

RESOLUTION NO. 153-24

A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND  
DETERMINING AND DECLARING CITY-OWNED LAND TO BE EXEMPT  
SURPLUS LAND PURSUANT TO  
GOVERNMENT CODE SECTION 54221(f)(1)(A)

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WHEREAS, the City of Richmond (“City”) has the contractual right to acquire that certain real property located in the City at 425 24<sup>th</sup> Street (APN: 515-200-003), and more particularly described in Exhibit A attached hereto (“Property”);

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 Historic Places; or (iv) within the Lake Tahoe region as defined by Government Code Section 66905.5;

WHEREAS, the City, 425 Civic Center LP, a California limited partnership (the “Partnership”) and Trinity Center Walnut Creek, a California nonprofit public benefit corporation (“Trinity”) applied for, and have received an award of funding (the “Homekey Award”) under the California Department of Housing and Community Development (“HCD”) Homekey Program established pursuant to California Health and Safety Code Section 50675.1.3 *et seq.* (the “Homekey Program”);

WHEREAS, in connection with the Homekey Award, the City, the Partnership, Trinity, and HCD will execute a Standard Agreement governing use of the Homekey Award (the “HCD Standard Agreement”);

WHEREAS, the City will acquire the Property using a portion of the Homekey Award, and will ground lease the Property to the Partnership pursuant to a ground lease (the “Ground Lease”) that will require the Partnership to rehabilitate the existing improvements and operate them as a permanent supportive housing development consisting of forty-eight (48) studio apartments that will be rented at affordable rents to formerly homeless households that qualify as Extremely Low-Income Households (the “Restricted Units”) and one (1) unrestricted manager’s unit (the “Project”);

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

WHEREAS, both the Ground Lease and the Regulatory Agreement will require that for a term of fifty-five (55) years, the Restricted Units must be occupied by, or if vacant, available for occupancy at affordable rents by households whose income does not exceed thirty percent (30%) of Area Median Income (“AMI”);

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 Ground Lease, and such documents will be binding upon successors in interest to the Partnership and will be enforceable by the City;

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 charter cities, 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;

WHEREAS, pursuant to Government Code Section 54221(f)(1)(A), surplus land that is transferred pursuant to Government Code Section 37364 qualifies as “exempt surplus land”;

**WHEREAS**, Government Code Section 37364 authorizes cities to sell, lease, or otherwise dispose of real property to provide housing affordable to persons and families of low- or moderate-income provided that (i) at least 80% of the area of the property will be used for development of housing, and (ii) at least 40% of the housing units developed on the property will be affordable to households whose income is not greater than 60% AMI (75% of the upper limit for “lower income households”), of which at least one-half will be affordable to households of very low-income (50% AMI); and

**WHEREAS**, the HCD Standard Agreement and the Ground Lease require the Property to be rehabilitated and operated for residential uses consistent with the affordability restrictions set forth in Government Code Section 37364.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE RICHMOND CITY COUNCIL, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, THAT:**

1. The City Council adopts the recitals set forth above as findings of fact.
2. The City Council has determined, and hereby affirms that the Property will be used to provide housing affordable to persons and families of low- or moderate-income, that this use is in the City’s best interests, and that the rehabilitation and operation of the Property in accordance with the requirements of the Ground Lease, the HCD Standard Agreement, and the Regulatory Agreement will satisfy the requirements of Government Code Section 37364.
3. The City Council further makes the following findings, pursuant to Government Code Section 37364:
  - a. Consistent with the requirements set forth in the Ground Lease and the Regulatory Agreement, not less than 80% of the Property will be developed for housing.
  - b. Consistent with the requirements set forth in the Ground Lease and the Regulatory Agreement, with the exception of the manager’s unit, all of the residential units in the Project will be affordable to households whose incomes are not greater than 30% of area median income.
4. Based upon the foregoing, the City Council hereby determines and declares the Property to be exempt surplus land under Government Code Section 54221(f)(1)(A) as property transferred pursuant to Government Code Section 37364.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 17, 2024, by the following vote:

- AYES: Councilmembers Bana, McLaughlin, Robinson, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Councilmember Willis.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:  
EDUARDO MARTINEZ  
Mayor

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. 153-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on December 17, 2024.

  
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Pamela Christian, Clerk of the City of Richmond

Exhibit A

**PROPERTY**

[Insert legal description.]