



# 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 618 San Pascual Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,782 for a subdivision at 618 San Pascual 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 618 San Pascual (Attachment 1) was conditionally approved on March 11, 2009, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 020-09 (Attachment 2). The proposed project involves construction of four new attached residential condominium units, price restricted to low-income households.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit Number PBW2009-01309. 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 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.**

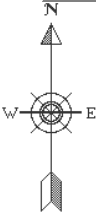
- ATTACHMENTS:**
1. Vicinity Map
  2. Conditions required to be recorded concurrent with Parcel Map Number 20,782 by the Staff Hearing Officer Conditions of Approval, Resolution Number 020-09.
  3. List of Owners/Trustees

**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  
618 San Pascual



Not to Scale

**CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,782 BY THE STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NUMBER 020-09**

**618 San Pascual Street**

Said approval is subject to the following conditions:

**Recorded Conditions 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. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 11, 2009 is limited to construction of four new attached residential condominium units price restricted to Low-Income Households, consisting of two 981 sf two-bedroom units, one 1,127 sf two-bedroom unit, and one 789 sf one-bedroom unit, four attached single-car garage between 212 and 242 sf; grading totaling 1,830 cu yds, with 1,821 cu yds of cut and 9 cu yds of fill; 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.
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 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. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Unit 1, 2, 3 and 4 on the Tentative Subdivision Map shall be designated as Affordable Low-Income Units and sold only to households who, at the time of their purchase, qualify as Low-Income Households as defined in the City's Affordable Housing Policies and Procedures.

The Affordable Units shall be sold and occupied in conformance with City Agreement No. 22463B and required replacement covenants. The resale prices of the Affordable Units shall be controlled by means of replacement covenants executed by the Owners and the City to assure continued affordability for at least forty-five (45) years from the initial sale of each affordable unit. No affordable unit may be rented prior to its initial sale.

7. **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. **Vehicle Registration Restriction.** A covenant that restricts each unit household to ownership of one vehicle and requires yearly monitoring by Habitat for Humanity of Southern Santa Barbara County to ensure no more than one vehicle is registered at each address. Habitat for Humanity of Southern Santa Barbara County shall maintain records of vehicle ownership and produce those records to the City upon request within two working days.
  - 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. **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.
  - 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. **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. **Bicycle Parking.** A minimum of four bicycle parking spaces shall be provided on site in a lockable and covered location.
8. **Residential Permit Parking Program Restriction.** Residents shall not participate in the Residential Permit Parking Program.
9. **Notice to Property Owner.** The City has identified 45 dBa Ldn as the maximum acceptable indoor noise exposure level for multiple family residences. To achieve interior noise levels below 45 dB Ldn for the projected 2025 noise environment, exterior windows must be closed.

# **ATTACHMENT 3**

## **LIST OF OWNERS Habitat for Humanity**

618 San Pascual

**Joyce McCullough, Executive Director**

**Stephen Baker, President of the Board**