

**CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
CALIFORNIA RECYCLE UNDERUTILIZED SITES REMEDIATION PROGRAM
Meeting Date: May 18, 2021**

**Request to Amend Infill Grant Documents Under the California Recycle
Underutilized Sites (“CALReUSE”) Remediation Program**

Prepared by: Ethan Wieser

Applicant:	City of Richmond as Successor Agency to the Richmond Community Redevelopment Agency	Type of Funding:	Grant
		Amount Awarded:	\$2,604,490
Project Name:	Miraflores	Amount Disbursed:	\$2,604,490
Project Location:	Richmond (Contra Costa County)	Resolution No.:	21-03-002
		Prior Board Actions:	Application No. 12 Approved 11/19/08 Amended 08/16/16 01/17/17 10/17/18

Summary. City of Richmond as Successor Agency to the Richmond Community Redevelopment Agency (“Grantee”) delivered a letter to the California Pollution Control Financing Authority (“CPCFA”) on March 19, 2021, (Attachment A) requesting an amendment to its California Recycle Underutilized Sites (“CALReUSE”) Remediation Program’s Infill Grant Agreement originally approved by the CPCFA Board on November 19, 2008, to extend the term from July 31, 2021, until December 31, 2023, to complete the construction of the final housing development phase.

Background of the Project. The Authority approved a CALReUSE Grant in the amount of \$2,604,490 for the Richmond Community Redevelopment Agency (“Original Grantee”) on November 19, 2008, to fund the remediation of a brownfield site to develop the Miraflores Project (“Project”). On October 18, 2010, CPCFA executed the Infill Grant Agreement and a Regulatory Agreement with the Original Grantee for the development of the Project.

The approximately 14-acre brownfield site was comprised of three former flower nurseries that were in operation from the early 1920s to 2006. The site was contaminated by hazardous substances in the soil and groundwater. The Grantee successfully completed all remediation tasks, and the Department of Toxic Substances Control certified the site on June 29, 2015.

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The original approved Project was a combination of two distinct development projects: an 80-unit senior affordable rental housing project and a 200-unit mixed-income for-sale housing project consisting of 170 market rate and 30 affordable housing units.

In January 2012, the Infill Grant Agreement and the Regulatory Agreement were amended by the CPCFA Executive Director to name the Grantee as the successor agency to the Original Grantee. These amendments were necessary to account for the Grantee taking over the enforceable obligations of the Original Grantee due to the dissolution of the California redevelopment agencies pursuant to Part 1.85 (commencing with Section 34170) of Division 24 of the Health and Safety Code.

In August 2016, the CPCFA Board approved the Grantee's request for an extension of the term of the Infill Grant Agreement to July 31, 2021, and an amendment to the Infill Grant Agreement extending the date to record an existing executed Regulatory Agreement on the Project to December 31, 2016. Additionally, the mixed-income for-sale housing project was reduced from 200 to 190 housing units. On February 6, 2017, CPCFA executed both the Regulatory Agreement dated October 18, 2010, and the First Amendment to the Regulatory Agreement, effective December 21, 2016.

In January 2017, the CPCFA Board approved the Grantee's request to transfer a portion of the property to Miraflores Senior LP for the development of the 80-unit senior affordable rental housing project. On February 16, 2017, CPCFA executed the Second Amendment to the Regulatory Agreement, effective February 8, 2017. The Second Amendment removed the 80-unit senior rental housing project from the Regulatory Agreement, as the Grantee submitted and CPCFA accepted an Independent Regulatory Agreement between the Grantee, Miraflores Senior LP and the California Department of Housing and Community Development restricting the affordability of the 80-unit senior affordable rental housing portion of the Project. The senior affordable housing project was completed and fully occupied in August 2018.

In October 2018, the CPCFA Board approved the Grantee's request to transfer the remaining parcels to Miraflores Community Devco, LLC, ("Miraflores Devco") for the development of the remaining 190 housing units, of which 30 units will be affordable. On October 25, 2018, CPCFA executed the Third Amendment to the Regulatory Agreement to add Miraflores Devco as a party to the Regulatory Agreement and to consent to the transfer of the parcels.

Current Request. The Grantee is requesting an extension to the term of the Infill Grant Agreement to allow Miraflores Devco to complete the remaining 190 for-sale housing units. The Grantee states that the site work has been delayed due to additional soil requirements from the East Bay Municipal Utility District ("EBMUD"), and Covid-related safety delays to construction work. The environmental contractor has completed the soil documentation requested by EBMUD and is awaiting a final signoff.

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Miraflores Devco anticipates beginning construction of the remaining 190 for-sale units in May 2021. Construction will be carried out in four phases, with final completion anticipated by December 2023.

Staff Recommendation. Staff finds the requested extension to be in the public interest and recommends Authority approval of Resolution No. 21-03-002 to amend the term of the Infill Grant Agreement originally approved by the CPCFA Board on November 19, 2008, from July 31, 2021, to December 31, 2023.

**A RESOLUTION OF THE CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY APPROVING THE REQUEST TO AMEND THE INFILL GRANT
DOCUMENTS UNDER THE CALIFORNIA RECYCLE UNDERUTILIZED SITES
REMEDIATION PROGRAM**

May 18, 2021

WHEREAS, the California Pollution Control Financing Authority (the “Authority” or “CPCFA”), a public instrumentality of the State of California, is authorized by the Authority’s Regulations (Article 9 (commencing with Section 8090) of Title 4 of the California Code of Regulations)” to implement and make specific the statutory provisions of the California Recycle Underutilized Sites (“CALReUSE”) Remediation Program; and

WHEREAS, Section 53545.14 of the Health and Safety Code authorizes the CALReUSE Remediation Program to administer grant and loan funding for the purpose of brownfield cleanup that promotes infill residential and mixed-use development, consistent with regional and local land use plans; and

WHEREAS, on November 19, 2008, the Authority approved a grant for Richmond Community Redevelopment Agency in the amount of \$2,604,490, as reflected in Resolution 4.C.12; and

WHEREAS, the City of Richmond as the successor agency to the statutorily dissolved Richmond Community Redevelopment Agency has the authority and responsibility to complete the Brownfield Infill Project and Infill Development Project as described in the Infill Grant Agreement dated October 18, 2010; and

WHEREAS, on August 16, 2016, the Authority approved an extension to the term of the Infill Grant from April 4, 2017, to July 31, 2021; and

WHEREAS, the Authority finds that extending the term of the Infill Grant from July 31, 2021, to December 31, 2023, advances the purposes of the CALReUSE Remediation Program; and

WHEREAS, approval for amending the Infill Grant Agreement dated October 18, 2010, is sought;

NOW, THEREFORE, BE IT RESOLVED by the California Pollution Control Financing Authority, as follows:

Section 1. The term of the Infill Grant Agreement dated October 18, 2010, is hereby extended until December 31, 2023.

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Section 2. Except as specifically amended in this and prior Authority resolutions, all provisions and conditions of the Infill Grant Agreement dated October 18, 2010, shall remain and in full force and effect.



March 19, 2021

Derek Chernow, Executive Director
California Pollution Control Financing Authority
915 Capitol Mall, Rm. 538
Sacramento, CA 95814

Re: Miraflores Project (Project): Requesting a Modification to Infill Grant Agreement between the former Richmond Community Redevelopment Agency (Agency) and the California Pollution Control Financing Authority.

Dear Mr. Chernow:

I'm writing to request your assistance to work with the Agency staff to modify the aforementioned document in order to extend the date of project completion. Due to a variety of issues the construction of this final development phase has been delayed. The following will outline these delays and provide a development timeline.

This final development phase was approved by the Design Review Board at their February 14, 2018 meeting. Final project approval and Tentative Map approval was received at the April 19, 2018 Planning Commission meeting. Grading and construction documents have been submitted to the Planning Department and have been approved. Temporary fencing and street closure plans have been submitted to the City and have been approved and installed. Construction fencing and site grading was scheduled to commence July 15, 2019 but has been put on hold due to additional soils information requested by EBMUD. PES Environmental, the Agency's environmental consultant, has prepared the additional documentation requested by EBMUD and is waiting for final comments/approval. The 160 market rate for-sale units and 30 affordable (less than or equal to 120% AMI) for-sale units will be developed in four phases.

Due to issues involving Covid-19 and OSHA construction changes due to the pandemic this final development component has been delayed. The developer has now slated April 2021 to commence grading the first phase of this four phased development starting immediately after the completion of site grading. The original grant agreement was dated October 18, 2010 and has been amended three times since. The project completion was to be July 2021 but due to the aforementioned delays, we are requesting the grant be extended to December 31, 2023.

I want thank you and especially members of your staff for working with the Agency on this project over the years. Thank you for your consideration, and if you have any questions regarding this letter, Alan Wolken can be reached at 510-307-8137.

Sincerely,



Laura Snideman

Executive Director of the Successor Agency
to the Richmond Community Redevelopment Agency