

RESOLUTION NO. 17-059

RESOLUTION OF THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED SCHOOL DISTRICT PROVIDING FOR VERY LOW, LOW INCOME HOUSING DEVELOPMENT EXEMPTION TO PREVIOUSLY ADOPTED LEVEL I RESIDENTIAL DEVELOPMENT FEES FOR SCHOOL FACILITIES

WHEREAS, future residential, commercial, and industrial development is anticipated to cause an increase in enrollment beyond the capacity of the Berkeley Unified School District ("District") existing facilities, which necessitates the construction or reconstruction of educational facilities; and

WHEREAS, Education Code section 17620 *et seq.* and Government Code section 65995 *et seq.* authorize the governing board of any school district within the state of California ("State") to levy a fee against new residential, commercial and industrial development projects within the school district for the purpose of funding the construction and reconstruction of school facilities; and

WHEREAS, the District prepared and circulated a School Facility Fee Justification Study ("Study") which accurately reflects current information related to the impacts of new residential and commercial development and justifies the adoption of school fees; and

WHEREAS, at its regularly scheduled public meetings on November 16, 2016, and January 11, 2017, the Board of Education ("Board") discussed and considered the School Facility Fee Justification Study prepared by School Facility Consultants ("Study"); and

WHEREAS, at its regularly scheduled public meeting of February 8, 2017, the District's Board of Education ("Board") approved Resolution #17-051 adopting school fees on new Residential and Commercial development; and

WHEREAS, the Board has discussed and considered evidence of serious affordable residential housing shortages for very-low, low, and moderate income families in the City of Berkeley and within the geographic boundaries of the District; and

WHEREAS, the City of Berkeley ("City") has adopted its **2015-2023 Berkeley Housing Element** ("Housing Element"), as required by state law, to ensure that the City is meeting its goals for residential housing; and

WHEREAS, the Housing Element concludes that there is a lack of

affordable housing for Very Low, Low, and Moderate income residents of the City of Berkeley, and by extension, families within the District; and

WHEREAS, the Housing Element references the Federal Department of Housing and Urban Development ("HUD") Area Median Income ("AMI") set in 2011 at \$92,300 for a family of four in Alameda County; and

WHEREAS, the Housing Element references the HUD definitions of Extremely Low Income as up to 30% of AMI, Very Low Income as 31% to 50% of AMI, Low Income as 51% to 80% of AMI; and

WHEREAS, the Housing Element indicates that the City of Berkeley's Regional Housing Need Allocation ("RHNA"), as established under state law, is to accommodate 532 Very Low Income (including up to 50% Extremely Low Income) housing units over the period 2014-2023; and

WHEREAS, the Housing Element indicates that the City of Berkeley's Regional Housing Need Allocation ("RHNA"), as established under state law, is to accommodate 442 Low Income housing units over the period 2014-2023; and

WHEREAS, the adopted Housing Element includes **Housing Affordability Policy H1: Extremely Low, Very-Low, Low and Moderate Income Housing**: "Increase the number of housing units affordable to Berkeley residents with lower income levels;" and

WHEREAS, the primary Action indicated in support of **Policy H1** is: "Continue to support and implement programs to encourage below-market-rate housing with incentives for affordable housing development including, but not limited to, density bonuses under state law, fee deferrals, and below-market-rate development loans;" and

WHEREAS, the Board has also previously considered evidence that District employees are unable to find affordable housing within the City of Berkeley.

NOW, THEREFORE, the Board of Education of the Berkeley Unified School District hereby resolves, determines, and finds the following:

Section 1. That the foregoing recitals are true.

Section 2. That the Board has previously adopted the imposition of school fees levied against all new residential development and additions resulting in an increase of assessable space in excess of five hundred (500)

square feet pursuant to Education Code section 17620 *et seq.* and Government Code section 65995(b)(1) in the amount of Three Dollars and Forty-Eight Cents (\$3.48) per square foot.

Section 3. That the Board finds, based upon consideration of the interest to support the goals and policies of the **Berkeley Housing Element 2015-2023**, as follows:

Section 3.1. The District wishes to assist the City of Berkeley in meeting goals to accommodate affordable housing development, including the specific goals established in the Housing Element for Very Low Income and Low Income housing units, which in turn will directly benefit the employees and families of the District.

Section 3.2. The District will provide a targeted exemption to the school fees levied against all new residential development in order to provide an incentive to developers of Very Low and Low Income housing.

Section 3.3. The targeted exemption will directly support the efforts of the City of Berkeley Policy H1 of the Housing Element.

Section 3.4. The targeted exemption will include any development consisting a minimum of 50% of Very Low and Low Income units and shall be identified and exempted from the payment of school fees levied against new development.

Section 3.5. The targeted exemption will also include any Very Low and Low Income units included within a market rate development (inclusionary units). The square footage of designated Very Low and Low Income units shall be identified and exempted from the payment of school fees levied against new development.

Section 3.6. The District shall coordinate efforts to implement this targeted exemption with the City of Berkeley staff in the Community Development Department.

Section 4. The targeted exemption to the school fees levied on new residential development designated herein shall take effect sixty (60) days after the date of this Resolution.

PASSED AND ADOPTED this 12th day of April 2017, by the following vote of the Board of Education to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

President of the Board of Education

ATTEST:

Clerk of the Board of Education