

(RA-96-69)  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NO. 2593  
ADOPTED ON DECEMBER 5, 1995

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO ARMISTEAD B. SMITH, III, ROBIN ANDREW BRISEBOIS, LLOYD RUSSELL, JAMES EDWARD BROWN AND MARIA ISABEL DUTRA; APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT AND SALE (LITTLE ITALY NEIGHBORHOOD DEVELOPERS PARCELS C-1, C-2 AND C-3).

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 the Redevelopment Plan the Agency proposes to sell certain property in the Project area to Armistead B. Smith, III, Robin Andrew Brisebois, Lloyd Russell, James Edward Brown and Maria Isabel Dutra (the "Developers"), pursuant to the terms and provisions of a certain Disposition and Development Agreement (the "Agreement"), which Agreement contains a description of the property and provides for the construction thereon of a mixed-use development (the "Development") consisting of: the rehabilitation of the Harbor Marine Building for use as 4 live-work units, with ground floor retail on Parcel C-1; new construction of 7 live/ work units on Parcel C-2; and new construction of 6 live/work units on Parcel C-3; and

WHEREAS, the Developers have submitted to the Agency and the Council of The City of San Diego (the "Council") copies of said proposed

Agreement in a form desired by the Developer; and

WHEREAS, pursuant to the proposed Agreement, one of the live/work units in the Parcel C-2 Development, and one of the live/work units in the Parcel C-3 Development (the "Affordable Units") will be occupied by and restricted to persons and families of moderate income, at affordable rents; and

WHEREAS, pursuant to the proposed Agreement, the Development Costs for the Parcel C-2 Development and the Parcel C-3 Development will be paid in part from a loan to be made by the Agency to Developers with Low and Moderate Income Housing Funds from the Redevelopment Project, and in part from conventional loans to be made by lenders whose interests will be secured by a first trust deed on the respective Parcel (the "Primary Lender"); and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed the proposed Agreement and has recommended that the Council approve and the Agency enter into the Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, Section 33000 et seq.), the Agency and the Council held a joint public hearing on the proposed sale of the real property pursuant to the Agreement, having duly published notice of such public hearing and made copies of the proposed Agreement, and other reports and documents available for public inspection and comment; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed sale of real property and believes that the development of the real property pursuant to the proposed Agreement is in the best interest of the City 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. That the Agency recognizes that it has received and heard all oral and written objections to the proposed Disposition and Development Agreement, to the proposed sale of the real property pursuant to the proposed Agreement, and to 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 consideration to be paid by the Developers for the sale of the real property as described in the Agreement is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the Agreement. The Agency hereby finds and determines that all consideration to be paid under the Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Centre City Redevelopment Project.

3. That the Agency hereby further finds and determines that the sale of the property will assist in the elimination of blight in the Centre City Redevelopment Project area, and is consistent with the

Implementation Plan for the Project area.

4. That the Agency hereby further finds and determines that an economically feasible alternative method of financing the Affordable Units on substantially comparable terms and conditions, but without subordination, is not reasonably available.

5. That the sale of the real property and the Disposition and Development Agreement which establishes the terms and conditions for the sale and development of the real property are hereby approved.

6. That the Executive Director of the Agency, or designee, is hereby authorized to execute the Disposition and Development Agreement, on behalf of the Agency, provided that the Council has first approved the Agreement and the sale of real property pursuant thereto. A copy of the Agreement when executed by the Agency shall be placed on file in the office of the Secretary to the Agency as Document No. 02570.

7. That the Executive Director of the Agency, or designee, is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement.

8. That the Executive Director of the Agency, or his designee, is hereby authorized, on behalf of the Agency, to sign such subordination agreements as may be required by the Primary Lenders with respect to Parcels C-2 and C-3 in order to subordinate the covenants and restrictions of the Agreement, including those set forth in the Agreement Affecting Real Property, to the respective security interests and liens of the Primary Lenders.

APPROVED: JOHN W. WITT, General Counsel

By

Allisyn L. Thomas

Deputy Counsel

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11/22/95

Or.Dept:CCDC

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