

RESOLUTION NO. 2022-277

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ELK
GROVE LAGUNA PACIFIC ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP,
APPROVING THE DEFERRAL OF CERTAIN IMPACT FEES RELATED TO
THE LYLA APARTMENTS PROJECT (CEQA EXEMPT)**

WHEREAS, Elk Grove Laguna Pacific Associates, a California Limited Partnership (Developer) proposes to develop 294 units of rental housing (the "Project") at a site located in Elk Grove, California along the western side of Bruceville Road between Big Horn Boulevard and Laguna Boulevard (APNs 116-1380-005, 116-1380-009, 116-0011-020, 116-1380-008, 116-1380-005, 116-1380-006, and 116-1380-003 (the "Property")); and

WHEREAS, the Project as proposed includes 291 units affordable to households earning 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, California Government Code 66007 requires that certain Impact Fees be collected at final inspection or certificate of occupancy, rather than at permit issuance, when the project is providing at least 49% of its total units as affordable housing units; and

WHEREAS, the Project meets such affordability criteria; and

WHEREAS, California Government Code Section 66007 further states that the City can require a form of security, in the form of a performance bond or letter of credit, to ensure the impact fees are paid; and

WHEREAS, the Developer has agreed to provide such security in the form of a performance bond or letter of credit ensuring that payment will be made upon final inspection and/or issuance of the certificate of occupancy.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the deferral of impact fees for The Lyla affordable multi-family housing project and authorizes the City Manager to execute an Agreement for the Deferral of Certain City Impact Fees with Elk Grove Laguna Pacific Associates, a California Limited Partnership, in substantially the form presented, providing for the deferral of certain impact fees and requiring a form of security in the form of a performance bond or letter of credit.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of November 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. 2022-277

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 November 9, 2022 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Suen*



Jason Lindgren, City Clerk
City of Elk Grove, California