



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2016

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 1135 San Pascual Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,816, and standard agreements relating to the approved subdivision at 1135 San Pascual, 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 1135 San Pascual Street (Attachment 1), was conditionally approved on October 1, 2014, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 056-14 (Attachment 2). The project is a four-unit condominium development. 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. The County Surveyor has reviewed this map for technical correctness.

In accordance with the SHO approval, the Owner, 1135 San Pascual, LLC, has 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.

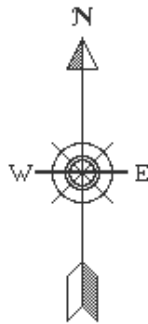
ATTACHMENTS: 1. Vicinity Map
2. Conditions required to be recorded concurrent with Parcel Map Number 20,816 by the Staff Hearing Officer Conditions of Approval Resolution Number 056-14

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

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
1135 San Pascual Street



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,816 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 056-14

ADDRESS

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 1, 2014, is limited to a four unit residential condominium project comprised of the existing one-story 1,152 square foot unit with a 300 square foot addition, and its existing one-car garage and three new two-story units of 1,294 square feet each, each with an attached one-car garage, 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. The project includes a Habitat Restoration and Enhancement Plan for the area adjacent to Old Mission Creek.
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. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Tree Protection.** The five existing oak trees and two acacia trees shown on the Tentative Subdivision Map shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
5. **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.
6. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Habitat Restoration/Enhancement Area (as shown on the Landscape Plan), which drains directly into Old Mission Creek.

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. **Parking Space Assignment.** Parking spaces within the project shall be allocated to each condominium unit in accordance with SBMC §28.90.100.G.3.e.
 - 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, reciprocal easement agreement, or similar agreement required by this condition.
8. **Residential Parking Permit Program.** If the Residential Parking Permit Program is extended to include the subject property, neither Owners nor residents of the units shall be eligible to participate in the Program.