

ORDINANCE NO. \_\_\_\_\_(N.S.)

AN ORDINANCE AUTHORIZING AN AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT AND GROUND LEASE BY AND BETWEEN THE COUNTY OF SAN DIEGO AND CHELSEA INVESTMENT CORPORATION OR ITS AFFILIATE FOR LEASE AND DEVELOPMENT OF THE REAL PROPERTY LOCATED AT 5255 MT ETNA DRIVE IN THE CITY OF SAN DIEGO

The Board of Supervisors of the County of San Diego ordains as follows:

WHEREAS, County of San Diego ("County") is the owner of real property consisting of 4.09 acres located at 5255 Mt. Etna Drive, San Diego, CA (Assessor Parcel Number 361-661-12) ("Property"), and further described as:

Parcel No. 2017-0301-A

PARCEL 1 OF PARCEL MAP NO. 9284, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SANDIEGO COUNTY ON OCTOBER 23, 1979 AS FILE NO. 79-443936 OF OFFICIAL RECORDS.

WHEREAS, a Disposition and Development Agreement dated August 7, 2020 ("Original DDA") has been executed by the County and Chelsea Investment Corporation ("Developer") providing for the lease and development of the Property with an affordable housing development; and

WHEREAS, the County and Developer wish to amend and restate the DDA to document certain changes to the terms of the Original DDA, including revisions to parking requirements and the rent to be paid by Developer to the County; and

WHEREAS, the Chief Administrative Officer has recommended that the County approve an amended and restated DDA ("Amended and Restated DDA") setting forth the amended terms and conditions for the ground lease and development of the Property by the Developer; and

WHEREAS, the attachments to the Amended and Restated DDA include a Ground Lease Agreement and a Regulatory Agreement to be executed upon satisfaction of conditions set forth in the Amended and Restated DDA, and

WHEREAS, Government Code section 25515.2 subsection (a) requires that an agreement for lease of property to be entered into under Government Code sections 25515 through 25515.5 be authorized by ordinance; and

WHEREAS, notice of the time and place of the public hearing concerning the adoption of this ordinance was published and mailed in accordance with Government Code section 25515.2 subsection (b); and

WHEREAS, pursuant to Government Code section 25515.2 subsection (b), the Board of Supervisors held a public hearing regarding adoption of this ordinance on August 31, 2021.

NOW THEREFORE, the Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board finds the foregoing recitals are true and correct.

Section 2. The Board finds that the Amended and Restated DDA will help meet the housing needs of the County by providing for development of low-income housing, and will result in an economic benefit by creating jobs and by generating housing for economically vulnerable persons within the County of San Diego.

Section 3. The Board finds that the public benefit of leasing the Property is expected to be greater than the public benefit which would result from the sale of the Property, and that a reasonable expectation exists that future public need justifies retention of the fee ownership of the Property.

Section 4. The Board authorizes the Director, Department of General Services, to execute the Amended and Restated DDA with Developer or its affiliate, and to execute its attachments, including the Ground Lease, and any other documents necessary to implement the DDA, its attachments, and this ordinance.

Section 5. The Board authorizes the Agency Director, Health and Human Services Agency, or designee, to execute the Regulatory Agreement in accordance with the Amended and Restated DDA.

Section 6. The Board authorizes the Director, Department of General Services, or designee, and the Agency Director, Health and Human Services Agency, or designee, to perform any actions in furtherance or implementation of this ordinance, the Amended and Restated DDA, and its attachments, including, without limitation, approval and execution of amendments to the Amended and Restated DDA and its attachments as authorized under the Amended and Restated DDA and its attachments.

Section 7. This ordinance shall be effective in accordance with Government Code section 25123.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Nate Slegers, Senior Deputy County Counsel