

RESOLUTION NUMBER R- 307476
DATE OF FINAL PASSAGE MAY 30 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A TRANSIT ORIENTED DEVELOPMENT (TOD) GRANT STANDARD AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT; AUTHORIZING AN INDEMNIFICATION AGREEMENT WITH THE BRIDGE HOUSING CORPORATION; AND TAKING ALL NECESSARY STEPS IN CONNECTION WITH THE TOD GRANT FOR THE COMM22 AFFORDABLE HOUSING PROJECT.

WHEREAS, on December 11, 2007, the California State Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for the Transportation Oriented Development (TOD) Program established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to Chapter 2 of Part 13 of Division 31 of the Health & Safety Code, Commencing with Section 53560; and

WHEREAS, on March 5, 2008 by Resolution No. R-303434, the Council authorized the Mayor and/or his designee to apply for Funding Under the Proposition 1C – TOD Housing Program for three projects, including the Comm22 mixed-use affordable housing project at Commercial and 22nd Streets in Logan Heights, and the Council authorized the Auditor and Comptroller to accept Proposition 1C-TOD grant funds, should such funding be secured; and

WHEREAS, in June 2008 the City was awarded a \$6,000,000 TOD Grant by HCD; and

WHEREAS, in June 2011 by Resolution No. R-306881, the Council approved an owner-participation agreement for the Comm22 project, whereby Comm22, LLC would administer any TOD grant funds received on behalf of the City; and

WHEREAS, the City is listed as the lead applicant on the TOD grant application because of the TOD grant’s public agency applicant requirement; and

WHEREAS, in order to streamline implementation, the firm of Comm22, LLC, a subsidiary of BRIDGE Housing Corporation, is designated as the “alternate payee” and will accept the TOD grant funding on behalf of the City; and

WHEREAS, HCD has indicated that grant funding is available for the Comm22 project; and

WHEREAS, upon Council approval, BRIDGE Housing Corporation will indemnify the City concerning its performance under the TOD Grant Agreement and proceed with the project; NOW, THEREFORE,

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

1. That the Chief Operating Officer, Jay M. Goldstone, is authorized to execute, for and on behalf of the City, a Transit Oriented Development (TOD) Grant Standard Agreement with the California Department of Housing and Community Development, under the terms and conditions set forth in the Standard Agreement, on file with the City Clerk as Document No.

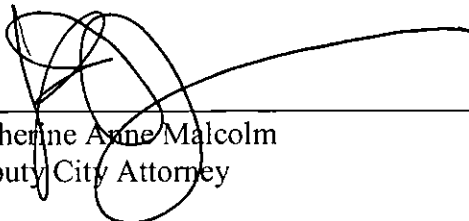
RR- 307476-1 .

2. That the Chief Operating Officer, Jay M. Goldstone, is authorized to execute, for and on behalf of the City, an agreement with the BRIDGE Housing Corporation to indemnify the City for Comm22’s performance of the grant terms, under the terms and conditions set forth in the Indemnification Agreement, on file with the City Clerk as Document No. RR- 307476-2.

3. That the Chief Operating Officer, Jay M. Goldstone, is authorized to negotiate and execute any necessary agreements, including a TOD Grant Disbursement Agreement, to allow disbursement of TOD grant funds to Comm22, LLC, to pay for infrastructure costs to construct the Comm22 Project, and to take all necessary action to administer, monitor, and manage such grant funds when received.

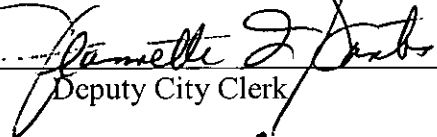
BE IT FURTHER RESOLVED, that the Council certifies the accuracy and truthfulness of all information contained in the application for the above grant funding.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Katherine Anne Malcolm
Deputy City Attorney

KAM:mb
05/07/12
Doc.No:367717
Or.Dept:DSD-Planning

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAY 22 2012

ELIZABETH S. MALAND, City Clerk
By  _____
Deputy City Clerk

Approved: 5.30.12
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor