



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Housing and
Community
Development
Department No.: 055
For Agenda Of: September 20, 2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Sharon Friedrichsen, Department of Housing and Community
Director(s) Development Director, 568-2068
Contact Info: Betty Wong, Department of Housing and Community Development,
568-3514
SUBJECT: Agreement to Provide Affordable Housing for The Icon Mixed-Use Building and
Townhomes Project; 09DVP-00000-00002, 09TPM-00000-00001, 09CUP-00000-
00003, 09-CDP-00000-00004, 11SCD-00000-00002

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: Select_Other

As to form: Select_Concurrence

Recommended Actions:

That the Board of Supervisors:

Approve, execute, and direct the recordation of the attached Agreement to Provide Affordable Housing for The Icon Mixed-Use Building and Townhomes Project [09DVP-00000-00002, 09TPM-00000-00001, 09CUP-00000-00003, 09-CDP-00000-00004, 11SCD-00000-00002] in Isla Vista in the Third Supervisorial District.

Summary Text:

The Planning Commission approved The Icon Mixed-Use Building and Townhomes Project on March 3, 2010. The approved project, pursuant to the Planning Commission Action Letter dated March 5, 2010, allowed for twenty-two (22) residential units (including three (3) designated as affordable units) located on the 2nd, 3rd and 4th floors of a 5-story mixed use building located at 6545 and 6547 Trigo Road in Isla Vista, Third Supervisorial District, Assessor Parcel Number(s) 075-173-023 & 075-173-024. The mixed-use building would also include general commercial space on the ground floor divided into five (5) commercial condominiums and outdoor commercial terraces. Of the three (3) affordable units, all would be studio units available for rent to Low Income Households earning 80% of Area Median Income. Pursuant to State Density Bonus Law, the three (3) affordable units will remain

affordable and available for lease by Low Income households for a thirty (30) year term. During this thirty (30) year term, the three (3) affordable units cannot be individually sold.

On February 4, 2011, the County Planning and Development Department issued preliminary approval of a request for a Substantial Conformity Determination (SCD) by the developer, Icon at UCSB, LLC, to increase the building height of the subterranean parking structure. This change necessitated a loss of one residential unit and associated reduction of 700 square feet of residential floor area, resulting in a change from twenty-two (22) residential units to twenty-one (21) residential units (no change to the number of affordable units).

Background:

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

“Three (3) dwelling units shall be provided at rental prices affordable to **low income** households [households earning 80% of Area Median Income (AMI)], as defined by the County's Housing Element and the Housing Element Implementation Guidelines. **Requirements and Timing:** Prior to final map clearance, the applicant shall enter into and record an Agreement to Provide and Rental Restrictive Covenant and Preemptive Right based upon the County's model document which shall be subject to review and approval by Planning & Development, County Housing and Community Development (“HCD”) and County Counsel. This document shall specify affordability consistent with the terms described above and shall include provisions prohibiting the individual sale of the affordable units, as well as describing marketing of rental of units and requiring County approval of proposed leases. Income eligibility of prospective renters shall be determined by the County or its designee, however, HCD may choose to authorize applicant to conduct income certifications at the discretion of HCD subject to review and monitoring by HCD. The maximum rental rate for the affordable units shall not exceed the maximum levels established by the Board of Supervisors, consistent with the provisions of the Housing Element. The Agreement shall specify that the affordable units shall remain affordable for a period of 30 years unless preempted by state or federal programs. **Monitoring:** P&D shall review the agreement and determine it to be appropriate prior to issuing final map clearance or DP approval.”

“Affordable units shall be constructed concurrent with the construction of the market rate units. Occupancy clearance for no more than 50% of the market rate units shall be allowed prior to occupancy clearance for the affordable units. **Plan Requirements & Timing:** Prior to final map clearance, this requirement shall be included in the Agreement to Provide Affordable Housing and Rental Restrictive Covenant and Preemptive Right. **Monitoring:** Permit Compliance staff shall ensure compliance during construction.”

Fiscal and Facilities Impacts:

Budgeted: No

Narrative: No fiscal or facilities impacts at this time.

Special Instructions:

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

Attachments:

Attachment "A" - Agreement to Provide Affordable Housing

Authored by:

Betty Wong, Housing and Community Development

cc:

Developer: Icon at UCSB, LLC
Alice McCurdy, Planning and Development
Alex Tuttle, Planning and Development