

RESOLUTION NO. 2016-0334

Adopted by the Sacramento City Council

September 27, 2016

AUTHORIZATION FOR THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (AGENCY) TO TERMINATE AND RELEASE THE STRAWBERRY FIELD INCLUSIONARY HOUSING REGULATORY AGREEMENT

BACKGROUND

- A. On March 22, 2005, the City Council, by Resolution No. 2005-172, approved the Inclusionary Housing Plan for the Strawberry Field project.
- B. Pursuant to the Linkages in that Plan, an Inclusionary Housing Regulatory Agreement by and between Towne Development and the Agency, dated July 1, 2006, was executed and recorded in conjunction with recording the Final Subdivision Map for the Strawberry Field project.
- C. In 2008, a de facto moratorium on residential building went into effect halting residential construction of this project and other residential projects in the Natomas Basin from 2009 to spring 2015.
- D. On September 1, 2015, the Sacramento City Council adopted Ordinance No. 2015-0029 (Ordinance) which repealed Chapter 12.712 of the Sacramento City Code and added Chapter 17.712 and Section 17.808.260 thereto all relating to mixed income housing.
- E. Sacramento City Code Section 12.712.030 subsection C states that projects subject to an inclusionary housing plan approved prior to the effective date of the Ordinance may elect to either comply with the existing plan or comply with the provisions of the new Chapter 17.712.
- F. The owners of the Strawberry Field project have elected to terminate the plan and comply with the provisions of the Chapter by paying a housing impact fee in lieu of building the inclusionary housing units as required under Section 17.712.050.

- G. The proposed action has been analyzed in accordance with the California Environmental Quality Act (CEQA) and is an administrative activity that is exempt from environmental review under CEQA Guidelines Section 15378(b)(5).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The facts as presented and stated in the Background above, including the environmental findings are found to be true and correct.
- Section 2. The Sacramento Housing and Redevelopment Agency (Agency) is authorized to terminate and release the Inclusionary Housing Regulatory Agreement that was recorded against the Strawberry Field project property.
- Section 3. The form of the Agency's release of the Inclusionary Housing Regulatory Agreement, attached as Exhibit A, is approved.

Table of Contents:

Exhibit A – Release of Inclusionary Housing Regulatory Agreement – Strawberry Field

Adopted by the City of Sacramento City Council on September 27, 2016, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

Attest:

Shirley Concolino

Digitally signed by Shirley Concolino
DN: cn=Shirley Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2016.10.21 15:25:45 -07'00'

Shirley Concolino, City Clerk

NO FEE DOCUMENT:

Entitled to free recording
per Government Code §§ 27383 and 6301.

When recorded, return to:

Sacramento Housing and Redevelopment Agency
801 12th Street
Sacramento, California 95814
Attention: Portfolio Management

**RELEASE AND TERMINATION OF
INCLUSIONARY HOUSING REGULATORY AGREEMENT REQUIREMENTS**

WHEREAS, the Sacramento Housing and Redevelopment Agency (“Agency”) with the owner of the Property, Sky Park at Natomas Field LLC, a California limited liability company, (“Owner”) entered into and recorded the Inclusionary Housing Regulatory Agreement (“Regulatory Agreement”), on October 12, 2006 at Book 20061012, commencing at page 0380 against that certain real property (“Property”) described in the Legal Description attached to and incorporated in this instrument (“Release”) by this reference; and

WHEREAS, the Regulatory Agreement was recorded on behalf of the Agency in furtherance of and for purpose of enforcement of the former Mixed Income Housing Ordinance, City of Sacramento City Code Chapter 17.190 (“Ordinance”) and to permit Owner to obtain entitlements for the development of the Property; and

WHEREAS, the Owner has elected under the provisions of Sacramento City Code Chapter 17.712 to terminate the above Regulatory Agreement and comply with this chapter of the City Code, which actions are sufficient for the termination and release of the Regulatory Agreement with regard to the Property;

NOW THEREFORE, the Sacramento Housing and Redevelopment Agency releases and terminates the Inclusionary Housing Regulatory Agreement as it affects the Property, and it shall be of no further force or effect with regard to the Property.

IN WITNESS WHEREOF, this Release has been executed in Sacramento County this ____ day of July, 2016.

THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

By: _____

La Shelle Dozier, Executive Director

Approved as to form:

Agency Counsel

[NOTARIZED ACKNOWLEDGEMENTS]

Legal Description