



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 8, 2015

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 3626 San Remo Drive

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,818 and standard agreements relating to the approved subdivision at 3626 San Remo Drive, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title record.

DISCUSSION:

A Tentative Map for the subdivision located at 3626 San Remo Drive (Attachment 1), was conditionally approved on August 14, 2014, by adoption of the Planning Commission (PC) Conditions of Approval, Resolution Number 022-14 (Attachment 2).

The project involves a four-lot subdivision for four new single-family residences. Public improvements include a new fire hydrant, a street light, and a sidewalk along the street frontage on San Remo Drive. Staff has reviewed the Parcel 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 the PC approval, the Owners (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-01399. 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 *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.

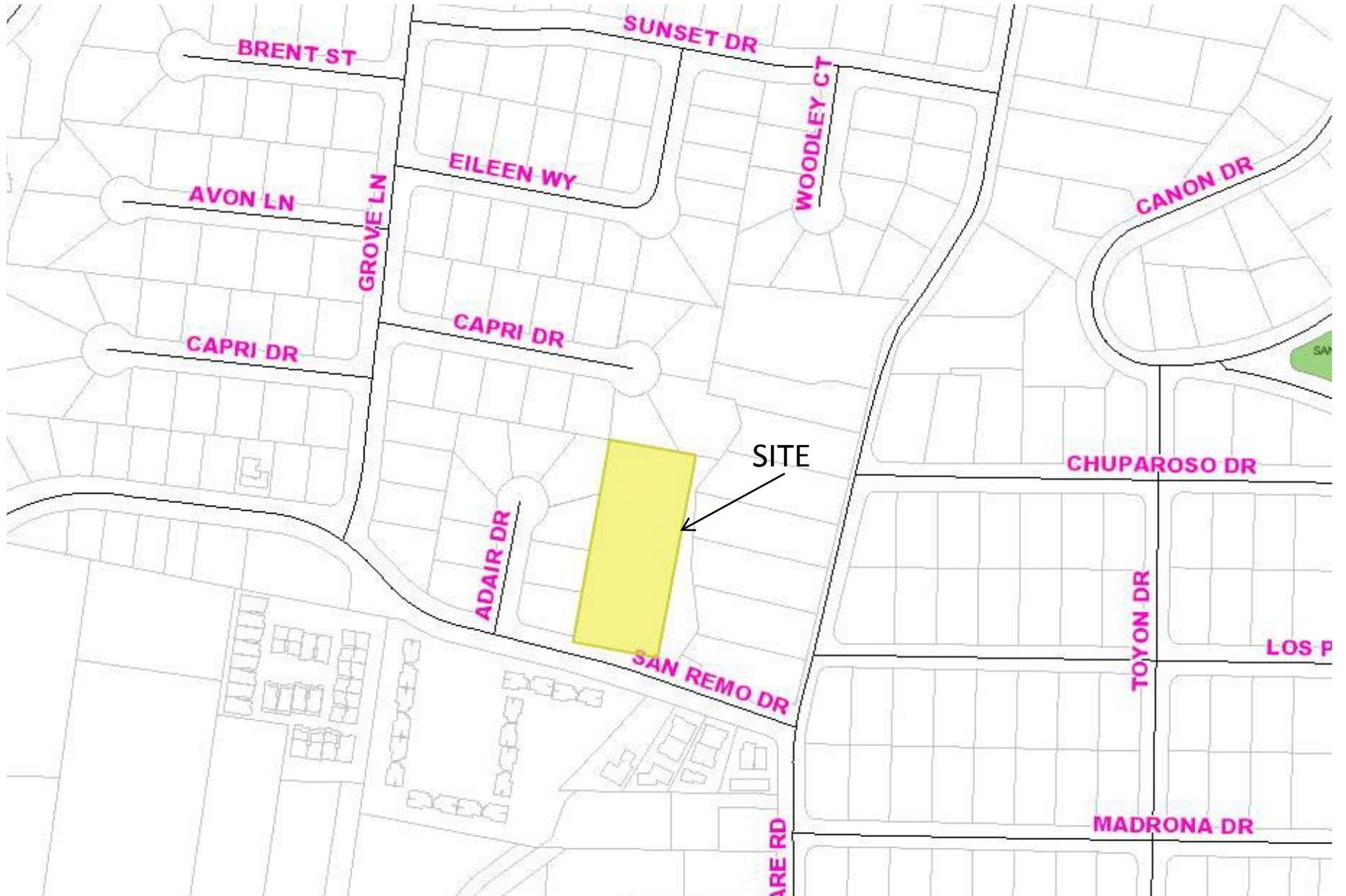
THE PARCEL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,818 by the Planning Commission Conditions of Approval Resolution Number 022-14
 3. List of Owners/Trustees

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DAS/kts

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,818 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 022-14

3626 San Remo Drive

Said approval is subject to the following conditions:

Approved Development: The development of the Real Property approved by the Planning Commission on August 14, 2014 is limited to the subdivision of a 66,372 square foot property into four lots ranging in size between 14,094 square feet and 17,350 square feet; demolition of the existing garage, studio apartment, the existing residence, shed, lath house, and driveway; construction of a new driveway, drainage improvements, implementation of a creek restoration plan, and approximately 1,492 cubic yards of total grading; documentation of the existing residence; a view corridor easement; and the improvements shown on the Tentative Subdivision Map signed by the chair of the Planning Commission on said date and on file at the City of Santa Barbara with the following changes:

a. The portion of the View Corridor on Parcel 4 shall be expanded westward to include the area between the western top bank and a line 45 feet west of and parallel to the western top of bank.

2. **Design Review for Future Residences:** Any new residence proposed for construction on Lots 1, 2 or 4 created by the subdivision, shall be subject to review and approval of the Single Family Design Board. Demolition of, or alterations to, the existing residence on Lot 3 require approval by the Historic Landmarks Commission because the existing house is on the City's List of Potential Historic Resources
3. **Tree Removal Timing:** No tree greater than 4 inches in diameter at four feet above grade shall be removed for the development of the individual lots until after the tree removal receives Final Approval by the Single Family Design Board in association with the subdivision grading plan or a landscape plan for the development of each of the individual lots. Tree removals may occur, however, if it is demonstrated that a tree is diseased and the tree's condition is a source of present danger to healthy trees in the immediate vicinity, the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, the tree is dead, or the Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.
4. **Lighting:** All outdoor lighting shall conform with the City's Outdoor Lighting and Streetlight Design Guidelines and Chapter 22.75 of the Municipal Code (Outdoor Lighting). Exterior lighting shall be designed to control glare, minimize light trespass into the riparian habitat area and onto adjacent properties, and minimize direct upward light transmission.

5. **Uninterrupted Water Flow:** The Owner(s) 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.
6. **Recreational Vehicle Storage Limitation:** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board.
7. **Landscape Plan Compliance:** The Owner(s) shall comply with the Landscape Plan approved by the Single Family Design Board or Historic Landmarks Commission, as applicable. Such plan shall not be modified unless prior written approval is obtained from the Single Family Design Board or Historic Landmarks Commission. 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 Single Family Design Board or Historic Landmarks Commission, as applicable, the Owner(s) is responsible for its immediate replacement. The following tree protection measures shall be incorporated:
 - a. **Tree Protection:** The existing trees shown on the Oak Tree Inventory and Mitigation Plan prepared by Bill Spiewak, dated November 11, 2013, shall be preserved, protected, and maintained in accordance with the recommendations contained in the accompanying arborist's report prepared by Bill Spiewak.
 - b. **Irrigation:** No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - c. **Herbicides and Fertilizer:** The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree except as provided by the Tree Protection Measures in the aforementioned Arborist's Report.
8. **Storm Water Pollution Control and Drainage System Maintenance:** Owner(s) 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 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(s) 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(s) 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.

9. **Development Rights Restrictions:** The Owner(s)(s) shall not make any use of the property contained in the Conservation Easement other than passive recreation, native plantings, creek restoration and stormwater facilities. The restricted areas shall be shown on the Parcel Map. The Owner(s) shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
10. **Required Private CC&Rs:** The Owner(s)s 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, including landscaping; common access ways; common utilities and other similar shared or common facilities or improvements of the development, including the driveway, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various Owner(s)s of the parcels.
11. **Pesticide or Fertilizer Usage Near Creeks:** The use of pesticides or fertilizer shall be prohibited within the Conservation Easement area adjacent to San Roque Creek.
12. **Geotechnical Liability Limitation:** The Owner(s) understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement or subsidence and assumes liability for such Hazards. The Owner(s) unconditionally waives any present, future and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner(s) agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner(s)(s)'s successor-in-interest or third parties.

ATTACHMENT 3

3626 SAN REMO DRIVE

CAPITAL PACIFIC DEVELOPMENT

LIST OF OWNERS

Gavin Moores, CEO and President

Michael O' Flynn, CFO and Secretary