

RESOLUTION NO. 2015-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA APPROVING THE AFFORDABLE WORKFORCE HOUSING FEE NEXUS STUDY AND FEE RECOMMENDATION AND ADOPTING A HOUSING IMPACT MITIGATION FEE SCHEDULE FOR ALL DEVELOPMENT WITHIN THE TOWN OF MAMMOTH LAKES

WHEREAS, on October 4, 2000, the Town Council approved Ordinance 00-10, adopting Affordable Housing Mitigation Regulations, Municipal Code Chapter 17.36; and

WHEREAS, on July 21, 2004, the Town Council approved Ordinance 2004-13, repealing and restating Affordable Housing Mitigation regulations, Municipal Code Chapter 17.36; and

WHEREAS, on August 16, 2006, the Town Council adopted Ordinance 06-09 amending Affordable Housing Mitigation regulations, Municipal Code Chapter 17.36; and

WHEREAS, on November 18, 2009, the Town Council adopted Resolution 09-76 establishing an Interim Affordable Housing Mitigation Policy, which was amended by Resolution 14-54; and

WHEREAS, the Town's General Plan Community Vision states, "Mammoth Lakes places a high value on adequate and appropriate housing that residents and workers can afford"; and

WHEREAS, the Town Council adopted the Town of Mammoth Lakes Housing Element Update 2014-2019 on June 18, 2014 which includes goals, policies, and actions related to updating housing mitigation requirements; and

WHEREAS, the Town Council adopted the Housing Ordinance Update on June 3, 2015 (Ordinance 15-03), which rescinds Resolution 09-76 and Resolution 14-54 (Interim Affordable Housing Mitigation Policy) and repeals and restates Municipal Code Chapter 17.136 (Housing), which includes the establishment of housing impact mitigation fees pursuant to Section 17.136.040; and

WHEREAS, the Town Council commissioned a nexus study to be prepared to analyze whether there is a reasonable relationship between the development of market rate residential and non-residential development and the need to provide workforce housing; and

WHEREAS, the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation, dated June 5, 2015 (Exhibit "A"), was prepared by AECOM Technical Services, Inc. in coordination with the Town and was published and made publicly available on June 5, 2015; and

WHEREAS, the Town Council conducted a noticed public hearing on the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation and Housing Impact Mitigation Fee Schedule on June 17, 2015, at which time all those desiring to be heard were heard; and

WHEREAS, Affordable Workforce Housing Fee Nexus Study and Fee Recommendation, the Housing Impact Mitigation Fee Schedule, and the Housing Impact Fee Fund shall be reviewed on a five year basis at minimum consistent with the Mitigation Fee Act (Government Code §66001(d)) and updated as necessary consistent to the Mitigation Fee Act; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are true and correct.
2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council makes the following findings:

The proposed approval of the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation and the establishment of a Housing Impact Mitigation Fee Schedule is not a project as defined by CEQA Section 21065 and State CEQA Guidelines Section 15378(b)(4), as it relates to the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

4. Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the following findings:

The proposed approval of the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation and the establishment of a Housing Impact Mitigation Fee Schedule is consistent with Municipal Code Section 17.136.010 to mitigate the impacts of market rate residential and non-residential development on the need for workforce housing in the town through the imposition of workforce housing requirements, and Section 17.136.040 which includes the establishment of housing impact mitigation fees.

5. Pursuant to the requirements of the Mitigation Fee Act, the Town Council makes the following findings:
 - a. The proposed approval of the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation and the establishment of a Housing Impact Mitigation Fee Schedule is consistent with the requirements applicable to the establishment of fees in California Government Code Section 66000 et seq., commonly referred to as the Mitigation Fee Act.
 - b. The purpose of the fee is to mitigate workforce housing needs generated by new development.
 - c. The Affordable Workforce Housing Fee Nexus Study and Fee Recommendation, dated June 5, 2015 (Exhibit "A"), demonstrates that there is a reasonable relationship (nexus) between future residential and non-residential development that occurs in the town and the need for additional housing that is affordable for the workforce as a result of new development.
 - d. The Affordable Workforce Housing Fee Nexus Study and Fee Recommendation, dated June 5, 2015 (Exhibit "A"), demonstrates that there is rough proportionality between future residential and non-residential development that occurs in the town and the recommended housing impact fees for additional housing that is affordable for the workforce as a result of new development.
 - e. The fees identified in the Housing Impact Mitigation Fee Schedule, Exhibit "B", will be used to mitigate the workforce housing needs generated by new development through various housing programs, activities, and project provided by the Town, Mammoth Lakes Housing, Inc., and other programs and service providers.

6. The Town Council approves the Affordable Workforce Housing Fee Nexus Study and Fee Recommendation, dated June 5, 2015, attached hereto as Exhibit A, with the following modifications:
 - a. Page 3, Footnote 1 & Page 13, Footnote 12: The Kitzbuhl Apartments are restricted to 100% AMI (not 60% AMI or below). Therefore, these footnotes will be replaced with the following: "*In the past, private developers have produced approximately 27.5% of units at or below 60% AMI in Mammoth Lakes as mitigation. This does not include the 4.4 acres of Resort property deeded to the Town from the Dempsey Construction Corporation for workforce housing (Aspen Village Townhomes and Apartments). Sources: Economic & Planning Systems, Inc. Mammoth Lakes Economic Forecast and Revitalization Strategies, 2011; MLH Deed Restriction Count, 2015.*"
 - b. Page 6, first line will be revised as follows: "...in a 2-bedroom unit (the AMI for a 3-person household in Mono County is approximately 90% of the 4-person AMI in Mono County)."

- c. Page 13, replace first complete sentence with the following: “No vote is required to initially form an EIFD, but a 55% vote is required for bond issuance.”
 - d. Appendix Table 4, Footnote 4 and Note & Appendix Tables 5-8, Footnote 2 and Note: Change 1.57 workers per household to 1.59 workers per household.
- 7. The Town Council adopts the Housing Impact Mitigation Fee Schedule, attached hereto as Exhibit B.
 - 8. The Housing Impact Mitigation Fee Schedule shall be effective no earlier than 60 days following adoption by Town Council (Government Code §66017(a)) and no earlier than the effective date of Ordinance 15-03, Housing Ordinance Update.
 - 9. The documents and other materials that constitute the record of proceedings upon which the Town Council’s decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Jamie Gray, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 17th day of June, 2015

Jo Bacon, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT "A"
Resolution No. TC-15-

**AFFORDABLE WORKFORCE HOUSING FEE NEXUS STUDY
AND FEE RECOMMENDATION**

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EXHIBIT “B”
Resolution No. TC-15-

HOUSING IMPACT MITIGATION FEE SCHEDULE

The Housing Impact Mitigation Fee Schedule set forth below is established pursuant to Municipal Code (MC) 17.136, Housing (Ordinance 15-03). Housing Impact Mitigation Fees apply to new development, non-residential additions, and conversions of uses that are not exempt pursuant to MC 17.136.100. Credit for housing mitigation may be applied consistent with MC 17.136.030.B.

Use Category	Use Types¹	Fee^{2,3}	Additional Information
Residential	Single family homes, multi-family (MF) units	\$7,300 per unit	Exemptions include additions, RMF-1 Zone MF projects of 4 or fewer units where average habitable s.f. does not exceed 1,300 per unit ⁴ , legal secondary units, and apartments
Lodging	Hotels, motels	\$3,700 per room	Room = a hotel or motel key Fee includes accessory uses in a lodging project (e.g., retail, restaurant, conference, etc.)
Retail/ Restaurants	General retail, bar, cafés, restaurants, coffee shops	\$2 per gross square foot	Any non-residential development that would not contribute new demand for employment or housing (e.g., replacement of an existing use or addition on non-habitable s.f.) or would generate no more than one total new employee is exempt
Office	Offices providing accounting, advertising, architectural, counseling, research, graphic design, interior design, legal, and/or similar services	\$2 per gross square foot	
Light Industrial	Manufacturing, recycling facility	\$1 per gross square foot	
Service Uses	Banks, day care centers, maintenance services, medical services, personal services	\$2 per gross square foot	

¹ Use types identify examples included within each use category. Use types do not list every type of development or use that would be included within each use category. The Community and Economic Development Director shall determine the appropriate use category(ies) for a project (MC 17.136.040.B).

² Fees shall be paid at time of building permit issuance. However, applicants for residential projects shall be allowed to pay at time of final inspection (prior to issuance of any certificate of occupancy) if a contract to pay the housing impact mitigation fee at time of final inspection is executed pursuant to Government Code 66007.

³ Instead of paying the fee, housing mitigation can be satisfied through the provision of on-site or off-site housing, conveyance of land, or an alternate housing mitigation plan in accordance with MC Chapter 17.136.

⁴ This exemption applies to mobile homes located in the Mobile Home Park Zone.