

RESOLUTION NUMBER R- 315865

DATE OF FINAL PASSAGE NOV 15 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SECOND AMENDED AND RESTATED AGREEMENT RELATING TO IMPLEMENTATION OF PROPOSITION "C" WITH KSL DEL MAR, LLC, A DELAWARE LIMITED LIABILITY COMPANY (KSL), ET AL.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On March 26, 1996, the voters of the City of San Diego approved Proposition "C" allowing the City of San Diego's Progress Guide and General Plan to be amended to allow the Council to approve conditional use permits for two specifically identified hotels in Subareas IA and V of the North City Future Urbanizing Area (NCFUA) subject to certain conditions which would create benefits to the City.

B. On December 10, 1996, the Council approved San Diego Resolution R-288199, granting Resource Protection Ordinance, Conditional Use Permit, and Planned Residential Development Permit No. 89-1296 for the Bougainvillea Project to Westshaw Associates, an Arizona general partnership (Westshaw Associates) (CUP No. 89-1296). CUP No. 89-1296 allowed for development of, among other land uses, improvements, and facilities, a 300-suite resort/hotel lodging facility (with lodging units to be contained within approximately 40 detached structures) (Hotel).

C. On March 18, 2002, the Council adopted San Diego Resolution R- 296182, which authorized the City Manager to execute, for and on behalf of the City, the Amended and Restated Agreement Relating to Implementation of Proposition "C" (First Amended Agreement). Document No. RR-296182. The First Amended Agreement established an In-Lieu Transient

Occupancy Tax (Impound Fees and Transfer Fees) for all units associated with the Hotel which are not traditional hotel rooms.

D. The First Amended Agreement was adopted prior to the development of the Hotel and does not adequately address the current or future development of the Hotel.

E. The Second Amended and Restated Agreement Relating to Implementation of Proposition "C" is intended to amend and restate the First Amended Agreement, and to specify the terms and conditions for the collection and remittance to the City of San Diego of: (1) Customary Transient Occupancy Tax; and (2) In-Lieu Transient Occupancy Tax (Impound Fees and Transfer Fees) from KSL Del Mar, LLC, a Delaware limited liability company (KSL), The Grand Del Mar Villas Homeowners Association, a California nonprofit mutual benefit corporation (Villas Homeowners Association), The Grand Del Mar Villas Association, a California nonprofit mutual benefit corporation (Villas Association), Penrose at the Grand Del Mar Owners Association, a California nonprofit mutual benefit corporation (Penrose Association) and any future common interest development(s) (CID's) on property subject to CUP No. 89-1296.

ACTION ITEMS


Based on the Recitals set forth above, the Council resolves as follows:

1. The Council approves the Second Amended and Restated Agreement Relating to Implementation of Proposition "C".

2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Second Amended and Restated Agreement Relating to Implementation of Proposition "C".

When signed by all parties, the Second Amended and Restated Agreement Relating to Implementation of Proposition "C" will be placed on file in the Office of the City Clerk as Document No. RR- 315865.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Catherine L. Turner
Deputy City Attorney

CLBT/ctm
09/13/2024
Or. Dept: City Attorney
Doc. No.: 3794286

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on NOV 12 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 11/15/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 12 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Date of final passage NOV 15 2024.

(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 Linda Irwin, Deputy
For Krystell Medina

Office of the City Clerk, San Diego, California
Resolution Number R- 315865