

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
DELEGATING AUTHORITY TO THE CITY MANAGER TO
NEGOTIATE AND EXECUTE DENSITY BONUS HOUSING
AGREEMENTS THAT ARE CONSISTENT WITH THE TERMS OF
SANTA CLARA CITY CODE SECTION 18.78.060 IN A FORM
ACCEPTABLE TO THE CITY ATTORNEY**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City has established the Density Bonus Ordinance (DBO), Santa Clara City Code (SCCC) Chapter 18.78 entitled "Residential Density Bonus Standards," under State Density Bonus Law in accordance with California Government Code Section 65915 et seq.;

WHEREAS, the DBO, grants a density bonus and regulatory concessions and/or incentives when a developer seeks and agrees to provide a minimum number of housing units with affordable rents to very low or lower income households;

WHEREAS, the Developer is required to record a Density Bonus Housing Agreement (DBA) restricting the units in accordance with State Density Bonus Law and the DBO prior to issuance of building permits.

WHEREAS, several DBA agreements are requested annually and are typically routine documents that are on a form agreement consistent with the DBO and more specifically SCCC 18.78.060;

WHEREAS, delegating signature authority to the City Manager to execute DBAs would streamline the review and approval process of these routine agreements;

WHEREAS, City Council approval would be required for any DBAs that are inconsistent with the City's DBO; and

WHEREAS, the City Manager would be authorized to execute DBA on forms that are in conformance with SCCC 18.78 and subject to the approval as to form by the Office of the City Attorney.

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Santa Clara City Council ("Council") hereby grants to the City Manager, or their designee, the authority to negotiate and execute density bonus agreements and any amendments thereto that are in conformance with the requirements provided under Chapter 18.78, entitled "Residential Density Bonus Standards," subject to approval as to form by the Office of the City Attorney.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA CITY COUNCIL, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2023, BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAINED: BOARD MEMBERS:

ATTEST:

NORA PIMENTEL, MMC
Assistant City Clerk