

Item # 332

(R-2014-594)

April 15th, 2014

RESOLUTION NUMBER R- 308884

DATE OF FINAL PASSAGE APR 16 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FOURTH IMPLEMENTATION AGREEMENT AND VARIOUS ACTIONS FOR THE FIFTH PHASE OF THE VETERANS VILLAGE AFFORDABLE HOUSING PROJECT.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City), including the Redevelopment Plan for the North Bay Redevelopment Project Area; and

WHEREAS, on September 2, 2003, the Former RDA, pursuant to Resolution No. R-03669, approved a Disposition and Development Agreement (DDA) with Vietnam Veterans of San Diego (Developer) for the development of a multi-phase state of the art living and support facility for the treatment of homeless veterans (Veterans Village); and

WHEREAS, on March 5, 2007, the Former RDA, pursuant to Resolution No. R-04112, approved the First Implementation Agreement to the DDA; and

WHEREAS, on May 5, 2009, the Former RDA, pursuant to Resolution No. R-04399, approved the Second Implementation Agreement to the DDA; and

WHEREAS, on January 24, 2011, the Former RDA, pursuant to Resolution No. R-04597, approved the Third Implementation Agreement to the DDA; and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion issued on December 29, 2011, in litigation designated as Case No. S194861; and

WHEREAS, upon the Former RDA's dissolution on February 1, 2012, the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic (Successor Agency) became vested with all authority, rights, powers, duties, and obligations of the Former RDA under the California Community Redevelopment Law.

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and Assembly Bill 1484, enacted on June 27, 2012; and

WHEREAS, pursuant to California Health and Safety Code section 34181(c), the seven-member Oversight Board directed the Successor Agency to transfer the Former RDA's affordable housing assets to the City as Successor Housing Entity, and the California Department of Finance approved the Oversight Board's decision; and

WHEREAS, as of January 28, 2013, the Successor Agency transferred all its authority, rights, powers, duties, and obligations associated with the Former RDA's housing assets and functions to the City, acting in its capacity as the successor housing entity to the Former RDA, and in accordance with California Health and Safety Code sections 34181(c) and 34176(e).

WHEREAS, in order to carry out and implement the Redevelopment Plan for the North Bay Redevelopment Project Area, the City and Developer propose to enter into a fourth implementation agreement to the DDA with Vietnam Veterans of San Diego for the construction of a fifth phase, which is included in the back up materials accompanying this Resolution and on file in the Office of the City Clerk as Document No. RR- 308884 (Fourth Implementation Agreement); and

WHEREAS, the Fourth Implementation Agreement contemplates that the City will issue to Developer a residual receipts loan in an amount not to exceed \$1,746,601 to be derived from the North Bay Redevelopment Project Area allocation of 2010 Housing Set Aside Tax Allocation Bond Proceeds; and

WHEREAS, the Successor Agency, Oversight Board, and State of California Department of Finance have approved Recognized Payment Obligation Schedule (ROPS) 13-14B (for January to June 2014) which included an obligation to fund the Veterans Village Phase V Project on ROPS line item #570 from Low and Moderate Income Housing Funds up to \$1,800,000; and

WHEREAS, the fifth phase consists of the development and construction of an approximately 16,300 square foot, two story building to provide twenty beds for affordable, transitional housing, and support services and facilities, for extremely low, very low, and low income individuals (Veterans Village Phase V Project); and

WHEREAS, the City will cause to be recorded a Third Amendment to Agreement Affecting Real Property (Attachment No. 8 to the Fourth Implementation Agreement) which imposes 65-year affordability covenants on the Veterans Village Phase V Project affordable housing units; and

WHEREAS, in accordance with the Fourth Implementation Agreement, Developer has submitted to the City, and the City has reviewed, the Basic Concept Drawings (Attachment No. 8 to the Fourth Implementation Agreement) pertaining to the Veterans Village Phase V Project; and

WHEREAS, on September 2, 2003, the Former RDA, pursuant to Resolution No. R-03672, certified that Mitigated Negative Declaration, LDR No. 3787, had been completed in compliance with the National Environmental Policy Act and the California Environmental Quality Act (CEQA); and

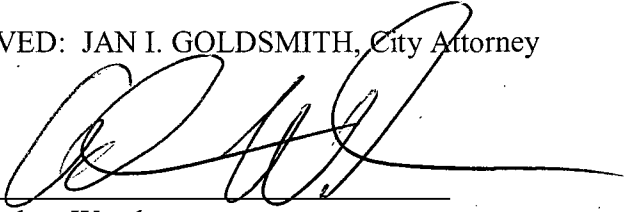
WHEREAS, pursuant to San Diego Municipal Code section 128.0209, the Development Services Department has provided the City Council with an explanatory cover letter concluding that none of the conditions specified in State CEQA Guidelines section 15162 exist that would require the preparation of a new environmental document; NOW, THEREFORE,

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

1. The Council finds and determines that all recitals set forth in this Resolution are true and correct and fully incorporated herein by this reference.
2. The Council approves the Fourth Implementation Agreement, including all attachments and exhibits thereto.
3. The Council approves the Basic Concept Drawings for the Veterans Village Phase V Project.
4. The Mayor or designee is authorized to execute the Fourth Implementation Agreement, including all attachments and exhibits thereto requiring the City's signature.
5. The City's Chief Financial Officer or designee is authorized to appropriate and expend up to \$1,746,601 pursuant to the Fourth Implementation Agreement from the North Bay Redevelopment Project Area allocation of 2010 Housing Set Aside Tax Allocation Bond Proceeds, contingent on certification by the City Comptroller that funds are available in the City Treasury for this purpose.

6. The Mayor or designee is authorized to take all actions necessary and appropriate to carry out and implement the purposes set forth in this Resolution.

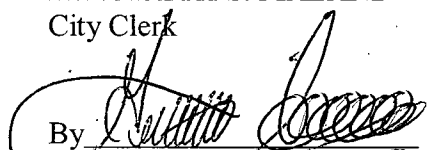
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Adam Wander
Deputy City Attorney


ARW
04/01/14
Or.Dept: Planning
Doc. No. 758234

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 15 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/16/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

APR 15 2014

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 16 2014

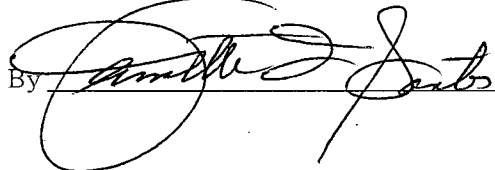
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>308884</u>