



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: Housing and
Community
Development
Department No.: 055
For Agenda Of: August 9, 2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Sharon Friedrichsen, Department of Housing and Community
Director(s) Development Director, 568-2068
Contact Info: Betty Wong, Department of Housing and Community Development,
568-3514
SUBJECT: Agreement to Provide Affordable Housing for The Loop Mixed Used Building; TM
14,761 and 09TRM-00000-00002, 09DVP-00000-00021, 09CUP-00000-00024,
09CUP-00000-00035 & 09CDP-00000-00041

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Select_Other

As to form: Select_Concurrence

Recommended Actions:

That the Board of Supervisors:

Approve, execute, and direct the recordation of the attached Agreement to Provide Affordable Housing for The Loop Mixed Use Building [TM 14,761 and 09TRM-00000-00002, 09DVP-00000-00021, 09CUP-00000-00024, 09CUP-00000-00035 & 09CDP-00000-00041] in Isla Vista in the Third Supervisorial District.

Summary Text:

The Planning Commission approved The Loop Mixed Use Building on September 16, 2009. The approved project allows for twenty-five (25) residential units (including five (5) designated as affordable units) located on the 3rd and 4th floors of a 4-story mixed use building located at 6533 and 6539 Trigo Road in Isla Vista, Third Supervisorial District, Assessor Parcel Number(s) 075-173-003 & 075-173-026. The building would include commercial space divided into four (4) ground floor commercial condominiums, a second floor hotel, and a fourth floor rooftop general commercial uses (gym/café). Of the five (5) affordable units (see Exhibit C, Address List of Affordable Housing Units), four (4) would be 1-bedroom units and one (1) would be a studio unit available for rent to Low Income households earning 80% of Area Median Income.

The developer, d3 Partners, LLC, has received County of Santa Barbara Redevelopment Agency construction loan funds and other assistance which, pursuant to a Regulatory Agreement, allows the developer to sell the five (5) affordable units to qualified Low Income households upon repayment of the loan in full by developer. Developer intends to initially provide the five (5) affordable units on a rental basis. Should the affordable rental units be converted to condominiums for sale, the five (5) units will remain affordable for purchase by Low Income households. The Planning Commission Action letter dated September 22, 2009 required that the affordability conditions be secure for thirty (30) years or longer if required by the financing, insurance or rental subsidy program used. Pursuant to State Density Bonus Law, the five (5) affordable units will remain affordable and available for lease or purchase by Low Income households for a thirty (30) year term.

Background:

State Planning Law mandates that local jurisdictions prepare Housing Elements containing policies and programs to ensure local provision of affordable housing. One of these programs is a Density Bonus program, which is mandated by State Density Bonus Law (Government Code §65915-65918). The approval, execution and recordation of this Agreement to Provide Affordable Housing will satisfy the basic requirement of the housing conditions which state:

“The applicant shall provide five (5) low income dwelling units available for sale or rent at prices affordable to households earning 80% of Area Median Income (AMI) consistent with the provisions of Government Code §65915-65918 (Density Bonus) at sales prices consistent with Coastal Land Use Plan Policy 5-1 unless preempted by State Density Bonus Law. **Plan Requirements and Timing:** Prior to final map clearance the applicant shall enter into and record an Agreement to Provide Affordable Housing, which shall include a model Restrictive Covenant and Preemptive Right. The Covenant shall be executed and recorded by each purchaser of an affordable unit. The Agreement and Covenant shall be based on the county’s model documents, as they may be amended from time to time, and subject to the review and approval of P&D, CHCD and County Counsel. The units shall remain affordable for a period of 30 years or longer if required by the financing, insurance or rental subsidy program used. In addition, the running of the covenant shall toll during any period of violation. If future amendments to the County Housing Element allow developers to pay fees in-lieu of constructing affordable units, and such amendments are consistent with Coastal Land Use Plan Policy 5-10 and State Density Bonus Law, the developer shall be able to utilize those amendments through an application to amend the project.”

“Affordable units shall be constructed concurrent with the construction of the market rate units. Occupancy clearance for no more than 50% of the market rate units shall be allowed prior to occupancy clearance for the affordable units. **Plan Requirements & Timing:** Prior to final map clearance, this requirement shall be included in the Agreement to Provide Affordable Housing and shall be printed on all grading and building plans.”

Fiscal and Facilities Impacts:

Budgeted: No

Narrative: No fiscal or facilities impacts at this time.

Special Instructions:

- Clerk of the Board to forward the executed *Agreement to Provide Affordable Housing* to the Department of Housing and Community Development to forward to the County Clerk Recorder for recordation.
- Clerk of the Board shall send copies of the Minute Order and executed document to Department of Housing and Community Development.

Attachments:

Attachment "A" - Agreement to Provide Affordable Housing

Authored by:

Betty Wong, Housing and Community Development

cc:

Developer: d3 Partners, LLC

Errin Briggs, Isla Vista Redevelopment Manager