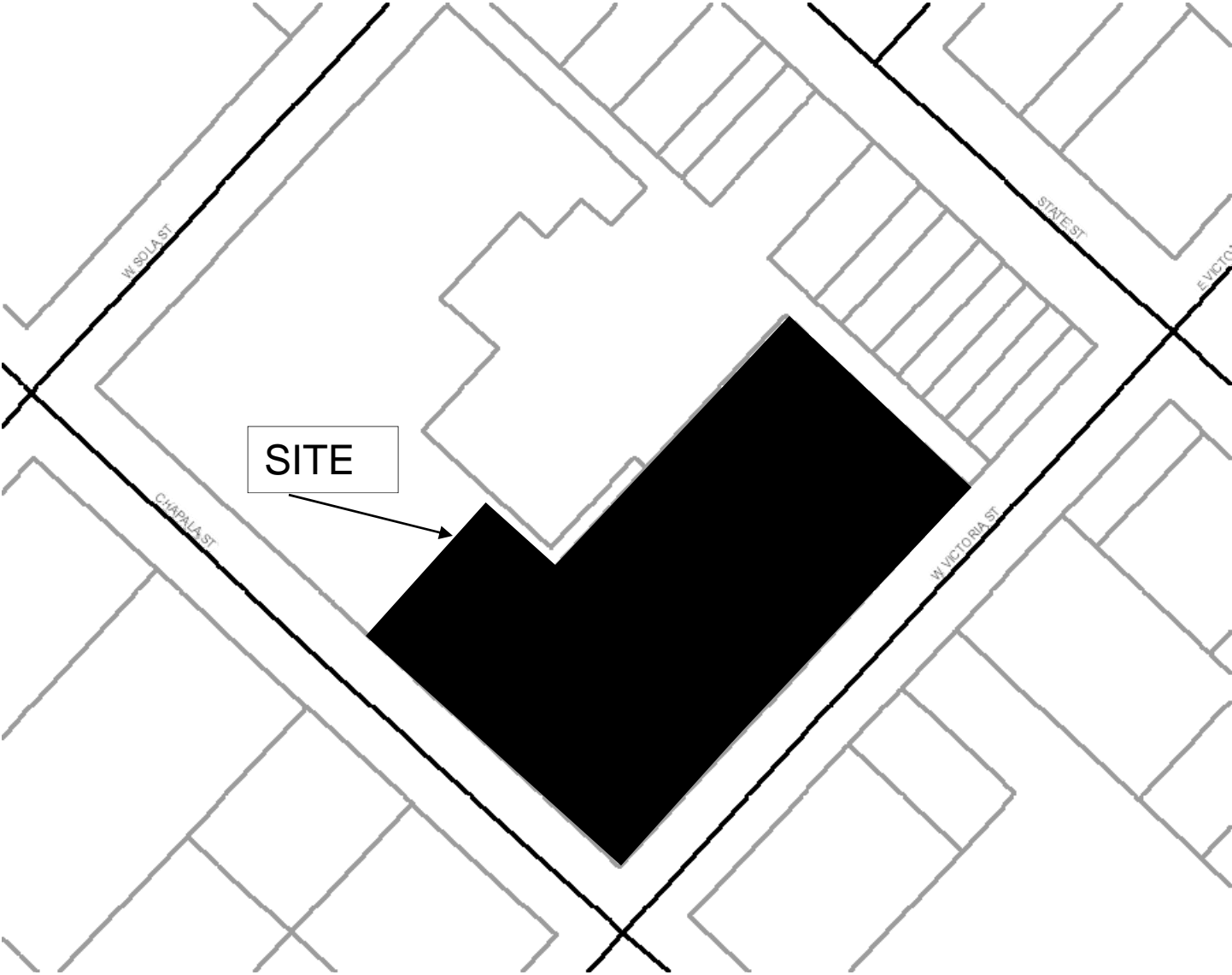
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Final Map Number 20,796 by the Planning Commission Conditions of Approval Resolution Number 009-10
 3. List of Owners/Trustees

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
34 W. Victoria Street



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,796 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 009-10

ADDRESS

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 12, 2010 is limited to 37 residential condominium units and 7,577 square feet of accessory residential square footage, 23,125 square feet of commercial development that may be subdivided into as many as 3 commercial condominium units, and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
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 Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **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. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
5. **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.
6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 101, 105, 109, 114 and 202 on the approved project plans shall be designated as Affordable Middle Income Units and sold only to households who,

at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

- a. Units No. 101, 109, 114, 202 (1-bedroom units) = \$236,400
- b. Unit No. 105 (2-bedroom unit) = \$297,300

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

- 7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- 8. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, 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 condominium units.
 - b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all residential parking spaces within the parking garage be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the spaces 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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - 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

LIST OF OWNERS

**Victoria Street Partners, LLC
Urban Developments, LLC, a California Limited Liability Company**

34 W. Victoria

Margaret Cafarelli, Manager