



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 14, 2008

**TO:** Mayor and Councilmembers

**FROM:** Housing and Redevelopment Division, Community Development Department

**SUBJECT:** Inclusionary Housing Ordinance Revisions

### RECOMMENDATION:

That the Council defer adoption of the proposed ordinance amending the City's Inclusionary Housing Ordinance for smaller residential projects (as introduced on September 30, 2008) pending further review of the draft ordinance by the City Planning Commission and receipt by the City Council of written Planning Commission comments on the proposed ordinance.

### DISCUSSION:

On September 30, 2008, the City Council introduced an ordinance of the City "amending Title 28 of the Municipal Code to revise Chapter 28.43 with respect to expanded exclusionary housing requirements for smaller residential projects" and the draft ordinance was scheduled for final approval and adoption on the Council's October 7, 2008 agenda. However, as a result of comments from Tony Fischer, a local land-use attorney, concerning the lack of a recent evaluation of the proposed ordinance by the City Planning Commission and questioning the environmental review provided for the proposed amendments, staff re-examined the draft CEQA categorical exemption and the history of the prior consideration of the proposed ordinance, particularly by the Planning Commission.

Since the most recent Planning Commission review of the proposed amendments occurred in June of 2007, and due to the nature of the amendments which occurred with the recent Council involvement in the process, the Community Development staff and City Attorney's office now believe that it would be appropriate to refer the most recent draft of the amending ordinance back to the Planning Commission for additional public and Commission review and for the preparation of final written Commission comments to the City Council. In addition, during this period of Commission review, the Community Development environmental review staff recommends that the CEQA Categorical Exemption prepared for the proposed amendments be reviewed and reconsidered in light of the latest substantive changes to the draft ordinance and they have indicated that the preparation of a CEQA Initial Study for this ordinance may now be more appropriate.

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and Redevelopment Manager  
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**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office