



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: August 24, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 401 W. De La Guerra And 781 Castillo Streets

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,794 for a one-lot subdivision for two residential condominiums (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 the subdivision located at 401 W. De La Guerra and 781 Castillo Streets (Attachment 1), was conditionally approved on September 23, 2009, by adoption of the Staff Hearing Officer Conditions of Approval, Resolution Number 078-09 (Attachment 2). The project involves the conversion of one existing single-family dwelling into two condominiums.

In accordance with the Staff Hearing Officer 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 PBW2010-00586. 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 that are required to be recorded concurrent with Parcel Map Number 20,794 by the Staff Hearing Officer Conditions of Approval Resolution Number 078-09
 3. List of Owners/Trustees

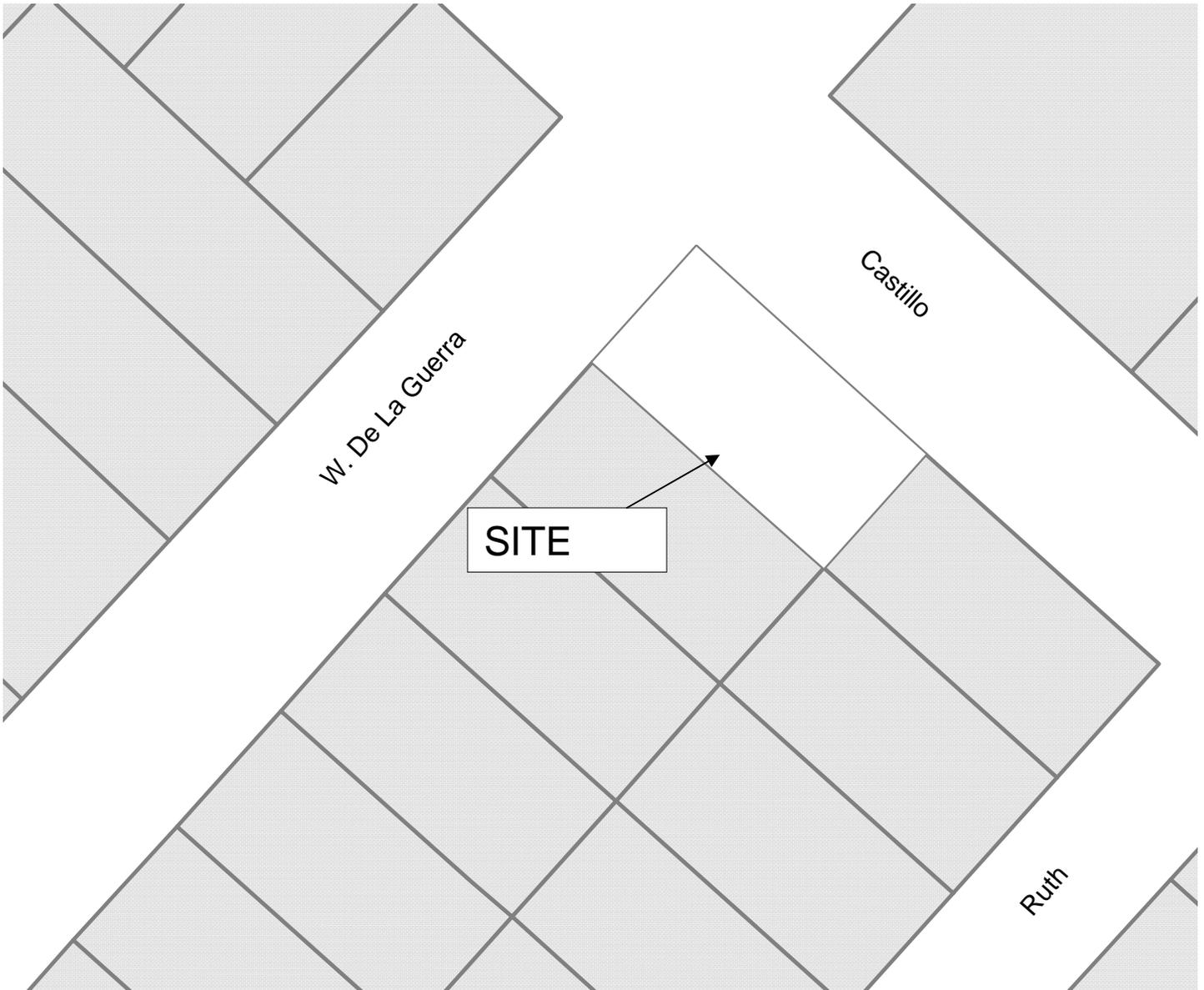
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map 401 West De La Guerra and 781 Castillo Streets



Not to Scale

ATTACHMENT 2

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,794 for 401 W. DE LA GUERRA AND 718 CASTILLO STREETS BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 078-09

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on September 23, 2009 is limited to the conversion of residential duplex to two (2) residential condominiums 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 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. The following tree protection measures shall be included:
 - 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. **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.
5. **Required Private Covenants (CC&R's).** 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. **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. 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.
- 6. Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- 7. Right to Protest Public Improvement District.** The property owner waives the right to protest the formation of any future public improvement districts.

ATTACHMENT 3

LIST OF OWNERS

401 W. De La Guerra and 781 Castillo Streets

David Karschner

Carol Lee

Stephen Mori

Kae Mori