

RESOLUTION NUMBER R- 313766

DATE OF FINAL PASSAGE NOV 05 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN AMENDMENT TO THE 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.

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, 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 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 of San Diego (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, the City and Tailgate Development, LLC, a Delaware limited liability company (Developer), entered into an Exclusive Negotiation Agreement (Agreement), approved by the Council of the City of San Diego (City Council) on November 17, 2020, pursuant to Resolution No. R-313301, 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, Developer has experienced delays in completing its due diligence of the Property, because of the temporary operation of a COVID-19 vaccine clinic on the Property in early 2021 and the need to conduct extensive geotechnical investigations to identify contaminated soils and active fault lines, among other things; and

WHEREAS, the City and Developer desire to enter into an amendment to the Agreement, included as Attachment C to the staff report accompanying this Resolution (First Amendment), to provide additional time for the parties to complete negotiations for disposition and development of the Property; NOW, THEREFORE,

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

1. The First Amendment, a copy of which is on file in the Office of the City Clerk as Document No. RR- 313766, is approved.

2. The Mayor, or designee, is authorized and directed to sign the First Amendment, including all documents necessary and appropriate to carry out and implement the First Amendment.

APPROVED: MARA W. ELLIOTT, City Attorney

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

KAM:jvg
10/15/2021
Or. Dept: Economic Dev't
Doc. No.: 2787455

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 02 2021.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 11/5/21
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 02 2021, 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 NOV 05 2021

(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

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