

RA Item #8
Items 1+2
RA Item #5/13/08
(RA-2008-126)
Corr. Copy

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04271

DATE OF FINAL PASSAGE MAY 19 2008

A RESOLUTION APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT AND THE GROUND LEASE WITH CEDAR GATEWAY, L.P., FOR THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT, TO BE KNOWN AS CEDAR GATEWAY AND LOCATED IN THE CORTEZ REDEVELOPMENT DISTRICT OF THE EXPANSION SUB AREA OF THE CENTRE CITY REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [the "Agency"] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [the "Project"]; and has adopted an Implementation Plan for the Centre City Redevelopment Project in accordance with California Health and Safety Code Section 33490 [the "Implementation Plan"]; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency proposes to enter into an Disposition and Development Agreement [Agreement] with Cedar Gateway, L.P. [Developer], pursuant to which the Developer proposes to develop and construct 65-units of affordable rental housing (65 affordable), on a site generally located on the north side of Cedar Street between Fifth and Sixth Avenues in the Centre City Redevelopment Project [Site]; and

WHEREAS, in addition to the Agreement, the Centre City Development Corporation [CCDC] proposes that the Agency enter into a Ground Lease with Cedar Gateway, L.P. for the aforementioned Site; and

WHEREAS, the Developer has submitted to the Council copies of said proposed Ground Lease in a form desired by Developer; and

WHEREAS, the Board of Directors of the CCDC has reviewed and discussed the parameters of the Agreement and Ground Lease, as presented in a staff report at the Corporation's Board meeting on April 30, 2008, and the Board has recommended that the Council give approval to and that the Agency enter into the Agreement and the Ground Lease; and

WHEREAS, the Council has duly considered all terms and conditions of the proposed Agreement and believes that the development of the real property pursuant to the proposed Agreement is in the best interests of the City of San Diego and the health, safety, morals and welfare of its residents, and in accord with the public purposes 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. The Agency recognizes that it has received and heard all oral and written objections to the proposed Disposition and Development Agreement [Agreement], Ground Lease and other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the Agency hereby finds and determines that the development of the Site will assist in the elimination of blight in the Centre City Redevelopment Project Area, and is consistent with the Implementation Plan.

3. That the Agreement, which establishes the terms and conditions for the development of the real property, is hereby approved.

4. That the Agency does hereby acknowledge and consent to the proposed Subordination Agreement, as an instrument substantially in conformance with the document attached as Attachment No. 14 to the Agreement, which will result in the Agency's security

interest in the property becoming subject to, and of lower priority than the Construction Loan and the Construction Loan Documents as agreed to by Developer and Construction Lender.

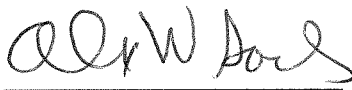
5. That the terms and conditions of the proposed Ground Lease between Agency and Cedar Gateway, L.P. are hereby approved.

6. The Agency does hereby authorize the Executive Director of the Agency, or his designee, to execute the Disposition and Development Agreement on behalf of the City. A copy of the Agreement, when executed, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04271a.

7. The Agency does hereby authorize the Executive Director of the Agency, or his designee, to execute the Ground Lease on behalf of the Agency. A copy of the Agreement, when executed, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04271b.

8. That the Agency does hereby authorize the Executive Director of the Agency, or his designee, on behalf of the Agency, to sign all documents, including a Subordination Agreement in form substantially similar to that in Attachment No. 14 of the Agreement, that are necessary and appropriate to carry out and implement the Disposition and Development Agreement and Ground Lease and to administer the Agency's obligations, responsibilities and duties to be performed under said Agreement and Ground Lease.

APPROVED AS TO FORM: MICHAEL J. AGUIRRE, General Counsel

By 
Alex W. Sachs
Deputy General Counsel

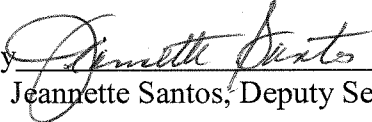
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04/24/08
05/12/08 Corr.Copy
Or Dept: CCDC
RA-2008-126 revised

MMS#6180

Companion to City Council R-2008-980 and R-2008-981

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of MAY 13 2008.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 5.19.08
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on MAY 19 2008, 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 checked="" 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"/>

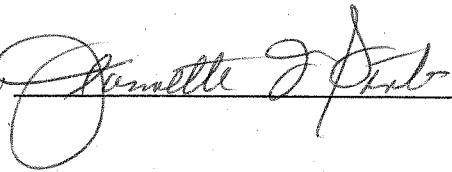
Date of final passage MAY 19 2008

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.

Resolution Number R 04271