

OVERSIGHT BOARD RESOLUTION NUMBER OB-2015-17

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN DIEGO REDEVELOPMENT SUCCESSOR AGENCY DIRECTING THE SUCCESSOR AGENCY TO TRANSFER CERTAIN AFFORDABLE HOUSING ASSETS RELATED TO PARCEL C IN BALLPARK VILLAGE TO THE CITY OF SAN DIEGO, IN ITS CAPACITY AS THE HOUSING SUCCESSOR.

WHEREAS, the former Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, in accordance with Assembly Bill x1 26 (AB 26) enacted on June 28, 2011, the Former RDA dissolved as of February 1, 2012, at which time the City, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), assumed the Former RDA's assets and obligations; and

WHEREAS, the Successor Agency is required to administer the winding down of the Former RDA's operations and to ensure compliance with the Former RDA's obligations in accordance with AB 26, as subsequently amended (collectively, the Dissolution Laws); and

WHEREAS, the Dissolution Laws specify that the Oversight Board and the California Department of Finance (DOF) must review and approve certain actions and decisions of the Successor Agency; and

WHEREAS, in 2005, the Former RDA entered into an Owner Participation Agreement (OPA) with Ballpark Village, LLC, a Delaware limited liability company (BPV), related to the development of a large parcel located generally east of Petco Park, commonly referred to as Parcel C, located in downtown San Diego (Site); and

WHEREAS, as of February 1, 2012, the Successor Agency has assumed the Former RDA's rights and obligations under the OPA by operation of AB 26; and

WHEREAS, the OPA requires 35,000 square feet of affordable housing to be constructed on the Site; and

WHEREAS, in accordance with California Health and Safety Code (HSC) section 34176, the Successor Agency transferred all known affordable housing assets to the City (Housing Assets), as Housing Successor, in January 2013 pursuant to Resolution No. OB-2012-23 adopted by the Oversight Board on September 18, 2012, and approved by the DOF on January 4, 2013; and

WHEREAS, staff has determined that certain affordable housing assets were mistakenly not included in the prior transfer of Housing Assets; and

WHEREAS, the affordable housing assets requiring transfer include: the portions of the OPA regarding the requirement that BPV provide 35,000 square feet of on-site affordable housing; the portion of the Agreement to be Recorded Affecting Real Property dated March 15, 2006 and recorded on March 23, 2006 requiring a minimum of 35,000 square feet of affordable housing on the Site; and the Affordable Housing Agreement, dated January 13, 2006, between BPV, Former RDA, and the San Diego Housing Commission (SDHC) (collectively, Parcel C Housing Assets); and

WHEREAS, pursuant to HSC section 34176, the Successor Agency must transfer the Parcel C Housing Assets to the City, as Housing Successor; and

WHEREAS, on October 19, 2015, the Oversight Board held a public meeting related to the proposed transfer of the Parcel C Housing Assets to the City as Housing Successor, with at least ten days' notice to the public of the specific proposed action, as required by HSC section 34181(f); and

WHEREAS, the Oversight Board's decision regarding the transfer of the Parcel C Housing Assets will not become effective until after the decision has been approved or deemed approved by the DOF in accordance with HSC section 34181(f); NOW, THEREFORE,

BE IT RESOLVED by the Oversight Board that the Successor Agency is authorized and directed to transfer the Parcel C Housing Assets to the City as Housing Successor, utilizing the appropriate conveyance instruments.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on October 19, 2015.



Chair, Oversight Board