

**REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO, CALIFORNIA
AGENDA FOR
REDEVELOPMENT AGENCY MEETING
TUESDAY, JANUARY 11, 2011, AT 2:00 P.M.
Council Chambers
202 C Street, San Diego, CA 92101**

Roll Call

Non-Agenda Public Comment: This portion of the agenda provides an opportunity for members of the public to address the Agency on items of interest within the Agency's jurisdiction of the Agency. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

To Address Redevelopment Agency on an Agenda Item: Speaker forms are available in the Council Chambers prior to each meeting. Fill out a speaker slip "In Favor" or "In Opposition" to the Recommendation listed first on the Docket for the subject item, and submit the form to the City Clerk. Speakers will be called by name to address the Redevelopment Agency when the item is heard. Time allotted to each speaker is determined by the Chair and, in general, is limited to three (3) minutes; moreover, collective testimony by those who support or oppose an item shall be limited to no more than fifteen (15 minutes to per side).

Members of the public wishing to address the Agency must submit a "Request to Speak" form to the City Clerk **prior** to the agenda item being called. Please note that "Request to Speak" forms will **not** be accepted once the item is called. Speaker slip on any item should be submitted at the **beginning** of each Agency meeting.

Assistance for the Disabled: Agendas, reports and records are available in alternative formats upon request. To order information or request an agenda in an alternative format, or to request a sign language or oral interpreter for the meeting, please call the City Clerk's Office at least five working days prior to the meeting at 533-4000 (voice) or 236-7012 (TT) to ensure availability. Assistive Listening Devices (ALDs) are available from the City Clerk's Office prior to the meeting, and are to be returned at the end of the meeting. A closed caption monitor is available, upon request.

Reports and Attachments: See the links below in the agenda for these documents.

Adoption

1. **Approval of and Authorization to enter into a Short Term Lease to allow a community garden on Agency owned property located at 4261-4271 Market Street (APN's 547-102-02; 547-102-03; 547-102-04; 547-102-38) (District 4)**

([RA-2011-55](#))(Cor.Copy)

Approve of and authorization to enter into a Short term lease with Project New Village, a 502 c (3) Corporation, for a community garden on Agency-owned property located t 4261-4271 Market Street in the Mount Hope Redevelopment Project Area.

Southeastern Economic Development Corporation report no. [SEDC-11-001](#), dated, January 5, 2011.

[Item Summary](#)

Added [Memo](#)

Revised [Attachment A Lease Agreement](#)

[Attachment B Location Map](#)

[Attachment C Site Map](#)

[EOC Evaluation](#)

Staff: Nancy M. Lytle, 527-7345 ext.127

Agency Counsel: Monique Tayyab

2. **Vista Grande Apartments, 54th & Santa Margarita Streets-First Implementation Agreement to OPA with Wakeland Vista Grande Apartments, L.P. (District 4)**

([RA-2011-60](#))

Approve the First Implementation Agreement (Agreement) to the Owner Participation Agreement with Wakeland Vista Grande Apartments, L.P. (Wakeland) for the Vista Grande Apartments affordable housing rehabilitation project (Project) in the Valencia Park Neighborhood and authorize the Executive Director or designee to execute on the Agency's behalf of the Agreement and associated documents.

On may 13, 2009 this project was determined categorically exempt under State CEQA Guidelines Section 15301 'Existing Facilities' and is still exempt. The project involves rehabilitation of existing deteriorated buildings occupied by residential tenants, relatively minor alterations to the existing buildings, and will not expand current footprint, size or use of the buildings. The exemption is not precluded by any of the exceptions in State CEQA Guidelines Section 15300.2. The current action facilities financing of the project and does not change the scope of the rehabilitation.

Southeastern Economic Development Corporation.

[Item Summary](#)

[First Implementation Agreement](#)

Staff: Sherry Brooks, 537-7345-ext 114

Agency Counsel: Elisa Cusato

Adoption

3. Termination of Fairmount 26 Owner Participation (District 3)

[\(RA-2011-58\)](#)

That the Redevelopment Agency of the City of San Diego ("Agency") approve termination of the Owner Participation Agreement ("OPA.") for Fairmount 26 'by and between the Agency and Fairmount 26, L.P. ("Developer")

This action will terminate a proposed Project and thus is not a new "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3). Thus, this action is not subject to CEQA.

Housing Impact: This action will cease the proposed development of twenty-six (26) new affordable housing rental units

Redevelopment Agency Report no. [RA-11-01](#), dated January 5, 2011.

[Item Summary](#)

[Attachment A Copy November 19, 2010 Letter Fairmount 26](#)

[Attachment B Copy November 23 2010 Letter Agency](#)

Staff: Michele St. Bernard, 236-6531

James Davies, 236- 6540

Agency Counsel: Monique Tayyab

4. Third Implementation Agreement to the Disposition and Development Agreement with Vietnam Veterans Village Phase IV Project (District 2)

That the Redevelopment Agency:

[\(RA-2011-53\)](#)

Item 1. Approve the Third Implementation Agreement to the Disposition and Development Agreement (Agreement) between the Redevelopment Agency and the Vietnam Veterans of San Diego and authorize the Executive Director, or designee, to execute the Agreement for the implementation of Veterans Village Phase IV Project.

Item 2. Authorize the City Chief Financial Officer, or designee, to appropriate and expend up to \$1,118,012 pursuant to the Agreement associated with the Veterans Village Phase IV Project from the 2010 Housing Set-Aside Tax Allocation Bond Proceeds, contingent on certification by the City Comptroller that funds are available for this purpose in the City Treasury.

Item 3. Approve the Basic Concept Drawings for Veterans Village Phase IV Project.

Mitigated Negative Declaration Number 3787, covering this action and dated April 23, 2003, was prepared in accordance with the National Environmental Policy Act (NEPA) and the State of California Environmental Quality Act (CEQA) Guidelines and certified on September 3, 2003. On November 20, 2008, the City of San Diego's City Council certified that a re-evaluation of environmental assessments and other environmental findings is not warranted by the activity pursuant to 24 CFR Part 58.47 a (1) through a (3) of the NEPA guidelines. Furthermore, no conditions are present that prompt any action identified in Section 58.47 b (1) through b (3).

Adoption

4. Third Implementation Agreement to the Disposition and Development Agreement with Vietnam Veterans Village Phase IV Project (District 2)

(Continued)

Housing Impact: The Veterans Village Phase IV Project will create 24 transitional beds for individual earning at or below 60% of the Area Median Income. The units shall remain restricted for 65 years.

Redevelopment Agency report no. [RA-10-45](#), and Report to Council [RTC-10-141](#), dated January 5, 2011.

[Item Summary](#)

[Attachment 1 Project Site Map](#)

[Attachment 2 Project Phasing Summary](#)

[Attachment 3 Basic Concept Drawings](#)

[Attachment 4 Third Implementation Agreement](#)

[Attachment 5 Second Implementation Agreement](#)

[Attachment 6 First Implementation Agreement](#)

[Attachment 7 Disposition and Development Agreement](#)

Council Companion Item no.332 and Housing Authority Item no. 2

Staff: Robert Chavez, 236-6263

Krissy Toft, 236-6259

Agency Counsel: Elisa Cusato

Comptroller Certificate Number: [CC3000003768](#)

5. Fiscal Year 2011 Corporation Budget Amendment and Amendment to the Contract with the first Morrison & Foerster LLP-General (Districts 2 and 8)

That the Redevelopment Agency of the City of San Diego (“Agency”)

[\(RA-2011-38\)](#)

Item 1. Amend the Corporation’s Fiscal Year 2011 (“FY11”) Administrative Budget, increasing the overall budget \$500,000 to accommodate expenses in Legal Consultant line item for pending litigation and

Item 2. Approve an amendment to the contract with the firm Morrison & Foerster LLP in the amount of \$500,000, for a total contract amount not to exceed \$600,000.

This activity is not a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378. Therefore, pursuant to CEQA Guidelines Section 15060(c)(3), the activity is not subject to CEQA.

Centre City Development Corporation Report no. [CCDC-11-09](#) dated, January 5, 2011.

[Item Summary](#)

[Attachment A First Amendment to Agreement Morrison](#)

Staff: Margarita Garcia, 533-7131

Agency Counsel: Charles Jagolinzer

Adoption

6. Amendment to the First Amendment to the Agreement with the Law Firm of Daley & Heft, LLP for Legal Counsel Services-Centre City Redevelopment Project (Districts 2, 3, 4, 6, 7 and 8)

That the Redevelopment Agency (“Agency”):

[\(RA-2011-50\)](#)

Item 1. Approves the Amendment to the First Amendment to the Agreement (“Amended Agreement”) with the Law Firm of Daley & Heft, LLP (“Daley & Heft”) to increase the total compensation that may be expended under said Agreement by \$200,000, for a total compensation not to exceed \$650,000; and

Item 2. Authorizes the Chief Financial Officer, as delegated, to appropriate, encumber and expend tax increment funds up to \$650,000.

This activity is not a “project: for purposes of the California Environmental Quality Act (CEQA) because it does not fit within the definition of a “project” set forth in Public Resources Code Section 21065 or State CEQA Guidelines Section 15378. The proposed action is an amendment to an existing contract for on-call acquisition legal services and is not related to a specific project. Thus, this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3)

Centre City Development Corporation Report no. [CCDC-11-02](#) dated, January 5, 2011.

[Item Summary](#)

[Attachment A Amended Agreement](#)

[EOC Evaluation](#)

Staff: David Allsbrook, 533-7112

Agency Counsel: Charles Jagolinzer

Comptroller Certificate Number: [CC3000003824](#)

Adoption

7. Fourth Amendment to the Agreement with the Law Offices of Don Detisch for Legal Counsel Services-Centre City Redevelopment Project (Districts 2,3, 4, 6, 7 and 8)

That the Redevelopment Agency (“Agency”):

[\(RA-2011-54\)](#)

Item 1. Approves the Fourth Amendment to the Agreement (“Amendment”) between the Agency and the Law Offices of Don Detisch (“Don Detisch”) to increase the compensation not to exceed \$550,000;

Item 2. Extends the term of the Agreement with Don Detisch through December 2011; and

Item 3. Authorizes the Chief Financial Officer, as delegated, to appropriate, encumber and expend tax increment funds up to \$550,000.

This activity is not a “project: for purposes of the California Environmental Quality Act (CEQA) because it does not fit within the definition of a “project” set forth in Public Resources Code Section 21065 or State CEQA Guidelines Section 15378. The proposed action is an amendment to an existing contract for on-call acquisition legal services and is not related to a specific project. Thus, this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3)

Centre City Development Corporation Report no. [CCDC-11-04](#) dated, January 5, 2011.

[Item Summary](#)

[Attachment A Fourth Amendment to Agreement](#)

[EOC Evaluation](#)

Staff: David Allsbrook, 533-7112

Agency Counsel: Charles Jagolinzer

Comptroller Certificate Number: [CC3000002823](#)

Joint Public Hearing

8. Owner Participation Agreement with Horton Land, LLC, Horton Plaza Venture, LLC and Horton Plaza LP (block bounded by Broadway, Broadway, Circle, E Street and Fourth Avenue)-for the Transfer of Developer Property to the Redevelopment Agency of the city of San Diego, for the Development and Construction of the Public Urban Plaza, the Refurbishment of the Existing Historic Horton Plaza Park and the Design Review of Associated Improvements to the Horton Plaza Retail Center-Horton Plaza Redevelopment Project (District 2)

That the Redevelopment Agency (“Agency”):

[\(RA-2011-61\)\(CorCopy\)](#)

Item 1. Approves and is authorized to enter into and execute the proposed Owner Participation Agreement (OPA), the attachments, in substantially the same form thereto, and any and all documents necessary to administer the Agency’s obligations, responsibilities and duties to be performed under the OPA;

Item 2. Authorizes the acceptance of the transfer of the approximately 37,000 square-foot site (“Sales Parcel”) from the Developer in accordance with the OPA and authorizes the Executive Director of the Agency, or designee, to transfer title to the Sales Parcel following the completion of the proposed improvements, inclusive of a public urban plaza (“Public Plaza”) and the rehabilitation of the existing historic Horton Plaza Park (collectively, with the Public Plaza, the “Plaza Improvements”) to the City pursuant to the OPA;

Item 3. Make certain findings with respect to the OPA in accordance with California Health and Safety Code Section 33433;

Item 4. Approves the Basic Concept and Schematic Drawings associated with the improvements to the Horton Plaza Retail Center (“Retail Center”);

Item 5. Authorizes the Executive Director of the Agency, or designee to select a design consultant and to enter into a design consultant agreement for the proposed Plaza Improvements in accordance with the OPA;

[\(RA-2011-62\)](#)

Item 6. Authorizes the expenditure of funds for construction of the Plaza Improvements in accordance with the OPA and the Fourth Implementation Plan adopted June 19, 2009 for the Project Areas (“Implementation Plan”), pursuant to California Health and Safety Code Section 33490;

Item 7. Make certain findings that the proposed OPA benefits the Horton Plaza Redevelopment Project (“Project Area”) by helping in the elimination of one or more blighting conditions inside the Project Area; that no other reasonable means of financing the Agency’s obligations under the OPA is available to the community, pursuant to California Health and Safety Code Section 33445; and

Joint Public Hearing

8. Owner Participation Agreement with Horton Land, LLC, Horton Plaza Venture, LLC and Horton Plaza LP (block bounded by Broadway, Broadway, Circle, E Street and Fourth Avenue)-for the Transfer of Developer Property to the Redevelopment Agency of the city of San Diego, for the Development and Construction of the Public Urban Plaza, the Refurbishment of the Existing Historic Horton Plaza Park and the Design Review of Associated Improvements to the Horton Plaza Retail Center-Horton Plaza Redevelopment Project (District 2)

(Continued)

[\(RA-2011-63\)](#)

Item 8. Make certain findings and determinations regarding the environmental impacts relating to the proposed OPA, in that an Environmental Secondary Study (ESS) dated December 2010 has been prepared in accordance with California Environmental Impact Report ("CEQA") and State and Local guidelines.

This project is covered under the Final Environmental Impact Report.(FEIR) for the Centre City Redevelopment Plan certified by the Agency on March 14, 2006 (Resolution R-04001), and subsequent addenda to the FEIR certified by the Agency on August 3, 2007 (Agency Resolution R-04193) and April 21, 2010 (Agency Resolutions R-04508 and R04510), in compliance with CEQA. The FEIR is a "Program EIR" prepared in compliance with State CEQA Guidelines Section 15168. An Environmental Secondary Study (ESS) dated December 2010 has been prepared in accordance with CEQA and State and local guidelines. The ESS concludes, among other things, that (i) the environmental impacts of the proposed project were adequately addressed in the FEIR, (ii) the proposed project is within the scope of the development program described in the FEIR, and (iii) no further environmental documentation is required under CEQA.

Centre City Development Corporation Report no. [CCDC-11-01 and CCDC-11-01](#) dated, January 5, 2011.

[Public Notice](#)

[Item Summary](#)

[Attachment A Site Map](#)

[Attachment B Basic Concept Schematic Drawing](#)

[Attachment C Summary Pertaining Sales](#)

[Attachment D Draft Owner Participation Agreement](#)

[Attachment E Environmental Secondary Study](#)

Council Companion Item no. 333

Staff: Eli Sanchez, 533-7121

Agency Counsel: Monique Tayyab

Comptroller Certificate Number: [CC3000003870](#)