



Legislation Details

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| File #: | 23-1063 | Version: | 1 | Name: | |
| Type: | Report Item | Status: | | Passed | |
| File created: | 11/21/2023 | In control: | City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency | | |
| On agenda: | 1/16/2024 | Final action: | 1/16/2024 | | |

Title: SUBJECT: Approval of Density Bonus #23-02, Initiated by Devonwood Apartments, LP, on Behalf of Devonwood 64, LP, Property Owner; this Application Involves a Request to Reduce the Minimum Parking Requirements and Concessions for Relief from Certain Design Standards for Multi-Family Dwellings, the Reduction in Parking Requirements and Granting of Concessions Would Allow the Construction of a 156-Unit Affordable Apartment Complex on Approximately 5.90 Acres of Land, Generally Located on the South Side of Devonwood Drive Between Loughborough Drive and Austin Avenue; and, Approval of City Council Resolution No. 2024-12 Approving Various Financing Transactions and Documents for Affordable Housing on Behalf of Devonwood Apartments, L.P. in the Approximate Amount of \$10,171,476.06 Consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents; and, Authorizing Certain Other Actions in Connection to the Devonwood Apartments Project

REPORT IN BRIEF

Considers approval of a Regulatory Agreement with Devonwood Apartments, LP, approving Density Bonus #23-02 and granting certain concessions to Multi-family Development Design Standards to allow the construction of a 156-unit affordable apartment complex generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue; and, Considers approval of Resolution 2024-12, approving various financial transactions and documents for Affordable Rental Housing on behalf of Devonwood Apartments, L.P. in the approximate amount of \$10,171,476.06 consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents; and, Authorizing certain other actions in connection therewith.

RECOMMENDATION

City Council - Adopt a motion:

A. Finding that the adoption of the Regulatory Agreement is exempt from review under the California Environmental Quality Act (CEQA) through adoption of a Categorical Exemption based on the previous environmental review (Initial Study #20-32 for GPA #20-01) remains sufficient and no further documentation is required (CEQA Section 15162 Finding); and,

B. Approving the Affordable Housing Regulatory Agreement with Devonwood Apartments, LP, for the approximate 5.90-acre property generally located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue, to construct a 156-unit affordable apartment complex; and,

C. Approving Resolution 2024-12, A Resolution of the City Council of the City of Merced, California, Approving Various Financing Transactions and Documents for Affordable Housing on Behalf of Devonwood Apartments, L.P. in the total approximate amount of \$10,171,476.06 consisting of Loan Agreements, Regulatory Agreements, Subordination Agreements, and Related Loan Documents, and authorizing certain other actions in connection therewith; and,

D. Approving all necessary agreements relating to the project and commitment of project funding; and,

E. Authorizing the Finance Officer to make the necessary budget adjustments; and,

F. Authorizing the City Manager to execute the necessary documents, with authority to make minor modifications, if needed, with City Attorney review and approval.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map.pdf, 2. Site Plan.pdf, 3. Elevations.pdf, 4. Guide to the California Density Bonus Law, Meyers-Nave, 5. Letter regarding Patios/Balconies, 6. Letter regarding Parking, 7. Planning Commission Resolution #4123, 8. Planning Commission Staff Report #23-824, 9. Categorical Exemption, 10. Affordable Housing Regulatory Agreement (Density Bonus Agreement)-Devonwood Apts.pdf, 11. Agreement & Lien Affecting Real Prop-Loan of Water and Sewer Connection Fees, 12. ARPA- Notice of Affordability Restrictions on Transfer of Property-Devonwood.pdf, 13. ARPA-Agreement Containing Covenants Affecting Real Property, 14. ARPA-Deed Restriction Covenant and Grant Agreement-Devonwood.pdf, 15. ARPA-Regulatory Agreement and Declaration of Restrictive Covenants-Devonwood.pdf, 16. CDBG-Agreement Containing Covenants Affecting Real Property Devonwood.pdf, 17. CDBG-City of Merced Note Devonwood.pdf, 18. CDBG-Deed of Trust and Security Agreement Devonwood.pdf, 19. CDBG Deed Restriction Covenant n Loan Agreeemt.pdf, 20. CDBG-Notice of Affordability Restrictions on Transfer of Property.pdf, 21. CDBG-Regulatory Agreement and Declaration of Restrictive Covenants-Devonwood.pdf, 22. CHDO HOME Agreement Containing Covenants Affecting Real Property- Devonwood.pdf, 23. CHDO HOME Deed of Trust and Security Agreement.pdf, 24. CHDO HOME Deed Restriction Covenant and Loan Agreement-Devonwood.pdf, 25. CHDO HOME Notice of Affordability restrictions on Transfer of Property-Devonwood.pdf, 26. CHDO HOME Promissory Note (City of Merced)-Devonwood.pdf, 27. CHDO HOME Regulatory Agreement and Declaration of Restrictive Covenants-Devonwood.pdf, 28. Devonwood - BOA-City Subordination Agreement(80281474.1).doc, 29. Resolution 2024-12, 30. Devonwood Presentation.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|----------|--------|
| 1/16/2024 | 1 | City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency | approved | Pass |