



Meeting Date: 10/14/08

| ACTION   | TYPE OF ITEM   |
|--|--|
| <input type="checkbox"/> Approved Recommendation | <input checked="" type="checkbox"/> Info/Consent       |
| <input type="checkbox"/> Ord. No(s) _____        | <input type="checkbox"/> Report                        |
| <input type="checkbox"/> Res. No(s) _____        | <input type="checkbox"/> Public Hearing (Info/consent) |
| <input type="checkbox"/> Other _____             | <input type="checkbox"/> Other _____                   |

Prepared By: Ernest Whitaker *EW* Agenda Item No. I-4  
 Reviewed By: City Manager *JPD* Alan Holmberg *AH* Public Works *W. S. R.*  
City Attorney *AH* Finance *JK* Other Development Services

**DATE:** September 30, 2008  
**TO:** City Council  
**FROM:** Ernest Whitaker, Interim Housing Director  
 Housing Department

**SUBJECT:** Development Fee Deferrals for Paseo De Luz and Camino Gonzalez Affordable Housing Projects

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute an agreement with Cabrillo Economic Development Corporation (CEDC) for the deferral of approximately \$1.2 million of development fees for Paseo De Luz and Camino Gonzalez (A-7110) affordable housing projects at 457 West Gonzalez Road.

**DISCUSSION**

At its meeting of December 11, 2001, City Council passed Ordinance No. 2590 which authorized the deferral of development fees for affordable housing projects upon the request of the developer. CEDC has met the requirements of the ordinance and has executed the necessary agreements which enable them to obtain development fees deferral until they apply for electrical service on any given building.

The deferred development fees ordinance was one of the key components of the City's application to U.S. Department of Housing and Urban Development for the Robert L. Woodson, Jr. Award. The City received this award in 2005 for showing leadership in the expansion and preservation of affordable housing through the reduction of regulatory barriers.

**FINANCIAL IMPACT**

Fees that would have been collected this fiscal year will be deferred until completion of development by December 2011.

(EW/hh)

Attachment #1 - Agreement for Paseo De Luz and Camino Gonzalez

**AGREEMENT TO PAY DEFERRED FEES  
FOR DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS**

This Agreement to Pay Deferred Fees for Development of Affordable Housing Projects ("the Agreement") is entered into in the County of Ventura, State of California, this 14<sup>th</sup> day of October, 2008, by and between the City of Oxnard, a municipal corporation of the State of California ("City"), and Cabrillo Economic Development Corporation ("Developer").

WHEREAS, the City Council adopted Ordinance No. 2590, in order to encourage the construction of affordable housing by deferring development fees for a period of time; and

WHEREAS, Developer is seeking City approval to develop affordable housing projects ("the projects") located and described as follows: Paseo De Luz which consists of 25 very low-income units and Camino Gonzalez, which consists of 18 very low income units at 457 West Gonzalez Road; and

WHEREAS, Developer has requested that City defer development fees for the projects pursuant to Ordinance No. 2590; and

WHEREAS, the projects are subject to the following development fees referred to in Ordinance No. 2590, as well as other fees that are not deferred.

NOW THEREFORE, City and Developer agree:

1. Developer agrees that at least 20% of the units in the project will be sold or rented only to lower income families, as defined in California Health and Safety Code section 50079.5, at housing costs affordable to such families, as defined in California Health and Safety Code section 50042.5, for a period of at least ten years from the date of this agreement.
2. City agrees to defer payment of the following development fees up to the date that Developer first requests electrical service clearance for a unit in the project:

| Fee:                           | City Code Reference: |
|--------------------------------|----------------------|
| Drainage Facilities            | 27-89.20 et seq.     |
| Wastewater Facilities          | 27-89.30 et seq.     |
| Water Facilities               | 27-80.40 et seq.     |
| Traffic Circulation Facilities | 27-89.50 et seq.     |
| Growth Requirement Capital     | 27-89.60 et seq.     |
| Park Site (Quimby)             | 27-65 et seq.        |

3. City also agrees to calculate the fees referred to above based on the amount of such fees in effect on the date that Developer first applies for a building permit for the projects.

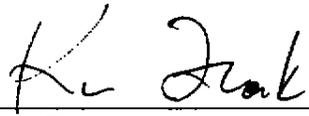
4. Developer agrees to pay the fees so deferred when Developer first requests electrical service clearance for a unit in the projects.

5. This agreement shall be considered to be a concession or incentive granted by City to Developer pursuant to Government code section 65915.

City of Oxnard

Cabrillo Economic Development Corporation

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

  
\_\_\_\_\_  
Karen Flock  
Real Estate Development Director

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, Acting City Attorney

ATTACHMENT NO. 1  
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