

RESOLUTION NO. 2022-098

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AFFORDABLE HOUSING
REGULATORY AGREEMENTS WITH POPPY GROVE I, LP, A CALIFORNIA
LIMITED PARTNERSHIP; POPPY GROVE II LP, A CALIFORNIA LIMITED
PARTNERSHIP; AND POPPY GROVE III LP, A CALIFORNIA LIMITED
PARTNERSHIP; FOR THE POPPY GROVE APARTMENTS PROJECT
(CEQA EXEMPT)**

WHEREAS, Poppy Grove I, LP, a California Limited Partnership; Poppy Grove II LP, a California Limited Partnership; and Poppy Grove III LP, a California Limited Partnership (collectively, “Developer”) propose to develop a total of 387 units of rental housing (the “Project”) at a site located in Elk Grove, California at 10149 Bruceville Road (APN 132-0050-161) (the “Property”); and

WHEREAS, the Project as proposed includes three phases with a total of 384 units affordable to households earning eighty (80) percent or less of the area median income; and

WHEREAS, the Project as proposed requires approval of a density bonus to allow a concession/incentive for reduced parking requirements; and

WHEREAS, Section 23.50.030 of the Elk Grove Municipal Code (EGMC) requires that prior to the award of a density bonus and any related incentives or concessions, the Developer must enter into an agreement with the City to ensure the continued affordability of all target units; and

WHEREAS, new residential development is subject to certain fees, which are charged to recover the cost of infrastructure and amenities with a nexus to the residential development (“Impact Fees”); and

WHEREAS, such Impact Fees include the Affordable Housing Fee, as established in Chapter 16.88 of the EGMC, for the purpose of funding affordable housing programs and projects as approved by the City Council or designated body; and

WHEREAS, pursuant to EGMC Section 16.88.050(B)(2), affordable housing that is deed-restricted as such for a minimum term of thirty (30) years is not subject to the residential affordable housing fee; and

WHEREAS, “deed-restricted” means a contract or agreement limiting the use and/or resale of the property in such a way that it will continue to provide affordable housing to low-income households or very low-income households for a specified period of time, and to which the City is a party; and

WHEREAS, the Developer desires to enter into three Affordable Housing Regulatory Agreements (“Regulatory Agreements”), one per phase, to deed-restrict the Property, which, following execution of the Regulatory Agreements, the Project is not subject to the City’s Affordable Housing Fee and is in compliance with Section 23.50.030(H) of the EGMC; and

WHEREAS, approval of the Regulatory Agreements does not qualify as the approval of a "project" subject to the California Environmental Quality Act (CEQA) because it will result in no direct physical effect on the environment, and is, therefore, exempt from CEQA. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c)(2),(3); 15378(a)).

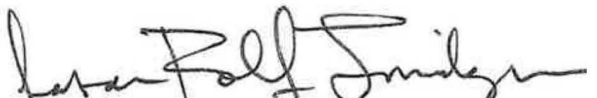
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Regulatory Agreements, in substantially the forms presented, subject to approval as to form by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of May 2022




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-098

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 11, 2022 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Spease, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California