

RESOLUTION NUMBER R- 304019  
DATE OF FINAL PASSAGE AUG 25 2008

A RESOLUTION OF THE CITY OF SAN DIEGO APPROVING A COOPERATION AGREEMENT RELATING TO THE AFFORDABLE HOUSING CREDIT AND ALLOCATION TRANSFER BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, THE CITY OF SAN DIEGO, AND THE COUNTY OF SAN DIEGO PERTAINING TO THE TRANSFER OF AFFORDABLE HOUSING CREDITS BY THE CITY OF SAN DIEGO TO THE COUNTY OF SAN DIEGO IN AN AFFORDABLE HOUSING CREDIT AMOUNT NOT TO EXCEED \$9,800,000 TO SATISFY THE REGIONAL HOUSING NEEDS ALLOCATION OF THE COUNTY OF SAN DIEGO.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to execute and implement the Redevelopment Plan, as amended and supplemented from time to time, for the Grantville Redevelopment Project Area [Grantville Project]; and

WHEREAS, pursuant to Section 33334.2 of the California Community Redevelopment Law (Cal. Health & Safety Code §33000 et seq.) [Redevelopment Law], the Agency is obligated to set aside twenty percent (20%) of the tax increment generated from the Grantville Project for Low- and Moderate-Income Housing; and

WHEREAS the Agency is obligated to deposit that twenty percent (20%) set aside of tax increment from the Grantville Project allocated to it pursuant to Section 33670(b) of the Redevelopment Law into a special Low- and Moderate-Income Housing Fund of the Agency [Housing Fund]; and

WHEREAS, between 2007-2008 and 2049-2050 fiscal years, the City of San Diego [City] and County of San Diego [County] are required to satisfy that certain regional housing needs allocation [RHNA] currently established every five years by the San Diego Association of Governments [SANDAG] and pursuant to California Government Code sections 65584, 65584.04, 65584.05, 65584.07, 65585.1 [Law]; and

WHEREAS, pursuant to the procedures established by SANDAG and the Law, the City is entitled to credit to the RHNA of the City new affordable housing units constructed in whole or in part with assistance of the Agency from the Agency's Housing Fund; and

WHEREAS, pursuant to a proposed Cooperation Agreement (Attachment A) [Cooperation Agreement] among the Agency, the City, and the County, for the period between 2007-2008 and 2049-2050, the City proposes to allocate its RHNA affordable housing credit received from dwelling units that may be constructed with \$9,800,000 from the Housing Fund to the County to satisfy a portion of the County's RHNA [County Housing Set-Aside Credit]; and

WHEREAS, the City and the County may submit to SANDAG a written proposal related to the County Housing Set-Aside Credit or proceed to transfer the County Housing Set-Aside Credit under Law; and

WHEREAS, the Cooperation Agreement contains, among other provisions, procedures in which the City and County submit a written proposal to SANDAG to effectuate the transfer of the County Housing Set-Aside Credit, or proceed to effectuate said transfer by Law; and

WHEREAS, the Agency, the City and the County are requested to approve the Cooperation Agreement that governs the allocation and transfer of such City RHNA affordable housing credits from the Housing Fund; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, by the City, as follows:

1. The City is entitled to effectuate the transfer of the County Housing Set-Aside Credit by Law; and
2. The City authorizes the County Housing Set-Aside Credit under the terms set forth in the Cooperation Agreement; and
3. The Agency approves the Cooperation Agreement among the Agency, the City and the County; and
4. The City hereby finds and determines that:
  - a. the City agrees to reduce its share of the RHNA by the amount of the County Housing Set-Aside Credit; and
  - b. the County Housing Set-Aside Credit is permissible under California Government Code section 65584.07(a)(2) because the City is within the territorial limits of the County; and
  - c. the City agrees, to the extent possible under the terms of the Cooperation Agreement, to assist the County in assuring the County's share of low-income and very low income housing is reduced in proportion to the amount by which the County's share of moderate- and above moderate-income housing is reduced in compliance with California Government Code section 65584.07(a)(3);

5. The Mayor, or his designee, is authorized to execute the Cooperation Agreement on behalf of the City and take any action and execute any and all documents and agreements necessary to implement this Resolution.

MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_

Deputy City Attorney

XX:xxx

07/12/08

Or.Dept:R.A.

R-2009-67

Companion: RA-2009-6, 2009-7, 2009-8, 2009-9, 2009-10

MMS#6503

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 29 2008.

ELIZABETH S. MALAND  
City Clerk

By Jara Richarda  
Deputy City Clerk

Approved: 8-25-08  
(date)

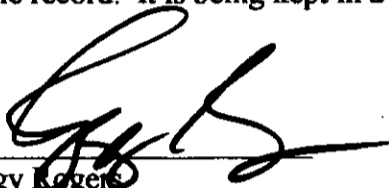
J.S.  
JERRY SANDERS, Mayor

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

\_\_\_\_\_  
JERRY SANDERS, Mayor

September 19, 2008

I Peggy Rogers, Deputy City Clerk, do hereby certify that this memorandum authored by Huston Carlyle on July 31, 2008, referred to an attached memorandum further explaining the position of the City Attorney's office authored and signed by City Attorney Michael Aguirre on July 31, 2008. That Memorandum is Attorney/Client privileged and is not a public record. It is being kept in a secure location by City Clerk Elizabeth Maland.



Peggy Rogers  
Deputy City Clerk

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