



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 17, 2019

Subject: Amendment to the Land Development Fee Schedule

RECOMMENDATION(S):

1. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
2. DETERMINE for purposes of compliance with the California Environmental Quality Act (CEQA) that the adoption of Resolution No. 2019/664 is not a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(4) because it constitutes a governmental fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; or, alternatively, that it is statutorily exempt from review pursuant to CEQA Guidelines Section 15273(a)(1) (fees established by public agencies to meet operating expenses).
3. ADOPT Resolution No. 2019/664, which amends the Land Development Fee Schedule to revise the initial deposit for Historic Nomination Application Fees from \$1000.00 to \$500.00.
4. DIRECT the Director of Conservation and Development, or designee, to file a CEQA notice of exemption with the County Clerk-Recorder and authorize payment of the \$50 filing fee.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/17/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 17, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stan Muraoka,
925-674-7781

cc:

FISCAL IMPACT:

The historic nomination application fee is necessary to recover the County's estimated reasonable costs for review of historic nominations. The revised fee deposit for historic nominations will lower the initial application costs for nominations. The Department will effectively recover its costs.

BACKGROUND:

September 17, 2019 Land Development Fee Schedule. On September 17, 2019, the Board of Supervisors adopted Resolution No. 2019/553 for the updated Land Development Fee Schedule effective March 1, 2020. The fees in the updated Fee Schedule were based on the estimated reasonable cost for performing the services and activities related to the fees as detailed in the July 15, 2019 "Update of the County Land Development Fee Schedule" (Fee Study) prepared by the County's consultant, NBS. Testimony was presented to the Board on September 17, 2019 by the Chair of the Historic Landmarks Advisory Committee (HLAC) that the historic nomination application fee should be reduced in order to encourage nominations by nonprofit organizations and individuals. In adopting the updated Fee Schedule, the Board provided direction to Department staff to meet with the HLAC and interested nonprofit organizations to gather information related to reducing or waiving the historic nomination application fee in the updated Fee Schedule, and to provide criteria for such reduction or waiver.

Basis for the Historic Nomination Fee. In the Fee Schedule that proceeds the schedule adopted on September 17, 2019, there is no separate fee for historic nomination. Historic nomination applications have been processed by the Department as either as a Development Plan application, or as a Compliance Review application, depending on if the historic resource application includes a proposal for new development of the historic resource. The fees have been \$500.00 deposit, and were billed on a time and materials basis. The updated Land Development Fee Schedule increased the fee deposit for Condition Compliance Review to \$1,500.00 and Development Plan review to \$4,500.00. The updated Land Development Fee Schedule included a historic nomination application fee of \$1,000 as a reasonable deposit amount, based on estimated processing time.

Discussion with and Recommendation of the HLAC. Subsequent to the September 17, 2019 Board meeting, staff discussed the historic nomination application fee with the HLAC. On November 14, 2019, staff discussed with the HLAC reducing the initial deposit for a historic nomination application from \$1,000 to \$500. The HLAC endorsed the proposed revision to the initial deposit requirement and recommended that additional reduction and/or a fee waiver based on economic hardship be studied in connection with a potential future historic preservation ordinance.

Conclusion. The historic nomination application fee in the Land Development Fee Schedule does not exceed the estimated reasonable costs of processing a historic nomination application, and the proposed reduced initial deposit will encourage nominations of historic resources by nonprofit organizations and individuals, and is

recommended for approval by staff and the HLAC.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended actions are not approved, the initial deposit for historic nomination application fees will remain as set by the September 17, 2019 Land Development Fee Schedule.

CHILDREN'S IMPACT STATEMENT:

N/A

ATTACHMENTS

Resolution 2019/664

Exhibit A to Resolution 2019/664

Comments from HLAC