

RESOLUTION NUMBER R- 314191

DATE OF FINAL PASSAGE JUL 11 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A FIRST IMPLEMENTATION
AGREEMENT AND VARIOUS OTHER ACTIONS RELATED
TO THE 13TH & BROADWAY AFFORDABLE HOUSING
PROJECT IN THE CENTRE CITY REDEVELOPMENT
PROJECT AREA.

WHEREAS, under 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, 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, the Successor Agency transferred the Former RDA's affordable housing assets (Housing Assets) to the City as housing successor on or about January 28, 2013, based on the approval by the Oversight Board and the California Department of Finance (State DOF) of the City's comprehensive list of Housing Assets (Housing Assets List) in accordance with California Health and Safety Code (Code) section 34181(c); and

WHEREAS, the City as housing successor created a new, separate fund, known as the Low and Moderate Income Housing Asset Fund (Housing Asset Fund), for purposes of depositing any encumbered funds related to the Housing Assets and retaining any revenues generated from the Housing Assets in the future, as required by Code section 34176(d); and

WHEREAS, Code sections 34176(d) and 34176.1(a) obligate the City to expend all monies in the Housing Asset Fund for specified affordable housing purposes; and

WHEREAS, the Council of the City of San Diego (City Council) approved a Disposition and Development Agreement (DDA), dated February 11, 2019, with Chelsea Investment Corporation, a California corporation (Developer), regarding the development of a 19,000 square-foot mixed-use affordable housing project (Project) at 13th and Broadway in downtown San Diego (Property); and

WHEREAS, the DDA provides for a City loan to Developer in an amount not to exceed \$10,140,000 (City Loan) for construction of the Project, which is an eligible use of monies in the Housing Asset Fund; and

WHEREAS, the City and Developer have negotiated an amendment to the DDA (First Implementation Agreement), to advance \$1,250,000 of the City Loan for predevelopment activities, such as, completing Project permitting documents and Property due diligence, a copy of which is included as Attachment B to the staff report accompanying this Resolution; NOW, THEREFORE,

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

1. The City Council approves the First Implementation Agreement and all other attachments and exhibits to the Agreement.
2. The Mayor, or designee, is authorized and directed to sign the First Implementation Agreement, including all attachments and exhibits requiring the City's signature. A copy of the signed First Implementation Agreement shall be placed on file with the City Clerk as Document No. RR314191

3. The Mayor, or designee, is authorized and directed to sign all documents necessary and appropriate to carry out and implement the First Implementation Agreement and to administer the City's obligations, responsibilities, and duties to be performed under the First Implementation Agreement, including all attachments and exhibits.

APPROVED: MARA W. ELLIOTT, City Attorney

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

KAM: cc
5.17/2022
Or.Dept: Economic Dev't
Doc. No.: 2983525

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 27 2022.

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 7/11/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 27 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 2022.

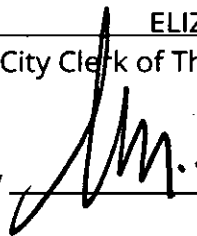
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
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- 314191