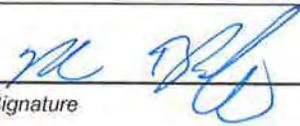


STAFF REPORT
COUNCIL MEETING DATE
July 25, 2011

ITEM FOR COUNCIL CONSIDERATION

Request for waiver and adjustment of Development Impact Fees for the Carpinteria Arts Center located at 855 Linden Avenue.

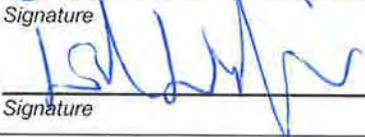
Report prepared by: Nick Bobroff, Associate Planner
Community Development Department


Signature

Reviewed by: Jackie Campbell, Director
Community Development Department


Signature

Reviewed by: Dave Durlinger, City Manager


Signature

STAFF RECOMMENDATION

Action Item ; Non-Action Item

Recommendation:

- a. Open the public hearing, take public comment and continue the matter to the August 8, 2011 City Council hearing; and
- b. Uphold the assessment of Development Impact Fees for the Carpinteria Valley Arts Council currently estimated in the amount of \$217,860.12.

I. BACKGROUND

In January 2004, the City Council adopted an updated Development Impact Fee (DIF) Program that requires project applicants to pay a proportionate share of infrastructure improvement costs associated with new growth prior to obtaining a Building Permit. The fee amounts were based on a Development Impact Fee Report prepared by MuniFinancial (2003 Development Impact Fee Report, City of Carpinteria) and addressed impacts to Streets and Thoroughfares, Highway Interchanges and Bridges, Traffic Control, General Facilities and Equipment, and Open Space Land Acquisition. The City's original Development Impact Fee study prepared in 1993 by Management Services Institute (1993 Development Impact Fee Report for the City of

Carpinteria, California) served as the basis for the City's original comprehensive development impact fee program and fee structure. A Development Impact fee for parking facilities in the downtown "T" was based on a separate Capital Improvements Plan. The basis for the fees is an analysis of the potential growth in the City and the associated increase in traffic, parking demand, residential and employee populations as well as vacant land to be developed. These growth indicators were used to determine the need for street and highway improvements, general facilities and equipment, storm drain facilities, parks and open space amenities and parking facilities. For discretionary projects such as the new arts center building approved for the Carpinteria Valley Arts Council, the fees are estimated at the time of the hearing on the land use permits. The final fees are calculated and collected at the time of approval of a Building Permit, prior to issuance of said permit. Municipal Code Chapter 15.80 establishes the types of DIFs, the procedure for imposition of the fees and a process for a project applicant to request that the City Council consider a fee adjustment or waiver.

The City's implementation of Development Impact Fees to fund capital facilities is governed by *CA Government Code Section 66000 et seq.*, which establishes requirements for the imposition and ongoing administration of the impact fee programs. The Mitigation Fee Act requires local jurisdictions to make the following five summarized findings when adopting or increasing a development impact fee:

1. Identify the purpose of the fee;
2. Identify the use of fee revenues;
3. Determine a reasonable relationship between the fee's use and the type of development paying the fee;
4. Determine a reasonable relationship between the need for the fee and the type of development paying the fee;
5. Determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee.

These findings were made when the City first adopted its DIF program in 1993, when the City completed its program update in 2004, and are made again every year when the City updates its Capital Improvement Plan. The 1999 and 2003 fee study updates continue to be consistent with the above findings and the requirements of *California Government Code 66000*.

II. DISCUSSION

The Carpinteria Valley Arts Council (CVAC) was formed in 2001 as a grassroots organization comprised of local artists, community leaders and Carpinteria Valley residents. The CVAC's mission according to their website, is to foster diverse community involvement, nurture the creative process and its appreciation, provide educational opportunities, establish a center for the arts, and enhance and enrich the quality of life in the Carpinteria Valley. In 2005/6, through a community fundraising effort, the Arts Council was able to acquire a 6,251 square foot lot at 855 Linden Avenue in the City's downtown to house a future community arts center.¹ Over the last five years, the CVAC has hosted a number of arts related events at 855 Linden Avenue, including art shows, workshops, and children's classes and summer camps while they developed their long-term vision for the property.

¹ In the spring of 2005, the City Council contributed \$45,000 towards the CVAC's fundraising efforts for the purchase of the property. The grant contract agreed to by the Arts Council and the City requires the Arts Council to maintain and operate the site as a public facility, and make arts-related programs and offerings available to the general public. The grant contract is limited to a 10-year contract term, after which the City's requirement for the site to remain available for public arts-related uses would cease.

In November 2008, the Arts Council submitted conceptual plans for the new Arts Center to the Planning Commission and Architectural Review Board. Based on the generally favorable feedback from the members of the Commission, Board and the public, the CVAC submitted a formal Development Plan application in November 2009 to the Community Development Department for the new Arts Center. The application sought to replace the existing 735 square foot structure and patio/lawn areas with a new two-story 7,911 square foot community arts center, complete with gallery spaces, a multi-purposes room, art studio/classroom spaces and office space for Arts Council staff. The gallery spaces would be open to the public for viewing during normal business hours, seven days a week. The classroom/studio spaces upstairs would be used to host up to three classes or workshops per studio per day during the week. The center would be open three evenings per week until 9:00 p.m. to accommodate evening meetings/events of arts-related groups. Additionally, the Arts Council would hold a limited number of (no more than 20) special events throughout the year such as fundraising events, gallery openings and similar. These events would typically occur during evening hours and range from 40 to 200 guests. The new building would be oriented around a central open space courtyard and four parking spaces for staff and visitors would be provided onsite at the back of the property.

The Planning Commission reviewed and unanimously approved the project at their June 6, 2011 hearing. To accommodate the project, the Arts Council requested, and was granted, approval of a Modification to the amount of required onsite parking, thereby reducing the total number of required spaces from 20 down to 14. Of these 14 spaces, four would be provided onsite and the Arts Council was required to pay the DIF for parking facilities in the Downtown "T" for the remaining deficit of 10 spaces. The Commission's rationale for granting the reduction to the required amount of parking was due, in part, to the Arts Council's implementation of a comprehensive parking management plan that would reduce Arts Center-related parking demand.

Both during the conceptual review and the formal Development Plan review process, the Arts Council was provided estimates of the anticipated DIFs that would apply to the project using the fee rates in place at that time. From the initial submittal, the Arts Council representatives made it known that they intended to ask for fee adjustments or waivers to the applicable DIFs.

The existing 735 square foot building currently used by the Arts Council is at least 50 years old and predates the City's incorporation. As such, development on the property has never paid construction taxes or development impact fees to the City. Similarly, the property has not paid any assessments to address parking deficits in the public downtown parking lots. When the Downtown "T" Parking Assessment District was established in 1968, the site provided its required parking onsite. The only credit towards the DIFs to which the applicant has been entitled so far is the standard credit for the square footage of the existing structure (i.e., applicants are only required to pay DIFs on the net difference in square footage between old and new).

Development Impact Fee Calculations

According to the City's DIF program, three land use categories are used to determine the required fee for proposed development: Residential, Commercial and Industrial. The proposed use fits most closely within the commercial land use category and the project's required DIF was based on that calculation.

In reviewing the Development Plan application and preparing the Planning Commission staff report, Community Development Department staff calculated the fee amount and provided this information to the applicant. According to the Municipal Code, *the applicant shall pay a development impact fee to the City at the time a Building Permit is issued. A protest to the fees may be filed at the time of project approval or within 90 days after the date of the imposition of the fees, dedications, reservation or other exactions to be imposed on the development project.*

Staff calculated the DIFs for the project according to the established procedure for a commercial use. Exhibit A attached to this report illustrates the most current required fees (as of July 1, 2011) for the Carpinteria Arts Center based on the Commercial land use category.² The total fees include all applicable categories (Streets & Thoroughfares, Highway Interchanges & Bridges, Traffic Control, General Facilities, Storm Drainage, Open Space Land Acquisition and Parking Facilities) and are \$217,860.12 (excluding the New Construction Tax, Landscape Bond and Fire District plan check fee which amount to \$1,027.92). The majority of the fee is \$120,413.28 for Highway Interchanges and Bridges (which reflects a temporary reduction by 50% per City Council Resolution No. 5178 until March 10, 2012). The second largest fee (\$51,497.20) is for the Parking Facilities (10 spaces at \$5,149.72 per space) which also reflects a temporary reduction per City Council Resolution No. 5314, set to expire December 9, 2012.

The Planning Commission granted the Arts Council a four-year approval timeframe on their Development Plan to allow time for fundraising to pay for building construction. The applicant has not yet paid the DIF amount as the applicant is requesting a DIF waiver/reduction. The total DIF amount due for the project will continue to be adjusted annually until the applicant has paid the fees. In addition to payment of the DIFs, the applicant must complete final ARB review, submit for and pass the building permit plan check review, obtain all required sign-offs from special districts/agencies and pay all applicable fees prior to the Community Development Department issuing the building permit for the new arts center.

Waiver Request

Municipal Code Section 15.80.100 discusses the request for fee adjustments. The text states:

A developer of any project subject to the fees described in this chapter may apply to the Council for a reduction, adjustment or waiver of any one or more of the fees, based on the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed.

On June 14, 2011, the Carpinteria Valley Arts Council submitted a request for reductions and waivers to some of the (currently) \$217,860.04 required Development Impact Fees. Their letter is attached to this report as Exhibit B. Specifically, the applicant is requesting 60% reductions to the Streets and Thoroughfares (\$10,764.00), Highway Interchanges and Bridges (\$120,413.28) and Traffic Control Facilities (\$17,078.88) fees. The Arts Council requests total waivers from the Open Space Acquisition (\$15,787.20) and Parking Facilities (\$51,497.20) fees. In total, the

² The DIF amounts identified in the staff report and Exhibit A are the most current amounts as adjusted for the 2011-12 Fiscal Year, which experienced a 14.9% reduction to the DIFs affected by the Caltrans Cost Index and an approximately 1.02% increase to those fees based on property sale values. In total, the applicable DIFs for this project have been adjusted downwards \$47,425.90 from the fee estimates provided in the project's Planning Commission staff report as a result of the fee updates implemented with the new fiscal year. The previous estimated DIF amount for the project was \$265,286.02; the current estimate is \$217,860.12. The final fee amount due is based on those rates in effect at the time of DIF payment; therefore the final paid fee amount may vary from the current estimate.

requested reductions and waivers amount to a dollar value of \$126,586.86 and would reduce the Arts Council's total DIF amount from \$217,860.12 to \$91,273.26 (a 58% reduction).³ The burden is on the applicant to demonstrate that the requested fee reductions and waivers are appropriate.

The Arts Council's individual requests and staff's responses to those requests are outlined below:

Transportation-related DIFs 60% Reduction

The Arts Council request asserts that the Streets and Thoroughfares, Highway Interchanges and Bridges, and Traffic Control Facilities DIFs merit a 60% reduction because, "the new building will have minimal impact in these categories." To support this claim, the Arts Council indicates that, as discussed in the project specific traffic and parking study prepared by Associated Transportation Engineers, the project would not generate significant impacts to the surrounding street network. More specifically, the applicant notes the following:

- The Arts Center is not expected to generate traffic during the a.m. peak hour period since the center would not open until 10:00 a.m.;
- The Arts Center would generate four trips during the p.m. peak hour period, but this minor number of added trips would not significantly degrade operations on the surrounding street network and therefore is not significant enough to warrant the assessment of a DIF;
- The Arts Center would be closed on Sundays;
- Large gallery and special events would be held at 4:00 p.m. or later when there is less traffic from other businesses; and
- The Arts Council will actively encourage staff, volunteers, activity participants and visitors to utilize alternative means of transportation, thereby decreasing traffic impact.

Although the City has determined that the Arts Center project does not have the potential to create significant environmental impacts, it has also determined that the project will generate more traffic than the existing developed site. This is because the Arts Center project includes a much larger building than currently exists and the larger building will accommodate many more people. Through payment of the transportation-related fees that apply to the Arts Center project, the City will be able to increase the capacity of its transportation system, including support for alternative means of transportation, to accommodate the transportation needs of those additional people. These transportation-related fees imposed on the project have been determined to be roughly proportional to the identified project generated demands that would be placed on the City's transportation system.

As indicated above, in support of reducing the transportation-related DIFs, the Arts Council's request relies upon the traffic study and environmental analysis that were prepared by the City as a part of the mandatory environmental review process. The City, guided by the California Environmental Quality Act (CEQA) and the City's environmental guidelines, determined that the

³ The applicant's letter and list of applicable fees (attached as Exhibit B) includes a number of fees that are either not collected/administered by the City, such as the fees collected by the Sanitary and Water Districts or that are collected by the City, but that are not part of the City's Development Impact Fee program, such as the landscape bond and the new construction tax. A waiver or reduction of these non-DIF fees is not included in this request. With respect to the Fire District Mitigation fee, the City is responsible for administering this fee on behalf of the Carpinteria-Summerland Fire Protection District pursuant to Municipal Code Chapter 8.26. A Fee adjustment of the Fire District Mitigation Fee, pursuant to CMC §8.26.090 may be requested, however, no such request was included in the Arts Council's DIF waiver/reduction letter.

project does not have the potential to significantly impact the environment. However, a project's potential to impact the environment, as determined through the CEQA process, is not a basis for the adjustment of DIF's. Pursuant the City's Municipal Code, a fee adjustment may be found to be appropriate where the City Council determines that the project will not create the demand for service anticipated by the fee. A review of potential environmental impacts of the project is not a proxy for determining whether or not an appropriate relationship exists between the demands that the project would place on City transportation infrastructure and the DIFs aimed at addressing those demands.

The City's CEQA process and Development Impact Fee program may address the same subjects, e.g., a project's traffic generation, but they are distinct in their purpose and application. Through the CEQA process, the City aims to establish mitigation measures as necessary to reduce a project's impacts on the environment. For traffic impacts this could mean establishing project mitigation measures as necessary to address its potential impacts on air quality. Through the Development Impact Fee program, the City intends to ensure that new development pays its fair share (or increment) of the expenses for upgrading and maintaining the City's public infrastructure that is used by, and benefits, residents and employees in the community, including the individuals that would patronize the new Arts Center development.

Therefore, despite a lack of project-related unmitigated environmental impacts, the project would still create demands on public transportation infrastructure for which the transportation-related DIFs were established to address. As such, the Arts Council's written request does not include information sufficient for staff to recommend changing the City's determination that an appropriate nexus exists between the project impacts and the transportation-related DIFs.

Finally, the Arts Council's letter also requests that the Streets and Thoroughfares, Highway Interchanges and Bridges, and Traffic Control Facilities DIFs be reduced, specifically, by 60%; however, the amount appears to be arbitrary as there is no basis provided for a reduction of these fees in any particular amount. For these reasons, the request for a fee adjustment fails to demonstrate that a reduction in the transportation-related DIFs is warranted.

Open Space Acquisition DIF Waiver

With respect to the Open Space Acquisition DIF waiver request, the Arts Council believes there is no connection between the impacts of their project and the types of amenities/services funded by the fee. They assert that their use for the site, operated by a non-profit organization whose mission is to facilitate the enjoyment of the arts, would not directly impact park and recreation facilities. Instead, the Arts Council believes their new arts center would serve as a complement to the City's existing recreational facilities, as the new gallery spaces and studio/classrooms would provide both children and adults with additional recreational, educational and entertainment alternatives.

The Open Space Acquisition fee is used to help fund the acquisition of public open space only. Under the City's DIF program, the cost of providing improvements to public open space and park land is borne by residential development through the Park and Recreational Facilities DIF in recognition of the fact that commercial development (i.e., employees) accounts for a lower user demand on open space than residential uses. Open space is considered a necessary public service in order to accommodate both residential and nonresidential growth by providing land for residents and employees that is open to the public, has no buildings and is available for passive recreational use.

The Open Space Acquisition fee is tied to building square footage or coverage in order to allow for the acquisition/preservation of areas that have public value as open space and that can most effectively meet the public open space/recreational needs of the community while offsetting the allowances in the City's Zoning Code and General Plan for intensification of uses and development in other locations in the City, such as the Downtown "T". For this reason, there is an adequate nexus to justify the application of the Open Space DIF to the applicant's project.

With respect to the Arts Council's assertion that the new arts center would complement the City's recreational facilities as opposed to creating additional demand for open space/recreational facilities, it should be noted that the arts are not typically construed as a recreational amenity in the manner that the Open Space Acquisition fee is meant to address. The CVAC's interpretation of art as recreation is not accounted for in the Municipal Code, nor does it fit within the responsibilities of the City's Parks and Recreation Department which manages and plans for the City's recreational needs. However, the Council could consider, as a matter of policy, whether the activities and programs to be offered by the CVAC at the new Arts Center due to their public benefit, warrant a reduction or waiver of the Open Space Acquisition fee.

Parking Facilities DIF Waiver

In their letter, the Arts Council notes that as part of the Planning Commission's review of the project, they were granted a 30% reduction to their required amount of parking through the Parking Modification process for the Central Business Zone District (§14.54.040), thereby reducing their required amount of parking from 20 spaces to 14 spaces. Of the remaining 14, four would be provided onsite, leaving a deficit of 10 spaces for which the City's Parking Facilities DIF would apply. The Arts Council is requesting that the City Council waive the payment of fees for these 10 spaces as the Arts Council believes that their proposed comprehensive parking management plan would offset these remaining parking spaces. The plan includes such measures as holding larger events at 4:00 p.m. or later when there is less parking demand from other users and encouraging staff, volunteers, activity participants and visitors to utilize alternative means of transportation. The Arts Council also requests that the existing driveway apron and curb cut on Linden Avenue in front of the Arts Center be replaced with a new passenger loading zone to further reduce parking demands in the immediate adjacency of the new arts center.

The City's Parking Facilities DIF study properly allocates responsibility to new development to help alleviate potential parking shortages in the downtown. In its hearing on the project, the Planning Commission took into account the effectiveness of the outlined comprehensive parking management plan and relied in part on this same parking management plan to grant the applicant the 30% reduction to their required number of parking spaces. If parking DIFs were waived on the remaining 10 required spaces in recognition of this same parking management plan, this would essentially be granting the Arts Council "double credit" (actually more than double credit) for their parking management plan. Parking Management Plans are typically found to be capable of reducing parking demand by anywhere from five to 40% depending upon the elements of the plan, the targeted audience of the plan, and the effectiveness with which the plan can be implemented and enforced. If the fees for the remaining 10 spaces not provided onsite were waived in light of the parking management plan, this would require convincing proof that the parking management plan would reduce the Arts Center's parking demand by approximately 85%, far beyond the typical effectiveness limits of such plans. Because a clear nexus exists between the fee, the impacts created by the project, and the parking facilities to be financed by the fee, imposition of the parking DIF for the 10 required parking spaces is appropriate in this case.

The DIFs described above have been assessed on other recent projects in the City's commercial zones that have added square footage to, or intensified the use of, various buildings. The expansion of the arts center would result in both a new larger building and an increase in the intensity of use, and under such circumstances the Municipal Code regulations (§15.80.040) require that the DIF fees be paid: *"Any person who, after the effective date of the ordinance codified in this chapter, seeks to develop land within the city by applying for a development permit, is required to pay the appropriate development impact fees..."*

Presently the Arts Council is already benefitting from both the 50% temporary reduction to the Highway Interchanges and Bridges fee and the temporary reduction to the Parking Facilities fee as approved by the City Council and discussed earlier in this report. In addition, the Arts Council has already received a reduction to their required number of parking spaces from the Planning Commission. And finally, should the Arts Council elect to pay their DIFs during the 2011-2012 fiscal year, they would also benefit from an approximately 14% reduction to the total fee amount from what was estimated for their June 2011 Planning Commission hearing using the DIF rates in place during the last fiscal year.

For the Council to further reduce these fees, the City Council would need to find an absence of any reasonable relationship or nexus between the impacts of the new construction and the fees charged in order to grant a fee exemption or reduction. Staff's review and analysis of the applicant's letter does not find the necessary information that would provide the basis for determining a lack of nexus between the project and fees established through the City's DIF program (as discussed above). Moreover, as a practical matter, once the project is built and the 10-year contract term tied to the City's contribution to the initial purchase of the Arts Center property expires, the new building could become available for any use permitted under its zoning designation without triggering the payment of any additional Development Impact Fees.⁴ Given the above analysis, payment of the established fees for the proposed development is appropriate.

III. OPTIONS

The City Council may consider the following five options to respond to the request for a DIF waiver:

1. The City Council may determine that there is a nexus between the proposed development and its impacts to City services that are addressed by DIFs. In this case, the Council would deny the fee reduction and waiver requests and require the applicant to pay the full calculated DIF amount (staff's recommendation). Currently those fees are set at \$217,860.12.
2. The Council could adjust the DIF requirement by finding that lower traffic, employee density and/or parking generation rates are more accurate for the proposed use. Should it follow this option, the Council would need to reference evidence demonstrating the reasons why a fee adjustment is appropriate.

⁴ A change of use would not typically trigger Development Impact Fees unless the new use results in additional building square footage or an increased parking requirement beyond that provided onsite or previously credited through the payment of the Parking Facilities DIF or historic parking assessments.

3. The Council could determine that there is no nexus whatsoever between the approved arts center expansion and one or more of the City's DIFs. Again, such a decision would need to be based on substantial evidence.
4. The City's DIF ordinance does not provide an exception to or reduction of the obligation to pay DIFs for non-profit or community benefit projects. As a policy matter, the Council could determine that the Arts Center, as a use, is unique in its provision of public arts programs and services, and therefore merits an adjustment to some or all of the applicable fees. Or, the Council could direct staff to explore the creation of a general exemption or reduction for the application of DIFs to projects that, for example, provide certain community benefits. However, creation of such a general exemption could well require revision of the City's DIF program and underlying fee study, since the impact of such an exemption/reduction on the City's ability to provide necessary public improvements would have to be examined.
5. The Council could agree to donate funds to the CVAC to cover all or part of the requested fee waivers.

IV. FINANCIAL CONSIDERATIONS

Depending on the option chosen by the Council, the City would receive full or partial payment of Development Impact Fees that would assist in funding identified capital improvement projects in the City.

V. LEGAL ISSUES

Due to a misunderstanding on the noticing requirements for the fee adjustment request, this item was not properly noticed in sufficient time for it to appear on the July 25th City Council agenda as a matter for action. As such, for this hearing, the Council will be limited to receiving public comment on the matter and providing direction to staff as to how the Council wishes to proceed with respect to the fee adjustment requests. The item will return to the Council for the August 8 hearing at which time the Council will be able to make a final decision on the matter.

VI. ATTACHMENTS

- | | |
|-----------|--|
| Exhibit A | Carpinteria Arts Center Development Impact Fees Worksheet |
| Exhibit B | Letter dated June 14, 2011 from the Carpinteria Valley Arts Center |
| Exhibit C | Planning Commission Approved Building Plans, June 6, 2011 |

Exhibit A

Carpinteria Arts Center Development Impact Fees Worksheet

City Council Hearing
July 25, 2011

Project Fee Estimate	
Date:	7/6/2011
Project #:	Carpinteria Arts Council
Address:	855 Linden Avenue
Description New Multi-purpose Buidling : Art/Office/Classes	
Total Streets and Throughfare fees	\$10,764.00
Total Highway Interchanges and Bridges Fees	\$120,413.28
Total Traffic Control Fees	\$17,078.88
Total General Facilities and Equipment Fees	\$1,865.76
Total Storm Drainage Facilities Fees	\$453.80
Total Parkland Acquisition Fees	\$0.00
Total Quimby Fees	\$0.00
Total Parkland Improvement Fees	\$0.00
Total Aquatic Facilities Fees	\$0.00
Total New Construction tax Fees	\$322.92
Total Open Space Acquisition Fees	\$15,787.20
Total City DIF Fees.	\$166,685.84
Other Fees:	
Landscape Bond	\$500.00
FIRE Permit/Review Deposit	\$205.00
Parking Facilities (\$5,149.72 per space)	\$51,497.20
School District	
Total Fees	\$218,888.04

Tran Code (office use only)

6414
6409
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6419
6140
6421

6401

COMMERCIAL/RETAIL

Development Impact Fees Worksheet

7/1/2011

Proposed Land Use	Streets & Thoroughfares	Highway Interchanges & Bridges	Traffic Control	General Facilities	Storm Drainage (per acre)	TOTAL
Retail Commercial	1.50	16.78	2.38	0.26	11345.03	
Sq. ft.	7,176	7,176	7,176	7,176	0.040	
DIF Due	\$10,764.00	\$120,413.28	\$17,078.88	\$1,865.76	\$453.80	\$150,575.72
	6414	6409	6413	6408	6411	

City Of Carpinteria Parks and Recreation Fees For Open Space {Only}

Land Use	DIF Fee		Fee	
Retail Commercial	\$2.20	per sq. ft. of pad (=footprint)		\$2.20
			x sq. ft.	7,176
			= Total	\$15,787.20

City of Carpinteria - New Construction Tax

eff. 1/9/99

CMC 3.08.080	Retail Commercial			
		\$0.0450	per sq. ft.	
			x sq. ft.	7,176
			= Total	\$322.92

If unit is part of a subdivision paying Park and Recreation Fees, the unit is exempt from New Construction Tax

DIF Fee	\$150,575.72
Open Space DIF Fee	\$15,787.20
New Construction Fee	\$322.92
	\$166,685.84

Landscape Bond	(to be held for three years to ensure maintenance of landscaping)	\$0.00
FIRE Dist Deposit	\$205.00 1000 sq ft and above	\$0.00
	0 x building	

GRAND TOTAL DUE **\$166,685.84**

Exhibit B

DIF Reduction/Waiver Letter from the
Carpinteria Valley Arts Council
June 14, 2011

City Council Hearing
July 25, 2011

To: City of Carpinteria Planning Department

From: Carpinteria Valley Arts Council

Re: Revised Request for Reductions and Waivers of
Development Impact Fees (DIFs) for the Proposed
Carpinteria Arts Center

Date: June 14, 2011

The Carpinteria Valley Arts Council (CVAC) requests modifications to the development impact fees (DIFs) required by the City of Carpinteria for the proposed Carpinteria Valley Arts Center at 855 Linden Avenue.

A series of ordinances and resolutions adopted by the City Council require the payment of various DIFs. The current estimated fees for the Arts Center are as follows:

Development Impact Fee Type	Fee Amount
Streets and Thoroughfares	\$ 12,702
Highway Interchanges & Bridges	\$141,511
Traffic Control Facilities	\$ 20,093
General Facilities & Equipment	\$ 2,225
Storm Drainage & Facilities	\$ 533
Parks and Recreation	\$ 15,608
Parking	\$ 60,513
Fire District	\$ 15,992
Sanitary District	\$ 6,414
Water District	\$ 41,960
New Construction Tax	\$ 323
Landscape Bond	\$ 500

According to the City, a DIF may be reduced, adjusted, or waived if the applicant believes that there is no relationship between the impacts of the development and either the amount of the fee charged or the type of facilities to be constructed with the fee.

Therefore, CVAC is requesting a reduction of some fees and waiver of some others.

1. Reductions Requested:

CVAC requests a 60 percent reduction in the following DIFs:

- Streets and Thoroughfares
- Highway Interchanges and Bridges
- Traffic Control Facilities

CVAC requests these reductions because the new building will have minimal impact in these categories.

Justification for Reduction Request

The December 2008 Associated Transportation Engineers (ATE) Traffic and Parking Study commissioned by CVAC to assess the expected impact on traffic and parking concluded that the proposed site “would not generate significant impacts to the surrounding street network.” More specifically:

- The Arts Center is not expected to generate traffic during the a.m. peak hour period since the center would not open until 10:00 a.m.
- The Arts Center would generate four trips during the p.m. peak hour period, but this minor amount of traffic would not significantly degrade operations on the surrounding street network. Since the City’s threshold requires a minimum of five peak hour trips be added to critical intersections to generate a potentially significant traffic impact, there is insufficient impact during these time periods to assess a DIF.
- The Arts Center studios would not be used on Sundays.
- CVAC will hold large gallery and special events 4 p.m. and later when there is less traffic from other businesses.
- CVAC will actively encouraging staff, volunteers, activity participants, and visitors to use alternative means of transportation, thereby decreasing traffic impact. To this end, CVAC will provide shuttle service when a large special event occurs, thereby reducing traffic on the streets and encourage staff, visitors and volunteers to walk, bike ride, carpool, and use the electric shuttle.

Given this data, it seems reasonable and appropriate to request reductions in the DIFs for Streets and Thoroughfares, Highway Interchanges and Bridges, and Traffic Control Facilities.

2. Requested Waivers:

a. Parking and Recreation

CVAC requests a waiver of the Parking and Recreation DIF based on there being no connection between the impact of the development and the use of the fee.

Justification for the Waiver Request

The Arts Center is a not-for-profit charitable organization with the mission to facilitate the arts for the enjoyment of Carpinteria residents. It will not directly impact Park and Recreation sites.

The new facility will serve as a complement to the existing recreational facilities in the community. With its two exhibit galleries and working studios, the proposed building will provide adults and children with additional recreational, educational, and entertainment alternatives.

b. Parking

Since the submission of our original plan, the Planning Commission has granted a 30% reduction to the required amount of parking, thereby reducing the total number of required spaces from 20 to 14.

Of these 14 spaces, four are already provided onsite. Therefore, CVAC is now requesting a waiver of the requirement to pay DIFs for 10 spaces.

Justification for the Waiver Request

This request is based on an alternative plan to adding additional spaces; instead, CVAC is committed to decreasing the demand for parking spaces by implementing a comprehensive parking management plan.

This Parking Management Plan, much of which has already been implemented, includes but is not limited to, the following measures:

1. Holding large gallery openings and other special events at 4 PM or later when there is less parking demand from other businesses.

2. Encouraging staff, volunteers, activity participants, and visitors to use alternative means of transportation, thereby decreasing demand for parking. To accomplish this, CVAC will perform the following actions:
 - Issue event and gallery invitations encouraging visitors and studio participants to utilize alternative means of transportation (i.e., walk, bike ride, carpool, public transit, electric shuttle);
 - Attempt to hire staff and recruit volunteers that live within walking or cycling distance from the Arts Center;

Please note that CVAC's recently hired Director and Associate Director of our Art-by-the-Sea Summer Camp both live in Carpinteria and will be biking to work.

- Emphasize the use of alternative means of transportation in volunteer and staff meetings and training sessions;
- Provide shuttle and/or valet services during large events;
- Participate in events promoting alternative transportation for Arts Center staff, such as those organized by Traffic Solutions.

3. Additional Recommendation/Request

To further alleviate any changes in traffic on Linden Avenue, CVAC requests that the new parking space being created in front of the new Arts Center be used as a loading/unloading zone.

Conclusion:

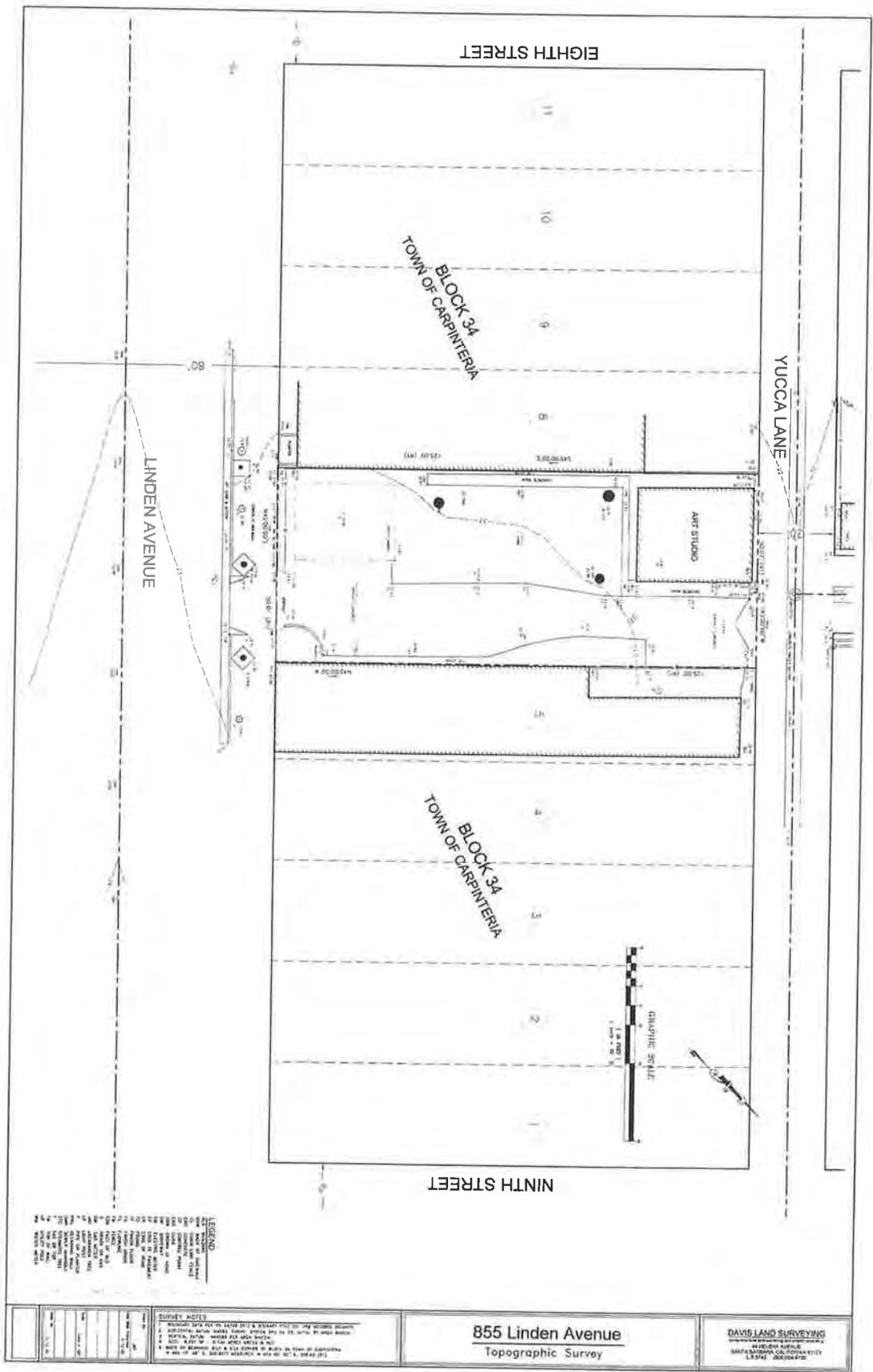
CVAC thanks you for consideration of these requests for fee reduction and waivers.

Raising the funds for the building will be a challenge, but the Arts Council is confident that the community will support fundraising efforts. The reduction and waiver of the required DIFs will help make the new Arts Center a reality.

Exhibit C

Approved Preliminary Architectural Plans

City Council Hearing
July 25, 2011



PRELIMINARY - NOT FOR CONSTRUCTION

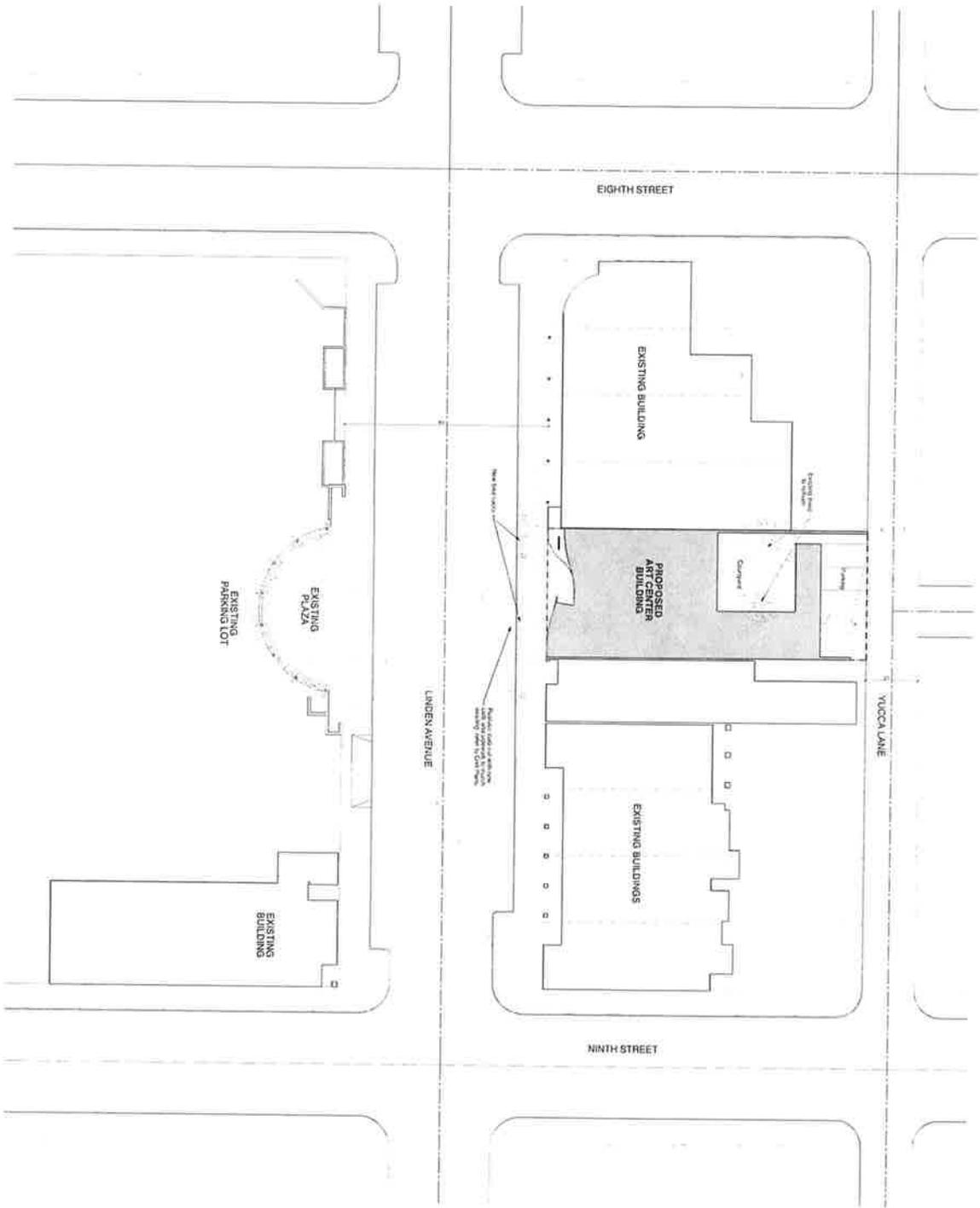
"THE WAVE" - CARPINTERIA ART CENTER
Carpinteria Valley Arts Council
855 Linden Avenue
Carpinteria, CA 93103



DATE: _____
DRAWN BY: _____
CHECKED BY: _____
APPROVED BY: _____
PROJECT NO.: _____
SHEET NO.: _____

TS.1

N
SITE PLAN
 SCALE 1/16" = 1'-0"



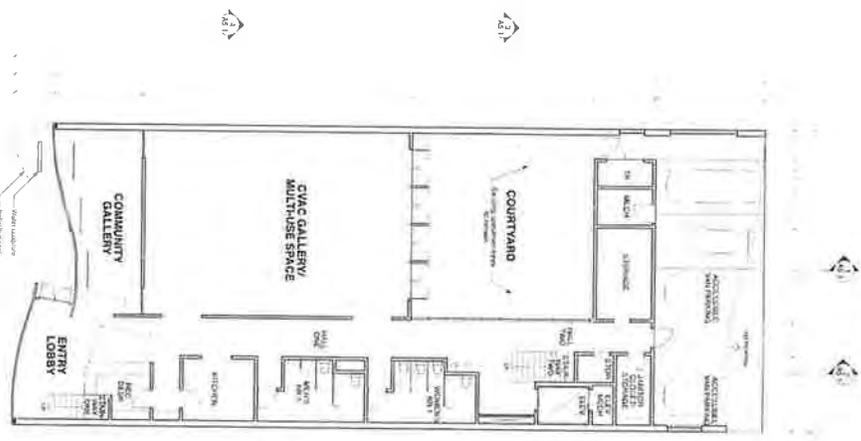
PROPOSED NOT FOR CONSTRUCTION

A0.1
 53

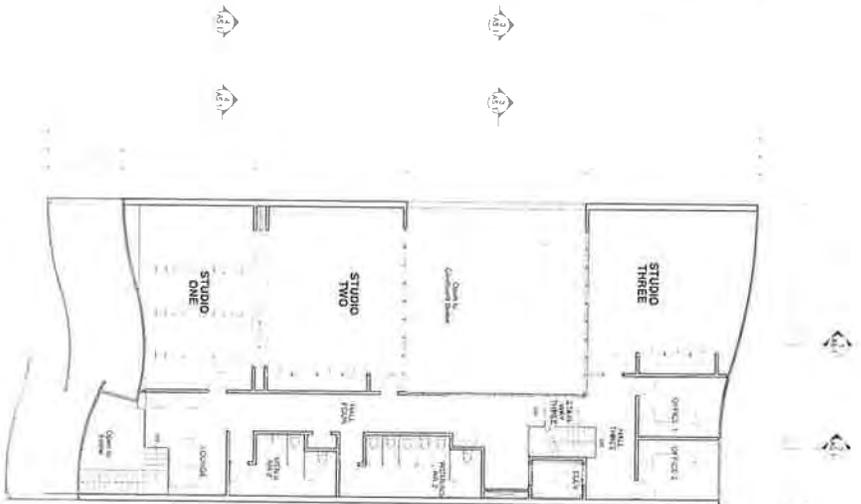
"THE WAVE" - CARPINTERIA ART CENTER
 Carpinteria Valley Arts Council
 855 Linden Avenue
 Carpinteria, CA 93103



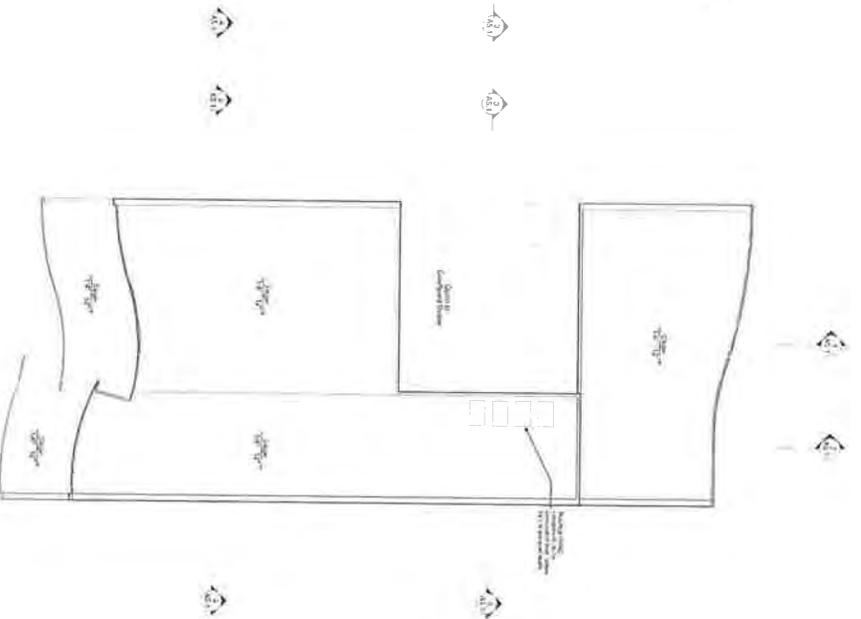
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

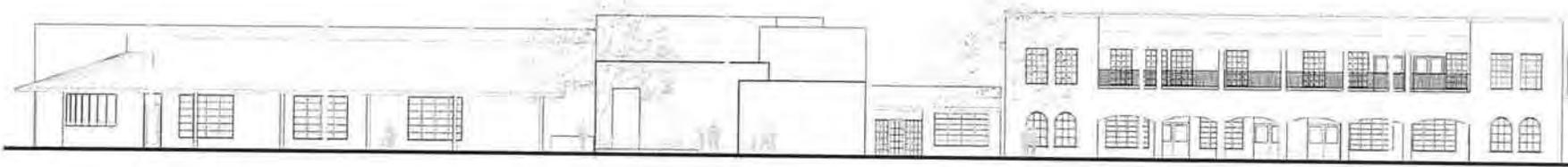


ROOF PLAN
SCALE: 1/8" = 1'-0"

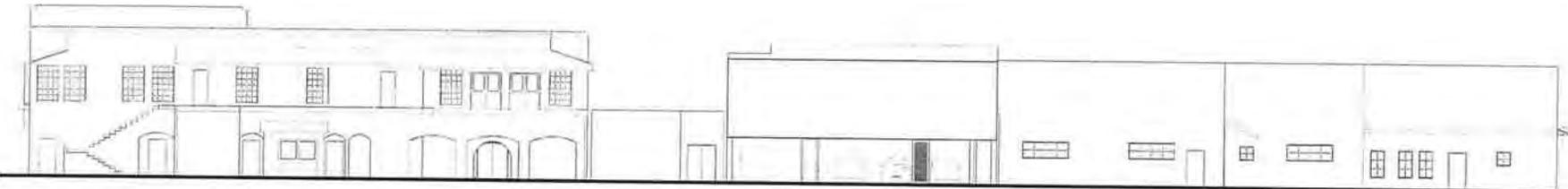


"THE WAVE" - CARPINTERIA ART CENTER
Carpinteria Valley Arts Council
855 Linden Avenue
Carpinteria, CA 93103





LINDEN AVENUE EAST ELEVATION
SCALE 1/8" = 1'-0"



YUCCA LANE WEST ELEVATION
SCALE 1/8" = 1'-0"

"THE WAVE" - CARPINTERIA ART CENTER
Carpinteria Valley Arts Council
855 Linden Avenue
Carpinteria, CA 93103

CONCEPTUAL
TO PERMIT
FOR PRELIMINARY
CLAIMS

DATE: 02-20

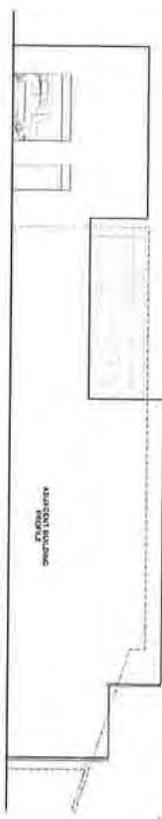
A3.1

← 2' 0" FINISH

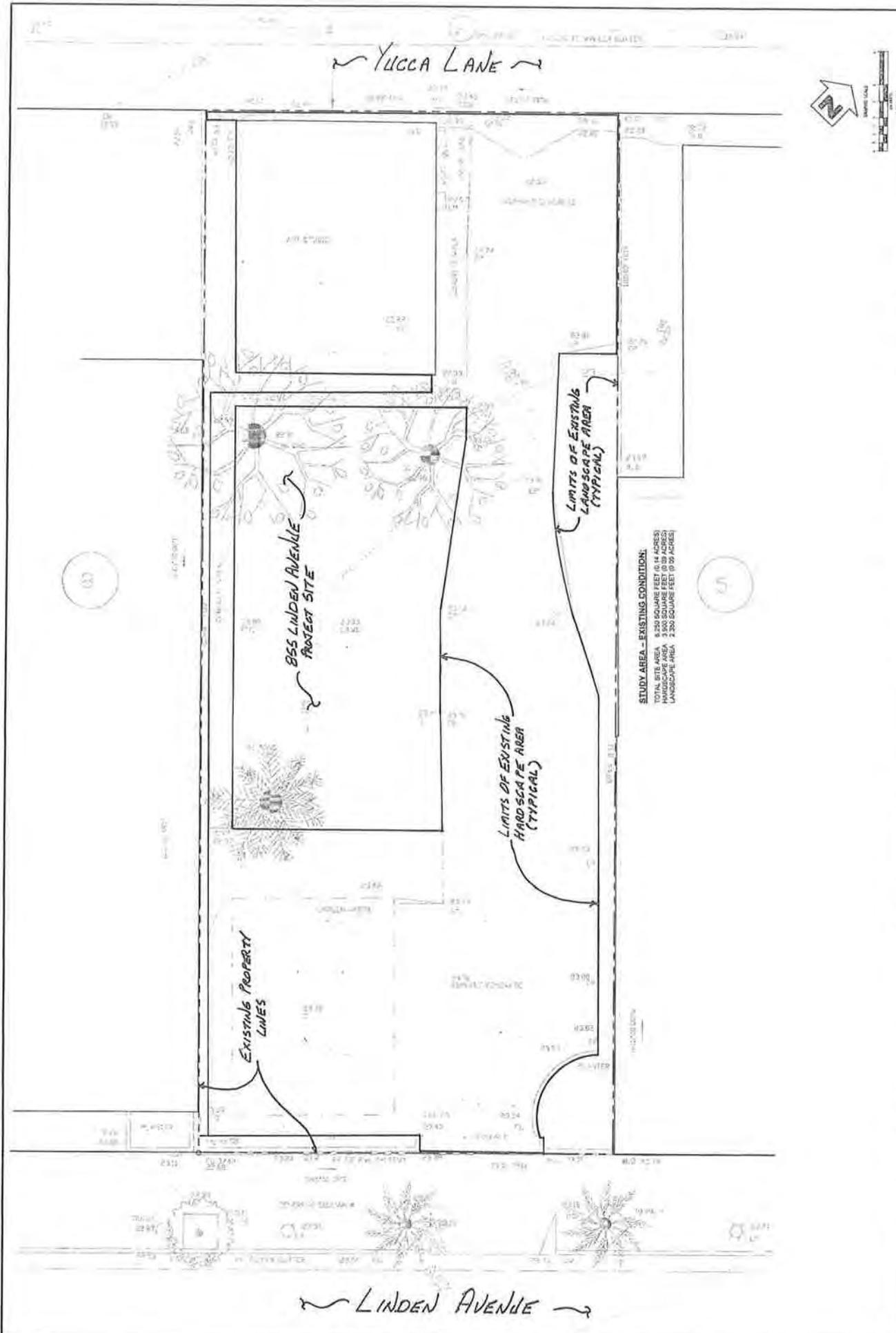


NORTH ELEVATION
SCALE: 1/8" = 1'-0"

← 2' 0" FINISH



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



YUCCA LANE

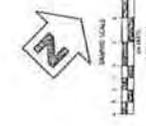
855 LINDEN AVENUE
PROJECT SITE

EXISTING PROPERTY
LINES

LIMITS OF EXISTING
LANDSCAPE AREA
(TYPICAL)

LIMITS OF EXISTING
LANDSCAPE AREA
(TYPICAL)

STUDY AREA - EXISTING CONDITION:
TOTAL SITE AREA 8,200 SQUARE FEET (0.14 ACRES)
HANDSCAPE AREA 3,500 SQUARE FEET (0.06 ACRES)
LANDSCAPE AREA 2,300 SQUARE FEET (0.04 ACRES)



		Michael Vittono Civil Engineering 188 S. W. 10th St., Suite 101 Pompano Beach, FL 33062 Phone: 954-944-1111 Fax: 954-944-1112 DATE:	
EXHIBIT MAP I - EXISTING CONDITIONS THE WAVE-CARPINTERIA ART CENTER CARPINTERIA VALLEY ARTS CENTER 855 LINDEN AVENUE, CARPINTERIA, CA 91013		DRAWN BY: _____ CHECKED BY: _____ DATE: _____	DATE: _____

YUCCA LANE



855 LINDEN AVENUE PROJECT SITE



EXISTING PROPERTY LINES

STUDY AREA - PROPOSED CONDITION:
 TOTAL SITE AREA: 8,300 SQUARE FEET (0.19 ACRES)
 HARDSCAPE AREA: 5,800 SQUARE FEET (0.13 ACRES)
 LANDSCAPE AREA: 2,500 SQUARE FEET (0.06 ACRES)

LINDEN AVENUE

E-2

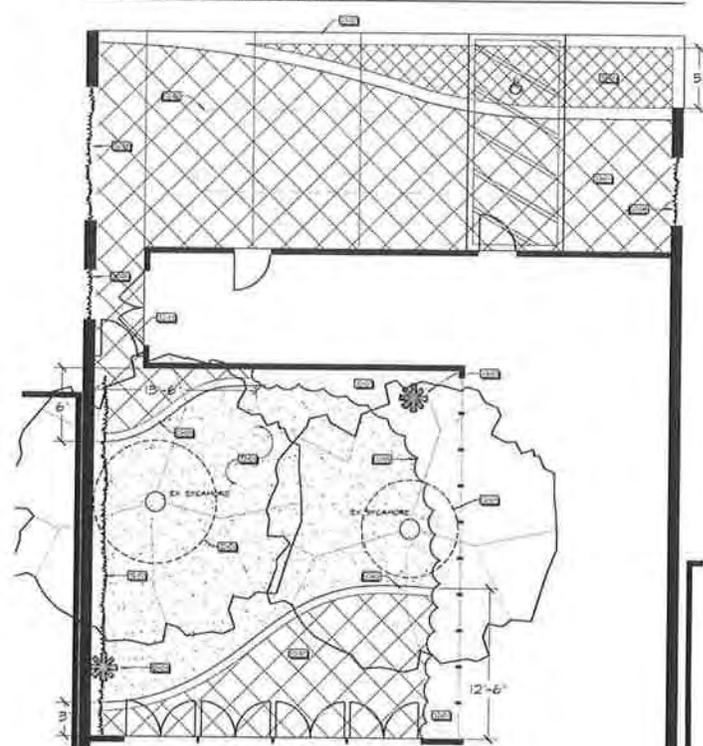
Michael Viettone Civil Engineering
 1000 S. GARDEN AVENUE, SUITE 100
 ANAHEIM, CALIFORNIA 92805
 PHONE: (714) 933-1111 FAX: (714) 933-1112
 WWW: MICHAELVETTONECIVIL.COM

EXHIBIT MAP 2 - PROPOSED CONDITIONS
 THE WAVE-CARPINTERIA ART CENTER
 855 LINDEN AVENUE, CORPORA, CA 92603

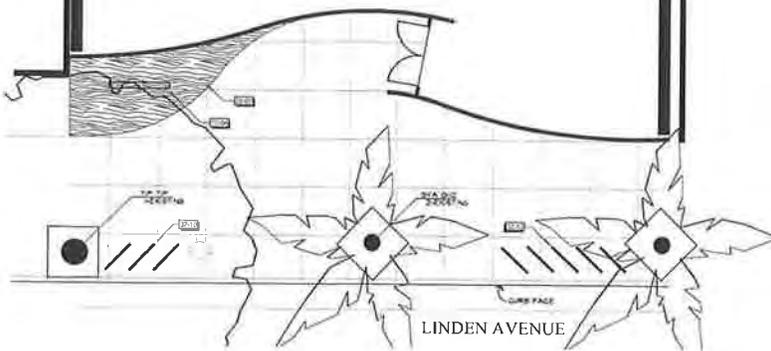
DESIGNED BY	DATE	REVIEWED BY	DATE
DRAWN BY	DATE	REVIEWED BY	DATE

NO.	REVISION	DATE

PRELIMINARY LANDSCAPE PLAN



LIVING WALL EXAMPLE (VANCOUVER AQUARIUM)

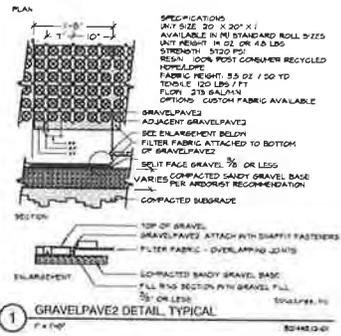


REFERENCE NOTES SCHEDULE

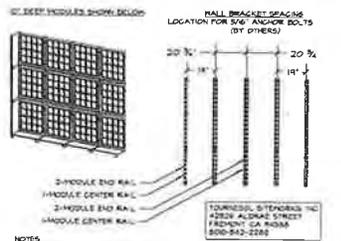
SYMBOL	DESCRIPTION	QTY
02	PROTECT EXISTING SYCAMORE TREES. USE PROTECTIVE FENCING PER ARBORIST'S RECOMMENDATION. DO NOT CUT ROOTS WITHOUT ARBORIST'S APPROVAL. AVOID ANY COMPACTION SPREAD ROOTS PER ROOTS PLAN.	QTY
03	CONSTRUCT REINFORCED CONCRETE PAVING ON GRAVEL BASE PER STRUCTURAL ENGINEER'S RECOMMENDATIONS. CLEAR OF TREE ROOTS.	434 SF
04	CONSTRUCT REINFORCED CONCRETE BAND.	81 LF
05	CONSTRUCT REINFORCED CONCRETE BASE FOR FOCAL / ROTATING ART EXHIBIT. PROVIDE LIGHT PER ARCHITECT'S PLAN.	
02	CONSTRUCT GRAVELPAVE 3/8" SPLIT-FACED GRAVEL ON GEOTEXTILE STRUCTURAL MATRIX. ADA COMPLIABLE GRAVEL COLOR TO BE DETERMINED SEE MANUFACTURER'S DETAIL (THIS SHEET).	504 SF
06	CONSTRUCT VERTICAL LIVING WALL (80% X 20%) POINT TO CIVIL WALL. DRAINAGE TO BE INTO SITE DRAINAGE PER CIVIL ENGINEER. SEE MANUFACTURER'S DETAIL FOR IRIGATION / IRRIGATION DETAIL (THIS SHEET). SEE PRELIMINARY PLANT LIST.	
07	CONSTRUCT REFLECTING POOL PER ARCHITECT.	
08	CONSTRUCT WATER SCULPTURE PER ARCHITECT.	
09	CONSTRUCT PERMEABLE PAVING.	22 SF
10	CONSTRUCT GREEN SCREEN (75% LATTICE PER MANUFACTURER'S DRAWINGS. PROVIDE PLANTER ROCKETS. SEE PRELIMINARY PLANT LIST.	
11	PLANTING AREA. SEE PRELIMINARY PLANT LIST.	
12	CONSTRUCT STORM-WATER POLLUTION / DETENTION / STORAGE SYSTEM PER CIVIL ENGINEER.	
13	ADD STONE HEADER. USE LOCAL BEACH COBBLES. SIZE VARIES. 3-8" DIAMETER.	
14	PROVIDE (2) PERMANENT CUSTOM BIKE RACKS ANCHORED TO SIDEWALK. COLOR AND STYLE TO BE DETERMINED.	
15	PROVIDE GATE WITH LOCK. STYLE COLOR & FINISH TO BE DETERMINED.	

PLANT SCHEDULE

TREES	REMARKS TO REMAIN	QTY
PLATANUS RACEMOSA / EX CALIFORNIA SYCAMORE	REMARKS TO REMAIN	01
STREET TREES	REMARKS TO REMAIN	
STYRACIS RHINOZANTHIFERA / EX GREEN PALM	REMARKS TO REMAIN	
TRIFOLIUM TROPICUM / EX TROPICAL TREE	REMARKS TO REMAIN	
SHRUBS	REMARKS TO REMAIN	
DIANELLA FAJANINGIA / PLAIN LILY	REMARKS TO REMAIN	
LEPTOSYRIS GONCHONENSIS / SAVANNA PRINCE / NATIVE BLUE BIRD	CALIF. NATIVE	
RIBES VIBRANTEUM SPICIFLORUM / RED / SHALBUSH EVERGREEN (GRAB)	CALIF. NATIVE	
LIVING WALL	REMARKS TO REMAIN	
BROMBELIA NEOVEGETA / HEART OF PLUME	CALIF. NATIVE	
CAREX TUCKERIANA / BERBERIS SEDGE	CALIF. NATIVE	
DIANELLA CAESULEA / CASSA BLUE / BLUE PLAIN LILY	CALIF. NATIVE	
PERSEA CALIFORNICA / CALIFORNIA FIG	CALIF. NATIVE	
HELIOPSIS SCABRA / SILVER ALUM ROOT	CALIF. NATIVE	
HELIOPSIS SCABRA / PALACE PURPLE / PALACE PURPLE CORAL BELLS	CALIF. NATIVE	
LYROPSIS VULGARIS / LILY TURT	CALIF. NATIVE	
POLYPODIUM CALIFORNICUM / CALIFORNIA POLYPODIUM	CALIF. NATIVE	
POLYPODIUM HEATHI / HEATHER SWORD FERN	CALIF. NATIVE	
SALVIA SPATHACEA / HARMONY BIRD BASK	CALIF. NATIVE	
SATUREIA DOUGLASSII / YERBA BUENA	CALIF. NATIVE	
SYMPHYCARPUS MOLLE / CREEPING SPOONBERRY	CALIF. NATIVE	
VERONICA LACINIOSA / LA CUCARACHA / LA CUCARACHA	CALIF. NATIVE	
ZANONIA CALIFORNICA / CALIFORNIA FIG	CALIF. NATIVE	
VINE/SPECIAL	REMARKS TO REMAIN	
HARDYBERBERIS VILLOSA / CAMELWOOD / PURPLE VINE / LAZ	ON GREEN SCREEN TRELLIS	



1 GRAVELPAVE2 DETAIL TYPICAL 1/4" = 1'-0"



2 MODULAR GREENWALL SYSTEM 3/8\"/>

PROGRESS PRINT - NOT FOR CONSTRUCTION