

RESOLUTION NUMBER R- 311833

DATE OF FINAL PASSAGE JUN 22 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A CONTRIBUTION AGREEMENT FOR NORTH EMBARCADERO VISIONARY PLAN PUBLIC IMPROVEMENTS.

WHEREAS, on April 9, 2007, the City, the City's former Redevelopment Agency, acting through Centre City Development Corporation, and the San Diego Unified Port District (Port) created and established the North Embarcadero Alliance Joint Powers Authority to implement the North Embarcadero Visionary Plan (NEVP); and

WHEREAS, the NEVP provides for a development on property along Broadway, Harbor Drive and Pacific Coast Highway and extending along C Street west of Pacific Highway to Harbor Drive (Property); and

WHEREAS, the NEVP includes a plan for a setback park/plaza (Broadway Setback Park) and public parking spaces (Public Parking Spaces) on the Property; and

WHEREAS, the Port owns the Property and on January 8, 2008 approved a Coastal Development Permit (CDP) for a development project on the Property that includes Broadway Setback Park and the Public Parking Spaces; and

WHEREAS, on January 8, 2009, after hearing an appeal of the CDP, the Coastal Commission approved the CDP allowing development of the Property; and

WHEREAS, on May 4, 2016, the Port and LFS Development, LLC, a Delaware limited liability company (Tenant) entered into a sixty-six year lease for the Property (Lease); and

WHEREAS, the Lease requires Tenant to construct Broadway Setback Park and 271 public parking spaces (collectively, Public Improvements); and

WHEREAS, the Lease requires Tenant to construct the Public Improvements at Tenant's expense; and

WHEREAS, on February 22, 2017, in order to obtain building permits, Tenant paid \$2,181,407.74 in development impact fees (DIF) for the development project (Lane Field South Project) to the City, as required by San Diego Municipal Code section 142.0640(b); and

WHEREAS, Broadway Setback Park is consistent with the Downtown Public Facilities Financing Plan (PFFP) under Project P-13 "Downtown Park Acquisition and Development;" and

WHEREAS, the Public Parking Spaces are consistent with the PFFP under Project T-7 "Below Grade Parking Structures;" and

WHEREAS, Tenant's payment of DIF (DIF Amount) is duplicative of the amounts paid by Tenant to mitigate impacts of the Lane Field South Project; and

WHEREAS, Tenant is constructing the Public Improvements pursuant to the Lease with the Port; and

WHEREAS, the City is contributing the DIF Amount to the Project through the Contribution Agreement with the Port (Agreement), a copy of which is included with the backup materials associated with this resolution; and

WHEREAS, the Port will reimburse the DIF Amount to Tenant for construction of the Public Improvements; NOW, THEREFORE,

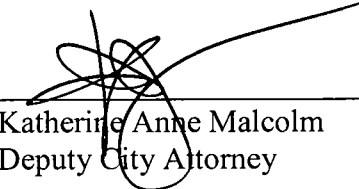
BE IT RESOLVED, by the Council of the City of San Diego (Council) as follows:

1. The Agreement, a copy of which is on file in the Office of the City Clerk as Document No. RR- **311833**, is approved.
2. The Mayor, or designee, is authorized to execute the Agreement and sign all documents necessary and appropriate to carry out and implement the Agreement.

3. The Chief Financial Officer, as delegated, is authorized to appropriate and expend an amount not to exceed \$2,181,407.74 from Fund No. 400122, Centre City DIF, in accordance with the Agreement, contingent on certification by the Chief Financial Officer that funds necessary for expenditure are available.

4. The Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

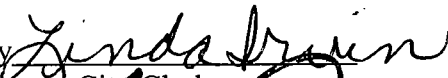
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Katherine Anne Malcolm  
Deputy City Attorney

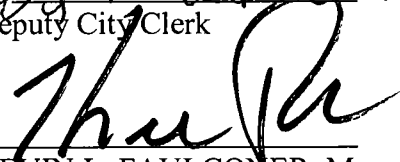
KAM:als  
4/04/2018  
Or.Dept: Facilities Financing  
Doc. No.: 1717137

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 19 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/22/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 19 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

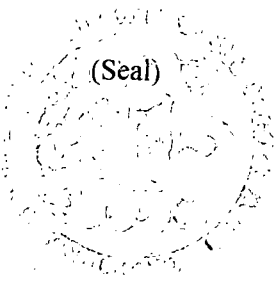
Date of final passage JUN 22 2018

(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.



By Linda Bruen, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>311833</u>