

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 02/01/2022 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2022/38

IN THE MATTER OF AUTHORIZING EXECUTION OF A DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND LA LOMA RODEO EAH, LLC. AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, FOR THE SALE OF PROPERTY TO LA LOMA RODEO EAH, LLC. AND THE DEVELOPMENT OF THE RODEO GATEWAY SENIOR-PHASE 2 DEVELOPMENT, WITH 67 HIGH-DENSITY SENIOR RESIDENTIAL UNITS AND A MINIMUM OF 1,250 SQUARE FEET OF COMMUNITY SPACE IN THE RODEO AREA.

WHEREAS, the Board of Supervisors (the "Board") of the County of Contra Costa (the "County") adopted the Rodeo Redevelopment Plan for the Rodeo Redevelopment Project Area by Ordinance No. 90-50, adopted on July 10, 1990, as amended by Ordinance No. 94-66, adopted on December 6, 1994, as amended by Ordinance No. 99-08, adopted on February 23, 1999, as amended by Ordinance No. 2002-16, adopted May 21, 2002, and as further amended by Ordinance No. 2007-25, adopted on June 5, 2007, which sets forth a plan for redevelopment of the Rodeo Redevelopment Project Area.

WHEREAS, the Contra Costa County Redevelopment Agency (the "Former Agency") purchased property fronting the north side of Willow Avenue, between 710 Willow Avenue and the I-80 westbound on-ramp in Rodeo, as more particularly described in Exhibit A (the "Property") using the Former Agency's low and moderate housing fund, which was established pursuant to Health and Safety Code Section 33334.2.

WHEREAS, the County has succeeded to the housing assets of the Former Agency in accordance with Health and Safety Code Section 34176 and the Property has been identified as a "housing asset" pursuant to Health and Safety Code Section 34176.

WHEREAS the County and La Loma Rodeo EAH, LLC. propose to enter into a Disposition and Development and Loan Agreement (the "DDLA") governing the transfer and redevelopment of the Property through the construction of with 67 high-density senior residential units affordable to very low- and low-income persons and a minimum of 1,250 square feet of community space on the Property (the "Development").

WHEREAS, under the DDLA, the County would sell the Property to La Loma Rodeo EAH, LLC. for a purchase price Nine Hundred Eighty Thousand Dollars (\$980,000) or such price as is determined to be the fair market value of the Property established by an analysis of sales of comparable properties and an updated appraisal (the "Purchase Price"), which would be paid at the time of transfer. ").

WHEREAS, the County has established a Low- and Moderate-Income Housing Asset Fund (the "Housing Fund") pursuant to Health and Safety Code Sections 34176 and the Developer intends to finance the cost of the Development with public and private sources, as more particularly described in Section V of the Section 33433 Summary Report (defined below).

WHEREAS, the parties anticipate that the County and La Loma Rodeo EAH, LLC. will enter into a loan agreement for a loan of Housing Successor funds in the amount of \$4,450,000 (the "County Loan"), which includes the Purchase Price plus predevelopment (\$1,000,000), housing construction (\$2,020,000) and community room construction (\$450,000) which will serve the purpose of Health and Safety Code Section 33334.2, providing a benefit to the Project Area, by assisting in the development of affordable housing for persons living and/or working in the Project Area, and serve major goals and objectives of the Redevelopment Plan by improving and increasing the supply of housing available at affordable housing cost in the community, thereby decreasing the market pressure on the supply of affordable housing in the community and the Project Area.

WHEREAS, the County has placed on file a copy of the DDLA and summary called for in Health and Safety Code Section 33433 (the "33433 Summary Report"), and has made the DDLA and the 33433 Summary Report available for public inspection

and copying pursuant Summary Report.

WHEREAS, the County desires to approve the 33433 Summary Report, which indicates that the cost of the Development to the County is \$4,450,000 with a net cost of \$3,855,111 after the deduction of the net present value of loan repayments.

WHEREAS, under Government Code §54266, no provision of the Surplus Lands Act] shall be applied when it conflicts with any other provisions of statutory law.”

WHEREAS, the transfer of the Property is subject to the legislated requirements under Health and Safety Code Section 33334.2, 34176.1, 333430, and 33433, which authorize and require the transfer of the Property, a housing asset, for affordable housing and collectively conflict directly with the terms of the Surplus Lands Act Government Code §54220 et. seq., as amended by State Assembly Bill 1486.

WHEREAS, pursuant to California Government Code §54221(b)(1), the County is nonetheless declaring the Property exempt surplus land. Under Government Code §54221(f)(1)(A) “exempt surplus land” is defined to include land that is transferred pursuant to Government Code §25539.4. In this instance, the County has authority to transfer the Property as contemplated in the DDLA because the Property will be sold for the development of affordable housing consistent with the requirements set forth under Government Code Section 25539.4.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors finds that the above recitals are true and correct and have served, together with the 33433 Summary Report and the board order as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOVLED, that the County Board of Supervisors find that the requirements of Health and Safety Code Section 33334.2, 34176.1, 333430, and 33433 supersede the Surplus Lands Act, due to the non-exhaustive list of conflicts summarized the Staff Report accompanying this Resolution and incorporated into this Resolution by this reference (the “Staff Report”) which collectively result in the Surplus Lands Act being made inapplicable under Government Code §54266.

BE IT FURTHER RESOLVED that notwithstanding the conflict with Health and Safety Code Section 33334.2, 34176.1, 333430, and 33433, the County Board of Supervisors is nonetheless declaring the Property exempt surplus land under Government Code §54234(a) and under §54221(b)(1) making the specified findings below.

BE IT FURTHER RESOLVED that the County Board of Supervisors finds and declares that the Property is exempt surplus land under Government Code §54234(a) because the transfer is being made pursuant to Government Code §25539.4.

BE IT FURTHER RESOLVED that the Board of Supervisors directs the County staff to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the Property.

BE IT FURTHER RESOLVED, pursuant to Health and Safety Code Section 33433, the Board of Supervisors hereby finds that the consideration to be given by the Developer under the DDLA is not less than the fair market value of the Property. This finding is based on the facts and analysis set forth in the Staff Report and the Section 33433 Summary accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Health and Safety Code Section 33433, the Board of Supervisors hereby finds that the conveyance of the Property pursuant to the DDLA will assist in the elimination of blight in the Project Area, will provide housing for very low- and low-income persons, and is consistent with the implementation plan adopted pursuant to Section 33490 of the Redevelopment Law. These findings are based on the facts and analysis set forth in the Section 33433 Summary and the board order accompanying this Resolution, which may be briefly synopsisized as follows: the sale of the Property to the Developer and construction of the Development pursuant to the DDLA will provide 67 units of needed affordable housing to the community and eliminate the blighted conditions of the Property as the property is currently vacant. Construction of the Development will create attractive, quality, and affordable housing designed to complement the surrounding developed area.

BE IT FURTHER RESOLVED, pursuant to Health and Safety Code Section 33433, the Board of Supervisors hereby approves the DDLA and the 33433 Summary Report, in substantially the form on file with the Clerk of the Board, and all ancillary documents; approves execution by the Director, Department of Conservation and Development of the DDLA and all ancillary documents in substantially the form on file with the Clerk of the Board of Supervisors, and subject to approval by the CAO and approval as to form by County Counsel, in case there are further edits before it is final, and approves the sale of the Property as contemplated in the provisions of the DDLA. These documents may be found at the office of the Department of Conservation and Development at 30 Muir Road, Martinez, CA 94553.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Maureen Toms, 925-655-2895

ATTESTED: February 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: