



**Agenda Item A.2**  
**CONSENT CALENDAR**  
**Meeting Date: November 4, 2008**

---

**TO:** Mayor and Councilmembers

**FROM:** Dan Singer, City Manager

**CONTACT:** Steve Chase, Director of Planning & Environmental Services

**SUBJECT:** Confirming Resolution Regarding Fairview Gardens  
Development Impact Fees

**RECOMMENDATION:**

Adopt City Council Resolution 08-\_\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Approving In Part and Denying In Part the Request for Development Impact Fee Reduction by Fairview Gardens; 598 North Fairview Avenue; APN 069-090-052" (Attachment 1).

**BACKGROUND:**

On October 7, 2008, the City Council conducted a public hearing on Fairview Gardens' request for a waiver and/or reduction of Development Impact Fees. The fees stem from the City Council's July 1, 2008, approval of a Conditional Use Permit (08-111-CUP) for a five-unit farm labor camp.

The Confirming Resolution that has been prepared for the adoption of the City Council at this meeting serves two purposes: 1) to clarify for the record the action of the City Council on October 7, 2008; and 2) to be responsive to a request from Fairview Gardens for a Confirming Resolution that sets forth the action for posterity.

**DISCUSSION:**

The action of the City Council on October 7, 2008 was as follows:

- It was determined that the project is not subject to the Goleta Transportation Improvement Program Fee, since the pre-existing residential uses on the property were factored into the setting of that fee.
- It was determined that a Park development impact fee is inapplicable, since the passive open space and agricultural operations on the property serve in-lieu of parks and recreation.

- It was determined that the following development impact fees be collected pursuant to underlying Ordinances (not waived or reduced): Public Administration; Sheriff; Fire (for protection and facilities); and Library. These fees are to be paid in full before issuance of a Land Use Permit.

The development impact fees (DIF) associated with the Farm Labor Camp Project (08-111-CUP) are estimated to be as follows:

<b>Impact Fee</b>	<b>Standard DIF</b>	<b>Total DIF 5-Units</b>
<b>Transportation</b>	No new use - \$0.00	Not Applicable
<b>Park</b>	\$9,509 per unit	Waived
<b>Public Administration</b>	\$1,705 per unit	\$8,525
<b>Sheriff</b>	\$439 per unit	\$2,195
<b>Fire Protection</b>	\$0.20 per sq. ft.	Approximately \$840
<b>Fire Facility</b>	\$709 per unit	\$3,545
<b>Library</b>	\$384 per unit	\$1,920

Development impact fees may be adjusted one time per calendar year. The above estimated fees for the Farm Labor Camp Project may be adjusted accordingly.

**ALTERNATIVES:**

None are recommended.

**LEGAL REVIEW:**

This staff report and the accompanying Confirming Resolution were reviewed by the City Attorney.

**FISCAL IMPACTS:**

The processing costs associated with the Fairview Gardens Farm Labor Camp Project, including the preparation of this staff report, must be paid by the applicant on or before June 3, 2009.

Submitted By:

Reviewed by:

Approved By:

\_\_\_\_\_  
Steve Chase, Director  
Planning & Environmental  
Services

\_\_\_\_\_  
Michelle Greene, Director  
Administrative Services

\_\_\_\_\_  
Daniel Singer  
City Manager

**ATTACHMENT:**

1. Confirming Resolution entitled "Resolution 08-\_\_ entitled "A Resolution of the City Council of the City of Goleta, California Approving In Part and Denying In Part The Request for Development Impact Fee Reduction by Fairview Gardens; 598 North Fairview Avenue; APN 069-090-052."

**RESOLUTION NO. 08-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA APPROVING IN PART AND DENYING IN PART THE REQUEST FOR DEVELOPMENT IMPACT FEE REDUCTION BY FAIRVIEW GARDENS; 598 NORTH FAIRVIEW AVENUE; APN 069-090-052**

**WHEREAS**, on July 1, 2008, the City Council approved a Conditional Use Permit (08-111-CUP) for the installation of a five-unit farm labor camp over five phases on the Fairview Gardens' 12.29 net acres property located at 598 North Fairview Avenue, APN 069-090-052; and

**WHEREAS**, the City collects Development Impact Mitigation Fees (DIFs) pursuant to the Mitigation Fee Act (Government Code section 66000 et seq.); and

**WHEREAS**, the City collects a DIF for the Goleta Transportation Improvement Program Fee pursuant to Ordinance 4270; and

**WHEREAS**, the City collects a DIF for Park Impacts pursuant to Ordinance 4348; and

**WHEREAS**, the City collects a DIF for Fire Impacts pursuant to Ordinance 4353; and

**WHEREAS**, the City collects a DIF for Public Administration Impacts pursuant to Ordinance 4355; and

**WHEREAS**, the City collects a DIF for Sheriff Impacts pursuant to Ordinance 4360; and

**WHEREAS**, the applicant requested waiver and or a reduction in DIFs; and

**WHEREAS**, on October 7, 2008, the City Council conducted a public hearing on applicant's request for a waiver and/or a reduction in DIFs; and

**WHEREAS**, the existing housing which is being relocated on the applicants property pursuant to the CUP was existing at the time the traffic study was conducted to determine traffic demands and impacts to be mitigated by the Goleta Transportation Impact Fee; and

**WHEREAS**, the Fairview Gardens agricultural operation and passive open space provides recreational opportunities to the residents of the property.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GOLETA FINDS AND DETERMINES AS FOLLOWS:**

**SECTION 1. Adoption of Recitals.**

The recitals set forth hereinabove are true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2. Applicability of Goleta Transportation Improvement Program Fees.**

The residential uses of the property weret calculated as a part of the development of the fee and therefore the relocation of the uses on the site are not subject to the fee. The Goleta Transportation Impact Fee does not apply to this project.

**SECTION 3. Applicability of Park Impact Fees.**

The agricultural operation and passive open space of the property provides a park like setting. Therefore there is no park impact of the development and no nexus for the application of the fee to the project. The Park Impact Fee does not apply to this project.

**SECTION 4. Denial of Application for Waiver or Reduction.**

The City Council hereby denies the application for waiver and/or reduction of the Fire Impact Fee, Public Administration Impact Fee and Sheriff Impact Fee. The Fire Impact Fee, Public Administration Impact Fee and Sheriff Impact Fee shall be imposed on the project with no reduction. The Library Impact Fee will be paid in full as well, in accord with the intentions of Fairview Gardens.

**SECTION 5.** The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH CONSTANTINO

\_\_\_\_\_  
TIM W. GILES

CITY CLERK

CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. 08-\_\_ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK