

**ORDINANCE NO. 05-331**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS ADDING SECTION 9497.3 OF PART 10 OF CHAPTER 4 OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO THE AGOURA VILLAGE COST RECOVERY FEE**

The City Council of the City of Agoura Hills does ordain as follows:

**SECTION 1.** Section 9497.3 of Part 10 of Chapter 4 of the Agoura Hills Municipal Code is hereby added to read:

**“9497.3. Agoura Village Cost Recovery Fee.**

- A. Purpose and Overview.** The purpose of the Cost Recovery Fee is to allow the City of Agoura Hills to recover the costs for preparing and implementing the Agoura Village Specific Plan, as well as other various related planning and environmental costs. The Agoura Village Specific Plan addresses the need to create a mix of uses that offer a town center and a pedestrian-friendly environment at a key location in the City, and results in enhanced public facilities and design features within the Agoura Village area. Since all property owners within the project area will benefit from these enhancements, the processing costs will be spread equitably among all property owners.
  
- B. Applicability.** The applicant for any building permit and/or discretionary land use permit for new construction on property located in whole or in part within the Agoura Village Specific Plan zone shall pay the Agoura Village Cost Recovery Fee at the same time and in the same manner as building permit and other development fees
  
- C. Agoura Village Reimbursable Expenditures.** As shown in Table 1, the costs to be recovered are estimated at \$497,731, and include the costs of preparing and implementing the Strategic Action Plan, costs for design assistance and financial plan preparation, and costs for roundabout design and traffic engineering. The costs to be recovered are documented and such documentation is on file in the Department of Community Development.

**Table 1  
AGOURA VILLAGE STRATEGIC ACTION PLAN  
REIMBURSABLE EXPENDITURES**

Use	Amount	Time Period
Strategic Plan Preparation	\$271,481	June 2003-2005
Strategic Plan Implementation	\$30,000	FY 2003-2005
Additional Amount for EIR	\$131,950	FY 2003-2005
Design Assistance and Financial Plan Preparation	\$55,000	FY 2004-2005
Roundabout Design	\$7,500	n/a
Traffic Engineer	\$1,800	n/a
<b>Total</b>	<b>\$497,731</b>	

Source: City of Agoura Hills, March 10, 2005

**D. Agoura Village Description.** The land uses utilized in the EIR are summarized in Table 2. As shown, there is an estimated 846,208 square feet included in the Agoura Village project development. The area encompasses about 98 acres, of which about 40 acres is developable. This represents the total square feet under build out conditions. About 32 percent of the land use is allocated to residential use, with about 68 percent to retail use.

**Table 2  
AGOURA VILLAGE SPECIFIC PLAN  
DEVELOPMENT POTENTIAL BY LAND USE**

Land Use	Total Square Feet	Percent
Residential	270,250 sq. ft.	32%
Office/Retail/Restaurant	<u>575,958</u> sq. ft.	<u>68%</u>
<b>TOTAL</b>	<b>846,208 sq. ft.</b>	<b>100%</b>

**E. Allocation Methodology.** Fees have been estimated by spreading the costs on an equitable basis using square footage. Fee allocation based on square footage provides a more equitable distribution of costs than fee allocation based on developable acreage. The estimated costs of \$497,731 have been allocated over the different square footages estimated for Agoura Village. The cost recovery fee based on square footage is estimated at \$0.5882 per square foot.

**Table 3  
AGOURA VILLAGE SPECIFIC PLAN  
ESTIMATED COST RECOVERY PROCESSING FEES<sup>1</sup>**

Per Building Square Foot	Building Sq. Ft.	Allocated Cost/Sq. Ft.	Allocated Cost <sup>2</sup>
Residential	270,250	\$0.5882	\$158,934
Office/Retail	<u>575,958</u>	<u>\$0.5882</u>	<u>\$338,721</u>
<b>TOTAL</b>	<b>846,208</b>	<b>\$0.5882</b>	<b>\$497,655</b>

1. Based on estimated costs of \$497,731

2. Reflects rounding.

Source: City of Agoura Hills

**SECTION 2.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

**SECTION 3.** The City Clerk shall publish and cause notice of this ordinance to be given according to law.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Ed Corridori, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk