

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04334

DATE OF FINAL PASSAGE NOV 04 2008

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO APPROVING A SETTLEMENT IN THE
CASE OF SAVE OUR HERITAGE ORGANISATION V. CITY
OF SAN DIEGO, ET AL. AND AUTHORIZING EXECUTION OF
A SETTLEMENT AGREEMENT IN CONNECTION THEREWITH.

WHEREAS, on May 10, 2006, a citizen group known as Save Our Heritage Organisation ["SOHO"] filed a petition for writ of mandate challenging the City's compliance with the California Environmental Quality Act ["CEQA"] in its February 28, 2006, approvals of the Downtown Community Plan ["DCP"] and subsequent implementing ordinances; and

WHEREAS, SOHO claims in its petition that the Centre City Development Corporation ["CCDC"] and the City allegedly violated CEQA in several respects, all primarily relating to the assessment of historical and cultural resources in the environmental impact report ["EIR"] for the DCP: (1) by allegedly failing to include an adequate analysis of historical, cultural, and archaeological resources; (2) for allegedly failing to adequately identify and consider feasible mitigation measures and a reasonable range of alternatives; (3) by adopting a mitigation monitoring and reporting program ["MMRP"] that was allegedly inadequate and incomplete; and (4) by adopting findings that were allegedly unsupported by substantial evidence. SOHO further alleged that post-certification changes relating to historical and cultural resources were made to the EIR but were not carried over into the Community Plan and implementing ordinances; and

WHEREAS, through the course of settlement discussions, the parties have worked out a set of amendments and revisions to the DCP, Centre City Planned Development Ordinance [“PDO”], and MMRP that would resolve SOHO’s concerns without requiring the rescission of the DCP or the recirculation of the EIR; and

WHEREAS, in addition the proposed Settlement Agreement makes additional changes involving “listed” and “eligible” historic properties, greater geographic range of possible properties available for transferable development rights, expansion of receiver sites for the potential relocation of small historic buildings threatened by redevelopment, and higher priority and more timely archaeological research in the project planning process; and

WHEREAS, the Settlement Agreement clearly indicates that no guarantees have been given or made regarding the exercise of the City’s legislative discretion and exercise of its police power in considering the above-indicated amendments and revisions referenced in the Settlement Agreement; and

WHEREAS, if all of the amendments and revisions as contemplated and so described in the Settlement Agreement are enacted and payment is made to SOHO of its attorneys’ fees, in the amount of \$56,364.00, SOHO will promptly execute and file a notice of dismissal of its petition with prejudice, meaning that SOHO may not refile a suit alleging the same claims against the DCP EIR; NOW, THEREFORE,

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

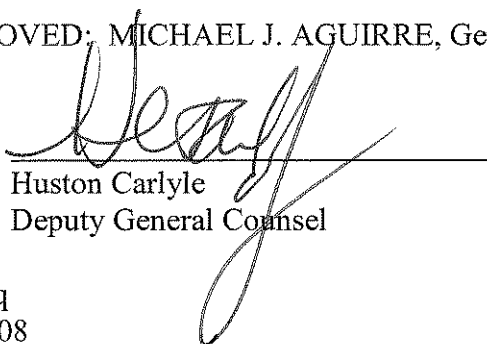
1. That the Settlement Agreement attached to this resolution as Exhibit “A” is hereby approved;
2. That the Executive Director, or his authorized designee, is hereby authorized to execute said Settlement Agreement on behalf of said Redevelopment Agency;

3. That the Interim/Acting President of CCDC, or her authorized designee, is hereby authorized to execute said Settlement Agreement on behalf of the Centre City Development Corporation; and

4. That entering into this Settlement Agreement is not a "project" and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By

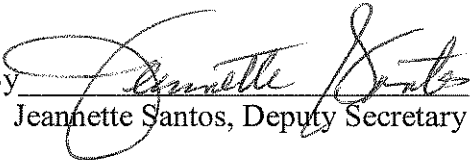


Huston Carlyle
Deputy General Counsel

HC:cfq
10/14/08
Or.Dept:R.A
RA-2009-33
Council:Companion R-2009-457
MMS#6912

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of OCT 28 2008.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 11-4-08
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on OCT 28 2008, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 04 2008

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

(Seal)

By *Janette Parks*, Deputy

Office of the Redevelopment Agency, San Diego, California

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