



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 9, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 825 West Victoria Street And 1229 Gillespie Way

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,780 (Map) and standard Agreements relating to the approved subdivision at 825 West Victoria Street and 1229 Gillespie Way.

DISCUSSION:

A Tentative Map for the subdivision located at 825 West Victoria Street and 1229 Gillespie Way (Attachment 1), was conditionally approved on May 20, 2009 by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 040-09 (Attachment 2). The project involves converting two legal existing single-family residences on one lot to two residential condominiums. Staff has reviewed the Map and has found the Map to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City. Council approval is required if Council agrees with the staff determination that the Map 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, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *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 20,780 by the Staff Hearing Officer Conditions of Approval Resolution Number 040-09
 3. List of Owners/Trustees

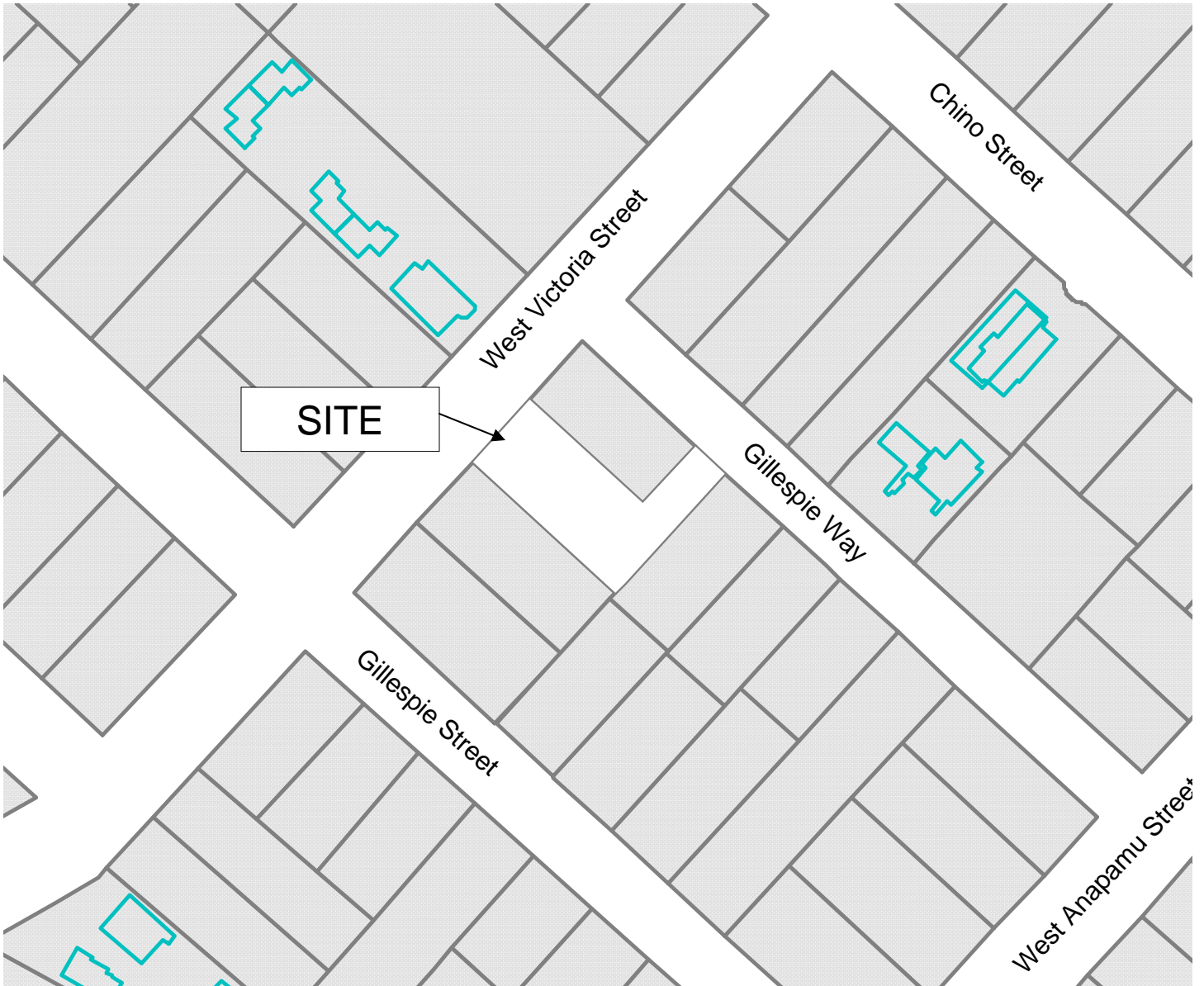
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map 825 West Victoria and 1229 Gillespie Way



Not to Scale

ATTACHMENT 2

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,780 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 040-09

825 WEST VICTORIA AND 1229 GILLESPIE WAY

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on May 20, 2009 is limited to two (2) condominium units 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. **Recorded Affordability Covenant.** Prior to the approval of the final parcel map by the City Council, the applicants shall sign two separate affordability agreements in a form suitable for recordation, one for each of the two parcels ("Affordability Covenants"). The Affordability Covenants shall each be in a form substantially similar to "Exhibit B" of the affordability covenant recorded in the County Recorder's Office on April 14, 2008 as document 2008-0021424. The initial maximum sale price of each of the two units as stated in each Affordability Covenant shall be One Hundred Ninety-Four Thousand Nine Hundred Dollars (\$194,900). The Affordability Covenants shall expire on February 11, 2012, after which either unit or both units may be sold to any buyers at any price. The City shall record each Affordability Covenant against the appropriate parcel after the final parcel map is recorded and the parcel numbers have been assigned by the County.
5. **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 and Uncovered Areas Available for Parking.** A covenant that includes a requirement that all garages and designated uncovered parking areas be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garage/parking areas 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.

ATTACHMENT 3

LIST OF OWNERS

825 West Victoria Street and 1229 Gillespie Way

Paige Patterson Wilson

Colleen Kelly

Alfred Ramirez