

# Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

## **AUTHORIZING APPLICATION FOR, AND RECEIPT OF, PROHOUSING INCENTIVE PILOT PROGRAM FUNDS**

**WHEREAS, WHEREAS,** pursuant to Health and Safety Code 50470 et. Seq, the Department of Housing and Community Development (Department) is authorized to issue Guidelines as part of an incentive program (hereinafter referred to by the Department as the Prohousing Incentive Pilot Program or “PIP”); and

**WHEREAS,** the City Council of the City of Petaluma desires to submit a PIP grant application package (“Application”), on the forms provided by the Department, for approval of grant funding for eligible activities toward planning and implementation activities related to housing and community development as a result of meeting eligibility criteria including but not limited to Prohousing Designation; and

**WHEREAS,** the Department has issued Guidelines and Application on December 15, 2022 in the amount of \$ 25,705,545.65 for PIP; and

**WHEREAS,** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that applying for a designation or grant funds does not meet CEQA's definition of a “project,” because the action does not commit the City to a definite course of action (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County’s decision to apply for state funding for potential jail expansion was not project approval) and as there is no definite course of action, there is not the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes an administrative and fiscal activity of the governments which does not involve any commitment to any specific project which that may result in direct or indirect physical changes in the environment, and furthermore any use of the funds will result in its own CEQA analysis.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Petaluma as follows:

1. The City Manager is hereby authorized and directed to submit an Application to the Department in response to the NOFA, and to apply for the PIP grant funds in a total amount not to exceed \$1,000,000.
2. In connection with the PIP grant, if the Application is approved by the Department, the City Manager of the City of Petaluma is authorized and directed to enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of no more than \$1,000,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PIP grant, the Applicant’s obligations related thereto, and all amendments thereto.
3. The Applicant shall be subject to the terms and conditions as specified in the Guidelines, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the Guidelines and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

4. The above findings are declared to be true and accurate and are incorporated as findings of this Resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 6<sup>th</sup> day of March 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor