



THE CITY OF SAN DIEGO

DATE ISSUED: June 3, 2009

REPORT NO: RA-09-17

ATTENTION: Honorable Chair and Members of the Redevelopment Agency,
Docket of June 9, 2009

SUBJECT: Redevelopment Agency Fiscal Year 2010 Budget

REQUESTED ACTION:

Should the Redevelopment Agency:

1. Approve the Fiscal Year 2010 Redevelopment Agency budget for:
 - a) projects administered by the Centre City Development Corporation;
 - b) projects administered by the Southeastern Economic Development Corporation;
 - c) projects administered by the City's Redevelopment Division;
 - d) the administration of Centre City Development Corporation; and
 - e) the administration of Southeastern Economic Development Corporation?

2. Determine that the planning and administration expenses included in the Low- and Moderate-Income Housing Funds in the Fiscal Year 2010 Redevelopment Agency Budget are necessary and in proportion to the funding for the production, improvement, and/or preservation of affordable housing for low- and moderate-income households?

STAFF RECOMMENDATION:

It is recommended that the Redevelopment Agency adopt resolutions to:

1. Approve the Fiscal Year 2010 Redevelopment Agency budget for:
 - a) projects administered by the Centre City Development Corporation;
 - b) projects administered by the Southeastern Economic Development Corporation;
 - c) projects administered by the City's Redevelopment Division;
 - d) the administration of Centre City Development Corporation; and
 - e) the administration of Southeastern Economic Development Corporation.

2. Determine that the planning and administration expenses included in the Low- and Moderate-Income Housing Funds in the Fiscal Year 2010 Redevelopment Agency Budget are necessary



Redevelopment Agency

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City Planning & Community Investment



and in proportion to the funding for the production, improvement, and/or preservation of affordable housing for low- and moderate-income households.

SUMMARY:

Agency Organization

The Redevelopment Agency of the City of San Diego was created by the City Council in 1958 to alleviate conditions of blight in older, urban areas. The Redevelopment Agency is able to use special legal and financial mechanisms to eliminate blight and improve economic and physical conditions in designated areas of the City. This authority is conferred on the Agency through the state of California's Health and Safety Code (Section 33000-et.seq.), also known as the California Community Redevelopment Law.

The City Council serves as the Board of Directors of the Redevelopment Agency; the Mayor serves as the Executive Director. Project implementation for the Agency is provided by three organizations:

- City's Redevelopment Division
- Centre City Development Corporation (CCDC)
- Southeastern Economic Development Corporation (SEDC)

Centre City Development Corporation

In 1975 the City Council established the Centre City Development Corporation (CCDC) as a non profit public corporation to manage redevelopment projects and activities in the downtown area. CCDC makes recommendations and reports to the Agency and Council on such matters. The Corporation is governed by a seven member Board of Directors appointed by the City Council.

CCDC administers two adopted project areas:

- Centre City
- Horton Plaza

Southeastern Economic Development Corporation

In 1982 the City Council established the Southeastern Economic Development Corporation (SEDC) as a non profit public corporation to manage redevelopment and economic development projects and activities in the southeastern areas of San Diego. SEDC makes recommendations and reports to the Agency and Council on such matters. The Corporation is governed by a nine member Board of Directors appointed by the City Council.

SEDC administers four adopted project areas, and one study area:

- Gateway Center West
- Central Imperial
- Mount Hope
- Southcrest
- Dells Imperial Study Area

City Redevelopment

The Redevelopment Division manages redevelopment activities within redevelopment project areas throughout the City. The division also performs general Redevelopment Agency administration including City and corporation activities. The City Redevelopment Division coordinates budget and State reporting requirements and maintaining the Agency's meeting docket, official records and website.

The City Redevelopment Division administers eleven adopted project areas and one study area:

- Barrio Logan
- City Heights
- College Community
- College Grove
- Crossroads
- Grantville
- Linda Vista
- Naval Training Center
- North Bay
- North Park
- San Ysidro
- Barrio Logan Expansion Study Area

Mission and Goals

The Agency's mission is to revitalize redevelopment project areas through community collaboration, public/private partnerships, public and private development activities and improvements in support of the City's General Plan. To accomplish this mission the Agency has established five goals, as follows:

1. **Eliminate Blight:** To eliminate blight and urban decay.
2. **Improve Public Infrastructure:** To provide, upgrade, restore, and enhance public infrastructure and facilities.
3. **Increase Housing Opportunities:** To increase the supply of housing, improve housing conditions, and increase affordable housing opportunities.
4. **Economic Development:** To promote economic development activities that retain and expand business and employment opportunities.
5. **Neighborhood Preservation:** To enhance and preserve neighborhood character, and rehabilitate historical properties.

The Agency endeavors to achieve these goals through support of community planning activities, public outreach, and through sound fiscal management practices, including the leveraging of Agency resources and enhancing private investments.

As a part of our efforts to improve and standardize the budget of the respective entities (City Redevelopment, CCDC, and SEDC) each respective budget contains Work Plans that demonstrate the actions planned to achieve the Agency's goals.

Budget Summary

The budgets for each of the three entities are attached to this report. The following information summarizes the three budgets to reflect the combined Redevelopment Agency Budget for Fiscal Year 2010.

Revenues

The Redevelopment Agency's Fiscal Year 2010 combined revenue is \$229.4 million. In addition, an estimated \$422.4 million in revenue is anticipated to be carried over from the prior year for multi-year projects, resulting in a total of \$651.8 million available to the Agency in Fiscal Year 2010. ⁽¹⁾ Due to the size and scope of many redevelopment projects, revenues are received in one year and expended over the course of two to three (or more) years. Sources of revenues include tax increment, interest and rents, bond proceeds, developer proceeds, and loans and grants to the Agency from the City and other agencies.

The Agency's major source of revenue is tax increment, which is generated from the growth in the assessed value of properties within each project area. The Fiscal Year 2010 budget includes \$187.4 million in tax increment revenue. The Agency has statutory and contractual obligations that dictate the use of portions of the tax increment revenue it receives:

- California redevelopment law requires the Agency to set-aside 20% of the tax increment revenue that it receives from each project area for low and moderate income housing projects;
- Some project areas that were adopted prior to 1994 are subject to tax-sharing agreements with the school districts, the County, and other impacted taxing entities within the project area; and
- Project areas adopted since January 1, 1994 are subject to a statutory, three-tiered tax-sharing formula, which for the first ten years results in 20% of tax increment to be allocated to the taxing agencies in those project areas.

Tax increment to be generated in Fiscal Year 2010 is estimated to reach \$187.4 million. A significant amount of this revenue is committed to low and moderate income housing set-asides, tax-sharing agreements/requirements, and debt service and loan repayments. After these obligations are met, net new tax increment available to the Agency for public and private development in Fiscal Year 2010 will be \$97.9 million.

In addition to tax increment, the Agency's Fiscal Year 2010 revenue includes \$4.5 million in bond proceeds for SEDC and \$5.0 million from a line of credit for City Redevelopment projects.

Expenditures

The Agency's combined Fiscal Year 2010 expenditure budget is \$229.4 million, with an additional \$422.4 million in expenditures utilizing carryover revenue for a total expenditure availability of \$651.8 million. ⁽¹⁾ Within the FY 2010 Budget of \$229.4 million, \$79.2 million is allocated to capital projects, \$30.3 million is allocated to low and moderate income housing projects, \$18.7 million to administration, \$31.9 million allocated to tax-sharing agreements/requirements, and \$69.3 million to be allocated for debt service, loan repayments, and City repayments. Revenues and expenditures for the Agency as a whole are summarized in the following table.

(1) The carryover estimates presented in this report and the attached budget documents do not include \$11,457,209 that has been encumbered Agency-wide pursuant to Agency Resolution R-04394 passed on May 4, 2009, for the State's Education Revenue Augmentation

Fund (ERAF) payment in accordance with Assembly Bill 1389. Before the final date to make the ERAF payment to the County of San Diego, a Judgment was issued on May 7, 2009 in the pending litigation action filed in the Superior Court of California for Sacramento County titled "California Redevelopment Association et al v. Genest et al", Case No. 34-2008-00028334-CU-WM-GDS, whereby the Court ruled that California Health and Safety Code Sections 33685 through 33689, which imposes the ERAF payment, are invalid and unenforceable, and further enjoins the defendants, including the County auditors, from taking any actions to carry out or enforce the payment requirements set forth in Sections 33685 through 33689. In light of the Judgment, the Agency has withheld payment to the ERAF and the funds remain encumbered as directed by R-04394 in order for the funds to be made immediately available for the Agency to remit the ERAF payment to the extent the Agency is required to do so under applicable law.

Redevelopment Agency of the City of San Diego
FISCAL YEAR 2010 BUDGET SUMMARY
(In Millions)

	CCDC	SEDC	City Redev	Agency Total
REVENUE				
Tax Increment - Non-Housing	\$106.8	\$5.5	\$37.5	\$149.8
Tax Increment - Housing	\$26.7	\$1.4	\$9.5	\$37.6
Prior Year Tax Revenues	\$2.3	\$2.3	\$1.8	\$6.4
Bond, Line of Credit Proceeds	\$0.0	\$4.5	\$5.0	\$9.5
Revenue from Other Agencies	\$1.4	\$1.4	\$0.0	\$2.8
Interest/Lease/Notes/Other	\$17.7	\$0.0	\$0.6	\$18.3
Developer Proceeds	\$4.6	\$0.0	\$0.3	\$4.9
City Loans/Re loans	\$0.0	\$0.1	\$0.0	\$0.1
Subtotal FY 2009 Revenue	\$159.5	\$15.2	\$54.7	\$229.4
Estimated Carryover ⁽²⁾	\$325.7	\$10.2	\$86.5	\$422.4
Total Revenue	\$485.2	\$25.4	\$141.2	\$651.8
EXPENDITURES				
Capital Projects	\$56.1	\$4.8	\$18.3	\$79.2
Low/Mod Housing	\$17.5	\$4.1	\$8.7	\$30.3
Administration/City Services	\$11.3	\$2.6	\$4.8	\$18.7
Tax Sharing Payments	\$19.0	\$0.6	\$12.3	\$31.9
Debt Service/Loan Repayment	\$44.3	\$3.1	\$10.6	\$58.0
City Repayments	\$11.3	\$0.0	\$0.0	\$11.3
Subtotal FY 2009 Expenditures	\$159.5	\$15.2	\$54.7	\$229.4
Estimated Carryover ⁽²⁾	\$325.7	\$10.2	\$86.5	\$422.4
Total Expenditures	\$485.2	\$25.4	\$141.2	\$651.8

(2) The carryover estimates presented in this report and the attached budget documents do not include \$11,457,209 that has been encumbered Agency-wide pursuant to Agency Resolution R-04394 passed on May 4, 2009, for the State's Education Revenue Augmentation Fund (ERAF) payment in accordance with Assembly Bill 1389. Before the final date to make the ERAF payment to the County of San Diego, a Judgment was issued on May 7, 2009 in the pending litigation action filed in the Superior Court of California for Sacramento County titled "California Redevelopment Association et al v. Genest et al", Case No. 34-2008-00028334-CU-WM-GDS, whereby the Court ruled that California Health and Safety Code Sections 33685 through 33689, which imposes the ERAF payment, are invalid and unenforceable, and further enjoins the defendants, including the County auditors, from taking any actions to carry out or enforce the payment requirements set forth in Sections 33685 through 33689. In light of the Judgment, the Agency has withheld payment to the ERAF and the funds remain encumbered as directed by R-04394 in order for the funds to be made immediately available for the Agency to remit the ERAF payment to the extent the Agency is required to do so under applicable law.

Affordable Housing

Redevelopment Law requires the Agency to set-aside 20% of the tax increment revenue from each project area into a separate fund for low and moderate income housing. The Agency is also required to ensure that at least 15% of all new and substantially rehabilitated dwelling units developed within a redevelopment project area by public or private entities or persons other than

the Agency be restricted to low or moderate income households. Not less than 40% of these dwelling units shall be restricted to very low income households. The Agency is also required to ensure that at least 30% of all new and substantially rehabilitated dwelling units developed by the Agency be restricted to low or moderate income households. Not less than 40% of these dwelling units shall be restricted to very low income households. In addition, replacement units must be developed, on essentially a one to one basis, in the event any low and moderate income housing units are demolished as part of a redevelopment project activity. The Agency and its corporations work diligently to leverage the 20% set-aside funds with other affordable housing programs and funds.

Low and Moderate Income Housing Fund Policy and Transaction Guidelines

On May 20, 2008 the Redevelopment Agency Board passed Resolution R-04282 establishing the Low and Moderate Income Housing Fund Policy and Transaction Guidelines. These guidelines, produced jointly by the Redevelopment Division, CCDC, and SEDC, provide basic policy and transaction guidance for development costs, developer fees, annual reserves, sources of funds and other Agency loan terms. Although every project is unique and requires flexibility, the Guidelines provide clear expectations for all project sponsors. In the event a proposed project does not conform to the Guidelines, Agency staff reports such variances to the Agency.

Resolution R-04282 authorizes the Executive Director or designee to revise the Guidelines on a periodic basis to ensure compliance with applicable law and market conditions. Over the past year, updates to the Guidelines have included: a revised Universal Design standard of review, a revised policy for calculating the maximum rents for multifamily rental housing developments when they receive both low income housing tax credits and Redevelopment Agency financial assistance, and general updates for consistency with current tax credit regulations. These revisions are not reflective of alterations in Agency policy but rather they seek to clarify existing Agency policy. The revisions also reflect changes mandated by law or tax credit regulations.

As required by the authorizing resolution, the updated Guidelines are included in the Agency's Annual Budget and are provided for reference in Attachment 4 to this report.

Low and Moderate Income Housing Planning and Administrative Expenses

Pursuant to Section 33334.3 (d) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) it is the intent of the California State Legislature that the amount of money spent for planning and general administration from the Low and Moderate Income Housing Fund not be disproportionate to the amount actually spent for the cost of production. Because of this, it is necessary that the Redevelopment Agency take specific action indicating that it has determined that amounts budgeted for administrative and planning activities within the Agency's Low and Moderate Income Housing Funds are necessary for its plans and are in proportion to the funding to be provided for the production, improvement, and/or preservation of low-and moderate-income housing during Fiscal Year 2010. The consolidated Fiscal Year 2010 budget for administrative and planning activities charged to low-and-moderate-income housing is \$2.3 million, representing 7.6% of the \$30.4 Million in FY 10 low and moderate income housing funds available for investment.

City Loan Repayments

The Agency fully recognizes the importance and need for developing a comprehensive repayment schedule for debt owed to the City and had fully intended to include debt repayment to the City as a part of this year's budget. The Agency has postponed the development of this repayment schedule in order to address an emergent matter pertaining to Agency debt associated with the City's Community Development Block Grant (CDBG) program. In December, 2008, the Office of Inspector General of the United States Department of Housing and Urban Development (OIG) issued a report to the City pertaining to the City's CDBG Program. Among the findings, the report calls for repayment of CDBG funds utilized in redevelopment project areas booked as Agency debt to the City. The repayment of these CDGB funds has historically been assumed to occur in the "sunset" years of a project, when greater tax increment would be available and the project implementation activities requiring Agency assistance would be complete. The repayment of the CDBG debt has been accelerated pursuant to OIG and HUD-Los Angeles Office direction, and the Agency is currently developing a comprehensive debt repayment plan in response to this request. It is anticipated the CDBG Repayment Proposal will be considered by the Agency and the City in mid-summer. Accordingly, the Agency has deferred the overall issue of debt repayment to the City until the CDBG Repayment Proposal and the impact to the implementation of the redevelopment plans is considered.

Administration

The consolidated Administration Budget of the Agency is \$18.7 Million. Administration expenses include staff expenses, the City's General Government Services Billing (GGSB) charge, and non-personnel costs such as insurance, rent, and office supplies. The budget also includes costs for services from various City Departments providing services to the Agency. The Agency reimburses the City for staff services of the Redevelopment Division, and SEDC and CCDC cover a portion of the administration expenses incurred by the City's Redevelopment Division for coordinating Agency-wide activities. CCDC and SEDC also pay their respective portions for work provided on their behalf by various City departments.

The administration budgets of each of the corporations are included with their memoranda to the Agency in the materials attached to this report. Also attached are project budget details, including objectives and accomplishments for each respective entity.

FISCAL CONSIDERATIONS:

The Fiscal Year 2010 consolidated Agency budget is \$229.4 million. The Agency anticipates \$422.5 million in carryover funds, for a total expenditure plan of \$651.8 million.⁽³⁾ Within the FY 2010 budget, \$79.2 million is allocated to capital projects, \$30.3 million is allocated to low and moderate income housing projects, \$18.7 million to administration, \$31.9 million allocated to tax-sharing agreements/requirements, and \$69.3 million is to be appropriated for debt service and City repayments.

(3) The carryover estimates presented in this report and the attached budget documents do not include \$11,457,209 that has been encumbered Agency-wide pursuant to Agency Resolution R-04394 passed on May 4, 2009, for the State's Education Revenue Augmentation Fund (ERAF) payment in accordance with Assembly Bill 1389. Before the final date to make the ERAF payment to the County of San Diego, a Judgment was issued on May 7, 2009 in the pending litigation action filed in the Superior Court of California for Sacramento County titled "California Redevelopment Association et al v. Genest et al", Case No. 34-2008-00028334-CU-WM-GDS, whereby the Court ruled that California Health and Safety Code Sections 33685 through 33689, which imposes the ERAF payment, are invalid and unenforceable, and further enjoins the defendants, including the County auditors, from taking any actions to carry out or enforce the payment requirements set forth in Sections 33685 through 33689. In light of the Judgment, the Agency has withheld payment to the ERAF and the funds remain encumbered as directed by R-04394 in order for the funds to be made immediately available for the Agency to remit the ERAF payment to the extent the Agency is required to do so under applicable law.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

CCDC: On March 11, 2009 the Centre City Advisory Committee (“CCAC”) and Project Area Committee (PAC) unanimously approved the proposed budgets for the project areas administered by CCDC and the CCDC Administrative Budget. On March 18, 2009, the CCDC Board voted to approve the proposed budgets for the project areas administered by CCDC and the CCDC Administrative Budget. Additional outreach efforts are summarized in the attached CCDC staff report. (See Attachment 1)

SEDC: On April 22, 2009 the SEDC Board unanimously approved the proposed budget for the project areas administered by SEDC and the SEDC Administrative Budget.

City Redevelopment: On April 30, 2009, the City’s Budget and Finance Committee reviewed the budget of the City Redevelopment Division as a component of the public hearing of the budget of the City Planning & Community Investment Department. Budget information was presented to the North Park PAC on March 10 and to the City Heights PAC on May 11. As of the date of preparation of this report (May 20), the budget is scheduled to be presented to the San Ysidro PAC on May 26, the Crossroads PAC on May 28, the North Bay PAC on June 3, and a second presentation to the City Heights PAC on June 8. Additionally, on various dates in May, Redevelopment Division staff forwarded web links and/or e-copies of the budget materials to the respective PACs.


Agency-wide: On May 7, 2009 the Redevelopment Agency held a public hearing on the Redevelopment Agency budget, including the budgets of the project areas managed by CCDC, SEDC, and the City Redevelopment Division.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements, planned for implementation with the resources contained in the proposed budget.

Respectfully submitted,



Janice L. Weinrick
Deputy Executive Director
Redevelopment Agency



William R. Anderson
Assistant Executive Director
Redevelopment Agency

ATTACHMENTS

1. CCDC Fiscal Year 2010 Project and Administrative Budget
2. SEDC Fiscal Year 2010 Project and Administrative Budget
3. City Redevelopment Fiscal Year 2010 Budget
4. Expenditure of Low and Moderate Income Housing Fund Policy and Transaction Guidelines