

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SONOMA COUNTY COMMUNITY DEVELOPMENT COMMISSION DETERMINING AND DECLARING COMMISSION-OWNED LAND TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(F)

WHEREAS, the Sonoma County Community Development Commission, a public body corporate and politic (“**Commission**”) is the owner of that certain real property located within the City of Santa Rosa, California, known as Sonoma County Assessors Parcel Nos. _____, and more particularly described in Exhibit A attached hereto (the “**Affordable Housing Parcel**”);

WHEREAS, on June 29, 2016, following an extensive developer selection process, the Commission entered into an Exclusive Negotiating Agreement with MidPen Housing Corporation, a California nonprofit public benefit corporation (“**MidPen**”) addressing the disposition of the Affordable Housing Parcel for development of an affordable housing project consisting of 75 residential units including 74 units (the “**Restricted Units**”) that will be restricted for occupancy at affordable rents to households with household income not greater than sixty percent (60%) of area median income (the “**Affordable Housing Project**”);

WHEREAS, on January 23, 2020, the Commission, MidPen, and UrbanMix Development LLC, a California limited liability company (“**UrbanMix**”), entered into a Disposition, Development and Funding Agreement (the “**DDA**”) addressing the disposition of the Affordable Housing Parcel for development of the Affordable Housing Project, the development of a mixed use project on land adjacent to the Affordable Housing Parcel, and the development and installation of infrastructure improvements on the Affordable Housing Parcel and the adjacent land;

WHEREAS, the DDA requires the Affordable Housing Parcel to be developed for the Affordable Housing Project;

WHEREAS, to undertake development of the Affordable Housing Project, MidPen has formed a limited partnership that will be controlled by a tax-exempt nonprofit affiliate of MidPen (the “**Partnership**”), and the Commission and MidPen have agreed to assign to the Partnership the rights and obligations arising under the DDA that pertain to the disposition of the Affordable Housing Parcel and the development and financing of the Affordable Housing Project;

WHEREAS, the Commission has agreed to provide certain loans to the Partnership to assist in financing the development of the Affordable Housing Project, and in connection therewith, the Commission requires the Partnership to execute and record against the Affordable Housing Parcel an Affordable Housing Regulatory Agreement and Declaration of Restrictive

Covenants (the “**Commission Regulatory Agreement**”) concurrently with the disposition of the Affordable Housing Parcel to the Partnership;

WHEREAS, the Commission 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 sixty percent (60%) of area median income;

WHEREAS, the Commission Regulatory Agreement will be binding upon successors in interest to the Affordable Housing Parcel, and will be enforceable by the Commission;

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 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)(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 successors 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 50052.5 or 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 DDA and the Commission Regulatory Agreement will require the Affordable Housing Parcel 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 BOARD OF COMMISSIONERS OF THE SONOMA COUNTY COMMUNITY DEVELOPMENT COMMISSION, THAT:

1. The Commission adopts the recitals set forth above as findings of fact.
2. The Commission has determined, and hereby affirms that the Affordable Housing Parcel will be used to provide housing affordable to persons and families of lower income, that this use is in the Commission’s best interests, and that development of the Affordable Housing Parcel in accordance with the requirements of the DDA and the Commission 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 DDA and the Commission Regulatory Agreement, the Affordable Housing Parcel will be developed for housing consisting of seventy-five (75) 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 the Commission Regulatory Agreement that will be recorded against the Affordable Housing Parcel in the official records of Sonoma County concurrently with the disposition of the Affordable Housing Parcel. The Commission 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 Affordable Housing Parcel to be exempt surplus land under Government Code Section 54221(f)(1)(F).



The foregoing resolution was passed and adopted by the Board of Commissioners of the Sonoma County Community Development Commission at a meeting thereof held on _____, 20 __, by the following vote:

AYES:
 NOES:
 ABSTENTIONS:
 ABSENT:

Chairperson

ATTEST:

 Secretary

Approved as to form:

Exhibit A

AFFORDABLE HOUSING PARCEL

[Insert legal description.]