

331
11/10/2020

(R-2021-236)

RESOLUTION NUMBER R- 313300

DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN EXCLUSIVE NEGOTIATION AGREEMENT WITH SDEEC LLC DBA SAN DIEGO ENERGY EQUITY CAMPUS FOR THE PROPOSED DISPOSITION AND DEVELOPMENT OF REAL PROPERTY LOCATED AT 5515-5565 STEVENS WAY IN THE VALENCIA PARK NEIGHBORHOOD OF THE ENCANTO NEIGHBORHOOD COMMUNITY PLANNING AREA.

WHEREAS, pursuant to 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 subsequent legislation (collectively, the Dissolution Laws), the Redevelopment Agency of the City of San Diego (Former RDA) dissolved as of February 1, 2012, and the City of San Diego (City), solely in its capacity as the designated successor agency to the Former RDA (Successor Agency) became responsible for fulfilling the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the Former RDA; and

WHEREAS, on October 15, 2015, the California State Department of Finance approved the Former RDA's Amended and Restated Long Range Property Management Plan (ARPMP); and

WHEREAS, California Health and Safety Code (Code) section 34191.5(c)(2) and the ARPMP requires the Successor Agency to dispose of the Former RDA's properties through four categories: (1) transfer to the City for governmental use; (2) liquidation or sale to a third party; (3) transfer to the City for future development in accordance with historical redevelopment objectives; and (4) fulfillment of an enforceable obligation; and

WHEREAS, the ARPMP identifies the real property located at 5515-5565 Stevens Way in the Valencia Park Neighborhood of the Encanto Neighborhoods Community Planning Area (Property) in the future disposition and development category; and

WHEREAS, the City, has negotiated an Exclusive Negotiation Agreement (Agreement) with SDEEC LLC dba San Diego Energy Equity Campus, a Nevada limited liability company (Developer), a copy of which is included as Attachment C to the Staff Report, regarding the development of an energy-efficient, three-story, 25,000 square foot office building, and 40,000 square foot industrial building (Project) on the Property; and

WHEREAS, pursuant to Code section 54234(b)(1)(A) the Agreement must be entered into no later than December 31, 2020; NOW, THEREFORE,

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

1. The Agreement, a copy of which is on file in the Office of the City Clerk as Document No. RR-313300, is approved.
2. The Mayor, or designee, is authorized and directed to sign the Agreement, including all documents necessary and appropriate to carry out and implement the Agreement.

3. The Chief Financial Officer, as delegated, is authorized to accept the Non-Refundable Developer's Negotiation Payment in the amount of \$50,000 and the Developer's Good Faith deposit in the amount of \$50,000 into the Successor Agency Property Management Fund, Fund No. 200723, and to appropriate, encumber, and expend such funds in accordance with the Agreement.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Katherine A. Malcolm
Katherine A. Malcolm
Deputy City Attorney

KAM:soc
10/29/2020
Or. Dept: Economic Dev't
Doc. No.: 2515150

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/10/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 11/16/20
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 10 2020, 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 NOV 17 2020.

(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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313300