

Folsom City Council Staff Report

MEETING DATE:	3/28/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	<p>Folsom Ranch Apartments Development Agreement Amendment – Northwest corner of Alder Creek Parkway and Westwood Drive (MSTR 22-218)</p> <p>i. Ordinance No. 1337 - An Uncodified Ordinance of the City of Folsom Approving Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement Between the City of Folsom and Eagle Commercial Properties, LLC Relative to the Folsom South Specific Plan (Second Reading and Adoption)</p>
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council conduct the second reading and adopt Ordinance No. 1337 - An Uncodified Ordinance of the City of Folsom Approving Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement between the City of Folsom and Eagle Commercial Properties relative to the Folsom South Specific Plan (Second Reading and Adoption).

BACKGROUND / ISSUE

On February 15, 2023, the Planning Commission held a public hearing to consider a request from Lewis Management Corporation for approval of a Conditional Use Permit, Planned Development Permit, Development Agreement Amendment, and Minor Administrative Modification for development of a 238-unit market-rate apartment community on a 15.8-acre site situated at the northwest corner of the intersection of Alder Creek Parkway and Westwood Drive within the Folsom Plan Area.

The Planning Commission was fully supportive of the proposed apartment project and adopted a motion (7-0-0-0) to approve a Conditional Use Permit, Planned Development Permit and Minor Administrative Modification for the Folsom Ranch Apartments project. The Commission also recommended that the City Council Approve Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC relative to the Folsom South Specific Plan.

The Planning Commission was fully supportive of the proposed apartment project and adopted a motion (7-0-0-0) to approve a Conditional Use Permit, Planned Development Permit and Minor Administrative Modification for the Folsom Ranch Apartments project. The Commission also moved to recommend that the City Council Approve Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC relative to the Folsom South Specific Plan.

On March 14, 2023, the City Council introduced and conducted the first reading of Ordinance 1337. No changes have been made to the ordinance since the first reading.

POLICY / RULE

As set forth in the State Planning and Zoning Law, approval of, or amendments to, a Development Agreement is a legislative act which requires approval by the City Council following review and recommendation by the Planning Commission.

PROJECT ENTITLEMENTS

As noted above, the applicant requested approval of three entitlements to allow for development of the proposed Folsom Ranch Apartments project.

The first entitlement requested was for approval of a Conditional Use Permit to allow for development and operation of a paired, townhome-style apartment buildings on the project site. **This entitlement was approved by the Planning Commission on February 15, 2023.**

The second entitlement was a request for approval of a Planned Development Permit to establish project-specific development standards, review the project site design, evaluate the architectural design of the multi-family apartment buildings and clubhouse, and establish signage criteria. **This entitlement was approved by the Planning Commission on February 15, 2023.**

The third entitlement was a request for approval of a Minor Administrative Modification for the transfer of development rights to move 221 MHD units from the project site to Parcel 61 within the Folsom Plan Area, to move 116 MMD units from Parcel 61 to the project site, and to move 3.3-acres of parkland (PARK) from the project site to Parcel 61. **This entitlement was approved by the Planning Commission on February 15, 2023.**

The fourth entitlement requested was for approval of a Development Agreement Amendment (Amendment No. 2) to the First Amended and Restated Tier 1 Development Agreement between the City of Folsom and Eagle Commercial Properties, LLC relative to the Folsom South Specific Plan. The purpose of this Amendment is to deed restrict 64 affordable housing units on a remainder portion of Parcel 61 located within in the Folsom Plan Area owned by Eagle Commercial Properties, LLC. The purpose of the Amendment is also to memorialize that the landowner will receive credits for a total of 64 deed-restricted multi-family housing units and that these Affordable Housing Credits may be transferred to and used to satisfy and/or offset the inclusionary and/or affordable housing obligation for other residential projects on specific parcels owned by Eagle Commercial Properties in the Folsom Plan Area. **The Planning Commission voted on February 15, 2023 to recommend that the City Council approve the proposed amendment to the development agreement.**

PROJECT OVERVIEW

The Folsom Ranch Apartments project, which includes development of 119 two-story townhome-style apartment buildings and a one-story clubhouse building, is comprised of 238 market-rate apartments within a gated community. The two-story apartment buildings include a total of 104 two-bedroom units (1,175 square feet) and 134 three-bedroom units (1,611 to 1,829 square feet). All apartment units are proposed to be accessible from exterior doorways and include a full kitchen, living space, washer/dryer, storage closets, bedrooms, bathrooms, and an outdoor balcony/patio. The one-story clubhouse building features a fitness studio, an office, a reception lounge, an equipment room, and restroom facilities. Outdoor amenities associated with the clubhouse building include a pool, a spa, sun deck, seating areas, barbecue areas, tot lot, and a dog park.

In relation to site design, the townhome-style apartment buildings are distributed evenly throughout the project site, with the clubhouse building, tot lot, and dog park being situated in the northern portion of the project site. With respect to architectural style, the proposed project features a contemporary Spanish Colonial design theme featuring stucco exteriors, tile roofs, wood trim, decorative iron detailing, and an earthtone color scheme.

Primary vehicle access to the project site includes two new driveways, both located on the west side of Westwood Drive respectively. The two primary access driveways will accommodate all turning movements into and out of the project site. Emergency vehicle access is provided by a gated driveway on the east side of McCarthy Way and a gated driveway on the west side of Placerville Road. Proposed internal vehicle circulation consists of a series of 27-foot-wide drive aisles that provide access in and around the project site.

Pedestrian circulation is provided by new sidewalks located along the street frontages of Alder Creek Parkway, Westwood Drive, McCarthy Way, Mercy Drive, and Placerville Road, with seven pedestrian gates providing access from the project site to the adjacent sidewalks. Internal pedestrian circulation is accommodated by a series of new pedestrian pathways that provide connectivity to the apartment buildings, the clubhouse building, and the perimeter sidewalks. Additional site improvements include: 597 parking spaces (includes combination

of garage and uncovered parking spaces), bicycle parking spaces, electric vehicle charging stations, underground utilities, drainage swales, site lighting, site landscaping, retaining walls, fencing, and project identification signs.

The project was evaluated by the Planning Commission at their February 15, 2023 meeting. No members of the public spoke regarding the proposed project during the public comment portion of the meeting. The Planning Commission indicated that they were fully supportive of a market rate rental community at this specific location in the Folsom Plan Area and adopted a motion (7-0-0-0) to Approve a Conditional Use Permit, Approve a Planned Development Permit, and Approve a Minor Administrative Modification for the Folsom Ranch Apartments project. The Commission also recommended that the City Council Approve Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement Relative to the Folsom South Specific Plan. It is important to note that the applicant (Lewis Management Corporation) was in agreement to the “green sheet” modifications proposed at the Planning Commission meeting and has not objected to nor filed an appeal on any of the conditions of approval placed on the project.

ANALYSIS

The City and Landowner’s predecessor (Eagle Commercial Partners, LLC) previously entered into the First Amended and Restated Tier 1 Development Agreement By and Between the City of Folsom and Landowner Relative to the Folsom South Specific Plan on July 15, 2014. Section 1.5 of the Restated Development Agreement allows the Restated Development Agreement to be amended from time to time by mutual written consent of the parties. On November 12, 2015, Eagle Commercial Partners, LLC and the City entered into Amendment No. 1 to First Amended and Restated Tier 1 Development Agreement Relative to the Folsom South Specific Plan. The applicant is proposing Amendment No. 2 to the First Amended and Restated Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC relative to the Folsom South Specific Plan for the purpose of deed restricting 64 affordable housing units on a portion of the Remainder within Parcel 61 located within in the Folsom Plan Area.

As described above, the Landowner is proposing to deed restrict 64 multi-family housing units on a portion of the Remainder within Parcel 61, located within in the Folsom Plan Area, for the purpose of assisting the City in meeting its Regional Housing Needs Allocation (RHNA) assigned by the State Department of Housing and Community Development. The 64 multi-family housing units, which would be made available to low-, very-low, and/or extremely-low income households, will be deed restricted for a period of 55 years from the date of recording. The deed restriction must be recorded prior to issuance of a building permit for the Folsom Ranch Apartments Project.

In exchange for perfecting the deed restriction, the landowner will receive credits for a total of 64 deed-restricted multi-family housing units. In the event that Landowner (or a successor in interest) proposes residential development on Parcel 61 in the future, any applicable requirement for inclusionary and/or affordable housing will be offset by 64 units.

Alternatively, the Affordable Housing Credits may be transferred to and used to satisfy and/or offset the inclusionary and/or affordable housing obligation for other residential projects owned by Eagle Commercial Properties on Parcels 77, 85A-3, or 85A-4 in the Folsom Plan Area.

There is no inclusionary or affordable housing requirement applicable to the proposed Folsom Ranch Apartments project. In the unlikely event that the City passes an inclusionary housing ordinance applicable to rental units, the proposed project would be subject to it, unless a complete application for a building permit is submitted before the new ordinance takes effect.

Staff recommends that the form of deed restriction be submitted with owner/applicant's application for a building permit and will be subject to the City Attorney's approval, which shall not be unreasonably withheld. Condition No. 7 is included to reflect this requirement. City staff has conducted a thorough review of the proposed modifications to the Development Agreement and is supportive of the Development Agreement amendment as proposed by the applicant.

FINANCIAL IMPACT

No financial impact is anticipated with approval of the Development Agreement Amendment associated with the Folsom Ranch Apartments Project as the project will not result in any change in the total amount of commercial square footage or residential unit count within the Folsom Plan Area.

ENVIRONMENTAL REVIEW

A CEQA Exemption and Streamlining Analysis and Checklist was prepared for the Folsom Ranch Apartments Project in October 2022 in accordance with the California Environmental Quality Act. The City reviewed the applicant's analysis and concurred that the project is exempt from additional environmental review as provided in CEQA Guidelines 15182(c). On February 15, 2023, the Planning Commission found that the project was exempt from CEQA pursuant to Public Resources Code section 65457 and CEQA Guidelines section 15182(c). The Development Agreement Amendment was considered by staff and the Planning Commission as a part of the determination that the project is exempt. No additional environmental review is required.

ATTACHMENTS

1. Ordinance No. 1337 - An Uncodified Ordinance of the City of Folsom Approving Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement between the City of Folsom and Eagle Commercial Properties relative to the Folsom South Specific Plan (Second Reading and Adoption)

2. Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties relative to the Folsom South Specific Plan

Submitted,



PAM JOHNS
Community Development Director

Attachment 1

Ordinance No. 1337 – An Uncodified Ordinance of the City
of Folsom Approving Amendment No. 2 to the First
Amended and Restated Tier 1 Development Agreement
between the City of Folsom and Eagle Commercial Properties
relative to the Folsom South Specific Plan
(Second Reading and Adoption)

ORDINANCE NO. 1337

**AN UNCODIFIED ORDINANCE OF THE CITY OF FOLSOM APPROVING
AMENDMENT NO. 2 TO THE FIRST AMENDED AND RESTATED TIER 1
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FOLSOM AND EAGLE
COMMERCIAL PROPERTIES, LLC RELATIVE TO THE FOLSOM SOUTH
SPECIFIC PLAN**

WHEREAS, a Final Environmental Impact Report/Environmental Impact Statement for the Folsom Plan Area Specific Plan was prepared and certified by the City Council on June 11, 2011, and the Sacramento Local Agency Formation Commission approved the City's annexation of the Folsom Plan Area on January 18, 2012; and

WHEREAS, pursuant to the authority in Sections 65864 through 65869.5 of the Government Code, the City Council, following a duly notified public hearing on June 28, 2011, approved the Tier 1 Development Agreement relative to the Folsom South Specific Plan (Tier 1 DA) for the development of the Folsom Plan Area by adopting Ordinance No. 1149 on July 12, 2011; and

WHEREAS, the City Council, following a duly noticed public hearing on May 27, 2014, approved a request to amend the Tier 1 DA to the development of the Westland/Eagle Project by approving a First Amended and Restated Tier 1 Development Agreement (ARDA) between the City and the developer of the Westland/Eagle Project, Eagle Commercial Partners, LLC, by adopting Ordinance No. 1204 on June 10, 2014; and

WHEREAS, the City Council, following a duly noticed public hearing on September 22, 2015, approved a request to amend the ARDA to the development of the Westland/Eagle Project by approving Amendment No. 1 to ARDA between the City and the developer of the Westland/Eagle Project, Eagle Commercial Partners, LLC, by adopting Ordinance No. 1237 on October 13, 2015; and

WHEREAS, the proposed Folsom Ranch Apartments Project consists of the development of a 238-unit market rate apartment community on a 15.8-acre site situated at the northwest corner of the intersection of Alder Creek Parkway and Westwood Drive within the Folsom Plan Area; and

WHEREAS, the City and the landowner of the Folsom Ranch Apartments project site (Parcels 85A-3 and 85A-4) and Folsom Plan Area Parcels 61 and 77 desire to further amend the ARDA in order to deed restrict 64 multi-family housing units on a remainder portion of Parcel 61 for development of low-, very-low, and/or extremely-low income households; and

WHEREAS, the Planning Commission, at its regular meeting on February 15, 2023, considered Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC relative

to the Folsom South Specific Plan at a duly noticed public hearing as prescribed by law, and recommended that the City Council approve said Amendment No. 2; and

WHEREAS, all notices have been given at the time and in the manner required by State Law and the Folsom Municipal Code.

NOW, THEREFORE, the City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 FINDINGS

- A. The above recitals are true and correct and incorporated herein by reference.
- B. The Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the Folsom Plan Area Specific Plan.
- C. The Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement is in conformity with public convenience, general welfare, and good land use practices.
- D. The Amendment No. 2 will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole.
- E. The Amendment No. 2 will not adversely affect the orderly development of property or the preservation of property values.
- F. The Amendment No. 2 has been prepared in accordance with, and is consistent with, Government Code Sections 65864 through 65869.5, and City Council Resolution No. 2370.
- G. All notices have been given at the time and in the manner required by State Law and the Folsom Municipal Code.
- H. The Amendment No. 2 is consistent with the Environmental Impact Report/Environmental Impact Statement for the Folsom Plan Area Specific Plan certified by the City Council on June 11, 2011, which is incorporated herein by reference. None of the events in Sections 15162 and 15163 of the CEQA Guidelines exists which warrant the preparation of a subsequent EIR or supplemental EIR.

SECTION 2 APPROVAL OF AMENDMENT TO DEVELOPMENT AGREEMENT

The Mayor is hereby authorized and directed to execute the Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement by and between the City of Folsom and Eagle Commercial Properties, LLC on behalf of the City after the effective date of this Ordinance.

SECTION 3 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 4 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 14, 2023 and the second reading occurred at the regular meeting of the City Council on March 28, 2023.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 28nd day of March 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Rosario Rodriquez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Amendment No. 2 to the First Amended and Restated Tier 1
Development Agreement between the City of Folsom and
Eagle Commercial Properties relative to the
Folsom South Specific Plan

FOR THE BENEFIT OF THE CITY OF FOLSOM
PURSUANT TO GOVERNMENT CODE §6103

RECORDING REQUESTED BY CITY CLERK

WHEN RECORDED MAIL TO:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

**AMENDMENT NO. 2 TO FIRST AMENDED AND RESTATED TIER 1 DEVELOPMENT
AGREEMENT BY AND BETWEEN
THE CITY OF FOLSOM AND EAGLE COMMERCIAL PARTNERS, LLC
RELATIVE TO THE FOLSOM SOUTH SPECIFIC PLAN**

This Amendment No. 2 to First Amended and Restated Tier 1 Development Agreement ("Amendment No. 1") is entered into this day of _____, 2023, by and between the City of Folsom ("City") and Eagle Commercial Partners, LLC, a Delaware limited liability company ("Landowner"), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

RECITALS

- A. ARDA. City and Landowner entered into that certain First Amended and Restated Tier 1 Development Agreement Relative to the Folsom South Specific Plan recorded on July 15, 2014, in the Official Records of the County Recorder of Sacramento County in Book 20140715 on Page 0517 (the "ARDA").
- B. Amendment No. 1 to ARDA. City and Landowner entered into that certain Amendment No. 1 to First Amended and Restated Tier 1 Development Agreement Relative to the Folsom South Specific Plan recorded on January 29, 2016, in the Official Records of the County Recorder of Sacramento County in Book 20160129 on Page 0385 ("Amendment No. 1" and collectively with the ARDA, the "Development Agreement").
- C. Property. This Amendment No. 2 affects certain of the Property (as defined in the Development Agreement), which portions of the Property are described in Exhibit "B-1" and shown in Exhibit "B-2" to this Amendment No. 2 ("Amendment No. 2 Property").
- D. Purpose of Amendment No. 2. The purpose of this Amendment No. 2 is to include certain additional entitlements within the scope and definition of Entitlements (as defined in the Development Agreement) and define Landowner's affordable housing obligations with respect to the Property as described in this Amendment No. 2.
- E. Hearings. On February 15, 2023, the City Planning Commission, designated as the planning agency for purposes of development agreement review pursuant to Government Code Section 65867, in a duly noticed and conducted public hearing, considered this Amendment No. 2 and recommended that the City Council approve the same.

F. Consistency with General Plan and Specific Plan. Having duly examined and considered this Amendment No. 2, the City finds and declares that this Amendment No. 2 is consistent with the General Plan and the Specific Plan, as amended.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants, promises, and agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the parties hereto do hereby agree to amend the Development Agreement as follows:

1. Amendment of Development Agreement.

a. The term Entitlements (as defined in the Development Agreement) is hereby revised to add the following:

i. This Amendment No. 2 as approved by Ordinance No. _____.

b. A new Section 1.7 is hereby added to the Development Agreement as follows:

Anticipated Changes to the City's Inclusionary Housing Ordinance. The City has amended its Inclusionary Housing Ordinance (Folsom Municipal Code Chapter 17.104) by Ordinance No. 1243 to eliminate Second Dwelling Units (also referred to as "granny flats") as an alternative means of meeting the City's inclusionary housing requirements. Landowner acknowledges there is no vested right to use this alternative means for meeting the City's inclusionary housing requirements and that this alternative shall not be available to Landowner from and after the effective date of Ordinance No. 1243. Landowner further acknowledges those certain amendments to Section 65850 of the California Government Code (specifically, subsection 65850(g)), effective January 1, 2018, which allow for the implementation of inclusionary housing requirements in residential rental units, upon adoption of an ordinance by the City. In the event the City amends its Inclusionary Housing Ordinance with respect to rental housing pursuant to Section 65850(g) and such amendments are applicable to the Property and effective prior to Landowner (or a successor in interest) submitting a complete application for its first building permit for a residential rental project on Parcel 61, Parcel 77, Parcel 85A-3 or Parcel 85A-4, Landowner agrees the Property shall be subject to such amendments.

c. A new Section 3.14 is hereby added to the Development Agreement as follows:

Satisfaction of Affordable Housing Obligations; Credits. Landowner shall create and record a deed restriction against a certain portion of the Property within Parcel 61 as described in Exhibit "B-1" and depicted on "Exhibit B-2" to this Amendment No. 2 to restrict use of such property to affordable housing purposes only ("Affordable Housing Parcel"). Said deed restriction shall require the Affordable Housing Parcel to include 64 deed-restricted multi-family housing units available for low-, very-low, and/or extremely-low income households (as those terms are defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code), which shall remain in place for at least 55 years from the date of recording. The 64 units are anticipated to be located on a site of approximately 2.5 acres but no more than 3 acres with MHD zoning that is expected to accommodate

25 to 35 units per acre. A large lot parcel map will be processed through the City to create the ultimate deed restricted Affordable Housing Parcel. A site plan will be submitted with the Large Lot Parcel Map to verify that the deed restricted affordable parcel is sized to accommodate the 64 affordable units. The Affordable Housing Parcel will be located within a portion of Parcel 61 shown and designated as the Remainder on Parcel Map PN 21-043 filed for record on October 12, 2021 in Book 245 of Parcel Maps at Page 2 in the official records of Sacramento County. Said deed restriction shall be in a form reasonably approved by City and shall be recorded against the Affordable Housing Parcel upon creation of the same and prior to issuance of a building permit for any portion of Parcel 85A-3 or 85A-4 within the Property. Unless City amends its Inclusionary Housing Ordinance as described in Section 1.7 prior to Landowner (or a successor in interest) submitting a complete application for its first building permit for a residential rental project on Parcel 61, Landowner's compliance with this Section shall fully satisfy Landowner's obligations with respect to inclusionary and/or affordable housing under the General Plan Housing Element, Specific Plan, Folsom Municipal Code, and Entitlements for any residential rental project on Parcel 61. In the event (i) City amends its Inclusionary Housing Ordinance as described in Section 1.7 prior to Landowner (or a successor in interest) submitting a complete application for its first building permit for a residential rental project on Parcel 61 or (ii) Landowner (or a successor in interest) proposes a for-sale residential project on Parcel 61, then Landowner's compliance with this Section shall instead offset Landowner's obligations with respect to inclusionary and/or affordable housing under the General Plan Housing Element, Specific Plan, Folsom Municipal Code, and Entitlements on Parcel 61 within the Property and Landowner shall receive credits for a total of 64 deed-restricted multi-family housing units ("Affordable Housing Credits"). City agrees that any such Affordable Housing Credits may be transferred to and used to satisfy and/or offset the inclusionary and/or affordable housing obligation for any residential project on Parcel 61, 77 or 85A-3 or 85A-4.

2. Effect of Amendment. This Amendment No. 2 amends, but does not replace or supersede, the Development Agreement. Except as modified hereby, all other terms and provisions of the Development Agreement shall remain in full force and effect. In accordance with the provisions of Section 1.5.3 of the Development Agreement, Landowner hereby reaffirms its agreement to abide by the provisions of the Development Agreement, as modified by this Amendment No. 2, and the conditions of approval imposed in connection with the Entitlements as applicable to the Property.

3. Form of Amendment; Execution in Counterparts. This Amendment No. 2 is executed in duplicate originals, each of which is deemed to be an original, and may be executed in counterparts.

[Remainder of Page Intentionally Left Blank; Signatures Follow on Next Page]

IN WITNESS WHEREOF, the City of Folsom has authorized the execution of this Amendment No. 2 in duplicate by its Mayor and attested to by the City Clerk under the authority of Ordinance No. _____ adopted by the City Council on _____.

CITY:

CITY OF FOLSOM
a municipal corporation

By: _____

Mayor

APPROVED AS TO CONTENT;

By: _____
Elaine Anderson
City Manager

APPROVED AS TO FORM;

By: _____
Steven Wang
City Attorney

ATTEST:

By: _____
Christa Freemantle
City Clerk

LANDOWNER:

Eagle Commercial Partners, LLC,
a Delaware limited liability company

By: _____
James Galovan
Authorized Signer

EXHIBIT B-1

Legal Description of Affordable Housing Parcel

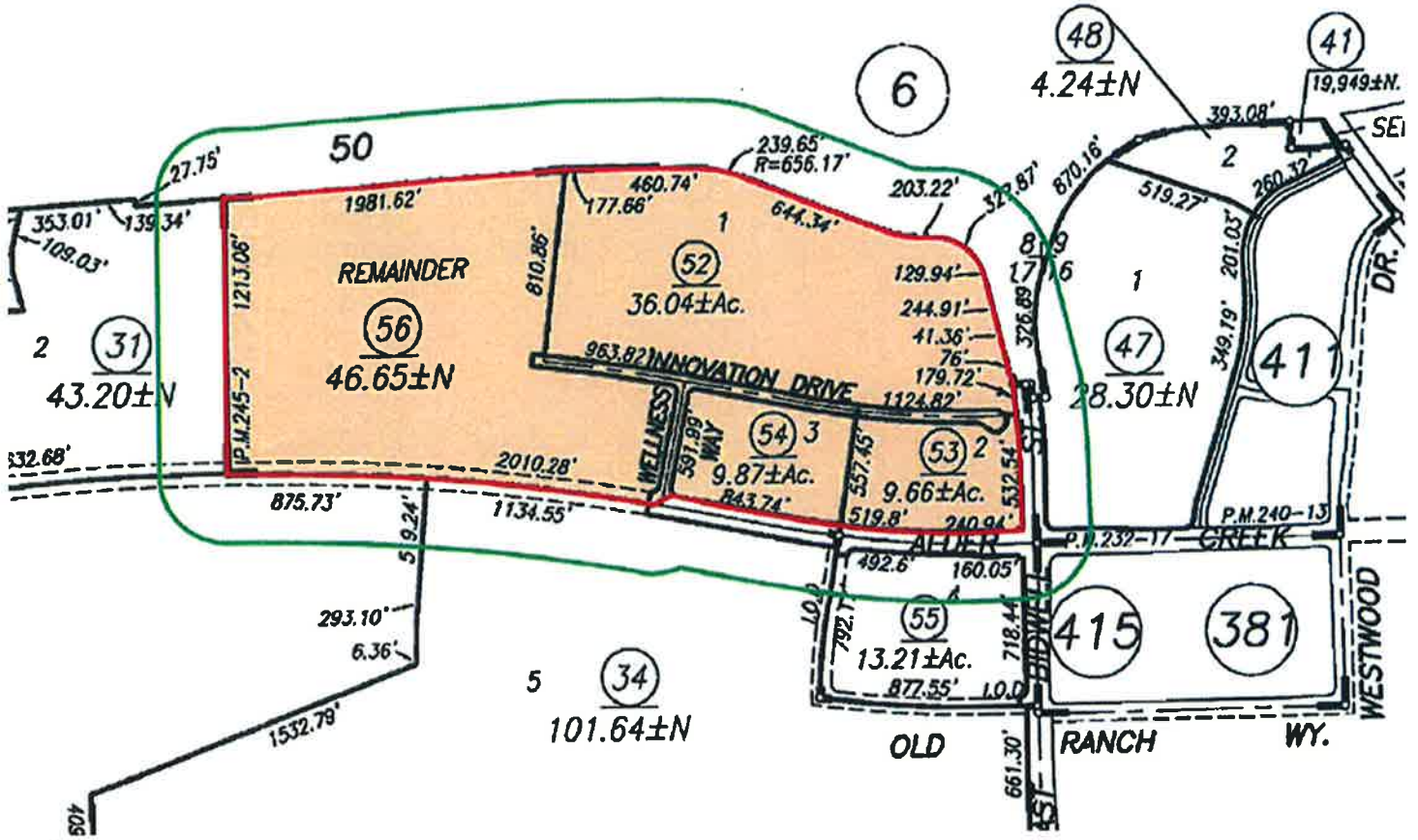
The land described herein is situated in the State of California, County of Sacramento, City of Folsom, described as follows:

That portion of the designated Remainder lot, as shown on that certain map entitled "PN 21-043 Parcel Map, Parcel 61" filed for record in the office of the Recorder of the County of Sacramento, on October 12, 2021, in Book 245 of Parcel Maps, at Page 2, Sacramento County Records.

APN: 072-3190-056

EXHIBIT B-2

Depiction of Affordable Housing Parcel



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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE