



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 & Development  
Department No.: 053  
For Agenda Of: January 20, 2009  
Placement: Administrative Agenda  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: N/A

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**TO:** Board of Supervisors  
**FROM:** Director, P&D John Baker, 568-2086  
Contact Info: Holly Bradbury, Planner, 568-3577  
**SUBJECT:** St. George Condominium Subdivision Agreement, 06TPM-00000-00005

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors approve and execute a condominium subdivision agreement with Edward St. George to provide certain notice for tenants and confirm the inapplicability of certain conditions of TPM 14, 4694 at 6563 Trigo Road, Third District.

**Summary Text:**

On August 21, 2006 the Zoning Administrator approved a Tentative Parcel Map application (06TPM-00000-00005, TPM 14,694) to convert an existing mixed use building at 6563 Trigo Road into four condominiums. In approving the Tentative Parcel Map for the condominium conversion, the Zoning Administrator imposed numerous conditions, including a condition that the Subdivider, Edward St. George, enter into an agreement with the County to provide certain protections and notices to the tenants regarding the intention to convert and approve a parcel map. Counsel determined that certain conditions of the map regarding noticing and tenant protection are no longer applicable as all tenants residing on the project site as of the date of the approval of the TPM have vacated the premises, and requirements for a public report to be issued by the California Department of Real Estate do not apply to a project consisting of four Condominium Units. 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. INAPPLICABILITY OF CERTAIN CONDITIONS**

A. Conditions 4 (Tenant Eviction) and 5 (Tenant Eviction/Rent Increase) no longer are applicable to the project for the reason that all tenants residing in the project as of the date of approval of the Tentative Parcel Map have voluntarily vacated the premises already.

B. Condition 6 (Agreement for Noticing) and Condition 9 (Agreement for Right to Purchase) are not applicable to the project for the reason that the requirements for a public report to be issued by the California Department of Real Estate do not apply to a project consisting of four Condominium Units. The St George project includes four condominium units.

**2. CONDITION 7: NOTICE TO TENANTS OF APPROVAL OF PARCEL MAP**

Subdivider agrees, pursuant to Government Code Section 66427.1(b), that each of the tenants residing in the duplex on the date of approval of the Final Parcel Map, will be given written notice within ten (10) days of approval of such subdivision map for the condominium conversion.

**3. CONDITION 8: NOTICE TO TENANTS OF INTENTION TO CONVERT**

Subdivider agrees, pursuant to Government Code Section 664.1(c), that each of the tenants residing in the duplex on the date of approval of the Final Parcel Map has been, or will be, given one hundred eighty (180) days written notice of Subdivider's intention to convert prior to the termination of tenancy due to the conversion.

**Background:**

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-306 of the adopted 07/08 fiscal year budget.

**Special Instructions:**

Clerk of the Board to prepare legal notice for the project. No mailed notice is required. The agreement shall be forwarded to the County Surveyor's Office for appropriate processing.

**Attachments:** A. Condominium Subdivision Agreement

**Authored by:** Holly Bradbury, Planner, 568-3577

**CC:** Surveyor's Office

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

SEND ANOTHER COPY TO:  
Planning and Development  
ATTENTION: Holly Bradbury, Case Planner

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(FOR RECORDER'S USE)

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CONDOMINIUM SUBDIVISION AGREEMENT

THIS CONDOMINIUM SUBDIVISION AGREEMENT is entered into on the date set forth below in Santa Barbara, California, by and between the COUNTY OF SANTA BARBARA, a body corporate and politic (hereinafter referred to as "County"), and Edward St. George Trustee of the Edward St. George Revocable Trust dated May 16, 2006 (hereinafter referred to as "Subdivider").

WHEREAS:

A. Subdivider is the owner of certain real property in the unincorporated area of Isla Vista, County of Santa Barbara, California and commonly known as 6563 Trigo Road (APN: 075-211-006). The real property is more particularly described in Exhibit "A" attached hereto.

B. On August 24, 2006, the Santa Barbara County Planning Commission approved a tentative subdivision map application to convert said property to a 4 Unit condominium subdivision.

C. In approving the tentative subdivision map for the condominium conversion project, the Planning Commission imposed numerous conditions, including a condition that the Subdivider enter into an agreement with the County to provide certain notices and protections to the tenants of the project. A copy of such Conditions are attached hereto as Exhibit "B".

D. The County and Subdivider desire to enter into this Agreement in order to carry out the aforementioned conditions.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, the parties hereto agree as follows:

1. INAPPLICABILITY OF CERTAIN CONDITIONS

A. Conditions 4 (Tenant Eviction) and 5 (Tenant Eviction/Rent Increase) no longer are applicable to the project for the reason that all tenants residing in the project as of the date of final approval of the Tentative Parcel Map previously have voluntarily vacated the premises.

B. Condition 6 (Agreement for Noticing) and Condition 9 (Agreement for Right to Purchase) are not applicable to the project for the reason that the requirements for a public report to be issued by the California Department of Real Estate do not apply to a project consisting of four Condominium Units.

2. CONDITION 7: NOTICE TO TENANTS OF APPROVAL OF PARCEL MAP

Subdivider agrees, pursuant to Government Code Section 66427.1(b), that each of the tenants residing in the duplex on the date of approval of the final parcel map, will be given written notice within ten (10) days of approval of such subdivision map for the condominium conversion.

3. CONDITION 8: NOTICE TO TENANTS OF INTENTION TO CONVERT

Subdivider agrees, pursuant to Government Code Section 664.1(c), that each of the tenants residing in the duplex on the date of approval of the final parcel map has been, or will be, given one hundred eighty (180) days written notice of Subdivider's intention to convert prior to the termination of tenancy due to the conversion.

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns and shall be recorded in the Office of the County Recorder of Santa Barbara County.

IN WITNESS WHEREOF, the parties have executed this Agreement this \_\_\_ day of \_\_\_\_\_, 20\_\_.

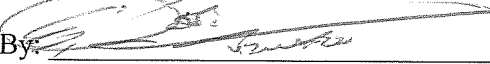
COUNTY OF SANTA BARBARA,  
a body corporate in politic

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
\_\_\_\_\_, Chair  
Board of Supervisors

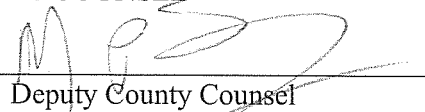
By \_\_\_\_\_  
Deputy

SUBDIVIDER  
Edward St. George Trustee of the Edward St.  
George Revocable Trust dated May 16, 2006

By:   
\_\_\_\_\_  
Trustee

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Deputy County Counsel

State of California

County of

Santa Barbara

On

11/13/08

before me,

Kristine Randolph

Name of Notary

a Notary Public, personally appeared

Edward St. George

, who proved

to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kristine Randolph

Signature



(Seal)

## EXHIBIT "A"

### DESCRIPTION:

All that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara, described as follows:

Lots 18 and 19 in Block F of the Ocean Terrace Tract, as per map recorded in Book 15, Pages 101, 102 and 103 of Maps and Surveys, in the office of the County Recorder of said County and more particularly described in the Certificate and Declaration of Voluntary Merger, recorded April 23, 2003 as Instrument No.2003-0051480 of Official Records of said County.

EXHIBIT "B": CONDITIONS OF APPROVAL

4. **Tenant Eviction:** Prior to the recordation, subdivider shall enter into an agreement with the County of Santa Barbara which provides that, pursuant to Santa Barbara County Ordinance 3168, no tenant residing in the project on the date of final approval of this Tentative Parcel Map shall be evicted within five years from the date of such approval as a direct result of the conversion of the project rental units to a condominium. This condition 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.
5. **Tenant Eviction/ Rate Increase:** For such tenants residing in the project on the date of final approval of the Tentative Parcel Map, for a period of five years commencing upon the date of final 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, using as a base month of August 2006, 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 of August 2006, 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 final approval of the Tentative Parcel Map.
6. **Agreement for Noticing:** Prior to the recordation of the Map, Subdivider shall submit, pursuant to the Subdivision Map Act, Government Code Section 66427.1(a), a copy of a notice sent to each of the tenants residing in the project. Each tenant shall be given 10 days' written notification that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such report will be available upon request.
7. **Agreement for Noticing:** Prior to the recordation of the Map, Subdivider shall enter into an agreement with the County of Santa Barbara pursuant to the Subdivision Map Act, Government Code Section 66427.1(b) which provides that each of the tenants residing in the project on the date of recordation, if any, will be given written notification within ten days of final 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.

8. **Agreement for Noticing:** Prior to the recordation of the Map, Subdivider shall enter into an agreement with the County of Santa Barbara pursuant to the Subdivision Map Act, Government Code Section 66427.1(c) which provides that 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.
  
9. **Agreement for Right to Purchase:** Prior to the recordation of the Map, Subdivider shall enter into an agreement with the County of Santa Barbara which provides that, pursuant to the Subdivision Map Act, Government Code Section 66427.1(d), 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.



## ACKNOWLEDGMENT

State of California  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instru ment.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)