



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Community Services
Department
Department No.: 057
For Agenda Of: June 26, 2012
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Herman Parker, Community Services Director, (805) 568-2467
Director(s)
Contact Info: Sharon Friedrichsen, Deputy Director, (805) 568-3520
SUBJECT: Agreement to Provide Affordable Housing for the ICON Gardens Mixed-Use Building; 11DVP-00000-00010, 11TPM-00000-00004, 11CUP-00000-00024, 11CDP-00000-00057 (Third District)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: P&D

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair of the Board of Supervisors to execute 2 copies of the attached Agreement to Provide Affordable Housing and Rental Restrictive Covenant ("Agreement to Provide") for The ICON Gardens Mixed-Use Building [11DVP-00000-00010, 11TPM-00000-00004, 11CUP-00000-00024, 11CDP-00000-00057] in Isla Vista (Attachment A);
- b) Direct the Community Services Department staff to record the attached Agreement to Provide;
- c) Determine that the previously certified Environmental Impact Report prepared for the Isla Vista Master Plan (03-EIR-08) is adequate environmental review for this project under the California Environmental Quality Act pursuant to California Public Resources Code section 21090(b) and no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project pursuant to CEQA Guidelines Section 15162.

Summary Text:

The County Planning Commission approved the ICON Gardens Mixed-Use Building on February 8, 2012. The approved project, pursuant to the County Planning Commission Action Letter dated February 13, 2012, allowed for twenty-four (24) residential units, including four (4) designated as affordable Restricted Units for rent to Low Income households located on the 2nd, 3rd, and 4th floors, of a 4-story mixed use building located at 6522 & 6530 Seville Road in Isla Vista, Third Supervisorial District, Assessor Parcel Number(s) 075-171-013 & 075-171-014. The item before the Board is to approve and authorize the Chair of the Board of Supervisors to execute the Agreement to Provide, which must be approved and recorded before any land use permits can be issued by County's Planning and Development Department.

Background:

The County Planning Commission approved the ICON Gardens Mixed-Use Building on February 8, 2012. The approved project allowed for twenty-four (24) residential units, including four (4) designated as affordable Restricted Units. Of the four (4) Restricted Units, all would be studio units available for rent to Low Income Households earning 80% of Area Median Income (AMI). Pursuant to State Density Bonus Law (California Government Code sections 65915-65918, the four (4) Restricted Units will remain affordable for lease by Low Income Households for a thirty (30) year term. During this thirty (30) year term, the four (4) affordable units cannot be individually sold.

State Planning Law mandates that local jurisdictions prepare Housing Elements containing policies and programs to ensure local provision of affordable housing. One of these programs is a Density Bonus program, which is mandated by State Density Bonus Law (California Government Code §65915-65918). The approval, execution and recordation of the Agreement to Provide will satisfy the requirements of Affordable Housing Condition No. 31, which states:

“The Owner/Applicant shall provide 4 low income dwelling units available for rent at prices affordable to households earning 80% of Area Median Income (AMI) consistent with the provisions of Government Code §65915-65918 (Density Bonus). The units shall remain affordable under these requirements for a period of not less than 30 years.

PLAN REQUIREMENTS: The Owner/Applicant shall enter into and record an Agreement to Provide Affordable Housing, which shall include a model Restrictive Covenant and Preemptive Right. The agreement and covenant shall be based on the County's model documents, as they may be amended from time to time and subject to review and approval by P&D, County Housing and Community Development, and County Counsel.

TIMING: The Agreement shall be entered into and recorded prior to Land Use Permit issuance. P&D processing staff shall obtain written HCD approval and confirmation of the executed and recorded Agreement, using the HCD Project Approval Form, prior to Land Use Permit issuance.”

In addition to approving the Agreement to Provide, the Community Services Department recommends that the Board determine that the approval of the Agreement to Provide does not constitute a project under CEQA §15378(a) since the Board's approval of the Agreement to Provide does not have the potential to result in either a direct physical impact to the environment, or a reasonably foreseeable indirect physical change in the environment.

Fiscal and Facilities Impacts:

There are no fiscal or facilities impacts at this time, although four (4) affordable Restricted Units will become available and part of the County's affordable housing stock.

Staffing Impacts:

None. Community Services Department is the implementing agency of the County's Inclusionary Housing program and, in this role, drafted the "Agreement to Provide" based on Condition of Approval No. 31 as set forth by the County's Planning and Development Department.

Special Instructions:

- Clerk of the Board to contact Margo Wagner at ext. 3529 to pick up one copy of the executed *Agreement to Provide Affordable Housing and Rental Restrictive Covenant*
- Provide a copy of the minute order reflecting the Board action.

Attachments:

Attachment A – Agreement to Provide Affordable Housing and Rental Restrictive Covenant

Attachment B – Notice of Exemption