

SUCCESSOR AGENCY RESOLUTION NO.

RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA (1) APPROVING THAT PORTION OF THE REVISED LONG-RANGE PROPERTY MANAGEMENT PLAN (REVISED LRPMP) REQUIRED UNDER HEALTH AND SAFETY CODE SECTION 34191.5 THAT ADDRESSES PARKING LOT PARCELS; (2) AUTHORITY FOR CITY MANAGER IN HIS CAPACITY AS EXECUTIVE DIRECTOR OF THE SUCCESSOR AGENCY TO WITHHOLD SUBMISSION OF THE REVISED LRPMP TO THE OVERSIGHT BOARD AND THE DEPARTMENT OF FINANCE SHOULD THE SUCCESSOR AGENCY ELECT TO INITIATE LITIGATION AGAINST THE STATE DEPARTMENT OF FINANCE REGARDING DENIAL OF THE ORIGINAL LRPMP; AND (3) RESERVATION OF RIGHTS

WHEREAS, Assembly Bill (“AB”) 26, as amended in AB 1484, dissolved redevelopment agencies and required successor agencies to conduct the winding down of the former redevelopment agencies’ affairs; and

WHEREAS, pursuant to Health and Safety Code section 34191.5(a) a Community Redevelopment Property Trust Fund (“CRPTF”) has been created to serve a repository of the former redevelopment agency’s real properties identified in Health and Safety Code section 34179.5(c)(5)(C) and which is administered by the Successor Agency; and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency, to prepare a long-range property management plan (“Property Management Plan” or “LRPMP”) that addresses the disposition and use of the real properties of the former redevelopment agency, as found in the CRPTF; and

WHEREAS, Health and Safety Code Section 34191.5(b) also requires the Successor Agency to submit the Property Management Plan to the Successor Agency’s Oversight Board and the Department of Finance for approval no later than six months following the issuance to the Successor Agency of a “finding of completion” pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, the Successor Agency received its “finding of completion” from the Department of Finance on May 7, 2013; and

WHEREAS, the Successor Agency prepared a long-range Property Management Plan that contains all the information required under Health and Safety Code Section 34191.5 and timely submitted the LRPMP; and

WHEREAS, on March 19, 2014, the State Department of Finance rejected the submitted LRPMP and provided comments to Successor Agency staff in its letter of rejection; and

WHEREAS, the Successor Agency has prepared a revised LRPMP (“Revised Property Revised Management Plan” or “Revised LRPMP”) based on comments provided by DOF that contains all the information required under Health and Safety Code section 34191.5; and

WHEREAS, the Successor Agency also has the ability to challenge the denial of the original LRPMP via litigation against the State Department of Finance in the Sacramento Superior Court; and

WHEREAS, approval of the Revised Property Management Plan is not a “Project” under section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because the proposed action consists of administrative activity that will not result in direct or indirect physical changes to the environment and, as such, pursuant to section 15061(b)(3) of the CEQA Guidelines is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency of the Redevelopment Agency of the City of Chula Vista, that:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. It approves that portion of the Revised Long Range Property Management Plan which addresses parking lot parcels in substantially the form presented, and with such minor modifications as may be required or approved by the City Attorney.

Section 3. The City Manager, in his capacity as Executive Director of the Successor Agency, or his designee is authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the Revised Long Range Property Management Plan, including submitting the Revised Property Management Plan to the State of California Department of Finance and posting the approved Revised Property Management Plan on the Successor’s Agency’s website.

Section 4. The City Manager, in his capacity as Executive Director, is further authorized to withhold submission of the Revised LRPMP to the Oversight Board and Department of Finance, as required or approved by the City Attorney, in his capacity as counsel to the Successor Agency, should the Successor Agency direct that litigation be initiated against the Department of Finance due to its denial of the original LRPMP.

Section 5: The Successor Agency objects to the Department of Finance’s denial of the original LRPMP and submits the revised LRPMP under protest. The Successor Agency, while complying with DOF’s directions under protest, reserves any and all rights to seek any and all remedies in any forum to reverse DOF’s denial of the original LRPMP and to pursue approval of the original LRPMP.

Presented by

Approved as to form by

Kelly Broughton
Director of Development Services

Glen R. Googins
City Attorney