

**RESOLUTION NO. 2020-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE POMONA HOUSING AUTHORITY AND JHC-ACQUISITIONS, LLC, A LIMITED LIABILITY COMPANY AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH & SAFETY CODE SECTION 33433**

**WHEREAS**, pursuant to the California Community Redevelopment Law (Health & Safety Code Sections 33000 et seq.) (“CRL”), the City Council of the City of the City of Pomona (“City”) approved and adopted Redevelopment Plans (“Redevelopment Plan”) for various Redevelopment Project Areas (“Project Areas”); and

**WHEREAS**, the Redevelopment Agency of the City of Pomona (the “Agency”) was the owner of certain property located at 592 West Mission Boulevard in the City of Pomona (APNs 8341-010-914, 915, 916, 917, 918, 919, 920 & 921) (the “Property”) at the time the Agency dissolved on February 1, 2012 pursuant to Section 34172 of the Health and Safety Code, which the Agency had acquired with low and moderate income housing funds to be developed in a manner that would provide affordable housing in the City; and

**WHEREAS**, upon the dissolution of the Agency, the Pomona Housing Authority (“Authority”) was designated as the successor to the Agency in carrying out the housing functions and responsibilities of the Agency pursuant to Health and Safety Code Section 34176, and as a result the Property was transferred to the Authority to be developed in a manner that would provide affordable housing; and

**WHEREAS**, the Authority has the power to sell or otherwise dispose of the Property to provide for the development of affordable housing in the City, but in doing so must comply with all housing-related provisions of the CRL; and

**WHEREAS**, the Authority desires to sell the Property to JHC-ACQUISITIONS, LLC, a California limited liability company (“Jamboree”), which will subsequently develop the Property as a fifty-seven unit multifamily residential project that will include fifty-six (56) units with households affordable to low, very-low and extremely low income households;

**WHEREAS**, the Authority and Jamboree have negotiated the terms of that certain Affordable Housing Disposition and Development Agreement (Mission Blvd and Park Ave) (the “Agreement”) regarding the conveyance and development of the Property;

**WHEREAS**, the Authority wishes to proceed with the sale of the Property pursuant to the terms and conditions of the Agreement;

**WHEREAS**, pursuant to Section 33433 of the Community Redevelopment Law, the Authority is authorized, with the majority approval of the City Council after public hearing, to convey the Property for redevelopment purposes in accordance with the Redevelopment Plans upon a determination by the City Council that the sale of the Property will assist in the elimination of blight and that the consideration for such sale is not less than either fair market value or fair reuse value in accordance with the covenants and conditions governing the sale and development costs thereof; and

**WHEREAS**, a public hearing of the Housing Authority and City Council on the proposed Agreement was duly noticed in accordance with the requirements of Health and Safety Code Section 33433; and

**WHEREAS**, the proposed Agreement, and a summary report meeting the requirements of Health and Safety Code Section 33433, were available for public inspection consistent with the requirements of Health and Safety Code Section 33433; and

**WHEREAS**, on February 3, 2020, the Authority and City Council held a public hearing on the proposed Agreement and evaluated all of the information, testimony, and evidence presented; and

**WHEREAS**, the Authority has reviewed the summary report required pursuant to Health and Safety Code Section 33433 and evaluated other information provided to it pertaining to the findings required pursuant to Section 33433; and

**WHEREAS**, the value of the consideration for the Property pursuant to the proposed Agreement is not less than the fair reuse value of the Property as set forth in the Summary Report; and

**WHEREAS**, the City has determined that the proposed development of the Property is “use by right” as defined in California Government Code section 65583.2(i), and therefore does not constitute a “project” for purposes of Division 13 (commencing with Section 21000). Therefore, the proposed development of the Property is not subject to the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, all actions required by all applicable law with respect to the proposed Agreement have been taken in an appropriate and timely manner; and

**WHEREAS**, the Council has duly considered all terms and conditions of the proposed Agreement and believes that the disposition and development of the Property pursuant thereto is in the best interests of the City of Pomona and the health, safety and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pomona as follows:

**SECTION 1. Findings.** The City Council hereby finds and determines, based upon substantial evidence provided in the record before it, that the consideration for the disposition of the Property pursuant to the terms and conditions of the proposed Agreement, is not less than the fair reuse value of the Property in accordance with covenants and conditions governing the sale, and the development costs required under the proposed Agreement.

**SECTION 2. Findings.** The City Council hereby finds and determines that the disposition of the Property pursuant to the terms and conditions of the proposed Agreement will eliminate blight within the Project Areas by providing for the reuse and redevelopment of a portion of the project area which was declared blighted for the reasons described above, and will provide housing for low, very low and extremely low income persons.

**SECTION 3. Approval of Agreement.** The Agreement is hereby approved in substantially the form currently on file with the Authority Secretary, subject to any minor, clarifying and conforming changes as may be approved by the Authority.

**SECTION 4.** The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval, and is authorized to execute such other documents and certificates necessary to complete the transaction contemplated in this Resolution.

**APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF FEBRUARY 2020.**

**ATTEST:**

**POMONA CITY COUNCIL**

\_\_\_\_\_  
Rosalia A. Butler, MMC, City Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

Best Best & Krieger LLP

By: \_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the CITY OF POMONA CITY COUNCIL do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the \_\_\_\_ day of FEBRUARY 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this \_\_\_\_ day of FEBRUARY 2020.

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Rosalia A. Butler, MMC, City Clerk

*Exhibit A –Affordable Housing Disposition and Development Agreement between the Pomona Housing Authority and JHC-Acquisitions, LLC*