

RESOLUTION NO. 46-06

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND
ACCEPTING THE SUMMARY REPORT PURSUANT TO SECTION
33433 AND APPROVING THE DISPOSITION AND DEVELOPMENT
AGREEMENT BETWEEN THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY AND COMMUNITY HOUSING
DEVELOPMENT CORPORATION OF NORTH RICHMOND FOR THE
LILLIE MAE JONES PLAZA DEVELOPMENT.**

WHEREAS, the proposed Lillie Mae Jones Plaza Development (the "Development") located on Macdonald Avenue between 1st and 2nd Streets will entail the construction of approximately 26 units of affordable rental housing with supportive services to be developed by Community Housing Corporation of North Richmond ("Developer"); and

WHEREAS, the City Council adopted Resolution 112-04 on July 27, 2004 and the Agency Board adopted Resolution 04-31 on July 27, 2004 authorizing execution of a purchase and sale agreement regarding 249 2nd Street between the City of Richmond and the Richmond Community Redevelopment Agency and subsequent conveyance to the Developer; and

WHEREAS, the Agency is responsible for implementation of the Amended and Restated Redevelopment Plan for Project Area No. 10-A (Downtown), adopted by Ordinance No. 26-99 N.S., dated July 13, 1999 (the "Redevelopment Plan"). The Redevelopment Plan sets forth a plan for redevelopment of Project Area No. 10-A (Downtown) (the "Project Area") consistent with the policies and standards of the General Plan of the City of Richmond (the "City"). The goals for the Redevelopment Plan include alleviation of blighting conditions and expanding the community's supply of housing affordable to very low-, low- and moderate-income households; and

WHEREAS, the City holds fee simple title to a parcel at 249 2nd Street, Richmond, California, Contra Costa County Assessor's Parcel Number ("APN") 538-181-005, within the Project Area (the "Agency Parcel"). The Agency intends to acquire the Agency Parcel and convey it to the Developer; and

WHEREAS, the Developer currently is the owner of two parcels of real property which are adjacent to the Agency Parcel and identified as APN 538-181-003 and 538-181-004 (the "Developer's Properties"). It is the intention of the Developer to consolidate the Agency Parcel with the Developer's Properties as the site for the Development (the "Property"); and

WHEREAS, pursuant to the Redevelopment Plan, the Agency and the Developer desire to cause the development of the Property into a multi-unit housing development of approximately 26 rental units affordable to very low- and low-income households (the "Development"); and

WHEREAS, in furtherance of the Redevelopment Program, the Agency has prepared a Disposition and Development Agreement (the "DDA") with the Developer that provides for the acquisition, disposition and development of the Property; and

WHEREAS, the Developer desires to acquire the Agency Parcel from the Agency and the Agency desires to convey the Agency Parcel to the Developer, subject to the terms and conditions of the DDA; and

WHEREAS, the Developer has secured a loan of Seven Hundred Seventy-Two Thousand Dollars (\$772,000) of HOME Funds (the "Loan") from the City to assist in certain predevelopment activities in connection with the acquisition, development and construction of the Development; and

WHEREAS, the Developer intends to finance the construction of the Development with conventional and public agency financing including, but not limited to, a loan that the Agency may make to the Developer under a separate loan agreement and low income housing tax credits; and

WHEREAS, completion of the Development in the Project Area will further the Agency's goals of expanding the community's supply of housing affordable to very low- and low- income households, will assist in ameliorating blight in the Project Area, and will serve as a catalyst for redevelopment of the area; and

WHEREAS, the Agency has determined that the Development pursuant to this DDA is consistent with the General Plan of the City of Richmond, the applicable zoning requirements of the City of Richmond, and the Redevelopment Plan; and

WHEREAS, the Agency has concluded that this Agreement is in the best interest of the Agency, and that implementation of this Agreement will further the goals and objectives of the Redevelopment Plan by expanding the community's supply of housing affordable to very low- and low- income households; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing; that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing; and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, notice of the public hearing was published in the West County Times, on June 5 and June 12, 2006; and

WHEREAS, pursuant to Health and Safety Code section 33433, a report was prepared and made available for public inspection and copying no later than the time of publication of the first notice of the public hearing, which report includes a copy of the proposed DDA and a summary including the information required by Section 33433; and

WHEREAS, the City Council and the Agency Board held a joint public hearing on June 20, 2006, to consider the approval of the proposed DDA; and

WHEREAS, the City Council desires to approve the proposed DDA;

NOW THEREFORE, BE IT RESOLVED that the City Council hereby accepts the Lillie Mae Jones Plaza Summary Report pursuant to Section 33433 of the California Community Redevelopment Act on a Disposition and Development Agreement by and between the Richmond Community Redevelopment Agency and Community Housing Development Corporation of North Richmond pertaining to the Property, which is within Downtown Redevelopment Project Area 10A; and

BE IT FURTHER RESOLVED that the City Council hereby accepts findings set forth in the report that the sale or lease of the properties will assist in the elimination of blight, is consistent with the Redevelopment Plan for the Downtown Redevelopment Project Area 10A and that the consideration for the Property is not less than the fair reuse value based on the covenants, use conditions and development costs authorized by the sale or lease of the Property; and

BE IT FURTHER RESOLVED that the City Council finds and determines that approval and implementation of the DDA, and the sale, lease and transfer of the Agency Property to the Developer as provided in the DDA will assist in the elimination of blight, and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490; and

BE IT FURTHER RESOLVED that the City Council hereby approves the DDA, and further directs and authorizes the City Manager to cooperate with Agency staff in the preparation, execution and processing of such documents as are necessary to facilitate the conveyance of the Agency Parcel, as defined in the DDA, from City to Agency. Nothing in this resolution or the approvals and authorizations provided for herein shall be construed to approve or authorize the City Manager to take any actions or provide any approvals that are required by law to be taken and/or approved by the City Council; and

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect from and after its passage.

I certify that the foregoing Resolution was duly passed and adopted by the City Council of the City of Richmond at a joint meeting of the Redevelopment Agency thereof held on June 20, 2006, by the following vote:

Ayes: Councilmembers Bates, Butt, Griffin, Marquez,
McLaughlin, Rogers, Thurmond, Viramontes, and Mayor
Anderson

Noes: None

Abstentions: None

Absent: None

DIANE HOLMES
Clerk of the City of Richmond
(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
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. 46-06, finally passed and adopted by the Council of the City of Richmond at a joint meeting of the Redevelopment Agency held on June 20, 2006.