

RESOLUTION NO. 2018-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, TAKING ACTION UPON AN APPLICATION FOR SENIOR AFFORDABLE HOUSING ASSISTANCE SUBMITTED BY HC BRIGHTON LIBRETTO 2011, L.P., AND HENDRICKS COMMUNITIES, LLC, PURSUANT TO SECTIONS 3-5-50, 3-5-60, AND 3-5-70 OF THE BRIGHTON MUNICIPAL CODE, AND APPROVING THE REDUCTION OR SUBSIDY OF DEVELOPMENT IMPACT FEES AND USE TAX ACCORDINGLY

WHEREAS, on November 8, 2018, and pursuant to the requirements of Sections 3-5-50, 3-5-60 and 3-5-70 of the Brighton Municipal Code, HC Brighton Libretto 2011 L.P. and Hendricks Communities, LLC (collectively known as the “Applicant”), submitted to the City of Brighton, Colorado (“City”), an Application (the “Application”) for Affordable Housing Assistance for Libretto Apartments Phase II (the “Project”); and

WHEREAS, pursuant to Section 3-5-50 of the Brighton Municipal Code, City staff reviewed the Application in conjunction with the City’s Attainable Housing Matrix and has made a recommendation to the City Council regarding the reduction or subsidy of certain development impact fees and use tax for forty-two (42) units for Phase II of the Project as follows:

1. Applicant shall pay at the time of building permit issuance the full amount of the following fees in the amount in effect at the time of payment:
    - Building Permit
    - Electrical Permit
    - Plumbing Permit
    - Mechanical Permit
    - Plan Check Fee
    - Sewer Plant Investment Fee (Metro District)
  2. Applicant shall pay proportionately-reduced fees\* at the time of building permit issuance for the following fees in the amount in effect at the time of payment:
    - Water Plant Investment Fees
    - Sewer Plant Investment Fees for City of Brighton fees only
    - Drainage Impact Fees
- \*Based on the AMI percentage for the applicable unit. For instance, 50% AMI units at the standard Water Plant Investment Fee rate for 2018 is \$112,319.00, and the proportionately reduced fee is 50% of the standard cost at \$56,159.50.
3. Applicant shall not be required to pay the following fees or dedications:
    - Neighborhood Park Impact Fees
    - Community Park Impact Fees
    - Crossing Fees

- Traffic Impact Fees
- Public Park Land Dedication or fee-in-lieu
- Open Space Land Dedication or fee-in-lieu
- School Land Dedication or fee-in-lieu
- Capital Facility Foundation Fees
- Private on-site open space dedication

4. Applicant shall not be required to pay use tax on building materials for Phase II of the Project; and

WHEREAS, the Applicant has represented and promised that all of the units in the Project will be affordable according to the following unit mix:

30% Area Median Income (AMI) – 5 units

40% AMI – 12 units

50% AMI – 17 units

60% AMI – 8 units

and the same shall be applied to the proportionate reduction of fees as set forth above; and

WHEREAS, the City Council is basing their fee reductions/subsidies on the AMI unit allocations as represented by the Applicant; and

WHEREAS, the City Council finds and determines that the Application meets the requirements of Section 3-5-50 of the Brighton Municipal Code, that good and sufficient cause exists to reduce and/or subsidize certain development impact fees and use tax for Phase I of the Project, and that the Applicant and the City shall enter into a written agreement as required by Section 3-5-70 of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Subject to final execution of an agreement between the City and the Applicant, as required by Section 3-5-70 of the Brighton Municipal Code, the following reduction or subsidy of development impact fees and use tax for Phase II of the Libretto Apartments Project is hereby approved:

1. Applicant shall pay at the time of building permit issuance the full amount of the following fees in the amount in effect at the time of payment:
  - Building Permit
  - Electrical Permit
  - Plumbing Permit
  - Mechanical Permit
  - Plan Check Fee
  - Sewer Plant Investment Fee (Metro District)

2. Applicant shall pay proportionately-reduced fees\* at the time of building permit issuance for the following fees in the amount in effect at the time of payment:

- Water Plant Investment Fees
- Sewer Plant Investment Fees for City of Brighton fees only
- Drainage Impact Fees

\*Based on the AMI percentage for the applicable unit. For instance, 50% AMI units at the standard Water Plant Investment Fee rate for 2018 is \$112,319.00, and the proportionately reduced fee is 50% of the standard cost at \$56,159.50.

3. Applicant shall not be required to pay the following fees or dedications:

- Neighborhood Park Impact Fees
- Community Park Impact Fees
- Crossing Fees
- Traffic Impact Fees
- Public Park Land Dedication or fee-in-lieu
- Open Space Land Dedication or fee-in-lieu
- School Land Dedication or fee-in-lieu
- Capital Facility Foundation Fees
- Private on-site open space dedication

4. Applicant shall not be required to pay use tax for building materials only for the initial construction of Phase II of the Project.

RESOLVED AND PASSED THIS 18<sup>TH</sup> DAY OF DECEMBER, 2018.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney