

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 5/4/2006
Department Name: Housing and Community
Development
Department No.: 055
Agenda Date: 5/23/2006
Placement: Administrative
Estimate Time: n/a
Continued Item: NO
If Yes, date from:
Document File Name: G:\\HCD\\HOUSINGIMPLEMENTATION\\Hs
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RUN\\BOARD.LETTER.OM.DOC

TO: Board of Supervisors

FROM: Housing and Community Development
Ed Moses, Director

STAFF CONTACT: Susan Everett, Planner (568-2014)
Housing and Community Development

SUBJECT: *Agreement to Provide Affordable Housing and Resale Restrictive Covenant* for Old Mill Run [TM 14,532, 99-DP-029], Orcutt area, Fourth Supervisorial District, Assessor Parcel Number(s) 105-020-046.

Recommendations:

That the Board of Supervisors:

- A. Approve and execute the attached *Agreement to Provide* (Attachment A) for the Old Mill Run Housing Development and direct its recordation.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity
The recommendation is primarily aligned with Goal No. 7. A Community that Fosters the Safety and Well-Being of Families and Children.

Executive Summary and Discussion:

The Planning Commission approved the Old Mill Run Housing Project on May 19, 2004. The approved project allows for 62 new parcels, 60 parcels will be for new single family residential units and two (2) will consist of common open space. Six (6) of the proposed residential lots will contain three (3) duplex structures containing six (6) units that meet the County's affordability requirements and will be sold at sales prices affordable to low income households (see Exhibit C, Address List of Affordable Housing Units). The affordable units are to be restricted through the County's Resale Restrictive Covenant and Preemptive Right that shall specify that the

affordable units remain affordable for a period of 45 years which 45 year period shall be restarted when the unit is sold or transferred for a maximum of 90 years unless preempted by state or federal programs. The *Agreement to Provide Affordable Housing* and the *Resale Restrictive Covenant and Preemptive Right*, which is attached thereto as Exhibit D, assure the provision of the required affordable units.

Mandates and Service Levels:

State Planning Law mandates that local jurisdictions prepare Housing Elements containing policies and programs to ensure local provision of affordable housing. One of these programs is Santa Barbara County's Inclusionary Program, which applies to all housing developments with five or more units. This program requires that a percentage of units within a project have affordability restrictions placed upon them. The Final Development Plan [99-DP-029] for Old Mill Run was approved with a condition implementing the policies of the Inclusionary Program. The Agreement together with the exhibits to it implements this May 2003 condition of approval. The execution and recordation of this Agreement to Provide Affordable Housing will satisfy the basic requirement of the housing condition which states, "Prior to final map recordation and land use clearance, the applicant shall enter into and record an Agreement to Provide Affordable Housing with the County of Santa Barbara, agreeing to provide six (6) affordable units at sale prices affordable to low income households, as required by the Housing Element and Housing Element Implementation Guidelines for the Orcutt Housing Market Area".

Fiscal and Facilities Impacts:

The Housing and Community Development Department will expend funds for advertisements to market the affordable homes and to screen potential buyers through the Income Certification process. Additional funds will be expended for ongoing monitoring of the affordable homes in this project, and to enforce the Resale Restrictive Covenant and Preemptive Right (see Exhibit E, Marketing Plan, Exhibit F, Lottery Plan, Exhibit D Shared Equity Appreciation Covenant). Application Screening and Income Certification fees offset a portion of the expenses; the remainder is paid out from the General Fund. These costs and revenue are included in the approved 2006-2006 Housing and Community Development budget, pages D-252 and D-253.

Special Instructions:

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

Concurrence: County Counsel.

ATTACHMENTS:

- A. *Attachment A, Agreement to Provide Affordable Housing including Exhibit A, Legal Description of Property
Exhibit B, Affordable Housing Conditions for Old Mill Run
Exhibit C, Address List of Affordable Housing Units
Exhibit D, Resale Restrictive Covenant and Preemptive Right
Exhibit E, Marketing Plan for Old Mill Run Affordable Homes
Exhibit F, Lottery Plan for Old Mill Run Affordable Homes*

ATTACHMENT A

AGREEMENT TO PROVIDE AFFORDABLE HOUSING