



## Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

February 18, 2025

Community Services Department  
Attn: Andrew Kish  
123 E. Anapamu Street  
Santa Barbara, CA 93101

PLANNING COMMISSION  
HEARING OF FEBRUARY 12, 2025

**RE: *Acquisition and Disposal of Real Property Government Code Conformity; 25GOV-00001***

Hearing on the request of Andrew Kish, Community Services Department, Housing and Community Development Division, to consider Case Number 25GOV-00001, application filed on January 8, 2025, for a determination that acquisition and disposal of certain real property conforms with the Comprehensive Plan of the County of Santa Barbara pursuant to California Government Code §65402(a). This site is identified as Assessor Parcel Number (APN) 005-700-008 (0.02 acres), in the Summerland Community Plan Area, First Supervisorial District.

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Dear Mr. Kish:

At the Planning Commission hearing of February 12, 2025, Commissioner Cooney moved, seconded by Commissioner Parke and carried by a vote of 5 to 0 to:

1. Determine that the proposed acquisition and disposal of the parcel conforms with the Comprehensive Plan, including the Land Use Element, the Housing Element, the Coastal Land Use Element, the Summerland Community Plan; and
2. Transmit the conformity report required by Government Code Section 65402(a) to Andrew Kish, Community Services Department, Housing and Community Development Division, and to the Board of Supervisors. The memorandum to Kimberly McCarthy (Planning and Development Department), attached memorandum from Housing and Community Development Division dated December 24, 2024, and action letter reflecting the Planning Commission's action shall constitute the required conformity report.

The Planning Commission action relative to Government Code Section 65402(a) is advisory in nature; therefore the appeal procedure is not applicable. I am hereby forwarding the Commission's determination to the Board of Supervisors.

Sincerely,

Jeff Wilson 123 E. Anapamu Street, Santa Barbara, CA 93101 • (805) 568-2000 • Fax (805) 568-2030

Secretary to the Planning Commission Maria, CA 93455 • (805) 934-6250 • Fax (805) 934-6258

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Planning Commission Hearing of February 12, 2025  
Acquisition and Disposal of Real Property Government Code Conformity; 25GOV-00001  
Page 2

cc: Steve Conner, Planner

JW/dmv

**Attachments:** Staff Report to Planning Commission dated February 12, 2025

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## COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

### MEMORANDUM

**TO:** County Planning Commission

**FROM:** Travis Seawards, Deputy Director, Development Review Division

**STAFF CONTACT:** Steve Conner, Planner, (805) 568-2801

**HEARING DATE:** February 12, 2025

**RE:** Case No. 25GOV-00001:  
California Government Code §65402(a) Conformity Determination  
Assessor's Parcel Number 005-700-008 (0.02 acres)

**APPLICANT:** Andrew Kish, Community Services Department, Housing and  
Community Development Division  
(805) 568-3534

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#### REQUEST

Hearing on the request of Andrew Kish, Community Services Department, Housing and Community Development Division, to consider Case Number 25GOV-00001, application filed on January 8, 2025, for a determination that acquisition and disposal of certain real property conforms with the Comprehensive Plan of the County of Santa Barbara pursuant to California Government Code §65402(a). This site is identified as Assessor Parcel Number (APN) 005-700-008 (0.02 acres), in the Summerland Community Plan Area, First Supervisorial District.

#### PROJECT DESCRIPTION

The project consists of the proposed purchase and disposal by the County of Santa Barbara of property known as 2615 Caspia Lane, located within the Summerland Community Plan Area. The parcel proposed to be purchased totals approximately 0.02 acres, currently identified as APN 005-700-008, with the address of 2615 Caspia Lane, Summerland, CA 93067.

The parcel is zoned DR-2.5 and contains a deed-restricted single-story affordable housing unit in a condominium building within a complex known as the Villas at Summerland, located adjacent to a development known as the Cottages at Summerland. The proposed acquisition of the parcel will be by the County of Santa Barbara in fee.

The proposed acquisition of the parcel will serve the purpose of rehabilitating and disposing of the deed-restricted affordable housing unit at a below-market rate. Once the unit is acquired by the County, the Housing and Community Development Division will issue a Request for Proposals and identify at least three potential buyers (Very Low-Income) to participate in a lottery to determine the order in which to process homeownership applications for the unit's purchase. The land and unit will be subject to a recorded deed encumbrance to preserve affordability of the unit with a longer-term covenant (between 45-90 years) upon the date of sale.

The acquisition will utilize monies from the Affordable Housing Trust Fund under a formal Buyback Program that was approved at Board of Supervisors hearing on January 9, 2007, on recommendation by the Affordable Housing Compliance Project team. Under the Buyback Program, the County can exercise a first right of refusal under County Municipal Code Chapter 46A - Inclusionary Housing (i.e. Resale Restrictive Covenant and Preemptive Right). The first right of refusal allows the County to buy existing affordable housing units that have become available for resale. The intent of the Buyback Program is to give the County maximum control of resales and to ensure retention of affordable units in that were built or acquired under the Inclusionary Housing Program. Chapter 46A and the Buyback Program also allow the County to impose new covenants on units at the point of resale, including restarting the clock and maintaining the unit as an affordable "for-sale" unit for an additional 45-90 years.

All of the following conditions must be met prior to acquisition of affordable units under the Buyback Program:

1. There are sufficient funds to purchase such units, the purchase is in the best interests of the County, and the purchase will help maintain the supply of affordable housing in the County
2. The purchase will not result in a significant risk of liability to the County
3. The purchase price of the unit is under \$470,0000
4. The unit can be resold for at least the amount of the option price

The County shall require withholding of \$10,000 of funds in escrow subject to release of said funds by the County. Maximum sales price may be decreased by any amount necessary to repair damages, if any, and to put the subject property in saleable condition as reasonably determined by the County or designee.

The maximum sales price has been set to include allowance for a real estate commission and closing costs; the owner may not require purchasers (including the County) to pay any commissions or other costs of sale typically paid by sellers (not including necessary costs of repairs) of residential real property. The streamlined repurchase process is summarized in the Buyback Program flowchart provided in Attachment C. After the County acquires the subject unit at 2615 Caspia Lane, Housing and Community Development's (HCD's) intention is to sell

the unit to an eligible buyer in the “Very Low-income” category. Subsequent to County acquisition of this unit, a Request for Proposals will be issued by HCD to identify at least three buyers to participate in a lottery to determine the order in which the homeownership applications are processed for purchase of the unit. Once a buyer is identified, the Board of Supervisors will approve a sales contract.

## **JURISDICTION**

California Government Code Section 65402(a) requires that if a general plan or part thereof has been adopted, no real property to which the County’s general plan applies shall be acquired by donation or otherwise for street, square, park, or other public purposes until the location, purpose, and extent of such acquisition and disposal has been submitted to and reported on by the County’s “planning agency” as to conformity with the County’s adopted general plan or part thereof. Pursuant to the provisions of Section 65100 of the California Government Code, and as provided by Article V, Chapter 2 of the County Code, the County Planning Commission is designated as the “planning agency” for the unincorporated portion of the County located outside of the Montecito Community Plan Area.

## **CONFORMITY WITH APPLICABLE COMPREHENSIVE/COMMUNITY PLAN POLICIES AND STANDARDS**

The project involves the acquisition of land to preserve an affordable housing unit in the County of Santa Barbara. The acquisition conforms to the following applicable Summerland Community Plan, and Comprehensive Plan Land Use Element, Coastal Land Use Element, and Housing Element policies, standards, and actions:

**Comprehensive Plan Land Use and Zoning Designation:** *The land use designation for the parcel is RES-3.3 (Single Family Residential/minimum 10,000 square-foot parcel size/maximum 3.3 dwelling units per acre). The parcel is within the Design Residential Zone District (DR-2.5 units/gross acre) and Affordable Housing Overlay (AHO).*

**Conforming:** The project conforms to the existing Comprehensive Plan land use designation. The subject parcel is designated as Single Family Residential with a minimum lot size of 10,000 square feet and a maximum of 3.3 dwelling units per acre. Pursuant to the Land Use Element of the Comprehensive Plan, the Design Residential land use designation is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments. The parcel will remain in conformance with the Single Family Residential land use designation and Design Residential Zone District because the proposed acquisition and disposal will not change the use or make physical changes to the existing structure (other than unit rehabilitation – if needed) or site development.



Additionally, the project is located within an area with Affordable Housing Overlay (AHO) designation. The purpose of the AHO is to identify and protect sites planned for residential development that are suitable for the development and provision of affordable housing, and to ensure that the selection and development of these sites is consistent with all applicable policies and provisions of the Local Coastal Program. The project will preserve and extend the property's existing affordability restrictions, which is an appropriate action for properties located within the Affordable Housing Overlay.

***Housing Element Goal 4:*** *Preserve the affordable housing stock and cultivate financial resources for the provision of affordable housing in Santa Barbara County.*

***Housing Element Policy 4.1:*** *Preserve the affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement.*

***Housing Element Policy 4.2:*** *Participate in available federal and state housing subsidy and assistance programs and use the County's own resources to leverage maximum funding for the provision of affordable housing.*

***Coastal Land Use Plan Element Policy 5.2 and Action:*** *To protect existing low and moderate income housing opportunities, rehabilitation programs for areas in need shall be developed.*  
***Action.*** *The County shall identify areas which meet the requirements for government-funded rehabilitation programs, prepare the necessary applications for funding, and develop programs for implementation, including but not limited to a pilot rehabilitation program in Summerland and Carpinteria effective 1979, through the use of Community Development Block Grant funds which have been approved for this purpose.*

***Summerland Community Plan Policy H-S-2:*** *Consistent with Housing Element policies, the County shall actively encourage the provision of affordable housing in the community of Summerland, particularly secondary residential uses in the C-1 zone, a mix of affordable units on certain residential parcels and where individual applicants seek approval of such projects.*

***Summerland Community Plan Action H-S-2.2:*** *The County shall consider delays in payment of fees, use of in-lieu or other funds and other appropriate methods for encouraging the provision of affordable housing.*

**Conforming:** The project is consistent with these policies and actions, because the acquisition and disposal of the parcel in the Summerland Community Plan Area will preserve and extend the property's existing affordability restrictions. The proposed acquisition and disposal will not change the use or make physical changes to the existing structure (other than unit rehabilitation) or site development. The project will help preserve affordable housing stock within the Summerland Community Plan boundaries, maintain its affordability, improve its condition, and prevent future deterioration (via rehabilitation, if applicable) and resident displacement. The project

will also use the County's own resources to leverage maximum funding for the provision of affordable housing. Further, the acquisition itself will not impact the conformity of the parcel with other applicable policies of the County's Comprehensive Plan, including the Land Use Element, the Housing Element, the Coastal Land Use Element, and the Summerland Community Plan, since no development is currently proposed.

## **RECOMMENDATION**

That the Planning Commission:

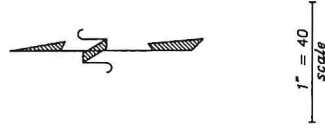
1. Determine that the proposed acquisition and disposal of the parcel conforms with the Comprehensive Plan, including the Land Use Element, the Housing Element, the Coastal Land Use Element, the Summerland Community Plan; and
2. Transmit the conformity report required by Government Code Section 65402(a) to Andrew Kish, Community Services Department, Housing and Community Development Division, and to the Board of Supervisors. The memorandum to Kimberly McCarthy (Planning and Development Department), attached memorandum from Housing and Community Development Division dated December 24, 2024, and action letter reflecting the Planning Commission's action shall constitute the required conformity report.

**Attachment A** - Site Plan

**Attachment B** - Departmental Letter

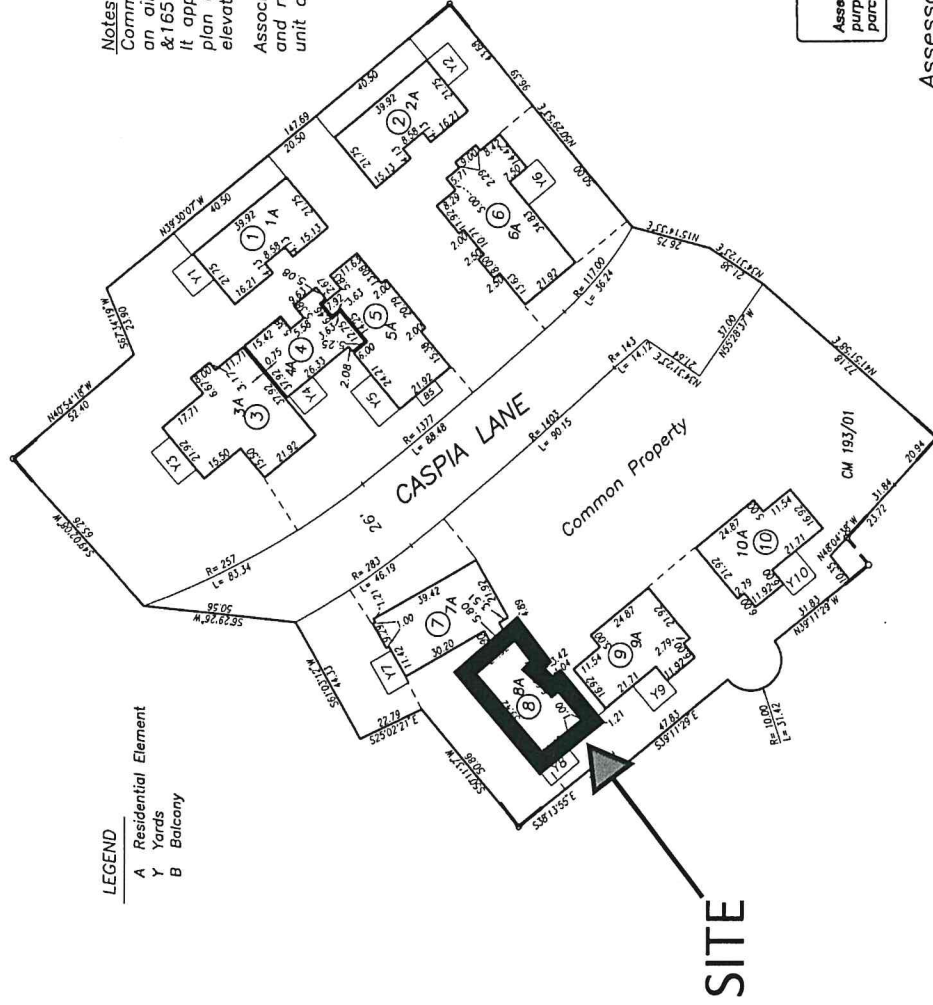
**Attachment C** – Buyback Program flowchart

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**LEGEND**  
 A Residential Element  
 Y Yards  
 B Balcony

**Notes**  
 Common Area is described as an airspace between elevation 160 & 165 feet above sea level. It appears to cover entire condo plan area. (highest upper bldg. elevation is 138)  
 Association Property covers land and remaining air space excluding unit and E.U.A. air spaces.



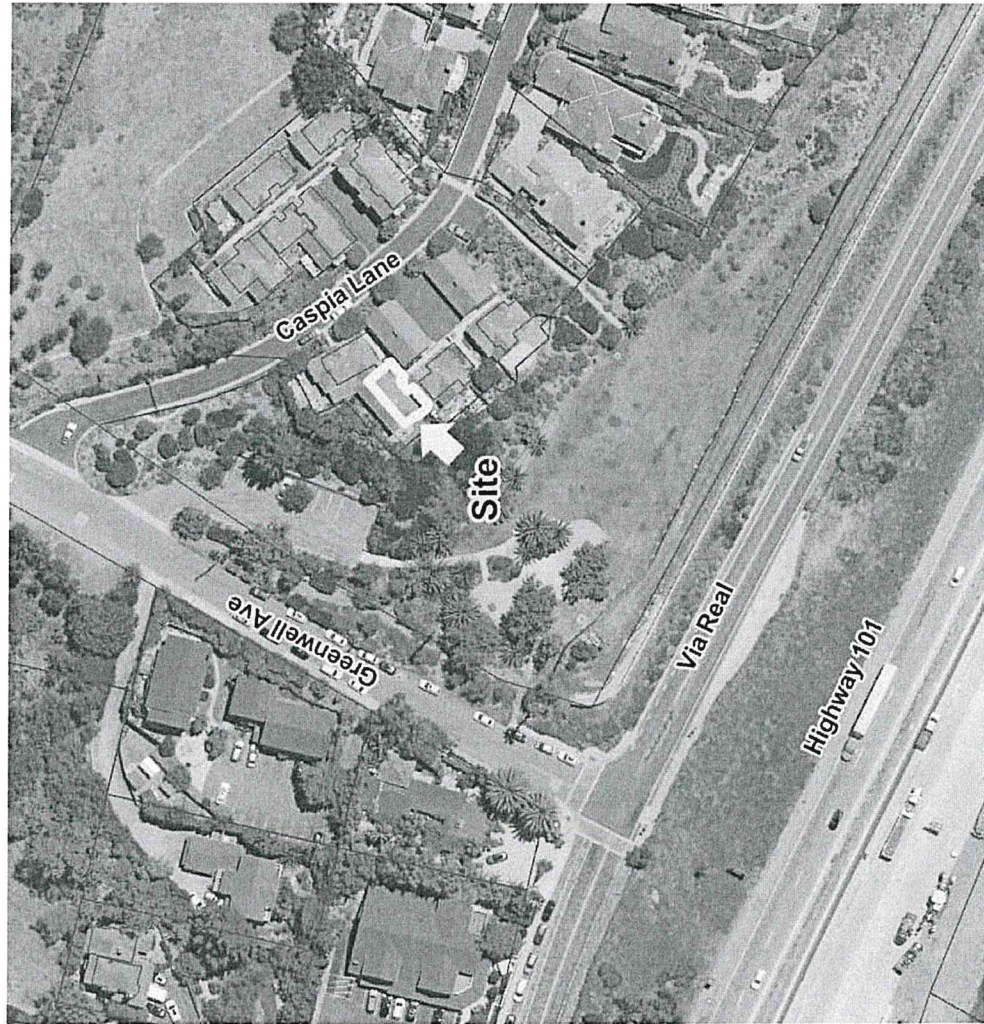
**NOTICE**  
 Assessor's Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

Assessor's Map Bk, 005-Pg, 70  
 County of Santa Barbara, Calif.

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ATTACHMENT A



# ATTACHMENT B

## Memorandum



**Date:** 12/24/2024

**To:** Kimberley McCarthy

**From:** Andrew Kish, HPSS

**Subject:** CSD Acquisition of Affordable Housing Unit – Gov't Code § 65402 Request  
2615 Caspia Lane, Summerland, CA (APN# 005-700-008)

=====  
County CSD is preparing a Recommendation to the Board of Supervisors to Approve and authorize the Chair to execute the purchase agreement and escrow instructions between the County as the Buyer, and Linnea Hall as the Seller, to acquire a deed restricted, Affordable housing unit at 2615 Caspia Lane, Summerland, CA 93067. CSD will contract with General Services, Real Property Division to act as our Agent for the acquisition of this Affordable Housing unit.

Section 2 of our Real Property Purchase Contract to acquire this unit stipulates that in compliance with Gov't Code § 65402, the County shall request a finding from County P&D as to the conformity of the acquisition of the Property with the County's adopted General Plan. CSD would like to make a formal request to County Planning and Development to begin this process to confirm our acquisition as consistent with the General Plan.

The Board Letter includes a total project cost of up to \$195,000 including rehabilitation costs, and escrow fees from the County's purchase. With an estimated cost of \$500k to produce an affordable housing unit within the South Coast, the County can acquire, rehabilitate, and dispose of this unit at a below market rate and preserve the Affordability by placing a longer-term Covenant of between 45-90 years upon resale.

To dispose of the Property, the County would issue a Request for Proposals to identify prospective buyers to participate in a lottery and establish the ranking of an order by which County CSD would process Homeownership Applications to confirm eligibility and sell the unit to an eligible transferee, with an extended affordability term of at least 45 years from the date of the sale.

# ATTACHMENT C

## Buyback Program For Sale Affordable Units

