RESOLUTION NO. 1599-12
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WESTLAKE VILLAGE
UPDATING THE ARTERIAL STREET SYSTEM FINANCING PROGRAM
AND INCREASING THE AMOUNT OF THE TRAFFIC IMPACT FEE

THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES HEREBY
FIND, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Short Title. This resolution may be referred to as the “2012 Traffic Impact Fee Resolution” of the City of Westlake Village.

Section 2. Purpose. The purpose of this Resolution is to update the Arterial Street System Financing Program (“Program”) and increase the amount of the traffic impact fee imposed pursuant to the Traffic Impact Fee Ordinance (Westlake Village Municipal Code Chapter 7.3).

Section 3. Public Hearing. The City Council conducted a duly noticed public hearing on January 11, 2012, to review the updated Program and revised traffic impact fee, and to consider public testimony on this matter. The documents and other materials that comprise the record on this matter are located at City Hall and are in the custody of the City Clerk.

Section 4. CEQA. The City Council finds that the Program update and traffic impact fee increase effected by this Resolution is exempt from California Environmental Quality Act review pursuant to Public Resources Code Section 21080(b) and California Code of Regulations Title 14, Sections 15061(b)(3) and 15273(a)(4). The City Council specifically finds that it can be seen with certainty that there is no possibility that the Program update and traffic fee increase effected by this Resolution may have a significant effect on the environment. Additionally, the City Council specifically finds that the traffic impact fee increase effected by this Resolution is for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas.

Section 5. Background.


B. On February 12, 1997, after review of a report entitled “Westlake Village Arterial System Financing program 1997 Update” (“1997 Update”), other staff reports and testimony and information received at a public hearing on this matter, the City Council: adopted a Negative Declaration; made findings with respect to the 1997
Update and the reduction of the traffic impact fee; approved the 1997 Update; and designated the 1991 Report, as amended by the 1997 Update, as the updated 1991 Plan ("1997 Plan"). These actions are memorialized in City Council Resolution No. 804-97.

Section 6  Adoption of 2012 Update Report and Findings. After review of a report entitled "Westlake Village Arterial System Financing Program, 2012 Update" ("2012 Update") (attached hereto as Exhibit A and incorporated herein by reference), other staff reports, and testimony and information received at a public hearing on this matter, the City Council hereby: makes the findings set forth in this Resolution; approves the 2012 Update; and designates the 1991 Report, as amended by the 1997 Update and the 2012 Update, as the updated 1997 Plan ("2012 Arterial Street System Improvement Plan" or "2012 Plan").

A. According to generally accepted reports prepared by the Institute of Transportation Engineers ("ITE"), different land uses generate different volumes of automobile trips ("trip generation rates"). Trip generation rates calculated by the ITE and/or project-specific traffic impact studies are used in the 2012 Update and reflect the most accurate estimate of traffic generated by specific land uses and the impact of that traffic on the City’s arterial street system.

B. The Circulation Element of the City’s General Plan states that Level of Service "C" or better is to be maintained throughout the City circulation system. However, the Circulation Element also states that, due to the unique nature of Lindero Canyon Road, Level of Service "D" or better will be acceptable within the portion of Lindero Canyon Road that extends from Via Colinas to Agoura Road.

C. In 1991, at the time of adoption of the 1991 Plan, the roadways listed in the 1991 Plan were operating at an acceptable level of service as set forth in the Circulation Element, and were adequate to accommodate then present traffic volume. According to the 1991 Report, at the time of adoption of the 1991 Plan, the roadway capacities of certain street portions listed in the 1991 Plan were inadequate to accommodate at acceptable levels of service additional traffic volume that would be generated by future development.

D. Implementation of the 1991 Plan, as updated in the 1997 Plan and the 2012 Plan, requires the construction of major improvements to the existing City-wide arterial system. These improvements, listed in Exhibits "B-1" and "B-2" of the City Council Resolution No. 495, as updated by the 1997 Update and the 2012 Update, will result in an arterial system that has the capacity to substantially accommodate the additional traffic volume that will be generated by anticipated future development. With the exception of the intersection of Lindero Canyon Road and Via Colinas, such volume will be accommodated at a level of service consistent with the standards set forth in the Circulation Element of the City’s General Plan.

E. The only fair and equitable method of securing adequate revenues to fund the 2012 Plan is through a fee based on the extent to which new development
generates additional traffic that impacts the arterial street system. The formula to calculate the fee is based upon the 1991 Report, the 1997 Update, the 2012 Update, and the traffic generation estimates prepared by the ITE and/or project-specific traffic impact studies, which the City Council finds relevant to the land use conditions in Westlake Village.

F. The roadway improvements to be constructed with funds generated by the traffic impact fee will specifically benefit each developer who pays the fee by mitigating the adverse impacts of arterial street system congestion such as noise, air pollution, traffic, delay, accidents and inconveniences that will be created due to future development. Further, as described below, the specific benefit a property receives from roadway improvements is reasonably proportional to its fee contribution.

G. The purpose of the traffic impact fee established by this Resolution is to mitigate the impact of traffic generated by future development.

H. The revenues from the traffic impact fee established by this Resolution will be used solely to fund improvements that will increase the capacity of the arterial street system within the City.

I. In accordance with California Government Code Section 66001, the facts and evidence presented establish that there is a reasonable relationship between the traffic impact fee's use and the type of development project on which the traffic impact fee is imposed. Each development project on which the fee is imposed will generate additional traffic that will utilize the arterial street system. The traffic impact fee will be used to improve the arterial street system and therefore improve access to each development and the value of each development. This relationship is further detailed in the 1991 Report, as amended by the 1997 Update and the 2012 Update.

J. In accordance with California Government Code Section 66001, the facts and evidence presented establish that there is a reasonable relationship between the need for arterial street system improvements and the type of development on which the traffic impact fee will be imposed. Each development project upon which the fee will be imposed will generate traffic that must be accommodated by the arterial street system. Such traffic cannot be accommodated at acceptable levels of service without the improvements that will be funded by the fee. This relationship is further detailed in the 1991 Report, as amended by the 1997 Update and the 2012 Update.

K. In accordance with California Government Code Section 66001, the facts and evidence presented establish that there is a reasonable relationship between the amount of the traffic impact fee and the portion of the roadway improvement cost attributable to each development project upon which the traffic impact fee will be imposed. The reasonableness of the fee is evidenced by the method through which the traffic impact fee is updated and increased. This method is summarized as follows:

(1) Determining the Total Program Cost by adding completed project costs and future project costs.
(2) Determining the Fee Generation Amount by adjusting for various reimbursements, impact fees collected for prior development projects, and approved grant funds.

(3) Determining the Impact Fee Rate by dividing the Fee Generation Amount by Future Development Trips.

The above described methodology is more fully described in the 2012 Update.

L. The adoption of the 2012 Update acknowledges that the 2012 Plan is a program to guide future traffic improvements. The City Council has not approved or adopted any specific project set forth in the 2012 Update, and the 2012 Plan does not commit the City to a definite course of action or create a binding commitment to spend traffic impact fees in a particular manner.

Section 7. Definitions. For purposes of this Resolution, the following terms shall be defined as follows:

A. Peak Trip Hours shall mean the highest number of average weekday vehicle trips generated by a development project during one hour between 4:00 p.m. and 6:00 p.m. as determined by the most recent edition of the ITE “Trip Generation” publication or other source acceptable to the City Traffic Engineer.

B. Roadway Improvements shall mean those improvements necessary to implement the 2012 Plan, and shall include without limitation: paving, curb and gutter, sidewalks, medians, drainage facilities, traffic signals, street lighting, rights-of-way, and other improvements necessary to mitigate and avoid deficiencies in the traffic circulation system.

Section 8. Increase in the Amount of the Traffic Impact Fee. The amount of the Traffic Impact Fee established and imposed pursuant to City Council Resolution No. 495 and amended by City Council Resolution No. 804-97 is hereby set at $2,878 per PM peak hour trip generated.

Section 9. Effective Date and Repealer. The traffic impact fee increased by this Resolution shall become effective March 11, 2012. However, if any court of competent jurisdiction determines that the 2012 Plan or the increased traffic impact fee established by this Resolution is invalid or unconstitutional, then the 2012 Plan and the increased fee shall be repealed and the 1997 Plan and the traffic impact fee established by City Council Resolution No. 804-97 shall be automatically re-established as if such 1997 Plan and fee were never modified.

Section 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that, except as provided in Section 9, it would have adopted this Resolution and each
section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 11. The City Clerk shall certify the adoption of this Resolution and shall cause this Resolution and the Clerk's certification to be entered into the Book of Resolutions of the Council of this City.

PASSED, APPROVED AND ADOPTED, this 11th day of January, 2012.

[Signature]
Susan McSweeney, Mayor

ATTEST:

[Signature]
Beth Schott, City Clerk
EXHIBIT A
WESTLAKE VILLAGE
ARTERIAL SYSTEM FINANCING PROGRAM
2012 UPDATE

FUND STATUS

The Arterial System Financing Program (ASFP) fund current balance is $0.00 as of December 31, 2011.

BACKGROUND

The City established the ASFP in March 1991 to fund traffic circulation improvements needed to ensure that future development did not result in the arterial street system operating at Levels of Service less than stipulated in the City’s General Plan. The foundation for the ASFP was a report entitled “Final Report, Arterial System Financing Program for the City of Westlake Village, January 1991” (“1991 Report”). The 1991 Report identified system deficiencies expected to occur as a result of development projects anticipated to be constructed over a 13-year period, and it designated street and interchange improvement projects necessary to mitigate such deficiencies. To provide for a rational and equitable cost distribution, the 1991 Report calculated a traffic impact fee to be paid by the development community. The fee amount was determined pursuant to a formula in which the total program cost was distributed to development projects in proportion to the units of PM peak hour traffic that they would generate. In calculating the fee amount, the 1991 Report excluded costs associated with minor improvement projects directly related to traffic generated outside the City of Westlake Village.

The City revised the ASFP in February 1997 as a result of updated development projections, revised Caltrans design standards, updated circulation studies, extensive preliminary design work, and coordination with Caltrans regarding modification of the freeway interchange improvements configuration. The foundation for this revision of the ASFP was a report entitled “Westlake Village Arterial System Financing Program 1997 Update” (“1997 Update”). The 1997 Update recalculated the traffic impact fee based on the changed circumstances, and determined that it was not necessary to impose the maximum potential fee.

Since the 1997 Update, the ASFP has continued to evolve. The City has completed many of the designated improvement projects. Additionally, some program components have been modified, and certain new improvement projects have been deemed necessary to ensure adequate mitigation of adverse impacts from development. Initial phases of construction focused on improvements adjacent to major development and high-value capacity improvements. The program is now in its later stages, including completion of the freeway interchange improvements and pedestrian/bicycle improvements. Although construction costs are significantly higher now than when the program was initiated in 1991, savings have been realized from some of the program component modifications and from grant funds that the City secured to defray overall program costs.
UPDATED LIST OF REQUIRED IMPROVEMENT PROJECTS

The improvement projects required to accommodate post-1991 development while maintaining General Plan-compliant Levels of Service are as designated in the 1991 Report as modified by the 1997 Update and this report. General descriptions and status of these improvement projects are provided below and related costs are shown in Tables 1 and 2. Although the ASFP is a dynamic program that may have projects under construction at any given time, this report reflects a projected “snapshot” of project status and funding as of December 31, 2011.

A. Completed Improvement Projects

Lindero Canyon Road Sidewalk
• Constructed sidewalk on west side between Hedgewall Drive and Cardoza Drive.

Lindero Canyon Road - Thousand Oaks Boulevard Intersection:
• Right of way acquisition.
• Added third northbound through lane.
• Lengthened northbound left turn lane (median landscaping to be done soon).
• Added westbound right turn lane.
• Added second westbound left turn lane.
• Added second eastbound left turn lane.
• Added southbound right turn lane.
• Added eastbound right turn lane.
• Modified traffic signal to provide video detection and eastbound right turn overlap phase.

Lindero Canyon Road between Thousand Oaks Boulevard and the freeway northbound offramp:
• Right of way acquisition.
• Constructed Class I bike path along east side of corridor.
• Reconfigured roadway to provide a third northbound land and third southbound lane.
• Constructed traffic signal at Russell Ranch Road (north).
• Reconfigured median (interim and subsequent permanent improvements) to restrict driveway left turn movements north of Via Colinas intersection (median landscaping to be done soon).
• Added second eastbound right turn lane at Via Colinas intersection.
• Modified traffic signal at Via Colinas to provide video detection.
• Constructed bus stop on northwest corner of Via Colinas intersection.
• Constructed sidewalk on west side of Lindero immediately south of Thousand Oaks Boulevard (project was constructed solely with City Capital Improvement Program (CIP) Fund expenditures that must be reimbursed).

Lindero Canyon Road - U.S. 101 Freeway Interchange (a portion of the project funding was advanced from the CIP Fund and must be reimbursed):
• Right of way acquisition.
• Added second direct onramp from southbound Lindero Canyon Road to northbound freeway and extended auxiliary lane. The two onramp lanes also extend upstream to the Via Colinas intersection and along Via Colinas to Dole Drive. The work on this project also included projects relating to landscaping and retaining wall improvements.

Lindero Canyon Road - Agoura Road Intersection:
• Right of way acquisition.
• Added northbound right turn lane.
• Widened bridge over flood channel and added second dedicated westbound right turn lane.
• Added southbound right turn lane.
• Added second eastbound left turn lane.
• Modified traffic signal to provide video detection.

Agoura Road Sidewalk
• South side east of Lindero Canyon Road intersection (a short sidewalk gap closure project).

B. Future Improvement Projects

Median Landscaping:
• Lindero Canyon Road from Via Colinas to Thousand Oaks Boulevard.

Sidewalk:
• West side of Lindero Canyon Road from first driveway south of Thousand Oaks Boulevard to Via Colinas.
• North side of Via Colinas from Lindero Canyon Road to Dole Drive.

Class I Bike Path:
• Along east side of Lindero Canyon Road corridor from freeway bridge to Agoura Road.

Lindero Canyon Road - U.S. 101 Freeway Interchange:
• Modify bridge deck, remove sidewalk from west side, widen and convert sidewalk on east side to bike path.
• Remove and replace both bridge reinforced concrete barriers.
• Add third northbound lane from southbound offramp to northbound offramp.
• Add fourth southbound lane from northbound offramp to southbound offramp.
• Remove sidewalk from west side of Lindero Canyon Road from freeway bridge to Agoura Road.
• Widen Lindero Canyon Road and add third southbound lane from southbound offramp to Agoura Road.
• Overlay Lindero Canyon Road from Via Colinas to Agoura Road.

UPDATED REVENUES

As shown in Table 3, previously collected trip fees total $7,193,474 and the City has been able to secure a total of $14,783,900 in grant funds from various sources. Finally,
as part of the negotiation for a hotel on Russell Ranch Road within Planning Area A of the Westlake North Specific Plan, the City waived the $560,058 traffic mitigation fee that the Westlake North Development Agreement originally required to be paid for that parcel and the waived amount will be repaid by transient occupancy tax (T.O.T.) revenue generated by the hotel. The updated program revenue total is $22,537,432.

UPDATED METHOD OF DETERMINING TOTAL TRAFFIC GENERATION

As stated in the 1991 Report, traffic volumes are routinely estimated by multiplying the area in consideration for new or redevelopment by widely accepted trip generation rates. Using traffic trip generation rates selected from the Institute of Traffic Engineers (ITE) “Trip Generation” manual (4th Ed., 1987) and project-specific traffic impact studies, the 1991 Report calculated that future development would have a total PM peak trip generation of 4,357 trips based on development projects that were entitled or anticipated to occur between 1990 and 2003. The 1997 Update recalculated the total PM peak trip generation, based on updated development projections and other changed circumstances described in that report, to a total of 3,175 trips.

Full build-out of the City did not occur by 2003 as anticipated by the 1991 Report. However, at this time, most vacant land has been developed and only three major projects are reasonably foreseeable: a YMCA facility on Thousand Oaks Boulevard west of Lindero Canyon Road; an institutional use development on Lakeview Canyon Road; and a retail commercial center on Russell Ranch Road within Planning Area C of the Westlake North Specific Plan (although the City is currently studying a specific plan concept for the business park area north of the U.S. 101 Freeway, the outcome of this exercise, as well as the extent of any resulting redevelopment and related public infrastructure costs is too speculative to be included in this ASFP update). Neither the 1991 Report nor the 1997 Update contemplated this YMCA facility or institutional use development, and both reports contemplated that Planning Area C would be developed with a business park consistent with entitlements vested by the now-expired Westlake North Development Agreement. Based on the ITE Trip Generation Manual (8th Ed., 2008) and project-specific traffic impact studies, the total PM peak trip generation of these three future development projects was calculated to be 1,350 trips (see Table 4).

UPDATED COST DISTRIBUTION BY FEE

The 1991 Report utilized a multi-step formula to calculate the traffic impact fee in a manner that ensured that there was a reasonable relationship between the fee amount and the cost of the improvements attributable to the development on which the fee is imposed. First, the amount funded by the program was determined with consideration for adjustments for interest on funds deposited in the ASFP fund. Next, the total program cost was reduced by the value of Westlake North project right-of-way dedication and the traffic mitigation fee specified by the Westlake North Development Agreement. The balance to be paid by other development projects then was divided by the balance of PM peak hour trips from other development projects. The 1997 Update recalculated the traffic impact fee due to changes in several of the factors used in the multi-step formula and to reflect the then-current balance of the ASFP fund.
In order to ensure that future development pays an equitable share of the improvement projects required for the program, it is necessary that the traffic impact fee be recalculated to account for the changed circumstances since the 1991 Report and the 1997 Update. As described above, the changed circumstances include: modification of the improvement projects that were initially determined to be required to maintain General Plan-compliant Levels of Service; determination of additional improvement projects required to maintain General Plan-compliant Levels of Service; and an unanticipated change in the total PM hour peak trip generation of development subject to the traffic impact fee. Additionally, to be cost-effective, the City completed some improvement projects (noted in Table 1) with monies advanced from its CIP Fund, and those monies must be reimbursed by the ASFP fund. Taking these factors into consideration, a simplified application of the 1991 Report and 1997 Update methodology (which excluded costs associated with improvement projects directly related to traffic generated outside the City of Westlake Village) results in a determination that the traffic impact fee is $2,878 per PM peak trip. The calculations corresponding to this determination are as follows:

**TRAFFIC IMPACT FEE CALCULATIONS**

1. **Determine Total Program Cost** by adding completed project costs (see Table 1) and future project costs (see Table 2):
   - Completed project cost: $12,387,960
   - Future project cost: $13,569,400
   - Total Program Cost = $25,957,360

2. **Determine Fee Generation Amount** by adjusting for various reimbursements, impact fees collected for prior development projects, and approved grant funds (see Tables 1 and 3):
   - Total Program Cost: $25,957,360
   - CIP Reimbursement: $464,800
   - TOT Reimbursement: ($560,058)
   - Fees Previously Collected: ($7,193,474)
   - Current Balance: ($0)
   - Grant Funds: ($14,783,900)
   - Fee Generation Amount = $3,884,728

3. **Determine Impact Fee Rate** by dividing Fee Generation Amount by Future Development Trips (see Table 4):
   - Fee Generation Amount / Future Development Trips = Fee per PM peak trip
   - $3,884,728 / 1,350 PM trips = $2,878 per PM peak trip
**TABLE 1**
**COMPLETED IMPROVEMENTS**

<table>
<thead>
<tr>
<th>No.</th>
<th>Project Name</th>
<th>Project Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Russell Ranch Road Traffic Signal and Bike Path (Thousand Oaks Blvd. to Costco)</td>
<td>300,000</td>
</tr>
<tr>
<td>2</td>
<td>Intersection Upgrade (Lindero Canyon Road - Thousand Oaks Blvd.)</td>
<td>750,000</td>
</tr>
<tr>
<td>3</td>
<td>Bike Path Extension (Costco to Via Colinas)</td>
<td>925,000</td>
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<td>4</td>
<td>Lindero Canyon Road Northbound Right Turn Lane (at Agoura Road)</td>
<td>75,000</td>
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<td>5</td>
<td>Interim Median Closure on Lindero Canyon Road (at Valley Oaks Memorial)</td>
<td>10,000</td>
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<td>6</td>
<td>Lindero Canyon Road Sidewalk (between Hedgewall Drive and Cardoza Drive)</td>
<td>350,000</td>
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<td>7</td>
<td>Relocate Traffic Signal Controller Cabinet (Southwest Corner of Agoura Road - Lindero Canyon Road)</td>
<td>55,000</td>
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<td>8</td>
<td>Lindero Canyon Road Sidewalk (Thousand Oaks Blvd. to first southerly driveway)</td>
<td>150,000</td>
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<tr>
<td>9</td>
<td>Bus Stop (Northwest corner of Lindero Canyon Road - Via Colinas)</td>
<td>58,000</td>
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<td>10</td>
<td>Right-of-Way Acquisition from:</td>
<td></td>
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<tr>
<td></td>
<td>a. Los Angeles County Flood Control District</td>
<td>15,000</td>
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<td></td>
<td>b. Westlake Industrial Complex</td>
<td>85,000</td>
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<td></td>
<td>c. Four Seasons Hotel</td>
<td>148,000</td>
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<td>11</td>
<td>ASFP Phase 4A ( Widening of Via Colinas - Lindero Cyn. Rd. for dual right turns)</td>
<td>880,000</td>
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<td>12</td>
<td>ASFP Phase 4B ( Northbound freeway ramp widening to 2 lanes &amp; extension of auxiliary lane along freeway mainline)</td>
<td>6,929,100</td>
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<td>13</td>
<td>ASFP Phase 3B (Intersection improvements at Agoura Road - Lindero Canyon Road)</td>
<td>1,657,860</td>
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<td><strong>TOTAL</strong></td>
<td><strong>12,387,960</strong></td>
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Funds advanced from CIP and must be reimbursed.
$314,800 advanced from CIP and must be reimbursed.
### TABLE 2
FUTURE IMPROVEMENTS

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<th>No.</th>
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<tr>
<td>1</td>
<td>Median Landscaping (Via Colinas to Thousand Oaks Blvd.)</td>
<td>285,000</td>
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<tr>
<td>2</td>
<td>Sidewalk</td>
<td></td>
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<td></td>
<td>a. West side of Linder Canyon Road from first driveway south of Thousand Oaks Blvd. to Via Colinas</td>
<td>2,988,000</td>
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<tr>
<td></td>
<td>b. North side of Via Colinas from Lindero Canyon Road to Via Rocas</td>
<td>595,500</td>
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<td>3</td>
<td>ASFP Phase 3A (Lindero Canyon Road – U.S. 101 Freeway interchange improvements)</td>
<td>6,759,300</td>
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<td>4</td>
<td>Lindero Overlay (Via Colinas to Agoura Road)</td>
<td>680,000</td>
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<td>5</td>
<td>Contingency (20%)</td>
<td>2,261,600</td>
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<td><strong>TOTAL</strong></td>
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### TABLE 3
PREVIOUSLY IDENTIFIED REVENUES

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<tr>
<td><strong>Grant Funds</strong></td>
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<td>Measure R</td>
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<td>Measure R Local Return</td>
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<td>MTA Call for Projects</td>
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<td>TEA-21</td>
<td>221,400</td>
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<td><strong>Subtotal</strong></td>
<td><strong>14,783,900</strong></td>
<td><strong>14,783,900</strong></td>
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<td><strong>Other Funds</strong></td>
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<td>Impact Fees Previously Collected</td>
<td>7,193,474</td>
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<td>Hotel Impact Fees to be reimbursed from T.O.T.</td>
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<td><strong>Subtotal</strong></td>
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<tr>
<td>YMCA</td>
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<td>TSF</td>
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<td>Shoppes at Westlake</td>
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<td>Institutional Use</td>
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<td><strong>TOTAL</strong></td>
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1. Location: North side Thousand Oaks Blvd, west of Lindero Canyon Road
2. Location: Southeast portion of Russell Ranch Road
3. Location: West side of Lakeview Canyon Road, south of Agoura Road