



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 17, 2008

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 116 East Yanonali Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map No. 20,756 for a one-lot mixed-use residential and commercial condominium subdivision, finding the Final Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, the Tentative Subdivision Map, and other standard agreements relating to the approved subdivision; and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

DISCUSSION:

A Tentative Map for a subdivision located at 116 East Yanonali Street (Attachment 1) was conditionally approved on July 19, 2007, by adoption of the Planning Commission's (PC) Conditions of Approval, Resolution No. 030-07 (Attachment 2). The project involves a one-lot subdivision for the construction of six residential condominium units totaling 9,446 square feet, and six commercial condominium units totaling 4,456 square feet. The top level includes two residential units with roof decks. The existing 7,343 square-foot single story commercial building will be demolished.

In accordance with the PC approval, the Owner (Attachment 3) has signed and submitted the Final Map and the subject Agreements to the City, tracked under Public Works Permit No. PBW2007-01008. It is necessary that Council approve the Final 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).

Staff recommends that Council authorize the City Administrator to execute the subject *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Land Development Agreement*. 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 IN THE CITY CLERK'S OFFICE.

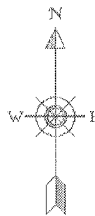
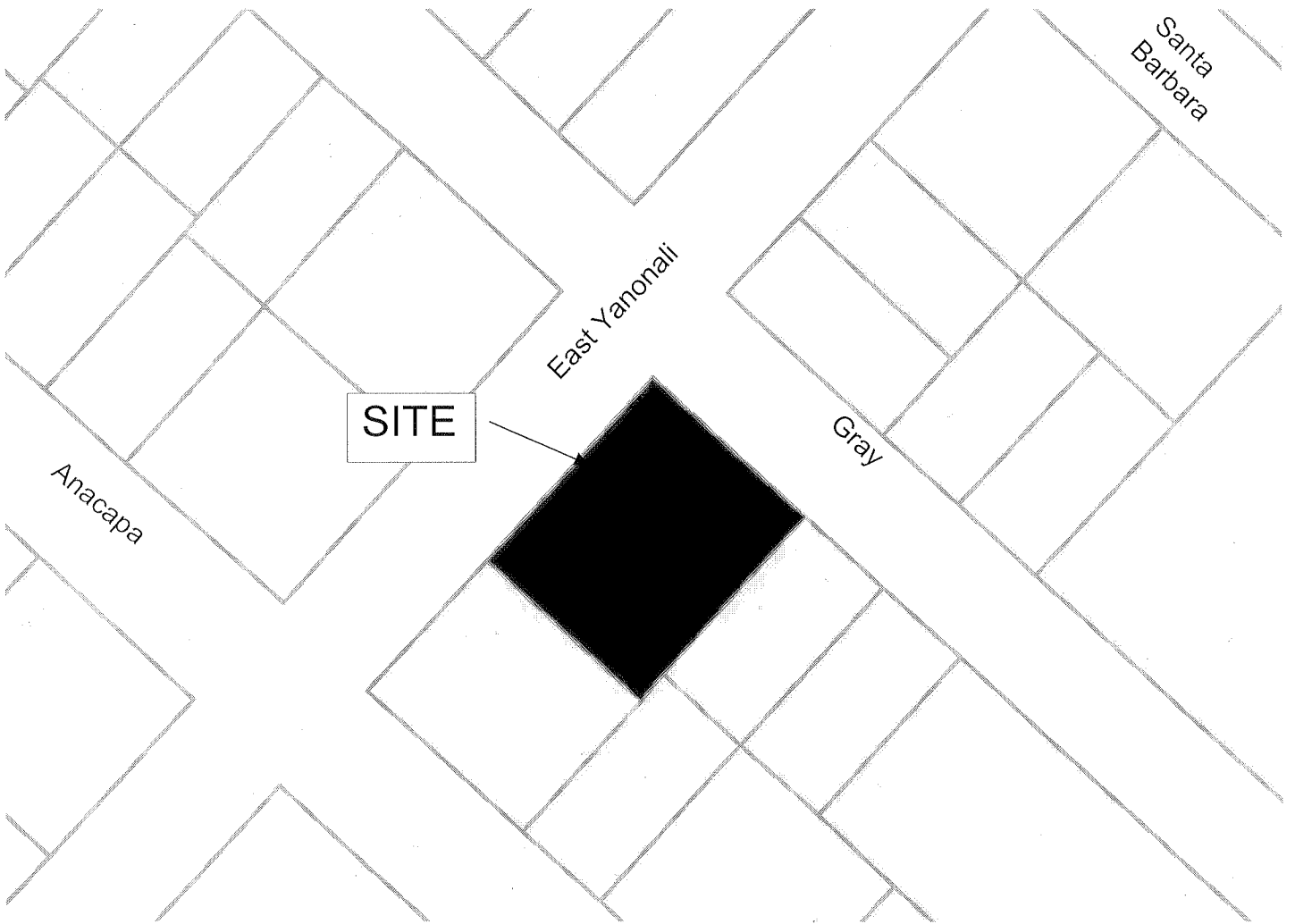
- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions that are required to be recorded concurrent with Final Map No. 20,756 by the Planning Commission Conditions of Approval, Resolution No. 030-07
 3. List of Owners/Members of LLC

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
116 East Yanonali



Not to Scale

**CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH
FINAL MAP NO. 20,756 BY THE PLANNING COMMISSION'S CONDITIONS OF
APPROVAL, RESOLUTION NO. 030-07**

116 E. Yanonali

Said approval is subject to the following conditions:

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:

- 1. 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.
- 2. Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
- 3. 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.
- 4. 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 Coastal Development 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.
- 5. Approved Development.** The development of the Real Property approved by the Planning Commission on July 19, 2007 is limited to approximately 19,935 square feet (gross) of building area that includes six (6) condominiums, each comprised of a dwelling unit and a commercial unit, along with 19 on-site parking spaces, 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.

6. **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:
 - 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. **Garage Parking Assignments.** One parking space shall be assigned to each residential condominium. The remainder of the parking spaces shall remain unassigned and available to all users of the site.
 - 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.
 - 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. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours at a minimum of between the hours of 8 a.m. and 7 p.m.
 - 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.
7. **Use Limitations.** Due to potential parking impacts, bars, restaurants, high intensity uses including fast food, catering, and small stores selling liquor and/or groceries are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant. Use of designated commercial space shall be limited to commercial use only, and shall not be used for residential purposes and shall be shown on a site plan recorded with the subdivision agreement.
8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.

ATTACHMENT 3

LIST OF OWNERS/MEMBERS DBN Yanonali, LLC, a Delaware Limited Liability Company

116 E. Yanonali

Steve Delson, President and Manager