



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 14, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 810 Bond Avenue And 516 N. Nopal Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map (Map) Number 20,791 and standard agreements relating to the approved subdivision at 810 Bond Avenue.

DISCUSSION:

A Tentative Map for the subdivision located at 810 Bond Avenue (Attachment 1), was conditionally approved on April 9, 2008, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 029-08 and Planning Commission Resolution Number 035-08 (Attachment 2). The project involves the conversion of an existing four-story mixed-use development at 810 Bond Avenue which will convert three existing residential apartments to condominium units, and one existing commercial space on the ground floor to one commercial condominium unit. Staff has reviewed the Map and has found it 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 SHO and Planning Commission approval, the Owners (Attachment 3) have signed and submitted the Map and the required agreements to the City, tracked under Public Works Permit Number PBW2010-00330. 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).

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* was recorded with the County of Santa Barbara as Instrument Number 2003-0156795 on November 17, 2003.

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

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,791 by the Planning Commission Conditions of Approval Resolution Number 035-08
 3. List of Owners/Trustees

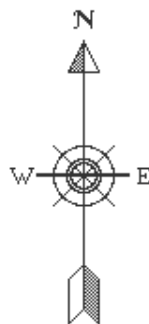
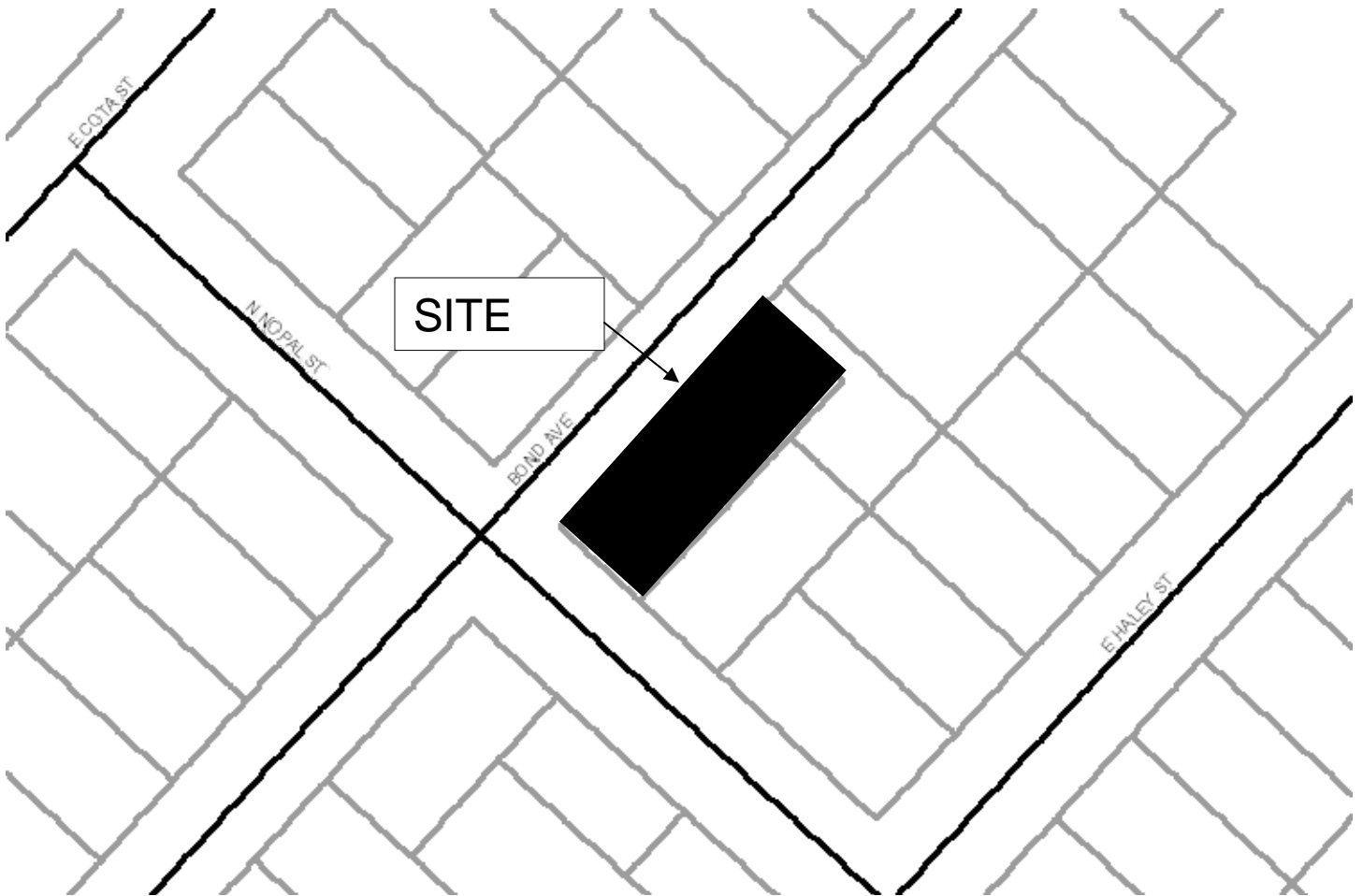
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map 810 Bond Avenue and 516 N. Nopal Street



Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,791 BY STAFF HEARING OFFICER CONDITIONS OF PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NUMBER 035-08

810 Bond Avenue and 516 N. Nopal 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 watercourses, conduits and any access road, as appropriate.
2. **Required Private Covenants.** The Owners shall submit 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. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted. The uncovered parking space for Unit B, as shown on the project plans, shall be reserved for that unit.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping and open space 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.
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 approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods 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 a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 18, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara.
7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Planning Commission review and approval. 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. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.

ATTACHMENT 3

LIST OF OWNERS

810 Bond Avenue and 516 N. Nopal

Peter Kurrells

Silvia Kurrells