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

SI NOL MOOVE THIS ENVET ON RECORDER 5 OSE

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 <u>Instrument No. 2022000048870</u> (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.

<u>**A** G R E E M E N T</u>:

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:	BEAC	"OWNER" BEACH HOUSING PARTNERS LP a California limited partnership		
Travis Hopkins City Manager ATTEST: By: Lisa Lane Barnes, City Clerk APPROVED AS TO FORM: By: Michael J. Vigliotta City Attorney	By: Its:	liability Manag By: Its: By: M Ex	Jamboree Housing Corporation, a California nonprofit public benefit corporation Manager ichael Massie accutive Vice President and Chief evelopment Officer	
"AUTHORITY" HUNTINGTON BEACH HOUSING AUTHORITY, a public body corporate and politic				
By: Travis Hopkins Executive Director	e.			
ATTEST:				
By: Lisa Lane Barnes, Authority Secretary				
APPROVED AS TO FORM:				
By: Pubin Amichael 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.

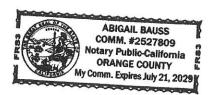
State of California)	
County of OYANG)	
On TUS 10 7 2025 , before me, _	Abigail Bauss,
Notary Public, personally appearedMichael	Musert name and title of the officer)
who proved to me on the basis of satisfactory evidence	to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged t	to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/h	er/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s)	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 Hawk

(Seal)



individual who signed the document to accuracy, or validity of that document.	which this certifica	ate is attached, and not the truthfulness,	
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 P foregoing paragraph is true and correct.		e laws of the State of California that the	
WITNESS my hand and official	l seal.		
Signature		(Seal)	

A Notary Public or other officer completing this certificate verifies only the identity of the

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.

APN: 159-031-18