

RESOLUTION NO. 2025-262

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO APPROVING THE
EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN
THE CITY AND JHC-ACQUISITIONS LLC**

WHEREAS, the City of San Bernardino (“City”), acting in the capacity as the Successor Housing Agency to the former Redevelopment Agency of the City of San Bernardino, is the fee owner of that certain real property located at 5th Street and Meridian Avenue, known as Site 12 for Surplus Land Act (the “Act”) disposal purposes, (APN: 0142-522-08, 0142-522-09, 0142- 522-11, 0142-522-12, 0142-522-13, 0142-522-14, 0142-522-15, 0142-522-16, 0142-522-17, 0142-522-25, 0142-522-35, 0142-522-36, 0142-522-37, 0142-522-38, 0142-522-41 and 0142- 522-42), in the City of San Bernardino and State of California more specifically described in Exhibit A ("Property"); and

WHEREAS, on November 16, 2022, the City Council of the City of San Bernardino (“City Council”) adopted Resolution No. 2022-234, which declared the Property surplus, pursuant to Government Code Section 54220 of the Act and issued Notices of Availability (“NOA”) on February 27, 2024;

WHEREAS, on or about October 18, 2024, the California Department of Housing and Community Development (“HCD”) issued a letter to the City determining that the City had met all the requirements under the Act for the purposes of disposing the Property; and

WHEREAS, City has selected JHC Acquisitions LLC (“Developer”), to partner with City to develop approximately 3.5 acres of the Property for affordable housing (“Project”); and

WHEREAS, the City and Developer negotiated the terms of an Exclusive Negotiation Agreement (“ENA”) in order to, among other things, establish a specific period of time for the City and the Developer to negotiate regarding the potential sale of the Property from the City to the Developer and the potential development of an affordable housing project on the Property by the Developer; and

WHEREAS, the City desires to adopt the ENA to facilitate the development of the Property; and

WHEREAS, a copy of the ENA is attached to this resolution (“Resolution”) as Exhibit B; and

WHEREAS, the City has determined the approval of the ENA is exempt from the California Environmental Quality Act (“CEQA”), pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the City’s approval of the ENA may have a significant effect on the environment.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The Mayor and City Council hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the ENA may have a significant effect on the environment. Thus, the adoption of this Resolution is exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines. The City Council hereby authorizes and directs the City to file a Notice of Exemption with the Riverside County Recorder’s Office on the Authority’s behalf within five (5) days from the adoption of this Resolution.

SECTION 3. Approval of ENA. The Mayor and City Council do hereby authorize the City Manager, Deputy City Manager, or designee to execute the ENA, attached hereto as Exhibit B and incorporated herein by this reference, along with any subsequent amendments, extensions, and other necessary documents to complete the transaction. The Mayor and City Council hereby acknowledge that the ENA shall establish the terms by which the City and the Developer will negotiate the transfer of the Property to the Developer.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 5th day of March 2025.

Helen Tran, Mayor
City of San Bernardino

ATTEST:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2025-262, adopted at a regular meeting held on the 5th day of March 2025 by the following vote:

| <u>Council Members:</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------------------|-------------|-------------|----------------|---------------|
| SANCHEZ | _____ | _____ | _____ | _____ |
| IBARRA | _____ | _____ | _____ | _____ |
| FIGUEROA | _____ | _____ | _____ | _____ |
| SHORETT | _____ | _____ | _____ | _____ |
| KNAUS | _____ | _____ | _____ | _____ |
| FLORES | _____ | _____ | _____ | _____ |
| ORTIZ | _____ | _____ | _____ | _____ |

WITNESS my hand and official seal of the City of San Bernardino this ___ day of _____ 2025.

Genoveva Rocha, CMC, City Clerk