

RESOLUTION NO. 2003-133

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
TO APPROVE THE FINANCIAL COMMITMENT OF AFFORDABLE HOUSING
TRUST FUND AND AFFORDABLE HOUSING FEE WAIVERS TO VINTAGE
LAGUNA SENIORS APARTMENTS PROJECT**

WHEREAS, USA Properties Fund has requested City financial assistance in support of its Vintage Laguna Senior Apartments project, an affordable multifamily housing development; and

WHEREAS, the City of Elk Grove has recognized the need to provide housing affordable to all economic segments of the City; and

WHEREAS, the Sacramento Area Council of Government's (SACOG) Regional Housing Needs Determination (RHND) process has assigned housing for new residential construction needs by income level for the City; and

WHEREAS, the City has established an Affordable Housing Trust Fund Fee, recognizing the need for market rate residential development to pay for its proportional share of the City's affordable housing needs; and

WHEREAS, the commitment of financial resources is not a "project" subject to the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK GROVE:

1. The City Manager is authorized to transfer \$1,300,000 from the Affordable Housing Trust Fund to the Vintage Laguna Senior Apartments project.
2. A commitment, to be provided as a loan not-to-exceed \$1,300,000, a grant not-to-exceed \$450,000, and \$286,572 in Affordable Housing Trust Fund Fee waivers, is approved for the financing of the Vintage Laguna Senior Apartments project (Funding Commitment) and the City Manager is authorized to prepare and execute any and all documents required for the making of the Funding Commitment (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make, reasonably administer, and enforce the affordability requirements of the Funding Commitment); provided, however that the Funding Commitment shall be made in accordance with all applicable laws, regulations, and policies regarding the making of the loan and use of the allocated funds.

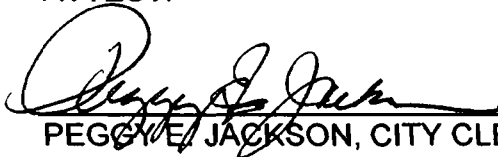
3. The City Manager is authorized to make technical amendments to said agreements and documents provided that said amendments are in accordance with the Funding Commitment, with City policy, with this resolution, with good legal practices for the making of such a loan and grant.
4. The Funding Commitment is contingent upon USA Properties Fund providing, completing, or demonstrating, to the satisfaction of the City:
 - a. A minimum of 1) 20% of units affordable to very low income households and 80% percent of units affordable to low income households, or 2) 31 units affordable to very low income households and 125 units affordable to low income households, whichever provides the greater number of very low and low income units,
 - b. Development Plan Review,
 - c. Title Insurance,
 - d. Absence, or remediation of, any hazardous substances on the project site,
 - e. Soils report,
 - f. Color scheme and project design, and
 - g. Organizational and financial documents of USA Properties Fund.

PASSED AND ADOPTED on this 2nd day of July 2003.



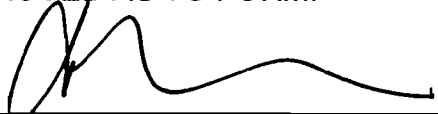
 SOPHIA SCHERMAN, MAYOR OF THE
 CITY OF ELK GROVE

ATTEST:



 PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



 ANTHONY B. MANZANETTI,
 CITY ATTORNEY

AYES: Scherman, Soares, Briggs, Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: None