

RESOLUTION NO. 2203

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF RICHMOND DETERMINING AND
DECLARING HOUSING AUTHORITY-OWNED LAND TO BE EXEMPT
SURPLUS LAND PURSUANT TO
GOVERNMENT CODE SECTION 54221(f)(1)(F)**

WHEREAS, the Richmond Housing Authority (“RHA”) is the owner of that certain real property located within the City of Richmond, California, known as Contra Costa County Assessors Parcel No. 515-261-014-2, and more particularly described in Exhibit A attached hereto (the “**Property**”); and

WHEREAS, for the purposes of Government Code Section 54221(f)(2), the Property is not: (i) within a coastal zone, (ii) adjacent to a historical unit of the State Parks System; (iii) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historical Places; or (iv) within the Lake Tahoe region as defined by Government Code Section 66905.5;

WHEREAS, on June 26, 2019, RHA issued a Request for Qualifications/Request for Proposals for the lease and development of the Property as an affordable residential development (the “**Project**”); and

WHEREAS, on April 7, 2020, the Richmond Housing Authority Board of Commissioners (“**Commission**”) selected EAH, Inc., a California nonprofit public benefit corporation (“**EAH**”) as the preferred developer, and authorized the negotiation of an Exclusive Right to Negotiate Agreement (“**ERN**”); and

WHEREAS, on July 1, 2020, RHA and EAH entered into an ERN addressing development of the Project; and

WHEREAS, RHA and EAH entered into a Master Development Agreement dated December 15, 2020, addressing the lease of the Property and development of the Project; and

WHEREAS, RHA and EAH have negotiated a Lease Disposition and Development Agreement (the “**LDDA**”) that will govern the disposition and development of the Property and the Project; and

WHEREAS, pursuant to and subject to the terms and conditions set forth in the LDDA, RHA will lease the Property to a partnership affiliated with and controlled by EAH pursuant to a ground lease (the “**Ground Lease**”) that will restrict development of the Property for the construction of an affordable multifamily residential development consisting of approximately seventy-nine (76) units in which all units except the manager’s unit (the “**Restricted Units**”) will be restricted for occupancy by lower income households at affordable rents (the “**Project**”);

WHEREAS, pursuant to the LDDA and the Ground Lease, an Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants (“**Regulatory Agreement**”) will be recorded against the Property; and

WHEREAS, both the Ground Lease and the Regulatory Agreement will require that for a term of ninety-nine (99) years, the Restricted Units must be occupied by, or if vacant, available for occupancy at affordable rents by households whose income does not exceed sixty percent (60%) of Area Median Income (“**AMI**”); and

WHEREAS, upon disposition of the Property, the Regulatory Agreement and a memorandum of the Ground Lease will be recorded against the Property substantially in the form attached as exhibits to the LDDA, and such documents will be binding upon successors in interest to the developer and will be enforceable by RHA; and

WHEREAS, the Surplus Land Act (Government Code Section 54220 *et. seq.*) was enacted to promote affordable housing development on unused or underutilized public land

throughout the State to respond to the affordable housing crisis, and now requires public agencies, including housing authorities, to follow certain procedures to dispose of “surplus land” or declare land to be “exempt surplus land” at a regular public meeting prior to disposition; and

WHEREAS, pursuant to Government Code Section 54221(f)(1)(F), surplus land will qualify as “exempt surplus land” if it will be subject to a recorded restriction that runs with the land and is enforceable against successor in interest, and that requires the land to be developed for housing in which 100% of the residential units will be restricted for low- or moderate-income households, with at least 75% of the units restricted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable rent, as defined in Section 50053 of the Health and Safety Code, for a minimum of 55 years, with the rents not higher than 20% below the median market rents for the neighborhood in which the site is located; and

WHEREAS, the LDDA, the Ground Lease, and the Regulatory Agreement will require the Property to be developed for residential uses consistent with the affordability restrictions set forth in Government Code Section 54221(f)(1)(F).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, THAT:

1. The Commission adopts the recitals set forth above as findings of fact.
2. The Commission has determined, and hereby affirms that the Property will be used to provide housing affordable to persons and families of low-income, that this use is in the Commission’s best interests, and that development of the Property in accordance with the requirements of the LDDA, the Ground Lease, and the Regulatory Agreement will satisfy the requirements of Government Code Section 54221(f)(1)(F).
3. The Commission further makes the following findings, pursuant to Government Code Section 54221(f)(1)(F):
 - a. Consistent with the requirements set forth in the LDDA, the Ground Lease, and the Regulatory Agreement, the Property will be developed for housing consisting of approximately seventy-six (76) residential units of which all except the manager’s unit will be restricted for occupancy at affordable rents to households whose incomes are not greater than 60% of the area median income.
 - b. The affordability restrictions will be set forth in both the Ground Lease and in the Regulatory Agreement that will be recorded against the Property in the official records of Contra Costa County. The Regulatory Agreement will be binding upon successors in interest, and will require compliance with the foregoing rent and household income restrictions for a term of not less than 55 years.
4. Based upon the foregoing, the Commission hereby determines and declares the Property to be exempt surplus land under Government Code Section 54221(f)(1)(F).

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I certify that the foregoing resolution was passed and adopted by the Commissioners of the Housing Authority of the City of Richmond at a regular meeting of the Richmond Housing Authority thereof held on December 3, 2024, by the following vote:

AYES: Commissioners Bana, McLaughlin, Robinson, Willis, Zepeda, and Vice Chairperson Jimenez.
NOES: None.
ABSTENTIONS: None.
ABSENT: Chairperson Martinez and Housing Authority Tenant Commissioner Scott.

EDUARDO MARTINEZ
Chairperson

[SEAL]

Attest:

PAMELA CHRISTIAN
Secretary

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 2203**, finally passed and adopted at a Regular Meeting of the Richmond Housing Authority held on December 3, 2024.


Pamela Christian
CLERK OF THE HOUSING AUTHORITY

Exhibit A

PROPERTY

Legal Description: NICH MAC CIV CNTR LOTS 9,10,19,20 BLK 2

County: CONTRA COSTA

Assessor: GUS KRAMER

Parcel # (APN): 515-261-014-2

Owner Name: RICHMOND HOUSING AUTHORITY

Mailing Address: 450 CIVIC CENTER PLZ 2ND FL RICHMOND CA 94804-1630



Lat: 37.936564° Zoom
Lon: -122.346711° 19