



Agenda Item No. _____

File Code No. 640.08

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 1829 State Street And 11 West Pedregosa Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,769 for a subdivision at 1829 State Street and 11 West Pedregosa Street (finding the Final 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; 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 on the southwest corner at 1829 State Street and 11 West Pedregosa Street (Attachment 1) was conditionally approved on November 8, 2007, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 044-07 (Attachment 2). The project involves the development of a three-story mixed use building, including 2,539 net square feet (sf) of commercial space which will be divided into six commercial and six residential condominium units, ranging in size from 1,720 to 2,535 net sf. Multiple pedestrian entry points are proposed along both State and Pedregosa Streets, and vehicular access will be removed from Pedregosa Street.

In accordance with PC approval, the Owners (Attachment 3) have signed and submitted the Final Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2008-00381. 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 the approval of the Tentative Map (Municipal Code, Chapter 27.09.060).

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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* was processed and recorded separately on February 13, 2009.

THE FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Final Map Number 20,769 by the Planning Commission's Conditions of Approval, Resolution Number 044-07
 3. List of Owners

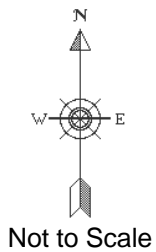
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vicinity Map

1829 State Street and 11 W. Pedregosa Street



Not to Scale

ATTACHMENT 2

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,769 BY THE PLANNING COMMISSION'S CONDITIONS OF APPROVAL, RESOLUTION NUMBER 044-07.

1829 State Street and 11 West Pedregosa Street

Said approval is subject to the following conditions:

- 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 water courses, conduits and any access road, as appropriate. 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.
- 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 Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the (HLC). The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
- 4. Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official, in consultation with the Parks and Recreation Department, Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control devices 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 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 November 8, 2007 is limited to approximately 2,539 net square of commercial building area that can be subdivided into as many as six commercial condominiums and six residential condominiums and the improvements shown on the Tentative Subdivision Map and the Development Plan 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 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. Unassigned Parking. All parking spaces other than those designated for residential purposes shall remain unassigned and available to all occupants and visitors to 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. Adequate space shall be provided and maintained for trash and recycling purposes.

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.

7. Lighting. Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

8. Street Tree Protection. The street trees within the City's right-of-way shall be preserved and protected.

ATTACHMENT 3

LIST OF OWNERS

1829 State Street and 11 West Pedregosa Street

Emmet J. Hawkes

Sally Hawkes