



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 10, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 412 And 414 Anacapa Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,785 for a subdivision at 412 and 414 Anacapa Street, (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

DISCUSSION:

A Tentative Map for a subdivision located at 412 and 414 Anacapa Street (Attachment 1) was conditionally approved on April 2, 2009, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 009-09 (Attachment 2). The project includes subdividing an existing 13,500 square foot vacant parcel into three new lots, and construction of a new three-story mixed-use building on each new parcel.

In accordance with the PC approval, the Owner (Attachment 3) has signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2009-01049. 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 the 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*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed and recorded 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 20,785 by the Planning Commission Conditions of Approval, PC Resolution Number 009-09.
 3. List of Owner(s)/Trustees

PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map
412-414 Anacapa Street



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,785 BY THE PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NUMBER 009-09

412 - 414 Anacapa 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 2, 2009 is limited to 3 lots and a total of 4,074 square feet of commercial development 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. Lot 1 includes 1,780 net square feet of commercial area and a 1,930 net square foot residential unit on a 4,760 square foot lot with one covered and three uncovered parking spaces. Lot 2 includes 1,756 net square feet of commercial area and a 1,888 square foot residential unit on a 5,070 square foot lot with parking provided in one covered and three uncovered parking spaces. Lot 3 includes 538 net square feet of commercial area and a 3,295 net square foot residential unit on a 3,670 square foot lot with parking provided in two covered parking spaces and two uncovered.
2. **Uninterrupted Water Flow.** The Owner shall provide for the 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. **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.
5. **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 prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). 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 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.

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 parcels.
 - 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. **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.
 - d. **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. **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.
 - f. **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.
 - g. **C-M Zone.** CC&R's for each lot shall include an advisory statement that future development of adjacent parcels could consist of any uses that are permitted as defined in SBMC§28.69 C-M Commercial Manufacturing Zone.
7. **Use Limitations.** Due to potential parking impacts, the residential floor area shall not be converted to commercial floor area without further environmental review. 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.
8. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

ATTACHMENT 3

LIST OF OWNERS for
412 - 414 Anacapa Street

AnaBilt, LLC

Robin Donaldson, Manager

Eryn M. Donaldson

Russell Shubin