



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: June 21, 2022

Subject: Tolling Agreement-Discover Builders

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to enter into a tolling agreement with Discovery Builders, Inc., and affiliated entities, effective June 21, 2022, to toll the limitations period for potential litigation related to the May 24, 2022 approval of the Master Development Agreement and the Disposition and Development Agreement between the County and Pacific West Communities for the development of Ambrose Village/Orbisonia Heights, through July 28, 2022.

FISCAL IMPACT:

None

BACKGROUND:

On May 24, 2022, the Board of Supervisors approved (i) a Master Development Agreement (MDA) between the County and Pacific West Communities, Inc., for the development of approximately seven acres of County-owned property located between State Route 4, Bailey Road, East Leland and Ambrose Park in the unincorporated area of Bay Point with 384 multi-family residential rental units, a County-owned library and approximately 11,558 sq. ft. of commercial retail space in three phases, and (ii) a Disposition Development and Loan

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/21/2022** ☒ 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: June 21, 2022

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

By: June McHuen, Deputy

Contact: Maureen Toms
925-655-2895

cc:

Agreement (DDLA), between the County and Pacific West Communities, Inc. or an affiliated limited liability company (the Borrower), for the sale of approximately 3.3 acres of the Property (Site A) for the development of 150 residential rental units and an approximately 20,000 square-foot library as the first phase of the development and the loan of \$1,796,875 to the Borrower. On May 24, 2022, a California Environmental Quality Act (CEQA) notice of exemption was filed for the project.

Discovery Builders, Inc., and affiliated entities are property owners in the vicinity of the project site and have expressed concern about public safety. These parties are engaged in discussions with County staff to try to resolve their concerns without incurring the cost and expense of litigation. They requested that the County enter into a tolling agreement to toll (suspend), for 30 days, the statutory limitations period for filing a CEQA lawsuit against the County. Without the tolling agreement, the statute of limitations for filing a CEQA lawsuit would expire on June 28, 2022 (*i.e.*, 35 days after the notice of exemption was filed). When the tolling agreement expires after 30 days, Discovery Builders would have until July 28, 2022, to file a CEQA lawsuit.

CONSEQUENCE OF NEGATIVE ACTION:

The tolling agreement would not be approved, and the statute of limitations would end on June 28, 2022.