AGENDA
SPECIAL MEETING OF THE OVERSIGHT BOARD OF THE
EL CERRITO REDEVELOPMENT SUCCESSOR AGENCY

Tuesday, November 10, 2015, 6:30 p.m.

El Cerrito City Hall
10890 San Pablo Avenue
El Cerrito CA, 94530

1. Roll Call

2. Board/Staff Communications (Informational reports on matters of general interest which are announced by the Oversight Boardmembers or Board staff.)

3. Public Comment
   Comments are limited to 3 minutes per speaker.

4. New Business Items
   A. Approval of Minutes
      Approve the October 5, 2015 Oversight Board of the El Cerrito Redevelopment Successor Agency special meeting minutes.

   B. Approval of a Long Range Property Management Plan
      Adopt an Oversight Board resolution approving submittal of a Long Range Property Management Plan.

   C. Approval of the Transfer of Civic Center parcels APN 502-411-023 and 502-411-029 to Government Use
      Adopt a Resolution approving transfer of Civic Center Parcels located 10930 and 10940 San Pablo Avenue now used for governmental purposes from the Municipal Services Corporation to the City.

Adjournment

Oversight Board meetings are not televised.
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
MINUTES
SPECIAL MEETING OF THE OVERSIGHT BOARD OF THE
EL CERRITO REDEVELOPMENT SUCCESSOR AGENCY

Tuesday, October 5, 2015, 6:30 p.m.

El Cerrito City Council Chambers
10890 San Pablo Avenue
El Cerrito CA, 94530

1. Call to Order

Chair Jones called the Special Oversight Board meeting to order at 6:30 p.m.

2. Roll Call

Present: Directors Malek-Zadeh, Potter, Solseng and Chair Jones.
Absent: Directors Dotson, Kronenberg and Zepeda.

3. Board/Staff Communications

Melanie Mintz, Community Development Director, provided an update on the status of Redevelopment Dissolution and stated that the City has started preparing a Long Range Property Management Plan (LRPMP) that will be submitted to the Redevelopment Agency Successor Agency for approval. The Oversight Board will also need to convene a meeting to review the LRPMP.

Director Potter asked whether recent legislation results in any changes that affect the Oversight the Board.

Ms. Mintz and Karen Tiedemann, Special Counsel, summarized the changes and reported that the Recognized Obligation Payment Schedule (ROPS), will convert from a process that takes place every 6-months to an annual process starting with the next ROPS. Ms. Tiedemann further explained that the last and final ROPS is a ministerial act. There will be a limit to what County Oversight Boards have to do, when the local Oversight Board is dissolved in 2018. The Department of Finance is working to assure that properties are disposed of by 2018.
4. **Public Comment** – No speakers.

5. **New Business Items**

   A. **Approval of Minutes**
   Approve the February 25, 2015 Oversight Board of the El Cerrito Redevelopment Successor Agency special meeting minutes.
   
   **Action:** Moved, seconded (Directors Solseng/Malek-Zadeh); Ayes – Directors Malek-Zadeh, Potter, Solseng and Chair Jones; Noes – None; Absent – Directors Dotson, Kronenberg and Zepeda.

   B. **Successor Agency’s Fiscal Year 2015-16 Recognized Obligations Payment Schedule 15-16B (January – June 2016)**
   Adopt Oversight Board resolutions approving Successor Agency’s submittal of the Recognized Obligations Payment Schedule 15-16B covering the period January to June 2016, as previously reviewed and authorized by the governing board of the Successor Agency on September 15, 2015.
   
   **Action:** Moved, seconded (Directors Solseng/Malek-Zadeh); Ayes – Directors Malek-Zadeh, Potter, Solseng and Chair Jones; Noes – None; Absent – Directors Dotson, Kronenberg and Zepeda.

   **Adjourned** at 6:39 p.m.
Date: November 10, 2015
To: Oversight Board of the El Cerrito Redevelopment Agency Successor Agency
From: Melanie Mintz, Community Development Director
       Patrick OKeeffe, Management Partners


ACTION REQUESTED
Adopt an Oversight Board resolution approving the Successor Agency’s Long Range Property Management Plan and submitting the Plan to the State Department of Finance as previously approved by the governing board of the Successor Agency on November 3, 2015.

BACKGROUND

Dissolution Act
ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) on February 1, 2012. The City of El Cerrito (City) elected to serve as the El Cerrito Redevelopment Successor Agency (Successor Agency), assuming the RDA’s assets and liabilities. Pursuant to the Dissolution Act, the Oversight Board to the Successor Agency was established to review and approve all actions taken by the Successor Agency, including but not limited to disposition of property acquired by the RDA. Certain actions of the Oversight Board are reviewed and approved by the California Department of Finance (DOF), which requires the submittal of separate resolutions for each Oversight Board action.

Under the Dissolution Act, the Successor Agency and its Oversight Board are responsible for the disposition of the real property assets that the former Redevelopment Agency held. Currently the only option for managing the disposition of the properties is through a Long Range Property Management Plan (LRPMP) which must be approved by the Oversight Board and the Department of Finance. The Dissolution Act requires that all LRPMPs be approved no later than December 31, 2015. If an LRPMP is not approved by that date, then the properties are required to be sold expeditiously and for maximum value.

Long Range Property Management Plan
Staff recommends the adoption of the attached LRPMP with the goal of obtaining DOF approval by the end of the year. The LRPMP creates an orderly transition of development parcels to private ownership, provides for the City to retain the Civic
Agenda Item No. 4(B)

Center parcel to the north of the Public Safety Building complex as a governmental use property, and allows the City to retain the Cerrito Theater parcel pursuant to a compensation agreement to be entered into between the City and the affected taxing entities. The City has not prepared a LRPMP to date due to the ongoing litigation with the Department of Finance regarding the Due Diligence Review (DDR) dispute over $1.9 million transfer of assets from the former Redevelopment Agency to the Municipal Services Corporation (MSC). Upon passage of SB 107 in September, which again amended the Dissolution statutes, the Successor Agency can now enter into an Installment Payment Plan for payment of the DDR amount of approximately $1.9 million and receive a Finding of Completion (FOC) once such an agreement is entered into, clearing the way for an LRPMP to be approved.

Under SB 107, the City can enter into the Installment Payment Plan while continuing the litigation regarding the DDR payment. If successful in its litigation, payments made under the Installment Payment Plan would be reimbursable to the Successor Agency via the Recognized Obligation Payment Schedule (ROPS) process.

The Successor Agency has approved the attached LRPMP for Oversight Board and State approval. If the LRPMP is not approved by DOF by December 31, 2015, the Successor Agency must use the “expeditious for maximum value” approach for disposition of all properties, other than governmental use properties. The attached LRPMP sets forth the reasons that the expeditious/maximum value method is not in the best interests of the City and the taxing entities.

Discussion

Summary of LRPMP
As provided by Health and Safety Code Section 34191.5, the attached LRPMP includes an inventory of properties and describes a plan for their disposition.

The property inventory (Part 1) of the LRPMP includes information pertaining to the properties’ dates of acquisition, value at acquisition, current property value estimate, purpose of acquisition, parcel level data (including zoning, size, General Plan land use designation etc.), history of environmental contamination, estimate of lease or rental revenues, and potential for transit oriented development and advancement of planning objectives.

Part 2 of the LRPMP creates a process of disposing of the parcels in three separate groups:

- Parcels that will be retained for public ownership (Civic Center parcels)
- Parcels that will be retained by the City pursuant to a compensation agreement (Theater parcel)
- Parcels that are retained for future development pursuant to the City’s development policies (Mayfair and Eastshore Triangle properties)
The LRPMP sets forth in detail how the parcels will be disposed of pursuant to each of these three categories. In summary:

1. Civic Center parcels would be transferred to the City for ownership as a future site for expansion of the public safety facility;

2. The Cerrito Theater would be transferred to the City for ownership and continued operation pursuant to a compensation agreement with the taxing entities;

3. The Mayfair and Eastshore parcels would be offered for sale to the private market through a Request for Proposals (RFP) process that would provide City controls over consistency of land use with City policies, and assurances of timely development.

LRPMP Adoption Process

Approving the LRPMP involves a multistep process to navigate in a short period of time. The first step is complete with the El Cerrito Successor Agency adopting a resolution approving the Plan on November 3rd. The second step is for the Oversight Board to approve the Plan by adopting its own resolution, and authorize its submittal to the State DOF. Finally, the DOF must review and approve the plan by December 31st. Since the LRPMP property assets are relatively few in number, staff believes this approval process can be completed by the statutory deadline, but timely approvals by the Oversight Board and the DOF are essential.

FINANCIAL CONSIDERATIONS

The taxing entities, including the City of El Cerrito, will receive any proceeds from the sale of the Mayfair and Eastshore parcels as well as the increased property tax revenues associated with development of the Mayfair and Eastshore parcels (as estimated in the LRPMP).

LEGAL CONSIDERATIONS

All actions being requested are consistent with the Dissolution Act as amended, and have been reviewed by the Agency attorney. Once the Plan has been approved by the State Department of Finance, future actions of the Successor Agency to dispose of the property will be approved only by the Oversight Board; and property once transferred to the City, will be approved by the City, provided the disposition method is consistent with the approved LRPMP.

A separate resolution is on the Oversight Board agenda to approve the transfer of the governmental purpose property (Civic Center parcels) from the MSC to the City, pursuant to the LRPMP, following Oversight Board approval of the LRPMP.
Reviewed by: [Signature]

Scott Hanin
City Manager

Attachments:
1. Oversight Board Resolution Approving and Authorizing Submittal of the Long Range Property Management Plan
RESOLUTION NO. __________

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE EL CERRITO REDEVELOPMENT AGENCY
APPROVING A LONG-RANGE PROPERTY MANAGEMENT PLAN
PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Law"), the El Cerrito Redevelopment Agency (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of El Cerrito, acting in a separate limited capacity and known as the Successor Agency of the El Cerrito Redevelopment Agency, has elected to serve as the successor agency (the "Successor Agency") of the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of El Cerrito (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, the City Council of the City of El Cerrito (the "City Council") adopted Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, adopted on November 28, 1977, as amended by Ordinance No. 80-13, adopted on December 15, 1980; as amended by Ordinance No. 89-5, adopted on July 10, 1989; as amended by Ordinance No. 94-4, adopted on July 25, 1994; as amended by Ordinance No. 2004-3, adopted March 1, 2004; as amended by Ordinance No. 2005-01, adopted March 21, 2005; and as further amended by Ordinance No. 2006-10, adopted November 6, 2006 (the "Redevelopment Plan"); and

WHEREAS, the Dissolved RDA acquired certain properties (the "Properties") for redevelopment with uses consistent with, and for projects identified in, the Redevelopment Plan; and

WHEREAS, the Successor Agency expects to receive a "Finding of Completion" from the California Department of Finance (the "DOF") pursuant to Health and Safety Code Section 34179.7, confirming that the Successor Agency had made specified required payments under the Dissolution Law; and
WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must prepare and submit a Long-Range Property Management Plan (the "LRPMP") to the Oversight Board and the Department of Finance for approval no later than December 31, 2015; and

WHEREAS, in accordance with Health and Safety Code Section 34191.5, the Successor Agency has prepared and pursuant to Successor Agency Resolution No. 2015-03 has approved a LRPMP, a copy of which is on file with the Successor Agency Secretary;

WHEREAS, the LRPMP provides for the disposition and use of the Properties in a manner consistent with and to implement projects identified in the Redevelopment Plan; and

WHEREAS, because of such proposed disposition and use, the LRPMP further calls for the transfer of certain properties to the City for disposition and use in accordance with the Redevelopment Plan and the LRPMP, upon approval of the LRPMP by the Oversight Board and the DOF, all as authorized by Health and Safety Code Section 34191.5(c)(2)(A); and

WHEREAS, in accordance with Health and Safety Code Section 34181(a) and the LRPMP, certain Properties acquired by the Dissolved RDA were acquired for governmental purposes, in particular the Civic Center Property ("Governmental Use Properties"); and

WHEREAS, in accordance with Health and Safety Code Section 34181(a) the LRPMP calls for the transfer of the Governmental Use Properties to the City for continued use for governmental purposes; and

WHEREAS, the Successor Agency has determined that the approval of the LRPMP is exempt from the California Environmental Quality Act pursuant to Section 15061(B)(3) which exempts projects under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and the Successor Agency has determined with certainty that there is no possibility that the adoption of the LRPMP will have a significant effect on the environment; and

WHEREAS, the staff report (the "Staff Report") accompanying this Resolution contains additional information and analysis upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff and the public, form the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED that the Oversight Board Designated Communication Official or his or her designee, is hereby authorized and directed to file appropriate notice with respect to this Resolution and the actions set forth in this Resolution in accordance with the applicable provisions of CEQA.
BE IT FURTHER RESOLVED that the Oversight Board hereby approves the LRPMP in the form on file with the Successor Agency Secretary.

BE IT FURTHER RESOLVED that, upon approval of the LRPMP by the Oversight Board and the DOF, the Oversight Board authorizes and directs the Successor Agency Executive Director, or the Executive Director's designee, acting on behalf of the Successor Agency, to dispose and use the Properties and any disposition proceeds in accordance with the LRPMP and to take any action and execute any documents as may be necessary to implement the disposition and use of the Properties and any disposition proceeds in accordance with the terms approved in the LRPMP and this Resolution.

BE IT FURTHER RESOLVED that the Oversight Board hereby directs the Successor Agency to transfer the Governmental Use Properties to the City in accordance with the LRPMP upon approval of the LRPMP by the DOF.

BE IT FURTHER RESOLVED, the Oversight Board hereby directs its Designated Contact Official, or the Designated Contact Official's designee, to provide written notice and information about this Resolution to the California Department of Finance in accordance with Health and Safety Code Section 34179(h). The actions set forth in this Resolution shall be subject to effectiveness in accordance with Health and Safety Code 34179(h).
ADOPTED _____________ by the Oversight Board to the Successor Agency of the El Cerrito Redevelopment Agency by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________________________
Chairperson

Attest:

________________________________________
ACTION REQUESTED
Adopt a Successor Agency resolution approving and authorizing the submittal of a Long Range Property Management Plan to the Oversight Board and State Department of Finance.

BACKGROUND
ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) and established the El Cerrito Redevelopment Successor Agency (Successor Agency) on February 1, 2012. Under the Dissolution Act, the Successor Agency and its Oversight Board are responsible for the disposition of the real property assets that the former Redevelopment Agency held. Currently the only option for managing the disposition of the properties is through a Long Range Property Management Plan (LRPMP) which must be approved by the Oversight Board and the Department of Finance. The Dissolution Act requires that all LRPMPs be approved no later than December 31, 2015. If an LRPMP is not approved by that date, then the properties are required to be sold expeditiously and for maximum value.

Staff recommends the adoption of the LRPMP (Exhibit A to attached Resolution) with the goal of obtaining DOF approval by the end of the year. The proposed LRPMP creates an orderly transition of development parcels to private ownership, proposes that the City retain the Civic Center parcel to the north of the Public Safety Building complex as a governmental use property, and that the City retain the Cerrito Theater parcel pursuant to a compensation agreement to be entered into between the City and the affected taxing entities. The City has not prepared a LRPMP to date due to the ongoing litigation with the Department of Finance regarding the Due Diligence Review (DDR) dispute over $1.9 million transfer of assets from the former Redevelopment Agency to the Municipal Services Corporation (MSC). Upon passage of SB 107 in September, which again amended the Dissolution statutes, the Successor Agency can now enter into an Installment Payment Plan for payment of the DDR amount of $1.9 million and receive a Finding of Completion (FOC), clearing the way for an LRPMP to be approved. Previous to SB 107, a FOC would only be issued upon complete payment of the DDR amount and the issuance of a FOC is required for DOF approval of the LRPMP. Furthermore, under SB 107, the City can enter into the installment payment plan while continuing the litigation regarding the DDR payment. If successful in its litigation,
payments made under the Installment Payment Plan would be reimbursable to the Successor Agency via the Reinforceable Obligation Payment Schedule (ROPS) process.

If the City intends to submit a LRPMP for Oversight Board and State approval it must do so in time to be approved by DOF by December 31, 2015 pursuant to the amended Dissolution Act. If it has not done so by that date it must use the “expeditious for maximum value” approach for disposition of all properties, other than governmental use properties. The attached LRPMP sets forth the reasons that the expeditious/maximum value method is not in the best interests of the City.

**DISCUSSION**
As provided by Health and Safety Code Section 34191.5, the LRPMP (Exhibit A to the Resolution) includes an inventory of properties and describes a Plan for their disposition.

The property inventory (Part 1) of the LRPMP includes information pertaining to the properties’ dates of acquisition, value at acquisition, current property value estimate, purpose of acquisition, parcel level data (including zoning, size, General Plan land use designation etc.), history of environmental contamination, estimate of lease or rental revenues, and potential for transit oriented development and advancement of planning objectives.

Part 2 of the LRPMP creates a process of disposing of the parcels in three separate groups:

- Parcels that will be retained for public ownership (Civic Center parcels)
- Parcels that will be retained for redevelopment purposes (Theater parcel)
- Parcels that are retained for future development pursuant to the City’s development policies (Mayfair and Eastshore Triangle properties)

The LRPMP sets forth in detail how the parcels will be disposed of pursuant to each of these three categories. In summary:

1. Civic Center parcels would be transferred from the MSC to the City for ownership as a future site for expansion of the public safety facility;
2. Theater would be transferred to the City for ownership and continued operation;
3. The Mayfair and Eastshore parcels would be sold to the private market through a Request for Proposals (RFP) process that would provide city controls over consistency of land use with City policies, and assurances of timely development.

**LRPMP Adoption Process**

The LRPMP has a multistep approval process to navigate in a short period of time. First, the El Cerrito Successor Agency must adopt the attached Resolution approving the Plan.
Second, the Oversight Board must approve the Plan and forward it to the State DOF. The Oversight Board is scheduled to consider the Plan on Tuesday November 10th. Finally, the DOF must review and approve the plan by December 31st. Since the MSC property assets are relatively few in number, staff believes this approval process can be completed by the statutory deadline, but timely approvals by all three bodies are essential.

**FINANCIAL CONSIDERATIONS**
Approval of the LRPMP does not in itself have any financial implications and no financial action is required. If approved by the Successor Agency, Oversight Board and Department of Finance, execution of the LRPMP, however, will ultimately lead to the City assuming ownership and the ongoing maintenance costs of the public purpose parcels (including the Civic Center parcels and the Theater) and to the City receiving as a taxing entity the increased property tax revenues associated with development of the Mayfair and Eastshore parcels (as estimated in the LRPMP). Property maintenance expenses are currently paid by the MSC. The cost of the Theater maintenance is deducted from the Theater’s rental revenue, and will therefore, not impact the General Fund. Furthermore, the terms of the compensation agreement to be developed with the affected taxing entities for the transfer of the Cerrito Theater to City ownership have yet to be worked out. Terms of the Installment Payment Plan are also currently being negotiated with the DOF and will be brought to the City for separate action.

**LEGAL CONSIDERATIONS**
All actions being requested are consistent with the Dissolution Act, as amended and have been reviewed by the Agency attorney. Once the Plan has been approved by the State Department of Finance, future actions of the Successor Agency to dispose of the property will be approved only by the Oversight Board, and once transferred to the City, by the City provided the disposition method is consistent with the approved LRPMP.

**Reviewed by:**

Scott Hanin
City Manager

Attachments:

1. Resolution Approving the Long Range Property Management Plan
   A. Long Range Property Management Plan
SUCCESSOR AGENCY RESOLUTION 2015-XX

RESOLUTION OF THE SUCCESSOR AGENCY TO THE EL CERRITO REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING SUBMITTAL OF THE LONG RANGE PROPERTY MANAGEMENT PLAN

WHEREAS, pursuant to the California Community Redevelopment Law (the “Redevelopment Law”), the City Council (the “City Council”) of the City of El Cerrito (the “City”) adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, as amended by Ordinances No. 80-13; No. 89-5; No. 94-4; No. 2004-3; No. 2005-01; and No. 2006-10 (collectively, the “Redevelopment Plan”); and

WHEREAS, the El Cerrito Redevelopment Agency (the “RDA”) was responsible for implementation of the Redevelopment Plan, including the acquisition of real property; and

WHEREAS, as part of the 2011-12 State budget bill, ABx1 26 (the “Dissolution Act”) was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies’ affairs, including the disposition of properties acquired by the redevelopment agency; and

WHEREAS, on August 15, 2011, pursuant to the Dissolution Act, the City elected to serve as the El Cerrito Redevelopment Agency Successor Agency (the “Successor Agency”), should the RDA be dissolved; and

WHEREAS, California redevelopment agencies were dissolved on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Act, the Successor Agency has prepared a Long Range Property Management Plan to govern the disposition of real properties that were acquired by the former redevelopment agency, pursuant to Health & Safety Code Section 34191.5; and

WHEREAS, pursuant to the Dissolution Act, the Successor Agency is required to approve the Long Range Property Management Plan, and then submit the plan to the Oversight Board for approval, and then to the State Department of Finance for approval.

NOW THEREFORE, BE IT RESOLVED that the Successor Agency to the El Cerrito Redevelopment Agency hereby finds the above recitals to be true and accurate.

BE IT FURTHER RESOLVED that the Successor Agency to the El Cerrito Redevelopment Agency hereby approves the Long Range Property Management Plan incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED the Successor Agency to the El Cerrito Redevelopment Agency hereby authorizes the submittal of the Long Range Property Management Plan to the Oversight Board and the State Department of Finance, as provided for under the Dissolution Act,
subject to such changes as may be necessary to accommodate changes required by the Oversight Board and the State Department of Finance in their respective reviews of the plan.

    BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

    I CERTIFY that at the regular meeting on November 3, 2015, the City Council of the City of El Cerrito acting as the El Cerrito Redevelopment Agency Successor Agency passed this resolution by the following vote:

    AYES:    COUNCILMEMBERS:
    NOES:    COUNCILMEMBERS:
    ABSENT:    COUNCILMEMBERS:
    ABSTAIN:    COUNCILMEMBERS:

    IN WITNESS of this action, I sign this document on November __, 2015.

                              __________________________
                              Cheryl Morse, City Clerk

APPROVED:

_______________________________
Mark Friedman, Mayor
LONG RANGE PROPERTY MANAGEMENT PLAN

NOVEMBER 3, 2015

CITY OF EL CERRITO
SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY
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INTRODUCTION

The following is an overview of the purpose of this document and the categories of information it contains.

In 2011 the State of California adopted legislation (AB 26) to dissolve local redevelopment agencies. This legislation, and subsequent clarifying legislation (AB 1484), are referred to as the Redevelopment Dissolution Statutes. The statutes provide for the payment of funds previously held by the former El Cerrito Redevelopment Agency to the taxing entities that would have otherwise received property taxes if the redevelopment agency were not created. The Statutes also govern the required disposition of real property assets the Redevelopment Agency acquired for redevelopment purposes.

Pursuant to the Redevelopment Dissolution Statutes the disposition of redevelopment parcels may be governed by a Long Range Property Management Plan. The City’s Successor Agency to the former Redevelopment Agency may prepare and adopt such a plan, which then must be adopted by the Oversight Board and approved by the State Department of Finance. This document is the Long Range Property Management Plan (LRPMP) prepared pursuant to Health and Safety Code Section 34191.5.

The Successor Agency is required to submit a LRPMP to the State Department of Finance (DOF) within six months of receiving a Finding of Completion following two Due Diligence Reviews of redevelopment assets to determine unobligated funds that must be transferred to affected taxing entities. The Due Diligence Reviews have been completed but the State DOF has not issued a Finding of Completion as the City Successor Agency and the State are in a dispute regarding whether $1.9 million of the funds identified in the Due Diligence Reviews are subject to the disposition requirements of AB 1484. As a result the Successor Agency had not previously submitted an LRPMP to the State for approval.

It is the intent of the Successor Agency to meet the requirements for the $1.9 million payment required by the Due Diligence Review through adoption of an Installment Plan between the Successor Agency and the State DOF, by December 31, 2015. The Installment Plan is authorized by SB 107, which amended Section 34179.7 of the Health & Safety Code. The Installment Plan will allow the State DOF to issue a Finding of Completion thereby allowing approval of this LRPMP. Dispositions of the real property assets can then be made pursuant to this plan.

The properties acquired by the El Cerrito Redevelopment Agency were transferred to the El Cerrito Municipal Services Corporation (MSC). Pursuant to this plan, the MSC will transfer the real property assets to the City for retention for redevelopment and retention as a public use, or to dispose of the parcels pursuant to the limitations and procedures set forth in this plan. In addition to the provisions of this plan, the properties and their use are also subject to the El Cerrito General Plan and the San Pablo Avenue Specific Plan. These land use controls are incorporated into the property disposition limitations set forth in this LRPMP.

This LRPMP was prepared consistent with the requirements of the Dissolution Statutes including Section 34191.5 of the Health & Safety Code, which sets forth the required content of the Plan. The Plan must include two major categories of information: 1) an inventory of all of the properties to be disposed of, and 2) the proposed plan for the disposition of the properties.

The required information for each of the parcels in Part 1 includes:
• Date of acquisition
• The value of the property at date of acquisition
• An estimate of the current property value
• Purpose of the acquisition
• Parcel data including: address, size, current zoning and General Plan land use designations
• Estimate of lease or rental revenues from the properties and contractual disposition of the revenues
• History of any environmental contamination and any remediation activities
• Potential for transit oriented development and advancement of the planning objectives for the property by the Successor Agency
• History of previous development proposals and any rental or lease activity

Part 2 of the plan includes required information about the intended disposition of the properties. Permissible uses pursuant to Health & Safety Code Section 34180(f)(1), and Health & Safety Code Section 34191.5 (c) (2) include:

• Retention of property for redevelopment purposes
• Retention of property for governmental use
• Retention of property for future development
• Sale of the property
• Use of the property to fulfill an enforceable obligation

The LRPMP includes a discussion of property disposition utilizing the first three uses, but does not include property being listed for a simple sale, or used to fulfill an enforceable obligation.
PART ONE – PROPERTY INVENTORY

This section is prepared pursuant to Health & Safety Code Section 34191.5 (c) (1) of the Redevelopment Dissolution Statutes. There are a total of nine parcels acquired by the former Redevelopment Agency that are currently owned by the Municipal Services Corporation. These nine parcels fall into four geographic groups of parcels.

Mayfair Block

Background - The Mayfair block consists of an assemblage of three different parcels near the Del Notre BART station. The land has remained vacant or underutilized for over 20 years and is blighting the Del Norte commercial area, the adjacent Del Norte BART station, and nearby residential areas. The former owners had no intention of utilizing the property to its potential, and the condition of the property was and continues to be a detriment to the area.

Acquisition Purpose - The property was acquired to put a prime vacant site located on a major arterial (San Pablo Avenue) and State highway (SR 123), served by AC Transit bus service, and directly adjacent to a BART station, to a higher and better use consistent with the objectives of the Five Year Implementation Plan, the General Plan and the San Pablo Avenue Specific Plan, which promote higher density transit oriented development.

Build Inc. Mayfair Site Development Plan
TABLE #1 – MAYFAIR PARCEL INFORMATION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PARCEL 003</th>
<th>PARCEL 028</th>
<th>PARCEL 029</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel #</td>
<td>502-062-003</td>
<td>502-062-028</td>
<td>502-062-029</td>
<td>One block total</td>
</tr>
<tr>
<td>Address</td>
<td>1925 Kearny St.</td>
<td>11690 San Pablo Ave.</td>
<td>11600 San Pablo Ave.</td>
<td></td>
</tr>
<tr>
<td>Parcel Size</td>
<td>4,500 sf</td>
<td>13,199 sf</td>
<td>50,791 sf</td>
<td>Total sf = 68,490</td>
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<tr>
<td>Current Use</td>
<td>Vacant land</td>
<td>Vacant land</td>
<td>Vacant land</td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>Transit Oriented</td>
<td>Transit Oriented</td>
<td>Transit Oriented</td>
<td>Per San Pablo Ave. Specific Plan</td>
</tr>
<tr>
<td></td>
<td>Higher intensity</td>
<td>Higher intensity</td>
<td>Higher intensity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mixed - Use</td>
<td>Mixed - Use</td>
<td>Mixed - Use</td>
<td></td>
</tr>
<tr>
<td>Acquisition Date</td>
<td>July-31-2008</td>
<td>May-29-1987</td>
<td>March-4-2009</td>
<td></td>
</tr>
<tr>
<td>Acquisition Value/Cost</td>
<td>$ 471,491</td>
<td>$182,000</td>
<td>$ 3,333,750</td>
<td>$ 3.99 million total</td>
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<tr>
<td>Assessed Value (FY 2015-16)</td>
<td>$ 300,216</td>
<td>$ 811,507</td>
<td>$ 2,602,562</td>
<td>$ 3.7 million total</td>
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<tr>
<td>Rental Revenues</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Environmental Condition</td>
<td>None</td>
<td>None</td>
<td>Remediated</td>
<td></td>
</tr>
<tr>
<td>Prior Development Proposals</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>See summary of prior proposals below</td>
</tr>
</tbody>
</table>

FIGURE #1 - MAYFAIR PARCEL MAP
Discussion

Appraised Value & Assessed Value – An appraisal of the property was completed in September 2014 based on current zoning and one comparable sale of property for a similar mixed-use development project on San Pablo Avenue (See Appendix B for a summary of the appraisal). The appraised value per square foot is $35.00. The assessed value per the FY 2015-16-tax roll is higher at $54 per square foot. The higher assessed value is used for this site (and throughout the report) since it is believed to be a better estimate of the current value than the appraisal report.

Acquisition Encumbrances - The largest parcel (# 029) was acquired with a Promissory Note for $2.6 million for a 15-year term commencing in 2009. The remaining principal balance is approximately $1.75 million which will paid off when the parcel is sold for development. Current annual debt service for the Valente note is $288,215, which is included in the Successor Agency’s annual Recognized Obligation Payment Schedule (ROPS).

Environmental Conditions – Per a report prepared in 2005 by SECOR, the site has been analyzed for soils contamination from prior uses consisting of a Chevron station and a small commercial building. The gas station gas tanks leaked and there were remediation activities performed including soils removal and ground water monitoring. The site has received clearance from regulators concerning the contamination caused by the prior use.

Prior Development Proposals – Two proposals have been received for the property. The first was from Olson Urban Housing. Olson and the Redevelopment Agency entered into an Exclusive Negotiating Rights Agreement (ENRA) for development of a transit- oriented mixed-use project on the Mayfair Block, with 15 percent of its units to be affordable to low and moderate income households. The developer elected not to proceed due to economic conditions, and the ENRA expired.

The second proposal was from Build Inc. The Municipal Services Corporation (MSC) entered into an Exclusive Negotiating Rights Agreement (ENRA) for the development of a mixed-use project consisting of 282 units and 18,000 square feet of ground floor retail. (See plans in Figure #5 and Figure #6, and development program in Exhibit C). The project has not proceeded further to the property disposition stage, through the adoption of a Disposition and Development Agreement (DDA), due to the inability of the Municipal Services Corporation to convey the land as a result of pending litigation with the State over redevelopment assets. The existing ENRA has expired.

Potential for Transit Oriented Development - The site is a prime location for transit-oriented development. It is adjacent to the Del Note Bart station, which is a regional serving station due to its proximity to Interstate 80. AC transit, WestCAT, and Golden Gate Transit bus lines serve the site including local serving and express buses to San Francisco. The potential of the site for TOD development is recognized by the General Plan, and the San Pablo Avenue Specific plan, which encourages higher density development near the BART stations through higher floor area ratio maximums, higher height limits and reduced parking requirements.
**Eastshore Triangle**

**Background** – The Eastshore Triangle parcels consist of three parcels that were acquired by the Redevelopment Agency, for an assembly to create a larger development site, in a key block across San Pablo Avenue from the Del Notre BART station. Two parcels are contiguous. The properties are now vacant, and adjacent uses include single-family houses and small commercial buildings in various states of condition.

**Acquisition Purpose** - The long-term plan for this block was a consolidation of the parcels and redevelopment into transit oriented mixed-use development. The surrounding parcels are a collection of older residential and commercial uses, some in poor condition. All of the parcels are relatively small and do not lend themselves to new development without consolidation with other parcels. Similar to the Mayfair block, this block benefits from being located on a major arterial (San Pablo Avenue) and State highway (SR 123), served by AC Transit bus service, and close to a BART station. The block could be put to a higher and better use consistent with the objectives of the Five Year Implementation Plan, the General Plan and the San Pablo Avenue Specific Plan, for higher density transit oriented development.

**Parcel Information**

| TABLE #2 – EASTSHORE TRIANGLE PARCEL INFORMATION |
|---|---|---|---|---|
| ITEM | PARCEL 015 | PARCEL 018 | PARCEL 032 | COMMENTS |
| Parcel # | 513-372-015 | 513-372-018 | 513-372-032 | #15 & #18 are contiguous |
| Address | 11335-41 San Pablo Ave. | 6111 Potrero Ave. | 1718 Eastshore Blvd. | |
| Parcel Size | 8,750 | 3,612 | 25,910 | Total sf = 38,272 |
| Current Use | Vacant | Vacant | Vacant (lease for temporary storage) | $500/month lease payments |
| Zoning | Transit Oriented Mixed - Use | Transit Oriented Mixed - Use | Transit Oriented Mixed - Use | Per San Pablo Ave. Specific Plan |
| Acquisition Value/Cost | $ 589,142 | $ 93,155 (Estimated) | $ 304,899 | $ 987,196 |
| Estimated Value (FY 2015-16 Assessors Value) | $ 403,704 | $ 148,570 | $ 796,138 | $ 1,348 million total |
| Rental Revenues | None | None | None | $6,000 12 month lease |
| Environmental Condition | None | None | Remediated gasoline contamination | |
| Prior Development Proposals | None | None | None | |
Acquisition Value - The acquisition value/cost of parcel # 018 is unknown. The value is estimated based on the average value of parcel # 015 and parcel # 032 using their average per square foot value applied to the number of square feet of parcel # 018.

Estimated Value - No appraised value information exists for these parcels. The estimated value of the parcels is based on the FY 2015-16 assessor’s value, as it is higher than a recent appraisal of San Pablo Avenue property, and believed to be a good estimate of market value.

Potential for Transit Oriented Development - The proximity of the parcels to public transit is similar to the Mayfair parcels, although not as close to the Del Note BART station since they are across the busy San Pablo Avenue arterial. The parcels are within walking distance of BART and are served by AC Transit including local serving lines and express buses to San Francisco. The potential of the site for TOD development is recognized by the General Plan, and the San Pablo Avenue Specific plan, which encourages higher density development near the BART stations through higher floor area ratio maximums and reduced parking requirements.

Civic Center Site

Background - This property consists of two contiguous parcels that are located adjacent to the El Cerrito Public Safety Building (housing Police and Fire department administrative offices and stations) and near the City Hall offices for the city administration. The parcels were acquired in a trade of property during the redevelopment of an adjacent lumberyard into an apartment complex.

Acquisition Purpose – The parcels were acquired for the purpose of either constructing a new
administration building adjacent to the Public Safety building or to allow for the expansion or reconstruction of the Public Safety building. Although a new city administration office building (City Hall) has been constructed on the prior location of the administrative offices, the need remains for a site to allow future expansion of the public safety facilities.

**Parcel Information**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PARCEL 023</th>
<th>PARCEL 029</th>
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<td>Parcel #</td>
<td>502-411-023</td>
<td>502-411-029</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>10940 San Pablo Ave.</td>
<td>10930 San Pablo Avenue</td>
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<tr>
<td>Parcel Size</td>
<td>18,730</td>
<td>5,000</td>
<td>Total sf = 23,730</td>
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<tr>
<td>Current Use</td>
<td>Vacant</td>
<td>Vacant</td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>Transit Oriented Medium Intensity Mixed Use</td>
<td>Transit Oriented Medium Intensity Mixed Use</td>
<td>Per San Pablo Avenue Specific Plan</td>
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<tr>
<td>Acquisition Date</td>
<td>August - 25 - 1987</td>
<td>March - 9-1992</td>
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</tr>
<tr>
<td>Acquisition Value/Cost</td>
<td>$ 226,800</td>
<td>$ 75,913</td>
<td>$ 302,713 total cost</td>
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<td>Estimated value per 2015-16 AV</td>
<td>$ 767,448</td>
<td>$ 256,157</td>
<td>$ 1,023 million Total Value</td>
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<tr>
<td>Rental Revenues</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Environmental Condition</td>
<td>Remediated Gas Contamination</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Prior Development Proposals</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

**FIGURE #3 - CIVIC CENTER PARCEL MAP**

**Estimated Value.** - No appraised value information exists for these parcels. The estimated value of the parcels is based on the FY 2015-16 assessor’s value, as it is higher than a recent appraisal of San Pablo Avenue property, and believed to be a good estimate of market value.
Potential for Transit Oriented Development - The parcels are in the center of the City and are not near a BART station. They are however near a linear bike/pedestrian path (Ohlone Greenway) that runs parallel to San Pablo Avenue and connects to both BART stations on either end of the City. The parcels are served by AC Transit including local serving lines and express buses to San Francisco. Their zoning designation reflects their transit orientation.

Cerrito Theatre

Background – This building was acquired by the Redevelopment Agency, rehabilitated and leased to a film theater operator for the screening of contemporary films, live performances and community events in a non-traditional décor that includes the sale of food, beer and wine.

Acquisition Purpose – The acquisition was undertaken to remove a blighting influence on the surrounding area from a vacant building, preserve historic and architecturally significant building elements, create new commercial activity, catalyze adjacent commercial activity and create new public recreation uses.

Parcel Information

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PARCEL 030</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td>Parcel #</td>
<td>504-152-030</td>
<td></td>
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<tr>
<td>Address</td>
<td>10066-72 San Pablo Ave.</td>
<td></td>
</tr>
<tr>
<td>Parcel Size</td>
<td>12,981</td>
<td>Bldg. + Pkg. area in rear</td>
</tr>
<tr>
<td>Current Use</td>
<td>Public Theater</td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>Public Theater Overlay Dist.</td>
<td>Per San Pablo Ave, Specific Plan</td>
</tr>
<tr>
<td>Acquisition Date</td>
<td>August -1- 2002</td>
<td></td>
</tr>
<tr>
<td>Acquisition Value/Cost</td>
<td>$571,105</td>
<td></td>
</tr>
<tr>
<td>Estimated Value</td>
<td>$ 891,250</td>
<td>Based on capitalized value of lease income - see discussion</td>
</tr>
<tr>
<td>Rental Revenues</td>
<td>$71,300 Annual</td>
<td>Based on FY 2013-14 revenues</td>
</tr>
<tr>
<td>Environmental Condition</td>
<td>No known contamination</td>
<td>Possible building asbestos</td>
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<tr>
<td>Prior Development Proposals</td>
<td>None</td>
<td>Previously vacant after housing a furniture store</td>
</tr>
</tbody>
</table>
Theater Lease - The former Redevelopment Agency entered into a five-year lease ending in July 2014 with an option for an additional five years ending in July 2019. The lease option and extension has been approved and the lease is currently in effect.

Estimated Value – The estimated value of the property is based on a capitalization of the income derived from the lease. The lease provides for a starting monthly base rent of $4,000 or $48,000 annually with an annual CPI adjustment. The lease also provides for a 5% additional rent payment on gross income of the business operations above a threshold of $960,000 annually. Deducted from these rents are annual operating costs the MSC as landlord is responsible for paying. For the last full fiscal year 2013-14, the MSC received an estimated annual base rent of approximately $52,000. Percentage rent of approximately $40,100 was received. From this total rental income approximately $20,800 was deducted for landlord payment of operating expenses. This resulted in a net rental payment (or net operating income) to the MSC of approximately $71,300.

To derive an estimated property value, the net operating income of $71,300 was capitalized at a rate of 8% for an estimated value of $891,250. The cap rate of 8% reflects the higher risk of the income stream since the use is specialized, the operator is not a major theater chain, with credit capacity that would reduce the level of risk associated with receiving the rent over the life of the lease term, and the lease requires the property owner to assume significant maintenance and repair obligations related to the building. It should be noted that the estimated value is less than the assessed value of $1,127,100. The assessor’s value would require a capitalization rate of the lease income stream of 6%, which is not warranted given the financial capacity of the tenant.

Potential for Transit Oriented Development - The property is near the El Cerrito Plaza BART station and if it were to be redeveloped has the potential for a transit oriented development. The building however, is a historic theater with significant historic architectural details that have been
restored for the current use, and it will remain as a historic and architecturally significant structure. As a result the property is not a likely candidate for transit-oriented development. In addition to being small in size, the parcel is within the San Pablo Avenue Specific Plan Theater District Overlay within the Downtown Transit-Oriented Higher Intensity Mixed Use zoning. This theater district overlay zoning is predicated upon the theater remaining a theater for the foreseeable future.

PART TWO – PROPERTY DISPOSITION

This section is prepared pursuant to Health & Safety Code Section 34191.5 (c) (2) and Health & Safety Code Section 34180(f)(1)] of the Redevelopment Dissolution Statutes. The information required for Part 2 of the plan includes information about the intended disposition of the properties. Permissible uses include: retention of the properties for redevelopment purposes; retention of property for governmental use; retention of property for future development; sale of the property; and use of the property to fulfill an enforceable obligation. The following discussion of property disposition utilizes the first three uses, but does not include property for sale, or property being used to fulfill an enforceable obligation.

Properties Retained For Redevelopment

Cerrito Theater Property

Redevelopment Purpose - This property is a public recreational facility and community entertainment resource through its use as a theater for screening contemporary films, a stage and hall for live performances, and a public meeting hall and public event venue for at least 12 events annually. In addition to eliminating the negative influences of a vacant building in a prime commercial area of the City, the City's ownership and redevelopment of this building has allowed it to be restored to its original purpose as a public entertainment amenity, restore its historic and architectural elements that contribute to the character of the community, and expand its public purpose and use as a venue for live productions, public benefit performances and a public community meeting hall.

This facility is operated through a lease with a private entity. The public recreation and entertainment nature of the building's operations are emphasized in the lease with the private operator (Pleasantown Motion Picture Company LLC), whereby the use of the premises is to be "operated in a manner consistent with a publically owned building providing entertainment facilities for the benefit of residents of the City and the general public..." Although the lease is currently in effect, there are only a few years remaining on its term, and sale of this property to the private market could result in the future loss of the public uses and public benefits that make the facility a key part of the community’s recreation, commercial core and identity.

Upon Department of Finance approval of this LRPMP, it is proposed that this property be transferred from the Municipal Services Corporation to the City for retention for redevelopment purposes consisting of maintaining the existing building and theatre in its current state of operation.
Compensation Agreement - Upon approval by DOF of this plan, the City will enter into a compensation agreement with the affected taxing entities for acquisition of the property in accordance with Health and Safety Code Section 34180(f).

CERRITO THEATER

Revenue Benefits to the Taxing Entities - The current operation of the property is generating property taxes to the taxing entities as a result of possessory interest taxes. It is assumed that the lease to a private entity will continue to be subject to possessory interest taxes after the transfer from the MSC to the City. The property is generating approximately $11,270 annually in base property taxes (not including overrides for bond debt), which is shared by the taxing entities. Assuming the building does not lose value due to vacancy, or is demolished by an earthquake or fire, this stream of revenue will continue as base revenue for the property.

Properties Retained For Governmental Use

Civic Center Parcels

Public Purpose - These combined parcels are adjacent to the existing Public Safety Building, which houses the two largest departments of the City: Police and Fire. In addition, a portion of the facility contains one of the City’s two fire stations that serves the San Pablo Avenue commercial area and residential areas in the immediate vicinity and citywide. It has long been recognized that both of the current facilities (the Police and Fire stations) are undersized for the existing population they serve which will be exacerbated over time with continued commercial and residential growth, particularly on San Pablo Avenue. Furthermore, in compliance with regional growth projections and objectives of the Association of Bay Area Governments, the City has adopted the San Pablo
Avenue Specific Plan that provides for greater densities. This new growth will need to be supported by modern and expanded public safety facilities to maintain the City's safety standards.

The Public Safety Building was built in 1960 and evaluations have concluded that building a new facility would be more cost effective than retrofitting the existing building. The City's police force has doubled in size since the original facility was built. Rebuilding and expansion of the Public Safety Building is included in the City's adopted Capital Improvement Program (CIP), although funds have not yet been identified.

The site is also currently used by the Police and Fire Departments for staging during Emergency Operations/major incidents, for training purposes and to store a variety of special equipment. The Police Department uses the site to store a special event trailer, an evidence processing trailer, a training equipment trailer, and police vehicles when they are not actively in use. A storage building on the site also houses police motorcycles and bicycles and training equipment. The Fire Department uses the site for permanent storage of vehicles and a fire education trailer. The Police Department has near term plans to add an additional storage building to house a modern police motorcycle garage. Funds for this project have not yet been allocated.

The site is also a staging area for the Police and Fire Department Emergency Operation Centers during major incidents.

CIVIC CENTER PARCELS

Property Disposition - The El Cerrito Municipal Services Corporation (MSC) currently owns the parcels, and it is proposed that upon approval of this plan, they are transferred to the City for long term ownership as a public facility and governmental use.
Properties Retained for Approved Redevelopment Plan - Future Development

This category of disposition is for property that will be held temporarily by the City for ultimate sale pursuant to objectives that are set forth in the previous Redevelopment Plan and Implementation Plan. Development proposals for these properties will also need to be consistent with the San Pablo Avenue Specific Plan.

Mayfair Parcels

Policy Objectives - The following are excerpts of relevant policies from these plans that govern the disposition of the Mayfair parcels:

- To establish the project area as the focus of the community in symbolic, functional and economic terms.
- To improve the human environment, thereby creating a cohesive community.
- To intensify and diversify the existing retail, service and entertainment area surrounding San Pablo Avenue throughout the length of El Cerrito, and to expand the City's employment base by encouraging new commercial and office development in the area along San Pablo Avenue with special emphasis on developing additional retail sales.
- To unify various segments of the project area so that they become functionally and visually one, interrelated focus for a variety of activities.
- To provide new opportunities for living close to BART and to jobs and to guide a major share of the City's future population growth in the mixed-use commercial area.
- To expand the City's employment base by encouraging new commercial development near the BART stations and El Cerrito Plaza.
- Facilitate public/private partnership opportunities to create commercial and residential development at the Del Norte and El Cerrito Plaza BART stations and areas defined in the San Pablo Avenue Specific Plan as priority areas.
- Capitalize on opportunities presented by BART, AC Transit and other transportation agencies to encourage transit-oriented development.
- Strengthen the City's economic base by increasing opportunities to purchase local goods, services, and entertainment as well as opportunities to satisfy the retail and service needs of neighboring communities.
- Ensure a wide range of quality housing choices in El Cerrito, including mixed-use and affordable housing developments.
Pursuant to these objectives, the former Redevelopment Agency assembled the parcels in the Mayfair block to create a transit oriented development area in proximity to BART and local and regional bus lines serving both the BART station and adjacent San Pablo Avenue. The San Pablo Avenue Specific Plan calls for implementing a TOD development on the block, which has a zoning land use designation of Transit Oriented Higher Intensity Mixed Use.

Development Proposals – Following the Redevelopment Agency’s assembly of the three parcels comprising the block, the Agency received two consecutive proposals for the development of vertically mixed-use projects consisting of ground floor retail with higher density residential above. Both proposals were consistent with the policy objectives for the site. The first proposal by Olson Urban Housing was dropped following the expiration of the Exclusive Negotiating Rights Agreement (ENRA) due to deteriorating economic conditions during the 2007-2010 recession.

The second proposal by Build Inc. was of a similar nature but with a greater density consistent with the City’s current land use policies. The site plans and conceptual elevations are shown in Figure #5 and Figure #6, and the development program is set forth in Appendix C. This proposal also reached the stage of exclusive negotiations (ENRA), but the negotiating term recently expired. Build Inc. and the MSC were unable to proceed to the next step of entering into a Disposition and Development Agreement for the sale of the property to Build Inc., due to the inability of the Municipal Services Corporation to sell the site as a result of the litigation with the State over dissolution of the Redevelopment Agency.

Disposition Process – It is recommended that upon approval by the State of this LRPMP that the property is sold pursuant to the process of issuing a Request for Proposals (RFP). The RFP will set forth the City’s development objectives for the site, the requirements for developers to have appropriate experience, and a requirement for developers to demonstrate their ability to finance the project in a timely fashion. The City will solicit developers to submit proposals that conform to the policy and zoning objectives set forth above and in the San Pablo Avenue Specific Plan. Specific plan policies will include minimum density, reduced parking due to proximity to transit, increased height and active ground floor uses.
Following selection of a single development team from this competitive process, the developer and City will enter into an Exclusive Negotiating Rights Agreement (ENRA) for a relatively short period of time. During the ENRA phase the developer will obtain entitlements from the City, and the City and developer will negotiate a purchase price for the property, and a schedule for the timely acquisition and development of the property. These agreements will be memorialized in a Disposition and Development Agreement (DDA), which is a form of a purchase and sale agreement. The DDA will provide that the property will not be conveyed to the developer until the project is ready to start construction, including City approval of all entitlements through building permits, and final financing commitments in place. In this way the City and the taxing entities will be assured that the property will not be conveyed to a speculator who has no intention of proceeding with development, or to a weak developer who is unable to obtain project financing. This process will also eliminate inappropriate development ideas that would not gain approval and waste time.

The RFP approach is preferred as it will create more certainty, and yield more property taxes in the long run for the taxing entities, while simultaneously achieving the land use objectives for which the City's Redevelopment Agency acquired the property in the first place. It may also turn out to be the more expeditious method of disposal, as time will not be wasted with development plans that do not match the City's land use policies for the site.

**FIGURE #5 - BUILD INC. MIXED-USE PROJECT SAN PABLO ELEVATION**

Looking East across San Pablo Boulevard: Podium access stair and roof deck bridge connect the north and south halves of the project.
FIGURE #6 - BUILD INC. MIXED-USE SITE PLAN
**Eastshore Triangle Parcels**

**Policy Objectives** – The parcels within the Eastshore triangle are subject to the same policies that govern the re-use of the Mayfair parcel described above.

**Size Constraints** - The Eastshore parcels will be less attractive for development since they are not part of a larger land assembly that was originally envisioned when they were acquired. Two parcels are contiguous but small even when combined. The third parcel that is larger in size is irregular in shape (see Figure #2 parcel map), and thus not easily developable. The land uses surrounding the Eastshore parcels are a collection of various small parcels containing older residences and commercial buildings. It will be difficult to assemble additional property to create larger, more efficient development sites that would support the higher intensity land uses envisioned for the area. The universe of developers that will be interested in these parcels will also be small.

**EASTSHORE TRIANGLE PARCEL – SAN PABLO AVE. FRONTAGE**

The MSC parcel is the vacant parcel framed by the privately owned house and commercial building. See parcel map.

**Zoning Constraints** - The San Pablo Avenue Specific Plan designates the parcels as Transit Oriented Higher Intensity Mixed Use, and allows development for several uses including residential, commercial or a mixture of both. There is a complex set of form based code regulations defining the massing, parking and set backs of a new building design. Although the code allows for and encourages higher intensity uses, given the small size of the parcels the scale of development is likely to be one to three stories. The small 12,000 square foot combination of parcels #015 and #018 might accommodate approximately 10 residential units in a two-story configuration with parking or a 6,000 square foot single story commercial building with parking. The larger irregular shaped parcel # 032 of 26,000 square feet might accommodate 25 – 30 residential units in a two-story configuration with surface parking at Eastshore, or a vertically mixed use building of ground floor retail and residential above fronting on San Pablo avenue with parking on Eastshore.
Pricing - Given the small or irregular shapes of the parcels it is unlikely that they will sell for their assessed values at $50 per square foot. It is likely that the City will need to be flexible in determining the price for the parcels based on how the market responds when the parcels are offered for sale. Attempts to maximize value for these parcels will work against an expeditious sale.

Disposition Process – Due to their size, the properties will be of interest to smaller, relatively less sophisticated and less capitalized developers. There are two approaches to the sale of the parcels. The recommended approach is to spend some initial time and resources to create a sample development plan for the parcels and then offer them for sale through a City sponsored solicitation of proposals (RFP) as described above for the Mayfair parcels. In addition to the RFP process described for the Mayfair parcels, it is recommended that the City hire a designer to create a sample development plan that meets the form based zoning, and that the price for the land be determined by a re-use appraisal based on the sample plan. The plan will be attached to a Request for Proposals and the Successor Agency will solicit developers to submit proposals that conform to the sample plan. This will require expenditures for professional services that should be considered reimbursable expenses to be repaid from property sales proceeds.

The alternative to undertaking an RFP process would be to hire a broker to list the parcels to all interested parties. Although this might result in an expeditious sale, it would not necessarily result in a sale that leads to a development being constructed, or could produce a development proposal that is inconsistent with City land use policies. Similar to the Mayfair discussion, an investor may acquire property with no intention of developing it, but rather to hold for a period of time and resell as a vacant parcel in the future. The taxing entities would receive their one time payment for the land value but would lose out on the on-going revenues from new development (see Table #5 for an estimate of property taxes from new development).

Although possibly more time consuming than a broker sale, the RFP approach will yield more in the long run for the taxing entities in property taxes, while simultaneously achieving the City's land use objectives.

CONCLUSION

Property Transfer

Upon approval of this LRPMP, the Theater Parcel retained for redevelopment purposes and the parcels retained for government use will be transferred from the Municipal Services Corporation to the City. Parcels that are retained for development per the Redevelopment Plan policies will also be transferred to the City. The City will ultimately sell the development parcels to the developers pursuant to Disposition and Development Agreements.

Use of Sales Proceeds

All proceeds of property sales (net of sales costs including the City's costs associated with the sale) for non governmental public purpose parcels, or parcels subject to compensation agreements, will be distributed to the taxing entities pursuant to their proportionate share as determined by the
Contra Costa County Auditor Controller. Estimates of the gross revenues from property sales and on-going new property tax revenues are set forth in Table 5.

**New Revenues To Taxing Entities**

The following are estimates of revenues to the taxing entities from land sale proceeds and property tax revenues that result from new development on the Mayfair and Eastshore parcels (buildings only). Property taxes for the land are not included as new revenues as the MSC is currently paying property taxes on all of its parcels. It should also be noted that the MSC is currently paying property taxes on the other parcels, and thus has generated revenue for the benefit of the taxing entities. New on-going annual revenues of $1,014,400 are estimated, and one time land sales revenues of $3,298,000 are projected.

**TABLE 5 – ESTIMATED TOTAL REVENUES TO TAXING ENTITIES**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>MAYFAIR</th>
<th>EASTHORE</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Bldg. Value *</td>
<td>$90,240,000</td>
<td>$11,200,000</td>
<td>@ $320k/ Unit **</td>
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<tr>
<td>Property Taxes - New Buildings - Annual @ 1% of building value</td>
<td>$902,400</td>
<td>$112,000</td>
<td>$1,014,400 Total Annual</td>
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<tr>
<td>One Time Land Sales Proceeds</td>
<td>$1,950,000 ***</td>
<td>$1,348,000</td>
<td>$3,298,000 Total</td>
</tr>
</tbody>
</table>

* 282 units for Mayfair; 35 units for Eastshore  ** 800 sf units average @ $400 sf cost  *** Net amt. of sale at assessed value of $3.7m after $1.75 m note payoff

**Land Not Surplus Property**

The sale of the properties that are not retained for governmental use are not subject to the disposition requirements and procedures of the Surplus Lands Act (Government Code Section 54220 et. seq.) due to the requirements of the Redevelopment Dissolution Statutes that require disposal of the properties to be pursuant to this LRPMP. The properties are not considered surplus and must be disposed of in a manner that is consistent with the Redevelopment Plan and Health and Safety Code Section 34191.5.
APPENDIX A
REDEVELOPMENT AREA PROJECT MAP

Figure 1. Location and Boundaries of the El Cerrito Redevelopment Project Area

CITY OF EL CERRITO
Redevelopment Area Boundary

Legend
- RDA Boundary
- El Cerrito City Limit
- BART
- Railroad
- Highway/Freeway
## APPENDIX B
### MAYFAIR APPRAISAL INFORMATION

### APPRAISAL REPORT – COMPLETE APPRAISAL

<table>
<thead>
<tr>
<th>Identification of Real Estate</th>
<th>11600 San Pablo Avenue</th>
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<tr>
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<td>502-062-029-9</td>
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<tr>
<td></td>
<td>El Cerrito, CA</td>
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<tr>
<td></td>
<td>El Cerrito Municipal Services</td>
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<tr>
<td>Property Address</td>
<td></td>
</tr>
<tr>
<td>APN</td>
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<tr>
<td>City/State</td>
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<tr>
<td>Ownership Name</td>
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#### Summary Property Description

<table>
<thead>
<tr>
<th>Site</th>
<th>Conceptual Building Improvements</th>
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<tbody>
<tr>
<td>Site Area</td>
<td>Building Potential – current zoning 65 Units</td>
</tr>
<tr>
<td>Zoning</td>
<td>Building Potential – pending SPAPS 240 Units</td>
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<tr>
<td>Use Conformity</td>
<td># of Stories 3 - 5</td>
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<tr>
<td>Topography</td>
<td>Construction Type Wood Frame</td>
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<tr>
<td>Street Access</td>
<td>Year Built Proposed Completion @ 2017</td>
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<tr>
<td>FEMA Panel No.</td>
<td>Quality / Condition Good / New</td>
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<tr>
<td>Flood Hazard Zone</td>
<td>Functional Utility Typical / Competitive</td>
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<td>Historic Rating</td>
<td>Occupancy N/A - Conceptual</td>
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<tr>
<td>HBU As Vacant</td>
<td>HBU As Proposed Multifamily Redevelopment</td>
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<tr>
<td></td>
<td>OCC 12 CFR 34.42 (g)) (OTS 12 CFR, Part 564.2 (g))</td>
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#### Definition of Market Value

<table>
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<th>Reference Dates</th>
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<tr>
<td>Effective Date of Value</td>
<td>May 1, 2014</td>
</tr>
<tr>
<td>Date of Report</td>
<td>May 2, 2014</td>
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<tr>
<td>(Last) Date of Inspection</td>
<td>May 1, 2014</td>
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<tr>
<td>Certification of Appraisal</td>
<td>See Exhibit A</td>
</tr>
<tr>
<td>Assumptions and Limiting Conditions</td>
<td>See Exhibit B</td>
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</table>

#### Value Conclusion - "As is" Market Value

| Value Conclusion              | $2,260,000              |
## Tabulations

**Building 1 Type III**  
120 apartments/ 60-2BR/ 45-1BR/ 15 Studios

**Building 2 Type III**  
120 apartments/ 60-2BR/ 45-1BR/ 15 Studios

Podium (under Buildings 1&2) Type I/ fifteen feet high/ one level above grade / optional second level subterranean  
13,000sf retail, 5,000sf leasing/ common space, 4,000sf service spaces  
254 cars in a single level utilizing hydraulic stackers. An additional 120 spaces possible in a subterranean level.

**Building 3 Type V**  
34 studio and 1BR flats in two levels over 5,000sf retail and 8-10 live/work townhouses fronting onto a common mews over the Kearney Street ROW.  
Short term parking in two surface lots at each end of Kearney (16 cars) and within the adjacent garage.

Residential Total: 282 apartments  
Retail Total: 18,000sf  
Parking Total: 270-390 cars

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**11600 San Pablo Avenue/ El Cerrito, CA**  
Prepared for Mayfair Build Inc by Jon Worden Architect  
Concept Sketches

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*End of Document*
Date: November 10, 2015

To: Oversight Board of the El Cerrito Redevelopment Agency Successor Agency

From: Melanie Mintz, Community Development Director

Subject: Adopt a Resolution of the Oversight Board of the Successor Agency of the El Cerrito Redevelopment Agency Approving the Transfer of Certain Property to the City of El Cerrito as a Governmental Use Property

ACTION REQUESTED

Adopt an Oversight Board resolution approving the transfer of governmental use property to the City of El Cerrito pursuant to the Successor Agency’s Long Range Property Management Plan.

BACKGROUND

Dissolution Act

ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) on February 1, 2012. The City of El Cerrito (City) elected to serve as the El Cerrito Redevelopment Successor Agency (Successor Agency), assuming the RDA’s assets and liabilities. Pursuant to the Dissolution Act, the Oversight Board to the Successor Agency was established to review and approve all actions taken by the Successor Agency, including but not limited to disposition of property acquired by the RDA. Certain actions of the Oversight Board are reviewed and approved by the California Department of Finance (DOF), which requires the submittal of separate resolutions for each Oversight Board action.

Under the Dissolution Act, the Successor Agency and its Oversight Board are responsible for the disposition of the real property assets that the former Redevelopment Agency held. Disposition of the properties is accomplished pursuant to a Long Range Property Management Plan (LRPMP) which must be approved by the Oversight Board and the Department of Finance. Pursuant to the most recent amendment of the Dissolution Act, set forth in SB 107, once the LRPMP is approved, subsequent actions by the Oversight Board to approve property disposition by the Successor Agency require only Oversight Board approval and not DOF approval.

Transfers of Governmental Use Properties

The LRPMP provides for the City to retain the Civic Center parcels to the north of the Public Safety Building complex as a governmental use property. Final transfer would not occur until after DOF approval.
Discussion

Acquisition Purpose
This property consists of two contiguous parcels that are located adjacent to the El Cerrito Public Safety Building (housing Police and Fire department administrative offices and stations) and near the City Hall offices for the city administration. The parcels were acquired in a trade of property during the redevelopment of a former lumberyard into an apartment/mixed-use complex.

The parcels were acquired for the purpose of either constructing a new City-administration building adjacent to the Public Safety building or to allow for the expansion or reconstruction of the Public Safety building. Although a new city administration office building (City Hall) has been constructed on the prior location of the administrative offices, the need remains for a site to allow future expansion of the public safety facilities.

Public Purpose
The Public Safety Building houses the two largest departments of the City: Police and Fire. The facility contains the City’s Police station and one of the City’s two fire stations that serves the San Pablo Avenue commercial area and residential areas in the immediate vicinity and citywide. It has long been recognized that both of the current facilities (the Police and Fire stations) are undersized for the existing population they serve which will be exacerbated over time with continued commercial and residential growth, particularly on San Pablo Avenue. Furthermore, in compliance with regional growth projections and objectives of the Association of Bay Area Governments, the City has adopted the San Pablo Avenue Specific Plan that provides for greater densities. This new growth will need to be supported by modern and expanded public safety facilities to maintain the City’s safety standards.

The Public Safety Building was built in 1960 and evaluations have concluded that building a new facility would be more cost effective than retrofitting the existing building. The City’s police force has doubled in size since the original facility was built. Rebuilding and expansion of the Public Safety Building is included in the City’s adopted Capital Improvement Program (CIP), although funds have not yet been identified.

The site is also currently used by the Police and Fire Departments for staging during Emergency Operations/major incidents, for training purposes and to store a variety of special equipment. The Police Department uses the site to store a special event trailer, an evidence processing trailer, a training equipment trailer, and police vehicles when they are not actively in use. A storage building on the site also houses police motorcycles and bicycles and training equipment. The Fire Department uses the site for permanent storage of vehicles and a fire education trailer. The site is also a staging area for the Police and Fire Department Emergency Operation Centers during major incidents.

As provided by Health and Safety Code Sections 34181 (a) and 34191.5, the LRPMP provides for the Civic Center parcels to be retained by the City for the governmental purpose of a site for government facilities including expansion or reconstruction of the public safety building; and continued use of the parcels in the interim for public safety vehicle and equipment storage, and public safety training activities.
LEGAL CONSIDERATIONS
All actions being requested are consistent with the Dissolution Act as amended, and have been reviewed by the Agency attorney. Approval of the attached resolution will authorize transfer of the property to the City for a governmental purpose.

Reviewed by:

Scott Hanin
City Manager

Attachments:
1. Oversight Board Resolution Approving Transfer of Governmental Use Properties to the City
OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE EL CERRITO
REDEVELOPMENT AGENCY

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY FOR THE EL CERRITO REDEVELOPMENT AGENCY APPROVING
THE TRANSFER OF CERTAIN PROPERTY TO THE CITY OF EL CERRITO AS
A GOVERNMENTAL USE PROPERTIES

WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the
“Dissolution Act”) to dissolve redevelopment agencies formed under the Community
Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, pursuant to Health and Safety Code Section 34173, the City Council of the
City of El Cerrito (the “City Council”) declared that the City of El Cerrito (the “City”), would act
as successor agency (the "Successor Agency") for the dissolved El Cerrito Redevelopment
Agency(the “Dissolved RDA”) effective February 1, 2012; and

WHEREAS, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend various
provisions of the Dissolution Act, the Successor Agency is now declared to be a separate legal
entity from the City; and

WHEREAS, the Dissolution Act provides for the appointment of an oversight board (the
“Oversight Board”) with specific duties to approve certain Successor Agency actions pursuant to
Health and Safety Code Section 34180 and to direct the Successor Agency in certain other
actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, certain properties held by the Successor Agency constitute governmental
use properties pursuant to Health and Safety Code Section 34181(a); and

WHEREAS, the Successor Agency is recommending the transfer of those properties
located at 10940 and 10930 San Pablo Avenue, El Cerrito, California (the "Property") which are
currently used for public safety purposes to the City of El Cerrito, as a governmental use
property in accordance with Health and Safety Code Section 34181(a), which expressly
authorizes the transfer to the City of properties that are used for governmental purposes; and
WHEREAS, the Oversight Board has duly noticed its consideration of the transfer of the Property in accordance with Health and Safety Code Section 34181(f); and

WHEREAS, by staff report accompanying this Resolution and incorporated into this Resolution by this reference ("Staff Report") the Oversight Board has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency for the Former RDA hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED, that Oversight Board hereby directs the Successor Agency to transfer the Property to the City upon the effective date of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

ADOPTED ______________, 2015 by the Oversight Board of the Successor Agency to the El Cerrito Redevelopment Agency, by the following vote:

<table>
<thead>
<tr>
<th></th>
<th>BOARD MEMBERS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES</td>
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<tr>
<td>NOES</td>
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<tr>
<td>ABSTAIN</td>
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<td>ABSENT</td>
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William C. Jones, III Chair

ATTEST: ______________________________

Cheryl Morse, City Clerk