

CITY COUNCIL

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Mindy Cuppy, City Clerk
Susana Alcala Wood, City Attorney
Jorge Oseguera, City Auditor
Howard Chan, City Manager
John Colville, City Treasurer



Agenda

City Council

Financing Authority

Housing Authority

Public Financing Authority

Redevelopment Agency

Successor Agency

City Hall-Council Chamber

915 I Street, 1st Floor

*Published by the Office of the City Clerk
(916) 808-5163*

CORRESPONDENCE

Description of Change: The attached correspondence was received after publishing.

For the Meeting of: August 13, 2019

22. (City Council / Housing Authority) Arden Way Phase II Tax Equity and Fiscal Responsibility Act Hearing, Approval of Tax-Exempt Bonds and Approval of Loan Commitment (Noticed on 07/11/2019) [Published for 10-Day Review 07/11/2019]

File ID: 2019-00869

Location: 880, 924 and 936 Arden Way, District 2

Recommendation: Conduct a Tax Equity and Fiscal Responsibility Act public hearing and upon conclusion, adopt a: 1) a **City Council Resolution** indicating the City Council has conducted a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing related to the proposed acquisition and construction of Arden Way Phase II (Project); 2) a **Housing Authority Resolution** which a) indicates the intention of the Housing Authority of the City of Sacramento to issue up to \$30,000,000 in tax-exempt mortgage revenue bonds to provide acquisition and construction financing for the Project, b) authorizes an application to the California Debt Limit Allocation Committee (CDLAC) for allocation authority to issue the bonds, and c) authorizes the Executive Director, or designee, to execute the necessary documents associated with the transaction; and 3) a **City Council Resolution** authorizing the Sacramento Housing and Redevelopment Agency (Agency) to: a) amend the Agency budget, b) approve a loan commitment of \$4,000,000 comprised of \$2,400,000 in Home Investment Partnerships Program (HOME) funds, \$1,300,000 in Housing Trust Funds and \$300,000 in Mixed Income Housing funds to the Project (Loan Commitment), c) execute a Loan Commitment and all necessary documents associated with this transaction with Community HousingWorks or related entity, and d) make related findings.

Contact: Christine Weichert, Assistant Director, (916) 440-1353; Tyrone Roderick Williams, Director of Development, (916) 440-1316, Sacramento Housing and Redevelopment Agency



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By U.S. Mail and E-Mail

August 8, 2019

Mindy Cuppy
Sacramento City Clerk
915 I Street
New City Hall
Sacramento, California 95814
clerk@cityofsacramento.org

Department of Community Development
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
planning@cityofsacramento.org

Re: Notice of Intent to File Suit Under The California Environmental Quality Act Regarding the Arden Way Affordable Housing Project (DR18-390)

Dear Addressees:

Please take notice, pursuant to Public Resources Code (“PRC”) § 21167.5, that Petitioner Woodlake Neighbors Creating Transparency (“Petitioner”) intends to file a Verified Petition for Peremptory Writ of Mandate (“Petition”) under the provisions of the California Environmental Quality Act (“CEQA”), PRC § 21000 *et seq.*, against Respondents City of Sacramento and Sacramento Department of Community Development regarding challenging the June 26, 2019 decision of the Sacramento Department of Community Development including their: (1) exemption of the Arden Way Affordable Housing Project from CEQA review under Public Resources Code section 21155.4; and (2) exemption of the Arden Way Affordable Housing Project from CEQA review under Government Code section 65457.

Among other issues, Petitioners will allege that Respondents failed to proceed in the manner required by law by exempting the Arden Way Affordable Housing Project from CEQA review despite new information since environmental impact report for the Swanston Station Transit Village Special Plan was certified and despite the Arden Way Affordable Housing Project’s inconsistencies with the Swanston Station Transit Village Special Plan.

The petition being filed will seek the following relief:

1. For a stay pending trial of Respondents’ decisions exempting the Project from CEQA review.
2. For a peremptory writ of mandate ordering:
 - a. Respondents to vacate and set aside its exemption of the Project from CEQA review on the grounds that adequate compliance with Government

Re: Notice of Intent to File Suit

Under the California Environmental Quality Act

August 8, 2019

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Code section 65457 and Public Resources Code section 21155.4 did not precede the exemption; and

- b. Respondents to comply with CEQA and the State CEQA Guidelines in any subsequent action taken to consider approval of the Project.
3. For the costs of suit.
4. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.
5. For any other equitable or legal relief that the Court considers just and proper.

Petitioners urge Respondents to rescind the exemption of the Project from CEQA review, to conduct the appropriate environmental review, and to prepare the appropriate CEQA document for the Project as required by law.

Sincerely,



Doug Chermak
Lozeau Drury LLP
Attorney for Petitioner

PROOF OF SERVICE

I, Toyer Gear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison Street, Suite 150, Oakland, California, 94612.

On August 8, 2019, I served a copy of the foregoing document entitled:

**Notice of Intent to File Suit Under The California Environmental Quality Act
Regarding the Arden Way Affordable Housing Project (DR18-390)**

on the following parties:

Mindy Cuppy
Sacramento City Clerk
915 I Street
New City Hall
Sacramento, California 95814
clerk@cityofsacramento.org

Department of Community Development
City of Sacramento
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
planning@cityofsacramento.org

<input checked="" type="checkbox"/>	BY MAIL. By placing the document listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.
<input checked="" type="checkbox"/>	BY EMAIL. By sending the documents as an electronic mail attachment in PDF format to the e-mail address above.
<input type="checkbox"/>	BY FACSIMILE TRANSMISSION. By sending the documents via facsimile transmission to the fax telephone number identified above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed April 30, 2019 at Oakland, California.



Toyer Gear