



Agenda Item B.1
DISCUSSION/ACTION ITEM
Meeting Date: February 6, 2019

TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

SUBJECT: Establishment of Beneficial Projects Categories Eligible for Development Impact Fee Reductions or Waivers

RECOMMENDATION:

- A. Discuss categories of “beneficial projects” potentially eligible for Development Impact Fee (DIF) reductions or waivers and appropriate fee reductions by project category and provide direction to staff.
- B. Adopt Resolution No. 19-____, entitled “A Resolution of the City Council of the City of Goleta, California, Adopting a Development Impact Fee Reduction Program for Beneficial Projects” (Attachment 1).

BACKGROUND:

The City of Goleta is considering adoption of new development impact fees (DIFs), a Development Impact Fee Study and Development Impact Fee Ordinance. DIFs are intended to assure that proposed development within the City adequately mitigates its impacts - in particular, by paying for the cost of the increased demand for public services created by such development.

The new DIF ordinance study addresses the following fee categories.

- 1. Transportation Facilities
- 2. Bike and Pedestrian Facilities
- 3. Public Administration Facilities
- 4. Library Facilities
- 5. Fire Facilities
- 6. Parks and Recreation Facilities
- 7. Storm Drain Facilities

Recognizing that for public policy reasons the City may want to encourage or remove barriers to certain categories of development, the new DIF ordinance authorizes the Council to establish by resolution categories of “beneficial projects” eligible for

reductions or waivers of development impact fees. The resolution will also establish administrative procedures for granting fee reductions or waivers.

Historically, fee reductions have been applied to (1) transportation impact mitigation fees and (2) park fees. Fee reductions have applied to categories of projects that a local jurisdiction wants to promote as a matter of public policy. The City of Goleta inherited the County's DIF program upon incorporation and currently applies beneficial projects on a case-by-case basis. Reduction requests have been considered using the County of Santa Barbara's (County's) resolutions for beneficial projects as a guideline. These beneficial projects resolutions are included in Attachment 2.

Where they identify DIFs eligible for reduction, some jurisdictions decide to make up the amount of development impact fees that are waived or reduced out of General Fund or grant monies. However, there is no requirement that the City back-fill waived or reduced fees and staff does not recommend that the City impose such a requirement on itself.

DISCUSSION:

The new DIF ordinance gives the City Council wide latitude to specify "beneficial project" categories eligible for fee reductions or waivers. The Council could identify categories of development that, without a fee reduction, would be unduly burdened by mitigation fees or that for public policy reasons are desirable to promote.

Consistent with historical practice, Council could consider that fee reductions or waivers only apply for transportation and park fees. However, Council could consider any or all of the other impact fees or any combination of the fees as appropriate for fee reductions. For any given eligible project category, the beneficial projects resolution may provide that fee reductions for eligible categories be set either as a specified percentage of the total applicable fee or flexibly on a case-by-case basis.

Categories of development projects eligible for DIF Reductions or waivers could include any development categories desired by the Council. The following list of potential development categories is provided by way of example as a starting point for discussion and is not intended to be exclusive.

- **Affordable Housing:** This category would promote the construction of affordable housing units that meet at a minimum affordability threshold and qualify as low or very low-income housing. As a matter of public policy, it is in the City's interest to promote affordable housing. A shortage of affordable housing in the City of Goleta and on the South Coast poses a hardship for workers and families and drives up commute distances, costs and associated vehicle emissions. These hardships also pose a challenge for Goleta businesses seeking to attract and retain employees. In addition, the City is required to plan for its identified share of regional housing needs through the General Plan Housing Element. Reduced DIFs make the construction of affordable housing financially more feasible for developers and create a financial incentive to do so.

- **Affordable Accessory Dwelling Units (ADUs):** These small housing units located on residential lots already developed with a primary residence potentially provide much-needed affordable housing for the community. State law now mandates that local jurisdictions allow ADUs through a ministerial permit process and limits local jurisdictions' ability to condition such projects. On June 19, 2018, the City Council adopted an ADU ordinance that allows ADUs consistent with state requirements. Depending on rental rates, ADUs may also qualify as low or very low-income housing meeting Regional Housing Needs Allocation (RHNA) criteria.
- **Mobile Homes:** Similar to ADUs, mobile homes can provide relatively low-cost housing and are regulated by the State.
- **Non-Profit Organizations:** This project category recognizes the benefits to the community of non-profit entities that promote and protect historical, cultural or natural resource values and/or provide essential health, safety, welfare or other community service needs, such as community recreational facilities and religious non-profit organizations. If the use on a given property changes from a non-profit organization to a for-profit enterprise in the future, the new business entity would have to pay the waived amount of DIFs.
- **Old Town Heritage District:** DIFs, especially transportation impact mitigation fees, have been an impediment to business investment and relocation in Old Town. Reducing DIFs for small businesses (non-franchised businesses having a building floor area of 5,000 square feet or less) would lessen the burden on Old Town businesses and lower barriers to entry, thereby promoting investment and business opportunities. This reduction category may be tailored to exclude cannabis businesses, auto-related businesses or other businesses that the Council does not wish to encourage to locate in Old Town.
- **Child Care, Senior Care and Special Needs Facilities:** Goleta and the South Coast face a shortage of non-profit childcare and senior care options, as well as special needs facilities. Childcare is essential for working families and therefore desirable for the City to promote. Similarly, senior care facilities provide essential, non-medical care to the elderly in need of personal services, supervision, or assistance on less than a 24-hour basis. Special Needs Facilities include living environments for groups such as the disabled, elderly, single-parent households, and homeless, including, for example, transitional homes, emergency shelters, hospices, and assisted living for the elderly.

Requests for DIF reductions should be made at the time of a project's approval, or issuance of a building permit when the project does not require a planning permit. Currently the practice has been to allow for the request to be made up until the certificate of occupancy on a project when the fees are due. When a project waits until the last moment to seek the fee reduction, the City is put in a position of potentially holding up a project's certificate of occupancy. As drafted, the beneficial projects

resolution would entitle eligible projects to DIF reductions automatically, rather than requiring separate Council approval for each project.

As drafted, the beneficial projects resolution in Attachment 1 only includes fee reductions for Transportation and Park fees. If other categories are included, the resolution would need to be amended to include guidelines for those categories. However, following discussion, the Council may direct staff to delete or add development categories at its discretion.

As noted above, for each category included in the resolution, the Council should specify the amount of fee reduction applicable, either as a percentage of the total fee or indicate that the fee reduction should be determined on a case-by-case basis.

FISCAL IMPACTS:

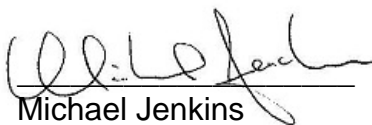
The cost to the City of a beneficial projects DIF program depends on the categories of development projects, Council's action on reduction rates, impact fees eligible for waiver or reduction, the rate of development that qualifies, and if Council chooses to evaluate fee reductions on a case-by-case basis. Depending on these factors, costs could amount to tens of thousands of dollars per year. The reduction rates listed in Attachment 1, are the rates used by the County, as seen in Attachment 2, and are provided as an example and subject to change based on Council's direction.

The City may decide to make up the amount of reduced or waived development impact fees and pay for necessary services out of General Fund or grant monies. However, as discussed above, staff does not recommend that the City impose such a requirement. If there is no requirement to reimburse waived DIFs, then there would be no direct fiscal impact to the City beyond the loss of DIF revenue. All DIF revenues are restricted to payment of identified projects and expenditures and their use is not discretionary with the City. DIF revenue estimates will be revised with each annual budget process, along with the related project costs funded by these fees.


ALTERNATIVES:

The City Council could choose not to adopt any beneficial projects resolution and instead subject all development projects approved within the City of Goleta to full development impact mitigation fees per the adopted DIF ordinance.

Legal Review By:


Michael Jenkins
City Attorney

Approved By:


Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution No. 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Adopting a Development Impact Fee Reduction Program For Beneficial Projects"
2. County of Santa Barbara Beneficial Project Resolutions for Transportation and Park Impact Mitigation Fees

ATTACHMENT 1:

Resolution No. 19-____, entitled "A Resolution of the City Council of the City of Goleta, California, Adopting a Development Impact Fee Reduction Program for Beneficial Projects"

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA ADOPTING A DEVELOPMENT IMPACT FEE REDUCTION PROGRAM FOR BENEFICIAL PROJECTS

WHEREAS the City of Goleta's General Plan includes policies encouraging the development of incentives for development of projects deemed beneficial within the City of Goleta; and

WHEREAS, on February 19, 2019, the City Council adopted the Development Impact Fee (DIF) Ordinance; and

WHEREAS the adopted DIF Ordinance established the City Council's ability to adopt a resolution to reduce, adjust or waive DIFs for categories of projects deemed beneficial by the City Council; and

WHEREAS the purpose of establishing DIF reductions for projects deemed beneficial is to identify specific types of development that reflect City policy priorities and need relief from paying DIFs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Adoption

The City Council hereby finds and declares the categories of projects listed and defined in Exhibits "A" and "B", attached hereto and incorporated herein, to be beneficial projects for purposes of the DIF Ordinance.

SECTION 3. Documents

The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

SECTION 4. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ____ day of _____
2019.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 19-
___ was duly adopted by the City Council of the City of Goleta at a regular
meeting held on the ___ day of _____ 2019, by the following vote of the
Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

Exhibit A
Resolution No. 19-__

DIF Ordinance Beneficial Project Categories

**TRANSPORTATION IMPACT MITIGATION FEE REDUCTION
BENEFICIAL PROJECT CATEGORIES**

Section 1. Definitions

For purposes of beneficial project transportation fee reductions, the following terms shall be defined as follows:

“Accessory Dwelling Unit (ADU)”: As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances, which qualify as affordable housing, as defined herein.

“Affordable Housing”: For purposes of this Resolution, this term means affordable housing units that meet at a minimum affordability threshold qualifying as low or very low-income housing, as used in the General Plan Housing Element.

“Child Care Facility”: As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances.

“Mobile Home” - As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances. Fee reductions shall apply only to new mobile homes developed or placed on existing vacant lots and qualifying as affordable housing, as defined herein.

“Non-Profits”: Any 501(c)(3) non-profit entity or governmental agency which provides public access to sites of significant historical, cultural or natural resource value, and/or provides essential health, safety, welfare or other community service needs, such as community recreational facilities.

“Old Town Heritage District” – Eligible small commercial projects within the Goleta Old Town Heritage District area, defined as depicted on Exhibit C.

“Senior Care Facility”: Any Senior Care Facility that provides non-medical care to the elderly in need of personal services, supervision, or assistance essential for sustaining the activities of the individual on less than a 24-hour basis.

“Special Needs Facilities”: A Special Needs Facility shall be defined as a living environment that provides certain amenities, physical attributes, and/or services

to persons or groups of persons such as the disabled, elderly, single-parent households, and homeless. Special Needs Facilities include, but are not limited to, single-room occupancy facilities, special care homes, transitional homes, emergency shelters, sanitariums, hospices, and assisted living for the elderly.

Section 2. All qualifying affordable housing projects, including without limitations Accessory Dwelling Units and Mobile Homes, which qualify as Affordable Housing as defined herein shall receive a 60% Transportation Impact Mitigation Fee reduction.

Section 3. All projects by qualifying Non-Profit Organizations, as defined herein, shall receive a 75% Transportation Impact Mitigation Fee reduction per 1,000 square feet of building space up to the first 15,000 square feet of the project.

Section 4. All small commercial projects, defined as non-franchised businesses having a building floor area of 5,000 square feet or less, located within the Old Town Heritage District, shall receive a 60% Transportation Impact Mitigation Fee reduction per 1,000 square feet of building floor area. Cannabis and auto-related businesses are not entitled to this fee reduction.

Section 5. All qualifying non-profit Child Care, Senior Care and Special Needs Facilities projects shall receive an 80% Transportation Impact Mitigation Fee reduction pro rata per child or adult receiving or projected to receive affordable care at the facility.

Section 6. All requests for DIF reductions shall be made prior to the time of a project's planning approval or, where no planning permit is required, prior to building permit issuance. An untimely DIF reduction request shall be denied.

Exhibit B
Resolution No. 19-__

DIF Ordinance Beneficial Project Categories

PARK FEE REDUCTION
BENEFICIAL PROJECT CATEGORIES

Section 1. Definitions

For purposes of beneficial project park fee reductions, the following terms shall be defined as follows:

“Accessory Dwelling Unit (ADU)”: As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances, which qualify as affordable housing, as defined herein.

“Affordable Housing”: For purposes of this Resolution, this term means affordable housing units that meet at a minimum affordability threshold qualifying as low or very low-income housing, as used in the General Plan Housing Element.

“Child Care Facility”: As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances.

“Mobile Home” - As presently defined, or may hereafter be amended, in the City of Goleta’s Inland and Coastal Zoning Ordinances. Fee reductions shall apply only to new mobile homes developed or placed on existing vacant lots and qualifying as affordable housing, as defined herein.

“Non-Profits”: Any 501(c)(3) non-profit entity or governmental agency which provides public access to sites of significant historical, cultural or natural resource value, and/or provides essential health, safety, welfare or other community service needs, such as community recreational facilities.

“Old Town Heritage District” – All small commercial projects within the Goleta Old Town Heritage District area, defined as depicted on Exhibit C.

“Senior Care Facility”: Any Senior Care Facility that provides non-medical care to the elderly in need of personal services, supervision, or assistance essential for sustaining the activities of the individual on less than a 24-hour basis.

“Special Needs Facilities”: A Special Needs Facility shall be defined as a living environment that provides certain amenities, physical attributes, and/or services to persons or groups of persons such as the disabled, elderly, single-parent households, and homeless. Special Needs Facilities include, but are not limited

to, single-room occupancy facilities, special care homes, transitional homes, emergency shelters, sanitariums, hospices, and assisted living for the elderly.

Section 2. All qualifying affordable housing projects, including without limitations Accessory Dwelling Units and Mobile Homes, which qualify as Affordable Housing as defined herein shall receive a 60% Park Fee reduction.

Section 3. All projects by qualifying Non-Profit Organizations, as defined herein, shall receive a 75% Park Fee reduction per 1,000 square feet of building space up to the first 15,000 square feet of the project.

Section 4. All small commercial projects, defined as non-franchised businesses having a building floor area of 5,000 square feet or less, located within the Old Town Heritage District shall receive a 60% Park Fee reduction per 1,000 square feet of building floor area. Cannabis and auto-related businesses are not entitled to this fee reduction.

Section 5. All qualifying non-profit Child Care, Senior Care and Special Needs Facilities projects shall receive an 80% Park Fee reduction pro rata per child or adult receiving or projected to receive affordable care at the facility.

Section 6. All requests for DIF reductions shall be made prior to the time of a project's planning approval or, where no planning permit is required, prior to building permit issuance. An untimely DIF reduction request shall be denied.

ATTACHMENT 2:

County of Santa Barbara Beneficial Project Resolutions for Transportation and Park
Impact Mitigation Fees

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING A)
TRANSPORTATION FEE REDUCTION)
PROGRAM FOR "BENEFICIAL" PROJECTS)
IN THE GOLETA PLANNING AREA,)
SECOND AND THIRD SUPERVISORIAL)
DISTRICTS.)**

RESOLUTION NO. 99-250

WHEREAS, the Goleta Community Plan adopted by the Board of Supervisors on August 5, 1993 includes policies encouraging the development of incentives for "beneficial" project development within the planning area; and

WHEREAS, on July 22, 1997, the Board of Supervisors of the County of Santa Barbara adopted Ordinance No. 4270 adding Chapter 23C to the County Code establishing a Transportation Impact Mitigation Fee Program; and

WHEREAS, the 1997 Transportation Impact Mitigation Fee Ordinance (Ordinance No. 4270) established the Board of Supervisors' ability to adopt a resolution that would allow the Board of Supervisors to reduce, adjust, or waive transportation impact mitigation fees for "beneficial" projects as defined in Santa Barbara County Comprehensive Plan Circulation Element; and

WHEREAS, on June 22, 1999, the Board of Supervisors amended Section 23C-11 of Ordinance No. 4270 allowing the Board of Supervisors to reduce, adjust, or waive transportation impact mitigation fees for "beneficial projects" as defined in Exhibit "A", attached hereto and incorporated herein, if accompanied by a finding of substitute funds; and

WHEREAS, establishing transportation fee reductions for projects deemed "beneficial" to the community is consistent with the County's Affordable Housing Guidelines; and

WHEREAS, the purpose of establishing categories of "beneficial" project is to identify specific types of development that reflect both county and community development priorities in Goleta and need relief from paying transportation development impact fees; and

WHEREAS, the transportation development impact fee reductions shall be offset by, including by not limited to, state and federal transportation related grant revenues; and

WHEREAS, development projects defined as "beneficial" in Exhibit "A" shall qualify to receive the transportation fee reduction, as provided herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Santa Barbara that:

1. The fee reduction program set forth in Exhibit "B", which is attached hereto and incorporated by reference is hereby adopted.
2. The program shall become effective 30 days from the date of the adoption of this resolution.

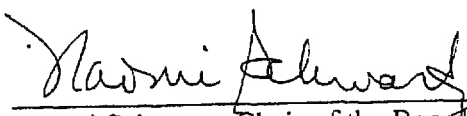
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of June, 1999, by the following votes:

AYES: Supervisors Schwartz, Rose, Marshall, Urbanske

NOES: Supervisor Gray

ABSENT: None


ABSTAINING: None



Naomi Schwartz, Chair of the Board of Supervisors,
County of Santa Barbara

ATTEST:

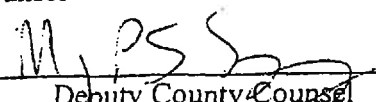
Michael F. Brown
Clerk of the Board of Supervisors

By: 

Deputy Clerk

Approved as to form:

Stephen Shane Stark
County Counsel

By: 

Deputy County Counsel

EXHIBIT "A"

TRANSPORTATION FEE REDUCTION BENEFICIAL PROJECT CATEGORY DEFINITIONS

Definitions

For purposes of the imposition of the "beneficial" project transportation fee reductions, the following terms shall be defined as set forth below:

(a) "Single and Two Family Dwellings": As presently defined, or may hereafter be amended, in the Article III of the County's Zoning Ordinance. Dwellings designed for and occupied exclusively by one (1) family alone or two (2) families alone that are a part of the County's affordable housing program.

(b) "Multi-Family": As presently defined, or may hereafter be amended, in Article III of the County's Zoning Ordinance. Multi-family dwellings include townhouses, condominiums, and apartments as defined below:

Townhouse/Condominium: A multi-family development project with a density greater than 10.0 units per acre but less than 15.0 units per acre. All affordable units developed within this density range would automatically qualify for the transportation fee reductions.

Apartment: A multi-family development project with a density greater than 15.0 units per acre. All units developed at 15.0 units/acre or above would automatically qualify for the transportation fee reductions.

(c) "Second Units": An attached or detached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. An Attached or Detached Residential Second Unit shall not be sold or financed separately from the principal dwelling, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principal dwelling.

(d) "Mobile Home": As presently defined, or may hereafter be amended, in Article III of the County's Zoning Ordinance. Fee reductions shall apply only to mobile homes developed or placed on existing vacant lots.

(e) "Mixed Use Housing": Mixed-use development shall be defined as a combination of residential and commercial land uses. The residential use shall be subordinate to a principal commercial land use. In no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial use.

(f) "Special Needs Facilities": A Special Needs Facility shall be defined as a living environment that provides certain amenities, physical attributes, and/or services to persons or groups of persons such as the disabled, elderly, single parent households, and homeless. Special needs facilities include, but are not limited to, single room occupancy facilities, special care homes, transitional homes, emergency shelters, sanitariums, hospices, and assisted living for the elderly.

(g) "Child Care Facility": As presently defined, or may hereafter be amended, in Article III of the County's Zoning Ordinance. These types of facilities shall provide non-medical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of the individual on less than a 24-hour basis. Child care facilities include family day care and non-residential child care centers.

(h) "Senior Care Facility": Any Senior Care Facility that provides non-medical care to the elderly in need of personal services, supervision, or assistance essential for sustaining the activities of the individual on less than a 24-hour basis.

(i) "Community Recreational Facilities": A for profit or non-profit commercial community recreational facility that provides public improvements and community amenities for the general public recreational benefit to residents of the community. Facilities may include public parks, playgrounds, swimming pools, tennis courts, picnic facilities, sport facilities, and any other park and recreational facility projects that may provide public recreation to the community.

(j) "Non-Profits": Any non-profit entity or governmental agency which provides public access to sites of significant historical, cultural, or natural resource value, and/or provide essential health, safety, welfare or other community service needs.

(k) "Commercial Redevelopment Projects": Any commercial redevelopment project on a parcel zoned C-2 (Retail Commercial) within redevelopment project area. Projects up to the first 15,000 square feet would automatically qualify for the fee reduction. This includes additions to existing buildings and new construction on vacant land.

Exhibit "B"

TRANSPORTATION IMPACT MITIGATION FEE REDUCTIONS FOR BENEFICIAL PROJECTS IN THE GOLETA PLANNING AREA

Section 1. All residential "beneficial" projects as defined in Exhibit "A" shall receive a 60% Transportation Impact Mitigation Fee reduction per unit.

Section 2. Child and Senior Day Care Centers as defined in Exhibit "A" shall receive an 85% Transportation Impact Mitigation Fee reduction per child or adult. The fee reduction shall apply to the applicable Transportation Impact Mitigation Fee.

Section 3. Transportation Impact Mitigation Fee reductions for Community Recreational Facilities as defined in Exhibit "A" shall be determined on a case by case basis by the Board of Supervisors. Any fee reductions granted by the Board of Supervisors shall not exceed a maximum of 75% of the fee per 1,000 square feet of building space.

Section 4. Non-Profit facilities as defined in Exhibit "A" shall receive a 75% Transportation Impact Mitigation Fee reduction per 1,000 square feet of building space up to a maximum 15,000 square feet of the project.

Section 5. Commercial Redevelopment Projects as defined in Exhibit "A" shall receive a 50% Transportation Impact Mitigation Fee reduction per 1,000 square feet of building space up to the first 15,000 square feet of the project.

Section 6. The reduced Transportation Impact Mitigation fees shall be charged, paid, collected and disbursed pursuant to Ordinance No. 4270.

Section 7. The Public Works Department shall report once every two years in conjunction with the biannual review of the Goleta Transportation Improvement Plan on fee reductions granted and grant revenues received.

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPTING A)	
PARK DEVELOPMENT MITIGATION)	
FEE REDUCTION PROGRAM FOR)	
"BENEFICIAL" PROJECTS IN THE)	
SOUTH COAST WEST RECREATION)	
DEMAND AREA. SECOND AND THIRD)	
SUPERVISORIAL DISTRICTS.)	RESOLUTION NO. <u>99-251</u>

WHEREAS, on December 15, 1998, the Board of Supervisors adopted Ordinance No. 4348 adding Article IV, Division 2 to Chapter 21 of the County Code establishing the authority for imposing development mitigation fees to mitigate park impacts associated with residential development that is not part of a subdivision of land in the South Coast West Recreation Demand Area; and

WHEREAS, on June 22, 1999, the Board of Supervisors amended Ordinance No.4348 authorizing the Board of Supervisors to establish by resolution categories of "beneficial" projects eligible for park development mitigation fee reductions as defined in Exhibit "A", attached hereto and incorporated herein, in the South Coast West Recreation Demand Area, if accompanied by a finding of substitute funds; and

WHEREAS, the purpose of establishing categories of "beneficial" projects is to identify types of development projects that reflect both county and community development priorities in the South Coast West Recreation Demand Area and need some level of relief in paying the park development mitigation fees; and

WHEREAS, the park development mitigation fee reductions shall be offset by, including but not limited to, state and federal park related grant revenues; and

WHEREAS, development projects defined as "beneficial" in Exhibit "A" shall qualify to receive the established park development mitigation fee reductions, as provided herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Santa Barbara that:

1. The fee reduction program set forth in Exhibit "B", which is attached hereto and incorporated by reference is hereby adopted.
2. The program shall become effective 30 days from the date of the adoption of this resolution.

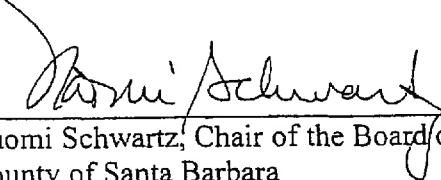
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this 22nd day of June, 1999, by the following votes:

AYES: Supervisors Schwartz, Rose, Marshall, Urbanske

NOES: Supervisor Gray

ABSENT: None

ABSTAINING: None



Naomi Schwartz, Chair of the Board of Supervisors,
County of Santa Barbara

ATTEST:

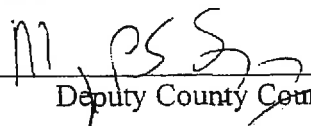
Michael F. Brown
Clerk of the Board of Supervisors

By: 

Deputy Clerk.

Approved as to form:

Stephen Shane Stark
County Counsel

By: 

Deputy County Counsel

EXHIBIT "A"

PARK DEVELOPMENT MITIGATION FEE REDUCTION BENEFICIAL PROJECT CATEGORY DEFINITIONS

Definitions

For purposes of the imposition of the "beneficial" project park development mitigation fee reductions, the following terms shall be defined as set forth below:

(a) "Multi-Family": As presently defined, or may hereafter be amended, in the Article III of the County's Zoning Ordinance. Multi-family dwellings eligible for a fee reduction are defined below:

Apartment: A multi-family development project with a density greater than or equal to 15.0 units per acre developed on 5.0 acres or less. All units developed at 15.0 units/acre or above would automatically qualify for the park development mitigation fee reductions.

(b) "Second Units": An attached or detached dwelling unit on a permanent foundation located in a single family, Residential Ranchette or Agriculture I zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. An Attached or Detached Residential Second Unit shall not be sold or financed separately from the principal dwelling, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same lot which contains the principal dwelling.

(c) "Mobile Home": As presently defined, or may hereafter be amended, in the Article III of the County's Zoning Ordinance. Fee reductions shall apply only to mobile homes developed or placed on existing vacant lots.

(d) "Mixed Use Housing": Mixed-use development shall be defined as a combination of residential and commercial land uses. The residential use shall be subordinate to a principal commercial land use. In no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial use.

(e) "Special Needs Facilities": A Special Needs Facility shall be defined as a living environment that provides certain amenities, physical attributes, and/or services to persons or groups of persons such as the disabled, elderly, single parent households, and homeless. Special needs facilities include, but are not limited to single room occupancy facilities, special care homes, transitional homes, emergency shelters, sanitariums, hospices, and assisted living for the elderly.

Exhibit "B"

PARK DEVELOPMENT MITIGATION FEE REDUCTIONS FOR BENEFICIAL PROJECTS IN THE SOUTH COAST WEST RECREATION DEMAND AREA

Section 1. Apartments as defined in Exhibit "A" located on less than 5.0 acres of land with a density equal to or greater than 15.0 units per acre shall receive a 40% Park Development Mitigation Fee reduction per unit.

Section 2. Second Units as defined in Exhibit "A" shall receive a 60% Park Development Mitigation Fee reduction per attached unit and a 40% Park Development Mitigation Fee reduction per detached unit.

Section 3. Mobile Homes as defined in Exhibit "A" shall receive a 60% Park Development Mitigation Fee reduction per unit.

Section 4. Mixed -Use Housing as defined in Exhibit "A" shall receive a 40% Park Development Mitigation Fee reduction per unit.

Section 5. Special Needs Facilities as defined in Exhibit "A" shall receive an 80% Park Development Mitigation Fee reduction per unit.

Section 6. The reduced Park Development Mitigation fees shall be charged, paid, collected, and disbursed pursuant to the Park Development Mitigation Fee Ordinance (Ordinance No. 4363) and Fee Resolution (Resolution No. 251) for the South Coast West Recreation Demand Area.

Section 7. The Park Department shall report to the Board of Supervisors once every three years or once \$120,000 of fee reductions have been granted, whichever occurs first. The report shall identify the total amount of Park Development Mitigation fee reductions granted, park grant revenues received, and anticipated grant revenues. The Board of Supervisors shall determine at that time whether or not to continue the fee reduction program.

F:\GROUP\COMP\WINWORD\GOLETA\fees\AB_1600\ORD_RES\res_feered3.doc