



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 7, 2016

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Approval Of Final Map And Execution Of Agreements For The Sandman At 3714-3744 State Street

### **RECOMMENDATION:**

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,812 and standard agreements relating to the approved subdivision at 3714-3744 State 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 3714-3744 State Street (Attachment 1), was conditionally approved on April 4, 2014, by adoption of the Planning Commission Conditions of Approval, Resolution Number 008-14 (Attachment 2). The project involves the demolition of the existing Sandman Inn Hotel, and subdivision of the site into four lots. Three of the lots will be nonresidential, each with area commercial building and parking. The fourth lot will be further subdivided into 72 residential condominiums. The 72 condominiums will consist of 32 two-bedroom units (4 affordable) and 40 three-bedroom units (5 affordable).

Staff has reviewed the Final 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. The County Surveyor has reviewed the Final Map on behalf of the City for technical correctness as required by the Land Surveyor Act.

In accordance with the Planning Commission's approval, the Owners (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 (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.**

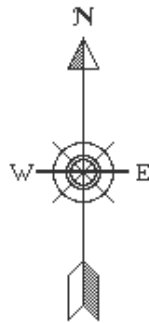
- ATTACHMENTS:**
1. Vicinity Map
  2. Conditions required to be recorded concurrent with Final Map Number 20,812 by Planning Commission Conditions of Approval Resolution Number 008-14
  3. List of Owners/Trustees

**PREPARED BY:** Adam Hendel, Acting Principal Civil Engineer/TS/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

**APPROVED BY:** City Administrator's Office

Vicinity Map  
3714-3744 State Street



Not to Scale

**CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,812 BY PLANNING COMMISSION CONDITIONS OF APPROVAL RESOLUTION NO. 008-14**

**3714 and 3744 State Street**

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on April 3, 2014, is limited to the following:
  - a. A four-lot subdivision creating Lot A (approximately 11,500 net square feet), Lot B (approximately 4,100 net square feet), Lot C (approximately 7,800 net square feet) and Lot D (approximately 174,300 net square feet);
  - b. A one-lot subdivision of Lot D to create 72 residential condominiums (32 two-bedroom units and 40 three-bedroom units totaling approximately 109,081 net square feet), of which nine are affordable to middle-income homebuyers, a community veranda, and 164 residential parking spaces;
  - c. Construction of an approximately 2,596 net square foot nonresidential building and 13 commercial parking spaces on Lot A;
  - d. Construction of an approximately 1,043 net square foot nonresidential building and 5 commercial parking spaces on Lot B;
  - e. Construction of an approximately 1,471 net square foot nonresidential building and 7 commercial parking spaces on Lot C;
  - f. Driveway access on Lots C and D;
  - g. Public improvements, including extension of the existing State Street median, sidewalk dedication, and a new bus stop;
  - h. Bike parking for six bikes (two on each of Lots A, B, and C); and the improvements shown on the Tentative Map and project plans signed by the chairperson of the Planning Commission, on said date and on file at the City of Santa Barbara.
2. **Nonresidential Parking.** Parking spaces provided for each nonresidential building shall not be assigned to individual tenants within said building.
3. **Development Restrictions.** Residential and non-residential development potential on the Real Property has been specified as follows as part of the subdivision: All residential density has been allocated to Lot D, all non-residential development rights have been allocated to Lots A, B, and C. Agreements outlining these allocations shall be recorded with the Final Map.
4. **Potential Future Access.** The Owners shall accommodate future potential requests from adjacent property owners to connect with the vehicular circulation improvements on the Real Property in the approximate locations shown on Sheets C-1 and A-101. Any such accommodation is conditioned upon the adjacent property receiving all required approvals from the City of Santa Barbara and the adjacent property owner bearing any costs associated with said connection. The Owner(s) shall also offer an easement to adjacent parcels to the north in order to accommodate pedestrian access through the Real Property.
5. **Uninterrupted Water Flow.** The Owners 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.

6. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

7. **Tree Protection.** The seventeen existing trees/palms shown to remain in place on Sheet TP1.0 shall be preserved, protected, and maintained in accordance with the recommendations contained in the Tree Maintenance and Retention Plan prepared by Christopher Kallstrand, Dudek, dated October 1, 2013, including Attachments 2 and 3. A copy of this report shall be attached to the recorded conditions as an exhibit.

8. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state, in accordance with the Storm Water Best Management Practices Guidance Manual and Operations and Maintenance Procedure Plan, approved by the Creeks Division for the life of the project. Owners shall inspect and submit a report to the City annually. After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit. 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 Owners 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 Owners 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 Owners are 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.

9. **Ownership Unit Affordability Restrictions.** The nine dwelling units designated as units number 101, 107, 109, 113, 119, 120, 201, 214, and 216 on the Tentative Subdivision Map 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. 109, 119, 120, 216 (2-bedroom units) = \$317,400
- b. Units No. 101, 107, 113, 201, 214 (3-bedroom units) = \$360,600

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 the Owners 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.

10. **Landscape Plan Compliance.** The Owners of Lots A, B, and C shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. 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 ABR, the owners are responsible for its immediate replacement.

11. **State Street Parkway Tree Maintenance.** Each Owners of Lots A, B, and C shall maintain the parkway tree on each corresponding lot frontage. Maintenance shall include watering and trimming maintenance. Canopies of mature street trees shall be maintained with a clearance of at least 14 feet above the road, and at least 10 feet above the pedestrian sidewalk to ensure driver visibility of traffic control devices and pedestrian safety. A permit is required from the Parks and Recreation Department prior to any trimming.
12. **Required Private Covenants, Conditions and Restrictions (CC&Rs) for Residential Condominiums.** 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. **Parking Space Assignment.** Parking spaces within the project shall be allocated such that each residential unit has at least one covered and one uncovered parking space, and at least 18 spaces are assigned for guest parking.
  - d. **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.
  - 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 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.
  - f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
  - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants.

# **ATTACHMENT 3**

**3714 and 3744 State Street**

**KW Fund V – Sandman LLC**

## **LIST OF OWNERS**

In Ku Lee, Vice President

Kent Mouton, Authorized Officer

Stuart Cramer, Authorized Officer