



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of February 16, 2012 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California**

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Fussel

PLEDGE OF ALLEGIANCE

Commissioner Adams

ROLL CALL

Commissioners Craig Adams, Foster Reif, Gerald Witcher, Vice Chair Art Mercado and Chair Jason Fussel

REORDERING OF AGENDA

PRESENTATIONS

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of January 5, 2012**

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

2. **Review of Reducing the Number of Affordable Housing Overlay Sites in Relation to Housing Element Action Item 1** (*Staff Contact: Marc Bierdzinski*)
3. **Update of Public Visioning Process** (*Staff Contact: Marc Bierdzinski*)
4. **Building Permit Activity** (*Staff Contact: Marc Bierdzinski*)

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, March 1, 2012, at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

* Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of January 5, 2012 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Chair Reif called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Witcher led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Craig Adams, Art Mercado, Gerald Witcher, Vice
Chair Jason Fussel and Chair Foster Reif

Staff: Planning Director Marc Bierdzinski
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

ELECTION OF OFFICERS

1. Election of Chair and Vice Chair

- Planning Commission Chairman
Motion by Craig Adams to nominate Jason Fussel to serve as Planning Commission
Chairman for calendar year 2012.

Motion passed with a 5-0 voice vote.

- Planning Commission Vice Chair
Motion by Foster Reif to nominate Art Mercado to serve as Planning Commission
Vice Chair for calendar year 2012.

Motion passed with a 5-0 voice vote.

PRESENTATIONS

Chairman Fussel presented an engraved mug to outgoing Chairman Foster Reif, commemorating his year of service as Planning Commission Chair.

APPROVAL OF MINUTES

3. Minutes of the regular Planning Commission meeting of November 17, 2011

MOTION:

Commissioner Reif moved and Commissioner Adams seconded the motion to approve the Minutes of November 17, 2011.

VOTE:

Motion passed by 5-0 voice vote

4. Minutes of the special joint meeting of the Planning Commission and Parks and Recreation Commission of December 12, 2011

MOTION:

Commissioner Adams moved and Vice Chair Mercado seconded the motion to approve the Minutes of December 12, 2011.

VOTE:

Motion passed by 5-0 voice vote

PUBLIC COMMENTS

None

CONSENT CALENDAR

5. 2012 Schedule of Planning Commission Meetings

The Commission was presented a schedule of the 2011 Planning Commission meetings.

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

6. Update on the Visioning Process

Planning Director Bierdzinski updated the Commission on the status of the Draft Vision Plan prepared by RBF Consulting and stated that it will be posted on the City's website when available. The Draft Vision Plan will then be presented to the City Council for adoption. Mr. Bierdzinski also informed the Commission that the corridor study of the Avenue of Flags is underway and a draft of the study is forthcoming.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

Commissioner Adams asked about the time frame of the Public Improvement Project on Highway 246. Mr. Bierdzinski stated that the construction should be completed by Spring 2012.

Commissioner Reif stated that he may not be available for meetings in February.

PLANNING DIRECTOR REPORT

Mr. Bierdzinski updated the Commission on upcoming events and recent City Council actions.

ADJOURNMENT

Chair Fussel adjourned the meeting at 6:13 p.m. to the next regular scheduled meeting of the Planning Commission to be held January 19, 2012 at the City Council Chambers, 140 West Highway 246, Buellton.

Jason Fussel, Planning Commission Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request.

CITY OF BUELLTON

Planning Commission Agenda Staff Report:

Planning Director Review: AMPB
Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members
From: Marc Bierdzinski, Planning Director
Date: February 16, 2012
Subject: Review of Affordable Housing Overlay Zone (AHOZ) Sites

BACKGROUND/DISCUSSION

The Affordable Housing Overlay Zone (AHOZ) program is codified in Section 19.16.013 of the Municipal Code (Attachment 1). The AHOZ program was a result of the 2004 Housing Element and the associated settlement of the Federal lawsuit that mandated creation of this program. The number of AHOZ sites and the associated housing units were based on the City's Regional Housing Needs Allocation (RHNA) of 536 housing units. The City created nine AHOZ sites as noted in Figure 1 and Table 5 of Attachment 1.

Since adoption of the AHOZ overlay, two projects have taken advantage of this overlay:

- In August 2006, the City Council approved the first AHOZ project on AHOZ Site V. The project consists of 44 condominium units of which four are affordable to very low income persons and three are affordable to low income persons. A \$85,635 housing in-lieu fee will also be collected.
- In April 2008, the Zoning Administrator approved a second AHOZ project on AHOZ Site IV. The project consists of 53 apartment units of which five are affordable to very low income persons, three are affordable to low income persons, and the remainder, since they are apartments, would qualify as moderate income units. An application for a building permit has not been submitted at this time.

In 2009, the City adopted its current Housing Element. The current Housing Element uses the City's new RHNA allocation of 279 units. Based on the reduced number of required units (539 down to 279), the City Council determined that the number of AHOZ sites should be reduced and adopted the Goal and Action Item noted in Attachment 2 to accomplish this direction. The AHOZ program as described in the settlement agreement of the lawsuit clearly tied the AHOZ sites to the City's RHNA allocation.

Three AHOZ sites were identified in the Housing Element as candidates for removal:

1. AHOZ Site III, 3.20 acres, 80 units (adjoins Highway 101, noise issues for residential)
2. AHOZ Site VII, 1.15 acres, 29 units (small, fragmented sites)
3. AHOZ Site XI, 4.04 acres, 101 units (100-year flood plain)

Removal of these three sites would result in a capacity of 1,068 residential units which is above the minimum RHNA requirement of 785 residential units. Please note that 785 residential units are needed to accommodate the required percentages of affordable units specified in the RHNA allocation and Housing Element.

The Planning Commission should review the AHOZ sites and direct staff on which sites to include for removal. The sites selected do not have to be the ones identified in the Housing Element.

Please note that this change has nothing to do with the loss of the Redevelopment Agency (RDA). The AHOZ program is based on our regional housing needs and Housing Element and was never tied to the RDA.

RECOMMENDATION

Provide direction to staff to return with a draft ordinance removing Sites III, VII, and XI from the AHOZ Program and notify the current property owners of the proposed revision.

ATTACHEMENTS

- Attachment 1 – AHOZ Wording from Zoning Ordinance
- Attachment 2 – AHOZ Wording from Housing Element

“Residential Rental Unit” means a dwelling unit (as defined in Section 19.12.020) that is occupied by a person or household other than the property owner and for which any compensation is provided in exchange for the right of occupancy. Residential Rental Unit: (1) excludes recreation vehicles and trailers (other than mobilehomes); and (2) includes hotel and motel guest rooms that are used, rented or occupied as primary residences for thirty (30) or more consecutive days by the same occupant.

“Retention Period” means the duration of time that the Affordable Housing Agreement remains in effect for Affordable Units under this chapter.

“RHNA” means the Regional Housing Needs Allocation (“RHNA”) process that establishes goals for new residential dwellings to be attained during the planning horizon of the current adopted Housing Element of the Buellton General Plan.

“Senior Citizen Housing” means a Residential Project consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including 12955.9 in particular), which has been “designed to meet the physical and social needs of senior citizens,” and which otherwise qualifies as “housing for older persons” as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations (24 CFR, part 100, subpart E), and as that phrase is used in California Civil Code Section 51.2 and 51.3.

“Special Needs Housing” means single room occupancy units, congregate care facilities and similar types of special living arrangements for persons and families who possess extraordinary housing needs by reason of economic, social, mental or physical disability.

“Substantial Rehabilitation” means rehabilitation, the value of which constitutes twenty-five (25) percent of the after rehabilitation value of a dwelling, inclusive of land value.

“Target Household” means a person or family meeting the income and occupancy criteria set forth in this chapter.

“Title” means Title 19 of the municipal code of the city of Buellton (commonly known as the “Zoning Ordinance”).

“Transitional Housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

“Unit Type” means the size and amenities of a particular dwelling relative to number of bedrooms, quantity of baths, total square footage and similar distinguishing factors.

“Very Low Income” means Households whose Gross Incomes do not exceed the qualifying limits for very low income families, established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, and published in Title 25, Section 6932, of the California Code of Regulations. The qualifying limits for Very Low Income is computed as fifty (50) percent of the Area Median Income, adjusted for family size. (Ord. 10-04 § 4, 2010; Ord. 06-10 §§ 2(B)(4), (D)(1), (F)(1), (G)(1), 2006; Ord. 05-05 §§ 2(A), (B), 2005; Ord. 02-03 Exh. A, 2002)

19.16.013 Affordable housing overlay zone (“AHOZ”).

A. **Applicability.** The provisions of this section apply to all AHOZ Sites identified in Figure 1 and Table 5 below. The list of properties set forth in Figure 1 and Table 5 may be modified from time to time by further amendment of this code.

B. **Basic Provisions.** In addition to (and not as a limitation of) the uses allowed according to the underlying zone district of the properties listed in Figure 1 and Table 5, each such property may be developed

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as a Residential Project, wholly independent and not constrained by the underlying zone district, subject to the provisions set forth below.

1. **Base Density.** Except as otherwise provided in subsection (B)(8) of this section, AHOZ Sites must be developed to a minimum density of twenty-five (25) units per acre. The computation of the minimum required density shall be based on the Net Buildable Area of the properties identified in Figure 1 and Table 5. Where the computation of the minimum required density results in a fraction of a number, the minimum number of units required shall be rounded to the closest whole number.

2. **Inclusionary Requirement.** Not less than twenty (20) percent of all new and Substantially Rehabilitated dwelling units in Residential Projects undertaken by a Developer (other than the Agency) shall be developed with Affordable Units, and not less than thirty (30) percent of all new and Substantially Rehabilitated dwelling units undertaken by the Agency shall be developed with Affordable Units. Except as otherwise provided in subsections (B)(7) and (8) of this section, all of the Affordable Units required by this subsection shall be developed on-site as part of each Residential Project.

3. **Affordable Unit Distribution.** Affordable Units required under this section shall be allocated among the Target Households in proportion to Net RHNA Goals as set forth in Table 4 of Section 19.16.12, but in no event shall the percentage allocated to Very Low Income be less than forty (40) percent. In addition, at least fifty (50) percent of all Affordable Units developed by the Agency shall be reserved for Very Low Income and the balance shall be allocated to Lower and Moderate Income in proportion to Net RHNA Goals.

4. **Density Bonus.** All Residential Projects to which this section applies shall be granted a Density Bonus of two Non-Restricted Units for each Affordable Unit that is produced or required for a Lower or Very Low Income household, up to a maximum combined density of fifty (50) percent above the base density.

5. **Illustrative Calculation.** By way of example, for illustrative purposes only, where a proposed AHOZ Site consists of one acre of land and is proposed to be developed with a total of twenty (20) dwelling units (and the project is to be undertaken by a private Developer without the Agency's involvement), the base density, inclusionary requirement, affordable unit distribution and Density Bonus would be calculated as follows:

- a. **Base Density.** Twenty (20) units/one acre equals twenty (20) units/acre.
- b. **Inclusionary Requirement.** Twenty (20) percent as determined by Table 6.
- c. **Computation of Affordable Units.** Twenty (20) percent times twenty (20) total units equals four Affordable Units.
- d. **Distribution of Affordable Units.**
 - i. **Very Low Income.** Four total Affordable Units times forty-two (42) percent per Table 4 equals 1.68 Very Low Income Affordable Units.
 - ii. **Lower Income.** Four total Affordable Units times thirty-one (31) percent per Table 4 equals 1.24 Lower Income Affordable Units.
 - iii. **Moderate Income.** Four total Affordable Units times twenty-seven (27) percent per Table 4 equals 1.08 Moderate Income Affordable Units.
- e. **Density Bonus.** (1.68 Very Low Income Affordable Units plus 1.24 Lower Income Units) times two equals 5.84 Non-Restricted Units. Rounding to the next whole number equals six units.
- f. **Adjusted Unit Total.** Base Density (twenty (20) units) plus Density Bonus (six units) equals twenty-six (26) total units.

6. **Production Requirement.** Except as otherwise provided in subsections (B)(7) and (8) of this section, the Affordable Units required under this section shall be constructed concurrent with the Non-

Restricted Units developed as part of the Residential Project. For fractions of Affordable Units, including fractions resulting from construction of less than ten dwellings and fractions of Affordable Units allocated among the Target Households, the Developer may elect, at his or her option, to construct the next higher whole number of Affordable Units or pay a Housing In-Lieu Fee for the fractional amount.

7. Equivalent Action. Subject to the provisions of subsection (B)(10) of this section, the city council (at its sole discretion) may allow a Developer to dedicate vacant land in lieu of constructing Affordable Units on-site as part of a Residential Project otherwise required by subsections (B)(2) and (6) of this section. All of the units developed on land donated pursuant to this section shall be Affordable Units distributed among the Target Households pursuant to subsection (B)(3) of this section.

8. Exceptions.

a. Minimum Allowable Density. Subject to the provisions of subsection (B)(10) of this section, the minimum required density may be reduced by the city council (at its sole discretion) when: (i) the findings required in Sections 19.08.100(D) (Zoning Clearance), 19.08.110(D) (Conditional Uses), or 19.08.120(F) (Development Plans), as applicable, cannot otherwise be made; or (ii) the Developer requests relief and compensates for the difference between the minimum number of Affordable Units computed pursuant to subsection (B)(1) of this section compared to the number of Affordable Units computed pursuant to subsection (B)(2) of this section (hereinafter referred to as the "affordable unit differential").

i. Illustrative Calculation. By way of example, and for illustrative purposes only, where the Net Buildable Area is ten acres, the minimum required density is computed as two hundred fifty (250) units and the inclusionary requirement is computed as fifty (50) dwellings (i.e., ten acres times twenty-five (25) du/acre times twenty (20) percent equals fifty (50) Affordable Units). If a Developer requests that the minimum required density be reduced to two hundred (200) units, then the resulting inclusionary requirement is computed as forty (40) dwellings (i.e., two hundred (200) units times twenty (20) percent equals forty (40) Affordable Units). The affordable unit differential is computed as ten dwellings (i.e., fifty (50) units minus forty (40) units equals ten Affordable Units). Except as provided in subsection (B)(8)(a)(ii) of this section, the affordable unit differential shall be satisfied by construction on-site as part of, and concurrent with development of, a Residential Project.

ii. Equivalent Actions. Subject to review and approval by the city council (at its sole discretion), and provided the mandatory findings of subsection (B)(10) of this section can be made, the affordable unit differential may be satisfied by dedication of vacant land or payment of a Housing In-Lieu Fee. Except for fractional units for which an Housing In-Lieu Fee may be paid as provided in subsection (B)(6) of this section, or the dedication of vacant land as provided in subsection (B)(7) of this section, in no event shall the number of Affordable Units that must be developed on-site be less than twenty (20) percent of the total units within a Residential Project.

b. Inclusionary Requirement. At the discretion of the Developer, the overall inclusionary requirement specified in subsection (B)(2) of this section may be reduced in exchange for a higher percentage of Lower and Very Low Income Affordable Units. The reduction may be achieved by exchanging Moderate Income Affordable Units for Low and Very Low Income Affordable Units at the following rate of exchange: (i) one and one-half Moderate Income Affordable Units for one Low Income Affordable Unit; and (ii) two Moderate Income Units for one Very Low Income Affordable Unit. Fractions of Affordable Units resulting from such an exchange shall be governed by the provisions of subsection (B)(6) of this section.

9. Retention Period. Except to the extent a longer period of time may be required by other provisions of law, all Affordable Units required under this section shall remain available at affordable housing costs to, and occupied by, the Target Households for the longest feasible time, but for not less than the following: (a) fifty-five (55) years for renter-occupied dwelling units; and (b) forty-five (45) years for owner-occupied dwelling units. Under terms and conditions of the Affordable Housing Agreement, the city may permit sale of owner-occupied Affordable Units prior to the expiration of the forty-five (45) year period pursuant to an adopted program which protects the city's investment of moneys from the Housing Trust Fund, including, but not limited to, equity sharing that permits retention by the seller of a portion of sales proceeds based on the length of occupancy. The remainder of the excess proceeds of the sale shall be allocated to the city and deposited in the Housing Trust Fund.

10. Mandatory Findings.

a. Equivalent actions and exceptions provided in subsections (B)(7) and (8) of this section shall be considered on a case-by-case basis and may only be approved if the city council determines that: (i) the land

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offered for dedication or the payment of an Housing In-Lieu Fee shall result in production of an equivalent number of required Affordable Units ("equivalent action finding"); (ii) the production of an equivalent number of required Affordable Units is reasonably expected to occur within the planning period of the current adopted Housing Element ("timely production finding"); and (iii) the remaining inventory of AHOZ Sites is sufficient to meet Net RHNA Goals in combination with policy decisions regarding base density, percent of inclusionary housing, distribution of affordable units among target income groups and other housing production programs identified in the Housing Element ("sufficient sites finding"). The equivalent action and timely production findings shall only apply when land is offered for dedication or payment of a Housing In-Lieu Fee is proposed as an alternative to constructing required Affordable Units on-site as part of a Residential Project; the sufficient sites finding shall apply in all cases.

b. In the event that the required findings cannot be made, the city council shall take one of the following actions: (i) not approve the Residential Project; (ii) not grant the equivalent action or exception; or (iii) designate additional AHOZ Sites as necessary such that the potential number of dwellings that may be developed for all property with an AHOZ designation, in combination with other housing production programs identified in the Housing Element, is sufficient to meet Net RHNA Goals for target income groups.

C. Development Standards. Residential Projects developed under the provisions of this section shall be designed and processed in the time and manner set forth below.

1. General Guidelines. The Affordable Units required under this section:

a. May either be rental or for-sale dwellings;

b. Should be comparable in number of bedrooms, exterior appearance and overall quality of construction to Non-Restricted Units;

c. May have less square footage and interior amenities to those of Non-Restricted Units in the same Residential Project, so long as they are of good quality and are consistent with contemporary standards for new housing; and

d. May be clustered or disbursed within the Residential Project.

2. Commercial Priority. AHOZ Sites with frontage upon Avenue of Flags or Highway 246 are expressly subject to General Plan Land Use Element policies that give commercial uses priority over residential. In compliance with these policies, AHOZ Sites with frontage upon Avenue of Flags or Highway 246 are subject to the following development parameters: (i) the Maximum Residential Density may be computed on the basis of the gross area of the AHOZ Site; (ii) the minimum required density, for purposes of subsection (B)(1) of this section and computing inclusionary requirements pursuant to subsection (B)(2) of this section, shall be based on Net Buildable Area of the AHOZ Site, exclusive of the portion of property devoted to or supporting commercial uses (e.g., building space, parking areas, and drive aisles); and (iii) new development shall conform to the development standards prescribed in Land Use Policy L-23 of the General Plan. Exceptions to the development standards set forth in Land Use Policy L-23 of the General Plan may be considered on a case-by-case basis and may only be approved by majority vote of the city council when all of the findings set forth in Land Use Policy L-23 can be made.

3. Development Review. All Residential Projects shall comply with adopted community design guidelines of the city, provided such guidelines are not unreasonably imposed as to render a project infeasible. Furthermore, discretionary authority under a development plan or conditional use permit shall not be unreasonably exercised to impose standards or criteria for the purpose of rendering infeasible the development of housing for any and all economic segments of the community as prohibited in Section 65913.2 of the California Government Code.

4. Environmental Review. All Residential Projects shall be subject to the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 et seq. and its imple-

menting regulations), if applicable, and shall adhere to mitigation measures prescribed in the Buellton General Plan and companion environmental impact report, as updated and amended from time to time.

5. Application Processing. Applications for development of AHOZ Sites under the provisions of this section shall be processed as follows:

a. Zoning Clearance. Residential Projects conforming to the following criteria shall be allowed by zoning clearance under the jurisdiction of the planning director as provided in Sections 19.02.110 and 19.08.100 of this code: (i) the Residential Project consists of no more than twenty-five (25) units per acre (inclusive of density bonus units) on sites with an underlying zone district of general commercial (CR) or residential multifamily (RM); and (ii) the physical attributes of design conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted community design guidelines of the city.

b. Development Plan Approval. Residential Projects greater than twenty-five (25) units per acre (or do not otherwise qualify for a zoning clearance) on AHOZ Sites with an underlying zone district of CR or RM may be allowed by development plan approval under the jurisdiction of the planning commission as provided in Sections 19.02.110 and 19.08.120 of the Buellton Municipal Code. The physical attributes of design shall conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted community design guidelines of the city except or unless a modification is granted under the provisions of Section 19.08.120(G)(1) of this code.

c. Conditional Use Permit. Residential Projects on AHOZ Sites zoned single-family residential (RS), commercial service (CS), open space (OS) or industrial (M) may be allowed by conditional use permit approval under the jurisdiction of the planning commission as provided in Sections 19.02.110 and 19.08.110 of the Buellton Municipal Code. The physical attributes of design shall conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted community design guidelines of the city except or unless a development plan is processed concurrent with the conditional use permit and a modification is granted under the provisions of Section 19.08.120(G)(1) of this code.

D. Miscellaneous Provisions.

1. Affordable Housing Agreement. An Affordable Housing Agreement shall be made a condition of land use permit approval for all Residential Projects pursuant to this section. The Affordable Housing Agreement shall: (a) be recorded as a restriction on the parcel or parcels on which the Affordable Units will be constructed; and (b) be consistent with Section 19.16.022(B) of this chapter.

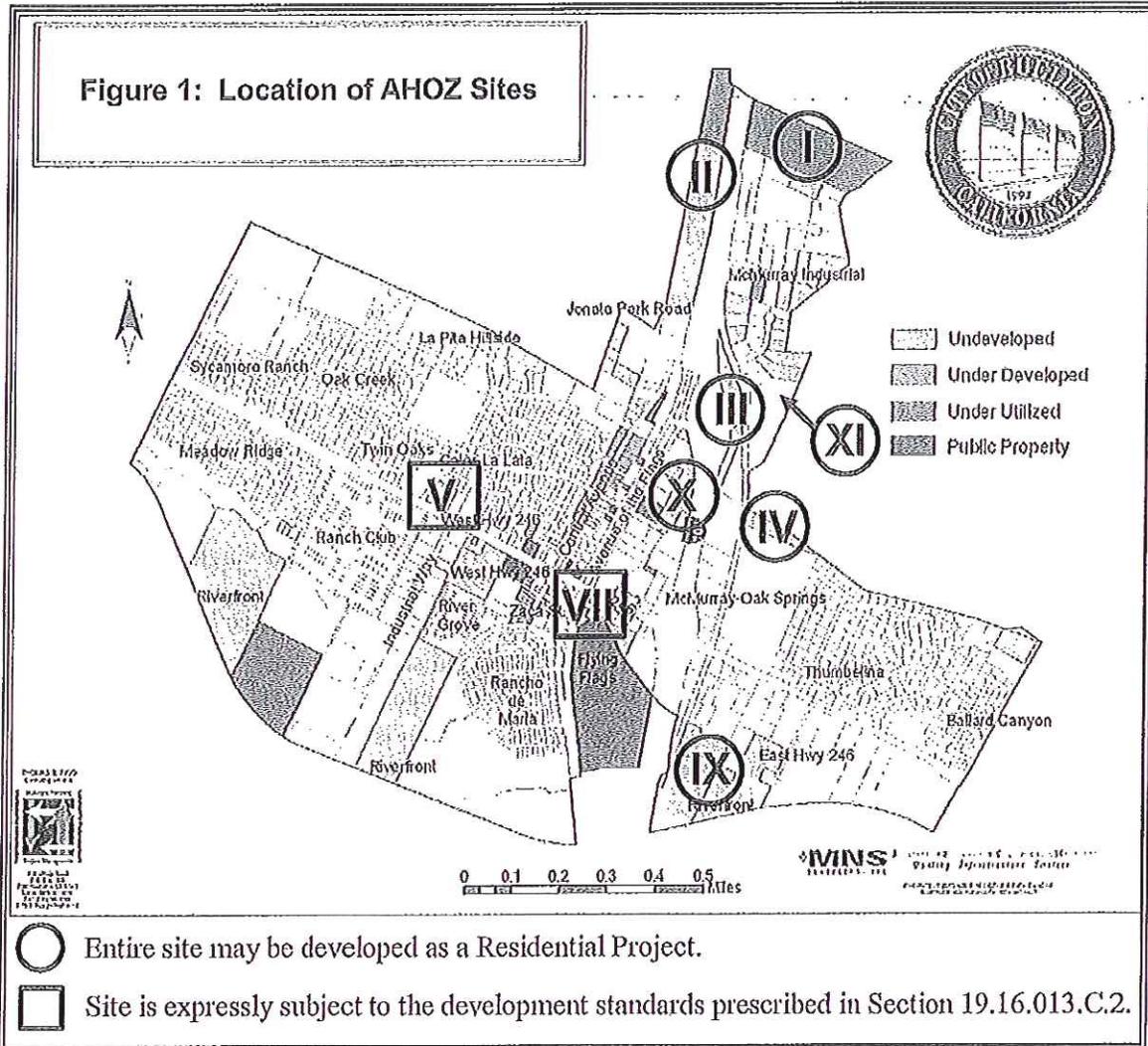
2. Project Entitlements. Every Entitlement for a Residential Project that is granted under the provisions of this section shall contain a condition detailing the method of compliance with this section, as applicable. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this section must be met prior to issuance of a building permit for each lot created by such map.

3. Requirements for Certificate of Occupancy/Final Inspection. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for any new dwelling unit in a residential project until the developer has satisfactorily completed the requirements of this section and conditions of approval.

E. Variable Limit. The provisions of this section shall apply to all development permit applications which are filed with the city on or after the effective date of Ordinance No. 05-05 or subsequently amended for applications filed before the effective date, and shall continue thereafter until: (i) the Net RHNA Goals are achieved; or (ii) approval of Residential Projects on AHOZ Sites reaches a total of one thousand five hundred twenty-nine (1,529) total dwelling units inclusive of density bonuses. The list of properties set forth

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in Figure I and Table 5, as well as the variable limit set forth in this subsection, is anticipated to be modified from time to time by further amendment of this code.



Map No.	General Location (All Within the City of Buellton)	No. of Parcels	Site Area (Acres)		Assessor Parcel Numbers
			Gross	Net	
I	Northeasterly of the northerly terminus of McMurray Road adjacent to the McMurray Industrial Park	2	17.95	17.10	137-090-006 137-090-007
II	Along the west side of Jonata Park Road, north of the intersection of Avenue of Flags and Central Avenue	2	18.17	15.00	099-400-064 099-400-065
III	Northwest and southwest of the intersection of Damassa Road and McMurray Road	2	3.39	3.20	137-170-059 137-170-060
IV	East of McMurray Road and north of the easterly prolongation of Glennora Way	1	2.16	1.60	137-090-046
V	Northeast corner of La Lata Drive and Hwy 246	2	1.57	.080	099-590-042 099-590-043
VII	Southeast of the intersection of Hwy 246 and Avenue of Flags	6	2.5	1.15	137-190-013 137-190-017 137-190-024 137-190-026 137-190-032 137-190-033
IX	Southeasterly of the southerly terminus of McMurray Road behind and adjacent to the Buellton Town Center	4	6.72	6.00	137-200-077 137-200-078 137-200-087 137-200-094
X	North of the easterly terminus of Second Street	1	3.63	3.00	137-170-053
XI	Along the easterly side of McMurray Road at the intersection of Damassa Road	1	4.04	4.20	137-170-650
Notes:					
1. Numeric listing of AHOZ Sites above excludes potential candidates identified in the General Plan Land Use and Housing Elements that have not been designated for purposes of this section. The gap in numbering is intentional.					
2. Net Acres is based on the definition of Net Buildable Area and is derived from Table 2-8B of the final BIR for the General Plan Update – Land Use and Circulation Elements, August 4, 2005. Figures shown are estimated; actual Net Buildable Area will be determined at the time of Entitlements. In addition, the Net Acres for AHOZ Sites V and VII have been further reduced by fifty (50) percent to account for the commercial priority provisions of Section 19.16.013(C)(2).					

(Ord. 06-10 § 2(J)(1), 2006; Ord. 05-05 § 2(C), 2005)

AHOZ Wording from Housing Element

AHOZ Zoning (25 Units Per Acre)

The City's existing Affordable Housing Overlay Zone (AHOZ) has designated certain commercial and industrial properties within the City to be developed with completely residential projects if they are built at a minimum density of 25 units per acre. These properties are shown in Table A-1. As Table A-1 demonstrates, the City has the potential for 785 dwelling units on these properties which accommodates the City's total RHNA allocation of 279 units and the requirement for 111 low, very low, and extremely low income units.

Since adoption of the AHOZ overlay in 2005, two projects have taken advantage of this overlay and have demonstrated that the concept is attractive for residential developers.

- In August 2006, the City Council approved the first AHOZ project on AHOZ Site V (not shown in Table A-1 since the site is under construction and no longer vacant). The project consists of 44 condominium units of which four are affordable to very low income persons and three are affordable to low income persons. A \$85,635 housing in-lieu fee will also be collected. Ten of these units have been constructed and occupied, including two very low income units.
- In April 2008, the Zoning Administrator approved a second AHOZ project on AHOZ Site IV. The project consists of 53 apartment units of which five are affordable to very low income persons, three are affordable to low income persons, and the remainder, since they are apartments, would qualify as moderate income units. An application for a building permit has not been submitted at this time, but construction is expected during the current Housing Element planning horizon. This site has exceeded the 25 unit per acre minimum density requirement.

To further illustrate this point, in the period since the AHOZ ordinance was adopted (January 2005 through September 2008), more housing units have been constructed and entitled under the AHOZ program than the City's inclusionary housing program (Source: City of Buellton General Plan Annual Reports to State HCD).

- AHOZ Program: 97 total units (37 market rate, 9 very low, 6 low, and 45 moderate)
- Inclusionary Program: 75 total units (60 market rate, 7 very low, 6 low, and 2 moderate)

Program No. 1 of this Housing Element reduces the number of sites in the AHOZ, as shown in Table A-1, to reflect the current RHNA allocation for Buellton. The number of sites that will remain will be able to accommodate 785 units, which accommodates the City's total RHNA allocation of 279 units and the requirement for 111 low, very low, and extremely low income units

ATTACHMENT 2

The net area shown in Table A-1 takes into account, and removes, all environmentally sensitive and constrained areas of the properties. Therefore, the net buildable area reflects the portions of the sites that are developable. The net area is derived from Table 2-8B of the Final EIR for the General Plan Update-Land Use and Circulation Elements, August 4, 2005, and codified in Table 5 of Section 19.16.013 of the Buellton Municipal Code (AHOZ Ordinance). Acreage shown is estimated and the actual net acreage will be determined at the time of entitlements.

Based on the Buellton General Plan 2025, the City has adequate water and sewer capacity to meet expected build-out in 2025 (an approximate population of 6,100). This population increase equals an additional 500 dwelling units (2.8 persons per dwelling unit). Therefore, the City has the infrastructure and capacity to serve the 279 unit RHNA allocation. Dry utilities, such as power and gas, are available to all designated sites.

Goal H-4

The City shall reduce its 51 acres of AHOZ designated properties at a minimum density of 25 units per acre (Table A-1) to ensure an adequate supply of land for affordable housing projects to meet the new total RHNA allocation of 279 units and the requirement for 111 low, very low, and extremely low income units.

Program 1. Affordable Housing Overlay Zone (AHOZ).

The City will consider removing certain properties from its AHOZ program in accordance with the reduced housing goals of the 2007 RHNA allocation. The remaining AHOZ sites shall be able to accommodate a total of 785 residential units. The AHOZ sites shall continue to have a minimum density of 25 units per acre to ensure affordability. If any of those properties is developed with a non-residential project or any development that does not meet the requirements of the AHOZ, a comparable acreage shall be rezoned to the AHOZ designation to offset the loss. In addition, for AHOZ sites in excess of two acres, the City will encourage and give favorable consideration to land divisions and specific plans resulting in parcel sizes that facilitate the development of affordable housing projects in light of state and federal funding programs that typically favor projects of between 50 and 150 units. The City will facilitate the development of these sites for low income housing using the methods described in Programs 8 and 9 (Targeted Assistance and Public-Private Partnerships).

The identification of the AHOZ sites to be removed will be determined as part of a comprehensive review and update of the City's zoning ordinance in 2010. At this time, it appears that the following three AHOZ sites are candidates for removal from this program (as identified in Table A-1):

1. AHOZ Site III, 3.20 acres, 80 units (adjoins Highway 101)
2. AHOZ Site VII, 1.15 acres, 29 units (small, fragmented sites)
3. AHOZ Site XI, 4.04 acres, 101 units (100-year flood plain)

ATTACHMENT 2

Removal of these three sites would result in a capacity of 1,068 residential units which is above the minimum RHNA requirement of 785 residential units. The actual sites to be removed will be determined by the City Council in 2010 and the Housing Element will be amended concurrently with the zoning ordinance amendment to fully identify the adequate sites requirement of State Law.

Responsible Agency/Department:	Planning Department
Timeframe:	2009-2010
Funding:	General Fund
Expected Outcome:	Amended Zoning Ordinance and Housing Element to reflect revised housing goals and AHOZ Sites based on the 2007 RHNA allocation

CITY OF BUELLTON
Planning Commission Agenda Staff Report:

Planning Director Review: MPB
Commission Agenda Item No.: 3

To: The Honorable Chair and Commission Members
From: Marc Bierdzinski, Planning Director
Date: February 16, 2012
Subject: Status Report Regarding the Public Visioning Process

BACKGROUND/DISCUSSION

In the next five months, the following activities will be occurring in relation to the Public Visioning Process.

Draft Vision Plan

The February 2012 Draft Vision Plan (Plan) is available for review on the City's website. The Plan includes the prioritization of the action items by the various sub-committees that were formed to assist the City in completing the Plan. The Plan will be reviewed and hopefully adopted by the City Council on February 23, 2012. We encourage the Planning Commission to review the Plan and attend the February 23 meeting to show your support for the Plan.

Once the Plan is adopted, staff will bring the action items ranked in the Plan as the top priorities back to City Council for direction. This includes directing staff and the Planning Commission to work on implementing certain action items and budgeting accordingly for Fiscal Year 2012-2013.

Please note that several action items are under or already completed, such as the Bicycle and Pedestrian Master Plan, revisions to the Mixed Use Ordinance, and the creation of an Events Sub-Committee. Other action items relate to work done by outside groups that only require the blessing of the City to move forward (such as the Arts Council).

Corridor Land Use and Traffic Feasibility Study

The Corridor Study is underway and a draft should be available later this month. It will be reviewed by both the Planning Commission and City Council.

Cal Poly Student Project

The City and Cal Poly San Luis Obispo have entered into an agreement to have an Urban Design Class at the University prepare an Avenue of Flags Urban Design Plan. The students would use the adopted Vision Plan and Corridor Study as a starting point and develop two to three urban design concepts for the Avenue, including a draft form based code. The students would inventory the land, the land uses, and the zoning, conduct workshops with the community, and then present their results to a joint meeting of the Planning Commission and City Council. The goal is to use this data as the framework to develop a form based specific plan for the Avenue that can be prepared by staff with the assistance of the Planning Commission and the visioning steering committee.

If all components fall into place, the City should have a vision plan, a corridor study, and a conceptual land use/form based code study completed and adopted by June 30 of this year. These documents can then be used to begin implementing the various action items in Fiscal Year 2012-2013 and beyond.

CITY OF BUELLTON
Planning Commission Agenda Staff Report:

Planning Director Review: mrB
Commission Agenda Item No.: 4

To: The Honorable Chair and Commission Members
From: Marc Bierdzinski, Planning Director
Date: February 16, 2012
Subject: Status Report Regarding Zoning Clearances and Building Permits

BACKGROUND/DISCUSSION

Attached for your information are the zoning clearances issued by the City (Attachment 1) and Building Permits issued by the County (Attachment 2) for 2012. Please note that the City issued zoning clearances in 2011 for the projects noted on Attachment 2. This report will be provide quarterly to the Planning Commission.

The building permit process is as follows:

- A zoning clearance application and plans are filed with the Planning Department. These applications are ministerial which means that if they meet the requirements of the Municipal Code and any project conditions of approval, the zoning clearance must be issued. There is no discretion.
- Planning staff reviews the plans and issues the zoning clearance.
- Once the City issues the zoning clearance the applicant can file a building permit application with the County of Santa Barbara Building and Safety Division. The City contracts with the County for review and issuance of the building permit. The County will not process any plans unless they are stamped approved by the City.
- The County is only responsible for reviewing the plans for compliance with the California Uniform Building Code. The County Fire Department also reviews the plans for compliance with the fire code. Once the plans meet the requirements of the building and fire codes, the building permit is issued.
- During construction, the County performs building inspections of the project. Planning staff also perform inspections for City related issues during construction.
- The County will not issue the final occupancy permit until such time as the City performs its final inspection and all applicable fees are paid.

ATTACHEMENTS

Attachment 1 – Zoning Clearances Issued
Attachment 2 – Building Permits Issued

**BUELLTON'S ZONING CLEARANCE* CASE LOG
NOVEMBER 2011 THROUGH JANUARY 2012**

Date of Approval	Address	Description of Project	Status
11/15/2011	740 McMurray Road	Farm Supply - New 4,900 square foot building that is to be used to hay storage.	Building permit has been issued by the Santa Barbara County Building Department. Grading has begun on the site.

*This log does not include all Zoning Clearances that were issued. It only includes Zoning Clearances for new buildings and additional square footage for existing buildings.

ATTACHMENT 1

2012

SB County Building Permits Log

COMMERCIAL

Address	LE/ZC	Date	Work Description	Permit Number/Type
740 McMurray Road (Farm Supply)	LE	01/10/12	4900 SF Storage building w/electrical	11BDP-00000- 01087 Building
760 McMurray Road (Nova Sensors)	LE	01/18/12	Interior demolition of non- structural partition walls on the first floor for tenant improvement.	12BDP-00000- 00003 Building
376 Avenue of Flags (Pea Soup)	LE	01/26/12	Repair of exterior wall due to damage by car.	12CNP-00000- 00079 Counter

- LE=Land Use Exemption
 - ZC=Zoning Clearance
- C/Building Permits Log

2012

SB County Building Permits Log

RESIDENTIAL

Address	LE/ZC	Date	Work Description	Permit Number/Type
530 Central Avenue	LE	01/23/12	Installation of new 100 A panel for Unit B.	12CNP-00000-00058 Counter
243 Menlo Drive	LE	01/24/12	Re-roof 31 squares comp. roof.	12CNP-00000-00063 Counter

- LE=Land Use Exemption
 - ZC=Zoning Clearance
- C/Building Permits Log