

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 12/13/01
Department Name: Planning and Development
Department No.: 053
Agenda Date: 01/08/01
Placement: Administrative
Estimate Time: n/a
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Planning and Development
John Patton, Director

STAFF CONTACT: Mike Sederholm, Planner (568-2014)
Comprehensive Planning Division

SUBJECT: **Supplement to Agreement to Provide Affordable Housing** for Quinta Isabella, including proforma **Rental Restrictive Covenant** and proforma **Resale Restrictive Covenant**, [TM 14,416, 96-DP-024, 99-RN-013, 96_GP-023], Montecito area, First Supervisorial District, Assessor Parcel Number 009-060-049

Recommendation(s):

That the Board of Supervisors approve and execute the attached Supplement to Agreement to Provide Affordable Housing in order to fulfill the remaining affordable housing requirements of the conditions of approval for the Quinta Isabella Housing Development and direct its recordation.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The Board of Supervisors approved the Quinta Isabella Housing Project on April 4, 2000. The approved project allowed for construction of 15 new residential units and the use of the historic Juarez-Hosmer Adobe as a market rate unit (16 units total). This density is consistent with the Affordable Housing Overlay applicable to this site. For a 30 year period, eight of the 15 new units will be controlled and affordable to households in the low, lower-moderate and upper-moderate income categories. Initially, the affordable homes will be rented. However, during the 30 year affordability term, Quinta Isabella, LLC may choose to sell the affordable homes to buyers with incomes of low, lower-moderate or upper-moderate depending on which unit it is.

On December 5, 2000, your Board approved and executed the Quinta Isabella Agreement to Provide Affordable Housing (*Attachment B*). The Agreement to Provide Affordable Housing did not implement a

Rental Restrictive Covenant or Resale Restrictive Covenant because concurrence had not been reached concerning the exact language of the Covenants at that time.

The Supplement to Agreement to Provide includes a legal description of the eight affordable residences (Exhibit A,) and proforma versions of the Rental Restrictive Covenant (Exhibit B), and Resale Restrictive Covenant and Preemptive Right (Exhibit C.) These proformas are specific to the Quinta Isabella project. Upon initial sale or lease, each affordable residence will individually record either a Rental Restrictive Covenant or a Resale Restrictive Covenant based on the proforma versions included in the Supplement to Agreement to Provide, depending on which is applicable.

The purposes of the Rental and Resale Restrictive Covenants are to assure that the affordable homes remain affordable and available to households in the low, lower-moderate or upper-moderate income range for a 30 year term. To ensure that the affordable residences are rented only to qualified households, the Rental Restrictive Covenant states that residents renting the affordable homes will have their income re-certified every three years. If it is determined during re-certification that the income of a resident has risen above 115% of the maximum allowed for the home's income category, that resident will be given 90 days to vacate the property so that another qualified household may be found to move in. In the event that an affordable home is sold, the Resale Restrictive Covenant does not require any income certified buyer to be re-certified after they purchase the home.

Mandates and Service Levels:

State Planning Law mandates that local jurisdictions prepare Housing Elements containing policies and programs to ensure local provision of affordable housing. The AHO program allows increased density on select housing sites in return for providing a specific percentage of affordable homes for a 30 year period. The Final Development Plan [96-DP-024] was approved with a condition implementing this requirement. The acceptance, execution and recordation of this Supplement to Agreement to Provide Affordable Housing will satisfy the remaining requirement of the housing condition not addressed in the already recorded Agreement to Provide Affordable Housing.

Fiscal and Facilities Impacts:

None from approving and executing this Supplement to Agreement to Provide Affordable Housing.

Special Instructions:

Clerk of the Board to forward the executed Supplement to Agreement to Provide Affordable Housing to Planning and Development staff for recordation.

Clerk of the Board shall send copies of the Minute Order and executed document to Anne Almy and Mike Sederholm, Planning and Development.

Concurrence: County Counsel.

Attachments:

Attachment A - Supplement to Agreement to Provide Affordable Housing

Exhibit A – Legal description of property

Exhibit B – Rental Restrictive Covenant proforma

Exhibit C – Resale Restrictive Covenant and Preemptive Right proforma

Attachment B - Existing Agreement to Provide Affordable Housing