

RESOLUTION NO. OB 2014-007

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LA MESA COMMUNITY REDEVELOPMENT AGENCY APPROVING AND RATIFYING THE TRANSFER OF OWNERSHIP OF THE LA MESA BLVD. MUNICIPAL PARKING LOT TO AND RETENTION BY THE CITY OF LA MESA PURSUANT TO AND IN ACCORDANCE WITH THE TERMS OF THE SUCCESSOR AGENCY'S AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN AND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34181 AND APPROVING RELATED ACTIONS

WHEREAS, the La Mesa Community Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of La Mesa ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the Redevelopment Agency owned fee title to three (3) legal parcels collectively known as the La Mesa Boulevard Municipal Parking Lot, located on La Mesa Boulevard just west of Acacia Avenue in the City and referenced by Assessor Parcel Numbers: 470-582-13, 470-582-14, and 470-582-15 ("La Mesa Blvd. Municipal Lot"); and

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1<sup>st</sup> Ex. Sess.) ("AB 26") was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and to the California Health and Safety Code ("H&S Code"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the H&S Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-005 on January 10, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 ("Successor Agency"), and electing for the City to retain the responsibility for performing housing functions of the Redevelopment Agency upon the dissolution of the Redevelopment Agency on February 1, 2012 under AB 26 ("Successor Housing Entity"); and

WHEREAS, due to the impending dissolution of the Redevelopment Agency and in accordance with AB 26, on January 27, 2012, the La Mesa Blvd. Municipal Parking Lot was transferred from the Redevelopment Agency to the City pursuant to City Council Resolution No. 2012-007 and Redevelopment Agency Resolution No. 370-RA; and

WHEREAS, on February 1, 2012, the Redevelopment Agency was dissolved by operation of law and the Successor Agency and Successor Housing Entity were established pursuant to AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26,

Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on issues that have arisen in the implementation of AB 26, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies, including the required preparation of a Long Range Property Management Plan (“LRPMP”); and

WHEREAS, AB 26, as amended by AB 1484, has since been further amended by various assembly and senate bills signed by the Governor. AB 26 as amended is referred to herein as the “Dissolution Act”; and

WHEREAS, H&S Code Section 34179 of the Dissolution Act establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the “oversight board.” The oversight board has been established for the Successor Agency (hereinafter referred to as the “Oversight Board”) and all seven (7) members have been appointed to the Oversight Board pursuant to H&S Code Section 34179 of the Dissolution Act. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Act; and

WHEREAS, pursuant to H&S Code Section 34191.5(b) of the Dissolution Act, once the California Department of Finance (“DOF”) issues the Finding of Completion to the Successor Agency, the Successor Agency shall prepare a LRPMP that addresses the disposition and use of certain real properties of the former Redevelopment Agency. The LRPMP shall be submitted to the Oversight Board and to the DOF for approval no later than 6 months following the issuance of the Finding of Completion to the Successor Agency; and

WHEREAS, H&S Code Section 34191.5(c) of the Dissolution Act requires that the LRPMP (1) include an inventory of all properties in the Community Redevelopment Property Trust Fund (“Trust”), which inventory shall consist of specific information relating to each such property including, without limitation, the date of and purpose for acquisition, value of property, applicable zoning, any property revenues and contractual requirements for disposition of same, history of environmental issues and any related studies and remediation efforts, potential for transit-oriented development and advancement of planning objectives of the Successor Agency, and history of previous development proposals and activity; and (2) address the use or disposition of all properties in the Trust, including (i) the retention of such property for governmental use pursuant to H&S Code Section 34181(a) of the Dissolution Act, (ii) the retention of such property for future development, (iii) the sale of such property, or (iv) the use of such property to fulfill an enforceable obligation; and

WHEREAS, on July 16, 2013, the Successor Agency was issued its Finding of Completion by the DOF. In accordance with the Dissolution Act, the Successor Agency prepared a LRPMP, which was approved by the Oversight Board on January 2, 2014 (“Initial Plan”), for the use and disposition of the La Mesa Blvd. Municipal Parking Lot. The Initial Plan was submitted to DOF for its review in accordance with the Dissolution Act. The DOF, by letter dated April 16, 2014, stated that the Initial Plan cannot be approved at that time, identified certain modifications necessary, and advised that once a revised Oversight Board-approved LRPMP is submitted, the DOF would complete its review. As part of the required modifications stated in its letter and in consultation with the analyst at the DOF, the DOF advised that, should the City desire to retain the La Mesa Blvd. Municipal Parking Lot for “future development”, the LRPMP should include the City’s intent to reach a compensation agreement with the other taxing entities; and

WHEREAS, the Successor Agency prepared the proposed amended LRPMP (“Amended Plan”) for consideration by the Successor Agency and then for consideration by the

Oversight Board and the DOF. The Amended Plan, under the "Use or Disposition of the Property" section, includes the modification required by the DOF; and

WHEREAS, on August 12, 2014, the Successor Agency approved the Amended Plan and the related actions in connection with the use and disposition of the La Mesa Blvd. Municipal Parking Lot to the City; and

WHEREAS, on September 4, 2014, at this same meeting of the Oversight Board but prior to the Oversight Board's consideration of this Resolution, the Oversight Board will consider for approval the Successor Agency's Amended Plan and the proposed use and disposition of the La Mesa Blvd. Municipal Parking Lot to the City in accordance with H&S Code Section 34191.5(c)(2) of the Dissolution Act. If approved by the Oversight Board, this Resolution will be submitted to the DOF for review concurrently with submittal of the Oversight Board-approved Amended Plan; and

WHEREAS, pursuant to H&S Code Section 34191.3 of the Dissolution Act, once the Amended Plan is approved by the DOF, the Amended Plan shall govern and supersede all other provisions of the Dissolution Act relating to the disposition and use of the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot; and

WHEREAS, the Amended Plan provides that, pursuant to H&S Code Section 34191.5(c)(2) of the Dissolution Act, the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot are to be transferred to and retained by the City for potential "future development", which would allow the City to continue to use and operate the La Mesa Blvd. Municipal Parking Lot for public parking purposes. The Amended Plan further provides that if the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot are used for purposes other than primarily public parking purposes and sold for development, the City will enter into compensation agreements with the affected taxing entities which will address distribution of net unrestricted sale proceeds, net of liabilities, costs and expenses, in amounts in proportion to the taxing entities' respective shares of the base property tax in accordance with the Dissolution Act, as those regulations may exist at the time of non-public parking purposes and sale for development. Until such time, the City will continue to use and operate the La Mesa Blvd. Municipal Parking Lot as a public parking lot to provide a means for nearby business owners to conform to the Redevelopment Plan with regard to the provision of sufficient off-street parking and to provide the public, businesses and employees with affordable parking; and

WHEREAS, the use and disposition of the La Mesa Blvd. Municipal Parking Lot as set forth in the Amended Plan and effectuated by this Resolution furthers the planning objectives and interests of the Successor Agency and the City and also furthers the various interests of the other affected taxing entities; and

WHEREAS, pursuant to and in accordance with the terms of the Successor Agency's Amended Plan and the Dissolution Act, the Oversight Board desires to approve and ratify the transfer to and retention by the City of the La Mesa Blvd. Municipal Parking Lot, upon the approval of the Amended Plan by the DOF; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity

proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

WHEREAS, public notice of the proposed Oversight Board actions pursuant to this Resolution was duly and timely provided; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency does hereby resolve as follows:

Section 1. The Oversight Board determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Oversight Board approves and ratifies the transfer of ownership to and retention by the City of the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot for potential "future development", pursuant to and in accordance with the terms of the Amended Plan, upon the approval of the Amended Plan by the DOF.

Section 3. The Oversight Board approves the City's continued use and operation of the La Mesa Blvd. Municipal Parking Lot for public parking purposes, and approves the terms and conditions set forth in the Amended Plan for the City to enter in compensation agreements with the affected taxing entities to address distribution of net unrestricted sale proceeds if the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot are used for purposes other than primarily public parking purposes and sold for development, in accordance with the Dissolution Act as those regulations may exist at the time of non-public parking purposes and sale for development.

Section 4. The Oversight Board determines that the use and disposition of the La Mesa Blvd. Municipal Parking Lot as set forth in the Amended Plan and effectuated by this Resolution furthers the planning objectives and interests of the Successor Agency and the City and also furthers the various interests of the other affected taxing entities.

Section 5. The Oversight Board adopts, approves, ratifies and confirms all actions taken by the former Redevelopment Agency, the Successor Agency, and their staff to implement and carry out the transfer to the City of all of the former Redevelopment Agency's and Successor Agency's right, title and interest in and to the La Mesa Blvd. Municipal Parking Lot to the City, upon the approval of the Amended Plan by the DOF.

Section 6. The Successor Agency Executive Director, or designee, is authorized and directed to: (i) submit a copy of this Resolution, as approved by the Oversight Board, to the DOF (electronically in PDF format) and to the San Diego County Auditor-Controller; (ii) post a copy of this Resolution, as approved by the Oversight Board, on the Successor Agency's internet website; and (iii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency and the Oversight Board.

Section 7. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or

administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 8. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 9. This Resolution shall take effect upon the date of its adoption and is subject to review by the DOF in accordance with H&S Code Section 34179(h) of the Dissolution Act.

PASSED AND ADOPTED at a duly noticed public meeting of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency held the 4<sup>th</sup> day of September, 2014, by the following vote, to wit:

AYES: Adams, Ayres, Gonzales, Patterson, Rearic  
NOES: none  
ABSENT: Fazio, South

CERTIFICATE OF SECRETARY

I, WILLIAM B. CHOPYK, Secretary of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency, do hereby certify the foregoing to be a true and exact copy of Resolution No. OB 2014-007, duly passed and adopted by the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency on the date and by the vote therein recited.



\_\_\_\_\_  
WILLIAM B. CHOPYK  
Secretary  
Oversight Board of the Successor Agency to the  
La Mesa Community Redevelopment Agency

Sept. 4, 2014

\_\_\_\_\_  
Date