

**RESOLUTION NO. 2021-\_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA (1) MAKING FINDINGS AND TAKING ACTION PURSUANT TO THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 52201; (2) APPROVING: (A) THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY FROM THE CITY OF PASADENA TO SAN GABRIEL VALLEY HABITAT FOR HUMANITY, INC.; (B) ENTRY BY THE CITY OF PASADENA AND SAN GABRIEL VALLEY HABITAT FOR HUMANITY, INC. INTO A PROPOSED DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT TO IMPLEMENT AN AFFORDABLE HOUSING PROJECT; AND (C) A DEED TO EFFECTUATE SAID DISPOSITION OF PROPERTY AND SAID PROJECT; AND (3) APPROVING RELATED ACTIONS

WHEREAS, the City of Pasadena, in its capacity as housing successor to the former Pasadena Community Development Commission (the "City"), and San Gabriel Valley Habitat for Humanity, Inc. (the "Developer"), have proposed entering into a Disposition, Development and Loan Agreement (the "Agreement"), relating to, among other things, the conveyance to the Developer by the City of certain real property now owned by the City at 130 West Howard Street and 1556 Navarro Avenue (the "Property"), and the development, operation and use of the Property pursuant to the terms and requirements of the Agreement, including the development on the Property of a residential project consisting of two dwelling units to be sold to low income households (the "Project"); and

WHEREAS, pursuant to the terms and conditions of the Agreement, the City will convey the Property to the Developer, and the Property will be developed, used and operated in accordance with covenants imposed on the Property to assure compliance with the terms and requirements of the Agreement; and

WHEREAS, pursuant to the terms and conditions of the Agreement, the Developer will construct the improvements on the Property at the sole cost and expense of the Developer; and

WHEREAS, the Agreement contains all the provisions, terms and obligations required by State and local law, and the Developer represents that it possesses the qualifications and financial resources necessary to construct the Project and to provide for the maintenance, repair and replacement of the Project on the Property, at the sole cost and expense of the Developer, and to pay for the costs of operation of the Project at the sole cost and expense of the Developer; and

WHEREAS, pursuant to California Government Code Section 52201, the City is authorized, with the consent of the City Council, to sell property to create an economic opportunity; and

WHEREAS, a copy of the Agreement and a summary report (which by this reference is incorporated herein as if set forth in full at this point) setting forth all of those matters required by the

provisions of Section 52201 of the California Government Code have been available for public inspection; and

WHEREAS, notice of the hearing to consider the Agreement was given in the manner required by law; and

WHEREAS, at said public hearing, the City Council received and considered a staff report (which by this reference is incorporated herein as if set forth in full at this point) and testimony; and

WHEREAS, City and Developer entered into a July 17, 2019 exclusive negotiation agreement regarding the proposed sale of the Property, and so long as such sale is completed by December 31, 2022, California Government Code Section 54234(a)(1) and Surplus Land Act Guidelines Section 103(b)(1) provide that the sale is not subject to the requirements of AB 1486 and must comply with the Surplus Land Act as it existed on December 31, 2019; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”) set forth in California Public Resources Code Section 21000 *et seq.*, the State CEQA Guidelines set forth in Title 14, California Code of Regulations Section 15000 *et seq.*, and procedures adopted by the City relating to environmental evaluation of public and private projects, and pursuant to Sections 15162 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, the City Council hereby finds and determines that approval of the Agreement, which provides for the conveyance of the Property, and construction of the Project on the Property, are categorically exempt under Class 3 (New Construction or Conversion of Small Structures) of CEQA and, specifically, Section 15303 of the State CEQA Guidelines; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Pasadena, DOES HEREBY RESOLVE as follows:

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council has received and heard all oral and written objections to the City’s proposed sale and transfer of the Property to the Developer, in accordance with the terms and conditions set forth in the Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

SECTION 3. The City’s proposed sale and transfer of the Property to the Developer for affordable housing will assist in the creation of an economic opportunity, as defined by applicable law.

SECTION 4. The consideration from the Developer for the Property is not less than the fair market value of the Property at its highest and best use.

SECTION 5. The City has provided all of the information in written form available to the public and through the City's Internet website as required by applicable law for the consideration by the City Council of the approval of the Agreement.

SECTION 6. The City Council hereby approves the City's entry into the Agreement, and the sale and transfer of the Property to the Developer, all in accordance with the terms and conditions set forth in the Agreement.

SECTION 7. The City Council hereby approves the Agreement, in substantially the form as presented to the City Council, effectuating the City's disposition of the Property to the Developer and the development of the Project by the Developer.

SECTION 8. The City Council hereby approves delivery of the grant deed that would effectuate the City's disposition of the Property to the Developer pursuant to the Agreement.

SECTION 9. The City Council hereby finds that so long as the sale of the Property is completed by December 31, 2022, it is not subject to the requirements of AB 1486 and must comply with the Surplus Land Act as it existed on December 31, 2019.

SECTION 10. The City Council hereby authorizes and directs the City Manager of the City, or designee, (i) to take all actions and to execute any and all documents, instruments and agreements necessary or desirable on behalf of the City, as approved by the City Manager of the City and the City Attorney or City Special Counsel, including, without limitation, the Agreement, the grant deed transferring the Property to the Developer, and the agreement containing covenants and other covenants to be imposed on the Property in order to effectuate the terms and conditions of the Agreement; (ii) to effectuate all other actions approved by this Resolution, including, without limitation, approving changes, implementations or revisions to documents, instruments and agreements as determined necessary by the City Manager, or designee; and (iii) to administer the City's obligations, responsibilities, and duties to be performed pursuant to this Resolution and all documents, instruments and agreements required by and for the sale and transfer of the Property to the Developer.

SECTION 11. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, then 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 City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 12. This Resolution shall take effect upon the date of its adoption.

APPROVED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Victor M. Gordo, Mayor  
City of Pasadena

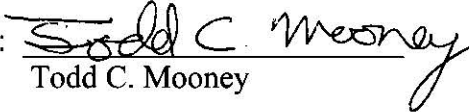
ATTEST:

\_\_\_\_\_  
Mark Jomsky, City Clerk

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Javan N. Rad  
Chief Assistant City Attorney

Kane, Ballmer & Berkman  
City Outside Counsel

By:   
\_\_\_\_\_  
Todd C. Mooney