



Contra
Costa
County

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: March 29, 2016

Subject: Sale of Real Property located at Las Juntas Way, Walnut Creek to Habitat for Humanity East Bay/Silicon Valley, Inc.

RECOMMENDATION(S):

OPEN public hearing.

RECEIVE testimony.

CLOSE public hearing.

APPROVE Resolution No. 142/2016 for the conveyance of real property to Habitat for Humanity East Bay/Silicon Valley, Inc. a California non-profit public benefit corporation (the "Developer"), in accordance with the purchase and sale agreement pursuant to Health and Safety Code Sections 33430, 33431, and 33433, making specified findings supported by a report prepared in compliance with the requirements of Section 33433.

DETERMINE that this activity will not have a significant effect on the environment and that it has been determined to be exempt from the California Environmental Quality Act (CEQA) under State CEQA guidelines Section 15332, in-fill development projects.

DIRECT the Director of the Department of Conservation and Development (DCD) to file a

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/29/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

ABSENT: Mary N. Piepho, District III Supervisor

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.

ATTESTED: March 29, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Carmen Pina-Sandoval,
925-313-2012

Notice of Exemption with the County Clerk.

AUTHORIZE the Director of the Department of Conservation and Development (DCD to arrange for payment of a \$50 fee to the County Clerk for filing of the Notice of Exemption.

RECOMMENDATION(S): (CONT'D)

DECLARE that the Notice to Sell Real Property was duly published in the Contra Costa Times in compliance with Govt. Code Section 6066.

DETERMINE the property is being transferred to improve, increase, or preserve the supply of low- and moderate-income housing available at affordable housing costs pursuant to Health and Safety Code Sections 33334.2 and 34176.1.

AUTHORIZE the Chair, Board of Supervisors, or designee, to execute the Grant Deed and all ancillary documents necessary to implement the sale of the Property, AUTHORIZE the Public Works Director, or designee, to execute the Purchase and Sale Agreement and all ancillary documents necessary to implement the sale of the Property, and AUTHORIZE the Director of the Department of Conservation and Development, or designee, to execute the Regulatory Agreement and all ancillary documents necessary to implement the sale of the Property on behalf of the County.

DIRECT the Real Estate Division of the Public Works Department to cause said Grant Deed to be delivered to Old Republic Title Company, 555 12th Street, Suite 2000, Oakland, CA 94607, their Escrow No. 1117014769-JM, for recording in the office of the County Clerk-Recorder.

FISCAL IMPACT:

The proceeds of sale of the Property shall be deposited in to the County's Low and Moderate Income Housing Asset Fund, created pursuant to Health and Safety Code Section 34176(d), which the County must spend subject to the provisions of Health and Safety Code Section 34176.1. The sale of the Property will generate \$3,000,000.00 of funds that will be used to improve, increase, or preserve the supply of low- and moderate-income housing available at affordable housing costs, within Contra Costa County.

BACKGROUND:

Contra Costa County, in its capacity as housing successor to the Contra Costa County Redevelopment Agency (County) pursuant to Health and Safety Code Section 34176, owns certain real property located off of Las Juntas Way in Walnut Creek, which is more fully described in Exhibit A to the Resolution. The property was acquired on March 20, 2003, through a grant deed that was recorded as Instrument No. 2003-0126806. The property was acquired to provide temporary parking for BART patrons during construction of the Pleasant Hill/Contra Costa Centre BART parking garage. One condition to the sale of the property to Developer is that a regulatory agreement be recorded against the property. The regulatory agreement will require Developer to construct, or cause to be constructed, on the property residential units that are affordable to moderate-income or low-income households. The residential units are to remain

affordable for the 45-year period that begins upon the sale of a unit to the initial eligible purchaser. Under the terms of the regulatory agreement, the regulatory agreement will be released with respect to a particular unit upon the initial sale of the unit to an eligible purchaser, provided a resale restriction in a form reasonably satisfactory to the County is simultaneously recorded against the unit.

Because the property is a housing asset of the former Redevelopment Agency, its disposition is governed by the County, in its capacity as housing successor, and subject to the requirements of Health and Safety Code Section 34176.

CONSEQUENCE OF NEGATIVE ACTION:

The County would continue to own and maintain the property and would need to find a replacement developer or initiate affordable housing development activities within the time frames required in Health and Safety Code Section 34176.1(e). The County would not receive the anticipated \$3,000,000.00 of sale proceeds and those funds would not be available to improve, increase, or preserve the supply of housing that is affordable to low-income and moderate-income households within Contra Costa County.

CLERK'S ADDENDUM

By unanimous vote, the Board accepted a revised version of the Purchase and Sale Agreement into the record (attached). CLOSED the hearing; APPROVED Resolution No. 2016/142 for the conveyance of real property to Habitat for Humanity East Bay/Silicon Valley, Inc. a California non-profit public benefit corporation (the "Developer"), in accordance with the purchase and sale agreement pursuant to Health and Safety Code Sections 33430, 33431, and 33433, making specified findings supported by a report prepared in compliance with the requirements of Section 33433; DETERMINED that this activity will not have a significant effect on the environment and that it has been determined to be exempt from the California Environmental Quality Act (CEQA) under State CEQA guidelines Section 15332, in-fill development projects.; DIRECTED the Director of the Department of Conservation and Development (DCD) to file a Notice of Exemption with the County Clerk; AUTHORIZED the Director of the Department of Conservation and Development (DCD) to arrange for payment of a \$50 fee to the County Clerk for filing of the Notice of Exemption; DECLARED that the Notice to Sell Real Property was duly published in the Contra Costa Times in compliance with Govt. Code Section 6066; DETERMINE the property is being transferred to improve, increase, or preserve the supply of low- and moderate-income housing available at affordable housing costs pursuant to Health and Safety Code Sections 33334.2 and 34176.1; AUTHORIZED the Chair, Board of Supervisors, or designee, to execute the Grant Deed and all ancillary documents necessary to implement the sale of the Property, AUTHORIZED the Public Works Director, or designee, to execute the Purchase and Sale Agreement and all ancillary documents necessary to implement the sale of the Property, and AUTHORIZED the Director of the Department of Conservation and Development, or designee, to execute the Regulatory Agreement and all ancillary documents necessary to implement the sale of the Property on behalf of the County; and DIRECTED the

Real Estate Division of the Public Works Department to cause said Grant Deed to be delivered to Old Republic Title Company, 555 12th Street, Suite 2000, Oakland, CA 94607, their Escrow No. 1117014769-JM, for recording in the office of the County Clerk-Recorder.

ATTACHMENTS

Resolution No. 2016/142

Grant Deed

Exhibit A

Purchase & Sale Agreement