

RESOLUTION NO. 2022-189

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AFFORDABLE HOUSING
REGULATORY AGREEMENT WITH T & D INVESTMENT HOLDINGS, LLC, A
CALIFORNIA LIMITED LIABILITY COMPANY, FOR THE BOW STOCKTON
APARTMENTS PROJECT (CEQA EXEMPT)**

WHEREAS, T & D Investments Holdings, LLC, a California Limited Liability Company (“Developer”) proposes to develop 143 units of rental housing (the “Project”) at a site located in Elk Grove, California, at 8676 Bow Street and 8717 E. Stockton Boulevard (APNs 115-0161-005 and 115-0161-021) (the “Property”); and

WHEREAS, the Project as proposed includes a total of 142 units affordable to households earning eighty (80) percent or less of the area median income; 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 Elk Grove Municipal Code (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 an Affordable Housing Regulatory Agreement (“Regulatory Agreement”) to deed-restrict the Property, which, following execution of the Regulatory Agreement, the Project will not be subject to the City’s Affordable Housing Fee and will be in compliance with Section 23.50.030(H) of the EGMC; and

WHEREAS, approval of the Regulatory Agreement 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)).

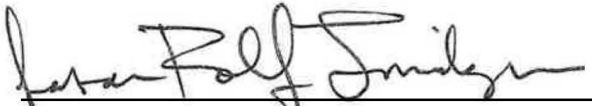
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Regulatory Agreement, in substantially the form presented, subject to approval as to form by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of July 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. 2022-189

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 July 27, 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