

RESOLUTION NUMBER R- 312806

DATE OF FINAL PASSAGE DEC 19 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A COMPENSATION
AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND
CIVIC SAN DIEGO FOR CONSTRUCTION OF EAST
VILLAGE GREEN PHASE 1 AND CHILDREN'S PARK IN
THE DOWNTOWN COMMUNITY PLAN AREA, APPROVING
FUNDING AND RELATED ACTIONS.

WHEREAS, Civic San Diego, a nonprofit public benefit corporation (Civic) provides consulting services to the City of San Diego (City) pursuant to that certain Operating Agreement regarding redevelopment wind down activities and management and completion of certain projects, dated June 18, 2019 (Operating Agreement); and

WHEREAS, the City owns real property in the East Village neighborhood of downtown San Diego located at the blocks bounded by 13th, F, 14th and G streets, the northeast corner of 14th and G streets, and a small site along the south side of F Street between 14th and 15th streets (East Village Green Phase 1), and real property located at 420 First Avenue, San Diego, California 92101 (Children's Park) (collectively, Projects); and

WHEREAS, Civic manages the completion of two projects: East Village Green Phase 1 and Children's Park pursuant to section 2.1.1.3 of the Operating Agreement; and

WHEREAS, San Diego City Council (City Council) on June 25, 2014, pursuant to San Diego Resolution R-309070, adopted the Downtown Community Public Facilities Financing Plan for Fiscal Year 2015, which identifies Project No. P-10, East Village Green Park Development, and Project No. P-1, Children's Park Improvements; and

WHEREAS, Civic engaged the Office of James Burnett for East Village Green Phase 1 and Spurlock Landscape Architects for Children's Park to prepare the construction documents for each respective project; and

WHEREAS, the following funds are available for East Village Green Phase 1: \$30,508,158 in Development Impact Fees (DIF), as appropriated from CIP S-16012; \$3,642,000 from Park & Market parking garage; \$7,645,000 from 6th & K parking garage; \$3,753,043 in parking meter revenue generated from Downtown Community Parking District (DCPD) funds; \$5,672,051 in excess redevelopment bond funds; and an additional \$1,039,748 from a SANDAG grant as approved pursuant to Resolution R-312288 dated March 25, 2019 for a total amount not to exceed \$52,260,000 to be appropriated for construction of a parking garage, park improvements, and right of way improvements; and

WHEREAS, the following funds are available for Children's Park: \$5,221,452.46 in existing DIF; \$1,200,000 in additional DIF funds; \$778,546.54 in re-appropriated DIF funds from Park Blvd. At-Grade Crossing; and an additional \$800,000 from a contribution from the downtown floor area ratio bonus fund for a total amount not to exceed \$8,000,000 to be appropriated on a children's playground, tree replacement, among other improvements; and

WHEREAS, the City and Civic propose entering into a compensation agreement to appropriate the funds, as identified, for construction of East Village Green and Children's Park (Agreement), a copy of which is included in the backup materials accompanying this Resolution;

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by

the Redevelopment Agency of the City of San Diego (Former RDA), Resolution R-04001, and City Council Resolution R-301265 on March 14, 2006 ; subsequent addenda to the FEIR certified by the Former RDA on August 3, 2007 (Resolution R-04193), April 21, 2010 (Resolution R-04510), and August 3, 2010 (Resolution R-04544), and certified by City Council Resolution R-308724 on February 12, 2014, and City Council Resolution R-309115 on July 14, 2014; and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by City Council Resolution R-310561 on June 21, 2016. Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (Resolution R-310595).

WHEREAS, the information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgment of the City as the lead agency; NOW, THEREFORE,

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

1. The Council approves the Agreement.
2. The Mayor, or designee, is authorized and directed to execute the Agreement, including all attachments and exhibits requiring the City’s signature, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. A copy of the Agreement, when fully executed, shall be placed on file with the City Clerk as Document

No. RR- 312806.

3. The Chief Financial Officer is authorized to de-appropriate an amount not to exceed \$3,753,043 from Fund 200489, Parking Meter District – Downtown.

4. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-16012, East Village Green Phase 1, and to appropriate and expend \$3,753,043 from Fund 200489, Parking Meter District – Downtown; \$3,642,000 from Fund 400851, Park & Market Parking Garage; and \$7,645,000 from Fund 400852, 6th & K Parking Garage, for construction of East Village Green Phase 1, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

5. The Chief Financial Officer is authorized to transfer and appropriate \$5,672,051 from S-15045, Park Blvd. At-Grade Crossing, to CIP S-15045, East Village Green Phase 1, Fund 400862, Excess Redevelopment Bond Proceeds.

6. The Chief Financial Officer is authorized to expend an amount not to exceed \$45,490,051 from CIP S-16012, East Village Green Phase 1, from the following funds: Fund 400122, Downtown DIF; Fund 400862, Excess Redevelopment Bond Proceeds; Fund 200489, Parking Meter District Fund; Fund 400851, Park & Market Parking Garage; and Fund 400852, 6th & K Parking Garage for construction of East Village Green Phase 1, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

7. Approve the plans and specifications for construction of East Village Green Phase 1.

8. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S-16013, Children's Park Improvement Project, and to appropriate and expend \$1,200,000 from Fund 400122, Downtown DIF, for the construction of Children's Park,

contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

9. The Chief Financial Officer is authorized to transfer and appropriate \$778,546.54 from S-15045, Park Blvd. At-Grade Crossing, to CIP S-16013, Children's Park Improvements, Fund 400122, Downtown DIF.

10. The Chief Financial Officer is authorized to expend an amount not to exceed \$6,963,622 from CIP S-16013, Children's Park Improvements, from Fund 400122, Downtown DIF for the construction of Children's Park, contingent upon the Chief Financial Officer certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

11. Approve the plans and specifications for construction of Children's Park.

APPROVED: MARA W. ELLIOTT, City Attorney

By:


Katheline A. Malcolm
Deputy City Attorney

KAM:soc
12/10/2019
Or.Dept: Economic Dev't
Doc. No.: 2251574

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 17 2019.

ELIZABETH S. MALAND
City Clerk

By Linda Irwin
Deputy City Clerk

Approved: 12/19/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 17 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 19 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California

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