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REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04473

DATE OF FINAL PASSAGE DEC 10 2009

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (i) MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED BAYSIDE FIRE STATION [PROJECT]; (ii) MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATED TO THE USE OF TAX INCREMENT PROCEEDS FROM THE HORTON PLAZA REDEVELOPMENT PROJECT AREA AND THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO PAY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT; (iii) AUTHORIZING THE EXPENDITURE OF TAX INCREMENT FUNDS TOWARD THE COST OF THE PROJECT; (iv) APPROVING AN AGREEMENT WITH ROB WELLINGTON QUIGLEY FOR ARCHITECTURAL AND RELATED SERVICES PERTAINING TO THE DESIGN OF THE PROJECT; AND (v) APPROVING A MEMORANDUM OF UNDERSTANDING AMONG THE REDEVELOPMENT AGENCY, CENTRE CITY DEVELOPMENT CORPORATION, AND THE CITY OF SAN DIEGO REGARDING OVERSIGHT OF THE PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project and the Redevelopment Plan for the Horton Plaza Redevelopment Project [collectively, the Redevelopment Plans]; and

WHEREAS, the Agency has approved the Fourth Implementation Plan for the Horton Plaza and Centre City Redevelopment Projects for the period of July 2009 through June 2014 [Implementation Plan], which provides for the implementation of certain activities necessary or appropriate to carry out the objectives of the Redevelopment Plans; and

WHEREAS, the Centre City Development Corporation [CCDC], acting on behalf of the Agency, desires to cause the design and construction of a public facility known as Bayside Fire

Station [Fire Station] on the southeast corner of Cedar Street and Pacific Highway within the Little Italy neighborhood of the Expansion Sub Area of the Centre City Redevelopment Project Area [Centre City Project Area]; and

WHEREAS, the Fire Station will be located within approximately one-half mile from the northwestern boundary of the Horton Plaza Redevelopment Project Area [Horton Plaza Project Area]; and

WHEREAS, CCDC desires to enter into a professional services agreement with Rob Wellington Quigley, FAIA, by which CCDC, utilizing the Agency's authorized expenditure of funds, will agree to pay an amount not to exceed \$1,360,000 for the design of the Fire Station [Consultant Agreement]; and

WHEREAS, the City of San Diego [City], CCDC and the Agency have proposed a project management plan pursuant to a Memorandum of Understanding [MOU], which contemplates CCDC's management of the design and construction of the Fire Station [Project] on behalf of the Agency, the City's oversight and assistance with management of the Project [City Services], and the Agency's payment to the City for the City Services in an amount not to exceed \$275,000; and

WHEREAS, during its board meeting on May 20, 2009, CCDC's board of directors approved the MOU and recommended that the Agency authorize CCDC to enter into the Consultant Agreement; and

WHEREAS, the Agency desires to expend tax increment proceeds generated from the Horton Plaza Project Area and the Centre City Project Area [collectively, the Project Areas] in the estimated collective total of \$19,200,000 for the Project, provided that such tax increment proceeds are first determined by the Agency to be available for such expenditures in the Agency's annual budgets for the respective Project Areas; and

WHEREAS, pursuant to California Health and Safety Code section 33445, which is part of the California Community Redevelopment Law [CRL], California Health and Safety Code section 33000 et seq., the Agency may, with the consent of the City Council of the City of San Diego [Council], pay for all or part of the land for and/or the installation and construction of any building, facility, or other improvement that is publicly owned either within or without the Project Areas so long as certain determinations set forth in CRL section 33445 [33445 Findings] are made; and

WHEREAS, pursuant to CRL section 33679, the Agency and Council held a joint public hearing on December 7, 2009, regarding the Agency's proposed expenditure of tax increment proceeds to pay for the Project, after publishing notice of the public hearing for at least two successive weeks prior to the public hearing, and after making available, for public inspection and copying, that certain "Summary Pertaining to the Use of Tax Increment for the Bayside Fire Station" [Summary], on file in the office of the Agency Secretary as Document No. D-04473^e, and incorporated fully into this Resolution by this reference; and

WHEREAS, the Summary includes all of the following elements: (a) estimates of the amount of tax increment proposed to be used to pay for the Project, including interest payments (such estimated expenditure being a collective total of \$19,200,000 for the Project); (b) the facts supporting the 33445 Findings; and (c) the redevelopment purpose for which tax increment proceeds are being used to pay for the Project; and

WHEREAS, the Summary was made available to the public no later than the time of the first publication of the notice of the public hearing; and

WHEREAS, pursuant to CRL section 33445, the City Council considered the information in the Summary regarding: (1) the benefit of the Project to the Project Areas and the immediate neighborhoods in which the Project is located, including the information contained in Section III

of the Summary; (2) the unavailability of other reasonable means of financing the Project by the City, including the information contained in Section IV of the Summary; (3) the Project's assistance in the elimination of one or more blighting conditions inside the Project Areas, and the Project's consistency with the Implementation Plan adopted pursuant to CRL section 33490, including the information contained in Section V of the Summary; and (4) that the Project is provided for in the Redevelopment Plan for the Centre City Project Area, including the information contained in Section VI of the Summary; and

WHEREAS, the Council has made the 33445 Findings with respect to the Project and has consented to the Agency's payment for the Project using tax increment proceeds generated from the Project Areas [Agency Funds]; and

WHEREAS, pursuant to Resolution No. R-04001 adopted effective March 14, 2006, the Agency, acting as the designated "lead agency" for purposes of the California Environmental Quality Act [CEQA], has previously certified the Final Environmental Impact Report for the San Diego Downtown Community Plan, Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project [2006 Final EIR], on file in the office of the Agency Secretary as Document No. D-04001a; and

WHEREAS, pursuant to Resolution No. R-301265 adopted effective March 14, 2006, the Council, acting as a "responsible agency" for purposes of CEQA, has previously reviewed and considered the information contained in the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-04193 adopted effective August 3, 2007, the Agency has certified the Addendum to the Final EIR for the Eleventh Amendment to the Redevelopment Plan [2007 Addendum], related to certain amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation Monitoring and Reporting Program of the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-302931 adopted effective August 3, 2007, the Council has certified the 2007 Addendum; and

WHEREAS, CCDC, on behalf of the Agency, has prepared the Final Environmental Secondary Study for the Project [Secondary Study], which is attached to CCDC Report No. CCDC-09-33 to the Agency for this action, in accordance with CEQA and state and local guidelines adopted pursuant thereto; and

WHEREAS, the Secondary Study, at page 7, sets forth certain findings, to the effect that the Project will not result in new or increased environmental effects compared to what already has been evaluated under the 2006 Final EIR and the 2007 Addendum; and

WHEREAS, the Secondary Study, at page 1, states that the Project is presently in its conceptual stage and will undergo a full design approval and entitlement process, during which time an amended Secondary Study or other applicable environmental document in compliance with CEQA will be prepared; and

WHEREAS, the Agency has considered any written evidence and/or testimony received in support of or in opposition to the Activities and the Secondary Study; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That the foregoing recitals are true and correct.
2. That the Agency has previously certified that the 2006 Final EIR and the 2007 Addendum were prepared in compliance with CEQA and state and local guidelines adopted pursuant thereto.
3. That, consistent with the analysis contained in the Secondary Study, the environmental effects of the Project were adequately addressed in the 2006 Final EIR and the 2007 Addendum, and the Project is within the scope of the development program described therein.

4. That the Agency hereby adopts the following findings and determinations, as set forth at page 7 of the Secondary Study, with respect to the environmental effects of the Project:

- (a) No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Centre City Redevelopment Project is to be undertaken as a result of the Project, which will require important or major revisions in the 2006 Final EIR or the 2007 Addendum;
- (b) No new information or substantial importance to the Centre City Redevelopment Project has become available, which was not known or could not have been known at the time the Final 2006 EIR was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the 2006 Final EIR or the 2007 Addendum, or that any significant effects previously examined will be substantially more severe than shown in the 2006 Final EIR or the 2007 Addendum, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects on the environment;
- (c) No negative declaration, subsequent environmental impact report, or supplement or further addendum to the 2006 Final EIR is necessary or required;
- (d) The development of the Project will have no significant effect on the environment, except as identified and considered in the 2006 Final EIR and the 2007 Addendum, and no new or additional project-specific

mitigation measures are required in connection with development of the Project;

- (e) Uniformly applied development policies or standards previously adopted by the City and/or the County of San Diego relating to the identification and remediation of soil contamination will substantially mitigate the site-specific effects associated with the potential soil contamination created by previous activities on the Project site, and therefore the Project site's existing soil conditions are not considered peculiar to the Project site, nor is an environmental impact report warranted for the proposed Project; and
- (f) The Project would not have any new effects that were not adequately covered in the 2006 Final EIR or the 2007 Addendum, and therefore, the Project is within the scope of the development program approved under the 2006 Final EIR and the 2007 Addendum.

5. That, pursuant to CEQA Guidelines sections 15162 and 15168, the Agency determines that no further environmental documentation is required to address the Activities.

6. That the Mitigation Monitoring and Reporting Program derived from the 2006 Final EIR and tailored specifically for the Project, as set forth in Attachment "A" to the Secondary Study, is hereby approved and adopted.

7. That the City Clerk, or designee, is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Activities.

8. That the Agency received and heard any and all oral and written objections relating to the proposed expenditure of the Agency Funds, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.

9. That the Agency hereby adopts the findings and recommendations set forth in the Summary, which is attached to CCDC Report No. CCDC-09-33 to the Agency for this action, and more specifically finds and determines as follows:

a. The Project is of benefit to the Project Areas and the immediate neighborhoods in which the Project is located, as described in Section III of the Summary;

b. The City has no other reasonable means of financing the Project, as described in Section IV of the Summary;

c. The payment of the Agency Funds will assist in the elimination of one or more blighting conditions inside the Project Areas and is consistent with the Implementation Plan adopted pursuant to CRL section 33490, as described in Section V of the Summary; and

d. The Project is provided for in the Redevelopment Plan for the Centre City Project Area, as described in Section VI of the Summary.

10. That the Agency is authorized to pay for the cost of the Project using the tax increment proceeds generated from the Project Areas, provided that such funds are first determined by the Agency to be available for such expenditures in the Agency's annual budgets for the respective Project Areas.

11. That the Agency is authorized to expend from the Agency Funds an amount not to exceed \$1,360,000 for the Consultant Agreement and an amount not to exceed \$275,000 for the MOU.

12. That the Consultant Agreement, a copy of which shall be placed on file in the office of the Agency Secretary as Document No. 044730, is hereby approved.

13. That CCDC's acting President, or designee, is hereby authorized to execute the Consultant Agreement, and take any actions necessary and appropriate to implement the Consultant Agreement.

14. That the MOU, a copy of which shall be placed on file in the office of the Agency Secretary as Document No. D-044736 is hereby approved.

15. That the Agency's Executive Director, or designee, is hereby authorized to execute the MOU, and take any actions necessary and appropriate to implement the MOU.

APPROVED: JAN I. GOLDSMITH, GENERAL COUNSEL

By Kevin Reisch
Kevin Reisch
Deputy General Counsel

KR:pev:cw

07/02/09

09/03/09 (COR.COPY)

10/30/09 (COR.COPY 2)

11/19/09 (COR.COPY 3)

Or.Dept:Redev.Agency

RA-2009-132

MMS #8003

Companion to: R-2009-1196

R-2009-1220

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of DEC 07 2009.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 12-10-09
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC CC3000002851

ORIGINATING DEPT. NO.: 9900

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$275,000.00 Fund: 400646

Purpose: Authorizing the expenditure of funds for Memorandum of Understanding (MOU) regarding the Bayside Fire Station by and among the City of San Diego, the Agency and the CCDC, which addresses the Agency's payment/reimbursement of the City's personnel costs of \$275,000 to assist the Corporation in project management during design and construction.

Date: November 24, 2009 By: Francisco Lopez

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA | | | | | | | | | |
|-----------------|--------|----------------|----------------|------------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
| | 400646 | | 955500110101 | OTHR-00000010-NS | 512114 | 2255 | 2255500011 | | \$275,000.00 |
| TOTAL AMOUNT | | | | | | | | | \$275,000.00 |

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$1,360,000.00

Vendor: Rob Wellington Quigley

Purpose: Authorizing the expenditure of funds for architectural and engineering design, permitting and bidding services for the new Bayside Fire Station in the amount of \$1,360,000.

Date: November 24, 2009 By: Francisco J. Lopez

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA | | | | | | | | | |
|-----------------|--------|----------------|----------------|------------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
| 001 | 400646 | | 955500110101 | OTHR-00000003-NS | 512114 | 2255 | 225550011 | | \$1,125,000.00 |
| 002 | 400638 | | 920512101101 | OTHR-00000003-NS | 512059 | 2220 | 2220500011 | | \$235,000.00 |
| TOTAL AMOUNT | | | | | | | | | \$1,360,000.00 |

FUND OVERRIDE

CC CC3000002851

Passed by the Redevelopment Agency of The City of San Diego on DEC 07 2009, by the following vote:

| Agency Members | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Carl DeMaio | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Donna Frye | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 10 2009

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04473