

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF NAPA, STATE OF CALIFORNIA, MODIFYING AND ADOPTING
HOUSING FEES FOR CERTAIN NONRESIDENTIAL DEVELOPMENT
PROJECTS**

WHEREAS, to mitigate the impact of nonresidential development on the need for affordable housing within its boundaries, the County has, since 1993, imposed commercial housing impact fees on nonresidential development projects, which fees were increased in 2004; and

WHEREAS, during that same period of time, the County has also imposed an inclusionary requirement on residential development projects, requiring either the construction of affordable units in connection with the project or the payment of an in lieu fees; and

WHEREAS, on June 23, 2009, the Napa County Board of Supervisors adopted its 2009 Housing Element Update which contemplates, among other things, revisions to the County's existing affordable housing ordinance, including modification of the County's inclusionary requirements for residential projects and review of the commercial housing impact fee; and

WHEREAS, to implement the affordable housing goals, objectives, policies and programs of the County's 2009 Housing Element Update, the Board considered and adopted an updated affordable housing ordinance in January 2010 that, among other things, authorized the imposition of housing fees for certain residential development projects to mitigate the impact of such projects on the need for affordable housing in the County and continued to authorize the imposition of housing impact fees for nonresidential development to mitigate the impact of such projects on the need for affordable housing in the County; and

WHEREAS, to further implement the affordable housing goals, objectives, policies and programs of the County's 2009 Housing Element Update and to ensure that the housing fees adopted hereunder do not exceed the actual affordable housing impacts attributable to the development projects to which the fees relate, the County received and considered reports from Keyser Marston Associates dated November 2009 entitled "Napa County Affordable Housing Ordinance Revisions Update and Economic Analysis: Nonresidential Component" and "Napa County Affordable Housing Ordinance Revisions Update and Economic Analysis: Residential Component;" and

WHEREAS, in January 2010, the Board adopted Resolution No. 2010-08, modifying and adopting housing fees for residential development projects and continuing to impose housing fees for nonresidential development projects; and

WHEREAS, although housing fees for residential development projects were updated in 2010, it was determined that housing fees for nonresidential development projects should be updated at a later time; and

WHEREAS, to further implement the affordable housing goals, objectives, policies and programs of the County's 2009 Housing Element Update and to ensure that the housing fees adopted hereunder do not exceed the actual affordable housing impacts attributable to the development projects to which the fees

relate, Keyser Marston Associates has prepared a supplemental report dated April 2014 entitled “Non-Residential Jobs-Housing Nexus Study Update” (the “Nexus Update”); and

WHEREAS, the Board now desires to adopt housing fees for certain nonresidential development projects as authorized by section 18.107.050(B) of the Napa County Code, which fees do not exceed the justified fees needed to mitigate the actual affordable housing impacts attributable to the development projects to which the fees relate, as determined by the Nexus Update; and

WHEREAS, at least ten days prior to the date this resolution is to be considered, fees and data associated with the need for affordable housing related to nonresidential development projects was made available to the public for review; and

WHEREAS, at least fourteen days prior to the date this resolution is to be considered, notice was mailed to those persons who had requested same; and

WHEREAS, notice of the hearing on the proposed fees was published twice in the manner set forth in section 6062a as required by section 66018, subdivision (a), of the Government Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Napa as follows:

1. The Board hereby adopts those housing fees for nonresidential development projects shown on Exhibit “B-1,” attached hereto and incorporated by reference herein. Exhibit “B-1” of this Resolution shall replace and supersede Exhibit B of Resolution No. 2010-08.
2. The Board hereby finds that the fee increase set forth in this Resolution implement programs within the 2009 Housing Element Update. An Environmental Impact Report, which contemplated the amendments set forth herein, was prepared as part of the 2009 Housing Element Update process that was certified by the Board of Supervisors on June 23, 2009. No substantial evidence, as required by the CEQA Guidelines, section 15162, has been submitted that would require preparation of a subsequent or supplemental EIR, based on the following:
 - a. No substantial changes have been proposed in the Project.
 - b. No evidence of changed circumstances, or new information of substantial importance to the Project, has been submitted into the record, nor has any substantial evidence been introduced into the record showing that changed circumstances or new information would result in new environmental impacts, or substantially increase the severity of those already identified, nor is there substantial evidence in the record of new feasible mitigation measures or alternatives.
3. The Board further finds that all of the housing fees adopted pursuant to this resolution do not exceed the actual affordable housing impacts of the development projects to which those housing fees relate, as further set forth in the Nexus Update.
4. The establishment, increase or decrease of fees authorized by this Resolution shall become effective on the sixty-first day following the date of adoption of this Resolution.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of said Board held on the ____ day of _____, 2014, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

MARK LUCE, Chair of the Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM
Office of County Counsel
By:
Date:

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date:
Processed by:

Deputy Clerk of the Board

EXHIBIT “B-1”

Housing Fees for Nonresidential Development Projects

(Napa County Code 18.107.050 & 18.107.060)

<u>Type of Use</u>	<u>Housing Fee Per Square Foot*</u>
Office	\$5.00
Hotel	\$6.00
Retail	\$5.00
Industrial	\$3.00
Warehouse**	\$2.00

*All housing fees for nonresidential projects shall be calculated using the gross square footage of nonresidential space (see Napa County Code 18.107.230), subject to the exceptions in Napa County Code 18.107.050 and pursuant to the procedures for calculation included in Napa County Code 18.107.060.

**Warehouse uses of under 30,000 square feet shall be treated as industrial uses.