

RESOLUTION NUMBER R- 314773

DATE OF FINAL PASSAGE MAY 01 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE ASSIGNMENT, ASSUMPTION, AND AMENDMENT OF LOAN DOCUMENTS FOR THE AFFORDABLE HOUSING PROJECT KNOWN AS HACIENDA TOWNHOMES IN THE EAST VILLAGE NEIGHBORHOOD OF THE DOWNTOWN COMMUNITY PLAN AREA.

WHEREAS, the former Redevelopment Agency of the City of San Diego (Former RDA) and Hacienda Townhomes, L.P., a California limited partnership (Assignor), entered into that certain Housing Loan Agreement dated August 17, 1992, as amended by that certain First Implementation Agreement dated May 24, 1993, and that certain Second Implementation Agreement dated November 7, 1994 (collectively, Housing Loan Agreement); and

WHEREAS, under the Housing Loan Agreement, the Former RDA provided a loan to Assignor (Loan) for development and operation of an affordable housing project known as Hacienda Townhomes (Project) located at 350 17th Street, San Diego, California 92101 (Property); and

WHEREAS, under the Housing Loan Agreement, the Former RDA and Assignor also entered into that certain Agreement Affecting Real Property dated July 7, 1993, as amended by that certain Agreement to Amend Provisions of the Agreement Affecting Real Property dated May 18, 2021 (collectively, AARP); and

WHEREAS, upon the Former RDA's dissolution on February 1, 2012, the City of San Diego, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency) became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law; and

WHEREAS, as of January 28, 2013, consistent with California Health and Safety Code section 34176, the Successor Agency transferred the Property and all authority, rights, powers, duties, and obligations related to the Property, including those under the Housing Loan Agreement, the AARP, and all related documents (collectively, City Loan Documents) to the City, acting in its capacity as the housing successor to the Former RDA; and

WHEREAS, Assignor desires to assign to Casa Nueva II, L.P., a California limited partnership (Assignee), all of Assignor's right, title, and interest in the City Loan Documents, including new amendments described below, and Assignee agrees to accepted the assignments and assume all obligations under the City Loan Documents, as amended; and

WHEREAS, in connection with the transfer of Assignor's right, title, and interest in the City Loan Documents to Assignee, Assignee will be recapitalizing the Project with proceeds of 4% Low Income Housing Tax Credit equity to pay the costs of acquiring and rehabilitating the Project; and

WHEREAS, the outstanding principal balance of the Loan is \$363,196; and

WHEREAS, as of December 31, 2022, the amount of unpaid, accrued interest on the Loan is \$315,692 (Outstanding Interest); and

WHEREAS, the City, Assignor, and Assignee desire to enter into an assignment and assumption agreement and amendments to the City Loan Documents (collectively, the Agreements and Amendments), a copy of which is included in the docket materials accompanying this Resolution; and

WHEREAS, the Agreements and Amendments allow for, among other things, the payment of the Outstanding Interest to the City and extension of the affordability restrictions on the Property and the Project; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and

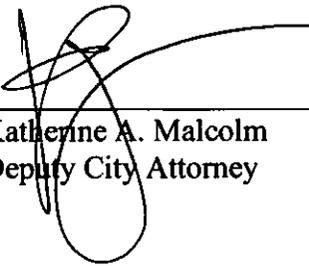
verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The Council approves the Agreements and Amendments, including all attachments and exhibits to the Agreements and Amendments.
2. The Mayor or designee is authorized and directed, on behalf of the City, to sign and enter into the Agreements and Amendments, including all attachments and exhibits to the Agreements and Amendments requiring the City's signature, and take all other reasonable actions that are necessary or appropriate to perform the City's obligations under the Agreements and Amendments. A copy of the Agreements and Amendments, when fully executed, shall be placed on file with the City Clerk as Document No. RR- 314773 .

APPROVED: MARA W. ELLIOTT, City Attorney

By



Katherine A. Malcolm
Deputy City Attorney

KAM:cc
4/4/2023
Or.Dept: Economic Dev't
Doc.No: 3267483

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of APR 25 2023.

DIANA J.S. FUENTES, City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 5/1/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 25 2023, 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"/>
Kent Lee	<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"/>

MAY 01 2023

Date of final passage _____.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, Deputy
for Connie Patterson

Office of the City Clerk, San Diego, California

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