

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/24/2022 by the following vote:

AYE: ☐ 5 **John Gioia**
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2022/192

IN THE MATTER OF AUTHORIZING EXECUTION OF A MASTER DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF A SEVEN-ACRE PROPERTY KNOWN AS ORBISONIA HEIGHTS AND A DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT FOR PHASE ONE OF THE DEVELOPMENT, A THREE-ACRE SITE, BY AND BETWEEN THE COUNTY AND PACIFIC WEST COMMUNITIES AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW FOR THE SALE OF PROPERTY TO PACIFIC WEST COMMUNITIES AND THE DEVELOPMENT OF 384 RESIDENTIAL UNITS, A LIBRARY AND COMMERCIAL RETAIL UNITS IN THE BAY POINT AREA

WHEREAS, the Board of Supervisors (the "Board") of the County of Contra Costa (the "County") adopted the Bay Point Redevelopment Plan by Ordinance No. 87-102 on December 29, 1987, and subsequently amended by Ordinance No. 94-64 on December 6, 1994 and Ordinance No. 99-05 on February 23, 1999, and as amended by Ordinance No. 99-54 adopted October 19, 1999, and as further amended by Ordinance No. 2006-33 adopted July 18, 2006, and as further amended by Ordinance No. 2007-23 adopted June 5, 2007, and as further amended by Ordinance No. 2008-19 adopted June 6, 2008, (the "Redevelopment Plan"), which Redevelopment Plan sets forth a plan for redevelopment of the Bay Point Redevelopment Project Area.

WHEREAS, the Contra Costa County Redevelopment Agency (the "Former Agency") purchased 44 parcels located between State Route 4, Bailey Road, East Leland and Ambrose Park, 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, capital tax increment and taxable capital tax allocation bonds.

WHEREAS, the County has become the Housing Successor 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 Pacific West Communities propose to enter into a Master Development Agreement (the "MDA") governing the transfer and redevelopment of the Property through the construction of 384 high-density residential units affordable to extremely low, very low- and low-income persons, a public library, and approximately 12,000 square feet of commercial retail on the Property (the "Development").

WHEREAS the Property is planned to be developed in three phases on three separate adjacent sites. The disposition and development of each of these sites will be described in three separate Disposition, Development and Loan Agreements.

WHEREAS the County and Pacific West Communities propose to enter into the first of three Disposition, Development and Loan Agreements (the "DDLA") governing the transfer of a portion of the Property consisting of approximately 3.6 that is bound by Maylard Street, Baily Road, E. Leland Avenue and Ambrose Park property ("Site A") and the redevelopment of Site A through the construction of 150 high-density affordable residential units and a county library.

WHEREAS, under the DDLA, the County will sell Site A to Pacifica West Communities for a purchase price of One Million Seven Hundred Ninety-Six Thousand Eight Hundred Seventy-Five Thousand Dollars (\$1,796,875), 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.

WHEREAS, the parties will enter into the DDLA, which includes a loan of Housing Successor funds in the amount of \$1,796,875, the Purchase Price of Site A, 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 net cost of the Development to the County is \$20,694,451 which was for the land acquisition and holding costs of the land.

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 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 Board finds 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 33433 Summary Report accompanying this Resolution and incorporated into this Resolution by this reference, 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 Board 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 Board 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 directs 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, that the Board hereby finds that the consideration to be given by the Developer under the MDA and 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 Section 33433 Summary Report accompanying this Resolution.

BE IT FURTHER RESOLVED, pursuant to Health and Safety Code Section 33433, the Board hereby finds that the conveyance of the Property pursuant to the MDA and DDLA will assist in the elimination of blight in the Project Area, will provide housing for extremely low-, 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 Site A to the Developer and construction of the Development pursuant to the DDLA will provide 150 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 hereby approves the MDA, the DDLA for Site A 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 MDA and the DDLA for Site A and all ancillary documents in substantially the form on file with the Clerk of the Board of Supervisors, and subject to approval by the County Administrator and approval as to form by County Counsel, in case there are further edits before it is final, and approves the sale of Site A as contemplated in the provisions of the DDLA for Site A. 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: May 24, 2022

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

By: June McHuen, Deputy

cc: