



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 10, 2022

Subject: Amendment to Land Development Fee Schedule

RECOMMENDATION(S):

1. OPEN the public hearing on Resolution No. 2022/154, 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. 2022/154 is not a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(4) (governmental fiscal activity) and is statutorily exempt pursuant to CEQA Guidelines Section 15273(a)(1) (fees established by public agencies).
3. ADOPT Resolution No. 2022/154, to amend the Land Development Fee Schedule to establish application fees for two-unit residential development permits, planning reviews of lot splits in single-family residential zones, sign permit renewals, and development plan modifications.
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.

FISCAL IMPACT:

The proposed new application fees are necessary to effectively recover the County's

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **05/10/2022** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

CONTINUED to 9:00 a.m May 24 2022

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: May 10, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stanley Muraoka,
925-655-2876

cc:

estimated reasonable costs for reviewing and processing applications to modify established Development Plans, applications for Urban Housing Development Permits and planning review of Urban Lot Split Parcel Maps, and applications to renew a sign permit under the County’s Sign Ordinance.

BACKGROUND:

The County may charge fees for land development services, such as those services provided by the Department to review and process permit or other planning applications. The fees charged by the County must not be more than the estimated reasonable cost that the County incurs to provide the services for which the fees are charged. The Department has conducted an analysis of the estimated cost incurred by the County for Department services related to reviewing and processing four new planning applications. Based on that analysis, County staff proposes amendments to the Land Development Fee Schedule that add four new fees as shown on the table below.

BACKGROUND: (CONT'D)

Additions to Land Development Fee

Schedule

Fee Schedule Code	Planning Application	Fee
S-016	Development Plan – Modification	\$3,000 minimum deposit. Time and materials.
S-026A	Urban Housing Development Permit	\$3,000 minimum deposit. Time and materials.
S-035A	Urban Lot Split Parcel Map – Planning Review	\$1,000 minimum deposit. Time and materials.
S-045A	Sign Permit Renewal	\$150 filing fee.

New Planning Application Fees

Urban Housing Development Permit

On March 29, 2022, the Board of Supervisors adopted Ordinance No. 2022-14, authorizing and regulating the development of up to two residential units on a parcel located in a single-family residential zone (an “Urban Housing Development” or “UHD”). Ordinance No. 2022-14 requires an applicant for an UHD permit to pay a fee as established by the Board. The proposed amendment to the Land Development Fee Schedule would establish a new application fee for a UHD permit.

An application for a UHD permit will be reviewed ministerially for compliance with the requirements and regulations contained in the County Ordinance Code and Government Code Sections 65852.21 and 66411.7. Staff anticipates that the review process will include a location screening to comply with locational requirements established by State law, and review of the proposed development against a checklist of objective development standards. Staff recommends a UHD permit application fee charged on a time and materials basis with an initial deposit of \$3,000, as detailed in the attached Fee Analysis. An applicant will be required to pay any owed and due fee amount in excess of the initial deposit prior to issuance of the permit. If the fee charged on a time and materials basis is less than the initial deposit, the Department will refund the remaining funds to the applicant.

Urban Lot Split Parcel Map

Ordinance No. 2022-14 also authorized the ministerial approval of a parcel map for a subdivision of an existing lot in a single-family residential zone into no more than two new parcels (an “Urban Lot Split” or “ULS”). Ordinance No. 2022-14 requires an

applicant for an ULS parcel map to pay a fee as established by the Board. The current Land Development Fee Schedule includes engineering fees for the services provided by Department of Public Works in reviewing and processing parcel maps and associated improvements. The proposed amendment to the Land Development Fee Schedule would establish new application fee for a planning review for ULS parcel maps required by State Law that is not required for other parcel maps.

An application for a ULS parcel map will be reviewed ministerially for compliance with the requirements and regulations contained in the County Ordinance Code and Government Code Section 66411.7. The engineering and map review of the ULS parcel map application will occur and be charged fees under the current parcel map review and processing fees. Staff estimates that the planning review for this type of subdivision will require less staff time as opposed to applications for other discretionary subdivision approvals. However, staff anticipates that the planning review process will include a location screening to comply with locational requirements established by State law. Staff recommends a planning review fee for a ULS parcel map charged on a time and materials basis with an initial deposit of \$1,000, as detailed in the attached Fee Analysis. An applicant will be required to pay any owed and due fee amount in excess of the initial deposit prior to issuance of the permit. If the fee charged on a time and materials basis is less than the initial deposit, the Department will refund the remaining funds to the applicant.

Sign Permit Renewal

The County's Sign Ordinance requires that permits for signs within the public right-of-way be renewed annually. The ordinance requires an applicant for a sign permit to pay a fee as established by the Board. An application for a discretionary annual sign permit renewal will be reviewed under the administrative decision procedure specified in Article 26-2.21 of the County Ordinance Code. Processing discretionary permit applications require a greater level of review and the preparation of findings and conditions of approval. Additionally, discretionary permits are subject to appeal which may require multiple staff reports and public hearings. However, staff anticipates that the required staff time to review and process an annual sign permit renewal will be substantially less than for an original sign permit application, and anticipates that hearings are significantly less likely for renewal applications. Additionally, in response to comments by the County Planning Commission with respect to this fee and to encourage compliance with permitting requirements in the interest of public safety, staff recommends a lower recovery percentage for these fees to encourage annual renewal of sign permits for signs in a public right-of-way. Therefore, staff recommends an annual sign permit renewal application fee of \$150, as detailed in the attached Fee Analysis.

Development Plan - Modification

Approval of a development plan is required prior to development in certain zoning districts, including Neighborhood Business (N-B) districts, Retail Business (R-B) districts, Community Business (C-B) districts, General Commercial (C) districts,

Multi-Family Residential (M-29) districts, Administrative-Office (A-O) districts, and certain combining districts. An application for a discretionary development plan modification is reviewed by staff and subject to public hearing either by the Zoning Administrator or County Planning Commission. Staff anticipates that the required staff time to review and process a modification to a development plan will be substantially less than for an original development plan application. Additionally, discretionary permits are subject to appeal which may require multiple staff reports and public hearings.

Accordingly, the Department generally charges for similar services on a time and materials basis with an initial deposit. Staff recommends a discretionary development plan modification application fee charged on a time and materials basis with an initial deposit of \$3,000, as detailed in the attached Fee Analysis. An applicant will be required to pay any owed and due fee amount in excess of the initial deposit prior to issuance of the permit. If the fee charged on a time and materials basis is less than the initial deposit, the Department will refund the remaining funds to the applicant.

Minor Text and Other Changes

The proposed revised fee schedule reflects changes in the fees charged by County staff for responding to subpoenas. These changes in fees are consistent with and reflect changes in State law that set the fee amounts for these services.

The proposed revised fee schedule also includes minor text changes to the descriptions of planning and land development fees to better identify the land development activity for which the fee is charged. The minor text changes will assist County staff in the implementation of the fee schedule and the public in interpreting the fee schedule. The minor text changes do not result in the change of any current fees. Other technical changes are included with respect to fee codes that are necessary for integration of the fee schedule with the Accela permit tracking and JBS billing systems utilized by County staff.

Environmental Review

For purposes of compliance with the California Environmental Quality Act (CEQA), that the adoption of Resolution No. 2019/664 to amend the Land Development Fee Schedule is not a project 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; and it is statutorily exempt from review pursuant to CEQA Guidelines Section 15273(a)(1) (fees established by public agencies to meet operating expenses).

CONCLUSION:

The new planning application fees do not exceed the estimated reasonable costs of providing the land development services for which the fees are charged. Minor text and other changes improve the legibility of the fee schedule and allow for integration of the fee codes in the fee schedule with the Accela permit tracking and JBS billing systems

used by County staff

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended actions are not approved, no fees will be established to recover the County's costs associated with reviewing and processing the new fees for two-unit residential development permits, planning reviews of lot splits in single-family residential zones, sign permit renewals, and development plan modifications.

CLERK'S ADDENDUM

CONTINUED to 9:00 a.m. May 24 2022

ATTACHMENTS

Resolution 2022/154

Exhibit A --Fee Analysis

Exhibit B -- Land Development Fee Schedule