



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 9, 2019

Subject: Amended and Restated Disposition and Development Agreement - Heritage Point

RECOMMENDATION(S):

1. ADOPT Resolution No. 2019/96, approving and authorizing the Conservation and Development Director to execute an Amended and Restated Disposition and Development Agreement (DDA) between the County and Heritage Point Commercial LLC (the Purchaser), a California limited liability company organized by Community Housing Development Corporation of North Richmond (CHDC) for the conveyance and development of approximately 0.102 acres of County and Housing Successor-owned vacant land located at 308 Chesley Avenue in North Richmond (the Property), which is adjacent to the affordable housing development known as Heritage Point under construction at 1500 Fred Jackson Way.

2. FIND that the conveyance and development of the Property is within the scope of the Mitigated Negative Declaration previously prepared by the County under the California Environmental Quality Act for Development Plan #14-3026 and Minor Subdivision # 14-00007 and for General Plan Amendment # 13-0004, and that no new environmental analysis is necessary.

FISCAL IMPACT:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/09/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
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: April 9, 2019

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

By: Stephanie Mello, Deputy

Contact: Maureen Toms (925)
674-7878

cc:

No impact to the General Fund. Proceeds from the sale will be deposited into the Housing Successor Low and Moderate Income Housing Fund.

BACKGROUND:

The Property that is the subject of this board order is the commercial site that is part of the Heritage Point affordable housing development in unincorporated North Richmond. The Property consists of approximately 0.102 acres and has a fair market value of \$66,330. The Property and its use for commercial purposes in connection with the Heritage Point project was discussed in (i) a board order dated May 8, 2017, under which the Board approved the terms of the sale of the property on which the affordable housing is being built (the Affordable Housing Property), (ii) Resolution No. 2017/443, under which the Board approved the sale of the Affordable Housing Property and the summary report called for in Health and Safety Code section 33433 (the 33433 Report), and (iii) Resolution No. 2018/172, under which the Board approved an increase in the loans made available through the County for the acquisition of the Affordable Housing Property and construction of the residential units. The purpose of this board order and Resolution No. 2019/96 (attached) is to formally approve the conveyance of the Property, as required by Health and Safety Code section 33433.

The Heritage Point affordable housing development consists of forty-two affordable multiple-family residential units and 900 square feet of commercial space. The affordable housing units are currently under construction. The project is located in an established neighborhood of unincorporated North Richmond, at the northeast corner of Chesley Avenue and Fred Jackson Way. When complete, the project will be bounded by the Heritage Senior Apartments to the west and residential uses to the east, south and north.

While the thrust of the Heritage Point project is the construction of affordable housing, a related goal is creating a more livable community. The development includes small retail and office uses with a patio common area and children's play space, as well as other common areas for residents, including a community room. As noted in Resolution No. 2018/172, the development plan has always included the use of the Property for commercial development. The commercial development contemplated on the Property is the construction of a small grocery store or other food-related use.

The Amended and Restated Disposition and Development Agreement (DDA) provides that the Purchaser will purchase the Property for its fair market value of \$66,330 and that the County will receive a promissory note, secured by a lien on the Property, for the full purchase price, as permitted by Government Code section 25522 and Health and Safety Code section 33430. Under the terms of the DDA, the promissory note is due in full upon the earlier to occur of (i) 30 months after the date of the DDA, and (ii) the date construction of improvements begins on the Property.

The former Redevelopment Agency purchased the Property and the Affordable Housing Property between 2009 and 2012. The 33433 Report that accompanied Resolution No. 2017/433 satisfies the requirements of Section 33433 of the Health and Safety Code with respect to the Property.

Approval of the DDA will provide CHDC site control over the entire site that is part of the Heritage Point affordable housing development, which is necessary for site-wide drainage improvements to be implemented.

CONSEQUENCE OF NEGATIVE ACTION:

If the DDA is not approved, the conditions of approval for the development will not be satisfied.

CHILDREN'S IMPACT STATEMENT:

Heritage Point Apartments supports Goal #3

ATTACHMENTS

Resolution 2019/96

Heritage Point DDA

Heritage Point Grant Deed

Heritage Point Deed of Trust

Heritage Point Promissory Note