

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. R-3737
ADOPTED ON MARCH 23, 2004

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO CERTIFYING THAT THE REDEVELOPMENT AGENCY HAS REVIEWED AND CONSIDERED INFORMATION CONTAINED IN THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) FOR THE CENTRE CITY REDEVELOPMENT PROJECT, THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE MEIR FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED PLAN AMENDMENTS, AND THE SECONDARY STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE KUSI MIXED-USE DEVELOPMENT, AS THEY PERTAIN TO THE PROPOSED NINTH AMENDMENT TO THE CENTRE CITY REDEVELOPMENT PLAN (THE "KUSI MIXED-USE DEVELOPMENT AMENDMENT") AND THE IMPLEMENTATION ACTIVITIES THEREFOR, AND INCLUDING MARINA DEVELOPMENT PERMIT NO. 2003-33 REFERRED TO THEREIN, AND APPROVAL OF THE SALE OF CERTAIN PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO MCKINNON PROPERTIES, INC. PURSUANT TO AN AMENDED AND RESTATED OWNER PARTICIPATION AGREEMENT; MAKING CERTAIN FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED MIXED-USE DEVELOPMENT AND RELATED ACTIONS; APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION WITH RESPECT THERETO; AND ADOPTING A REPORTING AND MONITORING PROGRAM.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary and appropriate to carry out and implement the

Redevelopment Plan for the Centre City Redevelopment Project [Redevelopment Project]; and

WHEREAS, the Agency has previously prepared, and the Agency by Resolution No. 2081 and the City Council of the City of San Diego [City Council] by Resolution No. 279875 have certified the Final Master Environmental Impact Report for the Centre City Redevelopment Project [referred to herein as the MEIR]; and

WHEREAS, the Agency has also previously prepared, and the Agency by Resolution No. R-03058 and the City Council by Resolution No. 292363 have certified the Final Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments [referred to herein as the SEIR, and referred to collectively with the MEIR as the MEIR/SEIR] for the Redevelopment Project); and

WHEREAS, in order to carry out the Redevelopment Project, the Agency is considering approving a residential, hotel and office/television studio mixed-use development proposal within the Redevelopment Project Area, on the block bounded by First, Second, Island and J streets, if accomplished in accordance with specific amendments to the Centre City Redevelopment Plan and Marina Planned District Ordinance and a specific Amended and Restated Owner Participation Agreement and a specific Marina Development Permit, Conditional Use Permit and Comprehensive Sign Permit, approved by this Agency and/or the City Council within the Redevelopment Project Area; and

WHEREAS, in order to implement the mixed-use development and related activities, the Agency proposes to approve the Amendment to the Centre City

Redevelopment Plan, Marina Development Permit 2003-33 for the KUSI Mixed-use Development, and the Amended and Restated Owner Participation Agreement with McKinnon Properties, Inc., a California corporation [Developer] for the sale of certain property in the Project Area to the Developer and the construction of such mixed-use development; and

WHEREAS, the residential, hotel and office/television studio mixed-use development contemplated by the amendment to the Centre City Redevelopment Plan, and Marina Development Permit No. 2003-33 as referred to therein, and the Amended and Restated Owner Participation Agreement, are redevelopment implementation activities whose environmental impacts are assessed in the MEIR/SEIR for the Redevelopment Project; and

WHEREAS, the Centre City Development Corporation, Inc., acting on behalf of the Agency, prepared a Secondary Study, and a Mitigated Negative Declaration for the KUSI Mixed-use Development, to further assess certain potential environmental impacts of the proposed mixed-use development, and circulated such Mitigated Negative Declaration 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, the Final Mitigated Negative Declaration relating to the proposed mixed-use development and responding to the concerns raised during the review period, 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 mixed-use development, has reviewed and considered the information

contained in the MEIR/SEIR for the Redevelopment Project and the Secondary Study and Mitigated Negative Declaration; NOW, THEREFORE,

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

1. The Agency hereby certifies that the Secondary Study of environmental impacts, and Mitigated Negative Declaration, with respect to the proposed mixed-use development within 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/SEIR for the Redevelopment Project, and the Secondary Study and Mitigated Negative Declaration, were presented to the members of the Agency, and that the information contained in the MEIR/SEIR, and the Secondary Study and Mitigated Negative Declaration, has been reviewed and considered by the members of the Agency.

3. The Agency hereby further certifies that the Secondary Study and Mitigated Negative Declaration (as with the MEIR/SEIR for the Redevelopment Project) represents the Agency's independent judgment and analysis.

4. The Agency hereby finds and determines that:

a. No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Redevelopment Project is to be undertaken, as a result of the mixed-use development, which will require important revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental impacts not covered in the MEIR/SEIR for the Project.

b. Except as assessed in the Secondary Study and Mitigated Negative Declaration, no new information of substantial importance to the Redevelopment Project has become available which was not known or could not have been known at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, or that any significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered, would substantially reduce or lessen any significant effects of the Project on the environment.

c. No subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR, is necessary or required.

d. Based upon specific information now available with respect to the proposed mixed-use development, as set forth in the Secondary Study, the Agency prepared a Mitigated Negative Declaration with respect to certain potentially significant effects of the development, which will be reduced to a less than significant level, as described in Attachment A hereto. The Final Mitigated Negative Declaration is approved and adopted.

e. The mixed-use development will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Redevelopment Project.

5. The activity specific Mitigation Monitoring and Reporting Program with respect to the proposed mixed-use development, Attachment A to the Secondary Study

and Mitigated Negative Declaration for the KUSI Mixed-use Development, is approved and adopted.

APPROVED: CASEY GWINN, General Counsel

By _____
Douglas K. Humphreys
Deputy General Counsel

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Or.Dept:CCDC
Aud.Cert:N/A
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