

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING (1) AFFORDABILITY RESTRICTIONS AND REGULATORY AGREEMENT (DENSITY BONUS) WITH BRAVO GARDEN APARTMENTS, LLC REGARDING A MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH 388 TOTAL APARTMENTS, WITH 20% RESTRICTED TO VERY LOW INCOME AND LOW INCOME HOUSEHOLDS; AND, (2) A DEVELOPMENT FEE AGREEMENT FOR THE USE OF HOUSING MITIGATION FEES IN AN AMOUNT NOT TO EXCEED \$180,000 AS REIMBURSEMENT TO DEVELOPER IN EXCHANGE FOR RESTRICTING 5 UNITS TO QUALIFYING HOUSEHOLDS WITH LOCAL EMPLOYEES.

WHEREAS, BRAVO GARDEN APARTMENTS LLC, a California limited liability company ("Owner"), is the owner of real property located on Hovely Lane within the City of Palm, Desert, California (the "Property"), which is the location of a planned 388-unit, multi-family residential rental apartment project (the "Project") that was previously approved by the City Council pursuant to Resolution No. 2018-18, on or about April 26, 2018. Owner is the successor in interest to the Property and the Project from the original applicant, New Cities Investment Partners, LLC, a California limited liability company; and

WHEREAS, Owner is requesting approval of an agreement for a density bonus and related concessions pursuant to the California Density Bonus Law (Government Code § 65915) and the City's implementing ordinance at Palm Desert Municipal Code ("PDMC") 25.34.040, as approved by Resolution No. 2018-18, Section 7 and Condition of Approval 4, pursuant to which twenty percent (20%) of the total units in the Project will be restricted for occupancy to very low income households at an affordable rent; and

WHEREAS, Owner has agreed to the terms of an Affordability Restrictions and Regulatory Agreement (Density Bonus) (the "Density Bonus Agreement"), which has been submitted to the City Council for review and consideration, and which is intended to comply with the approval from Resolution No. 2018-18, and will be recorded against the Property in compliance with the California Density Bonus Law and City ordinance; and

WHEREAS, the Density Bonus Agreement provides for, among other things, that the Project may be developed with 388 units, which exceeds the base density provided for under the City zoning provisions, and Owner shall receive two concessions: (i) reimbursement of up to \$180,000 in development impact fees in exchange for restricting five (5) units for very low income households with a member who works within the City, and (ii) a reduction in parking standards; and

WHEREAS, PDMC § 25.34.040(G) provides that the City council is the approving body for the Density Bonus Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, as follows:

SECTION 1. The City Council of the City of Palm Desert hereby makes the following findings:

- A. The foregoing recitals are approved and incorporated herein by reference.
- B. The Density Bonus Agreement is authorized by and shall comply with the prior approvals for the Project adopted by the City Council through Resolution NO. 2018-18.
- C. The Density Bonus Agreement is authorized by and shall comply with California Density Bonus Law and PDMC § 25.24.040.
- D. The Density Bonus Agreement contains the following material terms: (1) not less than seventy eight (78) units, shall be restricted for occupancy by very low income households (the "Affordable Units"), (2) the Affordable Units shall be leased to qualifying households at an affordable rent, as determined in accordance with the California Density Bonus Law, (3) a concession that provides the City will pay up to \$180,000 in reimbursement for impact fees attributable to five (5) of the Affordable Units restricted for occupancy by households with members who work within the City, to be paid from available funds from the City's Low Income Housing Mitigation Fees, (4) a concession that provides for a reduction in parking standards to allow 1.77 spaces per unit, and (5) all other terms and conditions set forth in the Density Bonus Agreement submitted to the City Council in conjunction with the approval of this resolution.
- E. The Density Bonus Agreement furthers the City's Envision Palm Desert Strategic Plan by facilitating development of high-quality housing for people of all income levels, diversifies the City's housing stock for low income households, and provides housing opportunities for local employees.
- F. The Project will further the City's goal of providing affordable housing opportunities to low income households.
- G. The use of Low Income Housing Mitigation Fees is consistent with Resolution No. 90-130 because reimbursement of impact fees on the Project serves the purpose of increasing, producing, improving and preserving affordable housing for very low income households with persons who work within the City.

SECTION 2. This Density Bonus Agreement is being approved in compliance with the State Density Bonus Law (California Government Code Section 65915 et seq.) and PDMC § 25.34.040. The Agreement concerns rental rate restrictions and impact fee

reimbursements and so, pursuant to Public Resources Code § 21166 of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq. (“CEQA”) and CEQA Guidelines section 15378, the Agreement is not a “project” within the meaning of CEQA as it will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and, as such, no environmental review is required. City staff is directed to file a notice of exemption.

SECTION 3. The City Council of the City of Palm Desert, hereby approves the Density Bonus Agreement, subject to all conditions and requirements of the approvals of Resolution No. 2018-18.

SECTION 4. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

ADOPTED ON _____, 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2024-__ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK