



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: December 11, 2007
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: N/A

TO: Board of Supervisors
FROM: Department John Baker, 568-2085
Director:
Contact Info: Dave Ward, P&D Deputy Director 568-2520
SUBJECT: Harber/Thrane Condominium Subdivision Agreement, 03TPM-00000-00024

County Counsel Concurrence

Yes

Auditor-Controller Concurrence

N/A

Other Concurrence: N/A

N/A

Recommended Actions:

That the Board of Supervisors approve and execute a condominium subdivision agreement with Marcus and Hope Thrane and Richard and Judy Harber to provide certain notices and protections to the tenants of two existing rental units located at 530A and 530B San Ysidro Road (APN 011-200-057) in the Montecito area. County Counsel has reviewed and approved as to form the attached condominium subdivision agreement.

Summary Text:

On May 19, 2004, the Montecito Planning Commission approved a Tentative Parcel Map (03TPM-00000-00024, TPM 14,646) to convert two existing rental units into an airspace condominium subdivision. The Montecito Planning Commission imposed numerous conditions, including a condition that the Subdividers, Marcus and Hope Thrane and Richard and Judy Harber, enter into an agreement with the County to provide certain notices and protections to the tenants pursuant to the requirements of the Subdivision Map Act, Government Code Section 66427.1 and the Housing Element of the Comprehensive Plan. It is the County's practice to enter into an agreement with the subdivider to ensure compliance with these requirements for tenant noticing and protection. Once approved and executed by the Board of Supervisors, the agreement will be recorded with the final map for the condominium subdivision. Specifically, the agreement includes the following provisions:

1. As required by the policies of the Housing Element, no tenant residing in the project on the date of approval of this Tentative Parcel Map shall be evicted within five year from the date of such

approval as a direct result of the conversion of the project rental units to a condominium. This agreement shall not prevent the eviction of any tenant for violation of any agreement, expressed or implied, or shall not prevent the expiration of standard lease agreements between subdivider and tenants.

2. Pursuant to the Subdivision Map Act, Government Code Section 66427.1(b), each of the tenants residing in the project on the date of recordation, if any, will be given written notification within ten days of approval of a final parcel map for the condominium conversion. Proof of such notice, or proof that such notice is not necessary because there are no tenants, shall be provided concurrent with recordation.
3. Pursuant to the Subdivision Map Act, Government Code Section 66427.1(c), each of the tenants residing in the project, if any, has been, or will be, given 180 days written notification of the intention to convert prior to the termination of tenancy due to the conversion, or subdivider shall provide proof that such notice is not necessary because there are no tenants, shall be provided concurrent with recordation.
4. Pursuant to the Subdivision map Act, Government Code Section 66427.1(d), that each of the tenants, if any, residing in the project shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such first right to purchase shall run for a period not less than 90 days from the date of issuance of the subdivision public report (Business and Professions Code section 11018.2), unless the tenant gives prior notice of his intention not to exercise the right.
5. As required by the policies of the Housing Element, for tenants residing in the project on the date of approval of the Tentative Parcel Map, for a period of five years commencing upon the date of approval of this Tentative Parcel Map, the rent on their units shall not be increased more than the percentage increase in the Consumer Price Index for all urban consumers for the Los Angeles-Long Beach area (1967-100) as published by the U.S. Department of Labor's Bureau of Labor Statistics, except that, in addition, such rent may be increased or shall be decreased in order to pass onto such tenants their pro-rata share (calculated on the basis of the total number of units in the condominium project) of the increase or decrease in the real property taxes as compared to the property taxes during the period until termination of tenant's occupation. The term "property taxes" shall mean and include all taxes, assessments, and other governmental charges, general or special, ordinary or extraordinary, of any kind or nature whatsoever, applicable to the property covered by this Tentative Parcel Map. This condition shall not apply to changes in the terms of lease rental agreements which are in effect at the date of approval of the Tentative Parcel Map.

Background:

On May 19, 2004, the Montecito Planning Commission approved the Harber/Thrane Tentative Parcel Map (03TPM-00000-00024, TPM 14,646) to subdivide a 0.29 acre parcel with two existing rental units into an airspace condominium subdivision. On October 17, 2007, the Montecito Planning Commission approved a Time Extension to extend their original approval to May 19, 2009.

Conditions 6-10 of the approved Tentative Parcel Map (03TPM-00000-00024, TPM 14,646) require the subdivider to enter into a condominium subdivision agreement with the County prior to recordation of the final map. Unlike Tract Maps, the final map for a Condominium Conversion does not need to be reviewed and approved by the Board of Supervisors prior to recordation. As such, the final map for the Harber/Thrane Condominium Conversion project has not been forwarded to the Board of Supervisors for approval along the attached condominium subdivision agreement.

The action recommended to the Board of Supervisors to approve and execute the condominium subdivision agreement is required in order to record the final map. Approving and executing the agreement will have no impact on County service levels.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: The costs for processing this application and preparing the agreement are entirely borne by the applicant. Funding for this work is budgeted in the Permitting and Compliance program of the Development Review South division on page D-286 of the Fiscal Year 2007/08 adopted budget.

Staffing Impacts:

Legal Positions:

N/A

FTEs:

N/A

Special Instructions:

Clerk of the Board shall forward the Minute Order to Planning & Development. The approved and executed agreement shall be forwarded to the County Surveyor's Office for appropriate processing.

Attachments:

A. Condominium Subdivision Agreement

Authored by:

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Development Review Division – South, P&D

cc: Surveyor's Office