RESOLUTION NO. 115-2001

Adopted June 26, 2001

AUTHORIZING A THIRD AMENDMENT TO THE HOUSING PLAN FOR THE RINCON CENTER APARTMENTS, 88 HOWARD STREET, WITH BRE/RINCON, LLC AS SUCCESSOR IN INTEREST TO RINCON CENTER ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP; RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. The Rincon Center Apartments is a 320-unit housing development located at 88 Howard Street in the Rincon Point-South Beach Redevelopment Project Area (the “Property”).

2. Rincon Towers was developed by Rincon Center Associates, a California limited partnership (the “Developer”), under an Owner Participation Agreement (the “OPA”) executed August 20, 1985 that provided for a Below Market Rate (“BMR”) Housing Program.

3. The Developer financed the development with tax-exempt bonds as evidenced by the Regulatory Agreement and Declaration of Restrictive Covenants of December 1, 1985 by and among the Agency, the Developer, Seattle-First National Bank, as trustee, and Citicorp Real Estate, Inc. (“Citicorp”) as servicer. As a result of the use of the tax-exempt bonds the Developer was obligated to provide an expanded BMR program.

4. To implement the BMR program a Housing Plan (“Rincon Center Housing Plan”) was written and approved by the Agency on May 16, 1986, revised August 22, 1986, and further revised April 21, 1987.

5. On July 7, 1999, Citicorp redeemed the mortgage revenue bonds for the Property as part of a foreclosure action.

6. Later in 1999, Citicorp sold the Property to new owners, BRE/Rincon, LLC, a single asset limited liability company.

7. The Rincon Center Housing Plan was unclear on how the BMR program would transition from the expanded requirements related to the use of tax-exempt bonds to the requirements under the OPA.
8. The Third Amendment to the Rincon Center Housing Plan provides for continued occupancy by all current income eligible tenants, an orderly transition, and other modifications.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized execute a Third Amendment to the Rincon Center Housing Plan for 88 Howard Street, in the Rincon Point-South Beach Redevelopment Project Area, with BRE/Rincon, LLC, a limited liability corporation, as successor in interest to Rincon Center Associates, a California limited partnership, substantially in the form lodged with Agency General Counsel.

APPROVED AS TO FORM:

[Signature]
Bertha A. Ontiveros
Agency General Counsel