

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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SANTA CRUZ, CA 95060
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Th15c

Prepared August 21, 2008 (for September 11, 2008 Hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Amendment Number 1-08 Part 1 (Affordable Housing Park Fee Dedication)

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend certified Local Coastal Program (LCP Implementation Plan (IP) Section 15.01.080(a) (Park Dedications and Public Access Requirements) to delete language that exempts residential units reserved for low and moderate income purchasers from the assessment of park dedication fees. See Exhibit #2 for the County's proposed changes to Section 15.01.080(a).

Minor LCP Amendment Determination

California Code of Regulations (CCR) Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

CCR Section 13555 provides that the Executive Director can make determinations on whether a proposed LCP amendment is "minor." The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554(a).

The proposed amendment will not change the kind, location, intensity, or density of use and will not conflict with any policy or standards contained within the certified Land Use Plan or Chapter 3 of the Coastal Act.

Specifically, the proposed amendment deletes the exemption for the payment of park dedication fees for residential units reserved for low and moderate income purchasers. For many years, the County has required developers of residential housing projects to pay park dedication fees as



Santa Cruz County Minor LCP Amendment Determination Notice

SCO-MIN-1-08 (Park Fee Dedication)

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mitigation for the increased demand on park facilities created by their development projects. These fees are set by planning area based on a formula that determines the fee-equivalent cost of land dedication necessary to meet the standard of three acres of parkland for every 1,000 new residents established by IP Section 15.01.070(a). Some years ago, in the spirit of assisting affordable housing projects, certain affordable units were exempted from the payment of such fees pursuant to Zoning Code section 15.01.080(a). At the time that the park fee exemption was adopted, there were very limited local funding sources available to support affordable housing projects. Therefore, the exemption was adopted as one of a number of incentives designed to assist in making these projects more financially feasible. Over the years, however, the County Redevelopment Agency's financing for affordable housing has become a substantial local funding source, fully capable of fulfilling an affordable housing developer's obligations for payment of park dedication fees. In light of these changing circumstances, the County does not believe that the exemption for payment of park dedication fees for affordable ownership projects should be maintained. Additional park dedication fees collected pursuant to the proposed amendment will help fulfill the objectives of the LCP regarding the provision of a full range of public and private opportunities for the access to and enjoyment of parks and recreation areas in Santa Cruz County, and will meet the LUP's requirements regarding countywide park dedication and/or in lieu fees in connection with residential development (LUP Policy 7.1.11(d)).

Coastal Commission Concurrence

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its September 11, 2008 meeting at the Wharfinger Building, 1 Marina Way, in Eureka. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

For further information regarding the proposed LCP amendment or the Commission's procedures, please contact Susan Craig in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. Objections to the proposed minor LCP amendment should be submitted in writing by September 11, 2008.

Exhibits:

Exhibit 1: Board of Supervisors' Resolution

Exhibit 2: Proposed Changes to LCP Section 15.01.080



California Coastal Commission

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 124-2008

On the Motion of Supervisor Beutz
duly seconded by Supervisor Campos
the following Resolution is adopted:

RESOLUTION APPROVING AMENDMENTS TO SECTION 15.01.080(A) OF THE COUNTY
CODE RELATING TO FEES ASSESSED FOR PARKS DEDICATION

WHEREAS, on May 24th, 1994, the Board of Supervisors adopted Ordinance No. 4318 amending County Code Section 15.01.080 – In-lieu fees;

WHEREAS, this amendment relieved units reserved for low- and moderate-income purchasers from the assessment of the park dedication fee;

WHEREAS, funding through the Redevelopment Agency is available to support the development of affordable housing;

WHEREAS, the park and recreation demand of residents of these affordable housing projects is similar to that of residents of market rate housing projects;

WHEREAS, the County believes that the park dedication fee exemption for affordable for-sale housing is no longer necessary in order to encourage the development of affordable housing in Santa Cruz County

WHEREAS, the Planning Commission held a duly noticed public hearing and considered the proposed amendments, and all testimony and evidence received at the public hearing and recommended the amendments for approval by the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing and finds that the proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code, are in compliance with the California Coastal Act; and

WHEREAS, pursuant to the California Environmental Quality Act, a Notice of Exemption has been prepared;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby finds that the ordinance amendments proposed serve a public benefit; and

ATTACHMENT 1

BE IT FURTHER RESOLVED, that the Board of Supervisors approves amendments to County Code section 15.01.080 relating to in-lieu fees as set forth in Attachment 2 and incorporated herein by reference, and certifies the Notice of Exemption under the California Environmental Quality Act as set forth in Exhibit D, and incorporated herein by reference, and directs that they be submitted to the California Coastal Commission as part of the Local Coastal Program Update.

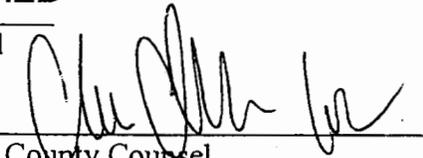
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, California, this 20th day of May, 2008 by the following vote:

AYES: SUPERVISORS Beautz, Coonerty, Campos, Stone and Pirie
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None
ABSTAIN: SUPERVISORS None

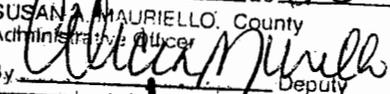
ELLEN PIRIE

Chairperson of the Board of Supervisors

ATTEST: **TESS FITZGERALD**
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

DISTRIBUTION: County Counsel
Planning

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss
I, SUSANA MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board, in witness whereof I have hereunto set my hand and affixed the seal of the said Board on 5/21 2008
SUSANA MAURIELLO, County Administrative Officer
By  Deputy

ORDINANCE NO. **4985**

AN ORDINANCE AMENDING SUBSECTION 15.01.080(a)
OF THE SANTA CRUZ COUNTY CODE RELATING
TO PARK DEDICATION IN-LIEU FEES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection (a) of Section 15.01.080 of the Santa Cruz County Code is hereby amended to read as follows:

(a) Amount of Fee. The fees to be paid in lieu of land dedication and development shall be established by resolution of the Board of Supervisors. ~~Units reserved for low and moderate income purchasers shall be exempt from the assessment of park dedication fees.~~

SECTION II

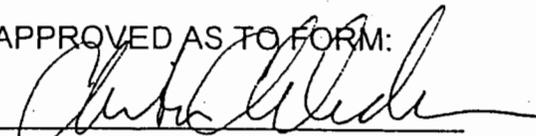
This ordinance shall take effect on 31st day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED this _____ of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:


Assistant County Counsel

DISTRIBUTION: County Counsel, CAO, Planning Department