

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

THE CITY OF HUNTINGTON BEACH
2000 Main Street
Huntington Beach, CA 92648
Attn: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 159-031-18

FREE RECORDING REQUESTED
(Gov't Code Section 27383)

**FIRST AMENDMENT TO AMENDED AND RESTATED
AGREEMENT CONTAINING COVENANTS
(INCLUDING RENTAL RESTRICTIONS)
(18431 Beach Boulevard)**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED AGREEMENT CONTAINING COVENANTS (INCLUDING RENTAL RESTRICTIONS) (the "**First Amendment**") dated as of _____ 2025, is entered into by and between **BEACH HOUSING PARTNERS LP**, a California limited partnership ("**Owner**"), **THE HUNTINGTON BEACH HOUSING AUTHORITY**, a public body, corporate and politic ("**Authority**"), and **THE CITY OF HUNTINGTON BEACH**, a municipal corporation of the State of California ("**City**").

RECITALS

The following Recitals are a substantive part of this First Amendment. Capitalized terms used in these Recitals and not otherwise defined shall have the meaning set forth in the Agreement (defined below).

A. On or about January 5, 2021, City, Authority and Owner entered into that certain Affordable Housing Agreement (the "**Affordable Housing Agreement**"), pursuant to which, among other things, City provided certain financial assistance to Owner to assist Owner to construct a forty-three (43) unit senior affordable housing development known as "Pelican Harbor" (the "**Project**"), on certain real property located at 18431 Beach Boulevard, in the City of Huntington Beach, State of California.

B. At the original Closing (as defined in the Affordable Housing Agreement), City, Authority and Owner entered into that certain Amended and Restated Agreement Containing Covenants (Including Rental Restrictions, dated February 1, 2022, which was recorded on February 4, 2022 in the Official Records of Orange County as Instrument No. 2022000048870 (the "**Agreement**").

C. Owner completed construction of the Project on November 26, 2024, as evidenced by City's issuance of a certificate of occupancy, and is pursuing Conversion (as defined in the Affordable Housing Agreement).

D. Owner's construction and permanent financing are funded with proceeds of mortgage revenue bonds issued by the California Municipal Finance Authority, and thereafter loaned to Owner by U.S. Bank National Association, as "Funding Lender." The original TEFRA hearing authorizing issuance of the bonds has expired, resulting in the need for a new TEFRA hearing to be held by City.

E. City has agreed to hold the TEFRA hearing provided Owner agree to certain changes to the terms of the City and Authority loan documents, as further set forth herein and in certain amendments to the Affordable Housing Agreement, "HOME Note" (as defined in the Affordable Housing Agreement), and the "Inclusionary Note" (as defined in the Affordable Housing Agreement), all of which amendments are to be entered into concurrently herewith.

A G R E E M E N T:

NOW, THEREFORE, City, Authority and Owner hereby agree as follows:

1. The Agreement is hereby amended to change the "Term" thereof to the period commencing on date City issued a certificate of occupancy for the Project and ending ninety-nine (99) years thereafter (i.e., on November 26, 2123).

2. Except as expressly modified by this First Amendment, all of the provisions of the Agreement remain in full force and effect and shall govern the relationship of the Parties.

3. This First Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[End – Signature Page Follows]

IN WITNESS WHEREOF, City, Owner and Authority have entered into this First Amendment as of the date set forth above.

"CITY"

CITY OF HUNTINGTON BEACH

By: _____
Travis Hopkins
City Manager

ATTEST:

By: _____
Lisa Lane Barnes, City Clerk

APPROVED AS TO FORM:

By: 
 Michael J. Vigliotta
City Attorney

"OWNER"

BEACH HOUSING PARTNERS LP
a California limited partnership

By: JHC-Beach LLC, a California limited liability company
Its: Managing General Partner

By: Jamboree Housing Corporation,
a California nonprofit public benefit corporation

Its: Manager 
By: 
Michael Massie
Executive Vice President and Chief Development Officer

"AUTHORITY"

HUNTINGTON BEACH HOUSING
AUTHORITY,
a public body corporate and politic

By: _____
Travis Hopkins
Executive Director

ATTEST:

By: _____
Lisa Lane Barnes, Authority Secretary

APPROVED AS TO FORM:

By: 
 Michael J. Vigliotta
Authority Counsel

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On Jul 10/7/2025, before me, Abigail Bauss,
(Insert name and title of the officer)

Notary Public, personally appeared Michael Massie,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Abigail Bauss (Seal)



A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

Exhibit "A"

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 2, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF
CALIFORNIA, AS PER MAP RECORDED IN BOOK 76, PAGE 4 OF PARCEL MAPS, IN
THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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