

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY OF BRENTWOOD AND SHEA HOMES FOR THE ORCHARD GROVE PROJECT (SUBDIVISION 9535) AND SUCH OTHER DOCUMENTS AS MAY BE NEEDED TO COMPLETE THE TRANSACTION

WHEREAS, on December 11, 2012, the City Council adopted Ordinance 909, an Ordinance of the City Council of the City of Brentwood approving an amendment to the City's Affordable Housing Program; and

WHEREAS, on April 28, 2020, the City Council adopted Ordinance 1014, an Ordinance of the City Council of the City of Brentwood approving an amendment to the City's Affordable Housing Program, which became effective on May 28, 2020; and

WHEREAS, developments with applications deemed complete prior to the effective date of Ordinance 1014 are subject to the previous affordable housing ordinance (Ordinance No. 909); and

WHEREAS, the application for the Orchard Grove (Subdivision 9535) project was deemed complete on May 26, 2020; therefore, the project is subject to the affordable housing Ordinance in effect at that time (Ordinance No. 909); and

WHEREAS, Ordinance No. 909 requires developers of residential developments of twenty-five (25) or more lots to fulfill an affordable housing obligation of 2% of the total number of dwelling units as affordable units; and

WHEREAS, the Developer has elected to provide six (6) affordable units (duet units) total comprising five (5) units affordable to moderate-income households, thus qualifying for processing under the State's Density Bonus Law, and one (1) unit affordable to a low-income household, as required by the City's affordable housing ordinance (Ordinance No. 909); and

WHEREAS, a Condition of Approval for Subdivision 9535 requires Shea Homes (the "Developer") to comply with the City of Brentwood Affordable Housing Program; and

WHEREAS, on August 15, 2022, the Land Use and Development Committee (LUDC) reviewed the affordable housing obligation for Subdivision 9535, which required one low income unit to be built; and

WHEREAS, the City Council elected for the Developer to satisfy their affordable housing obligation by building 1 low income unit, in addition to the 5 moderate-income units to be provided by Developer in order to qualify for a State Density Bonus, and selling the units to income qualifying families.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood does hereby approve and authorize the City Manager to execute:

1. An Affordable Housing Agreement with Shea Homes for the Orchard Grove project, in a form substantially similar to that attached hereto, subject to minor revisions approved by the City Attorney;
2. The exhibits attached to the affordable housing agreement, subject to minor revisions approved by the City Attorney; and
3. Such other documents as may be required to ensure the transfer of the affordable units in accordance with the terms of the Affordable Housing Agreement and subsequent compliance therewith.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 14th day of November 2023 by the following vote: