

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION:

A) FINDING AND DECLARING CERTAIN REAL PROPERTY KNOWN AS 493 EASTMOOR AVENUE, A 0.37-ACRE PARCEL IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 008-082-200, LOCATED AT 493 EASTMOOR AVENUE, DALY CITY, CALIFORNIA, WHICH IS TO BE CONCURRENTLY ACQUIRED IN FEE AND DISPOSED OF BY LONG-TERM LEASE BY THE COUNTY, AS EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT; AND

B) AUTHORIZING AND DIRECTING THE DIRECTOR OF THE DEPARTMENT OF HOUSING, OR DESIGNEE, ACTING IN CONSULTATION WITH THE COUNTY ATTORNEY, TO EXECUTE ANY AND ALL NOTICES, CERTIFICATES, AND DOCUMENTS AS MAY BE NECESSARY AND ADVISABLE TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION, AND TO PROVIDE NOTICE OF THE SURPLUS LAND ACT EXEMPTION DETERMINATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, under the Surplus Land Act ("SLA"), the term "surplus land" means land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular meeting declaring that such land is surplus and is not necessary for the agency's use; and

WHEREAS, under the SLA, the term "agency's use" means land that is being used or is planned to be used pursuant to a written plan adopted by the local agency's governing board; and

WHEREAS, under the SLA, "surplus land" that meets one or more specified conditions, including the development of affordable housing, subject to certain regulations, may be designated "exempt surplus land" as defined in Government Code Section 54221; and

WHEREAS, if the surplus land is exempt, the SLA will not apply to the disposal of such "exempt surplus land" pursuant to Government Code Section 54222.3; and

WHEREAS, Eastmoor Multifamily, L.P. currently owns in fee simple real property known as 493 Eastmoor Avenue, a 0.37-acre parcel identified as Assessor's Parcel Number 008-082-200, located at 493 Eastmoor Avenue, Daly City (the "Property"), which is currently a vacant parcel; and

WHEREAS, Eastmoor Multifamily, L.P. proposes to construct a 72-unit 100-percent affordable housing project consisting of 71 income-restricted units and one manager's unit, featuring resident amenities such as a courtyard, community room, reading room, fitness room, and structured parking (the "Project"); and

WHEREAS, the Project will include affordability restrictions reflecting that the project will serve households earning between 20% and 50% of the Area Median Income (AMI), with an average affordability level of approximately 33% of AMI, including 39 units designated for high-need households supported through County programs consisting of 16 units designated under the Housing for a Healthy California program for people experiencing homelessness with high health care needs, 11 units designated under the Mental Health Services Act program for people experiencing homelessness

with a significant mental illness, and 12 units designated under the Former Foster Youth program to aid the transition of young people from foster care to independent living; and

WHEREAS, pursuant to this Board's authorizations and approvals under Resolution No. 081509, the County and Eastmoor Multifamily, L.P. entered into a Real Estate Purchase and Sale Agreement and Escrow Instructions (the "Agreement") and negotiated a Ground Lease (the "Lease") providing for the County's acquisition of the Property in fee simple and the concurrent lease of the Property back to Eastmoor Multifamily, L.P. for the development and operation of the Project, and subject to specified contingencies and conditions; and

WHEREAS, upon acquisition, the County will concurrently lease the Property back to Eastmoor Multifamily, L.P. under a 99-year Lease term, for the development and operation of the Project; and

WHEREAS, the Project's affordability restrictions shall be set forth in a recorded Regulatory Agreement; and

WHEREAS, under Government Code Section 54221(f)(1)(A) of the SLA, "exempt surplus land" includes surplus land that is transferred for the development of affordable housing pursuant to Government Code Section 25539.4; and

WHEREAS, this Board determined in Resolution No. 081509, that the use of the Property for affordable housing under the Project serves a public interest; and

WHEREAS, the County's purchase and lease of the Property for the Project satisfies the criteria set forth in Government Code Section 25539.4 with respect to exempt surplus land because (1) at least 80 percent of the Property will be used for the

development of housing, (2) at least 40 percent of the housing units will be affordable to households whose incomes are equal to or less than 75 percent of the maximum income of lower income households and at least half of these will be affordable to very low income households, and (3) the parties will execute a Regulatory Agreement, to be recorded in the Official Records of the Office of the Clerk-Recorder of the County of San Mateo pursuant to Government Code 25539.4(e), guaranteeing that Eastmoor Multifamily, L.P. as seller and lessee and its successors in interest will maintain the affordability restrictions described herein for at least 30 years; and

WHEREAS, under the SLA, the County may take formal action in a regular public meeting to declare land as "surplus land" or "exempt surplus land;" and

WHEREAS, the County finds and determines that the foregoing recitals are true and correct and are a substantive part of this Resolution: the Property is hereby declared to be "exempt surplus land" pursuant to the Surplus Land Act; and the County affirms it has not adopted a written plan for the "agency's use" of this Property as such terms are defined in the SLA; specifically, since the Property is intended to be used for a 100 percent affordable housing development, serving very-low and extremely-low income households, for a period of at least 30 years, subject to a recorded Regulatory Agreement, the Property is declared to be "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(A).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors of the County of San Mateo adopts the recitals set forth above as findings of fact.

BE IT FURTHER RESOLVED that the Board hereby finds and declares that the real property known as 493 Eastmoor Avenue, a 0.37-acre parcel identified as Assessor's Parcel Number 008-082-200, located at 493 Eastmoor Avenue, Daly City, California, which is to be concurrently acquired in fee and disposed of by long-term lease by the County, is exempt surplus land under the Surplus Land Act.

BE IT FURTHER RESOLVED that the Director of Department of Housing, or designee, is hereby authorized and directed, acting in consultation with the County Attorney, to execute any and all notices, certificates, and documents as may be necessary and advisable to effectuate the purposes of this resolution and to provide notice of the Surplus Land Act exemption determination to the California Department of Housing and Community Development.

* * * * *