

RESOLUTION NUMBER R- 313301

DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN EXCLUSIVE NEGOTIATION AGREEMENT WITH TAILGATE DEVELOPMENT, LLC FOR THE PROPOSED DISPOSITION AND DEVELOPMENT OF REAL PROPERTY LOCATED BETWEEN 12TH AND IMPERIAL AVENUES, AND K AND 14TH STREETS, COMMONLY KNOWN AS TAILGATE PARK, IN THE EAST VILLAGE NEIGHBORHOOD OF DOWNTOWN SAN DIEGO AND RELATED ACTIONS.

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 between 12th and Imperial avenues, and K and 14th streets in the East Village neighborhood of Downtown San Diego (Property) in the future disposition and development category; and

WHEREAS, pursuant to Code section 34180(f), in exchange for the City retaining the Property for future development, the City and other local taxing entities must enter into a compensation agreement under which the City compensates the other local taxing entities in accordance with their proportional share of base property tax revenues as determined pursuant to Code section 34188 for the value of the Property (Compensation Agreement); and

WHEREAS, the Property is subject to an existing long-term lease between the Former RDA and the Padres L.P., that requires parking for the adjacent ballpark; and

WHEREAS, City staff has negotiated an Exclusive Negotiation Agreement, included as Attachment C to the Staff Report (Agreement) with Tailgate Development, LLC, a Delaware limited liability company (Developer), regarding the disposition and development of a mixed-use project that includes market rate and affordable housing, office and retail space, public open space, and parking (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- 313301-1, 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 Compensation Agreement, a copy of which is on file in the Office of the City Clerk as Document No. RR- 313301<sup>-2</sup>, is approved.

4. The Mayor, or designee, is authorized and directed to sign the Compensation Agreement, including all documents necessary and appropriate to carry out and implement the Compensation Agreement.

5. The Chief Financial Officer, as delegated, is authorized to accept the developer's deposit in the amount of \$100,000 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.: 2515635

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

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

Approved: 11/10/20  
\_\_\_\_\_  
(date)

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.

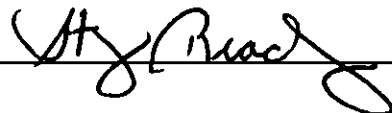
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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

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