

RESOLUTION NUMBER R- 300953

ADOPTED ON OCT 18 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING A VARIANCE TO THE CITY'S INCLUSIONARY HOUSING ORDINANCE IN THE FORM OF AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, BALLPARK VILLAGE LLC AND THE SAN DIEGO HOUSING COMMISSION.

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 Centre City Redevelopment Project [Project]; and

WHEREAS, in order to carry out and implement such Redevelopment Plan the Agency proposes to enter into an Affordable Housing Agreement by and between Ballpark Village LLC, a Delaware limited liability company [Participant], and the San Diego Housing Commission, contingent upon the Agency's entering into an Owner Participation Agreement [OPA] with Participant regarding the redevelopment of certain property within the Project Area known as Parcel C and Parcel D [Site]. Parcel C is bounded by 12th Avenue on the east, Imperial Avenue to the south and Park Boulevard on the northwest. Parcel D is bounded by Imperial Avenue to the north, 11th Avenue to the east, Park Boulevard to the west and the trolley tracks and rail yard to the south. Parcel C and Parcel D would be developed as a mixed use development of a variety of land uses including residential, office, commercial retail and/or hotel and service uses, parking, and other uses, including an affordable housing component to be developed by Participant in accordance with the proposed Affordable Housing Agreement; and

WHEREAS, the proposed Affordable Housing Agreement contains certain provisions which are deviations to the City's Inclusionary Housing Ordinance (Municipal Code section 142.1301 et seq., [Ordinance]) which requires findings for a variance to the Ordinance in accordance with section 142.1304(c) in connection with the development of the Site by Participant [Variance]; and

WHEREAS, the Planning Commission, in a public hearing on August 25, 2005, having duly noticed such public hearing, has recommended the approval of findings for the Variance and the approval of the Variance in the form of the Affordable Housing Agreement; and

WHEREAS, the San Diego Housing Commission, in a public meeting on August 26, 2005, having duly noticed such public meeting, has recommended the approval of deviations from the City's Inclusionary Housing Ordinance in the form of the Affordable Housing Agreement and authorized its President and Chief Executive Officer to execute the Affordable Housing Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, sections 33000, et seq.) the Agency and the City Council have held a joint public hearing on the OPA, having duly noticed such public hearing; and

WHEREAS, pursuant to the Municipal Code (section 142.1301 et seq.) the City Council, in a concurrent public hearing, having duly noticed such public hearing, has considered the findings for the Variance as provided by section 142.1304(c) of the Ordinance and the terms and conditions of the Affordable Housing Agreement; NOW, THEREFORE,

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

1. That the City Council hereby determines and adopts the following findings in support of the Variance to the Ordinance in the form of the Affordable Housing Agreement, as provided by section 142.1304(c) of the Ordinance (as such Agreement has been revised by the Agency and the City Council in their concurrent Joint Public Hearing on the OPA):

a. That the proposed development which is the subject of the Variance and of the Affordable Housing Agreement, as revised, lies within the Centre City Redevelopment Project Area.

b. That the proposed development which is the subject of the Variance and of the proposed Affordable Housing Agreement, as revised, is further subject to the proposed OPA between the Participant and the Agency.

c. That the proposed development which is the subject of the Variance and of the proposed Affordable Housing Agreement, as revised, is fulfilling the stated significant objective of the Agency's approved Five Year Redevelopment Plan for the Centre City Redevelopment Project Area of "creation of viable housing options within Centre City that span a range of incomes" (July 2004-June 2009 Five Year Plan approved by the Agency by Resolution No. 03771 on June 15, 2004), inasmuch as the Affordable Housing Agreement will provide on the Site no less than 35,000 gross square feet of for-sale housing for occupancy by, and at prices affordable to, households earning no more than 100 percent of Area Median Income.

2. That the Variance to the Ordinance in the form of the Affordable Housing Agreement, as revised, is hereby approved.

3. That the City Council hereby determines that, with respect to the City's Inclusionary Housing Ordinance, the requirements set forth in the OPA as such OPA has been approved by the Agency and City Council in their concurrent Joint Public Hearing, shall govern the Site's compliance with the Ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Susan Y. Cola
Deputy City Attorney

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