



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 4, 2007

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 1759 Grand Avenue

RECOMMENDATION:

That Council approve and authorize the City Administrator to record Parcel Map No. 20,762, by 1759 Grand Avenue Associates, LLC, a Delaware Limited Liability Company, for a subdivision located at 1759 Grand Avenue, Santa Barbara County Assessor's Parcel Number 027-141-006, finding the Final Map in conformance with the General Plan for the City of Santa Barbara (City); execute and record an Agreement Relating to Subdivision Map Conditions Imposed on Real Property; and execute and record an Agreement for Land Development Improvements.

DISCUSSION:

A Tentative Map for a subdivision located at 1759 Grand Avenue (Attachment 1) was conditionally approved on June 7, 2007, by adoption of the Planning Commission's Conditions of Approval, Resolution number 025-07 (Attachment 2). The project involves the creation of a one-lot subdivision for construction of three residential condominium units.

In accordance with the Planning Commission's approval, the Owners (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit No. PBW2007-01147. It is necessary that Council approve the Parcel Map since it conforms to all the requirements of the Subdivision Map Act and the Municipal Code, applicable at the time of approval, of the Tentative Map (Municipal Code, Chapter 27.09.060).

REVIEWED BY: _____Finance _____Attorney

Agenda Item No. _____

Staff recommends that Council authorize the City Administrator to execute the subject *Agreement Relating to Subdivision Map Conditions Imposed on Real Property and Agreement for Land Development Improvements*. The *Agreement Assigning Water Extraction Rights* is being processed concurrently with this Council Agenda Report, but will be signed by the Public Works Director in accordance with City Council Resolution No. 02-131.

THE FINAL MAP IS AVAILABLE FOR REVIEW, BOTH IN THE CITY CLERK'S OFFICE AND THE MAYOR AND COUNCIL'S OFFICE.

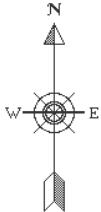
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions that are required to be recorded concurrent with Parcel Map No. 20,762 by the Planning Commission's Conditions of Approval, Resolution No. 025-07
 3. List of Owners and Members of LLC

PREPARED BY: Homer F. Smith II, Principal Engineer/VJ/kts

SUBMITTED BY: Paul Casey, Acting Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
1759 Grand Avenue



Not to Scale

**CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL
MAP NO. 20,762 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION
NO. 025-07**

1759 GRAND AVENUE

Said approval is subject to the following conditions:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
- Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- Landscape Plan Compliance.** The Owner 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. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
- 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 approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, 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.
- Approved Development.** The development of the Real Property approved by the Planning Commission on June 7, 2007 is limited to 3 dwelling units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- 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:
- 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.

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.

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.

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. **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.

Oak Tree Protection. The existing 2 tree(s) shown on the Tentative Subdivision Map shall be preserved, protected, and maintained. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees. 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.

ATTACHMENT 3

LIST OF OWNERS/MEMBERS OF 1759 GRAND AVENUE ASSOCIATES, LLC 1759 GRAND AVENUE

Dennis Carlton, Managing Director