

RESOLUTION NUMBER R- 312286

DATE OF FINAL PASSAGE MAR 25 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, APPROVING THE SECOND IMPLEMENTATION AGREEMENT TO THE OWNER PARTICIPATION AGREEMENT WITH BALLPARK VILLAGE, LLC.

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); 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 *California Redevelopment Assn. v. Matosantos*, 53 Cal. 4th 231 (2011); and

WHEREAS, pursuant to San Diego Resolution R-307238 adopted by the City Council effective January 12, 2012, the City, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), elected to serve as the successor agency to the Former RDA, and the City also elected to serve as housing successor to the Former RDA in order to retain housing assets and assume housing responsibilities; and

WHEREAS, at the time of the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law,

received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's operations in accordance with AB 26, enacted on June 28, 2011, Assembly Bill 1484, enacted on June 27, 2012, and subsequent related legislation (collectively, the Dissolution Laws); and

WHEREAS, in 2005, the Former RDA entered into an Owner Participation Agreement (OPA) with Ballpark Village, LLC, a Delaware limited liability company (BPV), allowing for the development of two large parcels located generally east of Petco Park, commonly referred to as Parcels C and D (Property); and

WHEREAS, the OPA was amended by that certain First Implementation Agreement dated as of October 29, 2009, which allowed for a five-year extension, until January 13, 2016, on the transfer of excess development floor area from the Petco Park to the Property and also obligated BPV to provide 267 parking spaces for Petco Park event parking, among other actions; and

WHEREAS, BPV is requesting a second amendment to the OPA (Second Implementation Agreement), which substantially conforms to the document included as Attachment C to Staff Report No. CSD-19-10 (Staff Report); and

WHEREAS, implementation of the OPA has been affected by the uncertainty and complications generated by the dissolution of the Former RDA, impacts on the market of various convention center expansion and stadium development proposals, and the economic conditions; and

WHEREAS, the Second Implementation Agreement reinstates and retroactively extends the deadline until January 13, 2024, on the transfer of excess development floor area from Petco Park to the Property pursuant to Section 701 of the OPA; and

WHEREAS, the Second Implementation Agreement deletes all references to a 16,500 cumulative cap of average daily trips, as the referenced limit was superseded by the 2006 Downtown Community Plan traffic analysis and no longer applicable pursuant to the Centre City Planned District Ordinance; and

WHEREAS, Civic San Diego administers the OPA on behalf of the Successor Agency pursuant to a written consultant agreement, as amended; and

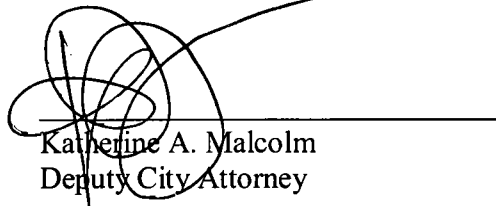
WHEREAS, implementation of the Second Implementation Agreement is contingent upon the approval by the Oversight Board and the State Department of Finance; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

1. The Second Implementation Agreement, a copy of which is on file in the Office of the City Clerk as Document No. RR-312286, is approved.
2. The Mayor, or designee, is authorized to execute the Second Implementation Agreement and sign all documents necessary and appropriate to carry out and implement the Second Implementation Agreement.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Katherine A. Malcolm
Deputy City Attorney

KAM:jdf
02/22/2019
Or.Dept: Civic San Diego
Doc. No. 1937334

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 19 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/25/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 19 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 25 2019.

(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.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312286