



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 Final Map And Execution Of Agreements For 535 East Montecito Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,795 and other standard Agreements relating to the approved subdivision at 535 East Montecito Street, 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 the subdivision located at 535 East Montecito Street (Attachment 1), was conditionally approved on August 21, 2008, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 032-08 (Attachment 2). The project involves the construction of 48 residential condominium units in four separate buildings on one lot. Staff has reviewed the Final Map (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 PC approval, the Owner(s) (Attachment 3) have signed and submitted the Final 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* and the *Agreement for Land Development Improvements*.

The required *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.

In addition to the agreements mentioned above, a *Minor Encroachment Permit* is being processed for the installation and maintenance of a private storm drain system, located partially in the Montecito Street public right of way, which will also be signed by the Public Works Director, as authorized by Chapter 10.55 of the Santa Barbara Municipal Code.

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 20,795 by the Planning Commission/Council Conditions of Approval Resolution Number 032-08
 3. List of Owners/Trustees

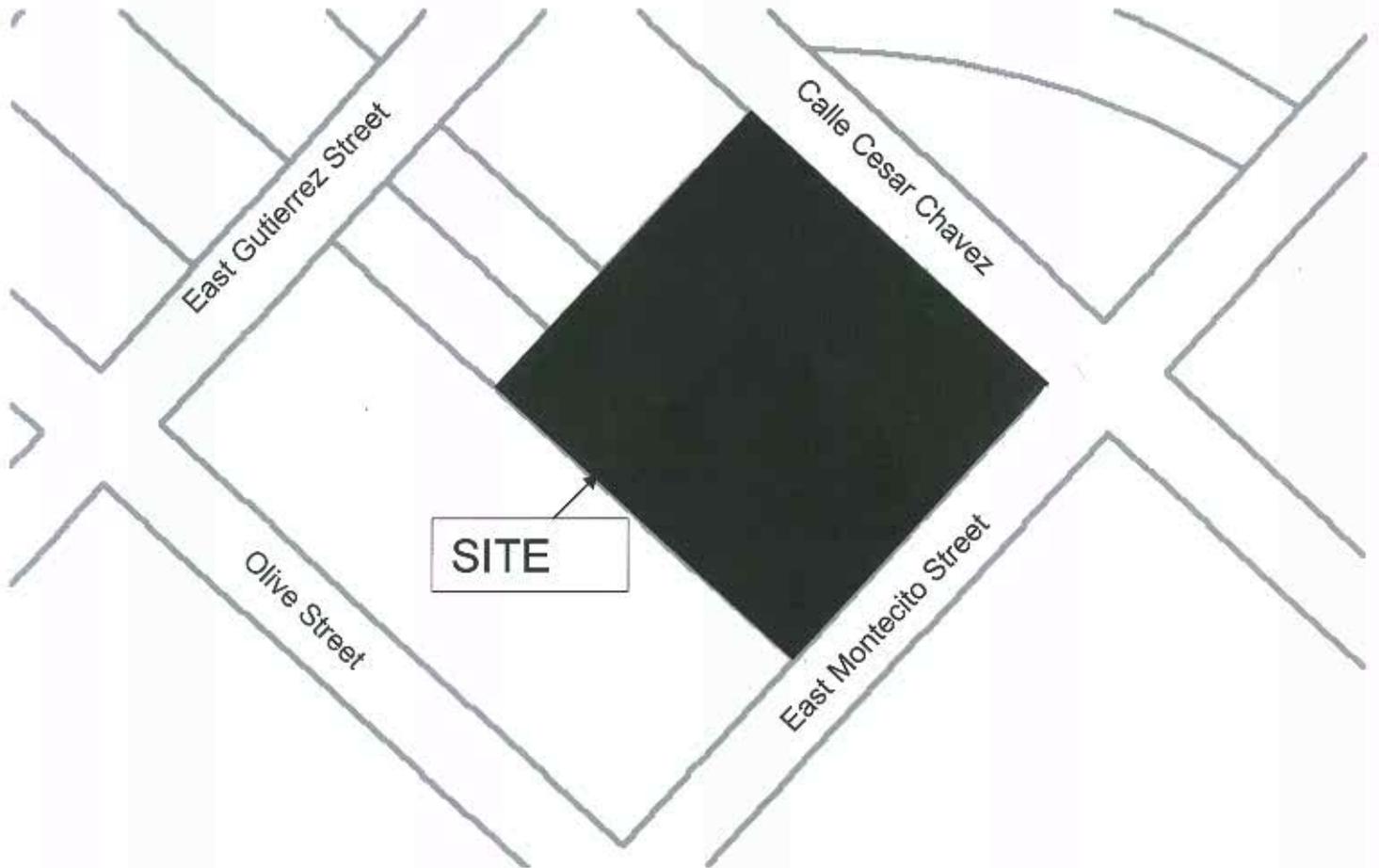
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
535 East Montecito Street



Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,795 BY THE PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NUMBER 032-08

535 East Montecito 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. **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 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.
4. **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.
5. **Ownership Unit Price Restrictions.** The resale prices of the below-market priced units shall be controlled by means of a recorded price-control covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the unit. No unit may be rented prior to its initial sale. The covenant shall include the following requirements:
 - a. The owners must occupy their unit as their principal residence.
 - b. At least one owner of each below-market priced unit must work in the City of Santa Barbara at the time of purchase.
 - c. Forty (40) of the 48 units shall be sold as Below-Market Price units.

- d. The remaining 8 units may be sold at market prices, without any limits on the incomes of the purchasers.
 - e. The total sale prices of the 48 dwelling units on the property, including the 8 market-rate units, shall not exceed the sum of the Development Costs plus a Developer's Fee (which shall not exceed \$2,000,000). The term "Development Costs" shall mean the total costs of buying and holding the land, plus all soft costs (including architecture, engineering, consultants, etc.), financing costs, all construction costs including contractor profit and overhead, and costs of marketing and sale. Development Costs shall be determined prior to the initiation of marketing through a cost certification process to be overseen by the Community Development Director.
 - f. The average pricing of the 40 Below-Market Price Units on initial sale shall not exceed \$565,000. No Below-Market Price Unit shall be priced at more than \$645,000 on initial sale. The average pricing charged to the initial buyers of the 40 Below-Market Price Units may continue to increase by up to 2.5% annually between Planning Commission approval and the sale of the units, in order to defray increased construction costs which may occur.
6. The Below-Market Price units shall be subject to recorded price control covenants in a form approved by the City Attorney and to be signed by the Developer and City that restrict the resale prices for at least 90 years. The annual price increase allowed shall be 2.5%.
 7. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 21, 2008 is limited to 48 residential condominium units in six, three-story buildings, subject to the price restrictions stated above, and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. On November 19, 2009, a Substantial Conformance Determination was made to allow the project to be built in four, rather than six buildings. The project is also subject to the requirements of the SP-10 (Los Portales Specific Plan) Zone
 8. **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 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.
9. **Tot Lot.** The Homeowner's Association shall include a budget to create a tot lot in the open space onsite.
10. **Off-Site Parking Agreement.** If feasible, submit an off-site parking agreement to provide off-site parking to meet the parking demand for guest parking, as determined by the Public Works Director. The agreement shall comply with the provisions of Subsection 28.90.001.18 of the Santa Barbara Municipal Code and is subject to review and approval by the City Attorney.
11. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.

ATTACHMENT 3

LIST OF OWNERS

Los Portales 48 Lots, LLC, a Delaware Limited Liability Company

535 East Montecito Street

William Mc Reynolds, Vice President of Development