

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: January 26, 2006
Department Name: Planning & Development
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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning and Development

STAFF

CONTACT: Alex Tuttle, 884-6844

SUBJECT: Murphy Condominium Subdivision Agreement, TPM 14,669

Recommendation:

That the Board of Supervisors approve and execute a condominium subdivision agreement with John and Suzanne Murphy to provide certain notices and protections to the tenants of the 528 A and B San Ysidro Road and to limit the rent increases for said rental units for a five year period.

Alignment with Board Strategic Plan:

Goal 1

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community; and

Goal 6

The recommendation is primarily aligned with Goal No. 6. A County Government that is Accessible, Open, and Citizen-Friendly.

Executive Summary and Discussion:

On June 15, 2005 the Montecito Planning Commission approved a Tentative Parcel Map application (05TPM-00000-00006, TPM 16,669) to convert an existing duplex at 528 A and B San Ysidro Road into two condominiums. In approving the Tentative Parcel Map for the condominium conversion, the Montecito Planning Commission imposed numerous conditions,

including a condition that the Subdivider, John and Suzanne Murphy, enter into an agreement with the County to provide certain notices and protections to the tenants residing in the duplex and to limit the rent increases for the duplex for a five year period. These noticing requirements and tenant protections are provided for in the State Subdivision Map Act, Government Code Section 66427.1. Specifically, the agreement includes the following provisions:

1. No tenant residing in the duplex on the date of approval of the Tentative Parcel Map shall be evicted within five years of the date of approval of the parcel map as a direct result of the conversion of the project's rental units to a condominium. This provision shall not prevent the eviction of any tenant for violation of any agreement, express or implied, or shall not prevent the expiration of standard lease agreements between Subdivider and tenants.
2. Each of the tenants residing in the duplex on the date of recordation, if any, will be given written notice within ten (10) days of approval of a final parcel map for the condominium conversion.
3. Each of the tenants residing in the duplex has been, or will be, given one hundred eighty (180) days written notification of the Subdivider's intention to convert prior to the termination of tenancy due to the conversion, or Subdivider shall provide proof concurrent with recordation that such notice is not necessary because there are no tenants.
4. Each of the tenants residing in the duplex 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. This First Right to Purchase shall run for a period of not less than ninety days from the date of issuance of the subdivision public report unless the tenant gives prior notice of his intention not to exercise that right.
5. For tenants residing in the project on the date of approval of the Tentative Parcel Map, for a period of 5 years commencing upon the date of approval of the 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, using as a base the month of June 2005, except that, in addition, such rent may be increased or shall be decreased in order to pass on to 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 real property taxes as compared to the property taxes of June 2005, 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 change the terms of lease rental agreements which are in effect at the date of approval of the Tentative Parcel Map.

Mandates and Service Levels: The Subdivision Map Act, Government Code Section 66427.1, requires the County decision makers to make certain findings related to noticing requirements and tenant protections in order to approve a Tentative Parcel Map for a condominium subdivision. To ensure compliance with these requirements, the County's practice is to enter into an agreement with the subdivider and record the agreement with the Final Parcel Map. Therefore, this is a required action by the Board in order to record the Final Parcel Map for the condominium subdivision. Approving and executing the agreement will have no impact on County service levels.

Fiscal and Facilities Impacts: The costs for processing this application and preparing and recording 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-294 of the adopted 05/06 fiscal year budget.

Special Instructions: Clerk of the Board to prepare legal notice for the project. The agreement shall be forwarded to the County Surveyor's Office for appropriate processing.

Concurrence: County Counsel

Attachment:

A. Condominium Subdivision Agreement