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(R-2009-1048)

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RESOLUTION NUMBER R- 304878

DATE OF FINAL PASSAGE MAY 21 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO (i) APPROVING THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO ENTERING INTO A SECOND IMPLEMENTATION AGREEMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY AND VIETNAM VETERANS OF SAN DIEGO FOR THE VETERANS VILLAGE PROJECT; (ii) APPROVING THE SALE OF CERTAIN REAL PROPERTIES IN THE NORTH BAY REDEVELOPMENT PROJECT AREA SUBJECT TO AND ONLY UPON CONDITIONS PRECEDENT SET FORTH IN THE SECOND IMPLEMENTATION AGREEMENT; AND (iii) MAKING CERTAIN FINDINGS WITH RESPECT TO THE SECOND IMPLEMENTATION AGREEMENT AND THE SALE IN ACCORDANCE WITH CALIFORNIA HEALTH & SAFETY CODE SECTION 33433.

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 North Bay Redevelopment Project Area [Project Area], and

WHEREAS, in order to carry out and implement the Redevelopment Plan for the Project Area, the Agency proposes to enter into a Second Implementation Agreement [Second Implementation Agreement] to the Disposition and Development Agreement [DDA] dated September 2, 2003, as amended by the First Implementation Agreement dated April 12, 2007, both of which are on file in the office of the secretary of the Agency as Documents No. D-03669, and No. D-04112, respectively, with Vietnam Veterans of San Diego [Developer], pursuant to which the Agency will sell certain properties in the Project, located at 2165 Kurtz Street and 3684 Courts Street and a right-of-way known as APNs: 450-570-18-00 and 450-570-021-00 [Properties] to the Developer to construct 96 transitional housing units in a 16-unit apartment

building and other improvements that will house formerly homeless veterans who qualify as low income residents at or below 50% and 60% of Area Median Income and who have graduated from treatment programs provided by Veterans Village; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety code sections 33000 *et seq.*) the Agency and the City Council of The City of San Diego [City Council] held a joint public hearing on the proposed Second Implementation Agreement and sale of such real property pursuant to such Second Implementation Agreement, having duly published notice of such public hearing and made copies of the proposed Second Implementation Agreement, and other reports (including the Summary Report prepared in accordance with California Health & Safety Code section 33433 [33433 Report]) and documents available for public inspection and copying; and

WHEREAS, the Developer has executed and submitted to the Agency and the City Council copies of the proposed Second Implementation Agreement in the form desired by both the Developer and the Agency; and

WHEREAS, on September 2, 2003, the City Council certified that the Mitigated Negative Declaration, LDR No. 3787 had been completed in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act of 1970 (CEQA). This project is adequately addressed in such documents, and there are no project changes, changes in circumstances, or new information of substantial importance within the meaning of CEQA Guidelines section 15162 which would warrant any additional environmental review, in connection with approval of the Second Implementation Agreement to the DDA, therefore no further environmental documentation is required pursuant to California Public Resources Code section 21166, and CEQA Guidelines section 15168; and

WHEREAS, the City Council 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 Second Implementation Agreement is in the best interests of the City, the Project Area, and the health, safety, morals and welfare of City 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 Council of The City of San Diego, as follows:

1. The Council recognizes that it has received and heard all oral and written objections to the proposed Second Implementation Agreement, to the proposed sale of real property pursuant thereto, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.
2. That the Council has reviewed and approves the Summary Report prepared in accordance with California Health & Safety Code section 33433 [33433 Report].
3. The Council finds and determines, based on information received and reviewed including without limitation the information contained in the 33433 Report, that the consideration to be received by Agency for the sale of the Properties as described in the Second Implementation Agreement is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the Second Implementation Agreement.
4. The Council finds and determines that, based on information received and reviewed including without limitation the information contained in the 33433 Report, the sale of the Properties pursuant to the DDA, as amended by the First Implementation Agreement, as amended by the Second Implementation Agreement will assist in the elimination of blight in the

North Bay Redevelopment Project Area, will provide housing for very low and low-income persons, and is consistent with the Redevelopment Plan for the North Bay Project Area.

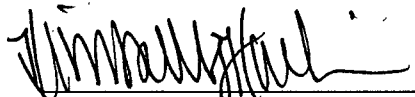
5. That the Council has reviewed and approves the sale of the real property as set forth in the DDA as amended by First Implementation Agreement, as amended by the Second Implementation Agreement, subject to and only upon the satisfaction of all conditions precedent set forth in the Second Implementation Agreement to the DDA.

6. That the Council hereby approves and consents to the Redevelopment Agency of the City of San Diego entering into the Second Implementation Agreement to the DDA with the Developer for the proposed Veterans Village project; a copy of the Second Implementation Agreement to the DDA, when executed by the Agency, shall be placed on file in the office of the City Clerk as Document No. RR- 304878.

7. That the Council authorizes the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Kimberly K. Raelin
Deputy City Attorney

KKK:nda
04/13/09
Or.Dept:Redev.Agency
R-2009-1048
MMS#7853
Comp. RA-2009-99

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 05 2009.

ELIZABETH S. MALAND
City Clerk

By *Ava Richards*
Deputy City Clerk

Approved: 5.21.09
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor