RESOLUTION NO. R-46-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, APPROVING DEVELOPMENT OF AFFORDABLE SENIOR CITIZEN RENTAL HOUSING UNITS BY THE COLTON HOUSING AUTHORITY

WHEREAS, the Colton Housing Authority ("Authority") owns certain real property generally located in the block bordered on the north by East E Street, on the east by North 9th Street, on the south by East F Street and on the west by North La Cadena Drive, in the City of Colton, California ("Property"); and

WHEREAS, Authority has negotiated the terms of that certain Disposition and Development Agreement (Colton Senior Complex) ("Agreement"), with Eagle Colton 55, L.P., a California limited partnership ("Developer") providing for, among other things, the transfer of the Property by Authority to Developer and Developer's construction on the Property of one hundred twenty (120) multi-family affordable senior citizen rental housing units ("Project"); and

WHEREAS, the Agreement and the Project implement the goals and objectives of the Authority by addressing certain affordable housing needs of the City of Colton and will assist the Authority in the provision of housing for persons of low income; and

WHEREAS, the City Council of the City of Colton has duly considered all of the terms and conditions of the proposed Agreement and believe that the development of the Project pursuant to the Agreement is in the best interests of the City of Colton and the health, safety, and welfare of its residents.

NOW, THEREFORE, THE COLTON CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. <u>California Environmental Quality Act Compliance</u>. The City Council's approval of the Agreement and adoption of this Resolution is exempt from the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: "CEQA") because the Agreement is a land acquisition agreement and the City has conditioned future use of the site on CEQA compliance. (14 C.C.R. § 15004(b)(2)(A).) The City's approval of this Agreement does not constitute approval by the City of any site-specific development plan for the Property, or other activity on the Property, that would have a direct or reasonably foreseeable indirect environmental impact pursuant to CEQA. (14 C.C.R. § 15378(b).) The City's approval of the Agreement results in a mere transfer of the Property from the Authority to the Developer. As more fully explained in the Agreement, Developer's future use and/or development of the Property is expressly conditioned upon CEQA compliance. The City shall conduct environmental review pursuant to CEQA prior to taking any discretionary action with regard to any proposed development of the Property. Nothing in the Agreement or this Resolution shall be construed to limit the City's discretion to consider and adopt any mitigation measure or project alternative, including the alternative of rejecting any proposed development of the Property, as provided in section 21002 of the Public Resources Code. Following completion of the City's environmental review of any proposed development of the

Property, the City shall file a notice of such approval as provided in section 21152 of the Public Resources Code.

SECTION 2. The facts set forth in the recitals of this Resolution are true and correct and incorporated herein.

SECTION 3. The City hereby finds and determines, based upon substantial information in the record before it, that development of the Project on the Property is of benefit to the community by providing affordable housing for senior citizens who currently live within the community.

SECTION 4. The City hereby approves development of the Project by Authority pursuant to Health and Safety Code Section 34313, without waiving or issuing and subject to the Project developer submitting all legally required applications, fees and security to City and receiving all legally required land use approvals from City.

SECTION 5. The City Council hereby directs staff to prepare, execute and file a Notice of Exemption with the San Bernardino County Clerk within five days of the passage and adoption of this Resolution.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution, which shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of July, 2012

By: Sarah S. Zamora

Sarah S. Zamora, Mayor

Attest:

Eileen C. Gomez, City Clerk, CMC

CERTIFICATION

I, EILEEN C. GOMEZ, City Clerk to the City of Colton, do hereby certify that the foregoing Resolution No. R-46-12 was duly and regularly adopted by the City Council of the City of Colton at a regular meeting thereof held on the 17th day of July, 2012, and that the same was passed and adopted by the following vote, to wit:

AYES: Toro, Gonzales, Yzaguirre, Oliva, Bennett, Perez, and Mayor Zamora

NOES:

ABSTAIN:

ABSENT:

Eileen C. Gomez, CMC, City Clerk