

RESOLUTION NUMBER R- 299814

ADOPTED ON NOV 09 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE ISSUANCE OF  
MULTIFAMILY HOUSING REVENUE BONDS.

WHEREAS, the California Statewide Communities Development Authority [the Authority] is authorized pursuant to the provisions of California Government Code section 6500 *et seq.* and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 [the Agreement], among certain local agencies throughout the State of California, including the City of San Diego [the City], to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Vista Terraza Housing Partners, L.P., a California limited partnership [collectively, with any related entity, the Borrower], has requested that the Authority issue multifamily housing revenue bonds [the Bonds] in one or more series issued from time to time, and at no time to exceed \$14 million in outstanding aggregate principal amount, to finance the acquisition and construction of a 123-unit multifamily rental housing project located at 7790 Via Toscana and 7735 Via Solare, San Diego, California; and

WHEREAS, the Housing Authority of the City of San Diego [the Housing Authority] is also authorized to issue revenue bonds in accordance with Section 34312.3 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects and the Housing Authority, rather than the Authority, may issue the Bonds; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 [the Code]; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council [this Council] are the applicable elected representatives of the City and of the Housing Authority; and

WHEREAS, there has been published, at least fourteen days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on the date hereof; and

WHEREAS, such public hearing was conducted on said date by the City Council, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement; and

WHEREAS, the purpose of the 147(f) hearing and approval is to notify the public of the potential issuance of bonds and the proposed use of bond proceeds, and to ensure the use of bond proceeds for a public benefit purpose; NOW, THEREFORE,

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

1. The above recitals are true and correct.
2. The Council hereby approves the issuance of the Bonds by either the Authority or the Housing Authority as provided in Housing Commission Report no. HCR04-75.

3. It is the purpose and intent of the Council that this resolution constitutes approval of the Bonds for the purposes of: (a) Section 147(f) of the Code; and, (b) Section 9 of the Agreement. The City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the payment of the Bonds.

4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to, and comply with the terms and intent of this resolution and the financing approved hereby.

5. The City Clerk of the City shall forward a certified copy of this resolution and a copy of the affidavit of publication of the hearing notice to:

Stephen A. Spitz, Esq.  
Orrick, Herrington & Sutcliffe, LLP  
The Orrick Building  
405 Howard Street  
San Francisco, California 94105

6. This resolution shall take effect immediately upon its passage.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:dm  
10/26/04  
Or.Dept:Hsg.Comm  
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