

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04225

DATE OF FINAL PASSAGE NOV 16 2007

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING A FIRST IMPLEMENTATION AGREEMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT ENTERED INTO BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND PRICE CHARITIES (FORMERLY NAMED SAN DIEGO REVITALIZATION CORPORATION) FOR THE CITY HEIGHTS SQUARE OFFICE AND RETAIL PROJECT LOCATED WITHIN THE CITY HEIGHTS REDEVELOPMENT PROJECT AREA.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the City Heights Redevelopment Project Area [Project Area]; and

WHEREAS, to further the objectives of the Redevelopment Plan, the Agency entered into a Disposition and Development Agreement [DDA] effective May 3, 2005, with San Diego Revitalization Corporation, a California non-profit public benefit corporation, which is currently named Price Charities, a California non-profit public benefit corporation, [Developer]; a copy of the DDA is on file in the office of the secretary to the Agency as Document No. D-03900 / R-03900; and

WHEREAS, the DDA provides for the redevelopment of certain real property consisting of approximately 1.40 acres and located within the Project Area at the southern portion of the block bounded by University Avenue on the south, Fairmont Avenue on the east, Polk Avenue on the north, and 43<sup>rd</sup> Street on the west; and

WHEREAS, the DDA provides for the Agency's acquisition and disposition of certain real property [Acquisition Parcel] and for the Developer's development of the Acquisition Parcel and certain real property owned or controlled by the Developer [Developer's Parcels], as a four story retail-office building, consisting of up to 95,000 square feet with approximately 23,000 square feet of ground floor retail and lobby space, three levels of office space, and/or classrooms and/or meeting rooms above, and street level and underground parking [Project]; and

WHEREAS, the DDA further provides that, in addition to developing the Site, the Developer agrees to sell to the Agency certain real property to be developed as a park [Park Site], as more fully described in the Agreement of Purchase and Sale and Escrow Instructions for the Park Tract, and to advance to the Agency certain funds in the amount of \$3,500,000 [Developer's Advance], a portion of which shall be considered the Developer's payment of the purchase price for the Acquisition Parcel and the remaining funds shall be considered a loan from the Developer to the Agency to fund the costs of property acquisition and site preparation, as more fully described in the Loan Agreement between the Agency and the Developer; and

WHEREAS, to date, the Agency has acquired the Acquisition Parcel from the underlying property owner and purchased the Park Site from the Developer, as provided by the DDA; and

WHEREAS, to date, the Developer has provided a portion of the Developer's Advance to the Agency, sold the Park Site to the Agency, and submitted and obtained Agency approval of the Architect, Landscape Architect and Civil Engineer, and the Basic Concept/Schematic Drawings for the Project, as provided by the DDA; and

WHEREAS, certain deadlines imposed on the Developer and set forth in the Schedule of Performance (Attachment No. 4 to the DDA) have expired and will expire in the near future, while obligations of the Developer remain outstanding; and

WHEREAS, certain provisions of the Loan Agreement which the Agency desires to remain effective will expire upon repayment of the loan; and

WHEREAS, the Developer has requested the Agency to acknowledge and approve its corporate name change from San Diego Revitalization Corporation to Price Charities; and

WHEREAS, in light of the expired and upcoming deadlines imposed in the Schedule of Performance, the status of the Project, the corporate name change of the Developer, and the Agency's desire to amend the DDA and its Attachments to incorporate specific language of the Loan Agreement that may otherwise expire, the Agency and the Developer desire to implement the DDA, through this First Implementation Agreement, in order to encourage development of the Site and to maintain the effectiveness of the DDA; and

WHEREAS, the Project Area Committee [PAC] for the City Heights Redevelopment Project considered the proposed First Implementation Agreement to the DDA at its meeting on October 8, 2007, and voted unanimously to recommend to the Agency the approval of the First Implementation Agreement to the DDA; and

WHEREAS, the Agency has duly considered the recommendations of the City Heights PAC and all terms and conditions of the proposed First Implementation Agreement to the DDA, together with its Exhibits, and finds that the provisions contained therein are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purpose and provisions of applicable State and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That it approves the First Implementation Agreement to the Disposition and Development Agreement [DDA], together with its Exhibits, a copy of which, upon execution by

the Agency, shall be placed on file in the office of the secretary of the Agency as Document No.

D- 04225.


2. That the Executive Director of the Agency, or designee, is hereby authorized for and on behalf of the Agency, to execute the First Implementation Agreement to the DDA and to administer the Agency's obligations, responsibilities, and duties to be performed thereunder.

3. That this activity and the First Implementation Agreement of the existing DDA involves the site of the City Heights Square Project No. 40960, and is subject to the previously approved Mitigated Negative Declaration No. 40960. Any construction related activities shall be subject to the Mitigation Monitoring and Reporting Program [MMRP] for that project.

Therefore, this activity is not a separate project for purposes of review under the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

Further, this activity does not involve a change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review pursuant to CEQA Guidelines Section 15162.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By:   
Kendall D. Berkey  
Deputy General Counsel

KDB:nda  
10/19/07  
Or.Dept:Redev.Agency  
RA-2008-58  
MMS#3942

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of NOV 13 2007.

REDEVELOPMENT AGENCY

By:   
Jeannette Santos, Deputy Secretary

Approved: 11-16-07  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on NOV 13 2007, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

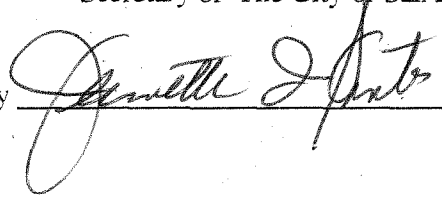
Date of final passage NOV 16 2007

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California.

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