

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03058

ADOPTED ON OCTOBER 26, 1999

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO IMPLEMENTING GENERAL REDEVELOPMENT AND THE MEMORANDUM OF UNDERSTANDING REGARDING THE REDEVELOPMENT PROJECT AND PROPOSED BALLPARK BY CERTIFYING A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED REDEVELOPMENT PLAN AMENDMENT, AS IT PERTAINS TO THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND OTHER RELATED ACTIONS.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (the "City") approved Ordinance No. O-18613 (the "Ordinance") which authorized the City and the Redevelopment Agency of The City of San Diego (the "Agency") to enter into a Memorandum of Understanding Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project (the "MOU"), within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by all parties thereto; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with both the City's and Agency's obligations under state law, and the discretion lawfully vested in the City Council acting on behalf of the City and Agency; and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, the Agency has previously prepared, and the Agency by Resolution No.

2081 and the City Council by Resolution No. R-279875 have certified the Final Master Environmental Impact Report for the Centre City Redevelopment Project (referred to herein as the "MEIR"); and

WHEREAS, pursuant to the MOU, and in order to carry out the Redevelopment Project and the municipal purposes of the City, the Agency and the City Council are considering approving a Ballpark and Ancillary Development Projects, and Associated Plan Amendments, (collectively the "Proposed Activities") within the Redevelopment Project Area; and

WHEREAS, in order to implement the Ballpark and Ancillary Development Projects and related activities, the Agency proposes to approve: (1) the Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project Pertaining to the Sports/Entertainment District and Related Matters, (2) the First Amendment to the Centre City East Focus Plan, (3) the First Amendment to the Historic Preservation Focus Plan, and (4) the First Amendment to the Implementation Plans for the Period of July 1999 - June 2004 for the Centre City and Horton Plaza Redevelopment Projects; and

WHEREAS, the Agency was designated as the lead agency to prepare a Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project (and Addressing the Centre City Community Plan and Related Documents) for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments (referred to herein as the "Subsequent EIR") to assess the environmental impacts which may result from the Proposed Activities within the Redevelopment Project, and including without limitation the proposed Third Amendment to the Redevelopment Plan, First Amendment to the Centre City East Focus Plan, First Amendment to the Historic Preservation Focus Plan and First Amendment to the Implementation Plan for the Centre City Redevelopment Project; and

WHEREAS, the Centre City Development Corporation, acting on behalf of the Agency, prepared and circulated a Draft Subsequent EIR for review, comment and consultation with citizens, professional disciplines and public agencies pursuant to the California Environmental Quality Act of 1970 ("CEQA") and state and local guidelines and regulations adopted pursuant thereto; and

WHEREAS, duly noticed public hearings were held by the Agency and the Centre City Development Corporation with respect to the Draft Subsequent EIR, at which all interested persons and organizations were given an opportunity to be heard; and

WHEREAS, the Final Subsequent EIR relating to the Proposed Activities, and responding to the concerns raised during the review period and at the public hearings, has been prepared pursuant to CEQA and said guidelines and regulations; and

WHEREAS, the Agency, in connection with its consideration of the approval of the Proposed Activities, has reviewed and considered the information contained in the MEIR and the Final Subsequent EIR; NOW, THEREFORE,

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

1. The Agency hereby certifies that the Final Subsequent EIR for the Centre City Redevelopment Project has been prepared and completed in compliance with CEQA and state

and local guidelines and regulations adopted pursuant thereto.

2. The Agency hereby further certifies that the MEIR and Final Subsequent EIR were presented to the members of the Agency, and that the information contained in the MEIR and Final Subsequent EIR has been reviewed and considered by the members of the Agency.

3. The Agency hereby further certifies that the Final Subsequent EIR (as with the MEIR) represents the Agency's independent judgment and analysis.

4. The Agency hereby finds and determines that:

a. The Proposed Activities within the Redevelopment Project, will not result in significant environmental effects in certain respects identified in the Final Subsequent EIR, as described in Attachment A (attached hereto and incorporated herein by this reference).

b. Changes or alterations have been required in, or incorporated into, the Proposed Activities which avoid or substantially lessen certain significant environmental effects of the Proposed Activities identified in the Final Subsequent EIR, as described in Attachment A.

c. Changes or alterations which avoid or substantially lessen certain significant environmental effects of the Proposed Activities, as identified in the Final Subsequent EIR, are within the responsibility and jurisdiction of another public agency and not the Agency or the City Council, and such changes have been adopted by such other agency, or can and should be adopted by such other agency, as described in Attachment A.

d. With respect to significant environmental effects of the Proposed Activities which cannot be avoided or substantially lessened, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final Subsequent EIR, as described in Attachment A.

e. The significant environmental effects of the Proposed Activities which cannot be avoided or substantially lessened are acceptable due to economic, legal, social, technological or other benefits of the Proposed Activities which outweigh the unavoidable adverse environmental effects, as described in Attachment B (attached hereto and incorporated herein by this reference).

5. The Mitigation, Monitoring and Reporting Program for the Proposed Activities within the Redevelopment Project, as contained in Section 14.0 of the Final Subsequent EIR, is hereby approved and adopted to monitor and ensure that the mitigation measures identified will be carried out.

6. The Executive Director of the Agency (or his designee) is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Final Subsequent

EIR upon adoption of the Third Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, and the First Amendment to the Centre City East Focus Plan, First Amendment to the Historic Preservation Focus Plan and First Amendment to the Implementation Plan for the Centre City Redevelopment Project.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys
Deputy Counsel

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Attachment A

[Findings to be added.]

Attachment B

[Statement of Overriding Considerations, to be added.]