

**REDEVELOPMENT AGENCY MEETING
MARCH 10, 2009**

The meeting called to order as the City Council at 2:02 p.m. by Council President Pro Tem Faulconer with Council President Hueso not present.

Roll Call Lightner, Faulconer, Gloria, Young, DeMaio,
Fyre, Emerald

Andrea Tevlin, Independent Budget Analyst
Jan I. Goldsmith, City Attorney
Elisa Cusato, City Attorney
Elizabeth Maland, City Clerk

Excused Council President Hueso

The meeting adjourned as the City Council at 2:10 p.m.

The meeting reconvened as the Redevelopment Agency at 2:10 p.m. by Chair Pro Tem Faulconer with Chair Hueso not present.

Adoption

4. Historic Balboa Theatre (868 Fourth Avenue)-Request to Bid Fourth Floor Build Out - Horton Plaza Redevelopment Project (District 2)

That the Agency:
(RA-2009-80)

- Item 1. Authorize the Centre City Development Corporation ("Corporation") on behalf the Agency, to advertise and receive bids for the construction of the fourth floor build out of the historic Balboa Theatre located 868 Fourth Avenue in the Horton Plaza Redevelopment project ("Project").
- Item 2. Authorize the Executive Director of the Agency, or his designee, to award the construction contact to the lowest responsible bidder, provided bids are within the established budget of \$399,300, that the construction contact shall not exceed \$399,300, and all other requirements are met.
- Item 3. Authorize the Agency's Executive Director or designee to execute the construction contract with the lowest responsible bidder.
- Item 4. Authorize the Corporation, on behalf of the Agency, to administer said construction contact.

SPECIAL REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

4. Historic Balboa Theatre (868 Fourth Avenue)-Request to Bid Fourth Floor Build Out - Horton Plaza Redevelopment Project (District 2)

(Continued)

- Item 5. Make certain findings the proposed Project benefits the Project Area or the immediate neighborhood in which the Project is located, that no other reasonable means of financing the improvements are available to the community; that the payment of funds for such improvements will assist in the elimination of blighting conditions by enriching the downtown neighborhoods through preservation of a historically significant structure within the Project Area; and that the proposed improvements are consistent with the Implementation Plan adopted for the Project Area pursuant to Health and Safety Code 33490 (Attachment B-Findings of Benefit) and
- Item 6. Finds and determines that this activity is covered under the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents, certified by the Agency by Resolution No. R-2081, adopted April 28, 1992, and certified by the City Council by Resolution No. R-279875, on April 28, 1992, and the Environmental Secondary Study for the Proposed Balboa Theatre Rehabilitation, dated January 31, 2001 (“Secondary Study”), in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and State and local regulations and guidelines adopted pursuant thereto, that assesses the environmental impacts of the rehabilitation of the Balboa Theatre, certified by the Agency on March 27, 2001 by Resolution No. R-03314. The effects of the proposed activity were adequately addressed in the previous environmental document and secondary study and the proposed activity is within the scope of the project described therein. Therefore, pursuant to CEQA Guidelines Section 15168, for further Environmental documentation is required.

This activity is covered under the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents, certified by the Agency by Resolution No. R-2081, adopted April 28, 1992, and certified by the City Council by Resolution No. R-279875, on April 28, 1992, and the Secondary Study for the Proposed Balboa Theatre Rehabilitation, dated January 31, 2001.

SPECIAL REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

4. Historic Balboa Theatre (868 Fourth Avenue)-Request to Bid Fourth Floor Build Out - Horton Plaza Redevelopment Project (District 2)

(Continued)

(“Secondary Study”), in accordance with and pursuant to the California Environmental quality Act of 1970 (CEQA) and State and local regulations and guidelines adopted pursuant thereto, that assesses the environmental impacts of the rehabilitation of the Theatre, certified by the Agency on March 27, 2001, by Resolution No. R-03314. The effects of the proposed activity is within the scope of the project described therein. Therefore, pursuant to CEQA Guidelines Section 15168, no further documentation is required.

Centre City Development Corporation Report no. CCDC-09-04 and CCDC-09-03, dated March 4, 2009.

Council Companion Item no. 332

Staff: Gary Bosse, (619) 533-7163
Agency Counsel: Kimberly Kaelin

Motion by Member Fyre to Adopt (with Chair Hueso not present)
Seconded by Member Young
Passed by the following Vote: 7-0

Redevelopment Agency Resolution number R-04370; City Council Resolution number R-304726.

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

5. Date Street Storm Drain Improvements (India to California streets) Request to Bid-Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)

(RA-2009-65)

- Item 1. Authorize the Centre City Development Corporation (“Corporation”) on behalf the Agency, to advertise and receive bids for the design and construction of the proposed Date Street Storm Drain Improvements from India to California streets in the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (“Project”);
- Item 2. Authorize the Executive Director of the Agency, or his designee, to award the construction contact to the lowest responsible bidder, provided bids are within the established budget of \$370,845, that the construction contact shall not exceed \$370,845, and all other requirements are met.
- Item 3. Authorize the Agency’s Executive Director or designee to execute the construction contract with the lowest responsible bidder.
- Item 4. Authorize the Corporation, on behalf of the Agency, to administer said construction contact.
- Item 5. Make certain findings that the proposed Project benefits the Centre City Redevelopment Project (“Project Area”) or the immediate neighborhood in which the Project is located, that no other reasonable means of financing is available to the community; that the payment of funds will assist in the eliminating of blighting conditions by improving the existing outdated and substandard storm drain facilities to current City standards, and to insure adequate health & safety facilities for the public inside the Project Area, and that the proposed project is consistent with the Implementation Plan adopted for the Project Area pursuant to Health and Safety Code 33490 (Attachment B-Findings of Benefit);

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

5. Date Street Storm Drain Improvements (India to California streets) Request to Bid-Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)

(Continued)

(RA-2009-65)

- Item 6. Finds and determines that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities, Class 1 (c); that this activity does not fall within any of the classes of projects for which a categorical exemption may not be applied (Pub. Resources (Code Section 21084); that this activity triggers none of the exceptions to the application of a categorically exemption set forth in CEQA Guidelines Section 15300.2; and that the application of the categorical exemption set forth under CEQA Guidelines Section 15301, Existing Facilities Class 1 (c), is appropriate for this activity.
- Item 7. Finds and determines that this activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15282 (k) as set forth in California Public Resources Code Section 21080.21.

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301. Existing Facilities, Class 1 (c). The activity does not fall within any of the classes of projects for which a categorical exemption may not be applied. (Pub. Resources Code Section 21084.) Moreover, the activity triggers none of the exceptions to the application of a categorically exemption set forth in CEQA Guidelines Section 15300.2. Therefore, the application of the categorical exemption set forth under CEQA Guidelines Section 15301, Existing Facilities Class 1 (c), is appropriate for this activity. This project is also statutorily exempt from CEQA pursuant to State CEQA Guidelines, Section 15282 (k) as set forth in the Public Resources Code Section 21080.21.

Centre City Development Corporation Report no. CCDC-09-01 and CCDC-09-01, dated March 4, 2009.

Council Companion Item no. 333

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

5. Date Street Storm Drain Improvements (India to California streets) Request to Bid-Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)

(Continued)

John Anderson, Project Manager, Centre City Development Corporation, presented staff report and slide presentation.

Staff: Abbas Rastandeh, (619) 533-7163
Agency Counsel: Kendall Berkey
Auditor Certificate Number: AC 2900480

Motion by Member Young to Adopt (with Chair Hueso not present)
Seconded by Member Gloria
Passed by the following Vote: 7-0

Redevelopment Agency Resolution number R-04371; City Council Resolution number R-304727.

Joint Public Hearing

6. Second Amendment to Ballpark Cooperation Agreement-East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)

(RA-2009-73)(Rev.)

That the Agency and City Council approve a Second Amendment to Ballpark Cooperation Agreement ("Second Amendment) and make certain findings that:

- Item 1. That the Baseball Park and Related Improvements are of benefit to the Centre City Redevelopment Project area and the immediate neighborhood in which the Project area is located.
- Item 2. No other reasonable means of financing the additional payment for debt service on the financing of the Baseball Park and Related Improvements are available to the community.
- Item 3. The additional payment of funds for debt service on financing the cost of the Baseball Park and Related Improvements will assist in the elimination of one or more blighting conditions inside the Project area; and

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Joint Public Hearing

**6. Second Amendment to Ballpark Cooperation Agreement-East Village
Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment
Project (District 2)**

(Continued)

Item 4. The additional payment for debt service on financing the cost of the Baseball Park and Related Improvements is consistent with the Implementation Plan for the project area adopted pursuant to Section 33490 of the California Community Redevelopment Law.

This activity is covered under (EIR SCH No. 98121003, dated September 13, 1999 Adopted October 26, 1999 by Council Resolution No. R-292363. The activity is adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060 (c)(3).

Council Companion Item no. 334

Frank Alessi, Vice President, Centre City Development Corporation presented staff report and slide presentation.

Staff: Frank Alessi, (619) 533-7130
Agency Counsel: Kendall Berkey
Auditor Certificate Number: AC 2900558

Motion by De Maio to Adopt with direction Portion relating to findings and amendment to Agreement (with Chair Hueso not present)
Seconded by Chair Pro Tem Faulconer
Passed by the following Vote: 7-0

**Redevelopment Agency Resolution and Document numbers R-04372 and D-04372;
City Council Resolution number R-304278.**

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

1. Fiscal Year 2008-2009 Budget Amendment-Centre City Redevelopment Project (Districts 2 and 8)

(RA-2009-72)(03/05/09 Cor.Copy)

That the Redevelopment (“Agency”) approve an amendment to the Fiscal Year 2008-2009 Budget (“FY09 Budget”) increasing the provision for City Payments from \$5.0 million to 11.315 million to accommodate payments for debt service on the Ballpark Bonds.

This activity is not a project, and therefore not subject to CEQA per CEQA Guidelines Section 15060 (c)(3).

Centre City Development Corporation Report no. CCDC-09-09, dated March 4, 2009.

Frank Alessi, Vice President, Centre City Development Corporation, presented staff report and slide presentation.

Staff: Frank Alessi, (619) 533-7130
Agency Counsel: Kendall Berkey

Motion by Member DeMaio to Adopt (with Chair Hueso not present)
Seconded by Chair Pro Tem Faulconer
Passed by the following Vote: 7-0

Redevelopment Agency Resolution number R-04373.

The meeting adjourned as the Redevelopment Agency at 3:18 p.m.

The meeting reconvened as the City Council at 3:19 p.m. by Chair Pro Tem Faulconer with Council President Hueso not present.

The meeting adjourned as the City Council at 4:55 p.m.

The meeting reconvened as the Redevelopment Agency Chair Pro Tem Faulconer with Chair Hueso not present.

Non-Agenda Public Comment:

PC-1 Crickett Bradburn commented on apartment buildings view.

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

2. Ninth and Broadway Affordable Housing Project (southeast corner of Broadway & Ninth Avenue)-Developer Selection and Executive Negotiation Agreement-East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)

That the Agency:
(RA-2009-68)

- Item 1. Approve the Exclusive Negotiation Agreement (ENA) between the Redevelopment Agency (“Agency”) and Bridge Housing Corporation (“Bridge”) for the Ninth and Broadway Affordable Housing Project.
- Item 2. Authorize the Executive Director or designee to execute the ENA and administer the Agency’s obligations, responsibilities and duties to be performed thereunder.
- Item 3. Authorize the Centre City Development Corporation (“Corporation”), on behalf of the Agency, to conduct negotiations with Bridge pursuant to the ENA.

The activity is not a “project” for purposes of the California Environmental Quality Act (CEQA) because it does not meet the criteria set forth in CEQA Guidelines Section 15378. Therefore, pursuant to CEQA Guidelines Section 15060 (c)(3), this activity is not subject to CEQA. However, activities related to the future development of the Site will require additional review under the provision of CEQA.

Prior to the Agency approval of any negotiated DDA, all required environmental analysis under CEQA will be completed for a project, which will at least include an Environmental Secondary Study. For informational purposes, a Phase I Environmental Site Assessment, dated February 22, 2007, was prepared by Advantage Environmental Consultants, LLC. The findings of these reports indicate that impacts from environmental contamination at the property are likely limited. However, the report suggest that if a UST tank is found during excavation of the site, regulatory reporting and soil sampling/analysis would be required.

Centre City Development Corporation Report no. CCDC-09-05, dated March 4, 2009.

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

2. **Ninth and Broadway Affordable Housing Project (southeast corner of Broadway & Ninth Avenue)-Developer Selection and Executive Negotiation Agreement-East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project (District 2)**

(Continued)

Eri Kameyama, Project Manager, Centre City Development Corporation, gave a brief background of the project.

Public testimony in favor by Cary Smith, John McNaamara in favor, did not speak.

Staff: Eri Kameyama, (619) 533-7177
Agency Counsel: Kendall Berkey

Motion by Member Gloria to Adopt (with Young not present)
Seconded by Member Emerald
Passed by the following Vote: 7-0

Redevelopment Agency Resolution and Document numbers R-04374 and D-04374.

3. **North Embarcadero Visionary Plan Phase 1-First Amendment to Agreement with Project Design Consultants for Architectural and Engineering Design Services – Columbia Sub Area of the Centre City Redevelopment Project (District 2)**

That the Agency:
(RA-2009-69)

- Item 1. Approve the First Amendment to the Agreement with PDC for architectural and engineering design services in the amount not to exceed \$476,477, for Phase I of the North Embarcadero Visionary Plan, for a total compensation under the Agreement not to exceed \$4,634,918.
- Item 2. Authorize the Centre City Development Corporation (“Corporation”) to execute the First Amendment to the Agreement.

REDEVELOPMENT MEETING MINUTES – MARCH 10, 2009

Adoption

3. North Embarcadero Visionary Plan Phase 1-First Amendment to Agreement with Project Design Consultants for Architectural and Engineering Design Services – Columbia Sub Area of the Centre City Redevelopment Project (District 2)

(Continued)

Item 3. Authorize the Executive Director of the Agency, or designee, to administer the Agency's obligations, responsibilities, and duties to be performed under the First Amendment to the Agreement.

The activity is not a "project" under the definition set forth in 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-09-03, dated March 4, 2009.

Gary Smith in favor did not speak.

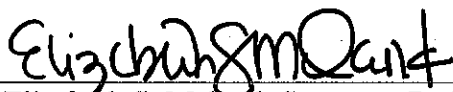
Staff: Gary J. Bosse, (619) 533-7163
Agency Counsel: Kendall Berkey
Auditor Certificate Number: AC 2900548

Motion by Member Gloria to Adopt (with Chair Hueso not present)
Seconded by Chair Pro Tem Faulconer
Passed by the following Vote: 7-0

Redevelopment Agency Resolution number R-04375.

Adjournment

The meeting adjourned as the Redevelopment Agency at 5:15 p.m.



Elizabeth S. Maland, Secretary Redevelopment Agency
of the City of San Diego (jis)