

## ATTACHMENT A

### RESOLUTION NO. 2019-55

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING THE ISSUANCE, SALE AND DELIVERY OF MULTIFAMILY HOUSING REVENUE BONDS OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR HARBOR POINTE SENIOR LIVING**

**WHEREAS**, the California Statewide Communities Development Authority ("Authority") intends to issue not to exceed seventy-five million dollars and 00/100 (\$75,000,000.00) aggregate principal amount of multifamily housing revenue bonds ("Bonds") to finance the acquisition and construction of a 99-unit senior living multifamily rental housing project ("Project") located at 101 Bayview Place in the City of Newport Beach, State of California ("City");

**WHEREAS**, the Project will be owned and/or operated by Harbor Pointe Senior Living, LLC, a California limited liability company ("Owner"), or an affiliate thereof;

**WHEREAS**, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), the Bonds are required to be approved, following a public hearing, by an elected representative of the governmental unit having jurisdiction over the area in which the Project is located;

**WHEREAS**, the Project is located wholly within the geographic jurisdiction of the City;

**WHEREAS**, the City Council ("City Council") is the elected legislative body of the City;

**WHEREAS**, the City has caused a notice to appear in The Daily Pilot, which is a newspaper of general circulation in the City, on June 1, 2019 to the effect that a public hearing would be held by the City Council on June 11, 2019, regarding the issuance of the Bonds by the Authority;

**WHEREAS**, on June 11, 2019, the City Council conducted a public hearing in the Council Chambers located at 100 Civic Center Drive, Newport Beach, at which time an opportunity was provided to present arguments both for and against the issuance of the Bonds. A notice of the time, place and purpose of the public hearing was given in accordance with the Newport Beach Municipal Code, the Ralph M. Brown Act, and the Code;

**NOW, THEREFORE,** the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council does hereby approve the issuance of the Bonds, pursuant to Section 147(f) of the Code, by the Authority in one or more series, in an aggregate principal amount not to exceed seventy-five million dollars and 00/100 (\$75,000,000.00) to finance the acquisition, construction and equipping of the Project. It is the purpose and intent of the City Council that this Resolution constitutes approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f).

By approving the issuance of the Bonds by the Authority pursuant to Section 147(f) of the Code, the City is not undertaking any obligation or liability whatsoever for the issuance or repayment of the Bonds. In no event shall the City be liable for the payment of the principal of or interest on the Bonds, or for performing any obligation of any kind whatsoever with respect to the Bonds.

**Section 2:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 3:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Additionally, the Harbor Pointe Senior Living Project Final Environmental Impact Report (SCH No. 2016071062) was prepared for the project and certified by the City Council in compliance with CEQA and City Council Policy K-3. By Resolution No. 2019-13, the City Council, having final approval authority over the project, adopted and certified as complete and adequate the Harbor Pointe Senior Living Project Final Environmental Impact Report (SCH No. 2016071062) and adopted "Mitigation Monitoring and Reporting Program." Resolution No. 2019-13 is hereby incorporated by reference.

**Section 5:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 11th day of June, 2019.

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Diane B. Dixon  
Mayor

ATTEST:

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Leilani I. Brown  
City Clerk

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

  
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Aaron C. Harp  
City Attorney