



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: HCD
Department No.: 055
For Agenda Of: 11/21/2006
Placement: Administrative
Estimate Time: n/a
Continued Item: NO
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s) Ron Cortez, Deputy County Executive Officer, 568-2243
Contact Info: Jennifer Christensen, 568-3515
SUBJECT: Agreement to Provide Affordable Housing and Resale Restrictive Covenant for The Preserve at San Marcos, 01TRM-00000-00005/TM 14,585; 01DVP-00000-00071, Second Supervisorial District, APN 059-020-014

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: N/A

As to form: Yes No N/A

Recommended Action(s):

- A. Approve and execute the attached *Agreement to Provide* (Attachment A) for The Preserve at San Marcos Housing Development and direct its recordation.

Summary:

The Board of Supervisors approved The Preserve at San Marcos Project on November 21, 2005. The approved project allows for construction of twenty (20) residential units, five (5) of which are designated affordable units. The project has been approved in two phases: Phase I (The Meadows) consisting of seven (7) market-rate residential units, followed by Phase II (The Terrace) consisting of eight (8) market-rate residential units. The five (5) affordable units can be built in two phases prior to, or concurrent with, the construction of the market rate units as follows: two (2) affordable units in Phase I (The Meadows), and three (3) affordable units in Phase II (The Terrace). All affordable units in the project will be affordable to low income households earning a maximum of 60% of Area Median Income (AMI).

To comply with the projects conditions, an *Agreement to Provide Affordable Housing* and the *Resale Restrictive Covenant and Preemptive Right*, which is attached thereto as Exhibit D, will be executed and recorded prior to final map recordation.

Background:

State Planning Law mandates that local jurisdictions prepare Housing Elements containing policies and programs to ensure local provision of affordable housing. One of the County’s several affordable housing programs implements California’s State Density Bonus Law. State Density Bonus Law (SDBL) prescribes development by-right be granted to applicant who guarantee that not less than 20% of all residential units associated with their project be sold as affordable units. The County’s SDBL program applies to all housing developments with five or more units and requires that 20% of a project’s total units have affordability restrictions placed upon them. The Final Development Plan for The Preserve at San Marcos was approved with a condition stipulating the applicants desire to take advantage of the SDBL provisions. The Agreement, together with the exhibits, implement this November 2005 condition of approval.

The execution and recordation of this Agreement to Provide Affordable Housing will satisfy the basic condition that governs participation in the State’s mandated density bonus program, which states: “*Concurrent with final map recordation, the applicant shall enter into and record an Agreement to Provide Affordable Housing with the County of Santa Barbara, agreeing to provide five (5) affordable condominiums at sale prices affordable to low income households as follows: Five (5) low income dwelling units shall be provided at sale prices affordable to households earning a maximum of 60% of Area Median Income (AMI) consistent with the provisions of Government Code § 65915-65918 (SDBL).*” The above condition is wholly consistent with the provisions outlined in Santa Barbara County’s adopted Revised 2003-2008 Housing Element.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

n/a

Staffing Impact(s):

Legal Positions:
0

FTEs:
0

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 to make a copy of the recorded Agreement to Provide. Clerk of the Board shall send copy of the Minute Order and the original, recorded Agreement to Provide document to Susan Everett, Housing and Community Development.

Agreement to Provide Affordable Housing and Resale Restrictive Covenant for The Preserve at San Marcos, 01TRM-00000-00005/TM 14,585; 01DVP-00000-00071, Second Supervisorial District, APN 059-020-014

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Attachments:

Attachment A: Agreement to Provide Affordable Housing including:

Exhibit A, Legal Description of Property

Exhibit B, Affordable Housing Conditions for The Preserve at San Marcos Condominiums

Exhibit C, Address List of Affordable Housing Units

Exhibit D, Resale Restrictive Covenant and Preemptive Right

Exhibit E, Marketing Plan for The Preserve at San Marcos Condominiums

Exhibit F, Lottery Plan for The Preserve at San Marcos Condominiums

Authored by: Susan Everett, Senior Planner, Housing and Community Development

cc: Mary McMaster, County Counsel of Santa Barbara
David Matson, Project Manager, Comprehensive Planning