



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 20, 2016

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Resolution To Formally Dedicate A Public Street Easement For La Vista Del Oceano Drive

### RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Dedicating an Easement for Public Street Purposes Covering Portions of City-Owned Real Property Underlying the Improved Street Known as "La Vista Del Oceano Drive" Northerly of Cliff Drive and Northerly and Easterly of Ricardo Avenue.

### DISCUSSION:

The City of Santa Barbara owns the irregular-shaped real property underlying the improved and traveled street commonly known as La Vista Del Oceano Drive (LVDO), which is located northerly of Cliff Drive, and northerly and easterly of Ricardo Avenue. The proposed Resolution is recommended in order to formally establish a public street easement for all portions of LVDO now in public use, because no street easement has been dedicated in the past.

The portions of City property underlying LVDO are referred to as Santa Barbara County Assessor's Parcel Nos. 035-170-026 (Attachment 1), 035-180-086, and 035-180-087 (Attachment 2).

For many decades, the downhill portions of LVDO have been used for public access to residential lots from Cliff Drive. That downhill portion of LVDO has been shown on the City's Official Street Map and maintained by the City since approximately 1955, although no public street easement has actually been established.

In approximately 1989, the portion of LVDO extending northerly from Ricardo Avenue was constructed by the owners of lots who had obtained City permits to construct new homes. That uphill portion of LVDO has subsequently been maintained and used as a private street for access by the owners of uphill lots within the private association known as "Oceano Property Owners, Inc." (OPOI). That portion of LVDO was permitted to be

constructed in accordance with private road and utility easements on the City's strip of land, that were originally granted to the uphill lot owners as early as 1926, long before the City's ownership.

In 2005, the City approved the recordation of a map that created an adjacent six-lot residential subdivision (Attachment 3). That subdivision map included the City's acceptance of a new public street easement required for the easterly extension, use, and maintenance by the City of a new portion of LVDO. The easterly end of that public portion of LVDO includes a vehicle turnaround.

Now that all portions of LVDO are effectively being used for public access from Cliff Drive and Ricardo Avenue, it is timely for Council to formally establish a public street easement for all portions of LVDO, including the portion previously maintained by OPOI. The private portion of LVDO has been well maintained by OPOI, it is presently in good condition, and it should be included on the City's Official Street Map. In 2015, an asphalt pavement overlay was completed on LVDO from Ricardo Avenue to the end, using funds from the six-lot residential subdivision as a Condition of Approval. With completion of this improvement, LVDO is in a state of good repair acceptable to the City. Following Council's adoption of the proposed Resolution, as recommended, the private and public portions of LVDO will all be maintained by the City in accordance with the City's usual maintenance standards.

A memorandum has been provided by OPOI for Council's consideration (Attachment 4), which states general support for the City's establishment of a public street easement for the portion of LVDO maintained by OPOI. However, the memorandum mentions that OPOI members do not want: streetlights, above grade signs relating to parking, a painted centerline, and they requested that they be informed and allowed to give input on any other prospective changes. City staff have responded to the OPOI by stating that the need for streetlights was evaluated by staff and the Planning Commission in 2004, when the six-lot subdivision was approved. At this time no additional street lights are proposed. However, as a City street, improvements including additional streetlights, signage, and/or striping may be determined necessary at a later date in order to meet future standards.

A chronology outlining the history relating to LVDO Drive is also provided (Attachment 5), including history of ownership by the City.

#### **BUDGET/FINANCIAL INFORMATION:**

The costs associated with the proposed Resolution to dedicate easements for all portions of LVDO do not appear significant. The original portions of LVDO, located nearest to Cliff Drive, have been used and maintained by the City since approximately 1955; the private portion of LVDO, uphill of Ricardo Avenue, was constructed in approximately 1989, and has been subsequently maintained effectively by OPOI. The middle portion of LVDO, southerly of Ricardo Avenue, was constructed between 2007 and 2010 when new homes were constructed in that area, and the uppermost portion of

LVDO was finally completed in 2015 as mentioned above. All public improvements within portions of LVDO appear to be in good condition at this time and will not soon require rehabilitation.

**ATTACHMENTS:**

1. Assessor's Map 035-17
2. Assessor's Map 035-18
3. Assessor's Map 035-48
4. Memorandum dated May 9, 2016
5. Chronology – History of La Vista Del Oceano Drive

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

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

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

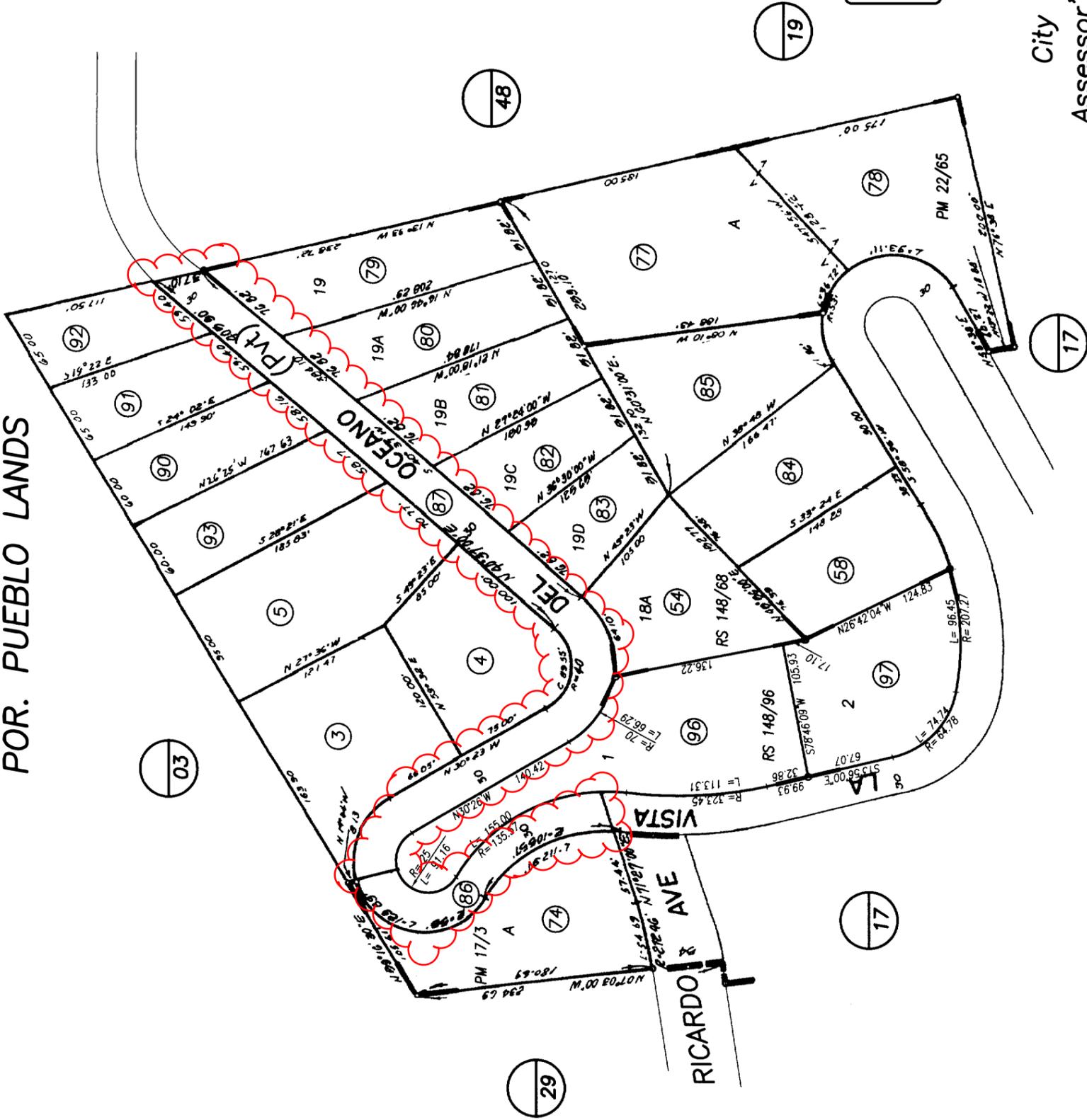


035-18

POR. PUEBLO LANDS



1" = 100'  
scale ±



**NOTICE**  
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara  
 Assessor's Map Bk, 035 -Pg, 18  
 County of Santa Barbara, Calif.

70 remapped into voluntary merger  
 12/05 9,10,12,13,17 thru 32,35 thru 45, 47 thru 50,  
 52,62,63,66,67,70 thru 73,89, and 98  
 into new Pg 48



1" = 100  
scale

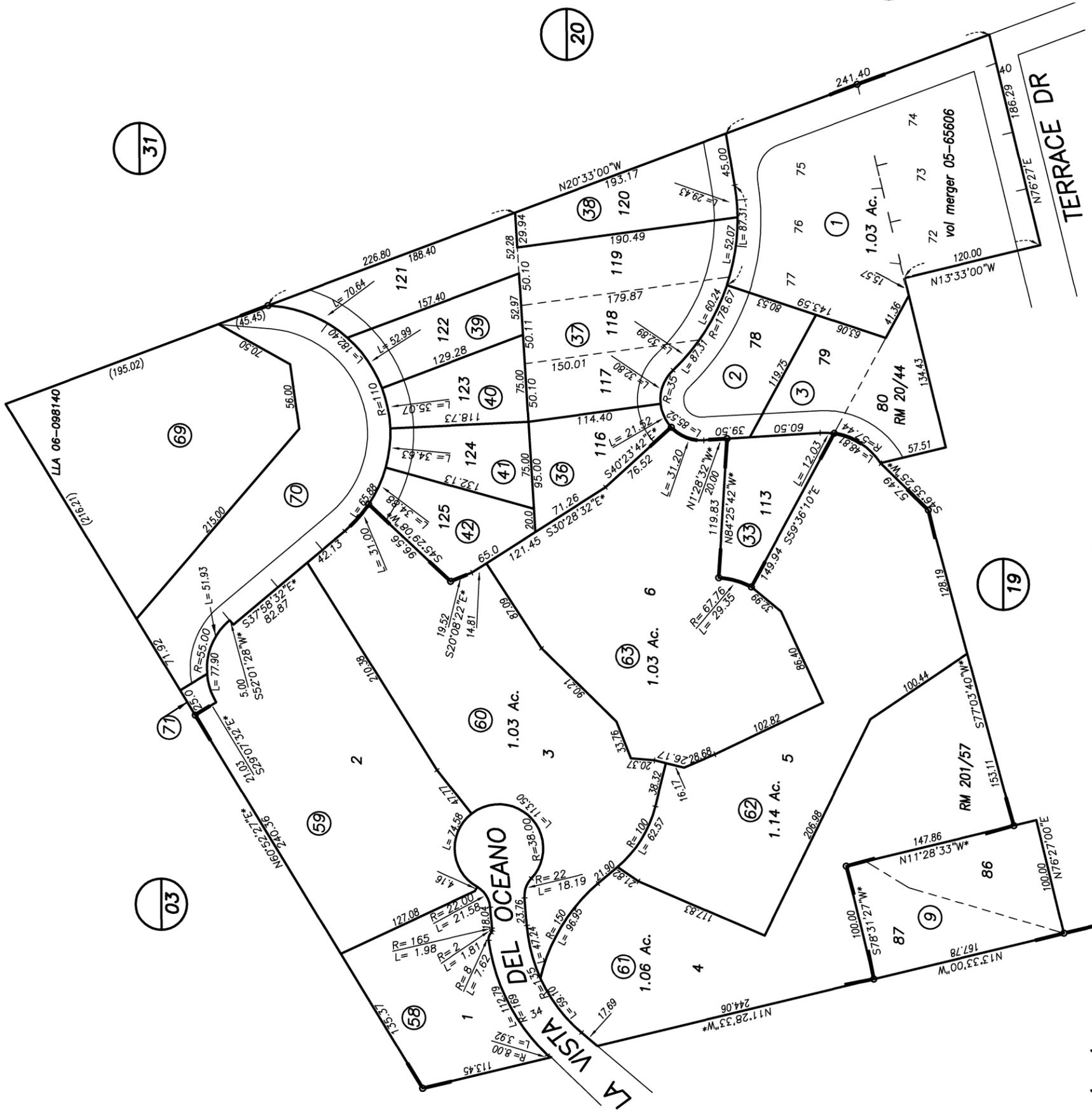
Note: Bearings marked with asterisk (\*) are drawn and annotated in CA Zone V NAD83 State Plane coordinates and rotated to true north.

**N O T I C E**  
Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

City of Santa Barbara  
Assessor's Map Bk, 035-Pg, 48  
County of Santa Barbara, Calif.

48,50,52,54,56 & 191-01,  
191-43 thru 49 into 191-51  
45 & 46 into 69,70,71

LD/07



37

20

19

03

18

19

12/30/2005 R.M. Bk. 201, Pg. 57-60 ; Tract 20707  
08/13/1929 R.M. Bk. 20 , Pg. 44 ; Tract "Rogers Tract"

To: Santa Barbara City Council  
Via: Rebecca J. Bjork, Public Works Director  
From: Oceano Property Owners, Inc. ("OPOI") and the  
Residents of the 1600 Block of La Vista Del Oceano  
By: James C. Ruh, Co-President of OPOI  
Dated: May 9, 2016

This memorandum is written on behalf of Oceano Property Owners, Inc. ("OPOI"), whose members are all of the residents of the 1600 Block of La Vista Del Oceano Drive ("LVDO").

We understand the narrow and irregular-shaped strip of land underlying all portions of LVDO is owned by the City, including the street servicing the 1600 Block of LVDO, from Ricardo Avenue to the beginning of the Rogers Tract (the "Street"). However, the residents of the 1600 Block, own the non-exclusive private road and utility easements. The private easements allowed for the original construction, maintenance and use of portions of the Street when necessary for access when homes were constructed. With respect to the 1600 Block, OPOI has maintained that uphill portion of the Street for the last 26 years and as part of that maintenance we have slurry coated the Street every 4 to 5 years, placed signage, striped the curb and kept the street clean.

We are told that City Staff plans to, or may already have, recommend adoption by the City Council of a Resolution to acknowledge and formally establish a public street easement on the City's strip of land underlying LVDO, from Cliff Drive to the uphill end of the Street, giving the general public the right to use all portions of the Street. In other words, we understand

the proposed Resolution intends to formally declare LVDO a public street, including the portion fronting our residences uphill of Ricardo Avenue. We are told that once that is done, the City will assume and have the responsibility of maintaining all portions of the Street.

We support the City Council in making this change, but we have four requests that are of paramount importance to OPOI and to the residents of the 1600 Block of LVDO:

1. We do not want any streetlights on the Street. Two surveys have been done of the residents of the 1600 Block of LVDO by the developer of the Rogers Tract (per the requirement of the City) and in each survey 100% of the residences have stated that they do not want streetlights. We all live on the Street because of the dramatic and beautiful views of the ocean. We do not want those views impaired or altered in any way by streetlights.
2. For much the same reasons we also do not want any above grade signs relating to parking or other topics.
3. We do not want a centerline painted on the Street for esthetic reasons.
4. Finally, in the future, should you consider any prospective changes to the Street in regard to the first three items, please discuss those proposed changes with us first so that we can have input on the matter.

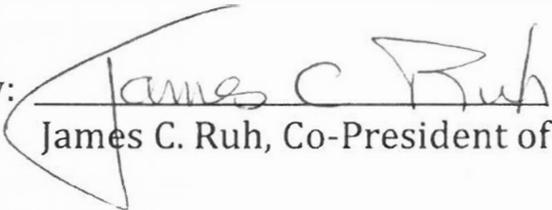
Other than the members of OPOI and the new residents of the Rogers Tract, no one else uses or travels on the Street on a

regular basis for the simple reason that it dead ends at the Rogers Tract, which is the 1700 Block of LVDO.

We feel that it is necessary to raise these issues because the City's Planning Commission required the developer of the reconfigured Rogers Tract lots shown on the 2005 subdivision map (Final Map No. 20,707) to put in two streetlights, notwithstanding that all the new residents of the Rogers Tract were vehemently opposed to it. We want to avoid a repetition of that situation.

Respecting our wishes will result in a cost savings to the City. Thank you in advance for your consideration of our wishes.

From Oceano Property Owners, Inc. and the residents of the 1600 Block of La Vista Del Oceano.

By:   
James C. Ruh, Co-President of OPOI

CHRONOLOGY  
HISTORY OF LA VISTA DEL OCEANO DRIVE

In 1922, the strip of land now known as La Vista Del Oceano Drive was first depicted on an unrecorded map of "La Vista Del Oceano Property." No public street easement was created at that time.

As early as 1926 and 1928, the owners of La Vista Del Oceano Property shown on the 1922 unrecorded map granted lots to individual owners. The new owners were also granted non-exclusive private road and utility easements for access from Cliff Drive.

In 1938, due to non-payment of taxes for the strip of land known as La Vista Del Oceano Drive, the property was conveyed to the City by "tax deed" executed by the respective Tax Collectors of the City and the County of Santa Barbara. The tax deed was recorded in Book 442, at Page 1, of Official Records. The tax deed did not contain an adequate property description.

On February 24, 1955, City Council adopted Resolution No. 2737, which declared public easements for many streets considered to be in public use. The various affected streets were shown on an "Official Map No. 1955-1 of Undedicated Streets in the City of Santa Barbara." Among other streets, this Resolution declared a public easement for traveled and untraveled portions of La Vista Del Oceano Drive at that time.

In 1959, a "Memorandum of Agreement" between the City and County of Santa Barbara was recorded in Book 1690, at Page 43, of Official Records. This Memorandum intended to convey several tax parcels to the City because they were "devoted to public uses, to wit: public streets and alleys." The Memorandum included the strip of land underlying La Vista Del Oceano Drive, and also intended the property to be conveyed to the City by tax deed recorded later in Book 1710, at Page 41, of Official Records. The tax deed did not contain an adequate property description.

In 1977, by map recorded in Book 17 of Parcel Maps, at Page 3, an undeveloped portion of the property known as La Vista Del Oceano Property was divided into two lots. This map also established a public easement for Ricardo Avenue to connect with La Vista Del Oceano Drive.

In 1988, following request by owners of lots fronting La Vista Del Oceano Drive northerly and easterly of Ricardo Avenue, City Council adopted Resolution No. 88-059. This Resolution ordered the vacation of the public right to use the uphill portion of La Vista Del Oceano Drive, as declared a public street in 1955 by Council Resolution No. 2737.

In 1989, the owners of lots uphill of Ricardo Avenue were allowed to construct the private portion of La Vista Del Oceano Drive within the owners' non-exclusive private road and utility easements originally granted for access. The private portion of La Vista

Del Oceano Drive was constructed pursuant to a design plan filed at the City's Public Works Department as Plan No. C-1-3654.

In 1989, the real property underlying the original portion of La Vista Del Oceano Drive was finally conveyed by tax deed filed as Instrument No. 89-056767, of Official Records. This tax deed contained a correct description that describes the City-owned strip of land with specificity.

In 1989, the owners of residential lots who constructed the private portion of La Vista Del Oceano Drive subsequently adopted bylaws necessary to form an association as a California nonprofit mutual benefit corporation. The owners' association is now officially named "Oceano Property Owners, Inc."

In 1992, the member owners of Oceano Property Owners, Inc. executed "Landowners' Agreements Establishing Covenants and Restrictions for a Portion of La Vista Del Oceano Subdivision." This instrument was recorded as Instrument No. 92-074728, of Official Records. Among other covenants, this instrument provided for the owners' maintenance of the private portion of La Vista Del Oceano Drive.

In 2005, a subdivision map was recorded in Book 201 of Maps, at Pages 57-60. This map merged certain undeveloped lots within the "Rogers Tract," located adjacent to La Vista Del Oceano Drive, and created six residential lots. The map also dedicated an additional public easement for the easterly extension La Vista Del Oceano Drive, as depicted on a design plan filed at the City's Public Works Department as Plan No. C-1-4141.

Between 2007 and 2010, the owners of certain undeveloped lots located downhill and southerly of Ricardo Avenue obtained permits to build homes. At that time, the final unimproved portions of La Vista Del Oceano Drive were constructed and now provide access to nearby residences from Cliff Drive and Ricardo Avenue.