

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AGOURA HILLS ESTABLISHING A FEE SCHEDULE
PURSUANT TO THE INCLUSIONARY HOUSING ORDINANCE**

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES,
AND ORDERS AS FOLLOWS:

WHEREAS, the Inclusionary Housing Ordinance (Municipal Code section 9133 et seq.) requires developers of residential projects to include affordable housing units in the project or, in some cases, to pay a fee in-lieu of including the units;

WHEREAS, Municipal Code Paragraph A of Subsection 9133.6 provides that the City Council shall adopt a resolution setting forth the amount of the fee. The fee shall reflect the average estimated cost of otherwise providing the required affordable housing units;

WHEREAS, RSG Inc., a consulting firm commissioned by the City to study housing affordability in Agoura Hills, issued a study in March 2008 addressing the relatively high gap between market rate prices and rents for housing units in the City and prices and rents affordable to very low, low and moderate income households, as well as a detailed analysis for the estimated construction funding deficit (gap) related to constructing the affordable housing units on site. The study included a proposed per unit in lieu fee amount for ownership projects and rental projects to reflect 100% of the identified housing affordability gap based on the estimated construction funding gap to develop the inclusionary units;

WHEREAS, the fees will be placed in the City's Inclusionary Housing Trust Fund and used exclusively for the development of affordable housing within the City;

WHEREAS, there is a reasonable relationship between the need for affordable housing and the impacts of market-rate housing development within the City. There is also a reasonable relationship between the fee's use and the impacts of market-rate housing development. Development of new market-rate housing encourages new residents to move to the City and place increased demands on services provided by both the public and private sectors. Some of the public and private sector workforce employees needed to meet the needs of the new residents earn incomes that only allow the employees to be able to afford very low, low or moderate income housing. This type of affordable workforce housing is in very short supply within the City. The fees will be used to help increase the supply of affordable workforce housing in the City;

WHEREAS, a public hearing was duly held on _____, 2008, at 7:00 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the aforesaid was duly given.

WHEREAS, evidence, both written and oral, was duly presented to and considered by the City Council at the aforesaid public hearing.

WHEREAS, the provisions of the Municipal Code amendments and fee schedule resolution contained herein have been reviewed and considered by the City Council in

accordance with the provisions of the California Environmental Quality Act (CEQA), as amended, and the CEQA Guidelines promulgated thereunder. This fee schedule resolution is not considered a project under CEQA, per Section 15378(b)(4), since it includes the creation of a government funding mechanism that does not involve any construction of a specific project that may result in a potentially significant impact on the environment.

NOW, THEREFORE, the City Council of the City of Agoura Hills resolves as follows:

1. Municipal Code section 9133 provides in part that the developer of a Residential Development of 10 or more units has the option of providing an affordable unit on site or paying an in-lieu fee. The amount of the in-lieu fee shall be based on the following per unit fee schedule. The total amount of the in-lieu fee is determined by identifying the total number of market rate units in the project multiplied by the applicable ownership or rental in-lieu fee amount.

Ownership Projects Fee Amount:	\$21,821 per Market Rate Unit
Rental Projects Fee Amount:	\$15,313 per Market Rate Unit

The foregoing formula and fee schedule shall also be used to determine the requisite value of land that may be donated as an alternative to providing the affordable units, in whole, on site pursuant to Municipal Code paragraph B of subsection 9133.6.

2. Municipal Code subsection 9133.6 provides that the inclusionary requirement may be fulfilled in whole or in part, by (B) donation of land, and (C) in-lieu fee payment. If the requirement is satisfied in part on site, the fee schedule for calculating the in-lieu fee payment for remaining requirement for the income category units not developed onsite shall be as follows:

Very Low-Income Rental Units:	\$149,350 per each required inclusionary unit.
Low-Income Rental Units:	\$132,935 per each required inclusionary unit.
Moderate-Income Rental Units:	\$ 8,215 per each required inclusionary unit.
Very Low-Income Ownership Units:	\$213,810 per each required inclusionary unit.
Low-Income Ownership Units:	\$145,337 per each required inclusionary unit.
Moderate-Income Ownership Units:	\$ 54,465 per each required inclusionary unit.

The foregoing fee schedule shall also be used to determine the requisite value of land that may be donated as an alternative to providing the affordable units, in part, on site pursuant to Municipal Code paragraph B of subsection 9133.6.

3. The foregoing formula will be reviewed and the in-lieu fee amounts re-established if necessary, within an eighteen (18) month period from the date this Resolution is adopted, and thereafter, a minimum of every five years, coinciding with the Housing Element update.

4. Effective Date. The fees specified in this Resolution shall take effect thirty (30) days following the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2008, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

