

Item 101
Tues. 1/13/15

RESOLUTION NUMBER R- 309453

DATE OF FINAL PASSAGE JAN 13 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO MAKING CERTAIN DETERMINATIONS RELATED TO THE RELOCATION PLAN FOR THE ATMOSPHERE AFFORDABLE HOUSING PROJECT, APPROVING THE RELOCATION PLAN, AND AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$225,000 FOR THE RELOCATION PLAN

WHEREAS, Civic San Diego negotiated on behalf of the City, and the City Council approved on June 4, 2013, a Disposition and Development Agreement (DDA) with Wakeland Atmosphere L.P. and Wakeland Atmosphere II L.P. pertaining to development of a 205-unit affordable housing apartment complex known as Atmosphere (Project) located at the partial block bounded by Ash Street and Beech Street, and Fourth Avenue and Fifth Avenue, in the Cortez Neighborhood of downtown San Diego (Property); and

WHEREAS, Civic San Diego has caused a qualified relocation consultant, Epic Land Solutions, Inc. (Relocation Consultant), to prepare a Relocation Plan for the Project dated October 29, 2014 (Relocation Plan), included as Attachment A to Staff Report No. CSD-15-02 accompanying this Resolution; and

WHEREAS, the Relocation Plan constitutes a feasible method or plan for relocation of the five commercial tenants currently occupying the Property in accordance with applicable relocation laws and regulations; and

WHEREAS, Civic San Diego and the Relocation Consultant will be responsible for implementing all actions contemplated by the Relocation Plan and fulfilling all requirements under applicable relocation laws and regulations; and

WHEREAS, California Code of Regulations, Title 25, section 6010 states that no public entity may proceed with any phase of a project or other activity that will result in displacement of any person, business, or farm until the public entity makes certain determinations; and

WHEREAS, in accordance with California Code of Regulations, Title 25, section 6010, the Council will make the following determinations with respect to the Relocation Plan (collectively, the Relocation Determinations) through adoption of this Resolution:

(1) Fair and reasonable relocation payments will be provided to eligible persons as required by Article 3 of Title 25, Division 1, Chapter 6, Subchapter 1 of the California Code of Regulations (Relocation Guidelines);

(2) A relocation assistance program offering the services described in Article 2 of the Relocation Guidelines will be established;

(3) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, specified in the Relocation Guidelines;

(4) Based upon recent survey and analysis of both the relocation needs of persons who will be displaced and available replacement locations and considering competing demands for those locations, comparable replacement locations will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size, and cost for the eligible persons who require them;

(5) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement locations without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected; and

(6) The Relocation Plan meets the requirements of California Code of Regulations, Title 25, section 6038; and

WHEREAS, the Relocation Consultant has estimated that the total cost of relocation assistance and benefits to be provided under the Relocation Plan is \$200,000, and Civic San Diego has added a contingency of \$25,000 to this estimate; and

WHEREAS, written notice of the Relocation Plan was provided to all current occupants of the Property at least thirty (30) days before the Council's consideration and approval of the Relocation Plan in accordance with California Code of Regulations, Title 25, section 6038;

NOW, THEREFORE,

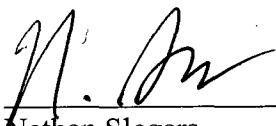
BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

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, and specifically makes the Relocation Determinations set forth in this Resolution.

2. The Council approves the Relocation Plan, a copy of which shall be placed on file with the City Clerk as Document No. RR- 309453.

3. The Council authorizes the Chief Financial Officer, as delegated, to appropriate and expend an amount not to exceed \$225,000 from the Low and Moderate Income Housing Asset Fund (Fund No. 200708) for payments and expenses under the Relocation Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Nathan Slegers
Deputy City Attorney

NLJS:dkr
12/23/2014
Or.Dept: Civic San Diego
Doc. No. 923422

Passed by the Council of The City of San Diego on JAN 13 2015, 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"/>
Lorie Zapf	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 JAN 13 2015

(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

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