

**RESOLUTION NO. 09-9**

**A RESOLUTION OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE 4<sup>TH</sup> AMENDMENT TO THE EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT WITH COMMUNITY HOUSING AND DEVELOPMENT CORPORATION OF NORTH RICHMOND AND EDEN HOUSING FOR THE PURPOSE OF NEGOTIATING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE RENTAL PORTION OF THE MIRAFLORES HOUSING DEVELOPMENT SITE, AND ALSO AUTHORIZING THE EXECUTIVE DIRECTOR TO FURTHER EXTEND THE TERM OF THE AGREEMENT UP TO AN ADDITIONAL SIX MONTH IF NECESSARY FOR THE FURTHERANCE OF THE PROJECT.**

---

**WHEREAS**, the Richmond Community Redevelopment Agency (“Agency”) desires to assist with the development of approximately 200 units of for-sale housing and 150 units of affordable senior rental housing as proposed for the Miraflores Housing Development Project (“Project”) on a ± 14 acre site bounded on the north by a portion of the BART rail line, to the east by Interstate Highway 80, to the south by Florida and Wall Avenues and to the west by South 45<sup>th</sup> and South 47<sup>th</sup> Streets (APNs: 513-321-001, 513-321-003, 513-321-023, 513-321-024, 513-321-025, 513-321-037, 513-321-038; 513-330-001, 513-330-002, 513-330-003, 513-330-006, 513-330-007, 513-330-013, 513-330-014; 513-330-005; 513-321-002) (“Property”); and

**WHEREAS**, the Project is strategically important, as it is located within Redevelopment Project Area No. 10-A (“Downtown”), adopted by Ordinance No. 26-99 N.S. and dated July 13, 1999, and the Amended and restated Redevelopment Plan for Project Area No.10-B (“Nevin”), originally approved in 1999 under California State Redevelopment Law and expanded by Agency Ordinance Amendment on July 12, 2005 (the “Redevelopment Plan”), and is consistent with the City’s Housing Element, Five Year Consolidated Plan, and the Community and Economic Development Agency’s Strategic Plan goals to “increase the supply of housing, emphasizing affordable components”; and

**WHEREAS**, on June 20 2006, the Agency Board authorized the Executive Director to negotiate and execute an Exclusive Right to Negotiate (“ERN”) Agreement with Eden Housing and Community Housing Development Corporation of North Richmond (“CHDC”) (together, the “Developer”), for the purpose of negotiating a Disposition and Development Agreement (“DDA”) between the Agency and the Developer for the future conveyance of a portion of the Property for the development of approximately 150 units of affordable senior rental housing; and

**WHEREAS**, the redevelopment of the Property in association with the development of the Project will address the goals and objectives of the Redevelopment Plan by increasing the supply of market rate and affordable housing, alleviating blighting conditions, and stimulating economic development; and

**WHEREAS**, the protracted completion of required Federal and State environmental review processes and economic feasibility analysis has delayed the negotiation schedule of the DDA; and

**WHEREAS**, Section 1.2 of the ERN, Negotiation Period, gives the Executive Director the authority to extend the Negotiation Period without Agency Board approval twice for a period of not less than sixty (60) days each as long as the Developer is not in default of the ERN; and

**WHEREAS**, the Executive Director’s authority to extend the Negotiation Period of the ERN has been exhausted pursuant to prior extensions;

**WHEREAS**, the Developer is not in default of the ERN.

**NOW, THEREFORE, BE IT RESOLVED**, that the Richmond Community Redevelopment Agency Board authorizes the Executive Director to execute the 4<sup>th</sup> Amendment to the ERN Agreement and also authorizes the Executive Director to further extend the term of the ERN Agreement up to an additional six months if necessary, so long as the Developer is not in default under the ERN, for the purpose of completing environmental reviews and other due diligence requirements in furtherance of negotiating the DDA.

-----

I certify that the foregoing Resolution was passed and adopted by the Richmond Community Redevelopment Agency of the City of Richmond at a regular meeting held on March 17, 2009 by the following vote:

AYES: Councilmembers Bates, Butt, Rogers, Ritterman, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Viramontes.

DIANE HOLMES

\_\_\_\_\_  
Agency Clerk

[SEAL]

Approved:

MAYOR GAYLE MCLAUGHLIN  
Agency Chair

Approved as to form:

RANDY RIDDLE  
Agency Attorney

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