

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: March 9, 2006
Department Name: Supervisor Rose and Supervisor Firestone
Department No.: 990
Agenda Date: March 21, 2006
Placement: Administrative
Estimate Time: 2.5 hours
Continued Item: No
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Document File Name: G:\GROUP\COMP\Comp Plan Elements\Housing\2003-08 Housing Element\BOS\Certification Amendment Hearing\BoS Cert Amend Letter final.DOC

TO: Board of Supervisors

FROM: Supervisor Rose, Second District
Supervisor Firestone, Third District
(Ad Hoc Housing Subcommittee)

STAFF CONTACT: Michael F. Brown
County Executive Officer

SUBJECT: Consider amendments required for conditional certification of the County's 2003-2008 Housing Element.

Recommendation(s):

Set a hearing for April 4, 2006 to consider recommendations regarding the 2003-2008 Draft Revised Housing Element as follows:

1. Receive and file staff presentation, consider recommendations from the Planning Commission and conduct a public hearing; and
2. Find that the Negative Declaration 04NGD-00000-00004 previously adopted by the Board of Supervisors for the 2003-2008 Housing Element, adopted on March 29, 2004, adequately describes the potential environmental effects of the Draft Revised Housing Element; and
3. Adopt the 2003-2008 Draft Revised Housing Element; and
4. Adopt a Resolution approving associated Findings in support the Board's final action.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community, Goal No. 4, A Community that is Economically Vital and Sustainable, and Goal No. 5, A High Quality of Life for All Residents, and with actions required by law or routine business necessity.

Executive Summary and Discussion:

1.0 INTRODUCTION

The housing element is one of seven mandated components of a local jurisdiction's general plan. State law requires that housing elements be updated every five years and that every updated housing element be submitted to the State Department of Housing and Community Development (HCD) for review and certification that they comply with the state's requirements. State HCD reviewed the County Board of Supervisor's adopted 2003-2008 Housing Element in July 2004, and identified revisions necessary for the Element to be in compliance with state housing law. Per direction from the Board of Supervisors' Ad Hoc Housing Subcommittee, County staff worked with State HCD to prepare revisions consistent with both County goals and state housing law. In its letter of December 2, 2005, State HCD indicated that the County's Draft Revised Housing Element (DRHE) complies with state housing law and that the Housing Element would be granted "certified" status pending adoption by the Board of Supervisors (the Board) and continued implementation of the actions identified in the document.

This Draft Revised Housing Element is presently before your Board for consideration and adoption. The Draft Revised Housing Element has been reviewed and recommended for adoption by both the Ad Hoc Housing Subcommittee and the County Planning Commission. A summary of the Ad Hoc Housing Subcommittee and Planning Commission recommendations are provided in Sections 4.0 and 5.0 respectively.

2.0 BACKGROUND

State housing law mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community through their housing elements (Government Code §65580). The law specifies that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. The law further requires housing elements be updated every five years and that every updated housing element be submitted to the State Department of Housing and Community Development (HCD) to ensure compliance with the state's requirements. When State HCD determines that a Housing Element complies with the law it grants "certification".

On March 29, 2004, the Board of Supervisors adopted the County's 2003-2008 Housing Element. The document was forwarded to State HCD, which subsequently determined that a number of revisions would be required before certification would be granted. In May 2005, the Board appointed an Ad Hoc Housing Subcommittee to review the Housing Element process to date and provide staff direction on how to proceed with implementation of the Housing Element. The Subcommittee consists of Supervisor Rose and Supervisor Firestone and their respective Planning Commissioners¹ as well as County support staff. The Subcommittee determined that the County should obtain certification of its Housing Element from State HCD. The

¹ Second District Planning Commissioner Marc McGinnes was replaced by Commissioner Cecilia Brown in January 2006.

Subcommittee reported these findings to the Planning Commission on November 2, 2005 and the Board on November 8, 2005.

The Subcommittee identified two primary bases for the County obtaining certification of its Housing Element. First, the consequences of non-compliance with state housing law are potentially punitive. A detailed description of potential consequences of non-compliance is included in Attachment B. Second, a significant need exists to house the County's workforce.

The County's workforce is experiencing increasing difficulty in finding adequate housing due to several factors. The population of California is expanding by 500,000 people per year. The County is experiencing this rise in population through expanding local families rather than through migration. In fact, more people are moving out of the County than moving in but the population continues to rise (about 8% over the last 10 years) due to natural increase.²

Over 95% of the households on the South Coast and 85% in the North County, which don't already own a home, cannot afford to buy one.³ In the South County, an hourly wage of \$31.50 is required for a household to afford the median rent for a two-bedroom apartment. In the North County, a wage of \$20.00 per hour is required. Over 57% of South County households and 48% of North County households cannot afford the average rent for a two-bedroom apartment in their communities.⁴ Employers throughout the County are losing employees and failing to recruit new employees due to high housing costs.

3.0 REVISIONS TO GAIN CERTIFICATION

Based on the Ad Hoc Housing Subcommittee's direction, County staff prepared and forwarded a Draft Revised Housing Element (DRHE) to State HCD for preliminary review on September 30, 2005. These revisions incorporate the changes to the Housing Element identified by State HCD in their July 1, 2004 letter to the County as being necessary for the County to obtain certification of its document. The purpose of forwarding the draft revisions to State HCD was to gain its commitment that the language in the revised document would be sufficient for the Housing Element to gain certification if the County were to proceed through Planning Commission and Board of Supervisors hearings and adopt the revisions. During this preliminary review period, State HCD identified several additional revisions to the DRHE that would be required before they would certify the document, which staff subsequently incorporated into the document. On December 2, 2005, HCD notified the County that the proposed revisions contained in the DRHE are in compliance with the requirements of state law. The County's Housing Element will be found in conditional compliance and granted certified status upon adoption of the revisions by the County Board of Supervisors.

The following summarizes the revisions necessary to bring Santa Barbara County's 2003-2008 Housing Element into compliance with state housing law. A comprehensive table of changes and their locations in the DRHE is provided in Attachment A.

² Source: 2000 U.S. Census

³ Source: California Association of Realtors, September 2005; 2000 U.S. Census

⁴ Source: 2005 Economic Outlook, 2000 U.S. Census

- **Revised land inventory analysis and projections for housing production:** The revised land inventory analysis ties all projected units (except RSUs) to specific parcels. Affordable housing production assumptions were revised which resulted in a reduction in the acreage necessary to rezone to accommodate the County's remaining housing allocation.
- **Revised commitment to rezone land:** Revised Policy 1.10, Action 1 based on revised housing production projections. The revised action commits the County to rezone 62 acres to 20 units per acre and to comply with requirements of state law for the processing of development on the rezoned sites.
- **Strengthened policy language:** Revised specific actions to show the County's commitment to implementing them by changing "shall consider" to "shall" for actions related to mixed use development, farm employee housing, housing for persons with disabilities, residential design standards, affordable housing development incentives, making affordable housing development a priority and meeting the County's remaining regional housing need allocation.
- **Expanded analysis of the Inclusionary Housing Program:** Expanded the analysis of the potential effects of the County's Inclusionary Housing Program on the cost and supply of housing and the methods used to mitigate potential negative impacts. An added action restates the County's commitment to annually review the program and its impacts.
- **Expanded analysis of housing for people with disabilities:** Expanded the analysis of potential constraints to development of housing for people with disabilities.
- **Expanded analysis and commitment to facilitate farm employee housing:** Added information on permit requirements for farm employee housing and projections for farm employee units. An added action restates the County's commitment to an annual review of production and commits the County to identifying additional sites should the County's 2006-2007 General Plan Annual Report show that total affordable housing production falls short of projections.
- **Strengthened commitment to encouraging residential second units (RSUs):** Added actions to restate the County's commitment to develop and distribute promotional material regarding RSUs and annually review the RSU Program. In addition, the action commits the County to adopt ordinance revisions and incentives should production fall short of projections.
- **Commitment to establish incentives for mobile home development:** Recognizing that mobile homes can provide affordable housing options, particularly for farm employees, a new action commits the County to establish incentives for mobile home development.
- **Commitment to establish standards that facilitate development at permitted densities:** Modified actions to clarify the County's commitment to modifying development standards such as building coverage, parking, setbacks, and open space, in order to facilitate housing development at permitted densities.

- **Updated the history of public involvement related to the County's Housing Element:**
Updated information on public outreach efforts to include meetings that have occurred since Housing Element adoption, in March 29, 2004.

4.0 AD HOC SUBCOMMITTEE RECOMMENDATIONS

The Ad Hoc Housing Subcommittee reviewed the proposed revisions to the County's 2003-2008 Housing Element and recommends that the County adopt the proposed changes in order to comply with state law and maintain certification of the County's Housing Element.

5.0 PLANNING COMMISSION RECOMMENDATIONS

The County Planning Commission reviewed the proposed revisions to the County's 2003-2008 Housing Element in its hearings on February 8 and 22, 2006 and adopted a resolution recommending that the Board adopt the proposed changes in order to comply with state law and maintain certification of the County's Housing Element. The Planning Commission action letter and resolution are included in Attachment K.

Commissioner Montgomery also noted that, due to the importance of and great community interest in housing issues, it may be useful for the Board to consider a proactive approach to preparing for the next Housing Element planning period which begins in 2009. This could include Board and Planning Commission workshops to engage the community and decision-makers in discussions on the housing issue.

6.0 PROJECT ANALYSIS

A. Environmental Analysis

A Negative Declaration (ND) was prepared for the Adoption Phase of the Housing Element (04NGD-00000-00004). The Board of Supervisors adopted the ND on March 29, 2004 (see Attachment J), and the Notice of Determination was filed on March 30, 2004. The ND found that the updated Housing Element would not result in any potentially significant adverse impacts to the physical environment, because the Housing Element itself does not increase development potential, increase the density or intensity of future development, or directly change any ordinance provisions that relate to development.

County Counsel has found that the Draft Revised Housing Element likewise would not in itself result in any potentially significant adverse environmental impacts. Some specific Action Phase items could result in significant adverse effects. These would include the rezoning of specific properties to higher residential densities, and ordinance changes to revise certain development standards to facilitate affordable housing projects and mixed-use developments. However, the implementation of such Action Phase items would involve the refinement of specific recommended actions and the future exercise of legislative discretion by the Board of Supervisors. In the absence of sufficiently detailed actions, their environmental effects cannot be predicted with enough certainty to perform a meaningful analysis, and the evaluation of such effects would be premature and unduly speculative at this time. Appropriate environmental

documentation in the form of a focused Environmental Impact Report will be prepared prior to the Board's decisions regarding any specific actions. Therefore, County Counsel and Comprehensive Planning staff recommends that the prior ND (04NGD-00000-00004) be found adequate to address the effects of the current amendment and that no additional environmental document need be prepared at this time.

B. Policy Consistency

California law requires that general plans contain an integrated and internally consistent set of policies. In preparing the Housing Element, the County evaluated the programs and policies in the updated Housing Element against regional planning goals, all other Comprehensive Plan elements, County zoning ordinances and subdivision regulations, and the Congestion Management Plan. The Housing Element, including proposed actions, was found to be consistent and compatible with these other adopted plans and policies. The Housing Element does not eliminate the requirement that specific future development projects be consistent with all applicable policies and development standards in the Comprehensive Plan. A discussion of policy consistency is provided in Appendix B of the 2003-2008 Housing Element. The revisions proposed at this time do not raise any new issues related to policy consistency.

Mandates and Service Levels: The Housing Element is mandated by state law to be updated every five years and be submitted to the State Department of Housing and Community Development (HCD) to ensure compliance with the state's requirements. Adoption of the Draft Revised Housing Element and follow through on the action items committed to in this Housing Element will satisfy state law requirements. Service levels will not be impacted by this action.

Fiscal and Facilities Impacts: Funding for the Housing Element work effort is included in the adopted Fiscal Year 05/06 budget in the Comprehensive Planning Division, General Plan Elements program on page D-292 of the County FY 05/06 budget. Subsequent to the adoption of the budget, Comprehensive Planning was moved to the County Executive Office, Department 990.

With a Board adopted Housing Element the County is eligible to compete for Community Development Block Grant (CDBG) funding of \$870,000 annually, and CalHOME funding – up to \$1,000,000 annually. With a state certified Housing Element, the County would be eligible to compete for Building Equity and Growth in Neighborhoods Program (BEGIN) funding of \$30,000 per newly constructed unit, and Housing Enabled by Local Partnerships (HELP) funding of \$2,000,000. The County has not applied for a significant amount of BEGIN and HELP funds in the past. However, the County Housing and Community Development Department plans to apply for HELP funds to supplement the County's Homebuyer's Assistance Program.

There would be no facilities impacts.

Special Instructions: Clerk of the Board to post display ad in the Santa Barbara News Press and the Santa Maria Times. (Comprehensive Planning staff will provide ad for publication.)

Concurrence:

County Counsel
County Housing and Community Development Department

Attachments:

- A. Proposed Changes Required by State HCD for Certification
- B. Compliance Status of Other Jurisdictions and Potential Consequences of Non-Compliance with State Housing Law
- C. State Department of Housing and Community Development letter, Dec. 2, 2005
- D. Santa Barbara County Proposed Revisions to Draft Revised Housing Element letter, Dec. 1, 2005
- E. Santa Barbara County Proposed Revisions to Draft Revised Housing Element letter, Nov. 23, 2005
- F. Santa Barbara County Response to Housing Element Comment letter, Sept. 30, 2005
- G. State Department of Housing and Community Development letter, Aug. 9, 2005
- H. State Department of Housing and Community Development letter, July 1, 2004
- I. Draft Revised 2003-2008 Housing Element, January 2006 (Under separate cover; also available at www.countyofsb.org/plandev/comp/programs/housing/2003/default.)
- J. Housing Element Adoption Phase Negative Declaration 04NGD-00000-00004, adopted by the Board of Supervisors, March 29, 2004.
- K. County Planning Commission Action Letter and Resolution of the Planning Commission in the matter of recommending adoption of an amendment to the 2003-2008 Housing Element, an element of the Santa Barbara County Comprehensive Plan, February 22, 2006.
- L. Resolution of the Board of Supervisors in the matter of adoption of an amendment to the 2003-2008 Housing Element, an element of the Santa Barbara County Comprehensive Plan.

ATTACHMENT A: PROPOSED CHANGES REQUIRED BY STATE HCD FOR CERTIFICATION

Topic	Description	Location in DRHE
Land Inventory & Projections for Housing Production	Added tables to show approved and pending projects that can be counted toward RHNA.	Appendix E, Tables E-1 & E-2
	Revised land inventory analysis to all projected units (except RSUs) to specific parcels. Includes refined production assumptions which reduce acreage needed to rezone.	Section VI, pages 117-129; Appendix E
	Added examples of historic affordable housing development patterns and reuse and infill trends.	Section VI, pages 124-125; Appendix J
Rezoning	Modified Policy 1.10, Action 1 to commit County to rezone 62 acres to 20 units/acre and comply with requirements of state law for processing of developments on these sites.	Section V, page 92
Action Language	<p>Revised specific actions to show County's commitment to implementing them by changing "shall consider" to "shall". These include:</p> <ul style="list-style-type: none"> Policy 1.8, Actions 1 & 2 – Mixed Use Policy 1.10, Actions 1, 2, 3 – Meeting RHNA Policy 2.2, Action 1 – Farm Employee Housing Policy 3.1, Action 1 – Persons w/ Disabilities Policy 5.2, Action 1 – Residential Design Standards Policy 8.1, Actions 1, 2, 3 – Affordable Housing Priority Policy 8.4, Action 1 – Development Incentives 	Section V
Inclusionary Housing Program	Added discussion of analysis of and methods to mitigate potential impacts.	Section III, pages 49-50; Appendix K
	Added Policy 1.2, Action 2, restating commitment to annually review program.	Section V, page 87
Housing for People with Disabilities	Expanded analysis of potential constraints to development of housing for people with disabilities.	Section III, page 57; Appendix I
Farm Employee Housing	Added information on permit requirements for farm employee housing.	Section III, page 55
	Added information regarding projections for farm employee units.	Section VI, page 121
	Added Policy 2.2, Action 6, which states the commitment to an annual review of production and commits the County to identify additional sites should 2006-07 Annual Report show total affordable housing production falls short of projections.	Section V, pages 93-94

Topic	Description	Location in DRHE
Residential Second Units	Added Policy 1.6, Action 4, which restates the commitment to develop and distribute promotional material regarding RSUs.	Section V, page 89
	Added Policy 1.6, Action 5, which restates the commitment to annual review of program and to consider ordinance revisions and incentives should production fall short of projections.	Section V, page 89
Mobile Homes	Added Policy 2.4, Action 3, which commits the County to establishing incentives for mobile home development.	Section V, page 94
Design Residential (DR) Zone District	Modified Policy 8.2, Action 5 to which clarifies the County's commitment to amend DR to remove constraints to housing development at permitted densities.	Section V, page 104
Development Standards	Revised Policy 8.4, Action 1 to clarify County's commitment to modify development standards to accommodate development at permitted densities. This could include building coverage, parking, setbacks, open space.	Section V, page 106
Public Outreach	Updated information on public outreach efforts with meetings that have occurred since HE adoption.	Appendix C

ATTACHMENT B: COMPLIANCE STATUS OF OTHER JURISDICTIONS AND POTENTIAL CONSEQUENCES OF NON-COMPLIANCE WITH STATE HOUSING LAW

Compliance Status of Other California Counties and Cities

Forty-nine of 58 (84%) of California’s counties are in compliance with state housing law as of January 6, 2006, up from 46 counties in mid-2005. The most recent counties to achieve certification are Amador, Calaveras, Riverside, and Tehama. San Diego County fell out of compliance in the last 6 months.

Over 70% of the state’s cities (343 of 478) are in compliance. Most of the 120 cities that are out of compliance have submitted draft or adopted Housing Elements in the last two years for review and certification by the state but have not received certification. Jurisdictions that are out of compliance and are not currently in review by the state include communities such as Laguna Hills, Dana Point, Malibu, Albany, Palm Springs and Morgan Hill. Both Pleasanton and Mission Viejo have lost certification due to failure to zone enough land for affordable housing.

Why jurisdictions might choose not to pursue certification

A study entitled “California’s Housing Element Law: The Issue of Local Noncompliance” by Paul Lewis of the Public Policy Institute of California explores the compliance status of the state’s cities in an effort to determine why a sizable percentage of California’s local governments are noncompliant. He concludes that there are four primary sets of factors that potentially affect compliance: 1) community social status and exclusion, 2) local land-use characteristics and vacant land, 3) the resources of local government, and 4) local politics and residential growth policies. The full study can be found at www.ppic.org

Of the 13 counties out of compliance with state housing law, eight have adopted a housing element that has been reviewed by the state and found to be out of compliance. Santa Barbara is presently the only county in California that has a Draft Revised Housing Element that has been submitted to and reviewed by State HCD.

Adopted and In Compliance

Alameda	Imperial\	Merced
Alpine	Inyo	Mono
Amador	Kern	Monterey
Butte	Kings	Napa
Calaveras	Lake	Nevada
Colusa	Lassen	Orange
Contra Costa	Los Angeles	Placer
Del Norte	Madera	Riverside
Fresno	Marin	Sacramento
Glenn	Mariposa	San Benito
Humboldt	Mendocino	San Francisco

San Joaquin
San Luis Obispo
San Mateo
Santa Clara
Shasta
Siskiyou

Sonoma
Stanislaus
Sutter
Tehama
Trinity
Tulare

Tuolumne
Ventura
Yolo
Yuba

Adopted and In Review

Solano

Adopted and Out of Compliance

El Dorado
Modoc
Plumas

San Bernardino
San Diego
Santa Cruz

Sierra

Draft and Out of Compliance

Santa Barbara

Potential Loss of Funding for Affordable Housing Programs

With a Board adopted Housing Element the County is currently eligible to compete for Community Development Block Grant (CDBG) funding of \$870,000 annually and CalHOME funding up to \$1,000,000 annually.

The County is also eligible to receive \$1.8 million in federal HOME funds from the U.S Department of Housing and Urban Development each year through the County HOME Consortium because federal funds do not require a state certified Housing Element. These funds are shared with the cities in the Consortium: Buellton, Carpinteria, Goleta, Lompoc, Solvang and Santa Maria.

Without a state certified Housing Element (State certified) the County is not competitive for funding sources listed in the following table:

Grant/Loan Name	Amount Available	Application Due Date
BEGIN	\$30,000 of down payment assistance per newly constructed unit (\$24,000,000 available for all jurisdictions).	Mid April
HELP	\$2,000,000	Open

The County has not applied for a significant amount of BEGIN and HELP funds in the past. However, the County Housing and Community Development Department (CHCD) plans to apply for HELP funds to supplement the County's Homebuyer's Assistance Program.

Housing Element Litigation

Several affordable housing advocate organizations have sued California jurisdictions for housing element non-compliance. Litigants include California Affordable Housing Law Project, California Rural Legal Assistance, Public Interest Law Project, Legal Aid of Marin County, and Legal Services of Northern California. These law suits have resulted in two types of consequences: building moratoria and the payment of legal fees.

In the counties of Sacramento and Sonoma, and the cities of Folsom and Pasadena, judges have ordered moratoria on all building and development until the housing element in question became compliant. In the city of Folsom, California Affordable Housing Law Project won a high profile lawsuit against the city. The judge stopped all development, including some ongoing projects until the housing element was in compliance.

The counties of Mendocino, Sacramento, and Sonoma, and the cities of Healdsburg, Rohnert Park, and Corte Madera have been forced to pay legal fees in addition to bringing their housing elements into compliance. For instance, in September 2005, a Superior Court judge awarded nearly \$70,000 in attorney fees to Legal Services of Northern California and California Affordable Housing Law Project in a case against Mendocino County. In another case in 2003, The Housing Advocacy Group forced Santa Rosa, Sonoma County, Healdsburg and Rohnert Park to rewrite their housing elements and pay legal fees totaling more than \$300,000 total.

The majority of cases do not go to trial, however, and are often settled by the jurisdiction implementing rezones.⁵

Housing-Related Legislation

The California state legislature and current administration have voiced concern about the lack affordable housing in California. The trend in state legislation is to close perceived loopholes

⁵ Other jurisdictions that have been sued include: Sebastopol, Camarillo, Dana Point, Gilroy, Fremont, Alameda, Napa, Pittsburg, and Los Altos.

in state housing law that allow local jurisdictions to avoid providing low or very low income housing.

Recent Amendments to Housing Law

In 2004, following adoption of the County's Housing Element by the Board of Supervisors, the governor signed several bills into law which affect the permitting of new housing in the County and the County's current effort to gain state certification for its Housing Element. These changes became effective January 1, 2005.

The most significant of these to the County was a package of bills crafted by the Housing Element Working Group convened by HCD. The group consisted of local governments, regional governmental agencies, housing developers, land use planners and housing advocates.

One of the bills, AB 2348, requires jurisdictions that do not have sufficient land zoned to accommodate their assigned Regional Housing Needs Allocation (RHNA) to rezone sites to specified residential densities to make up for the shortfall. The bill defines three types of counties: urban, suburban and rural. Santa Barbara County was classified as suburban; therefore, any land that the County rezones to accommodate unmet low and very low income housing needs must allow at least 20 dwelling units per acre. Further, to ensure the sites are developed at or near the maximum allowed densities, the bill requires that jurisdictions assign minimum density requirements to these rezoned sites. Finally, the bill states that once a site is rezoned for this purpose, a development proposal that does not further subdivide the site, such as apartments, would not require additional discretionary review including environmental analysis. However, discretionary design review would still be required. Hearings on these types of projects would still be held to allow decision-makers and the community to have input into the design aspects of the project and the developer would be required to comply with development standards established for the specific site.

In addition to the bill mentioned above, the governor signed several other bills into law which may affect the County's Housing Element and permitting of housing development projects:

Summary of Recent and Pending State Housing Legislation

2004

- *Senate Bill 1818* amended the state mandated density bonus program to increase the density bonuses and other incentives available to projects that include specified amounts of affordable housing.
- *Assembly Bill 2158* amended the regional housing needs allocation (RHNA) process to require councils of government to allocate the regions housing needs among the cities and county at least one year before the next housing element planning period. Based on this requirement, Santa Barbara County Association of Governments (SBCAG) will need to complete the next allocation process by the end of 2007 for the 2009-2012 planning period.

- *Assembly Bill 2348* amended state housing law to require that all land rezoned to meet a jurisdiction's housing allocation for very low and low income units must be rezoned to specified densities based on a county's population density. This amendment also prevents jurisdictions from requiring developers to lower densities to gain approval for projects on lands designated for low or very low income housing to meet the county's housing allocation.

2005

- *Assembly Bill 1233* requires that for the next update to the Housing Element, for the 2009-2012 planning period, if the county fails to make adequate sites available to accommodate its portion of the regional housing need, the county must rezone adequate sites within the first year of the next planning period.
- Current law requires that water and sewer service providers give priority for hookup to housing developments that help a community meet its share of the regional housing need. *Senate Bill 1087* requires that these service providers develop "specific, objective standards" for allocating their services to affordable housing developments.
- *Senate Bill 575* places further restrictions on a local government's ability to deny projects that include affordable housing units if it has not met its share of the region's housing need.

Pending

- New proposals would further limit local government control over land use decisions related to housing.

The County is working with the California State Association of Counties to monitor the pending legislation and comment where it appears local control would be diminished.

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Alameda	Imperial\	Merced
Alpine	Inyo	Mono
Amador	Kern	Monterey
Butte	Kings	Napa
Calaveras	Lake	Nevada
Colusa	Lassen	Orange
Contra Costa	Los Angeles	Placer
Del Norte	Madera	Riverside
Fresno	Marin	Sacramento
Glenn	Mariposa	San Benito
Humboldt	Mendocino	San Francisco

San Joaquin
San Luis Obispo
San Mateo
Santa Clara
Shasta
Siskiyou

Sonoma
Stanislaus
Sutter
Tehama
Trinity
Tulare

Tuolumne
Ventura
Yolo
Yuba

Adopted and In Review

Solano

Adopted and Out of Compliance

El Dorado
Modoc
Plumas

San Bernardino
San Diego
Santa Cruz

Sierra

Draft and Out of Compliance

Santa Barbara

Potential Loss of Funding for Affordable Housing Programs

With a Board adopted Housing Element the County is currently eligible to compete for Community Development Block Grant (CDBG) funding of \$870,000 annually and CalHOME funding up to \$1,000,000 annually.

The County is also eligible to receive \$1.8 million in federal HOME funds from the U.S Department of Housing and Urban Development each year through the County HOME Consortium because federal funds do not require a state certified Housing Element. These funds are shared with the cities in the Consortium: Buellton, Carpinteria, Goleta, Lompoc, Solvang and Santa Maria.

Without a state certified Housing Element (State certified) the County is not competitive for funding sources listed in the following table:

Grant/Loan Name	Amount Available	Application Due Date
BEGIN	\$30,000 of down payment assistance per newly constructed unit (\$24,000,000 available for all jurisdictions).	Mid April
HELP	\$2,000,000	Open

The County has not applied for a significant amount of BEGIN and HELP funds in the past. However, the County Housing and Community Development Department (CHCD) plans to apply for HELP funds to supplement the County's Homebuyer's Assistance Program.

Housing Element Litigation

Several affordable housing advocate organizations have sued California jurisdictions for housing element non-compliance. Litigants include California Affordable Housing Law Project, California Rural Legal Assistance, Public Interest Law Project, Legal Aid of Marin County, and Legal Services of Northern California. These law suits have resulted in two types of consequences: building moratoria and the payment of legal fees.

In the counties of Sacramento and Sonoma, and the cities of Folsom and Pasadena, judges have ordered moratoria on all building and development until the housing element in question became compliant. In the city of Folsom, California Affordable Housing Law Project won a high profile lawsuit against the city. The judge stopped all development, including some ongoing projects until the housing element was in compliance.

The counties of Mendocino, Sacramento, and Sonoma, and the cities of Healdsburg, Rohnert Park, and Corte Madera have been forced to pay legal fees in addition to bringing their housing elements into compliance. For instance, in September 2005, a Superior Court judge awarded nearly \$70,000 in attorney fees to Legal Services of Northern California and California Affordable Housing Law Project in a case against Mendocino County. In another case in 2003, The Housing Advocacy Group forced Santa Rosa, Sonoma County, Healdsburg and Rohnert Park to rewrite their housing elements and pay legal fees totaling more than \$300,000 total.

The majority of cases do not go to trial, however, and are often settled by the jurisdiction implementing rezones.⁵

Housing-Related Legislation

The California state legislature and current administration have voiced concern about the lack affordable housing in California. The trend in state legislation is to close perceived loopholes

⁵ Other jurisdictions that have been sued include: Sebastopol, Camarillo, Dana Point, Gilroy, Fremont, Alameda, Napa, Pittsburg, and Los Altos.

in state housing law that allow local jurisdictions to avoid providing low or very low income housing.

Recent Amendments to Housing Law

In 2004, following adoption of the County's Housing Element by the Board of Supervisors, the governor signed several bills into law which affect the permitting of new housing in the County and the County's current effort to gain state certification for its Housing Element. These changes became effective January 1, 2005.

The most significant of these to the County was a package of bills crafted by the Housing Element Working Group convened by HCD. The group consisted of local governments, regional governmental agencies, housing developers, land use planners and housing advocates.

One of the bills, AB 2348, requires jurisdictions that do not have sufficient land zoned to accommodate their assigned Regional Housing Needs Allocation (RHNA) to rezone sites to specified residential densities to make up for the shortfall. The bill defines three types of counties: urban, suburban and rural. Santa Barbara County was classified as suburban; therefore, any land that the County rezones to accommodate unmet low and very low income housing needs must allow at least 20 dwelling units per acre. Further, to ensure the sites are developed at or near the maximum allowed densities, the bill requires that jurisdictions assign minimum density requirements to these rezoned sites. Finally, the bill states that once a site is rezoned for this purpose, a development proposal that does not further subdivide the site, such as apartments, would not require additional discretionary review including environmental analysis. However, discretionary design review would still be required. Hearings on these types of projects would still be held to allow decision-makers and the community to have input into the design aspects of the project and the developer would be required to comply with development standards established for the specific site.

In addition to the bill mentioned above, the governor signed several other bills into law which may affect the County's Housing Element and permitting of housing development projects:

Summary of Recent and Pending State Housing Legislation

2004

- *Senate Bill 1818* amended the state mandated density bonus program to increase the density bonuses and other incentives available to projects that include specified amounts of affordable housing.
- *Assembly Bill 2158* amended the regional housing needs allocation (RHNA) process to require councils of government to allocate the regions housing needs among the cities and county at least one year before the next housing element planning period. Based on this requirement, Santa Barbara County Association of Governments (SBCAG) will need to complete the next allocation process by the end of 2007 for the 2009-2012 planning period.

- *Assembly Bill 2348* amended state housing law to require that all land rezoned to meet a jurisdiction's housing allocation for very low and low income units must be rezoned to specified densities based on a county's population density. This amendment also prevents jurisdictions from requiring developers to lower densities to gain approval for projects on lands designated for low or very low income housing to meet the county's housing allocation.

2005

- *Assembly Bill 1233* requires that for the next update to the Housing Element, for the 2009-2012 planning period, if the county fails to make adequate sites available to accommodate its portion of the regional housing need, the county must rezone adequate sites within the first year of the next planning period.
- Current law requires that water and sewer service providers give priority for hookup to housing developments that help a community meet its share of the regional housing need. *Senate Bill 1087* requires that these service providers develop "specific, objective standards" for allocating their services to affordable housing developments.
- *Senate Bill 575* places further restrictions on a local government's ability to deny projects that include affordable housing units if it has not met its share of the region's housing need.

Pending

- New proposals would further limit local government control over land use decisions related to housing.

The County is working with the California State Association of Counties to monitor the pending legislation and comment where it appears local control would be diminished.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

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December 2, 2005

Ms. Dianne Meester, Assistant Director
Santa Barbara County
Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101-2058

Dear Ms. Meester:

RE: Review of the County of Santa Barbara's Revised Housing Element

Thank you for submitting revisions to Santa Barbara County's draft housing element, received for the Department's review on October 3, 2005, along with additional revisions received via e-mail transmission on November 23, 29, and December 1, 2005. As you know, the Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). A February 8, 2005 site visit, along with numerous telephone conversations and e-mail exchanges with several members of your staff including, Mr. John McInnes, Director of Long Range and Strategic Planning, Ms. Lisa Plowman, Deputy Director of Comprehensive Planning, Mr. Josh McDonnell, Supervising Planner, Ms. Patsy Stadelman Project Planner, and Ms. Alicia Harrison, Project Planner, helped facilitate the review.

The Department is pleased to find the submitted revisions address the statutory requirements described in the Department's July 1, 2004 review. The element will be in compliance with State housing element law (Article 10.6 of Government Code) when adopted (with all revisions) and submitted to this Department for review pursuant to Government Code Section 65585(g).

The Department commends the County for expanding the land inventory analysis and strengthening its commitment to rezone a minimum of 62 acres to zoning designations that will allow the by-right development of a least 16 rental and ownership multifamily units per site, at densities of a minimum of 20 dwelling units per acre. The Department's finding of compliance is conditioned on the County completing all rezones, as described in Policy 1.10, Action 1, necessary to accommodate the lower-income need of the regional share allocation, within one year of adoption of the housing element.

If the requisite rezones are not completed by the date specified in **Policy 1.10, Action 1**, the County's housing element will no longer identify adequate sites and require immediate amendment to provide alternate appropriately zoned and suitable sites. Also, should any of the pending projects designated to accommodate the housing needs of lower-income households, as listed in Appendix "E" (page E-3), not be built or if final buildout is less than described, the number of acres to be rezoned (allowing a minimum of 20 du/ac) must be increased commensurately.

In addition, pursuant to **Policies 8.7 and 8.8**, the County should be diligent in tracking and monitoring the development of both second units and affordable units developed on agriculturally zoned sites. If production and/or affordability falls short of the projections listed in Table 52, the County must, in a timely manner, amend the zoning ordinance and expand the list of development incentives, as described in revised **Policy 1.6, Action 5 and Policy 2.4, Action 3**.

The Department recognizes the County for its leadership in developing program actions to provide greater opportunities to address housing needs, especially housing affordable to families and the work force and guide development to areas where infrastructure is adequate and available, thereby preserving agricultural and open space resources. In closing, the hard work and cooperation you and your staff exhibited during the course of the review is appreciated. The Department looks forward to receiving the County's adopted housing element, with all revisions cited above, pursuant to Government Code Section 65585(g). If the Department can be of further assistance, or you have any questions, please contact Don Thomas, of our staff, at (916) 445-5854.

Sincerely,



Cathy E. Creswell
Deputy Director

cc: Barbara Macri-Ortiz
Karen Flock, Housing Development Dir., Cabrillo Economic Development Corp.

County of Santa Barbara



Michael F. Brown
County Executive Officer

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EXECUTIVE OFFICE

December 1, 2005

Ms. Cathy Creswell, Deputy Director
Department of Housing and Community Development
1800 Third St.
Sacramento, CA 94252-2050

RE: Proposed revisions to Draft Revised Housing Element

Dear Ms. Creswell:

Thank you for your department's ongoing review of Santa Barbara County's Draft Revised Housing Element (DRHE). Based on phone conversations and email correspondence between county staff and State Department of Housing and Community Development (HCD) analyst, Don Thomas, over the last two weeks, we are of the understanding that revisions to the county's DRHE are necessary before the county will be found in compliance with state housing law. The county hereby submits a revision to its September 30th, 2005 submittal for your review.

The affected sections of the DRHE (Sections III, V and VI and Appendix K) are attached to this letter with new changes highlighted. This letter reiterates revisions discussed in the county's letter of November 23rd, 2005 and adds other revisions identified following that correspondence. The revision includes the following changes, which were identified by Mr. Thomas as necessary for the county to gain certification of its housing element:

- Additional discussion of methods the county uses to mitigate the potential impacts of its inclusionary housing program. (Section III, page 49-50 and Appendix K.)
- Additional information on permit requirements for farm employee housing. (Section III, page 55.)
- Additional information regarding projections for farm employee units (Section VI, page 121.) and the addition of Action 6 to the county's Farm Employee Housing Program (Policy 2.2) restating the county's commitment to annually review farm employee housing production and committing the county to identifying additional sites should the 2006-2007 Annual Report show that total affordable housing production falls short of projections. (Section V, page 93-94.)
- The addition of Action 3 to the county's Mobile Homes Policy (Policy 2.4) committing the county to establishing incentives for mobile home development. (Section V, page 94.)

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- The addition of Action 2 to the county's Inclusionary Housing Program (Policy 1.2) restating the county's commitment to annually review the effects of the program on the fulfillment of the county's housing allocation. (Section V, page 87.)
- The addition of two actions to the county's Residential Second Units Program (Policy 1.6) restating the county's commitment to develop and distribute promotional material regarding second units, to annually review the effectiveness of the program and to consider ordinance revisions and incentives should second unit production fall short of county projections. (Section V, page 89.)
- A modification to Policy 1.10, Action 1 committing the county to rezone adequate land at appropriate densities to accommodate its remaining housing allocation and comply with the requirements of state law as amended by Assembly Bill 2348. (Section V, page 92.)
- A modification to the Policy 8.2, Action 5 clarifying the county's commitment to amending the Design Residential (DR) zone district to remove constraints to the development of housing at permitted densities. (Section V, page 104.)

It is our understanding that these revisions to the September 30th, 2005 submittal, if adopted by the County Board of Supervisors, will be sufficient for the county to be granted conditional certification of its Housing Element. Santa Barbara County looks forward to receiving your department's formal response to the county's DRHE and these revisions by December 2nd, 2005. Thank you for your continued guidance in helping Santa Barbara County to gain certification of its Housing Element.

Sincerely,


Michael Brown
County Executive Officer

Attachments

cc: Terri Maus-Nisich, Assistant CEO, County Executive's Office
Ed Moses, Director, Housing and Community Development
John McInnes, Director, Long Range and Strategic Planning, County Executive's Office
Lisa Plowman, Deputy Director, Comprehensive Planning Division
Pat Gabel, Housing and Community Development
Josh McDonnell, Comprehensive Planning Division
Patsy Stadelman, Comprehensive Planning Division
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EXECUTIVE OFFICE

November 23, 2005

Ms. Cathy Creswell, Deputy Director
Department of Housing and Community Development
1800 Third St.
Sacramento, CA 94252-2050

RE: Proposed revisions to Draft Revised Housing Element

Dear Ms. Creswell:

Thank you for your department's ongoing review of Santa Barbara County's Draft Revised Housing Element (DRHE). Based on phone conversations between county staff and State Department of Housing and Community Development (HCD) analyst, Don Thomas, on November 21st and 22nd, 2005, we are of the understanding that revisions to the county's DRHE are necessary before the county will be found in conditional compliance with State housing law. The county hereby submits a revision to its September 30th, 2005 submittal for your review.

The revision includes four changes to the DRHE, focusing on permit requirements for farm employee housing, densities required to accommodate the county's remaining housing allocation, compliance with the requirements of Assembly Bill 2348, and revisions to the Design Residential (DR) zoning district.

Farm Employee Housing Permit Requirements

Mr. Thomas noted that the County's letter to HCD dated September 30, 2005 highlights the zoning districts in which farmworker housing projects are located and the types of permits required for projects of various sizes, yet the DRHE does not include the same language. Accordingly, the county proposes to insert the following language in Section III: Constraints and Mitigating Opportunities, following the first paragraph under Local Governmental Constraints and Opportunities, Permit Process and Procedures, Ongoing Mitigating Opportunities (page 55):

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“With the exception of farm employee housing that falls under the definition in Health and Safety Code 17021.6 and is allowed by right in all agricultural zone districts, the county currently requires a minor discretionary permit of four or fewer employee units on agricultural sites and a major discretionary permit for five or more units. However, farm employee units are not restricted to agricultural parcels only. They may also be developed on any residential site in any housing project.”

Required Densities and Compliance with AB2348

The county’s September 30th submittal requests that HCD consider allowing the county to meet its remaining low income housing allocation by rezoning land to densities of 16 dwelling units per acre, based on a history of producing low income units at this and lower densities. Mr. Thomas indicated that HCD has considered this proposal but cannot grant the request and will require that the county rezone all land necessary to accommodate its remaining very low and low income housing allocation to at least 20 dwelling units per acre, consistent with recently amended state law (amended by Assembly Bill 2348).

Mr. Thomas also noted that Government Code Section 65583.2(h) requires that these sites be zoned to permit multifamily uses by right. Section 65583.2(i) further defines “use by right” as meaning that the local government’s review of the residential use may not require a discretionary permit. As a result, the county must establish provisions that demonstrate the county’s intent to comply with these requirements. The county therefore proposes to replace Policy 1.10, Action 1 of its Housing Element with the following language:

Policy 1.10, Action 1: *Within one year of the adoption of this Element the county shall rezone 62 acres of land to facilitate the development of for-sale and rental multifamily housing at a minimum of 20 dwelling units per acre commensurate with the County's 2003-2009 Regional Housing Needs Allocation for lower income households. Permit processing procedures shall be established for the rezoned sites in conformity with the requirements of Government Code Section 65583.2 (h) and (i).*

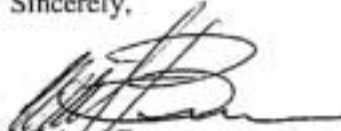
Design Residential Zone District

Finally, Mr. Thomas also requested that Policy 8.2, Action 5 be revised to commit the county to working with the for- and non-profit development community to identify provisions in the county’s Design Residential (DR) zone district that are constraints to housing development and to revise the requirements to facilitate the development of affordable housing at permitted densities. In response, the county proposes to revise Policy 8.2, Action 5 to the following:

Policy 8.2, Action 5: *Within 18 months of adoption of this Element, the county will work with for- and non-profit development representatives to identify provisions in the Design Residential (DR) zone district that are a constraint to affordable housing development and revise the requirements to facilitate and accommodate the development of well-designed affordable housing at permitted densities.*

Santa Barbara County looks forward to receiving your department's formal response to the county's DRHE and this revision by December 1st, 2005. Thank you for your continued guidance in helping Santa Barbara County to gain certification of its Housing Element.

Sincerely,



Michael Brown
County Executive Officer

Attachment

cc: Ed Moses, Director, Housing and Community Development
Terri Maus-Nisich, Assistant CEO, County Executive's Office
John McInnes, Director, Long Range and Strategic Planning, County Executive's Office
Lisa Plowman, Deputy Director, Comprehensive Planning Division
Pat Gabel, Housing and Community Development
Josh McDonnell, Comprehensive Planning Division
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EXECUTIVE OFFICE

September 30, 2005

Ms. Cathy Creswell, Deputy Director
Department of Housing and Community Development
1800 Third St.
Sacramento, CA 94252-2050

RE: Response to Housing Element Comment Letters Dated July 1, 2004 and August 9, 2005

Dear Ms. Creswell:

Thank you for your comment letter dated August 9, 2005 discussing the potential certification of Santa Barbara County's adopted 2003-2008 Housing Element. As a result of your letter and recent oral communications, the County of Santa Barbara has prepared the following draft amendments to its 2003-2008 Housing Element for your review. We request that your department review the enclosed materials and indicate whether their incorporation in the county's Adopted Housing Element will be sufficient to conditionally certify the document.

This letter and enclosed documentation also provide responses to your department's request for clarification and additional information as identified in the original July 1, 2004. As reiterated in your August 9, 2005 letter, the county has given particular attention to the most significant issues when preparing the enclosed Draft Revised Housing Element (DRHE):

- The land inventory analysis was revised to clearly show the land that is currently available for housing, particularly for lower income households.
- To address the shortfall in adequate sites necessary to accommodate the county's "fair share" allocation the Housing Element was revised to identify how the county's commitment to rezone land at various density ranges will provide realistic development opportunities for housing affordable to lower income households.
- The action items were revised to strengthen the county's commitment to implementing action items that provide adequate sites and remove governmental constraints to housing development (i.e., "shall consider" was amended to "shall").

In addition, the county is now in the process of implementing many of the action items described in the adopted 2003-2008 Housing Element to further demonstrate the county's commitment to provide affordable housing. This process consists of an Environmental Impact Report, Comprehensive Plan amendments and Zoning Ordinance amendments, all of which are scheduled for completion in January 2007. Appendix C of the DRHE describes the efforts taken to date to implement this "Action Phase".

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Below please find county responses following abridged versions of your department's questions and/or comments.

Comment #1: Housing Needs, Resources, and Constraints

To credit units toward meeting the county's regional housing need, demonstrate how approved units in the county are affordable to low and very low income households.

Response #1: Since the Housing Element was adopted in March 2005, the county has issued permits for 134 additional very low and low income units above the 257 units reported in the Adopted Housing Element. The county added Table E-1 to Appendix E of the DRHE (enclosed) which provides a breakdown of the methods used to guarantee that the 86 very low and 309 low income units for which permits have been issued since January 2001 are provided and maintained as affordable for low and very low income households. The information includes: affordable housing programs utilized, affordability terms, financial subsidies, and resulting sales or rental prices.

Comment #2: Land Inventory & Rezone Methodology

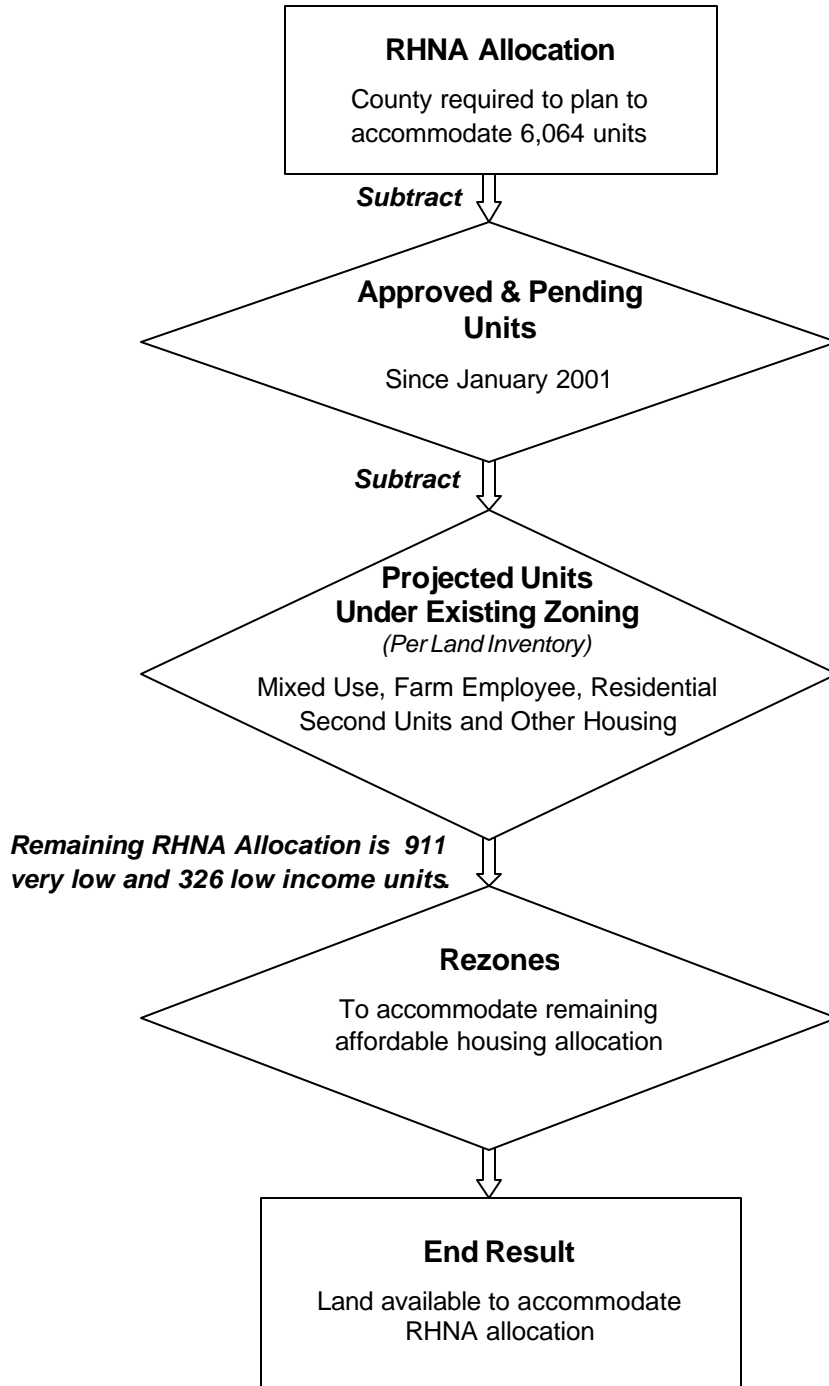
Expand the land inventory analysis to demonstrate how the summary information and buildout projections described in Tables 52 and 53 relate to the specific sites listed in Appendix "D". The expanded analysis is necessary to determine whether the county's proposed program/action to rezone/upzone 109 acres is sufficient to address the shortfall of appropriately zoned sites.

Response #2: In evaluating your comments and through further discussions with your staff, the county revised the land inventory analysis to tie all projected units to specific parcels with the exception of residential second units, which we understand are not required to be tied to specific parcels. In revising the methodology to reflect this change, staff updated approved and pending unit counts based on changes since the Housing Element was adopted. Staff also refined specific assumptions used for other unit projections based on communications with HCD staff and the recent level of permit activity for residential second units and farm employee units. As a result of these revisions, the analysis shows the shortfall of adequate sites to accommodate the county's Regional Housing Needs Allocation (RHNA) is lower than previously projected. Therefore the number of acres the county must rezone is also reduced.

Figure 1 below shows graphically the county's revised methodology for determining the acres that must be rezoned to address the remaining unmet housing need. First, staff deducted approved and pending units from the county's RHNA. Next, as required by state housing law, staff inventoried all parcels that currently allow residential development and projected the realistic build out of these parcels. Staff then projected the number of affordable units that could be expected within this build out including affordable farm employee and residential second units. Projections are based on housing production during the previous Housing Element planning period and recent permit activity, site constraints on individual parcels, market conditions, and reasonable future growth anticipated. The specific assumptions used in this analysis are included in the DRHE (page 119).

Methodology for Analysis of Adequate Sites
to Meet County's Housing Allocation

Figure 1



The results of this analysis are summarized in *Tables 1* and *2* below. *Table 1* shows the projected units under existing zoning that can be counted toward the county’s RHNA. The analysis demonstrates that the county does not have sufficient land zoned at densities necessary to accommodate low and very low income housing. Therefore, the remaining affordable housing need must be accommodated through rezones. To determine the number of acres to be rezoned, staff translated the remaining units needed into acres of land needed at appropriate densities to accommodate affordable housing in the county as shown in *Table 2*. (Detailed tables showing all parcels included in the land inventory with realistic build out and affordable unit projections are provided in DRHE Appendix E.)

**Projected Units Under Existing Zoning
 Unincorporated Santa Barbara County**

Table 1

	Very Low	Low	Moderate	Above Moderate	Total
Approved Units	86	309	113	1,575	2,083
Pending Units	117	106	749	741	1,713
Units on Residential Parcels	72	181	222	113	588
Units on Agricultural Parcels including Farm Employee Units and SFDs	25	24	25	338	412
Mixed Use Units	212	82	33	3,452	3,779
Residential Second Units (not tied to specific parcels)	32	3	240	3,107	3,382
Total Projected Units	544	705	1,382	9,326	11,957

**Acreage to Rezone
 Unincorporated Santa Barbara County**

Table 2

	Very Low	Low	Moderate	Above Moderate	Total
Regional Housing Needs Allocation (RHNA)	1,455	1,031	1,013	2,565	6,064
Less Projected Units Under Existing Zoning (see table above)	544	705	1,382	9,326	11,957
Remaining RHNA	911	326	0	0	1,237
<i>Divided by</i> Density Needed to Accommodate Affordable Housing (units/acre)	20	16	12	N/A	
Acres to Rezone	46	20	0	0	66



The acres needed to accommodate the remaining RHNA changed when the county revised its analysis pursuant to HCD's request. This change was due to an increase in the number of units in the low and moderate income categories that have been approved or are currently in the permit review process since the county's original analysis in the Adopted Housing Element. In addition, changes in assumptions for farm employee and residential second unit production based on communication with HCD staff also reduced the remaining housing need. Based on the revised analysis, the county does not need additional land to accommodate its allocation for moderate income units. The amount of land needed to accommodate low income units is reduced from 32 to 20 acres. The county needs to rezone 46 acres to higher residential densities to accommodate its allocation for very low income units. Therefore, the total acreage that must be rezoned to accommodate the remaining RHNA is 66 acres.

Comment #3: Density Ranges

Explain the rationale for reducing density ranges allowed under higher density general plan designations from 20-30 dwellings per acre to 12-20 dwellings per acre.

Response #3: The reduction is due to a text change from the Draft Housing Element to the Adopted Housing Element in reporting the land inventory information, not due to a change in the general plan designation of any parcels. The land inventory shows that there is no vacant or underdeveloped land zoned over 20 dwellings per acre in the unincorporated county. Therefore, the Adopted Housing Element provides a range capped at 20 dwellings per acre rather than 30 dwellings per acre, as originally depicted in the draft Housing Element.

As with most unincorporated areas, much of the existing development in Santa Barbara County is rural or suburban in character. Few developments in the unincorporated area have been built at densities in excess of 20 dwellings per acre in the last 25 years. However, the county has been successful at producing very low and low income housing. Appendix J of the DRHE details numerous county projects that include high levels of affordable housing at densities lower than 20 dwellings per acre.

Non-profit development is another means by which affordable housing is produced in Santa Barbara County. Non-profit developers have also been successful at building projects with high levels of affordability designed at densities of less than 20 dwellings per acre. The county expanded the DRHE to demonstrate that densities below 20 dwellings per acre do offer realistic affordable housing development opportunities in Santa Barbara County. The DRHE (pages 124-125) describes very low and low income housing projects that have been developed over the last 10 years in the county and in cities within the county.

Comment #4: Development of Underutilized and Infill Sites

Describe the county's track record in encouraging and facilitating the development of underutilized residential and commercial sites, particularly for lower-income households.

Response #4: The county has a successful track record in encouraging and facilitating the development of underutilized residential and commercial sites. Further, the county is receiving increasingly more applications for such reuse and development of underutilized property as unconstrained vacant land is becoming more scarce. Appendix J of the DRHE includes specific examples of development on underutilized and infill sites, both approved projects and current proposals, that include affordable components. In addition, DRHE Policy 1.8, Actions 1 and 2 commit the county to amending existing regulations for mixed use and infill development to further encourage redevelopment of sites with these characteristics.

Comment #5: Inclusionary Housing

Expand the element to include an explanation of the rationale for an increase of the current maximum inclusionary requirement of 20 percent, as well as an analysis of potential impacts this increase might have on the overall cost and supply of new housing.

Response #5: On November 23, 2004, the Board of Supervisors voted 5-0 to adopt an update to the county's Inclusionary Housing Program, identified as the first action item for decision-maker consideration in the county's Housing Element. The updated program includes a 30% requirement (5% very low, 5% low, 10% moderate and 10% workforce*) in certain parts of the county, specifically, the South Coast and Santa Ynez Housing Market Areas. The county recognizes that inclusionary programs can be a constraint to housing development and has addressed this in the revised constraint analysis (DRHE, page 49).

To mitigate any constraints or impacts this program may have on the "cost and supply of new housing," the adopted program includes a 1:1 guaranteed density increase for each moderate and/or workforce unit built on-site that will offset the cost to market rate homes in the project. Further, applicants may choose to pay a fee rather than build affordable units on-site. Rather than being based on the cost of a unit, the fees for very low and low income units are based only on the gap financing necessary to build a lower income unit when those funds are coupled with state and federal grants for which the county has been very successful in competing. The combined grants and fees are then used to produce more lower income housing than developers can typically produce as part of for-profit projects. The county retained an economic consultant, Bay Area Economics, which produced a report showing that even with the increased affordable requirement from a maximum of 20% to 30% in some areas, projects continue to be financially feasible and profitable.

*Note: While the county is aware that HCD does not recognize the workforce income category (for households earning 120-200% of area median income), the extremely high price of housing leads to the need for this type of housing in parts of Santa Barbara County. For this reason, the county's Inclusionary Program includes a requirement for workforce housing in selected areas of the county.

Comment #6: Building Coverage

Expand the Element to analyze whether a building coverage limitation of 30 percent in a number of residential and commercial zones would impede a prospective multifamily development from being built at the maximum allowable density and, in turn, adversely impact the building scale and, in turn, the cost and supply of affordable housing.

Response #6: In preparing the Housing Element update, county staff met with numerous for- and non-profit development representatives to assess barriers to affordable housing and identify potential incentives. Following adoption of the Housing Element, and receipt of HCD's comment letter, staff continued discussions with for- and non-profit development representatives to further explore how design requirements could be modified to reduce the cost and, in turn, encourage the production of affordable housing. In addition to building coverage, other design requirements such as open space, parking, and building height were discussed.

The county's Zoning Ordinance currently allows modifications to these and other zone district requirements which are considered by decision-makers on a case-by-case basis. Open space requirements in some zone districts appeared to be of primary concern to the development community. The Housing

Element now allows this requirement to be reduced from 40% to 25% on a discretionary case-by-case basis.

Based on the information received from discussions with the development community the county expanded the analysis of the potential constraint that building coverage limitations may impose on housing development. Further, DRHE Policy 8.4, Action 1 has been strengthened to commit the county to modify development standards, including building coverage, to facilitate and accommodate development at the densities permitted on sites.

Comment #7: Housing for Persons with Disabilities

The Element needs to include an analysis of the potential governmental constraints on the development, maintenance, and improvement of housing for persons with disabilities.

Response #7: County staff worked closely with several organizations representing persons with disabilities and other special needs groups to ensure that their needs were being addressed through the county's proposed policy and program revisions. Comments were subsequently incorporated into the final document and adopted by the Board of Supervisors. Per your department's comments on the Draft Housing Element, staff included a discussion regarding governmental constraints on housing for persons with disabilities in the Adopted Housing Element. Additionally, at the direction of HCD, an expanded analysis based on examples from other jurisdictions is included in the DRHE (page 57 and Appendix I).

Comment #8: Farm Employee Housing

The Element needs to identify sites/zones that can accommodate the development of housing for farmworker households and describe how the county's entitlement process and development standards encourage and facilitate the development of farmworker housing.

Response #8: Farm employee units are allowed as a permitted use in the county's Agriculture I and II Zone Districts. As part of the revised land inventory staff identified specific agricultural parcels that the county reasonably expects can accommodate farm employee housing (DRHE, Appendix E, Table E-10). However, farm employee units are not restricted to agricultural parcels only. They may also be developed on any residential site in any housing project. Farm employee units are commonly proposed as part of larger residential projects in Design Residential or other multi-family zone districts in the county.

With the exception of farm employee housing that falls under the definition in Health and Safety Code §17021.6 and is allowed by right in all agricultural zone districts, the county currently requires a minor discretionary permit for four or fewer employee units on agricultural sites and a major discretionary permit for five or more units (shown on page D32 of the Housing Element). Flow charts detailing the entitlement process for each of these permit types are shown on pages 53 and 54 of the DRHE and information was added to these diagrams to specifically describe the permit requirements for various types of farm employee housing. The county also revised the DRHE to strengthen the county's commitment to reducing permit requirements for farm employee units to better facilitate this housing type (Policy 2.2, Action 1).

In addition to the Adopted Housing Element, which identifies the need, raises awareness, and proposes policy changes for farm employee housing, the county is encouraging and facilitating farm employee housing through the following ways: (1) the County Housing and Community Development Department is conducting a survey to identify barriers to providing housing for farm employees; (2) the county has an "Ag Team" permanently dedicated to addressing agricultural issues including encouraging and

facilitating housing affordable to farm employees and is available to assist applicants for farm employee housing; (3) the Board of Supervisors allocated funding in May 2005 for an agricultural planner to work with the County Agricultural Commissioner specifically to address agricultural planning issues including farm employee housing and (4) the Board of Supervisors looks to the Agriculture Advisory Committee and the Housing Advisory Committee, which includes a Farm Employee Housing Subcommittee, for recommendations on how to further facilitate the development of farm employee housing.

Comment #9: Future Actions

The program actions accompanying a number of policy statements should be revised to reflect a stronger commitment on the county's part to initiate and complete within the planning period of this Element.

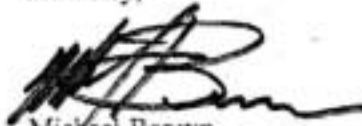
Response #9: As discussed throughout this letter, the county revised the action items identified by your department to express a stronger commitment to implementing these programmatic responses including providing adequate sites for affordable housing and removing governmental constraints to housing development (DRHE, Section V). Discussions between the county and your staff have resulted in an understanding that jurisdictions throughout the state have adopted Housing Elements with strong policy language as part of an adoption phase and completed environmental review of the actual action items during a subsequent implementation phase. The county anticipates HCD's support in pursuing this approach in Santa Barbara County.

Please also note that the county has already begun implementation of many of the actions identified in the Housing Element. Appendix C of the DRHE includes a comprehensive summary of the actions the county has taken to date to implement the Action Phase since adoption of the 2003-2008 Housing Element in March 2004.

Given the proposed amendments and additional information provided via this correspondence and the significant amount of resources being devoted to implementation of the Housing Element Action Phase, the county hereby requests that the State Housing and Community Development Department provide assurance that conditional certification of the county's 2003-2008 Housing Element will be provided once it is formally amended as described herein. The county plans to hold a public hearing in mid-November to identify potential rezone sites to be evaluated in an Environmental Impact Report. Therefore, we would greatly appreciate your expeditious review and feedback so we can report on the status of the county's certification efforts at this hearing.

Thank you for your time and coordination on this matter.

Sincerely,



Michael Brown
County Executive Officer

Enclosure: Draft Revised Housing Element

cc: Ed Moses, Director, Housing and Community Development
Terri Maus-Nisich, Assistant CEO, County Executive's Office
John McInnes, Director, Long Range and Strategic Planning, County Executive's Office
Lisa Plowman, Deputy Director, Comprehensive Planning Division
Pat Gabel, Housing and Community Development
Josh McDonnell, Comprehensive Planning Division
Patsy Stadelman, Comprehensive Planning Division
Comprehensive Planning Chron file



August 9, 2005

Ms. Dianne Meester, Assistant Director
Planning and Development Department
County of Santa Barbara
123 East Anapamu
Santa Barbara, CA 95616

Dear Ms. Meester:

RE: Status of the County of Santa Barbara's Housing Element Review

This letter responds to Mr. Josh McDonnell's (Senior Planner) request for written confirmation of the need for housing element program actions to be definitive and measurable. As you know, the Department has been consulting and assisting the County during the past several months (with site visits and review of informal revisions) to address the statutory requirements described in the Department's July 1, 2004 review. The Department commends your staff for their efforts to address very complex and sensitive land-use and housing issues.

Upon reviewing the County's informal responses submitted in January 2005, the Department advised the County that housing element law requires local governments to include programs that commit to specific actions to: (1) provide adequate sites, (2) assist in the development of low- and moderate-income housing, (3) mitigate/remove constraints, (4) conserve/improve existing housing, (5) promote equal housing, and (6) preserve housing for lower-income households. The element's action plan represents Santa Barbara County's key policy implementation tool to address the housing needs of the community. As a result, program actions must commit the County to completing specific actions within prescribed timelines, and describe the responsible implementing agency or person to ensure the adequacy of the program actions to meet statutory program requirements and local goals and objectives.

As described in the element, adopted on March 29, 2004, the County's commitment to "consider" does not reflect the necessary certainty that each action will be implemented to address the statutory requirements. Of particular importance are the County's key housing program actions (e.g., providing adequate sites through rezones and mitigating/removing governmental constraints). In contrast, the element contains other actions that clearly demonstrate the necessary implementation commitment. They include those found under Policy 7.1, Action 1: ("the County shall update its web page"), Action 2 ("the County shall distribute public information materials"), and Action 3 ("the County will update the Housing Element Implementation Guidelines"). Without this type of definitive housing commitment for program actions needed to provide "adequate sites" and remove governmental constraints in particular, the Department would be unable to find the County's element in compliance with State housing element law (Article 10.6 of the Government Code).

Also, as discussed with County staff during the Department's February 8, 2005 site visit and during subsequent phone conversations, given high land and construction costs in the County, the proposed range of densities described in rezone Action Policy 1.10 (i.e., 32 acres at 10-16 du/ac) does not appear to be sufficient (i.e., permitted densities are too low) to provide realistic development opportunities for housing affordable to lower-income households. According to Mr. McDonnell, the County is confident the revised land inventory analysis will bear out that development at these densities is adequate to provide realistic development opportunities for low income households. For your information, most jurisdictions along the central coast allow at least 20 dwelling units per acre in their high density zoning districts or affordable housing overlay areas. As an example, 20 dwelling units per acre is permitted in the City of Carpinteria, 27 dwelling units per acre in the City of Santa Barbara, 26-38 dwelling units per acre in San Luis Obispo County, 22 units per acre in the City of Santa Maria, and 27-54 dwelling units per acre in the City of Ventura.

The County should ensure its revised land inventory analysis addresses the requirements of recent legislative amendments (Chapter 724, Statutes of 2004), which took effect in January 2005 (enclosed). The amendments to housing element law detail the specific analyses required to demonstrate the adequacy of existing zoning and densities to address the regional need for lower- and moderate-income households.

The Department recognizes the unique circumstances and environmental challenges in Santa Barbara County, and remains committed to working in partnership with you and your staff to address all requirements of State housing element law. If you have any questions, or if we can provide further assistance, please contact me or Don Thomas, of our staff, at (916) 445-5854.

Sincerely,



Cathy E. Creswell
Deputy Director

Enclosure

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
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July 1, 2004

Mr. Valentin Alexeeff, Director
Santa Barbara County
Planning and Development
123 East Anapamu
Santa Barbara, California 93101-2058

Dear Mr. Alexeeff:

RE: Review of the County of Santa Barbara's Adopted Housing Element

Thank you for submitting Santa Barbara County's housing element, adopted by the Board of Supervisors on March 29, 2004 and received for our review on April 2, 2004. We are also in receipt of proposed draft revisions to the County's inclusionary housing program (Policy 1.2), received via facsimile transmission on June 24, 2004. In accordance with Government Code Sections 65585(b) and 65585(h), the Department of Housing and Community Development (Department) is required to review draft and adopted housing elements and report our findings to the locality. A series of telephone conversations and e-mail exchanges with Ms. Alicia Harrison, helped facilitate the review.

While the adopted element includes revisions that address many of the statutory requirements described in the Department's October 31, 2003 review, the requirements described below must be addressed to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element's land inventory still does not include sufficient information to demonstrate the adequacy of identified sites. The necessary revisions are as follows:

A. Housing Needs, Resources and Constraints

1. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels (Section 65583(a)(1)). Include the locality's share of regional housing need in accordance with Section 65584.*

Revisions to Table 53 indicate the County has issued building permits for 257 units affordable to lower-income households (32 very low- and 225 low-) since January 2001. As discussed with County staff, the County's RHNA can be reduced by the number of new units approved and constructed since January 1, 2001. However, to credit units towards the County's low- and very low-income regional housing need, the element must demonstrate how the approved units are affordable to lower-income households, including any financial subsidies used as well as the resulting sales prices and/or rent levels.

2. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

Adequate Sites: The adopted element now includes an expanded land inventory analysis (pages 115-120), along with an accompanying parcel-specific listing of vacant and underutilized residential and commercially zoned sites (Appendix D39-D79). However, as discussed with your staff, Table 52 (page 117) reflects a summary of “allowed” residential uses by general plan designation only, rather than an inventory of appropriately zoned, available, and suitable sites. As indicated in our October 31, 2003 review, the element must clearly demonstrate how the available vacant and underutilized residential and commercial sites, now listed in Appendix “D”, are zoned appropriately to allow densities sufficient to accommodate Santa Barbara County’s remaining regional housing need, particularly for lower-income households. More specifically, the land inventory analysis should relate the summary information and buildout projections described in Tables 52 and 53 to specific sites listed in Appendix “D”. In addition to demonstrating the adequacy of existing sites, the expanded analysis is necessary to determine whether the County’s proposed program action to rezone/upzone 109 acres, described under Policy 1.10, is sufficient to address the shortfall of sites that are appropriately zoned to encourage and facilitate the development of multifamily rental housing and, in turn, accommodate the housing needs of lower-income households within the planning period of this element.

Sufficient Density: We note the density ranges allowed under the higher density general plan designation have been reduced from 20-30 dwelling units per acre to 12-20 dwelling unit per acre (Table 52). The element must should explain the rationale for the resulting reduction of development capacity and clearly demonstrate that densities in this range are sufficient to accommodate the development of housing for lower-income households.

Underutilized Sites: Table 52 and Appendix “D” continue to list several underutilized residential and commercial sites. While these sites may provide viable residential development opportunities, the element still needs to describe the County’s track record in encouraging and facilitating the development of such sites, particularly for lower-income households. Refer to our October 31, 2003 review.

3. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 (Section 65583(a)(4)).*

Inclusionary Housing: According to the draft revisions to the County’s inclusionary housing program (Policy 1.2), Development Standard 1.2.2 proposes an increase of the “variable” inclusionary requirement to 30 percent for projects in the South Coast and Santa Ynez Housing Market Areas (HMAs). As a result, the element should be expanded to include an explanation of the rationale for an increase of the current maximum of 20 percent, as well as an analysis of potential impacts this increase might have on the overall cost and supply of new housing within these HMAs.

Land-Use Controls: The adopted element includes new information which indicates building coverage in a number of residential and commercial zones (e.g., DR, CN, OT-R) that permit high density residential uses is limited to 30 percent (Appendix D26-D30). The element should be expanded to analyze whether this building coverage limitation would impede a prospective multifamily development from being built at the maximum allowable density and, in turn, adversely impact the building scale and, in turn, the cost and supply of affordable housing.

Housing Constraints for Disabled Persons: The adopted element provides a summary description of how the use of Single Room Occupancy (SRO) units can be used to address the housing need of person with disabilities. While the adopted element includes a program to “consider” zoning ordinance revisions for SROs (Policy 3.1, Action 1), the element still needs to include an analysis of the potential governmental constraints on the development, maintenance, and improvement of housing for persons with disabilities. The element’s analysis of the County’s reasonable accommodation procedures and processes should not be limited to procedures for the approval of group homes, but should also address the installation of accessibility improvements, ADA retrofit efforts, an evaluation of the zoning code for ADA compliance or other measures that provide flexibility in the development of housing for persons with disabilities. For example, indicate if the County has taken steps to modify its definition of a “family” unit so as not to preclude the establishment of group homes in residential zones. Also, clarify whether requests for reasonable accommodation are limited to the person with the disability or can be made on behalf of the person by a family member or caregiver and indicate if the County imposes a fee for reasonable accommodation requests.

4. *Analyze any special housing needs, such as farmworkers (Section 65583(a)(6)).*

Farmworker Housing: The adopted element includes program actions to “consider” a zoning ordinance amendment to better facilitate the development of housing for farmworkers and conduct a survey of farmworker housing needs (Policy 2.2, Actions 1 and 2). However, the element yet needs to identify sites/zones that can accommodate the development of housing for farmworker households and describe how the County’s entitlement process and development standards encourage and facilitate the development of farmworker housing. Please see our October 31, 2003 review.

B. Housing Programs

Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities, including sewer collection and treatment, domestic water supply, and septic tanks and wells, needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, housing for emergency shelters and transitional housing (Section 65583(c)(1)).

The adequacy of sites cannot be established prior to a more detailed analysis as noted in A.2.

A number of the revised programs/policies in the adopted element now indicate the County will “consider” the implementation of certain actions. As discussed in our telephone conversations with County staff, successful completion of these actions, within a timely manner, is critical for the County to effectively address the future housing needs of the community and increase residential development opportunities. As a result, the program actions accompanying the policy statements listed below should be revised to reflect stronger commitment on the County’s part to initiate and complete within the planning period of this element. The County should focus on those actions that will result in increased higher density residential development opportunities thereby assisting the County in accommodating its regional housing needs as well as removing or mitigating identified development impediments and constraints.

As an example, refer to revised Action 1 accompanying Policy 7.1. This action specifically commits the County to updating its web page and Housing Element Implementation Guidelines by the summer of 2005.

- Policy 1.8 (Mixed Use)
- Policy 1.10 (Accommodate Fair Share)
- Policy 2.2 (Housing for Farmworkers)
- Policy 3.1 (Person with Disabilities)
- Policy 5.4 (Design Guidelines)
- Policy 8.1 (Make Affordable Housing a Priority)
- Policy 8.4 (Development Incentives)

Once the County has revised the element to address the aforementioned statutory requirements, the element will be in compliance with State housing element law (Article 10.6 of Government Code).

We hope our comments are helpful and would be glad to assist the County in addressing the above requirements. If you would like to schedule another meeting in Santa Barbara or Sacramento or have any questions or concerns, please contact Don Thomas, of our staff, at (916) 445-5854.

In accordance with their requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

cc: Alicia Harrison, Planner, Santa Barbara County
Mark Stivers, Senate Committee on Housing & Community Development
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
Kirk Ah Tye, California Rural Legal Assistance, Inc.
Jeannie Barrett, California Rural Legal Assistance, Inc.

February 12, 2004

**NOTICE OF AVAILABILITY OF THE
DRAFT NEGATIVE DECLARATION
FOR THE 2003-08 UPDATE TO SANTA BARBARA COUNTY
COMPREHENSIVE PLAN'S HOUSING ELEMENT
PHASE I OF COUNTY'S HOUSING ELEMENT ACTION PROGRAM**

PROJECT DESCRIPTION: Santa Barbara County proposes to replace the 1993 Housing Element with the 2003-08 Housing Element. It contains new sections on housing needs and an inventory within the unincorporated area, an analysis of constraints to the development of housing and possible ways to reduce or eliminate such constraints, an evaluation of the effectiveness of the 1993 Element's programs, and revised housing goals, quantified objectives, programs and policies, actions and development standards. It also contains a number of appendices that contain supplemental information, including public comments received on the draft Housing Element.

PROJECT LOCATION: Unincorporated inland and coastal lands in all Supervisorial Districts.

PUBLIC COMMENT: Santa Barbara County P&D is soliciting comments on the adequacy and completeness of the Draft Negative Declaration. You may comment by submitting written or oral comments to the project planner identified below prior to the close of public comment on March 12, 2004 at 5 p.m. [A separate environmental hearing will not be held.]

PROJECT DETAILS: The County has split the Housing Element into two phases: Adoption and Action. The Adoption Phase includes all that is required by state law to be in the Housing Element and identifies the policies and programs to meet housing goals. All minor policy amendments proposed will take effect concurrently with the Housing Element adoption. These amendments will be evaluated as part of this Negative Declaration. All major policy amendments are action items in the Housing Element proposed for future consideration. These action items will be discussed in the Housing Element, however will not be evaluated in the Negative Declaration at this time due to their speculative nature and lack of sufficient detail to perform meaningful analysis. The action items will continue to be shaped by community input throughout the Action Phase. Once they are refined an environmental impact report will be prepared assessing any associated impacts and the decision-makers will consider the items for adoption. It is anticipated that these items will be before the Planning Commissions and Board of Supervisors in Fall/Winter 2004. Together the adopted Housing Element and the Action Phase that follows will facilitate meeting the county's housing goals for the next five years.

The Adoption Phase includes decision-maker consideration of the following items:

All factual disclosures required by state law including a housing needs assessment, inventory of available land, and analysis of constraints to housing development.

Programs & Policies:

GOAL 1: Enhance Diversity and Quantity of Housing Supply: Revisions to State Density Bonus Program consistent with state law; minor policy amendments encouraging mixed use and infill development; minor policy amendments encouraging the development and legalization of residential second units, including working with service districts to reduce connection fees; minor policy amendments encouraging development of multi-family rental housing; total countywide acreage at a range of densities that shall be considered for rezoning to allow for a variety of housing types and affordability levels. Specific sites are not identified.

The Negative Declaration for the Housing Element includes evaluation of proposed revisions to the existing Inclusionary Housing Program, however the revisions to this program will not be considered by the Board of Supervisors at the time the Housing Element is adopted. The proposed Inclusionary Program along with a revised in-lieu affordable housing fee

will be brought before decision-makers within four months of adoption of the Housing Element. Additional time is required to refine the in-lieu fee and certain aspects of the Inclusionary Program.

GOAL 2: Expand Housing for Special Needs Groups: Minor policy amendments to encourage the expansion of a housing supply that meets the needs of identified special needs households and that offers diversity in size, type, tenure, location, and affordability levels. Special Needs Groups include homeless facilities, farm employee housing, other employee housing and mobile homes.

GOAL 3: Expand Housing for Persons with Disabilities: Minor policy amendments to encourage the expansion of a housing supply that meets the needs of persons with disabilities and their families and that offers diversity in size, type, tenure, location and affordability levels.

GOAL 4: Open and Fair Housing Opportunities: Minor policy amendments to promote equal opportunity in all housing types (ownership and rental, market rate and assisted) and for all persons.

GOAL 5: Quality Housing Design: Minor policy amendments to promote efficient use of land and well-designed, energy-efficient housing units in keeping with the character of surrounding neighborhoods; neighborhood compatibility guidelines to encourage compatibility of new construction, rehabilitation or renovation of existing housing units with surrounding structures and their setting in an effort to maintain or enhance harmony and balance in the community.

GOAL 6: Preserve Affordable Housing Stock: Minor policy amendments to preserve existing affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement, including extending affordability requirement to a 45-year period which would restart upon each resale for a maximum period of 90 years. If the first owner does not sell the unit for 45 years the affordability restriction will expire after the 45-year time frame.

GOAL 7: Cooperative Relationships: Minor policy amendments directing county to form strong collaborative working relationships with all providers of and advocates for housing; and assist these collaborators in all feasible ways with the process of developing affordable housing; continue community outreach efforts on affordable housing programs, including updates to the county's website, brochures and public workshops; minor policy amendment to work with local service districts to determine whether capital improvements are necessary to eliminate service constraints to housing development.

GOAL 8: Efficient Government: Minor policy amendments to identify and, where feasible, eliminate or reduce governmental constraints to development of affordable and/or special needs housing; discretionary development incentives for projects participating in housing programs.

GOAL 9: Cultivated Financial Resources: Minor policy amendments directing county to actively pursue funds and use various sources of revenue to assist the development, acquisition, and rehabilitation of affordable housing and provide financing assistance for first time homebuyers; minor policy amendments to prioritize the provision of affordable and/or special needs housing as a priority when considering the future use of county-owned lands.

The Adoption Phase does not include decision-maker consideration of the following items:

These are identified as action items in the 2003-08 Housing Element document and will continue to be shaped by community input throughout the Action Phase. As stated above, these action items cannot be evaluated at this time as part of the Negative Declaration due to their speculative nature and lack of sufficient detail to perform meaningful analysis. Most of these items will return to decision-makers for consideration within one year following adoption of the Housing Element. An EIR will be prepared when sufficient detail exists.

GOAL 1: Enhance Diversity and Quantity of Housing Supply: Revisions to existing Inclusionary Housing Program; revisions to existing affordable housing in-lieu fee; any rezones needed to meet affordable housing objectives; minimum density requirements on specified sites to increase certainty and consistency in level of development permitted on residential land and to promote efficient development of the land; ordinance amendments to implement Service Worker Housing Policy and associated in-lieu fee as well as amendments to allow construction of on-site service worker housing

in-lieu of the fee; ordinance amendments to encourage mixed use development in commercial zone districts; reduced permit requirements for Residential Second Units on agricultural lands; a policy for a Variable Density Program which would allow “density equivalents” to count smaller units as less than one full unit when applying maximum density limits for a site.

GOAL 2: Expanded Housing for Special Needs Groups: Reduced permit requirements for farm employee housing on agricultural lands.

GOAL 3 & 4: No action items.

GOAL 5: Quality Housing Design: Establish residential design standards to guide future housing development countywide; amendments to DR Zone District to modify requirements that serve as constraints to well-designed housing; amendments to Goleta Community Plan to extend A-I land use designation to the South Patterson Agricultural Area for an additional 10 years.

GOAL 6: Preserved Affordable Housing Stock: Revisions to maximum sales price calculation formula.

GOAL 7: Cooperative Relations: Revisions to the Zoning Ordinance requirements for Single Room Occupancy developments to mitigate constraints of the development of housing for persons with disabilities and groups with special housing needs.

GOAL 8: Efficient Government: Amendments to allow development standard modifications as incentives for affordable housing development, such as setback, open space and parking modifications; consideration of fee reductions for certain types of development in the Orcutt Planning Area as part of beneficial project development impact fee reduction program.

GOAL 9: No action items.

ENVIRONMENTAL REVIEW FINDINGS : P&D has prepared a Draft Negative Declaration (04NGD-00000-00004) pursuant to Section 15073 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA. P&D’s issuance of a Negative Declaration affirms our opinion that there are no significant adverse impacts associated with the proposed project and that the project does not require the preparation of an Environmental Impact Report (EIR). The Negative Declaration prepared for the project identifies and discusses potential impacts for identified subject areas. If the project description changes, P&D will require a reevaluation to consider the changes. If you challenge this environmental document in court, you may be limited to raising only those issues raised by you or others in written correspondence or in hearings on the proposed project.

DOCUMENT AVAILABILITY: If a copy of the Negative Declaration is not attached, the draft ND may be obtained at Planning & Development offices located at 123 E. Anapamu Street, Santa Barbara OR 624 Foster Road, Suite C, Santa Maria. The Draft ND is also available for review at the Santa Barbara Library, 40 E. Anapamu, Santa Maria Library, 420 S. Broadway, and Goleta Library, 500 N. Fairview, and online at www.countyofsb.org/plandev/comp/programs/housing/2003.

HOW TO COMMENT: Please provide comments to the project planner, Greg Mohr, ph: (805) 568-2080 or Alicia Harrison (805) 884-8060, fax: (805) 568-2030 prior to the close of public comment on March 12, 2004 at 5 p.m. Please limit comments to environmental issues such as traffic, biology, noise, etc. You will receive notice of the dates of future public hearings to consider project approval or denial.

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT
PROPOSED FINAL NEGATIVE DECLARATION
FOR THE 2003-08 UPDATE TO SANTA BARBARA COUNTY
COMPREHENSIVE PLAN'S HOUSING ELEMENT
PHASE I OF COUNTY'S HOUSING ELEMENT ACTION PROGRAM**

1.0 REQUEST/PROJECT DESCRIPTION

The 2003-08 Housing Element has been prepared under a state law mandate that requires cities and counties to periodically update the Housing Elements of their general plans, on a schedule prescribed in Gov. Code §65588. The County's current Housing Element was adopted in 1993, with several relatively minor amendments since then.

The 2003-08 Housing Element is a complete revision of the 1993 Housing Element. It contains new sections on housing needs and an inventory within the unincorporated area, an analysis of constraints to the development of housing and possible ways to reduce or eliminate such constraints, an evaluation of the effectiveness of the 1993 Element's programs, and revised housing goals, quantified objectives, programs and policies, actions, and development standards. It also contains a number of appendices that contain supplemental information, including public comments received on the draft Element.

The County has split the Housing Element into two phases: Adoption and Action. The Adoption Phase includes all that is required by state law to be in the Housing Element and identifies the policies and programs to meet housing goals. All minor policy amendments proposed will take effect concurrently with the Housing Element adoption. These amendments will be evaluated as part of this Negative Declaration. All major policy amendments are action items in the Housing Element proposed for future consideration. These action items will be discussed in the Housing Element, however will not be evaluated in the Negative Declaration at this time due to their speculative nature and lack of sufficient detail to perform meaningful analysis. The action items will continue to be shaped by community input throughout the Action Phase. Once they are refined an environmental impact report will be prepared assessing any associated impacts and the decision-makers will consider the items for adoption. It is anticipated that these items will be before the Planning Commission and Board of Supervisors in Fall/Winter 2004. Together the adopted Housing Element and the Action Phase that follows will facilitate meeting the county's housing goals for the next five years.

A complete description of the goals, policies, programs and action items included in the 2003-08 Housing Element is provided in Attachment A: 2003-08 Housing Element Compendium of Goals, Policies and Programs, and is summarized below.

The Adoption Phase includes decision-maker consideration of the following items:

All factual disclosures required by state law including a housing needs assessment, inventory of available land, and analysis of constraints to housing development.

Programs & Policies

GOAL 1: Enhance Diversity and Quantity of Housing Supply

- Revisions to State Density Bonus Program consistent with state law.
- Minor policy amendments encouraging mixed use and infill development.
- Minor policy amendments encouraging the development and legalization of residential second units, including working with service districts to reduce connection fees.
- Minor policy amendments encouraging development of multi-family rental housing.
- Total countywide acreage at a range of densities that shall be considered for rezoning to allow for a variety of housing types and affordability levels. Specific sites are not identified.

The Negative Declaration for the Housing Element includes evaluation of proposed revisions to the existing Inclusionary Housing Program, however the revisions to this program will not be considered by the Board of Supervisors at the time the Housing Element is adopted. The proposed Inclusionary Program along with a revised in-lieu affordable housing fee will be brought before decision-makers within four months of adoption of the Housing Element. Additional time is required to refine the in-lieu fee and certain aspects of the Inclusionary Program.

GOAL 2: Expand Housing for Special Needs Groups

- Minor policy amendments to encourage the expansion of a housing supply that meets the needs of identified special needs households and that offers diversity in size, type, tenure, location, and affordability levels. Special Needs Groups include homeless facilities, farm employee housing, other employee housing and mobile homes.

GOAL 3: Expand Housing for Persons with Disabilities

- Minor policy amendments to encourage the expansion of a housing supply that meets the needs of persons with disabilities and their families and that offers diversity in size, type, tenure, location and affordability levels.

GOAL 4: Open and Fair Housing Opportunities

- Minor policy amendments to promote equal opportunity in all housing types (ownership and rental, market rate and assisted) and for all persons.

GOAL 5: Quality Housing Design

- Minor policy amendments to promote efficient use of land and well-designed, energy-efficient housing units in keeping with the character of surrounding neighborhoods.
- Neighborhood compatibility guidelines to encourage compatibility of new construction, rehabilitation or renovation of existing housing units with surrounding structures and their setting in an effort to maintain or enhance harmony and balance in the community.

GOAL 6: Preserve Affordable Housing Stock

- Minor policy amendments to preserve existing affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement, including extending affordability requirement to a 45-year period which would restart upon each resale for a maximum period of 90 years. If the first owner does not sell the unit for 45 years the affordability restriction will expire after the 45-year time frame.

GOAL 7: Cooperative Relationships

- Minor policy amendments directing county to form strong collaborative working relationships with all providers of and advocates for housing; and assist these collaborators in all feasible ways with the process of developing affordable housing.
- Continue community outreach efforts on affordable housing programs, including updates to the county's website, brochures and public workshops.
- Minor policy amendment to work with local service districts to determine whether capital improvements are necessary to eliminate service constraints to housing development.

GOAL 8: Efficient Government

- Minor policy amendments to identify and, where feasible, eliminate or reduce governmental constraints to development of affordable and/or special needs housing.
- Discretionary development incentives for projects participating in housing programs.

GOAL 9: Cultivated Financial Resources

- Minor policy amendments directing county to actively pursue funds and use various sources of revenue to assist the development, acquisition, and rehabilitation of affordable housing and provide financing assistance for first time homebuyers.
- Minor policy amendments to prioritize the provision of affordable and/or special needs housing as a priority when considering the future use of county-owned lands.

The Adoption Phase does not include decision-maker consideration of the following items:

These are identified as action items in the 2003-08 Housing Element document and will continue to be shaped by community input throughout the Action Phase. As stated above, these action items cannot be evaluated at this time as part of the Negative Declaration due to their speculative nature and lack of sufficient detail to perform meaningful analysis. Most of these items will return to decision-makers for consideration within one year following adoption of the Housing Element. An EIR will be prepared when sufficient detail exists.

GOAL 1: Enhance Diversity and Quantity of Housing Supply

- Revisions to existing Inclusionary Housing Program.
- Revisions to existing affordable housing in-lieu fee.
- Any rezones needed to meet affordable housing objectives.

- Minimum density requirements on specified sites to increase certainty and consistency in level of development permitted on residential land and to promote efficient development of the land.
- Ordinance amendments to implement Service Worker Housing Policy and associated in-lieu fee as well as amendments to allow construction of on-site service worker housing in-lieu of the fee.
- Ordinance amendments to encourage mixed use development in commercial zone districts.
- Reduced permit requirements for Residential Second Units on agricultural lands.
- A policy for a Variable Density Program which would allow “density equivalents” to count smaller units as less than one full unit when applying maximum density limits for a site.

GOAL 2: Expanded Housing for Special Needs Groups

- Reduced permit requirements for farm employee housing on agricultural lands.

GOAL 3 & 4: No action items.

GOAL 5: Quality Housing Design

- Establish residential design standards to guide future housing development countywide.
- Amendments to DR Zone District to modify requirements that serve as constraints to well-designed housing.
- Amendments to Goleta Community Plan to extend A-I land use designation to the South Patterson Agricultural Area for an additional 10 years.

GOAL 6: Preserved Affordable Housing Stock

- Revisions to maximum sales price calculation formula.

GOAL 7: Cooperative Relations

- Revisions to the Zoning Ordinance requirements for Single Room Occupancy developments to mitigate constraints of the development of housing for persons with disabilities and groups with special housing needs.

GOAL 8: Efficient Government

- Amendments to allow development standard modifications as incentives for affordable housing development, such as setback, open space and parking modifications.
- Consideration of fee reductions for certain types of development in the Orcutt Planning Area as part of beneficial project development impact fee reduction program.

GOAL 9: No action items.

2.0 PROJECT LOCATION

The Housing Element applies throughout the unincorporated area of Santa Barbara County exclusive of areas under state and federal jurisdiction, such as the University of California campus, Vandenberg Air Force Base, and federally-owned land within the Los Padres National Forest.

3.0 ENVIRONMENTAL SETTING

The unincorporated area consists of a variety of physical environments, from shorelines and coastal terraces to gently rolling hills to rugged mountains, and from concentrations of urban and suburban development to small distinct towns to semi-rural and rural areas.

Similarly, a wide variety of biological habitats exist throughout the unincorporated area. These include the offshore marine environment, coastal strand, coastal dunes, coastal estuaries, various kinds of scrub and woodland habitats, wetlands, grasslands and freshwater streams. Vast expanses of habitat areas are primarily outside of urban and suburban areas, but important biological resources also exist within primarily developed areas. Important habitats are enumerated in the Conservation Element of the county's Comprehensive Plan and in the county's various adopted Community and Area Plans.

Numerous recorded archaeological and historic sites exist throughout the unincorporated area, along with an undoubtedly large number of unrecorded and unrecognized resources.

A large range of soil types exists as well, including large areas of prime agricultural soils that are located primarily on coastal terraces, along streams, and within inland valleys. A variety of agricultural uses exist on both prime and non-prime soils, including various forms of cultivated agriculture and rangeland uses.

Surface water bodies include numerous perennial and ephemeral streams, nearly all of which drain to the ocean. The Cuyama, Sisquoc, Santa Maria, and Santa Ynez are the major rivers in the county. The only natural lakes are upper and lower Zaca Lake, located on private landholdings within the Los Padres National Forest. There are three reservoirs on the upper Santa Ynez River: Cachuma, Gibraltar, and Sheffield. Cachuma provides both water supplies and recreational uses; Gibraltar and Sheffield are water supply reservoirs only.

Santa Barbara County is bounded by San Luis Obispo County to the north, Kern County to the northeast, and Ventura County to the east. The Pacific Ocean bounds the county to the south and west.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

INTRODUCTION

The 2003-08 Housing Element is a planning document that provides updated background information and goals, quantified objectives, programs and policies, actions, and development standards. It is a text update to the 1993 Housing Element that does not in itself increase

development potential, increase the density or intensity of future development, or modify any ordinance provisions that relate to development.

It does contain directives for future actions that could increase development potential, increase the density or intensity of future development, and modify ordinance provisions that relate to development. However, all such changes would require the future exercise of legislative discretion by the Santa Barbara County Board of Supervisors, and the nature of such changes currently is not specific enough to serve as the basis for a meaningful analysis of potential environmental effects. Subsequent environmental review will be done for all later actions to implement the Element, once those actions are defined specifically enough to allow meaningful review.

The following checklist indicates the potential level of impact and is abbreviated as follows:

Known Signif.: Known significant environmental impacts.

Unknown Poten. Signif.: Unknown potentially significant impacts which need further review to determine significance level.

Poten. Signif. and Mitig.: Potentially significant impacts which can be mitigated to less than significant levels.

Not Signif.: Impacts which are not considered significant.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case. Discussion should include reference to the previous documents, a citation of the page or pages where the information is found, and identification of mitigation measures incorporated from those previous documents. **NOTE:** Where applicable, this box should be checked in addition to one indicating significance of the potential environmental impact.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?				X	
b. Change to the visual character of an area?				X	
c. Glare or night lighting which may affect adjoining areas?				X	
d. Visually incompatible structures?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to aesthetics. It is possible that later actions to implement the Element could have indirect adverse effects, should incentives be allowed that permit reduced structural setbacks from lot lines. However, the adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.2 AGRICULTURAL RESOURCES

Will the proposal:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to agricultural resources. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to convert agricultural lands to non-agricultural use, or should zoning ordinance changes be approved to allow non-agricultural residential second units on agriculturally-zoned properties. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.3 AIR QUALITY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	
b. The creation of objectionable smoke, ash or odors?				X	
c. Extensive dust generation?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to air quality. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	
e. The loss of healthy native specimen trees?				X	
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?				X	
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?				X	
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?				X	
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?				X	
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?				X	

Existing Plant and Animal Communities/Conditions: Please refer to the previous Environmental Setting section near the beginning of this Initial Study.

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to biological resources. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands that contain sensitive resources. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.5 CULTURAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?				X	
b. Disruption or removal of human remains?				X	
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?				X	
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?				X	
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?				X	
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?				X	
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to cultural resources. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands that contain sensitive resources. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.6 ENERGY

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to energy resources. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would

involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.7 FIRE PROTECTION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?				X	
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?				X	
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
e. Development of structures beyond safe Fire Dept. response time?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to fire protection. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands within high fire hazard areas or where fire protection services are inadequate. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				X	
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?				X	
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?				X	
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to geologic processes. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands containing or exposed to geologic hazards. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?				X	
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to hazardous materials or risk of upset. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands containing hazardous materials or exposed to appreciable risk of upset. Also, possible changes to commercial zoning district regulations to increase the permissibility of residential uses indirectly could result in the exposure of greater numbers of people to hazardous materials or conditions in mixed commercial-residential projects. However, the location and extent of such potential land use and zoning changes and prospective mixed-use projects is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.10 HISTORIC RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?				X	
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to historic resources. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on lands that contain historic resources. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.11 LAND USE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to land use concerns. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential inappropriately, for example, by increasing density within an airport safety zone. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.12 NOISE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding				X	

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
County thresholds (e.g. locating noise sensitive uses next to an airport)?					
b. Short-term exposure of people to noise levels exceeding County thresholds?				X	
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to noise. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential on land exposed to excessive noise levels, or to an extent that would generate excessive noise levels. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.13 PUBLIC FACILITIES

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	
e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to public facilities. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential to the extent that significant effects on public facilities might occur. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.14 RECREATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to recreation. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential to the extent that significant effects on recreational opportunities or facilities might result. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?				X	
emergency access?				X	
h. Impacts to Congestion Management Plan system?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to transportation and circulation. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes

be approved to increase residential development potential to the extent that significant effects on traffic levels and transportation facilities might occur. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

4.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?				X	
c. Change in the amount of surface water in any water body?				X	
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?				X	
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	
j. The substantial degradation of groundwater quality including saltwater intrusion?				X	
k. Substantial reduction in the amount of water otherwise available for public water supplies?				X	
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?				X	

Impact Discussion: As a planning document, the Housing Element would not have any direct or indirect physical impacts with regard to water resources or flooding. It is possible that later actions to implement the Element could have indirect adverse effects, should land use and zoning changes be approved to increase residential development potential to the extent that significant effects on water resources might occur, or in areas where development could create or be exposed to flooding hazards. However, the location and extent of such potential land use and zoning changes is not known at this time. The adoption of such actions would involve a future exercise of discretion by

the Board of Supervisors, and an evaluation of potential impacts would be premature and unduly speculative at this time.

Mitigation and Residual Impact: No mitigations measures are required; no residual impact.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts, Regional Programs, Other: County Housing & Community Development, County Administrator, County Counsel.

5.2 Comprehensive Plan

<u> X </u> Seismic Safety/Safety Element	<u> X </u> Conservation Element
<u> X </u> Open Space Element	<u> X </u> Noise Element
<u> X </u> Coastal Plan and Maps	<u> X </u> Circulation Element
<u> X </u> ERME	Community and Area Plans – Orcutt, Los Alamos, Goleta, Montecito, Summerland, Toro
	<u> X </u> Canyon

5.3 Other Sources

<u> </u> Field work	<u> X </u> Ag Preserve maps
<u> </u> Calculations	<u> X </u> Flood Control maps
<u> X </u> Project plans (draft Housing Element)	<u> X </u> Other technical references (reports, survey, etc.)
<u> </u> Traffic studies	<u> X </u> Planning files, maps, reports
<u> </u> Records	<u> X </u> Zoning maps
<u> </u> Grading plans	<u> X </u> Soils maps/reports
<u> </u> Elevation, architectural renderings	<u> X </u> Plant maps
<u> X </u> Published geological map/reports	<u> X </u> Archaeological maps and reports
<u> X </u> Topographical maps	Other: Negative Declarations prepared for the draft Housing Elements of San Luis Obispo County and the cities of
<u> X </u> Other: Final EIR on the 1993 Santa Barbara County Housing Element	<u> X </u> Carpinteria and Santa Barbara
	<u> </u>
	<u> </u>
	<u> </u>

6.0 PROJECT SPECIFIC (*short- and long-term*) AND CUMULATIVE IMPACT SUMMARY

As a planning document, the Housing Element would not have any direct or indirect short- or long-term physical impacts. A range of indirect site-specific and cumulative adverse impacts could result from subsequent actions to amend land use plans and zoning ordinances to implement the Housing Element. However, the specific nature and extent of such amendments is not well enough known at this time to serve as the basis for a meaningful analysis of potential environmental effects. Subsequent environmental review would be done for all later actions to implement the Element, once those actions are defined specifically enough to allow meaningful review.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

	Known Signif.	Unknown Poten. Signif.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				X	
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?				X	

8.0 PROJECT ALTERNATIVES

If potentially significant, adverse unmitigable impacts would result, identify potential project alternatives to minimize these effects (reduced project, alternative use, alternative site location, etc.)

Not applicable.

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

Please refer to Appendix B of the 2003-08 Housing Element (Attached).

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

 X Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

_____ Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

_____ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

_____ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

_____ With Public Hearing X Without Public Hearing

PREVIOUS DOCUMENT:

PROJECT EVALUATOR: Greg Mohr **DATE:** January 15, 2004

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

- _____ I agree with staff conclusions. Preparation of the appropriate document may proceed.
- _____ I DO NOT agree with staff conclusions. The following actions will be taken:
- _____ I require consultation and further information prior to making my determination.

SIGNATURE: _____ **INITIAL STUDY DATE:** _____

SIGNATURE: _____ **NEGATIVE DECLARATION DATE:** _____

SIGNATURE: _____ **REVISION DATE:** _____

SIGNATURE: _____ **FINAL NEGATIVE DECLARATION DATE:** _____

12.0 ATTACHMENTS

- Attachment A: 2003-08 Housing Element Compendium of Goals, Programs and Policies
- Attachment B: Appendix B of the 2003-08 Draft Housing Element
- Comments received on draft ND

ATTACHMENT A: HOUSING ELEMENT COMPENDIUM OF GOALS, PROGRAMS, AND POLICIES

This attachment is arranged in the following format with the hierarchy of the goals, policies, actions and development standards, consistent with the structure of the county’s Comprehensive Plan:

Goal:

A goal is an ideal future end, condition, or state related to the public safety or general welfare toward which planning efforts are directed. A goal is a general expression of community values and, therefore it is abstract in nature. Santa Barbara County has nine long-range housing goals.

Program Name	
<p>Policy: A policy is a specific statement that guides decision-making that is based on the Comprehensive Plan’s goals and objectives as well as the analysis of data. Policies should be clear and unambiguous.</p>	<p>Development Standards: Development standards are measures that shall be incorporated into development projects where applicable to provide consistency with certain policies of the Housing Element. Not all policies require development standards.</p>
<p>Actions: An action is a one-time or ongoing act, program or procedure that carries out general plan policy. Actions include time frames for implementation.</p>	<p>Timing: Date</p> <p>Responsible Department: Department(s) accountable for ensuring a program or policy is carried out. Usually Planning and Development (P&D), County Housing and Community Development (CHCD), General Services, or County Counsel.</p>



Goal 1: Enhance Diversity and Quantity of Housing Supply

Promote the development of new housing with a diversity of types, sizes, tenures, densities, and locations in the necessary quantities to meet the needs of all economic segments of the community.

Density Bonus Program

Policy 1.1: The county shall grant a density bonus and incentives to developers of residential projects of five or more units who agree to provide very low income, low income, moderate income, or “qualifying resident” (senior) housing pursuant to Government Code §§ 65915-65918 or successor statute(s). Density Bonus projects shall comply with the requirements set forth in the Housing Element Implementation Guidelines, and the Development Standards at right.

Development Standard 1.1.1: For eligible projects, a density bonus of at least 25% over base density shall be provided if the project includes at least:

- 10% of total units for very low income households with rents or sales prices targeted to 50% of area median income (AMI), or
- 20% of total units for low income households with rents or sales prices targeted to 60% of AMI, or
- 50% of total units for senior citizens (“qualifying residents” as defined in Government Code §65915) without regard to affordability.

Development Standard 1.1.2: For eligible condominium projects, a density bonus of at least 10% shall be provided if the project includes at least 20% of total units for moderate income households with sales prices targeted to 120% of AMI.

Development Standard 1.1.3: All price restricted units developed under this program are subject to the requirements of Policy 6.1 (Mechanisms for Maintaining Affordability) of this Element and must remain affordable for a minimum of 10 years for moderate condominium income units and 30 years for all other units or longer if permitted by Government Code §§65915-65918.

Development Standard 1.1.4: Projects eligible for a density bonus on the basis of providing units for qualifying senior citizen residents are subject to other applicable affordable housing programs including the Inclusionary Housing Program. Projects eligible for a density bonus on the basis of providing price restricted affordable units are exempt from the Inclusionary Housing Program.

Development Standard 1.1.5: Projects participating in this program are eligible for fast track permit processing, and the county will market the affordable units. In addition, projects may choose one of the incentives listed below. Discretionary incentives may be requested but are subject to decision-maker approval.

Category	Incentive
Additional density increase	Discretionary increase over 25%.
Reduced common open space	Discretionary modification from 40% to a minimum of 25% of gross acreage in DR Zone District.
Reduced parking requirements	Detached units: Tandem parking allowed, Attached units: Discretionary reduction.
Reduced front setback	Discretionary modification down to 10 feet. ¹
Reduced side yard setback	Discretionary modification down to zero lot line. ¹

¹Quality design with appropriate massing will be required.

Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.

Responsible Department(s):
P&D

NOTE: The following program will not be considered by the Board of Supervisors at the time the Housing Element is adopted, however, it was analyzed as part of the Negative Declaration on the Housing Element. The county’s financial consultant required additional time to complete the financial analysis to determine appropriate fees. This Inclusionary Program will be brought before decision-makers within six months of adoption of the Housing Element.

**Inclusionary Housing Program
(to be considered after HE adoption)**

Policy 1.2: To increase the supply of price restricted affordable housing, the county shall require the provision of units, the donation of land, and/or the payment of fees for specified types of discretionary residential projects. Projects shall comply with the requirements set forth in the Housing Element Implementation Guidelines and the following Development Standards.

Development Standard 1.2.1: This policy shall apply to all market-priced residential developments of two or more net new lots or primary units including lot sale land divisions, divisions of agriculturally designated land not under Williamson Act contract, projects that qualify for the Density Bonus Program on the basis of providing housing for seniors (“qualifying residents” per Government Code §65915-65918) without regard to affordability, and conversions of two or more existing residential rental units to condominiums, stock cooperatives, or community apartments.

The following projects are exempt from the Inclusionary Housing Program:

- Duplexes on a single lot,
- Projects that qualify for the Density Bonus Program by providing price restricted affordable units,
- Mixed use projects including a residential use,
- Projects that are 100% rental and built at a density of 10 units per gross acre or greater, and
- Projects in the Cuyama HMA.

Development Standard 1.2.2: In the South Coast and Santa Ynez HMAs the following requirements shall apply to the projects identified in Development Standard 1.2.1:

- 5% very low income units, and
- 5% low income units, and
- 10% moderate income units, and
- 10% workforce income units.

Development Standard 1.2.3: In the Santa Maria and Lompoc HMAs the following requirements shall apply to projects identified in Development Standard 1.2.1:

- 5% very low income units, and
- 5% low income units, and
- 10% moderate income units.

Development Standard 1.2.4: If the number of units required for a project includes a fraction of a unit or if the project includes fewer than 10 total units, the developer shall provide either a whole unit or pay a pro-rated fee for the fractional unit.

Development Standard 1.2.5: Outside the Coastal Zone, very low and low income unit requirements may be met by building units on-site, donating land, or paying in-lieu fees. Developers of for sale housing, however, are only allowed to satisfy the moderate and workforce Inclusionary requirements through the payment of in-lieu fees if they can demonstrate that providing these units on site would be economically infeasible.

Action 1: Within one year of adoption of this Element, the county shall consider adopting guidelines for determining the feasibility of a project.

Timing:

Spring 2005

Responsible Department(s):

P&D, CHCD

**Inclusionary Housing Program
(to be considered after HE adoption)**

Development Standard 1.2.6: In the Coastal Zone, pursuant to Government Code § 65590-65590.1, the inclusionary requirements must be met by building on-site. Where this is not feasible, the inclusionary requirements must be met in the county within the Coastal Zone or within three miles thereof. In rare and limited circumstances, where neither of these is feasible, such projects may meet the inclusionary requirements by paying fees.

Development Standard 1.2.7: Projects that meet moderate or workforce inclusionary requirements by building units on-site will receive a density increase of 10% over base density. Projects that meet both moderate and workforce requirements on-site will receive a density increase of 20% over base density.

Development Standard 1.2.8: If price restricted rental units are built on-sites to meet inclusionary requirements they must be managed by a professional property management company and have an on-site manager.

Development Standard 1.2.9: Existing legal units or lots in a project shall not be counted toward application of the inclusionary requirement, except where the rental units are being converted to ownership units such as condominiums, stock cooperatives, or community apartments, except as may be provided in the Local Coastal Plan for Isla Vista (Local Coastal Plan Policy 5-10).

Development Standard 1.2.10: Where the donation of land option is chosen in lieu of meeting inclusionary requirements on-site, the donation is subject to approval by the county Housing and Community Development Department. Approval is based on but not limited to the following criteria:

- The land must be donated to the County Housing Authority or a county-approved non-profit or for-profit developer that is willing to accept it and will work diligently toward the development of affordable housing on the site.
- The land must be capable of producing a feasible project that is at least equal to the number of units that the inclusionary requirement would otherwise warrant.
- The developer(s) must provide evidence that no hazardous materials on the land exist that would preclude residential development.
- The donated land must be in the same HMA as the proposed development.
- Developers may pool land to meet inclusionary requirements for multiple developments subject to county approval.
- The county shall hold a covenant on the land that includes a provision granting the county a right to purchase the property for \$1.00 if the property has not been developed within a specified period of time to be determined on a case-by-case basis but not to exceed five (5) years unless otherwise approved for extension by the county.

Action 2: The county shall require projects in the Lompoc and Santa Maria HMAs to meet workforce inclusionary requirements as follows: If the median market price of housing, as reported by the Santa Barbara Association of Realtors for a six month period, exceeds the sales price for a three-bedroom house at which a household earning 200% of AMI would be paying over 50% of their income for housing in either the Lompoc or Santa Maria areas, projects in that HMA shall be required to include the inclusionary requirement for the workforce income category as specified in Development Standard 1.2.2. The formula for calculating the median market price that would trigger this requirement shall be included in the Housing Element Implementation Guidelines.

Timing:
When triggered

Responsible Department(s):
P&D, CHCD

In-lieu Fees

Policy 1.3: Fees paid in lieu of providing affordable housing pursuant to the Inclusionary Housing Program shall be deposited in the county's Housing Trust Fund and used for the development and/or rehabilitation of affordable housing and special needs housing within the HMAs from which they are collected.

Development Standard 1.3.1: Projects that are eligible and elect to meet inclusionary requirements by paying fees shall do as described in the Housing Element Implementation Guidelines adopted November 1993 and revised in 2000 and 2002.

Action 1: Within four months of the adoption of this Element, the county shall complete a study of in-lieu fee calculation methods and consider adopting an updated in-lieu fee in conjunction with a revised Inclusionary Program.

Timing:
Summer 2004

Responsible Department(s):
P&D, CHCD

Service Worker Housing Policy

Policy 1.4: The county shall require that new construction of primary single dwelling units over 5,000 square feet and additions of 500 square feet or more that increase the total square footage of a house to over 5,000 square feet, in the South Coast and Santa Ynez HMAs, pay a fee to offset the disproportionate demand for low wage service workers that dwelling units this size are likely to create.

Action 1: Within one year of adoption of this Element, the county shall consider adopting an ordinance that implements the service worker housing policy and establishes the service worker housing fee.

Timing:
Spring 2005

Responsible Department(s):
P&D, CHCD

Action 2: Within one year of adoption of this Element, the county will consider amending the Zoning Ordinance to allow the construction of an on-site service worker housing unit in lieu of paying the service worker housing fee.

Timing:
Spring 2005

Responsible Department (s):
P&D, CHCD

Action 3: The fees shall be deposited in the county's Housing Trust Fund and used for the development and/or rehabilitation of affordable housing within the HMA from which they are collected.

Timing:
Ongoing

Responsible Department (s):
P&D, CHCD

Other Employee Housing

Policy 1.5: The county shall support the efforts of employers in the development of on- or near-site employee housing.

Action 1: The county shall maintain active membership in the Coastal Housing Partnership and other non-profit employer housing organizations.

Timing:
Ongoing

Responsible Department(s):
P&D

Action 2: Within the South Coast and Santa Ynez HMAs, the county shall encourage and support the construction of "workforce" affordable housing for households earning up to 200% of median income, through the Inclusionary Housing Program and other feasible means.

Timing:
Ongoing

Responsible Department(s):
P&D

Action 3: The county shall encourage the development of residential units in commercial zones (i.e. mixed use development) that may provide employee housing opportunities through the Mixed Use Development Policy (Policy 1.8) and other feasible means.

Timing:
Ongoing

Responsible Department(s):
P&D

2003-2008

Residential Second Units

Policy 1.6: The county shall encourage the development of both attached and detached residential second units.

Action 1: Within one year of the adoption of this Element, the county shall consider amending the Zoning Ordinance to allow residential second units with a ministerial permit on parcels not under an agricultural preserve contract in all agricultural zone districts.	Timing: Spring 2005
	Responsible Department(s): P&D
Action 2: The county shall encourage the legalization of existing detached and attached illegal residential second units that have been built and used without proper permits.	Timing: Ongoing
	Responsible Department(s): P&D
Action 3: In order to make residential second units more feasible, the county will work with water and sewer providers to reduce connection fees for residential second units.	Timing: Ongoing
	Responsible Department(s): P&D

Note: The county has adopted amendments to the Zoning Ordinance to encourage the development of attached and detached residential second units consistent with the provisions set forth in AB 1866.

Rental Housing

Policy 1.7: The county shall encourage the development of multi-family rental housing as this housing type can be affordable by design.

Development Standard 1.7.1: The county shall offer the following incentives to multi-family housing developments that are 100% rental and developed at a density of 10 units per gross acre or greater.

Category	Incentive
Fast track permit processing	All program participants are eligible.
Reduced common open space	Discretionary modification from 40% to a minimum of 25% of gross acreage in the DR Zone District.
Reduced parking	Detached units: Tandem parking allowed, Attached units: Discretionary reduction.
Reduced front setback	Discretionary reduction down to 10 feet. ¹
Reduced side yard setback	Discretionary reduction down to zero lot line. ¹

¹Quality design with appropriate massing will be required.

Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.

Mixed Use Development

Policy 1.8: The county shall promote development with a mix of complementary land uses including housing, retail, office, commercial services and civic uses.

Development Standard 1.8.1 To provide flexibility in the siting and design of new developments and to encourage redevelopment, mixed use commercial projects including residential units are eligible for discretionary reductions in parking requirements and or shared parking.

Development Standard 1.8.2: The county shall encourage development of low, moderate and workforce income housing at medium to higher densities on commercially zoned sites by:

- a. Strongly supporting development of medium to higher density residential uses on commercial sites in a manner that contributes to a mixed use district, while respecting environmental constraints and protecting neighborhood compatibility;
- b. Providing priority permit processing for mixed use projects that include an affordable, special needs, or rental housing units. The housing could be above or adjacent to existing structures and/or above existing surface parking lots where feasible (candidate sites for the latter could include commercial development, schools, and churches).

Action 1: Within one year of adoption of this Element, the county shall consider amending the Zoning Ordinance to allow residential development to be permitted as a primary use in the Limited Commercial (C-1), Retail Commercial (C-2), Neighborhood Commercial (CN) and Shopping Center (SC) Zone Districts with the requirement that ground floor street frontage development be a commercial use.

Timing:
Spring 2005

Responsible Department(s):
P&D

Action 2: Within one year of adoption of this Element, the county will consider adopting a mixed use overlay or overlays which would define the character of future development in designated areas. Overlays could include:

- Old Town/Main Street Districts to encourage commercial and/or mixed use development with storefront character in the historic downtown or main street areas.
- Neighborhood Center Districts to connect residential neighborhoods with small (1 to 3 acre) neighborhood serving commercial and mixed use development.
- Community Commercial Districts to encourage mixed use within centrally located community or regional market areas that have access to transit.
- Corridor Commercial Districts to support infill and redevelopment along existing commercial corridors with various auto dependent and pedestrian uses. These districts would respect transportation functions and safety along the corridor and ensure auto and pedestrian connections to adjacent neighborhoods.

Timing:
Spring 2005

Responsible Department(s):
P&D

Action 3: When preparing or updating the community plans, the county should identify appropriate commercial or mixed use areas where residential units should be encouraged.

Timing:
Ongoing

Responsible Department(s):
P&D

In-fill Development

Policy 1.9: The county shall promote moderate to higher density residential or mixed use development on in-fill sites within the urban boundaries of the county to encourage efficient use of land and existing infrastructure.

Development Standard 1.9.1: To Provide flexibility in the siting and design of new development and redevelopment that responds to changes in the marketplace, in-fill projects including residential units are eligible for discretionary reductions in parking space requirements and/or shared parking.

Development Standard 1.9.2: The county shall encourage development of low, moderate and workforce income housing at medium to higher densities on the limited remaining urban in-fill sites by:

- Strongly supporting development of medium to higher density residential uses at or near the maximum designated densities, on urban in-fill sites while respecting environmental constraints and protecting neighborhood compatibility;
- Encouraging development of Density Bonus projects on urban in-fill sites with limited constraints;
- Providing priority permit processing for development on in-fill sites that include affordable, special needs, or rental housing units.

Development Standard 1.9.3: The county shall encourage and facilitate the construction of multi-family affordable housing on underutilized urban sites, the housing could be above or adjacent to existing structures and/or above existing surface parking lots where feasible (candidate sites for the latter could include commercial development, schools, and churches).

Action 1: When updating the Land Use Element, the Coastal Land Use Plan, and/or the community plans, the county shall promote residential in-fill within the urban boundaries of the county prior to expanding residential development into rural areas.

Timing: Ongoing
Responsible Department(s): P&D

Accommodate Fair Share Housing Needs

Policy 1.10: The county shall ensure adequate sites zoned at densities that accommodate the county's "fair share" housing needs for the current planning period (January 2001-July 2008) at all income levels and in all HMAs as defined by the Regional Housing Needs Assessment (RHNA) for Santa Barbara County (adopted December 2002).

<p>Action 1: Within one year of the adoption of this Element the county shall consider rezoning land to allow for a variety of housing types and affordability levels as follows:</p> <ul style="list-style-type: none"> • 45 acres rezoned to 14 to 20 DU/A • 32 acres rezoned to 10 to 16 DU/A • 32 acres rezoned to 8 to 12 DU/A <p style="text-align: center;">109 Total</p>	<p>Timing: Spring 2005</p>
	<p>Responsible Department(s): P&D</p>
<p>Action 2: Within one year of adoption of this Element, the county shall consider applying an overlay to appropriate sites which would establish a minimum allowed density for those sites to increase certainty and consistency in the level of development permitted on residential land.</p>	<p>Timing: Spring 2005</p>
	<p>Responsible Department(s): P&D</p>
<p>Action 3: Within one year of the adoption of this Element, the county shall consider adopting zoning ordinance amendments to implement a variable density program to encourage the construction of greater numbers of smaller units.</p>	<p>Timing: Spring 2005</p>
	<p>Responsible Department(s): P&D</p>
<p>Action 4: The Isla Vista Master Plan will address potential rezones to accommodate current and future housing needs in the Isla Vista Planning Area. The plan has been initiated and is expected to be adopted by the county by Winter 2004.</p>	<p>Timing: Fall/Winter 2004</p>
	<p>Responsible Department(s): P&D</p>
<p>Action 5: The Santa Ynez Community Plan will address potential rezones to accommodate current and future housing needs in the Santa Ynez Community Planning Area. The community plan is expected to be adopted by the county by Summer 2005.</p>	<p>Timing: Summer 2005</p>
	<p>Responsible Department(s): P&D</p>

Make Housing a Priority in County Policies and Programs

Policy 1.11: Before adopting or updating community plans or other plans or programs that reduce build out on a community-wide or regional basis, the county shall make the finding that the proposed reduction in build out potential will not compromise the county's ability to accommodate its fair share of regional housing needs.

Responsible Department: Planning and Development

Goal 2: Expand Housing for Special Needs Groups

Encourage the expansion of a housing supply that meets the needs of identified special needs households and that offers diversity in size, type, tenure, location, and affordability levels.

Homeless Facilities

Policy 2.1: The county shall encourage the construction or conversion of existing facilities to emergency shelters, transitional housing, and single room occupancy units to meet the needs of the homeless population.

Development Standard 2.1.1: Homeless facility projects shall be eligible for fast track permit processing.

Development Standard 2.1.2: Emergency shelters, transitional housing, and single room occupancy units designed to serve the homeless population shall be exempt from the Inclusionary Housing Program.

Action 1: The county shall continue to work in cooperation with area cities, through the HOME Consortium, to address the needs of the homeless population on a regional basis and work toward the development of homeless facilities. These efforts will be described in the county's Consolidated Plan and updated every five years.	Timing: Ongoing
	Responsible Department(s): CHCD
Action 2: The county will continue to support the Housing Advisory Committee-Homeless Subcommittee, which will conduct research and advise the Board of Supervisors on the needs for homeless facilities in the county.	Timing: Ongoing
	Responsible Department(s): CHCD
Action 3: Within two months of the adoption of this Element, the county will complete a point-in-time survey of the homeless population in the county and provide results to SHCD.	Timing: May 2004
	Responsible Department(s): CHCD
Action 4: CHCD will continue to administer the HUD Continuum of Care Program and will annually solicit McKinney-Vento Homeless Assistance funding for transitional and permanent supportive housing.	Timing: Annually
	Responsible Department(s): CHCD
Action 5: CHCD will continue to provide support to applicants seeking funding from the federal Emergency Shelters Program. This support may include but is not limited to providing technical assistance, local gap funding, or written support letters.	Timing: Ongoing
	Responsible Department(s): CHCD

Farm Employee Housing

Policy 2.2: The county shall promote and facilitate development of farm employee housing on agriculturally zoned land (including single family dwellings, mobile homes, and group quarters such as bunk houses or dormitories). Developers of such projects shall not be limited to farm worker employers.

Action 1: Within one year of adoption of this Element the county shall consider amending the Zoning Ordinance to require only a ministerial permit for up to four (4) farm employee units and a minor conditional use permit for five (5) or more farm employee units in the Agriculture I and II (AG-I and AG-II) Zone Districts except where preempted by California Health and Safety Code §17021.6.	Timing: Spring 2005
	Responsible Department(s): P&D
Action 2: Within two years of adoption of this Element the county shall conduct a countywide survey of farm worker housing needs. The results of the survey will be presented at a public hearing and made available on the county's housing web page.	Timing: Spring 2006
	Responsible Department(s): CHCD
Action 3: CHCD will continue to seek CDBG funding for farm employee housing annually as this group is automatically eligible for funding consideration.	Timing: Annually
	Responsible Department(s): CHCD
Action 4: CHCD will continue to provide support to applicants seeking state and federal farm worker housing funds. This support may include but is not limited to providing technical assistance, local gap funding, or written support letters.	Timing: Ongoing
	Responsible Department(s): CHCD
Action 5: The county will continue to support the Housing Advisory Committee-Farmworker Subcommittee, which will conduct research and advise the Board of Supervisors on the housing needs for farm employees in the county.	Timing: Ongoing
	Responsible Department(s): CHCD
Policy 2.3: The county shall work cooperatively with cities within the county to provide housing within urban areas that meets the needs of farm employees.	
Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.	

Mobile Homes

Policy 2.4: The county shall expand opportunities for mobile home living as this type of housing can be affordable by design.

Action 1 When developing community plans, the county shall apply the MHP and MHS zone districts wherever appropriate in order to provide opportunities for development of new mobile home parks.	Timing: Ongoing
	Responsible Department(s): P&D
Action 2 Where feasible and as opportunities arise, the county shall seek federal or state funding to assist individuals proposing to develop mobile home parks. Such funding may be used to assist in the design, permitting, and/or construction of mobile home parks and related facilities or the design, permitting, construction, and/or maintenance of needed infrastructure (e.g., water systems, septic systems, and/or private sewer systems).	Timing: Ongoing
	Responsible Department(s): CHCD, P&D



Goal 3: Expand Housing for Persons with Disabilities

Encourage the expansion of a housing supply that meets the needs of persons with disabilities and their families and that offers diversity in size, type, tenure, location, and affordability levels.

Persons with Disabilities

Policy 3.1: In order to provide opportunities for persons with disabilities and their families in need of a variety of affordable housing options, the county shall encourage the expansion, construction, conversion, and retrofit of new or existing projects into a variety of housing types that include amenities, physical attributes, and/or services to persons with disabilities as defined by the Americans with Disabilities Act.

Development Standard 3.1.1: The following incentives may be available to qualifying housing projects for persons with disabilities:

Category	Incentive
Fast track permit processing	All program participants may be eligible.
Reduced common open space	Discretionary modification from 40% to a minimum of 25% of gross acreage in the DR Zone District.
Reduced parking	Parking requirement modification based on type of disability.
Reduced front setback	Discretionary modification down to 10 feet. ¹
Reduced side yard setback	Discretionary modification down to zero lot line. ¹

¹Quality design with appropriate massing will be required.

Development Standard 3.1.2: When evaluating specific project proposals including housing for persons with disabilities, the county will be supportive of and work collaboratively with applicants, recognizing the need for housing for persons with disabilities in the county.

Development Standard 3.1.3: Projects including housing for persons with disabilities are subject to the regulations of the Inclusionary Housing Program unless preempted by applicable state and federal laws.

Development Standard 3.1.4: The requirements of applicable county zoning ordinances shall be waived by the Director of Planning and Development, if necessary, to comply with federal and/or state fair housing and disability laws relating to accommodations for persons with disabilities.

<p>Action 1: Within one year of adoption of this Element, the county shall consider revisions to the Zoning Ordinance requirements for Single Room Occupancy (SRO) developments to mitigate constraints to the development of housing for persons with disabilities and groups with special housing needs. Until that time, development standard modifications will be considered on a case-by-case basis.</p>	<p>Timing: Spring 2005</p>
	<p>Responsible Department(s): P&D</p>
<p>Action 2: CHCD will continue to provide support to applicants seeking state and federal housing funds for persons with disabilities. This support may include but is not limited to providing technical assistance, local gap funding, or written support letters.</p>	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD</p>
<p>Action 3: The county will continue to support the Housing Advisory Committee-Special Needs Subcommittee, which will conduct research and advise the Board of Supervisors on the needs for housing for persons with disabilities in the county.</p>	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD</p>
<p>Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.</p>	

Goal 4: Open and Fair Housing Opportunities

Promote equal opportunity in all housing types (ownership and rental, market rate and assisted) and for all persons.

Fair Housing

Policy 4.1: The county shall promote equal opportunity in housing for all persons by identifying and pursuing methods of providing information on housing programs to minority and other special needs groups and shall work toward meeting and achieving a better understanding of their needs.

<p>Action 1: The county shall seek federal or state funding through Community Development Block Grant (CDBG) or other programs, to establish a program to assist individuals seeking to construct special needs housing by providing assistance in the construction of housing and related facilities or the construction and/or maintenance of needed infrastructure. This program may include the development and distribution of bilingual materials, production of public service announcements, and participation in meetings of various community organizations.</p>	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD</p>
<p>Action 2: The county shall continue to identify and pursue non-discriminatory use of county funds for programs that promote equal opportunity housing.</p>	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD</p>

Policy 4.2: The county shall comply with all federal and state fair housing laws. No goal, program, or policy in this Housing Element shall be interpreted in a way that would prohibit or discriminate against any residential development or emergency shelter because of the method of financing or the race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, familial status, or disability of the owners or intended occupants of the residential development or emergency shelter.

Policy 4.3: An affordable or market rate housing project shall not be denied due to neighborhood incompatibility based solely on prospective occupants' ability, ethnicity, and/or socioeconomic levels, differences, or considerations.

Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.

Goal 5: Quality Housing Design

Promote efficient use of land and well-designed, energy efficient housing units in keeping with the character of surrounding neighborhoods.

Neighborhood Compatibility and Improvement

Policy 5.1: The county shall encourage compatibility of new construction, rehabilitation or renovation of existing housing units with surrounding structures and their setting in an effort to maintain or enhance harmony and balance in the community.

Development Standard 5.1.1: Affordable units shall be architecturally compatible in bulk and scale with any market rate units in the same development and in harmony with any surrounding residential development. Projects should integrate and disperse affordable units throughout the development .

Development Standard 5.1.2: The county shall encourage compatibility with the surrounding area by identifying the best qualities, including materials and details, of the surrounding neighborhood and blending these characteristics within the project.

Development Standard 5.1.3: The design of new single-family and multi-family dwellings should recognize the setting and character that define the adjacent neighborhoods. Innovative and creative residential design concepts should be used to enhance the social and aesthetic qualities of the community.

Development Standard 5.1.4: The bulk and scale of new structures should be compatible with adjoining properties with transition between established neighborhoods and newer ones. Design features should reduce visual prominence.

Development Standard 5.1.5: Front, side and rear yard setbacks should be compatible with adjoining neighborhoods transitioning to other standards in portions of projects that may be denser.

Development Standard 5.1.6: The county shall take into account public view sheds when considering new developments.

Development Standard 5.1.7: The county shall take into account solar and daylight access and views when considering new developments.

Development Standard 5.1.8: The county shall take into account the rhythm of the streetscape between existing and new developments when considering new development.

Development Standard 5.1.9: The county shall consider preservation and incorporation of unique and/or historical features of the area in the design of projects when considering new development.

Development Standard 5.1.10: Projects are encouraged to incorporate universal design standards to accommodate persons with disabilities.

Responsible Agency: Planning and Development

Residential Design Standards

Policy 5.2: The county shall promote quality residential design standards to guide residential development countywide.

Action 1: Within one year of adoption of this Element, the county shall consider adopting residential design standards. The residential design standards would guide future housing development countywide, and would include prototypes on site design, housing types, mixed use, and preferred development styles and configurations.

Timing:
Spring 2005

Responsible Department(s):
P&D

Resource Conservation

Policy 5.3: The county shall encourage well-designed, energy efficient units in new residential development that will minimize maintenance costs over time. All projects shall comply with the Development Standard at right.

Development Standard 5.3.1: All fixtures, mechanical components, roofing, and siding utilized in all newly constructed units shall meet the standards of the Uniform Building Code as adopted by the county and shall meet the standards of Title 24 for energy conservation.

Action 1: The county shall provide information to interested persons regarding energy conservation in site and building design, through the Innovative Building Review Program and other appropriate means. Minimizing the operational energy costs of affordable units shall be strongly encouraged.

Timing:
Ongoing

Responsible Department(s):
P&D, IBRC

Policy 5.4: The county shall balance residential and agricultural uses in urban areas by making preservation of agricultural uses on the largest urban agricultural blocks a priority. If urban agricultural lands are considered for conversion, smaller agricultural lands that have access to municipal and other services (e.g. schools, transit, commercial services, etc) shall be considered first.

Development Standard 5.4.1 If urban lands zoned for agriculture are considered for conversion to a non-agricultural use, the conversion shall maximize the public benefit (e.g., affordable housing, public services, or recreation). Depending on the location and existing constraints, densities should be medium to high to ensure converted lands are used as efficiently as possible

Development Standard 5.4.2 Any rezones of urban agricultural land located on major transportation corridors in close proximity to jobs and commercial uses shall include affordable, special needs, multi-family, and rental housing as the highest priority uses.

Action 2: Within one year of adoption of this Element, the county shall consider amending the Goleta Community Plan to ensure the parcels known as the South Patterson Agricultural Area, south of Hollister Avenue and west of Patterson Avenue have a land use designation of A-I for at least ten years from the adoption of this Element.

Timing:
Spring 2005

Responsible Department(s):
P&D

Policy 5.5: The county shall continue to encourage development within existing urban boundaries of the county and the preservation and/or protection of rural land uses outside the urban boundaries.

Goal 6: Preserve Affordable Housing Stock

Preserve existing affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement.

Mechanisms for Maintaining Affordability

Policy 6.1: Where affordable housing is to be provided, required Agreements to Provide Affordable Housing for Sale and/or Rent shall be signed by the project applicant prior to map recordation (or in the case of the development of rental units where no subdivision of property has occurred, prior to land use clearance). In addition, for subdivisions, restrictive covenants shall be recorded against the title of the affected properties at the time of first sale that shall:

- Require that affordable units produced under the Inclusionary Housing Program be rented or sold at affordable levels for at least a 45-year period beginning from the date of occupancy clearance unless Policy 9.4 applies. In such cases, the time period of the agreement shall be no less than the maximum allowed by the government program. The 45-year period restarts with each resale of an owner occupied affordable unit for a maximum period of 90 years if the owner sells the unit before the end of the 45 year period.
- Be consistent with the conditions of project approval and the provisions of this Housing Element.
- Permit institutional financing and refinancing with reasonable terms and conditions, as determined by the director of CHCD.
- Subordinate to the rights of an institutional lender that is the maker of a loan secured by a deed of trust recorded in first priority in the event of foreclosure.

The Housing Element Implementation Guidelines include economic and other personal hardship provisions. The hardship provisions include information describing how and when the county will relax the standard restrictive covenant or deed restriction to accommodate specific problems

Action 1: The county or its designee shall continue to conduct income certifications on both rental and for sale units to ensure affordability and eligibility requirements are met.	Timing: Ongoing
	Responsible Department(s): CHCD
Action 2: The county shall seek funding to develop a program to assist owners of affordable units secure low interest loans for structural repair and maintenance, examples include plumbing, roof repair, electrical, heating systems.	Timing: Ongoing
	Responsible Department(s): CHCD

Policy 6.2: All existing Agreements to Provide Affordable Housing for Sale and/or Rent, restrictive covenants, and deed restrictions between the county and other parties that were established prior to the effective date of this Housing Element shall remain in effect in accordance with those agreements unless otherwise specified in the hardship provision section in the Housing Element Implementation Guidelines.

Policy 6.3: The county shall extend the duration of existing affordability agreements whenever feasible if such extension is consistent with requirements of other applicable laws, regulations or programs and county policies.

Mechanisms for Maintaining Affordability

Action 4: Where feasible when an affordable unit subject to a county affordability covenant is for sale, the county shall exercise its first right of refusal to acquire the unit. Once acquired and prior to reselling the unit, the county shall update the affordability provisions and encumber these units for at least 45 years. The 45 years shall be re-started with each re-sale from the date of the transfer, if affordability terms have not expired, for a maximum period of 90 years, unless Policy 8.6 applies. Inclusionary units for sale shall be sold consistent with the provisions of Policies 8.1 and 8.6. The county shall use in-lieu housing funds, federal and state loans and grants, and other county or private funds, as available and appropriate, to exercise its first right of refusal. Where Policy 8.6 applies, the time period shall be consistent with the period for affordability restrictions specified by the government program or, if no period is specified, not less than the maximum allowed by the county's program.

Timing:
Ongoing

Responsible Department(s):
P&D, CHCD

Policy 6.4: The county shall encourage the retention of housing specifically designed to serve the disabled population to the greatest extent feasible. The county shall use in-lieu housing funds, federal and state loans and grants, and other county or private funds, as available and appropriate, for these purposes.

Demolishing and Converting Affordable Housing

Policy 6.5: Demolition and conversion of affordable housing in the Coastal Zone shall comply with the provisions of the county's Local Coastal Plan.

Responsible Department: Planning and Development

Mobile Home Park Closures

Policy 6.6: When approving an application to close an existing mobile home park, the county shall apply mitigation measures that will fully cover the reasonable costs of relocation for all tenants as permitted by Government Code §65863.7(e) or as may be amended.

Responsible Departments: Planning and Development, County Counsel

Condominium Conversions	
<p>Policy 6.7: Impacts of tenant displacement shall be minimized upon conversion of apartments to condominiums as defined in Civil Code §783, stock cooperatives as defined in Business and Professions Code §11003.2, or community apartments as defined in Business and Professions Code §11004 (but excluding limited equity housing cooperatives). Condominium conversion projects shall comply with the Development Standards identified to the right.</p>	<p>Development Standard 6.7.1: Residents who fail to receive notice as required by Government Code §66452.8 and who do not purchase his or her unit pursuant to Government Code §66427.1(d) shall be entitled to the amount of financial assistance specified in Government Code §66452.8(c), as may be amended, or, if the county adopts an ordinance specifying a different amount of financial assistance, that amount specified by county ordinance.</p> <p>Development Standard 6.7.2: The conversion of existing buildings into condominium projects or stock cooperatives shall be subject to Government Code §§66473.5 and 66474.</p>
<p>Responsible Departments: Planning and Development, County Counsel</p>	

Isla Vista Area
<p>Policy 6.8: The county shall support efforts by the County Redevelopment Agency to develop housing programs that provide rehabilitated and new affordable housing in Isla Vista.</p>
<p>Responsible Departments: Planning and Development, County Redevelopment Agency</p>

Rehabilitation	
<p>Policy 6.9: The county shall pursue housing rehabilitation programs as funding permits based on designated need. Such programs shall encourage private and public capital participation, preserve the residential opportunities of existing residents, and provide new opportunities for low and moderate income households.</p>	
<p>Also See Policy 7.1: Community Relations for information regarding web site, brochures and Housing Element Implementation Guidelines.</p>	<p>Responsible Department(s): P&D</p>

Goal 7: Cooperative Relationships

Form strong collaborative working relationships with the public and all providers of and advocates for housing; and assist these collaborators in all feasible ways with the process of accessing and/or developing affordable housing.

Community Outreach

Policy 7.1: The county shall continue to conduct community outreach efforts that encourage support for affordable and special needs housing projects and compact development and address public concerns. These efforts may include, but are not limited to, producing public information materials, developing and distributing bilingual materials, updating the county's housing web page, participating in meetings of various community organizations and otherwise promoting housing policies and programs.

Action 1: The county shall update its web page and publish public information materials that provide information on the Housing Element programs, policies and related information including:

- The Density Bonus Program,
- The Inclusionary Program,
- The In Lieu Fee Program,
- Housing and assistance opportunities for Farm Employees and other Special Needs Groups,
- Housing and assistance opportunities for Persons with Disabilities,
- Fair Housing Practices,
- Funds for rehabilitation,
- Beneficial project development impact fee reduction programs,
- The assistance programs and incentives that may be available for new residential developments that include affordable and special needs units, and
- Any other programs that may be of interest or assistance to the public or developers of affordable housing.

The web page will be updated within six months of adoption of this Element, and printed public information materials will be available within one year of adoption of this Element. Both will be updated annually or as necessary.

Action 2: The county shall distribute public information materials promoting housing policies and programs at public workshops and community organization meetings and shall make information available on a web page and at Planning and Development offices.

Action 3: By Summer 2005 the county will update the Housing Element Implementation Guidelines (HEIG) further explain and give examples for the county's affordable housing programs and policies. The HEIG will be available to the public on the internet and at Planning & Development offices.

Timing:
Fall 2004
Spring 2005
Ongoing

Responsible Department(s):
CHCD, P&D

Timing:
Ongoing

Responsible Department(s):
CHCD, P&D

Timing:
Summer 2005

Responsible Department(s):
P&D

Cooperation with Other Jurisdictions

Policy 7.2: In order to accommodate its regional share of affordable and special needs housing, the county shall work with private developers, the County Housing Authority, non-profit housing sponsors, affordable housing advocacy organizations, and incorporated cities.

<p>Action 1: The county shall work to develop joint programs between the county and the other jurisdictions in order to share funding and RHNA credits toward units constructed and rehabilitated, and to provide special needs housing.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD, P&D</p>
<p>Action 2: The county shall assist affordable and special needs housing developers and non-profit sponsors by:</p> <ul style="list-style-type: none"> • Providing information and technical assistance throughout the development review process and fast-track processing when applicable; • Allowing developers to apply for reduced or waived impact fees or deferred payment of permit processing fees when applicable; • Suggesting and arranging other project incentives where appropriate, possibly including but not limited to predevelopment loans, permanent financing subsidies, and development standard modifications; • Providing competitive opportunities for developers to receive project financing through various federal, state and local programs including the HOME Investment Partnerships Program available through participation in the Santa Barbara County HOME Consortium; and • Allowing applicants to include supportive services and training opportunities for residents as part of their operating budget. 	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD, P&D</p>

Service District Constraint Mitigation

Policy 7.3: The county will continue to work with local service districts to help determine what capital improvements are necessary to eliminate service constraints to housing development.

Responsible Department: Planning and Development, County Housing and Community Development

State and Federal Facilities

Policy 7.4: The county shall encourage and support efforts by the state and federal governments to mitigate impacts to existing affordable housing supply resulting from the expansion of state and federal facilities.

Responsible Department: County Housing and Community Development

Goal 8: Efficient Government

Identify and, where feasible, eliminate or reduce governmental constraints to the development of affordable and/or special needs housing.

Make Affordable Housing Projects a Priority

Policy 8.1: The county shall give high priority and/or provide exemptions for the development of affordable housing when preparing and amending land use and/or community plans, the zoning ordinance, and growth management plans, particularly with regard to policies and development standards related to the allocation of limited services and resources, including but not limited to water, sewage treatment capacity, and roadway and intersection capacity.

Action 1: Within one year of the adoption of this Element, the county shall consider amending housing policies in the Local Coastal Plan to ensure consistency with the Housing Element.	Timing: Spring 2005
	Responsible Department(s): P&D
Action 2: Within one year of the adoption of this Element, the county shall consider revising the formula used to establish maximum affordable sales prices. The formula would continue to limit monthly housing costs to approximately 30% of AMI and could consider factors including down payment amount, mortgage insurance, property taxes, insurance and homeowner's association dues.	Timing: Spring 2005
	Responsible Department(s): P&D
Action 3: Within two years of the adoption of this Element, the county shall consider adopting a development impact fee reduction program for beneficial projects in the Orcutt Planning Area. Beneficial projects may include but are not limited to multi-family projects, residential second units, housing for people with disabilities, emergency shelters, mobile homes, and mixed use projects.	Timing: Spring 2006
	Responsible Department(s): County Administrator
Action 4: When preparing and amending growth management ordinances or other limitations on residential growth rates, the county shall continue to provide exemptions, high priority for permit allocations, and other compensating incentives to affordable housing projects.	Timing: Ongoing
	Responsible Department(s): P&D
Policy 8.2: During the development or update of any community plan and/or the zoning ordinance, the economic consequences of design guidelines and/or development standards for affordable and special needs housing projects shall be considered.	
Action 5: Within 18 months of adoption of this Element, the county will consider revisions to the Design Residential (DR) zone district to reduce or eliminate unnecessary constraints to the development of well-designed affordable housing.	Timing: Fall 2005
	Responsible Department(s): P&D
Action 6: Within 18 months of adoption of this Element, the county shall consider ordinance revisions suggested by the Permit Improvement Team (PIT) that improve permit process efficiency, remove redundancy, or otherwise reduce permit processing time and cost or eliminate unnecessary constraints to the development of affordable, special needs, and rental housing.	Timing: Fall 2005
	Responsible Department(s): P&D

Make Affordable Housing Projects a Priority	
<p>Action 7: The county shall strongly encourage the provision of affordable, special needs, multi-family, and rental housing. Recognizing the difficult economies of such housing:</p> <ul style="list-style-type: none"> The county shall consider entering into a development agreement, rezone or other technique to allow construction of for-sale attached homes, commercial components or other land use options to improve the economics of projects. The county shall provide priority processing, design modifications and other incentives consistent with the Housing Element to facilitate such projects. <p>If these methods are insufficient to facilitate the construction of a particular affordable, special needs, multi-family, or rental housing project, the county should consider reducing impact fees based on the public benefit of the project (e.g. percentage of affordable units, other public amenities) and based on available grants to offset the loss of such fees. Prior to any reduction in fees or change of the Housing Element affordable housing program requirements, the county shall find that all other options to facilitate the project have been exhausted.</p>	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD, P&D</p>
	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): CHCD, P&D</p>

Marketing Periods and Lotteries for New Affordable For Sale Units	
<p>Policy 8.3: For all new projects that include affordable units, the county or its designee shall compile a list of potentially eligible applicants who are interested in purchasing or renting an affordable unit in that project by conducting a Marketing Period for that project. If there are more applicants for a project than available units upon closure of the Marketing Period, the county or its designee shall conduct a lottery to determine which of the interested parties will be the first to be reviewed for income eligibility to purchase or rent the available affordable units. Marketing Periods and lotteries shall be conducted in a manner consistent with the project's Board of Supervisors approved Agreement to Provide Affordable Housing. Applications to purchase or rent an affordable housing unit shall be screened in a manner consistent with the county's Income Certification Guidelines.</p>	<p>Development Standard 8.3.1: To minimize adverse traffic and air quality impacts, the county should give preference to households that include individuals working within a specified geographic area adjacent to the project site when conducting lotteries for affordable housing. Preference decisions shall be compliant with applicable Federal and State Fair Housing Law.</p>
<p>Responsible Department: County Housing and Community Development</p>	

2003-2008

Development Incentives

Policy 8.4: The county shall continue to develop incentives to encourage the provision of affordable, special needs, and rental housing. Application of these incentives to specific housing programs is detailed in the Development Standard at right.

Development Standard 8.4.1: The following incentives may be available to projects participating in county Housing Element programs. Details on the incentives are described under the specific programs.

Program	Density Increase	County Marketing of Affordable Units	Fast-track Permit Processing	Inclusionary Program Exemption or Reduced Requirements	Design Standard Modifications
Density Bonus Program	X	X	X	X	X
Inclusionary Housing Program	X				
Mixed Use Development Policy				X	X
In-fill Development Policy					X
Persons with Disabilities Policy			X		X
Rental Housing Policy			X		X
Homeless Policy			X	X	

Action 1: Within one year of adoption of this element, to provide greater certainty in the permitting process for developers of affordable, special needs, and rental housing, the county will consider permanently modifying some development standards that are currently considered on a case-by-case basis by decision-makers. These could include but are not limited to common open space, parking, and setback requirements. The county will document any development standard modifications in the Zoning Ordinance and the Housing Element Implementation Guidelines.

Timing:
Spring 2004

Responsible Department(s):
P&D

Policy 8.5: Applicable county departments shall provide incentives for the development of affordable, special needs, and rental housing.

Development Standard 8.5.1: Other county departments shall encourage the development of affordable, special needs, and rental housing through incentives may include but are not limited to the reduction, modification or deferral of application, processing and/or impact fees and the modification or waiver of development standards.

State or Federal Programs Supercede County Programs

Policy 8.6: For projects or portions of projects that are financed, make use of financial incentives and/or are regulated by federal or state programs, the requirements of the applicable program or regulation shall, as determined by the county, supersede any conflicting county definition for time period of affordability or subordination, maximum rent level or sales price, eligible household type, household income, occupancy, unit size or distribution, or dwelling unit quality.

Responsible Department(s): Planning and Development, County Housing and Community Development

Annual and Periodic Reports

Policy 8.7: The county shall annually prepare a report documenting residential development trends and the effectiveness of housing programs identified in the Housing Element in accordance with Government Code § 65400 and County Annual Report Guidelines.

Policy 8.8: The county shall prepare a residential land survey to determine whether an adequate amount of residential vacant or underdeveloped land exists in all residential density categories as needed.

<p>Action 1: Planning and Development shall update the residential land inventory for the unincorporated portion of each HMA as needed. The report shall contain the following:</p> <ul style="list-style-type: none"> • A table for each HMA depicting the amount of vacant residential land in acres by Comprehensive Plan designation and the maximum number of residential units that could be developed; • A table for each HMA depicting the amount of underdeveloped residential land in acres by Comprehensive Plan designation and the maximum number of residential units that could be developed. 	<p>Timing: Ongoing</p>
	<p>Responsible Department(s): P&D</p>

Policy 8.9: In the event that the terms of a litigation settlement agreement between a developer and the county do not comply with the requirements of the county’s affordable housing programs (e.g. AHO, Density Bonus, Inclusionary programs), then the project that is the subject of such agreement shall be developed in accordance with terms and conditions set forth in such settlement agreement and any amendments agreed to by the parties.

Responsible Department: Planning and Development

Preliminary Assessment of Housing Requirements

Policy 8.10: Prior to or upon determination of a complete project application, the county shall provide the applicant with a preliminary assessment of the on-site affordable housing units and/or in-lieu fees that may be required as part of the project pursuant to this Housing Element. The preliminary assessment shall include information on the number and type of affordable residential units and/or in-lieu fees that may be required and the options available under the affordable housing programs of this Element. It shall be made clear that the required number of units on an approved project may differ from the preliminary assessment based on the final determinations of the decision makers.

Responsible Department: Planning and Development

Goal 9: Cultivate Financial Resources

Participate in available federal and state housing subsidy and assistance programs and use the county's own powers and resources in order to obtain maximum amounts of funding for the provision of affordable housing.

State and Federal Funding

Policy 9.1: The county shall actively pursue and use various sources of revenue in order to assist the development, acquisition, and rehabilitation of affordable housing and provide financing assistance to first time homebuyers.

<p>Action 1: The county shall actively pursue federal, state, and local funding and assistance for the purpose of producing, rehabilitating, converting, and/or retrofitting affordable housing and housing for persons with disabilities.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>
<p>Action 2: The county shall continue to work with incorporated cities within the county in order to form a qualifying consortium to obtain Home Investment Partnership Act (HOME) and Community Development Block Grant (CDBG) funds in order to retain and expand the supply of affordable housing.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>
<p>Action 3: The county shall prepare and update as necessary any studies and/or program documents required by the federal or state government in order to qualify for federal and state funding for housing programs (e.g., Consolidated Plan).</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>
<p>Action 4: The county shall support the efforts of the County Housing Authority and non-profit supporters of affordable housing and housing for persons with disabilities to actively pursue federal and state housing funds.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>

Mortgage Revenue Bonds

Policy 9.2: The county shall evaluate the existing mortgage revenue bond program periodically and recommend a program to provide assistance for first time homebuyers, and fund development of rental and special needs housing if feasible.

Responsible Department: County Housing and Community Development

2003-2008

Affordable Housing Funds	
<p>Policy 9.3: The county shall maintain a Housing Trust Fund that shall consist of funds from the Community Development Block Grant program, Socioeconomic Impacts Mitigation Program, collected in-lieu fees, and other sources of governmental, philanthropic, and permit fee income for affordable housing. This fund shall not be used for general fund or general government purposes, but exclusively for the development and/or rehabilitation of affordable housing.</p>	<p>Development Standard 4.3.1: In-lieu fees collected from a project within any given HMA shall be used only within the same HMA.</p>
<p>Action 1: The county shall maintain guidelines that will be used to determine appropriate uses of the affordable housing funds.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>
<p>Action 2: The county shall continue to provide support to housing developers seeking funding to reduce development costs for eligible projects. This support may include but is not limited to providing technical assistance, local gap funding or written support letters. Possible funding sources include but are not limited to: CDBG, BEGIN, Cal HOME, county in-lieu funds.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): CHCD</p>

County-Owned Lands	
<p>Policy 9.4: The county shall make the provision of affordable and/or special needs housing a priority when considering the future use or sale of county-owned land.</p>	
<p>Action 1: The county shall periodically review its inventory of county-owned land for potential sites to dedicate for affordable and/or special needs housing. The county shall consider offering identified sites to governmental, non-profit or for-profit sponsors of affordable housing for the sole purpose of developing new affordable and/or special needs housing units.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): P&D, General Services</p>
<p>Action 2: During the planning and design of any new county facility, the county shall consider incorporating affordable and/or special needs housing into the project. This may include developing affordable and/or special needs housing in conjunction with other existing or new county facilities, e.g., parking structures.</p>	<p>Timing: Ongoing</p> <p>Responsible Department(s): P&D, General Services</p>

ATTACHMENT B: HOUSING ELEMENT CONSISTENCY WITH PLANS AND POLICIES

California law requires that General Plans contain an integrated and internally consistent set of policies. Santa Barbara County compared the programs and policies in this Housing Element with regional planning goals, all other Comprehensive Plan elements, county zoning ordinances and sub-division regulations, and the Congestion Management Plan. This Housing Element recommends actions that may result in amendments to existing policies and ordinances to ensure consistency and to support the programs of the Housing Element. Those amendments will be completed after Housing Element adoption, during the action phase.

Regional Planning Goals

Santa Barbara County's Land Use Element contains four regional planning goals:

- *Environment: Environmental constraints on development* shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources.*
- *Urbanization: In order for the county to sustain a healthy economy in the urbanized areas and to allow for growth within its resources and within its ability to pay for necessary services, the county shall encourage infill, prevent scattered urban development, and encourage a balance between housing and jobs.*
- *Agriculture: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*
- *Open Lands: Certain areas may be unsuited for agricultural uses due to poor or unstable soil conditions, steep slopes, flooding or lack of adequate water. These open lands have importance as grazing, watershed, wildlife habitat, mineral resources, recreation, and scenic qualities. These lands are usually so located that they are not necessary or desirable for urban uses. There is no basis for the proposition that all land, no matter where situated or whatever the need, must be planned for urban purposes if they cannot be put to some other profitable economic use.*

This Housing Element contains language recognizing the need to balance affordable housing goals and objectives with other important community goals, objectives, and priorities. Affordable housing needs to be sustainable, be located near available services and resources, and must respect site constraints.

* "Development" means any man-made change to improved or unimproved real property including but not limited to buildings or structures, mining, dredging, filling, grading, excavation, or drilling operations. Sand and gravel operations may be allowed in the same sense as flood control operations are allowed. Agricultural improvements are not development within the meaning of this Element.

Comprehensive Plan Elements

The Housing Element is most affected by development polices contained within the Land Use Element, but it is also affected by policies in other elements which limit residential development in certain areas due to noise impacts, geology, public safety, agricultural land, and habitat protection. These include the Noise, Safety, Agriculture, Open Space, and Conservation elements as well as the Community Plans. The Housing Element is also affected by policies in the Circulation Element, which ensures that adequate transportation and access exist to serve area development. Policies that limit development due to constraints may increase development costs on sites where such resources exist, but these policies are not inconsistent with the Housing Element. Where a site is severely constrained, in-lieu fees may be paid or land may be donated as an alternative method for meeting the broad purposes of the Housing Element. See Section III: Constraints and Mitigating Opportunities for a complete discussion.

The county amended a number of Land Use, Circulation Element, and Local Coastal Plan (LCP) policies during or after the adoption of the 1993 Housing Element to make affordable housing a priority when resources are limited. This included amending LCP Policy 2-6 and Land Use Policy 4.0 to make affordable housing development a priority. Policy 4.0 currently states:

Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Affordable housing projects proposed pursuant to the Affordable Housing Overlay regulations, special needs housing projects or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level shall be presumed to be consistent with this policy if the project has, or is conditioned to obtain all necessary can and will serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits. (Amended by 93-GP-10, Res. 93-624, 11/23/93)

The policy analysis in the 1993 Housing Element EIR concluded that the Housing Element was consistent with all elements of the county's Comprehensive Plan and the Local Coastal Plan. Affordable housing projects will continue to be given priority among resource allocations.

County Zoning Ordinances

The county will consider amendments to county zoning ordinances after Housing Element adoption. If adopted, these may further to promote new and existing Housing Element programs and further reduce constraints to affordable and special needs housing. Refer to action items in the Mixed Use, In-fill Development, Second Residential Units, and Farm Employee Housing programs in Section V of this Element.

Growth Management Ordinances

The Montecito Growth Management Ordinance (MGMO) applies to the community of Montecito in the South Coast HMA. This ordinance is a tool for basing the rate of growth in the community over time on the availability of adequate services and resources. Permits for development are allocated on a point system that rewards projects that limit impacts to services and resources and which provide public benefit. The following are among the exemptions from the Montecito GMO: 1) second residential units, 2) housing for supervised seniors, persons with disabilities, or group housing, and 3) replacement and rehabilitation of existing units. In addition, up to eight affordable units per year may receive high priority and will not count against the annual allocation; affordable units in excess of eight per year and market rate units that are part of a 50 percent or greater affordable project are subject to the yearly allocation cap but exempt from the point allocation system. Since the adoption of the MGMO, Montecito has not exceeded the exemption threshold for affordable units. The ordinance is designed to be modified when: 1) resource and service conditions change (such as when new water supplies become available and roadway and intersection improvements are completed); and 2) when the community's fair share housing needs are not met due to the restrictions of the ordinance. For these reasons, the MGMO is consistent with the Housing Element. Montecito is a very small portion of the South Coast HMA, its population represents approximately 6.3 percent of the unincorporated area population, 2.5 percent of the county's population.

County Subdivision Regulations (Santa Barbara County Code, Chapter 21)

The county's Subdivision Regulations specify technical and process requirements for land divisions and lot line adjustments, condominium conversions, etc., including fee requirements for flood control, drainage works, and park/recreation facilities (Quimby fees). The Housing Element is consistent with the county's existing Subdivision Regulations. Article V of Chapter 21 promotes the Housing Element's goals for affordable rental housing of different types by establishing tenant displacement protection for residential condominium conversions, as well as a prohibition against mobile home park condominium conversions.

Congestion Management Program

State Proposition 111 requires each urban county to prepare, adopt, and biennially update a Congestion Management Program (CMP). SBCAG adopted the CMP for the county in 1992. The program addresses congestion problems on state highways and principal arterials in a coordinated manner between affected jurisdictions and responsible agencies. The CMP includes a land use program to ensure the impacts of land development on the CMP system are documented, assessed, and mitigated.

The county's Housing Element has policies and action items in place to promote the development of housing which is affordable to all income levels in each HMA. Policies also include directives to work cooperatively with other jurisdictions to ensure general consistency among housing goals. This Housing Element is in compliance with the requirements specified in the county's Congestion Management Program.



February 27, 2006

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 22, 2006

RE: Santa Barbara County Housing Element Certification Amendment

The Planning Commission will consider and make recommendations to the Board of Supervisors on proposed revisions to the County's 2003-2008 Housing Element, required by the State Department of Housing and Community Development to meet state housing law provisions. Adoption of these revisions would result in the County receiving conditional certification of its Housing Element.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 22, 2006, Commissioner Boysen moved, seconded by Commissioner Montgomery and carried by a vote of 5-0 to recommend that the Board of Supervisors:

1. Adopt County Planning Commission Resolution No. 06-05, included as Attachment J of staff memorandum dated January 26, 2006, as revised at the hearing of February 22, 2006; and
2. Adopt the 2003-2008 Revised Housing Element.

REVISIONS TO THE RESOLUTION

The following language was added after the thirteenth paragraph:

WHEREAS, pursuant to the California Environmental Quality Act, the county will prepare an environmental impact report (EIR) in conjunction with the implementation, or Action Phase, of the 2003-2008 Housing Element.

REVISIONS TO THE RESOLUTION

Add the following language after the thirteenth paragraph:

WHEREAS, pursuant to the California Environmental Quality Act, the county will prepare an environmental impact report (EIR) in conjunction with the implementation, or Action Phase, of the 2003-2008 Housing Element.

Sincerely,



Steve Chase
Secretary to the Planning Commission

Attachment: County Planning Commission Resolution No. 06-05

xc: Case File: 2003-2008 County Housing Element
Planning Commission File
Records Management
John McInnes, Director, Comprehensive Planning
Josh McDonnell, Supervising Planner, Comprehensive Planning
Patsy Stadelman, Planner, Comprehensive Planning
David Allen, Deputy County Counsel

SC:cnm

G:\GROUP\COMP\Comp Plan Elements\Housing\2003-08 Housing Element\PC\PC Certification Amendment 2-8+22-06\02-22-06actltr.doc

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING ADOPTION)
OF AN AMENDMENT TO THE 2003-3008 HOUSING)
ELEMENT, AN ELEMENT OF THE SANTA) RESOLUTION NO.: 06-05
BARBARA COUNTY COMPREHENSIVE PLAN) CASE NO.:
)
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)

WHEREAS, California Government Code Section 65302 (c) requires that localities adopt a General Plan Housing Element that complies with the state's standards as set forth in Government Code Section 65580 et seq.; and

WHEREAS, State General Plan statutes require that the state-mandated Housing Element be revised every five years to incorporate new information and reflect changes in community needs and values; and

WHEREAS, the County of Santa Barbara has adopted a General Plan; and

WHEREAS, the state-mandated Regional Housing Needs Assessment (RHNA) allocation assigned to the unincorporated portion of Santa Barbara County for the 2003-2008 planning period is 6,064 new units, which represents 35 percent of the entire county's 17,581 unit allocation. Of these 6,064 new units, the state requires that 1,455 be affordable to very-low income households, 1,031 units be affordable to low income households, 1,013 units be affordable to moderate income households, and 2,565 units be affordable to above-moderate income households; and

WHEREAS, more than 95 percent of South Coast residents cannot afford the South Coast median home price, which rose from \$779,000 in 2002 to \$1,225,000 in 2005 and more than 88 percent of North County residents cannot afford the North County median home price, which rose from \$257,000 in 2002 to \$464,890 in 2005; and

WHEREAS, a proposed amendment to the Housing Element of the Santa Barbara County General Plan has been prepared pursuant to California Government Code Sections 65358 and 65580 et seq. and according to the adopted procedure; and

WHEREAS, public hearing notices of the Draft Revised 2003-2008 Housing Element, regarding document availability and public hearing schedule, were published in local newspapers and provided on the county's Housing Element Update website; and

WHEREAS, the Planning Commission has held a public hearing and received and considered all reports and comments on the proposed amendment; and

WHEREAS, pursuant to California Government Code Section 65585(b), the State Department of Housing and Community Development (State HCD) reviewed the draft revised Housing Element and reported its findings to the county in a letter dated December 2, 2005; and;

WHEREAS, the Planning Commission considered State HCD's comments and suggested amendments to the draft Housing Element to incorporate all of the changes and additions requested by State HCD; and

WHEREAS, State HCD indicated in their letter that, once the recommended revisions are completed, the Housing Element will, in their opinion, comply with the requirements of State Housing Element Law; and

WHEREAS, pursuant to Section 65583 of the California Government Code, the Housing Element includes: (1) an identification and analysis of existing and projected housing needs and an inventory of resources and constraints relevant to meeting these needs; (2) a statement of Santa Barbara County's goals, quantified objectives, and policies relative to the maintenance, improvement, and development of housing; and (3) a program which sets forth a schedule of actions the county is undertaking or intends to undertake to implement the policies and achieve the goals and objectives; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration, previously prepared and circulated for public review, concluded that no potentially significant environmental impacts will occur as the result of the proposed 2003-2008 Housing Element, and this Negative Declaration adequately describes the environmental consequences of the currently proposed amendments.

WHEREAS, pursuant to the California Environmental Quality Act, the county will prepare an environmental impact report (EIR) in conjunction with the implementation, or Action Phase, of the 2003-2008 Housing Element.

NOW, THEREFORE BE IT FOUND AND RESOLVED THAT THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS FIND:

1. The Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. On the basis of the Negative Declaration, no substantial evidence exists that the project will have a significant effect on the environment.
3. The Revised 2003-2008 Housing Element substantially complies with State requirements of Government Code Section 65580 et seq.
4. The Revised 2003-2008 Housing Element is approved as an element of the General Plan.
5. The Revised 2003-2008 Housing Element will not impact wildlife or the habitat upon which it depends because the update is a policy level document, potential site-specific impacts will be evaluated in accordance with discretionary review of proposed actions, and moderate to high density development is directed to community and transportation corridor areas with availability of services, and, therefore, makes the Department of Fish and Game "de minimis" finding per Section 711.4 of the Fish and Game Code.

BE IT FURTHER RESOLVED THAT:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65855 of the Government Code, this Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission.
3. A copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Commission is hereby authorized and directed to sign this resolution documenting the above mentioned action by the Planning Commission.

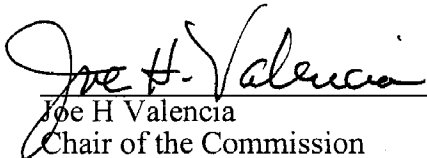
PASSED, APPROVED, AND ADOPTED this 22nd day of February, 2006, by the following vote:

AYES: C. Michael Cooney, Cecilia Brown, Parker Montgomery, Joe H. Valencia,
Jack Boysen

NOES:


ABSTAIN:

ABSENT:



Joe H Valencia
Chair of the Commission
County of Santa Barbara

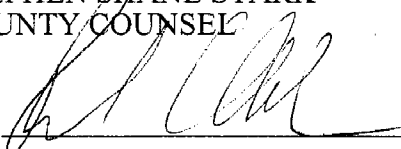
ATTEST:

By: 

Steve Chase
Secretary to the Commission

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By: 

Deputy County Counsel

ATTACHMENT L

**RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPTION OF AN)
AMENDMENT TO THE 2003-3008 HOUSING)
ELEMENT, AN ELEMENT OF THE SANTA) RESOLUTION NO.:
BARBARA COUNTY COMPREHENSIVE PLAN) CASE NO.:
)
)
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_____)

WHEREAS, Government Code Section 65302 (c) requires that localities adopt a General Plan Housing Element that complies with the State's standards as set forth in Government Code Section 65580 et seq.; and

WHEREAS, State General Plan statutes require that the state-mandated Housing Element be revised every five years to incorporate new information and reflect changes in community needs and values; and

WHEREAS, the County of Santa Barbara has adopted a General Plan; and

WHEREAS, a proposed amendment to the adopted 2003-2008 Housing Element of the Santa Barbara County General Plan has been prepared pursuant to Government Code Sections 65358 and 65580 et seq. and according to the adopted procedure; and

WHEREAS, pursuant to California Government Code Section 65585(b), the State Department of Housing and Community Development (State HCD) reviewed the Draft Revised Housing Element and reported its findings to the county in a letter dated December 2, 2005; and;

WHEREAS, State HCD indicated in their letter that, once the recommended revisions are completed, the Housing Element will, in their opinion, comply with the requirements of State Housing Element Law; and

WHEREAS, public hearing notices for the Draft Revised Housing Element regarding document availability and public hearing schedules were published in local newspapers and provided on the Housing Element Update website; and

WHEREAS, the Planning Commission has held a public hearing and received and considered all reports and comments on the proposed amendment, including State HCD's comments; and

WHEREAS, pursuant to Section 65583 of the California Government Code, the Housing Element includes: (1) an identification and analysis of existing and projected housing needs and an inventory of resources and constraints relevant to meeting these needs; (2) a statement of Santa Barbara County's goals, quantified objectives, and policies relative to the maintenance, improvement, and development of housing; and (3) a program which sets forth a schedule of actions the county is undertaking or intends to undertake to implement the policies and achieve the goals and objectives; and

WHEREAS, pursuant to the California Environmental Quality Act, a Negative Declaration previously was prepared and circulated for public review concluding that no potentially significant environmental impacts would occur as the result of the proposed 2003-2008 Housing Element, and this Negative Declaration adequately describes the environmental consequences of the currently proposed amendments; and

WHEREAS, pursuant to the California Environmental Quality Act, the county will prepare an environmental impact report (EIR) in conjunction with the implementation, or Action Phase, of the 2003-2008 Housing Element.

WHEREAS, by its Resolution No. 06-05, the County Planning Commission has recommended that the Board of supervisors approve the Housing Element amendment.

NOW, THEREFORE BE IT FOUND AND RESOLVED THAT THE BOARD OF SUPERVISORS FIND:

1. The Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. On the basis of the Negative Declaration, no substantial evidence exists that the project would have a significant effect on the environment.
3. The Amended Housing Element substantially complies with State requirements of Government Code Section 65580 et seq.
4. The Amended Housing Element is approved as an element of the General Plan.
5. The Amended Housing Element will not impact wildlife or the habitat upon which it depends because the update is a policy level document, potential site-specific impacts will be evaluated in accordance with discretionary review of proposed actions, and moderate to high density development is directed to community and transportation corridor areas with availability of services, and, therefore, makes the Department of Fish and Game "de minimis" finding per Section 711.4 of the Fish and Game Code.

BE IT FURTHER RESOLVED THAT:

1. The above recitations are true and correct.
2. A copy of this resolution shall be transmitted to the State Department of Housing and Community Development, along with the Amended Housing Element, as required by Government Code Section 65585.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel