

**COUNTY OF ALAMEDA COUNTYWIDE OVERSIGHT BOARD**

**RESOLUTION NUMBER NO. OB-20 25 - 08**

**A RESOLUTION OF THE COUNTY OF ALAMEDA  
COUNTYWIDE OVERSIGHT BOARD**

**APPROVING AND AUTHORIZING THE CITY OF HAYWARD SUCCESSOR  
AGENCY'S SUBORDINATION OF A DOWNTOWN RETAIL ATTRACTION LOAN  
AND RELATED AGREEMENTS IN ASSOCIATION WITH BORROWER'S  
REFINANCING OF EXISTING COMMERCIAL DEBT ON THE ENCUMBERED  
PROPERTY**

**WHEREAS**, the Redevelopment Agency for the City of Hayward (the "Former Agency") was formed, existed and exercised its powers pursuant to the Community Redevelopment law (California Health and Safety Code section 33000 et seq., the "CRL");

**WHEREAS**, the California state legislature enacted Assembly Bill 1x 26 (as modified by Assembly Bill No. 1484 enacted on June 27, 2012, as further modified by Senate Bill No. 107 enacted on September 22, 2015 and as such may be further amended, collectively, the "Dissolution Act"), adding or amending Parts 1.8 and 1.85 to Division 24 of the Health and Safety Code, to dissolve redevelopment agencies formed under the CRL;

**WHEREAS**, pursuant to Section 34173 of the Health and Safety Code, effective February 1, 2012, the Successor Agency to the Redevelopment Agency for the City of Hayward, a separate legal entity (the "Successor Agency") was formed to and charged with implementing the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the dissolved Former Agency;

**WHEREAS**, upon dissolution of the Former Agency, all authority, rights, powers, duties, and obligations previously vested with the Former Agency (except for the Former Agency's housing assets and functions) under the CRL vested in the Successor Agency;

**WHEREAS**, pursuant to Section 34179(j) of the Health and Safety Code, The County of Alameda Countywide Oversight Board (the "Countywide Oversight Board") has been appointed to perform specific duties, including to approve certain Successor Agency actions pursuant to Section 34180 of the Health and Safety Code and to direct the Successor Agency in certain other actions pursuant to Section 34181 of the Health and Safety Code;

**WHEREAS**, prior to its dissolution, the Former Agency created a Downtown Retail Attraction Loan Program ("Program") to address the presence of vacant buildings in the Downtown Hayward Redevelopment Area; and

**WHEREAS**, on March 9, 2011, the Former Agency executed a Program Loan Agreement ("Loan Agreement") with RLW, LLC ("Borrower") to fund improvements on properties located at 22401-22487 Foothill Blvd, Hayward, CA ("Property"); and

**WHEREAS**, the Loan Agreement is secured by the following deeds of trust (collectively the "Agency Deeds of Trust"):

1. A short form deed of trust in the amount of \$300,000 recorded against the properties addressed 22401 Foothill Blvd, 22415-22423 Foothill Blvd, and 2249-22433 Foothill Blvd, Hayward CA 94541;
2. A short form deed of trust in the amount of \$100,000 recorded against the properties addressed 22349-22445 Foothill Blvd, Hayward, CA 94541;
3. A short form deed of trust in the amount of \$100,000 recorded against the properties addressed 22455-22475 Foothill Blvd, Hayward, CA 94541;
4. A short form deed of trust in the amount of \$80,000 recorded against the property addressed 22481 Foothill Blvd, Hayward, CA 94541; and

**WHEREAS**, in addition to the Loan Agreement, Richard Weinstein executed a personal guaranty (the "Guaranty"), which unconditionally guarantees payment of the various facade loans, adding additional security for repayment of any funds disbursed under the Loan Agreement; and

**WHEREAS**, the Loan Agreement, the Agency Deeds of Trust, and the Guaranty were initially subordinated to a then-existing commercial loan encumbering the Property, and are currently subordinated to a commercial loan encumbering the Property; and

**WHEREAS**, the Borrower desires to refinance the existing mortgage with a new commercial loan;

**WHEREAS**, the provider of the new loan is requesting subordination to the new loan of the Loan Agreement, the Agency Deeds of Trust and the Guaranty; and

**WHEREAS**, the refinancing of the Property will enhance the financial stability of the Borrower and ensure the continued operation of businesses on the Property in accordance with the requirements of the Loan Agreement, which will support continued property tax revenue from the Property to the taxing entities;

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


**NOW, THEREFORE, BE IT RESOLVED** that the Countywide Oversight Board hereby approves subordination of the Loan Agreement, the Agency Deeds of Trust, and the Guaranty to financing substantially consistent with the new loan terms from the private lender and authorizes the Successor Agency to execute a subordination or similar agreement with the private lenders on behalf of the Successor Agency, in a form approved by the Successor Agency signatory and the Successor Agency Counsel, such approval to be evidenced by the execution of such agreement, and provided such agreement gives the Successor Agency notice and time to cure any of the Borrower's defaults under the private lender loan documents.

**BE IT FURTHER RESOLVED** that the Successor Agency is hereby directed to notify the California Department of Finance of the actions set forth in this Resolution in accordance with Health and Safety Code Sections 34179(h).


**BE IT FURTHER RESOLVED** that this Resolution shall take effect conditioned upon the formal approval of the Department of Finance at the time and in the manner prescribed in Health and Safety Code Section 34179(h), and shall supersede and replace any prior resolution of the Countywide Oversight Board with respect to the subject matter of this Resolution.

**PASSED AND ADOPTED** at a special meeting of the Countywide Oversight Board for the Successor Agency of Hayward this 18<sup>th</sup> day of April, 2025 by the following vote:

| Board Members | Fortunato Bas<br>County Board of Supervisors | Hannon<br>City Selection Committee | Sethy<br>Ind. Special District Committee | Heldman<br>County Office of Education | Gerhard<br>Chancellor of the CA Comm. College | O'Connell<br>County Board of Supervisors (Public) | Katz Mulvey<br>Recognized Employee Organization |
|---------------|--|------------------------------------|--|---------------------------------------|---|---|---|
| AYES:         | ✓  | ✓                                  | ✓  |                                       |   | ✓   | ✓   |
| NOES:         |  |                                    |  |                                       |   |   |   |
| ABSENT:       |  |                                    |  | ✓                                     | ✓   |   |   |
| ABSTAIN:      |  |                                    |  |                                       |   |   |   |
| EXCUSED:      |  |                                    |  |                                       |   |   |   |

  
Chairperson, Christia Katz Mulvey

ATTEST:

  
Secretary of the Countywide Oversight Board  
of the County of Alameda