

TO: Andrew P. Powers, City Manager

FROM: Clifford G. Finley, Public Works Director

DATE: September 27, 2022

SUBJECT: Land Division Map for Lakes Residential Development (LD 2021-70435)

RECOMMENDATION:

1. Adopt resolution authorizing the approval of Final Parcel Map No. LD 2021-70435 by designated City staff for future recordation (T.O. Lakes, LLC).
2. Authorize the City Engineer to approve and City Clerk to sign the Parcel Map and Access Easement Covenant when they are in a complete and acceptable form, and to process other necessary and pertinent documents and drawings.
3. Authorize City Engineer to approve, and the Mayor and City Manager to sign the Owner's Statement on the Parcel Map, Access Easement Covenant, and other related documents on behalf of the City when they are in a complete and acceptable form.
4. Authorize City Clerk and other necessary City staff to sign an Abandonment Certificate for unnecessary public utilities easement previously reserved for public benefit and identified on the cover sheet of Parcel Map LD 2021-70435 which will enable the public utilities easement to be abandoned upon recordation of the Parcel Map.

FINANCIAL IMPACT:

No Additional Funding Requested. Minimal staff time required to prepare staff report is included in the Adopted FY 2022-23 General Fund Budget.

BACKGROUND:

On November 30, 2021, City Council approved DP 2021-70434 and LD 2021-70435 via Resolution No. 2021-063 for a Land Division and the construction of up to a 165-unit apartment building and associated site improvements with T.O. Lakes, LLC. The approved Land Division will divide the existing 7.50-acre parcel

to create two air parcels and one master parcel at the site of the Lakes Shopping Center at 2200 E. Thousand Oaks Boulevard (Attachments #1 and #2).

As part of the aforementioned approvals, the City entered into a Development Agreement with T.O. Lakes, LLC. The agreement affirms that the property may be sold to T.O. Lakes, LLC if certain conditions have been met. As part of the project plans, the Final Map needs to be created, however, pursuant to Article 3.3.1 of the Development Agreement, the Final Map may be approved but shall not be recorded prior to Developer's exercise of the Purchase Option.

The existing property is encumbered with an easement reserved by the City recorded on April 24, 1974, for the purposes of public utilities, which includes water, sewer, stormwater, and cables used for the transportation of electric energy. However, no utilities are located in the easement and the easement has not been used for the purposes of conveying public infrastructure.

DISCUSSION/ANALYSIS:

The location of the existing public utilities easement runs through the approved location of the approved apartment building. The residential development will not require any portion of the existing public utilities easement to provide any public utilities, and any future use of the easement is not anticipated. Therefore, to clear any unnecessary burdens on the property and properly remove the easement from the title, staff recommends abandonment of the public utilities easement at this time.

The Subdivision Map Act requires City Council authorization via resolution prior to abandonment or quitclaim of an easement reserved for public benefit (Attachment #3). After City Council authorization, City Clerk will sign the abandonment certificate located on the cover sheet of Parcel Map LD 2021-70435, which will enable the public utilities easement to be abandoned upon recordation of the map.

T.O. Lakes, LLC has submitted several Parcel Map revisions for review, and City staff is currently finalizing the final corrections needed to ensure technical accuracy before recordation. All requirements of the Thousand Oaks Municipal Code, Title 9, Chapter 3 (Subdivision Ordinance) have been complied with and the Tentative Map Conditions have been met. The map, after all final revisions, will comply with the provisions of the Subdivision Map Act and staff will ensure that the map will be technically correct. Staff is therefore recommending City Council authorize City Clerk to accept and sign and City Engineer to approve and sign the Parcel Map and Access Easement Covenant when they are in a complete and acceptable form, and to process other necessary and pertinent documents and drawings. As noted above, the Final Map shall not be recorded prior to Developer's exercise of its option to purchase the property, which has yet to occur.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

J. Implement high quality revitalization projects within Thousand Oaks Boulevard and Newbury Road Areas; Develop a pedestrian-oriented, viable, and self-sustaining "Downtown;" and, continue to support production of long-term affordable housing.

PREPARED BY: Bradley Bussell, Sr. Civil Engineer

Attachments:

Attachment #1 – Vicinity Map

Attachment #2 – Location Map

Attachment #3 – Resolution Accepting Parcel Map LD 21-70435