

Chapter V — Constraints on Housing

This Chapter was structured in accordance with the format delineated in the BUILDING BLOCKS FOR EFFECTIVE HOUSING ELEMENTS document published by the State Department of Housing and Community Development. The topics described below are presented in the order presented in that publication.

According to the State Government Code, the Housing Element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.

Chapter IV presents that the City of Santa Maria has successfully demonstrated adequate capacity to meet its fair share of affordable housing, as allocated by the Regional Housing Needs Assessment. The City does not anticipate any governmental constraints toward construction of that housing, as these constraints have been adequately addressed through implementation of the previous Housing Element. Nevertheless, the information presented in this Chapter corresponds to the requirements of State Government Code Section 65583. Of particular note is the discussion of non-governmental constraints, about which the City of Santa Maria has no direct influence.

A. Land-Use Controls

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, ...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. (emphasis added)

According to the BUILDING BLOCKS publication, the constraint analysis must identify all relevant land-use controls such as zoning, development standards, and any growth controls and analyze impacts on the cost and supply of housing. An adequate evaluation must assess the cumulative impacts of standards, including whether such requirements impede the ability to achieve maximum allowable densities.

The City of Santa Maria has addressed this constraint, in the manner presented below.

- 1. Zoning Regulations:** Dwellings with accessory apartments are not allowed in single family residential zones. The City Council adopted Ordinance 83-1066, precluding the development of second units in single family zones, in 1984. Therefore, the City is not subject to the regulations adopted with CGC Section 65852.2 (second-unit law). Due to increased traffic, infrastructure sizing, and land use compatibility issues, it is unlikely that this policy will be changed.

Manufactured housing is allowed in all residential zones. The manufactured home must be placed on a permanent foundation and be compatible with surrounding units. The cost of construction is less than that of a standard "stick-built" unit.

Significantly reduced single family lot sizes have been allowed throughout the City. RSL-1 zoning allows lots of 4,500 square feet (normal R-1, R-2 and R-3 zoning call for lots of at least 6,000 square feet). Through a subdivision map, the City Council may approve lot sizes smaller than noted in each zone, and lot sizes as low as 2,500 square feet have been approved in the R-2 zoning district.

The City permits the expansion of residential living space to the full extent allowable by standards of the zoning district or applicable specific plan. However, the single-family residential zoning districts permit only one dwelling unit per parcel. Garage conversions to expand living space do not change that restriction.

It has been the City's policy to encourage a moderate amount of architectural interest and detail on all new structures in the City. However, design and development criteria, which add considerably to the cost without being essential to providing basic housing, are considered on a project basis through the Planned Development (PD) permit process. Where there exists no PD overlay zone, there exists no regulation of design--outside of existing City code requirements.

The adopted specific plan areas include the design standards, which seek to recreate traditional neighborhood designs, and include front porches close to the street, recessed garages, decorative street lighting, and landscaped parkways.

- 2. Development Standards:** Table V-1 summarizes City zoning standards for residential developments. Note that this table generally indicates the applicable standards. Pertinent zoning code sections should be consulted to identify any exceptions to the regulations outlined in this Housing Element.

It is recognized that certain standards can be relaxed through use of a planned development permit or alternative standards stated in a specific plan, and depending on the needs of the consumer for which the development is targeted. The City's parking standards are commonly accepted, and where covered parking is required, the City does not require garages but accepts carports for this requirement.

Design and development criteria will continue to be considered on a case-by-case basis, and standards will be relaxed when appropriate. Consideration of more flexible standards in mixed-use applications increases the potential for the urban core areas to increase housing density. Reduced prices and rents within each development will provide affordability.

**TABLE V-1
Residential Zoning by Development Standards**

The following are general building site, zoning and setback requirements for the individual zone districts. These requirements cover the most common situations, but special circumstances may exist and the Planning Division should be consulted.

NOTE: CHAPTER 12 (ZONING) OF THE SANTA MARIA MUNICIPAL CODE (SMMC) IS THE PRIMARY INFORMATION SOURCE AND DIRECT CODE REFERENCES MAY BE NOTE ON THE BACK (SECOND PAGE)

| STANDARDS | R-1¹ Single Family | RSL-1¹ Single Family Small Lot | R-2¹ Medium-Density Residential | R-3¹ High-Density Residential |
|--|---|--|---|--|
| GENERAL PLAN MAXIMUM DENSITY²¹ Project size more than 1 acre Project size less than 1 acre | 4 to 8 dwelling units (du) per acre ² ----- ----- | 8 dwelling units per acre ^{2,3} ----- ----- | ----- 8 to 12 dwelling units per acre ^{2,3} 3,000 sf net land area per du ²⁰ | ----- 22 dwelling units per acre ^{2,4} 2,000 sf net land area per du |
| BUILDING LOT SIZE INTERIOR LOT: LOT WIDTH: CORNER LOT: LOT WIDTH: | minimum 6,000 sq. ft. ⁵ 60 ft. minimum 7,000 sq. ft. ⁵ 70 ft. | minimum 4,500 sq. ft. ⁵ 45 ft. minimum 5,000 sq. ft. ⁵ 50 ft. | minimum 6,000 sq. ft. 60 ft. minimum 7,000 sq. ft. 70 ft. | minimum 7,000 sq. ft. 60 ft. minimum 7,000 sq. ft. 70 ft. |
| FRONT YARD SETBACK^{6,7} FRONT ENTRY GARAGE¹⁰ SIDE ENTRY GARAGE | 20 ft. 20 ft. ¹⁰ 15 ft. | 20 ft. 20 ft. ¹⁰ 15 ft.(minimum lot width of 48 ft) | 20 ft. 20 ft. ¹⁰ 15 ft. | 20 ft. ⁹ 20 ft. ¹⁰ 15 ft. |
| SIDE YARD SETBACK^{6,7,8} INTERIOR LOT: CORNER LOT: | 5 ft. one side ¹¹ 10 ft. on other side ¹¹ 5 ft. interior side ¹¹ 15 ft. street side ¹¹ | (zero side yard is req'd) 3 to 5 ft. easement 15 ft. on other side 3 to 5 ft. interior side 15 ft. street side | 5 ft. one side ¹¹ 10 ft. on other side ¹¹ 5 ft. interior side ¹¹ 15 ft. street side ¹¹ | 10 ft. ¹¹ 10 ft. ¹¹ 10 ft. interior side ¹¹ 15 ft. street side ¹¹ |

| STANDARDS | R-1 ¹ Single Family | RSL-1 ¹ Single Family Small Lot | R-2 ¹ Medium-Density Residential | R-3 ¹ High-Density Residential |
|------------------------------------|--|--|---|---|
| REAR YARD SETBACK ^{6,7,8} | 10 ft. for 1 story 20 ft. for 2 story ¹² | 10 ft. for 1 story 15 ft. for 2 story | 10 ft.; 20 ft. when rear yard adjoins R-1 zone | 10 ft.; 20 ft. when rear yard adjoins R-1 zone ¹⁹ |
| HEIGHT | 30 ft. | 25 ft. | 30 ft. | 35 ft. ¹⁸ |
| PARKING ¹³ | 2 spaces, covered, 19' _W x 20' _D ¹⁴ | 2 spaces, covered, 19' _W x 20' _D ¹⁴ | Refer to notes 14 and 15. | Refer to notes 14 and 15. |
| LANDSCAPE | ----- | ----- | 20% of site area ¹⁶ | 20% of site area ¹⁶ |
| OPEN LANDSCAPE AREA | N/A | N/A | 300 sf per dwelling unit ¹⁷ | 250 sf per dwelling unit ¹⁷ |
| ACCESSORY BUILDINGS | Refer to Chapter 27 of Title 12 of the Santa Maria Municipal Code. | | | |

NOTE: TITLE 12 (ZONING) OF THE SANTA MARIA MUNICIPAL CODE (SMMC) IS THE PRIMARY INFORMATION SOURCE AND IS REFERENCED IN THESE NOTES AS SECTION 12-XX ON THIS PAGE (e.g., SMMC SECTION 12-49)

FOOTNOTES FROM THE RESIDENTIAL ZONING STANDARDS MATRIX:

1. A Planned Development (PD) designation combined with the zone district designation is intended to permit a flexible design approach to the development of a total community environment equal to or better than that resulting from traditional lot by lot development. Approval of the design of the project is subject to Planning Commission review.
2. Refers to gross acre which is the total land area of a parcel or parcels exclusive of existing public right-of-way (streets, sidewalks, alleys, etc.). ;any density bonus provisions applicable under SMMC Section 12-48.
3. Maximum density depending on land use designation (LWDR-4, LDR-5, LMDR-8, or MDR-12).
4. Senior citizen housing may be allowed at a maximum density of 30 dwelling units per acre subject to a conditional use permit and the development standards specified in SMMC Section 12-8.18.
5. In the case where a number follows the zoning designation, that number specifies the minimum lot size (e.g., R-1 6,000 specifies a 6,000 sq. ft. minimum lot size).
6. Yard setbacks are measured from the property lines.
7. Architectural projections are encouraged and may be allowed, pursuant to SMMC Section 12-26.03, as follows:
 - a. Architectural features on the main building, such as cornices, eaves and canopies, may extend a maximum of 30 inches into any required yard provided that combustible material is located away from the property line as specified in the Uniform Building Code.
 - b. Eaves and canopies may extend to 1/3 of the length of the front yard up to a maximum of 5 feet on the front of the building, or 6 inches for each foot of the side yard or rear yard on

- c. A bay window, fireplace, and minor projection of floor area, each not exceeding 8 feet in width, may extend a maximum of 30 inches into any required yard provided that combustible material is located away from the property line as specified in the Uniform Building Code.
8. Patio covers and trellises:
 - a. Patio covers open on 3 sides, and trellises shall have a minimum setback of 5 feet from the side property line in residential developments with zero side yards, provided the structure is not higher than 10 feet or longer than 20 feet.
 - b. Patio covers and trellises shall have a minimum setback of 5 feet from the rear property line in the R-1 and RSL-1 districts, provided the structure is not more than 20 feet wide.
 - c. Open trellises and arbors, not exceeding eight feet (8') in height and two hundred (200) sq. ft., may be located in the rear yard setback, adjacent to one side and/or rear property line(s) provided the setback for the trellis and/or arbor, including supports, is not less than three feet (3') to the property line.
 9. In an R-3 zoning district, developments that encompass entire blocks or two or more sides of a block require a minimum 20-foot setback on the sides fronting the street.
 10. Front entry garages with roll-up (sectional) doors may be set back a minimum of 18 feet from front property line.
 11. Refer to SMMC Section 12-31-12 for lots less than 55 feet in width.
 12. The required rear yard setback may be reduced when either of the following conditions exists:
 - a. The rear yard setback for a two-story structure may be reduced to 15 feet provided the projecting portion of the structure does not exceed 20 feet in width.
 - b. Rear yard setbacks may be reduced to 10 feet when the rear yard adjoins a flood control facility or property in the OS zoning district.
 13.
 - a. Each parking space shall maintain a minimum net clear interior dimension of 9 ½ feet wide by 20 feet deep.
 - b. Single car garages and carports with side walls between spaces shall be 11 feet wide by 20 feet deep. These spaces shall be free and clear of any appliances or other structure.
 - c. If a building, a block wall or other obstruction is adjacent to the side of a parking space, the space shall be a minimum of 10 feet in width.
 - d. Clothes washers, dryers, furnaces, water heaters, and other appliances are not permitted to encroach into the net 19 by 20 dimension.
 14.
 - a. Single-family dwelling: 2 parking spaces within a garage or carport net clear interior dimensions of 19 feet wide by 20 feet deep.
 - b. Two-family or multifamily dwellings: 2 parking spaces per unit. A minimum of 1 covered parking space per unit as noted in 13, above.
 - c. Clothes washers, dryers, furnaces, water heaters, and other appliances are not permitted to encroach into the net 19 by 20 dimension.
 15. Condominium and planned unit developments require 2 covered parking spaces per dwelling unit, plus 1 guest parking space for each 2 dwelling units. The guest parking spaces shall be distributed throughout the development at locations approved by the Community Development Department.
 16. The 20% site landscaping requirement includes required yards.
 17. The landscaped open area does not include required yards.
 18. The Planning Commission may approve buildings up to the 35-foot maximum height in the R-3 zoning district. The maximum allowable building height may be increased from 35 feet to a maximum of 55 feet subject to approval of a Conditional Use Permit or Planned Development Permit by the Planning Commission and City Council when (a) the project is a mixed-use development and (b) the Planning Commission and City Council make required findings (SMMC Sections 12-8.09(b)(i-iv)).
 19.
 - a. In the R-3 zoning district, setback guidelines for buildings exceeding 35 feet: front, side and rear building setbacks may increase a minimum of five (5) feet to property line for each incremental increase in height of ten (10) feet, at each floor, above 35 feet in height, beyond what is required under Section 12-8.10.a, b and c.
 - b. A reduction in required setback for mixed use projects may be permitted pursuant to Section 12-49.09(c).
 20. In the R-2 zoning district, any lot of 6,000 square feet or less of net land area may have two dwelling units provided all setback, open space, landscaping, and parking requirements of the R-2 zone can be met. (SMMC Section 12-7.08(d))
 21. Density is exclusive of additional density allowed through a development agreement for the provision of affordable housing, as provided under SMMC Section 12-48.

3. **Growth Management:** The City adopted a growth management policy (RME-13) to address the available resources needed to accommodate new development. Growth management policies may indirectly increase housing prices in the short term and inhibit new employers from moving into the area. Development of fewer housing units results from increasing costs and limiting housing supplies.

The “Growth Management” Goal, Policy, Objectives, and Implementation Program were adopted in 1996. This Program serves as a tool to identify what resources require expansion or when such expansion planning needs to be started.

B. Fees and Exactions

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including...fees and other exactions required of developers and local processing and permit procedures...” (emphasis added)

According to the BUILDING BLOCKS publication, the Housing Element must identify permit processing and planning fees and development and impact fees and exactions for impacts on the cost, feasibility, and affordability of housing. The analysis should include an estimate of the average fees for typical multifamily and single-family developments.

The City of Santa Maria has addressed this constraint, in the manner presented below. Housing development is typically subject to two types of fees or exactions: infrastructure financing/growth mitigation fees; and permit processing fees.

1. **Infrastructure Financing/Growth Mitigation Fees:** Since voter-approval of Proposition 13 in 1978, the financing of urban infrastructure evolved from using the general obligation bond into a financing system of user fees. This evolution shifted infrastructure financing from the City to the developer. Before passage of Proposition 13, cities could fairly easily pass bond issues to finance infrastructure. Costs were spread throughout the community. Because of voter sentiments against taxation and the public sentiment that growth and development should pay for the necessary infrastructure and improvements, bond issues require two-thirds majority voter approval and are not given much of a chance for passage. The present system requires development to pay user fees for financing urban infrastructure. It requires the developer to install and dedicate infrastructure, or pay in fees “in lieu” of dedication, to the City for the privilege (the courts have ruled that development is a privilege and not a right) to build a project. Most of these costs transfer to the end users of the project. If it is a housing project, the costs can translate into several thousand dollars per unit.

The City's existing growth mitigation fees include buildings, city hall, park acquisition, park development, residential development tax, police, fire, library, traffic mitigation, state water, water, wastewater connection, wastewater impact fees. Table V-2 summarizes this information. Growth mitigation fees represent an alternative for financing the capital improvements needed to accommodate growth.

The City of Santa Maria collects fees from developers to help pay for capital improvements and facilities needed due to growth. Development pays only for its share of the facilities needed due to growth. Affordable housing projects receive a traffic fee reduction and may request reductions for senior housing projects or fee payment deferrals over a 5-year period.

In addition to City-imposed development fees, the local school districts collect school impact fees for new construction projects in the City. School fees are established by S.B. 50 and are adopted by the local school districts. The Santa Maria Bonita School District and Santa Maria Joint Union High School District adopted Level II fees; the Orcutt Union School District collects Level I fees. Even if increased enrollment requires a physical change in the environment, such as school construction, state law does not allow cities to mitigate the impact through the CEQA process. Government Code Section 65996 (fees set by school districts are the "exclusive methods" of mitigating impacts on school facilities).

**TABLE V-2
Growth Mitigation Fees (8/15/09)**

| | PER SQUARE FOOT PER DWELLING UNIT | | |
|---|--|-------------------------|--------------------------|
| | <u>SFR</u> ¹ | <u>MFR</u> ² | <u>SR/A</u> ³ |
| CITY HALL | \$0.094 | \$0.094 | \$0.094 |
| CONSOLIDATED CORPORATION YARD | \$0.070 | \$0.070 | \$0.070 |
| TRAFFIC | \$4.365 | \$4.511 | \$1.263 |
| RECREATION AND PARKS ⁴ | \$3.336 | \$5.379 | \$5.379 |
| POLICE | \$0.368 | \$0.382 | \$0.382 |
| FIRE | \$0.411 | \$0.422 | \$0.422 |
| LIBRARY | \$0.412 | \$0.481 | \$0.481 |
| Subtotal of Fees (Charged per Square Foot): | \$9.056 | \$11.339 | \$8.091 |
| Subtotal of Fees (Charged per Equivalent Unit): | \$18,112 | \$12,473 | \$8,900 |
| Per Square Foot Equivalents (footnotes 1, 2, 3, and 5) of the <u>Flat Rate</u> fee Items | | | |
| | <u>SFR</u> ¹ | <u>MFR</u> ² | <u>SR/A</u> ³ |
| WATER: | \$1,533 | \$1,533 | \$1,533 |
| Equivalent (water meter charges per square foot) | \$0.77 | \$1.39 | \$1.39 |
| WASTEWATER: | \$3,791 | \$3,418 | \$1,260 |
| Equivalent (wastewater charges per square foot) | \$1.90 | \$3.11 | \$1.15 |
| Subtotal of Fees Charged at a Flat Rate: | \$5,324 | \$4,951 | \$2,793 |
| Equivalent (flat rate charges per square foot) | <u>\$2.66</u> | <u>\$4.50</u> | <u>\$2.54</u> |
| TOTAL FEES (converted to dwelling units) | \$23,436 | \$17,424 | \$11,693 |
| TOTAL FEES (converted to square feet) | \$11.72 | \$15.84 | \$10.63 |
| ¹ Fees for a single-family residential project are based on 2,000 sf of habitable space per dwelling unit. ^{2, 3} Fees for a multiple family residential project and a senior/affordable residential project are based on 1,100 sf of habitable space per unit. ⁴ Payment of the Recreation and Parks Mitigation Fee would provide credit for Recreation and Parks charges for Subdivision In-Lieu Fee (entire fee) and the Residential Development Tax (any amount above \$185.00). ⁵ Water mitigation fee for senior projects are included with the building/project meter; for affordable projects the fee is based on meter size. For purposes of this exercise, \$1,533 per unit was used but the actual fee would be less. | | | |

**TABLE V-3
Development Processing Fees**

| City of Santa Maria 2009-2010 Application Fees | |
|---|-------------------------------------|
| The User Fees are updated and are effective 7/1/2009. | |
| | TOTAL FEES (rounded down) |
| ENVIRONMENTAL | |
| PRE-APPLICATION | \$81 |
| CLEARANCE-MINOR | \$272 |
| CLEARANCE-MAJOR | \$641 |
| N.D. - SHORT | \$2,385 |
| N.D. - LONG | \$3,393 |
| SUPP. EIR (MINIMUM) | \$7,320 |
| SUPP. EIR (MAXIMUM) | \$11,366 |
| ADDENDUM EIR | \$7,320 |
| EIR | \$21,199 |
| MITIGATION MONITORING | \$185 |
| USE PERMITS | |
| PC - MINOR <10,000 SF | \$3,500 |
| PC - MAJOR >10,000 SF | \$4,133 |
| ZONING ADMIN | \$2,298 |
| TEMP - PC | \$2,211 |
| TEMP - ZA | \$1,565 |
| TEMP - OUTDOOR SALES | \$92 |
| VARIANCE | |
| | \$2,993 |
| PD PERMITS | |
| MINOR <10,000 SF | \$3,962 |
| MAJOR >10,000 SF | \$5,519 |
| Dev. Plan-M.H. Park | \$5,473 |
| ANNEXATION | |
| MINOR | \$4,123 |
| MAJOR | \$8,996 |
| GPZ COMBINATIONS | |
| MINOR (by deposit) | \$6,813 |
| MAJOR (by deposit) | \$11,778 |
| GP AMENDMENT | |
| MINOR | \$3,548 |
| MAJOR | \$6,493 |
| ZONE CHANGE | |
| SMALL | \$3,600 |
| LARGE | \$6,545 |
| PRELIMINARY MAPS | |
| PARCEL | \$5,118 |
| SUBDIVISION | \$5,857 |
| LOT LINE | \$1,266 |
| TENTATIVE MAPS: | |
| PARCEL MAP | \$1,559 |
| SUBDIVISION MAP | \$2,484 |

2. **Permit Processing Fees:** The various planning review and processing fees, development impact fees, and utility service connection fees collectively can add certain costs on housing. Table V-3 provides a summary of all typical development processing fees currently imposed by the City on residential projects.

C. Processing and Permit Procedures

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”. (emphasis added)

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer. The City of Santa Maria has addressed these constraints, in the manner presented below.

The City issues planning and building permits to assure that all new development complies with current codes, development standards and the General Plan. The process also includes environmental evaluations in compliance with State law. The City's Community Development Department coordinates the review and decision making on required permits as well as providing information regarding the status of all applications and permits for residential developments. Table V-4 presents a schedule of typical processing times for development projects.

Building permits for the actual construction of new housing units cannot be obtained until the land-use permitting process is completed. Planning permit processing adds time and costs to the project. The average processing time from submittal of a complete application to Planning Commission action on a project ranges from six to ten weeks. This includes the issuance of conditional use permits and planned development permits.

A typical tentative subdivision map can be processed within six months of the original submittal. Incomplete or inadequate responses to City comments may extend the subdivision process with additional meetings.

In accordance with the California Environmental Quality Act (CEQA), the City conducts environmental review. If a project is not exempted, the City prepares an initial study and determines if a negative declaration, (ND) mitigated negative declaration (MND) or environmental impact report (EIR) is required.

The review and comment of other relevant departments is solicited promptly by the Community Development Department, which functions as a central clearinghouse for any development application, thereby shortening the over-all processing time for projects.

**TABLE V-4
Typical Timelines for Permit Processing**

| Type of Approval or Permit | Typical Processing Time | Reviewing Body |
|--|-----------------------------------|---|
| Building Permit | | |
| Site Plan Review | 0-2 weeks | Community Development Department |
| Plan Check | 2 to 4 weeks | Community Development Department |
| Express Plan Check | 2 weeks | Community Development Department |
| Environmental Review | | |
| Environmental Exemption | 0-2 weeks | Community Development Department |
| Environmental Determination | 4 to 8 weeks (Average 6 weeks) | Director of Community Development |
| Environmental Impact Report | 6 (+/-) months | Discretionary – Planning Commission Legislative – City Council |
| Development Permit | | |
| Zoning Administrator Use Permit | 2 weeks | Director of Community Development |
| Conditional Use Permit; Project Review Use Permit | 6 to 10 weeks | Planning Commission |
| Planned Development Permit | 6 to 10 weeks | Planning Commission |
| Tentative Parcel Map | 4 - 6 weeks plus 4 weeks | Subdivision Committee Planning Commission |
| Tentative Tract Map | 4 - 6 weeks plus 4 weeks | Subdivision Committee Planning Commission |
| General Plan Amendment, and/or Zoning Amendment, and/or Rezone | 10 weeks plus 4 weeks | Planning Commission City Council |
| Specific Plan Amendment | 10 weeks plus 4 weeks | Planning Commission City Council |
| Variance | 10 weeks plus 4 weeks | Planning Commission City Council |
| Final Map | 12 weeks | Director of Community Development Director of Public Works |

Note: Timeframes indicated above are based on the date an application is deemed complete.

A building permit application may be filed for plan check review prior to completion of the planning review, which also shortens processing time. The City employs plans examiners, and the work load and the completeness of the plans submitted determine the time needed for plan check. For a single-family residence, the first plan check is completed within ten working days of submittal. For larger projects, the first plan check may take two to four weeks. During periods of heavy plan check application volume, the City may contract with outside plan checking consultants for services to speed plan check review response time.

The City has established a one stop “fast track” permit process, which can reduce the time involved. The Community Development Department coordinates the review and decision-making on required permits as well as providing information regarding the status of all applications and permits for residential developments.

The City policy is to expedite permit processing whenever possible. Pre-application meetings and procedural handouts help assure that applications will be complete, thereby reducing processing time. The City continues to accept and process building permit applications prior to completion of Planning Commission approval of a project, but at the risk of required plan revisions causing additional time to be spent on the project. The Community Development Department coordinates the review and decision making on required permits as well as providing information regarding the status of all applications and permits for residential developments.

D. Codes and Enforcement and On/Off-Site Improvement Standards

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...” (emphasis added)

According to the BUILDING BLOCKS publication, the Housing Element must describe the building code adoption and enforcement process, including identification of any local amendments to the Uniform Building Code (UBC) and how building code enforcement is carried out by the jurisdiction. The Housing Element must also describe and analyze the impact of on- and off-site improvement standards including street widths, curb, gutter, and sidewalk requirements, landscaping, circulation improvement requirements and any generally applicable level of service standards or mitigation thresholds.

The City of Santa Maria has addressed this constraint, in the manner presented below.

- 1. Building Codes and Their Enforcement:** The code compliance function operates in the City Attorney department. Enforcement investigations are being made in largely in response to written complaints received, unless a health and safety concern is identified or a neighborhood is targeted for blight remediation. Table V-5 illustrates the number of reported cases recently investigated by the Code Compliance Division. The reported violations listed include conversion of dwelling units or garages, remodeling without permits, substandard housing conditions, living in recreational vehicles, and boardinghouse or overcrowding complaints.

TABLE V-5
Code Compliance Housing Violations Reported (2006-2008)

| Violation Type | 2006 Jul- Dec | 2007 | 2008 | 2009 Jan- Jun | Total | Annual Average |
|-------------------------------------|---------------------|------------|------------|---------------------|--------------|-------------------|
| Conversion/Dwelling Units | 20 | 24 | 18 | 21 | 83 | 28 |
| Building/Remodeling Without Permits | 109 | 211 | 232 | 160 | 712 | 237 |
| H&S Code/Substandard Conditions | 64 | 118 | 116 | 42 | 340 | 113 |
| Living in Recreational Vehicles | 40 | 54 | 53 | 29 | 176 | 59 |
| Boarding House/Overcrowding | 37 | 53 | 50 | 33 | 173 | 58 |
| TOTALS: | 270 | 460 | 469 | 285 | 1,484 | 495 |

Source: City of Santa Maria, City Attorney's Office, Division of Code Compliance

2. Site Improvements:

- a. **On-Site Improvements:** Typical on-site project improvements include water lines, sanitary sewer lines, other utilities, streets, curbs, gutters, sidewalks, storm water retardation and drainage infrastructure, and perimeter fencing. Public utility lines are engineered to meet the needs of the project. Unless a project is planned to support adjacent vacant land, designs of public utilities do not include excess capacities. Drainage and retardation standards – designed to hold historic flows plus flows from new development – are designed to reduce flooding impacts on other residents of the City.
- b. **Off-Site Improvements:** Until recently road width requirements were sometimes a barrier to affordability and private roads were the only solution. Unfortunately, private roads require homeowners' associations for upkeep and thus include a hidden cost passed through to the homeowner. Depending on the scale of the project, off-site improvements (or in-lieu fees) may be required. In all cases, the improvements required (or the proportionate share of fees charged), have been determined through a "nexus study". Typically, major improvements concern park acquisition and development, regional groundwater recharge facilities, or traffic and circulation impacts, where the project causes a degradation of existing operating conditions elsewhere (i.e. not on the project site) in the system. An example might be the payment of fees for installation of a traffic signal at a nearby street intersection. During project and environmental review, the City evaluates the project related and cumulative impacts to determine the level of improvement(s) necessary to keep the system at acceptable levels of service.

Due to decreasing fees and subventions from the County and State, City revenues decreased substantially over recent years. The City may need to seek ways to reduce long term service and maintenance costs resulting from new development. Such methods may include, but are not limited to: requiring assessment districts and/or improvement districts; and imposing development fees on remodels that result in an increase in habitable space.

E. Constraints-Housing for Persons with Disabilities

Government Code Section 65583(a)(4) requires: “an analysis of potential and actual government constraints upon the maintenance, improvement or development of housing... for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting ... the need for housing for persons with disabilities... (emphasis added)

According to the BUILDING BLOCKS publication, the Housing Element must identify governmental constraints to the development, improvement and maintenance of housing for persons with disabilities including identifying local efforts to remove any such constraints and identifying procedures for reasonable accommodations for persons with disabilities in zoning. The City of Santa Maria has addressed this constraint, in the manner presented below.

Persons with disabilities generally have lower incomes since their disability may affect their ability to work. Thus, persons with physical disabilities require affordable housing as well as housing with special design features and other accommodations, such as wheelchair ramps or grab bars, etc. The Americans with Disabilities Act requires that in new apartment complexes with three or more units (or condominium buildings with four or more units) 20 percent of all ground floor units must be adaptable and on an accessible route.

Second units and apartments are often a source of housing that is affordable to persons with disabilities. Although the City prohibits the conversion of existing units into additional units, habitable space is regularly added to housing units in all districts. A frequently seen example is conversion of existing garages to habitable space and construction of additional covered parking (which may be a carport) on a lot. This habitable space is generally located on the ground floor and is often accessible to, and used by, persons with disabilities.

Traditional standards of the zoning ordinance also place constraints on housing for people with disabilities. This constraint has been partially addressed during the planning period through implementation of the mixed use ordinance in a project proposed by a local nonprofit housing agency. The proposed project involves the rehabilitation of three properties already owned by TMHA, two single-family homes and one five-unit apartment building. In order to make the properties habitable and energy efficient, basic improvements, such as roofing, window replacement, heating system installation, and major sewer and plumbing repair, are needed. TMHA manages these properties as part of the Santa Maria Supportive Housing Program. The supportive housing program addresses two of the most pervasive problems in mental health services: the overwhelming need for comprehensive care and support, and the almost insurmountable difficulties that clients encounter when trying to house themselves. The proposed project will provide permanent housing for eleven clients as well as on-site supportive services. The City has allocated CDBG funds to this project.

According to the 2000 census, 8.9% of the City's residents aged 5-20, 21.7% of those aged 21-64 and 44.9% of those above age 65 report some type of disability. The number of persons with a disability has increased since 1990 and may continue to increase in the future. As the City's disabled population increases, there may be more requests for modifications to housing or requests for reasonable accommodations. In order to address these needs, City staff conducted a review of its policies and procedures to identify and address any existing or potential constraints to the development or modification of housing for persons with disabilities in accordance with Senate Bill 520.

Under Senate Bill 520, which became effective January 1, 2002, every jurisdiction during its Housing Element update is required to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities and to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities (California Government Code Section 65583(a) (4)).

In accordance with Senate Bill 520, City staff conducted a review of zoning and land use, development procedures, policies, and practices, and building codes in order to identify any potential constraints to the provision of housing accessible to persons with disabilities. The results of this analysis are summarized below in the three general categories of potential constraints: zoning and land use, permits and processing procedures, and building codes.

- 1. Zoning and Land Use:** Based on past practice, the City treats residential care facilities with six or fewer persons as a single-family use. These facilities are allowed by right in any zone where single-family homes are permitted. Moreover, the Zoning Ordinance explicitly identifies these facilities as a permitted use.

The City's Zoning Ordinance does allow reduced off-street parking space requirements for seniors. The Ordinance also contains a provision allowing "unspecified uses" to receive a parking requirement determined by the Zoning Administrator. This section could be used to provide a reduced parking standard for housing for persons with disabilities. These provisions may help reduce the costs for affordable housing developments for these groups. A program has been added to the City's Housing Program in order to address this issue.

- 2. Permits and Processing Procedures:** There are no discretionary permit requirements for residential care facilities serving six or fewer persons. Furthermore, there are no special designs or permitting standards that have been established for residential care facilities. The City has no occupancy standards pertaining to unrelated adults.

Requests to retrofit homes for disabled accessibility or for reasonable accommodation are handled as any other building permit or variance application. Whenever possible, such permits are given priority processing. Therefore, the City has sought to reduce or eliminate constraints to housing for disabled persons in regards to its permitting procedures.

- 3. Building Codes:** As noted above, the City has adopted the Uniform Building Code and the most recent California Amendments to it. This Code contains

Based on a review of City development procedures and policies, the following constraints were identified: parking requirements, restrictions on second units and a lack of clear procedures for reasonable accommodation requests.

4. Summary: In order to address these issues, the City has included Program 10 in Chapter VI. Implementation of this program by the City is expected to successfully address and remove existing and potential constraints to housing for persons with disabilities. Program 10 includes:

- Allowing reduced parking standards for senior and/or housing for persons with disabilities;
- Facilitating permitted remodels of single-family residences and garage conversions;
- Regularly reviewing City policies and procedures to ensure that there are no constraints to housing for persons with disabilities; and
- Responding to requests for reasonable accommodation through the procedures adopted in December, 2007.

F. Non-Governmental Constraints

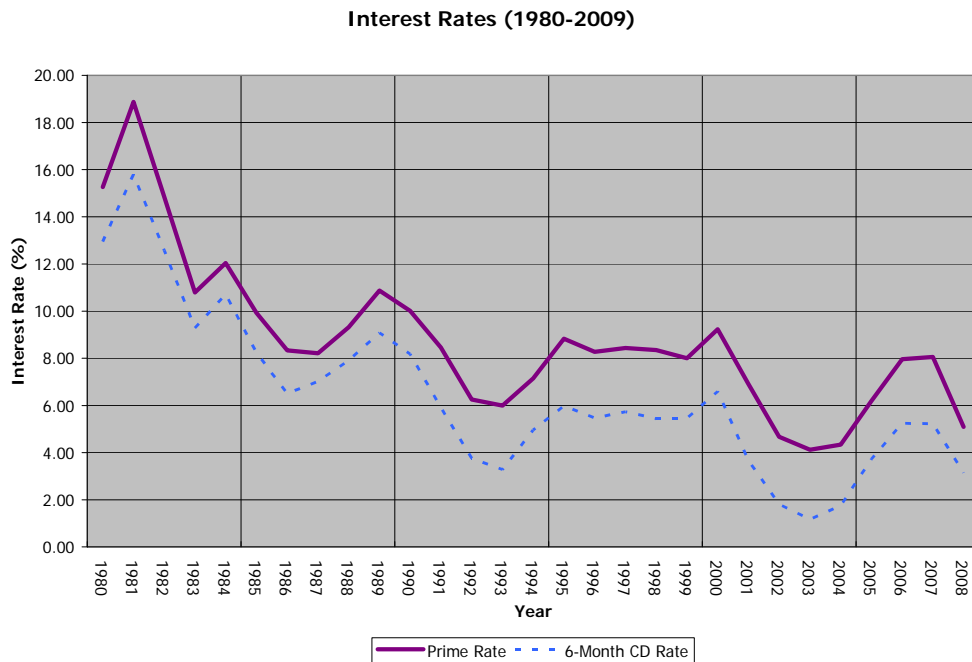
Government Code Section 65583(a)(6) requires “An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.” (emphasis added)

According to the BUILDING BLOCKS publication, non-governmental constraints are primarily market-driven and generally outside direct local government control. Nevertheless, the Housing Element must analyze the impacts of the cost of land, construction costs, and the availability of financing.

1. Availability of Financing: Interest rate fluctuations have the greatest effect on the ability of buyers to afford housing and the ability of builders to construct new housing. Because both buyers and builders must finance the purchase/project, housing production is extremely interest-rate sensitive. Another major constraint on housing development, which local government cannot control, are banking industry regulations and institutional reluctance to fund mixed-use or large phases of residential developments. Effectively, this restricts housing supplies and keeps the housing market prices high. The monetary value of land is what someone else will pay for title and use of that property. The “highest and best use” of the land may or may not reflect the designated land use allowed on the land.

- a. **Construction Financing:** Currently, local banks provide construction loans in the range of the “Prime Rate” plus 2.5 – 4 percent. The prime rate is the interest rate that larger banking institutions charge to their best customers. During the years of the past Housing Element, the prime rate has fluctuated between 3.5% and 11.5%. Figure V-1 shows the long term fluctuation of the prime interest rate.

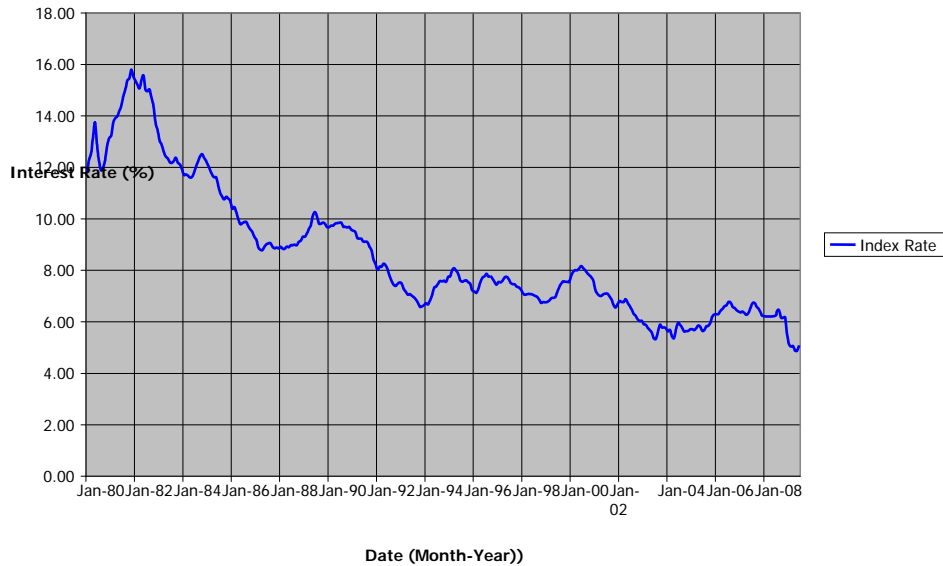
FIGURE V-1
Average Annual Prime Interest Rate (1980-2009)



- b. **Homeowner Financing:** Figure V-2 shows that currently, short-term, adjustable-rate, mortgages (ARMs) are available in the 4% to 5% range. It should be noted that fixed rate mortgages are the loan of choice. However, when high interest rates or high home prices make monthly housing costs unaffordable, the lower, variable rate mortgages become more attractive for short term financing if the buyer intends to sell in three to five years.

FIGURE V-2 Adjustable Mortgage Rate

ARM Index Rate 1980-2009



2. Price of Land:

Land has more value when it has potential for higher intensity uses. Land is a commodity in the City and the value depends on land use (density, intensity), zoning (building height, setbacks, parking, landscaping), subdivision (number of lots, right-of-way, easements, utilities) and fees (or costs associated with obtaining/providing the development permits) for other urban services.

In April 2005, the Housing Authority of Santa Barbara County purchased the 1.08-acre R-3 zoned site for the Ted Zenich Gardens project for \$561,000 (\$520,000 per acre). In 2007-2008, the 24-unit project had a declared construction value of \$6,000,000. The cost per unit, for site acquisition and construction, was \$273,375.

Most recently in 2009, an eminent domain action transferred 10 acres of land zoned Public Facilities and Open Space for approximately \$368,000 per acre. From the year 2000, into the year 2009, the price of land has generally followed the price of housing. Unlike tracking the median sales price in housing sales, establishing a definitive market price for land sales becomes problematic because other factors play large roles in the land market.

Increasingly, speculators represent investors with large cash holdings (located outside the Santa Maria Valley) seek out investment quality properties with high returns on investments. If, by chance, the houses even reach the market, the diligent (or very lucky) homebuyer will quickly lock up housing treasures soon after reaching the market.

3. Cost of Construction:

Recent national and international disasters including the 9-11 attack, hurricanes Katrina and Rita, and the war in Iraq have contributed to a significant escalation in the price of construction materials such as wood, concrete, and steel. Construction costs marginally affect the affordability of housing unless a shift in construction practice reduces costs considerably.

4. Other Non-Governmental Constraints:

Land Use: When more can be produced from the land, land becomes more valuable. The concept of “highest and best use” applies to the greatest production from the land. Whether it is used for scenic preservation, cattle grazing, irrigated agriculture, apartments, or a strawberry packing plant, all land has some value. Land value increases because the use of the land increases. Dramatic land values result from increased levels of service provided by cities. Along with the changes to the City, the areas around the City changed too. The bedroom community of Orcutt developed and prospers by sitting between the City shopping centers and Vandenberg Air Force Base employment center. Areas being considered for annexation to the City are under intense pressure to develop at the “highest and best use” in the City.

Economic Development: Santa Maria developed along the lines of traditional urban theory. Agriculture remains the economic base. As production agriculture developed and grew throughout the Santa Maria Valley, secondary (service) economies developed. Cities also grew to provide urban opportunities, communication, and services. Location advantages, public policy, and land use factors helped make Santa Maria the commercial-retail hub for northern Santa Barbara County and southern San Luis Obispo County. As such, Santa Maria experiences greater residential growth than most of the surrounding communities.

References Cited in this Chapter:

1. 2006 Housing Element
2. Community Development Department Annual Report, 2008
3. City of Santa Maria, City Attorney’s Office, Division of Code Compliance

Appendices to this Chapter: None