

SAN DIEGO HOUSING COMMISSION

RESOLUTION NO. HC- 1802

DATE OF FINAL PASSAGE February 8, 2019

A RESOLUTION APPROVING AN INTERCREDITOR AGREEMENT CAPTURING MODIFICATIONS TO THE DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS AND LOAN AGREEMENTS (GOVERNING INSTRUMENTS) CONCERNING THE VETERANS VILLAGE OF SAN DIEGO (VVSD) OWNED PROPERTY TO ALLOW OCCUPANCY BY INDIVIDUALS EXPERIENCING HOMELESSNESS WITH INCOME UP TO 80 PERCENT OF THE SAN DIEGO AREA MEDIAN INCOME, IN CERTAIN CIRCUMSTANCES, AND TO ALLOW NON-VETERANS TO OCCUPY THE UNITS THAT ARE THE SUBJECT OF THE GOVERNING INSTRUMENTS AS APPROVED BY THE SAN DIEGO HOUSING COMMISSION, AND RELATED ACTIONS.

WHEREAS, the Veterans Village of San Diego (VVSD) campus is located at 4141 Pacific Highway within the North Bay Redevelopment Project Area (Attachment 1). Situated on a five-acre site, the VVSD campus's current use consists of 224 early treatment beds (Phase I – II), 120 transitional housing beds (Phase III – IV), 20 beds for women veterans (Phase V, which includes two beds for resident managers), administrative offices, a cafeteria, outpatient care facilities, employment office, medical clinic, auditorium and classrooms; and

WHEREAS, the VVSD campus provides a full range of services, including clinical treatment, short-term intensive treatment and stabilization, bridge housing, service-intensive transitional housing, and transitional housing. The various programs are tailored to meet the needs of the individual veterans. Stays in the various programs range from a maximum of 90 days to two years; and

WHEREAS, VVSD has requested to increase the maximum Area Median Income (AMI) for the residents served at the Pacific Highway campus, under certain circumstances, to increase overall occupancy at the campus. In addition, VVSD has requested to be able to expand services to non-veteran San Diegans experiencing homelessness, and has obtained the necessary approvals from the U.S. Department of Veterans Affairs (VA) to allow for a portion of the beds to be occupied by non-veterans experiencing homelessness; and

WHEREAS, commensurate with each of the respective Declarations of Covenants, Conditions and Restrictions, 65-year affordability terms are in place for each of Phases I – V for rent and occupancy restrictions. The length of the restrictions will remain in place. No years of affordability will be lost. The City of San Diego, a California municipal corporation (City), acting in its capacity as the housing successor to the Former Redevelopment Agency of the City of San Diego, will present separate but related action to the City Council for the same regulatory changes that are reflected in City Declarations of Covenants, Conditions and Restrictions; and

WHEREAS, increasing the allowable AMI to 80 percent for a portion of the beds at the VVSD campus will increase housing options for individuals experiencing homelessness who receive full benefits as well as residents with stable employment transitioning from homelessness to permanent housing. All residents will have the opportunity for housing and other services offered at the VVSD campus. Additionally, expanding the population served to non-veteran San Diegans experiencing homelessness would make VVSD eligible for additional sources of funding to continue to provide treatment, case management, and other supportive services to homeless San Diegans in need; and

WHEREAS, on February 8, 2019, the Board of Commissioners of the San Diego Housing Commission (Housing Commission) heard and recommended that the Housing Commission approve an Intercreditor Agreement capturing modifications to the of Declarations of Covenants, Conditions and Restrictions and Loan Agreements (Governing Instruments) concerning the VVSD-owned property at 4141 Pacific Highway (Phases I – V) to allow occupancy by individuals experiencing homelessness with income up to 80 percent of the San Diego AMI, in certain circumstances, and to allow non-veterans to occupy the units that are the subject of the Governing Instruments, as approved by the Housing Commission, on an ad hoc basis, as more particularly described in the Housing Commission Report HCR19-015; NOW THEREFORE,

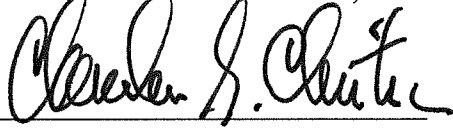
BE IT RESOLVED, by the Housing Commission that it is hereby approves an Intercreditor Agreement capturing modifications to the of Declarations of Covenants, Conditions and Restrictions and Loan Agreements (Governing Instruments) concerning the VVSD-owned property at 4141 Pacific Highway (Phases I – V) to allow occupancy by individuals experiencing homelessness with income up to 80 percent of the San Diego AMI, in certain circumstances, and to allow non-veterans to occupy the units that are the subject of the Governing Instruments, as approved by the Housing Commission, on an ad hoc basis, as more particularly described in the Housing Commission Report HCR19-015.

BE IT FURTHER RESOLVED that the President and Chief Executive Officer of the Housing Commission, or designee, is authorized to execute any and all documents that are necessary to effectuate the Intercreditor Agreement and implement these approvals in a form approved by General Counsel, and to take such actions as are necessary, convenient, and/or appropriate to implement these approvals upon advice of General Counsel.

BE IT FURTHER RESOLVED that the modification of existing agreements is not a project as defined by the California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378(b)(5), as it is an administrative activity of government that will not result in direct or indirect physical changes in the environment. The determination that this activity is not subject to CEQA, pursuant to Section 15060(c)(3), is not appealable and a Notice of Right to Appeal the Environmental Determination (NORA) is not required. This activity is also exempt from the National Environmental Policy Act (NEPA) pursuant to Section 58.34(a)(6) of the Title 24 Code of Federal Regulations.

THIS ACTION BECAME FINAL ON FEBRUARY 15, 2019, pursuant to the provisions of San Diego Municipal Code Section 98.0301(e)(1).

APPROVED: Charles Christensen, General Counsel

By 
Charles Christensen
General Counsel

Passed and adopted by the San Diego Housing Commission on February 8, 2019, and finalized on February 15, 2019, pursuant to the provisions of San Diego Municipal Code Section 98.0301(e)(1), by the following vote:

	Yeas	Nays	Excused	Not Present
Frank Urtasun	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stefanie Benvenuto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ryan Clumpner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johanna Hester	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kellee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Walsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

Stefanie Benvenuto

Chair of the San Diego Housing Commission

[scal]

Richard C. Gentry

President & Chief Executive Officer of the
San Diego Housing Commission

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 1802 passed and adopted by the San Diego Housing Commission on February 8, 2019, and finalized on February 15, 2019.

By:



Scott Marshall
Secretary of the San Diego Housing Commission