

**ATTACHMENT 9**

**Ordinance Amending Ordinance 4650 – In-Lieu Parking Fee Program**

## ATTACHMENT 9

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 4650, WHICH ESTABLISHED AN IN-LIEU PARKING FEE PROGRAM FOR THE COMMUNITY MIXED USE ZONING DISTRICT IN THE ISLA VISTA MASTER PLAN AREA, BY UPDATING THE IN-LIEU FEE PROGRAM.

Case No. 15ORD-00000-00010

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

### **SECTION 1:**

This ordinance updates the in-lieu fee program in the Community Mixed Use Zoning District in Isla Vista previously established in Ordinance No. 4650, passed and adopted August 28, 2007. Fees pursuant to this ordinance shall become a part of a Parking Fund and shall be used for parking and transportation improvements.

### **SECTION 2:**

Section 2, In-Lieu Fee Program, of Santa Barbara County Ordinance No. 4650 is amended to read as follows:

#### **SECTION 2: IN-LIEU FEE PROGRAM**

- A. Eligible Properties.** All properties within the Community Mixed Use Zoning District shall be eligible to participate in the In-Lieu Fee Parking Program. Notwithstanding the above, the program may be suspended by the Director of Planning and Development if he or she determines that the County is not able to find or develop adequate alternative parking facilities to fulfill the goals of this program.
- B. Fee Collection process.** Fees for all development projects participating in the In-Lieu Fee Parking Program shall be paid to the County prior to zoning clearance.
1. Upon receipt of the fee the County shall place the fee in a parking fund reserved for uses consistent with this ordinance.
  2. The County will maintain a record of all properties that have met their required parking space obligation by paying the appropriate fee for the spaces.
  3. Payment of this fee does not guarantee that parking spaces will be constructed for the sole use of or in the immediate proximity of that development.
  4. This fee will not supersede mitigations for immediate direct impacts determined through a project's environmental process.
- C. Amount of Fee.**
1. The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the Board of Supervisors, but in no case shall the fee exceed the estimated current cost to the County of providing required parking spaces to serve the contemplated use. The resolution may include allowances to increase the fee based on an

established cost index.

2. Fees paid in accordance with this ordinance are collected to fund a general public parking program serving the Community Mixed Use Zoning District in Isla Vista and are not intended for any specific improvement project. The fees paid shall be the most current fees as established by the Board.

**D. Change or Cessation of Ownership and/or Use.** The following apply to changes in use, ownership and development of properties for which in-lieu parking fees have been used to satisfy parking requirements pursuant to this Ordinance.

1. Any satisfaction of parking requirements through the payment of fees under this Ordinance shall continue to apply to the subject property in the event of a change in ownership.
2. Any change of use of a property, or building addition or redevelopment of a site, that requires more parking may trigger additional parking requirements. The number of spaces required by the change in use shall be the difference between the number required by the new use or structure and the number required by the previous use or structure.
3. If a structure is reduced in area, or wholly or partially becomes vacant, or a use is replaced with a use for which less parking is required according to the zoning regulations, there shall be no change in the obligation for parking in-lieu fees. There shall be no refund of in-lieu parking fees. Once satisfied, the obligation for parking in-lieu fees shall be deemed to meet the parking requirement equal to or less than that for which the in-lieu fee amount was previously determined.

**E. Use of Fee.** The fees collected shall be used for the following purpose: to construct, maintain, or provide new public parking spaces within, or for the direct benefit of the Community Mixed Use Zoning District in Isla Vista. Eligible projects include:

1. Purchase of land for parking
2. Construction of a parking structure or surface parking lot
3. Conversion of existing private parking spaces to publicly available spaces
4. Maintenance of public parking created through this program
5. Funding of parking program enforcement activities
6. Bicycle parking
7. Other items for parking and transportation improvements as deemed appropriate by the ~~Executive Director of the Santa Barbara County Redevelopment Agency~~ Director of Planning and Development.

**F. Trust Fund.** An interest-bearing trust fund shall be maintained exclusively for the Parking Fund. These trust funds and interest earned by these trust funds shall be used solely for improvements identified in Section E: Use of Fees.

**H. Termination.** If this fee program is terminated, any excess funds collected prior to dissolution of

this fee program shall be used for those purposes identified in Section E of this Ordinance.

- I. Other applicable sections of County Code. This article does not supersede, replace, or invalidate other applicable sections of other County Ordinances or the County Code.

### **SECTION 3**

Except as amended by this Ordinance, Ordinance No. 4650 shall remain unchanged and shall continue in full force and effect.

### **SECTION 4:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
PETER ADAM  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MONA MIYASATO  
County Executive Officer  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
County Counsel

By   
Deputy County Counsel