



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 33 West Victoria Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,810, and standard agreements relating to the approved subdivision at 33 West Victoria 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 33 West Victoria Street (Attachment 1), was conditionally approved on January 22, 2014, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 004-14, (Attachment 2). The project involves the subdivision of one lot to create two commercial condominiums. This is the site of the Child Abuse Listening Mediation (CALM) office and Ensemble Theater. CALM is the current property owner and Ensemble Theater is a current tenant. Both will own their respective sites once the condominium subdivision occurs. Staff has reviewed the Parcel 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, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City. 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.

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.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,810 by the Staff Hearing Officer Conditions of Approval Resolution Number 004-14
 3. List of Owners/Trustees

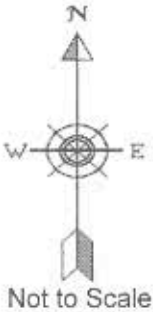
PREPARED BY: John Ewasiuk, Principal Civil Engineer/MW/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
33 West Victoria Street



CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,810 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 004-14

33 West Victoria 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 January 22, 2014, is limited to a subdivision of a 14,990 square foot parcel to create two commercial condominiums 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. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits, and any access road, as appropriate.

3. **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 or 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.

4. **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 (e.g. a memorandum of understanding (MOU) agreement or a recorded covenant agreement) 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. The Common Area Maintenance shall include an agreement between the theater and the condominium owners that details how each will maintain the shared fire rated floor (i.e. bathroom floor) and wall assemblies.

b. **Exterior Building Maintenance.** The entire building is designated a Structure of Merit (Former First Baptist Church Designated: October 11, 1979 {1910 and 1926}). A covenant shall be provided that describes how the future owners will work together to maintain the

c. overall structural and historic integrity of the building. The covenant shall ensure that the multiple owners clearly understand their responsibilities with respect to compliance with Chapter 22.22 of the Municipal Code (Historic Structures) for any proposed exterior alterations to the building.

d. **Solid Waste Offsite Agreement (Trash and Recycling).** Because there is no trash and recycling site on this property, an agreement allowing the shared use of the trash enclosure at 21 West Victoria Street shall be provided. The grantor and grantee must sign an Offsite Trash Agreement that is a legally binding easement for use of a trash enclosure. The following information shall be stated in the Offsite Agreement:

(1) **Trash Holding Area.** 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. In order to provide adequate recycling, it must contain one trash dumpster and one recycling dumpster with no multiple trash and recycling carts. 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 Offsite Trash Agreement 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

**CHILD ABUSE LISTENING MEDIATION Inc.,
a California non-profit public benefit corporation,**

LIST OF OWNERS

Cecilia Rodriguez, Chief Executive Officer

D'Arcy Cornwall, Secretary