

CITY COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA

RESOLUTION NO. 222573

Resolution No.
CC-S-EIR

Revised 1/9/79

(R. 79-1191)

JAN 9 1979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA CERTIFYING THE FINAL SUPPLEMENTAL MASTER ENVIRONMENTAL IMPACT REPORT AND MAKING ENVIRONMENTAL FINDINGS WITH RESPECT TO THE PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, CALIFORNIA AND SHAPELL GOVERNMENT HOUSING, INC. AND GOLDRICH KEST AND ASSOCIATES, A JOINT VENTURE AND THE PROPOSED SALE OF PROPERTY AND CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT PURSUANT THERETO

WHEREAS, the Redevelopment Agency of the City of San Diego, California (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plans for the Marina and Columbia Redevelopment Projects; and

WHEREAS, the Agency has approved a proposed Disposition and Development Agreement, being that document executed and submitted by Shapell Government Housing, Inc. and Goldrich Kest and Associates, a joint venture (the "Developer") with certain changes therein (the "Agreement"); and

WHEREAS, said Agreement sets forth the boundaries of the property proposed to be sold to the Developer by the Agency and said Agreement is incorporated herein, by this reference; and

WHEREAS, the following environmental impact reports (EIRs) have been previously certified by the Agency for redevelopment activities in the Marina and Columbia Redevelopment Project areas:

1. The Supplemental Environmental Impact Report on the Marina Subarea Redevelopment Plan, submitted to the Agency as a part of the Report to City Council on the Proposed Redevelopment Plan for the Marina Redevelopment Project and certified by the Agency on December 10, 1976 (Resolution No. 309);
2. The Supplemental Environmental Impact Report on the Columbia Subarea Redevelopment Plan, submitted to the Agency as part of the Report to City Council on the Proposed Redevelopment Plan for the Columbia Redevelopment Project, certified by the Agency on December 10, 1976 (Resolution No. 310).

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WHEREAS, the above listed EIRs each incorporate by reference and include the following documents:

1. Environmental Impact Report on the Centre City Plan (EQD No. 74-11-013-C) prepared by the Environmental Quality Department of the City of San Diego in September, 1975 and certified by the City Council on May 12, 1976 (Resolution No. 215957).
2. Final Environmental Impact Report for the Embarcadero Development Plan (UPD #7563-EIR-17), prepared by the San Diego Unified Port District Planning Department and the SWA Group in January, 1976. This Final EIR was certified by the Board of Port Commissioners of the San Diego Unified Port District on January 20, 1976 (Resolution No. 76-17)

WHEREAS, the Centre City Development Corporation, Inc. (the "CCDC") acting on behalf of the Agency, has caused to be prepared a Draft Supplemental Master Environmental Impact Report ("EIR") for redevelopment activities in the Marina, Columbia and Horton Plaza Redevelopment Project areas; and

WHEREAS, the Draft Supplemental Master EIR has been prepared and circulated pursuant to the California Environmental Quality Act of 1970 (CEQA), and State and local regulations and guidelines adopted pursuant thereto; and

WHEREAS, a duly noticed public hearing was held by the Agency on October 23 and October 30, 1978, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, a Final Supplemental Master EIR for redevelopment activities in the Marina, Columbia and Horton Plaza Redevelopment Projects areas responding to the concerns raised at the public hearing and during the public review period has been prepared pursuant to said statute, regulations and guidelines; and

WHEREAS, the sale of property to the Developer, pursuant to the proposed Disposition and Development Agreement and the construction of a residential development pursuant to the terms and conditions set forth in the proposed Disposition and Development Agreement and the Marina and Columbia Redevelopment Plans is one of the redevelopment activities assessed by the Supplemental Master EIR.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Diego, California (the "Council") as follows:

1. The Council hereby certifies that the Final Supplemental Master Environmental Impact Report with respect to the proposed sale of land and construction of a residential development pursuant to the proposed Disposition and Development Agreement has been prepared and circulated pursuant to the California Environmental Quality Act of 1970 (CEQA) and State and local regulations and guidelines adopted pursuant thereto and that the Agency has certified said Final Supplemental Master EIR.
2. The Council hereby further certifies that the information contained in the Final Supplemental Master EIR and the information contained in the previously certified EIR's for the Marina and Columbia Redevelopment Projects has been reviewed and considered by the members of the City Council of the City of San Diego, California.
3. The Council hereby finds and determines with respect to the adverse environmental impacts detailed in the Final Supplemental Master Environmental Impact Report:
 - a. That the adverse environmental impacts of the proposed sale of property and construction of a residential development pursuant to the proposed Disposition and Development Agreement, including those raised in comments to the Draft Supplemental Master EIR, have been considered and recognized by the Council.
 - b. That the comments on the Final Supplemental Master EIR and the responses thereto made at the January 9, 1979 joint public hearing of the Agency and the Council on the proposed Disposition and Development Agreement have been considered and recognized by the Council and will be incorporated into the Final Supplemental Master EIR.
 - c. That based on information set forth in the Marina and Columbia Redevelopment Plans, the Proposed Disposition and Development Agreement and the Final Supplemental Master EIR, and set forth in Attachment "A" (attached hereto and incorporated herein by this reference), the Council finds and determines that changes or alterations have been required or incorporated into, the redevelopment activities which mitigate or avoid each of the adverse environmental impacts identified in Sections 3.2, 4.2, 6.2, 7.2, 9.2 and 10.2 of said Final Supplemental Master EIR.

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- d. That as to the adverse environmental impacts of the proposed sale of land and construction of a residential development identified in Sections 1.2, 2.2, 5.2 and 8.2 of said Final Supplemental Master EIR and set forth in Attachment "A", which cannot be entirely mitigated or avoided if the redevelopment activities are implemented, the Council hereby finds and determines that the specific economic, social financial, environmental and other considerations set forth in said Final Supplemental Master EIR and the Marina and Columbia Redevelopment Plans and set forth in Attachment "A" make infeasible the mitigation measures and project alternatives identified in the Final Supplemental Master EIR with respect to each such adverse environmental impact which cannot be entirely mitigated or avoided.
- e. That no additional adverse impacts will have a significant effect or result in a substantial or potentially substantial adverse change in the environment as a result of the proposed sale of land and construction of a residential development pursuant to the proposed Agreement.
4. The Council hereby finds and determines that the proposed sale of property and construction of a residential development pursuant to the proposed Agreement may have a significant effect or result in certain substantial adverse impacts on the environment. The Council further finds that such potential adverse impacts are outweighed by the beneficial effects of such activities and that the benefits, as set forth in Section IV of Attachment "A" override any potential adverse environmental impacts described in the Final Master Supplemental EIR.

APPROVED AND ADOPTED on this 9th day of January,
1979 by the City Council of the City of San Diego, California
by the following votes:

APPROVED: JOHN W. WITT

BY


Harold O. Valderhaug

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ATTACHMENT "A"

I. SIGNIFICANT ADVERSE EFFECTS AND MITIGATING MEASURES RELATING TO THE EXECUTION OF THE PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT WITH SHAPELL GOVERNMENT HOUSING, INC. AND GOLDRICH KEST AND ASSOCIATES AND THE PROPOSED SALE OF PROPERTY AND CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT PURSUANT THERETO:

A. Section 3.2.1 (pg. V-45) of the Final Master Supplemental Environmental Impact Report (the "EIR") identifies the following possibly significant land-use conflicts:

1. The railroad right-of-way may act as a barrier to interaction between the Project area and the waterfront.

This is mitigated by Section III-C of the Scope of Development, a part of the proposed Disposition and Development Agreement (the "Agreement"), which provides that the Agency is responsible for the development of a pedestrian overcrossing of the railroad right-of-way.

2. The noise generated by the passing trains may not be compatible with residential use.

Section II-G of the Scope of Development, provides that the Developer shall site and design the buildings in such a manner as to mitigate the noise impact produced by adjacent major streets, public facilities, and the railroad.

The additional mitigation measures recommended by the EIR such as a lowering of the railroad tracks and construction of earthen berms (Section 3.3.1, pg. V-46) are not economically feasible and are not required if proper building design and site techniques are employed.

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- B. Section 3.2.2 (pg. V-45) of the EIR indicates that the existing zoning in the Project areas may be incompatible with the proposed development.

Section 211 of the Agreement mitigates this by providing Agency assurance that the zoning of each Parcel at the time of conveyance to the Developer shall be such as to permit development of each Parcel in accordance with the provisions of the Agreement.

- C. Section 4.2 (pg. V-49) of the EIR indicates that redevelopment activities may result in the loss of historic sites.

Figure IV-5 (pg. IV-67) of the EIR, indicates the Sites of Cultural and Historical Significance in the Project areas. None of the sites will be affected by the development of a residential community pursuant to the proposed Agreements.

Pantoja Park will be saved and expanded; the U.S. Customs and Court House and the San Diego Barracks site will not be affected.

Figure IV-5A (pg. IV-68) indicates "Additional Buildings of Interest." Of those listed only the Soap Factory and the State Street Newtown Houses may be adversely affected by the residential development. The Soap Factory will be saved if rehabilitation is economically feasible.

The State Street Newtown Houses, Ying On Labour and Merchant Association Building, Chinese Benevolent Society and the Stingaree Bordello will be subject to demolition if a feasible alternative is not found. Section 420 of the Marina and Columbia Redevelopment Plans provide the Agency with the authority to cause or assist in the rehabilitation or moving of buildings or structures within the Project areas. However the structural soundness of these buildings or economic feasibility of such actions will be determined as the time for site preparation of each affected Parcel is planned.

- D. Section 6.2 (pgs. V-88-91) indicates a number of adverse effects relating to infrastructure and services.
1. The majority of these impacts are not significant and are of an economic rather than an environmental nature (e.g. increased requirements for police and fire protection).

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2. Increased school enrollments can be accommodated by an adjustment of school boundaries (see Tables V-11, V-12 and Section 6.3 of the EIR). The alteration of the boundaries is within the responsibility and jurisdiction of the School Board and not within the jurisdiction of the Agency or City Council.
3. The EIR (Section 6.3, pg. V-93) proposes that pilotless gas appliances and other energy efficient appliances be used within the Project area to mitigate the anticipated increase in consumption of natural gas.

All appliances and construction will meet current code requirements. Additional energy saving measures will be determined by the Agency and Developer during the design of the structures.

- E. Section 7.2 (pg. V-101) indicates that increased air pollution may result on a short-term basis, due to construction activities.

Section II-P of the Scope of Development mitigates this possibility by providing that the Developer shall minimize dust and disturbance during construction.

- F. Section 9.2 (pg. V-111) and 10.2.3.1 (pg. V-118) indicate that adverse impacts on water resources may result from soil and silt run-off during project construction.

Section 9.3 (pg. V-111) outlines the necessary mitigation measures required to keep run-off at an insignificant level.

As stated above, Section II-P of the Scope of Development provides that the Developer shall minimize dust and disturbance during the construction period.

Any alternative which does not involve new construction would lessen the short-term effects of air-pollution and erosion and noise, however, as discussed in Chapter VI, such alternatives preclude achievement of the goals and objectives of the Redevelopment Plan as the scale of development and land assembly required for completion of the Project as currently planned could not occur.

- G. Section 10.2.2 (pg. 118) indicates that structures in the Project areas will not be subject to unavoidable significant impacts should seismic activity occur, if structural design codes are observed.

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Compliance with all codes is insured by Section 510.2 of the Marina and Columbia Redevelopment Plans which provides that all new construction and rehabilitation in the Project areas shall comply with all applicable State and local laws, including local Building Codes.

In addition Section 312 of the Agreement requires the Developer to secure all necessary governmental permits, which will necessitate compliance with all applicable codes.

Finally, the Centre City Development Corporation, Inc. (the "CCDC") has contracted for seismic studies of each Project area to determine if active faults are present. Should such faults be identified, construction plans would be developed or altered accordingly.

- H. Section 10.2.1 (pg. V-117) indicates the possible existence of expansive or uncompacted soils in the Project areas.

This potential effect will be mitigated as soils tests will be conducted prior to construction on any specific Parcel (Sec. 10.3.1, V-118) and all construction will meet code requirements.

II. UNAVOIDABLE ADVERSE IMPACTS RESULTING FROM THE PROPOSED SALE OF LAND AND CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT PURSUANT TO THE PROPOSED AGREEMENTS

A. HOUSING/SOCIAL

1. Relocation of residents and demolition of "atypical" residential units are an unavoidable consequence of the proposed sale of property and construction of a residential development (Sections 1.2.2, 1.2.3, and 2.2.1 of EIR)

Phase I of the Relocation Program for the residential development will involve the demolition of 69 dwelling units and the relocation of 47 residential occupants and 77 businesses.

As population levels and available replacement housing and business space may vary, final relocation data will be obtained prior to each phase of the development.

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The Agency will be responsible for the mitigation measures outlined in Sections 1.3.1 and 2.3.1 (pgs. V-19, 20 and 33) (See Agency Relocation Plan for Phase I of the Marina/Columbia Residential Development), Sections 33410-33417.5 of the State Community Redevelopment Law (Health and Safety Code), Sections 450-455.2 of the Marina and Columbia Redevelopment Plans and Section 702 of the proposed Agreement).

Such mitigation measures include:

- a). approval of a relocation plan for each phase of displacement
- b). assurance that comparable, decent, safe, and sanitary housing will be available for relocation
- c). payment of relocation costs as required by law
- d). relocation advisory services
- e). a minimum of 90 days notice to move
- f). opportunities for displaced residents to take part in the relocation process
- g). provision that at least 15% of the new or rehabilitated housing in the Project area will be for low or moderate income households.

The Developers have also made commitments to develop low and moderate income housing within the proposed residential development and to give priority for the purchase or rental of such housing to low and moderate income persons displaced by the residential development and to provide reasonable preferences for associated businesses to become owners or lessors in the new project (See Sections 705 and 710 of the proposed Agreement).

Participation by owners and tenants is further provided for in Section 430 of the Marina and Columbia Redevelopment Plans.

While there may be some unavoidable disruption of social networks and individual emotional stress and lifestyle changes resulting from relocation (Section 1.2.3., pg. V-18), relocation is a necessary step to assemble adequate parcels to implement the provisions of the Redevelopment Plans and to reach the objectives set forth in the Plans (Section 110, Marina and Columbia Redevelopment Plans).

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Chapter VI, Sections 2.1, 2.2, and 4.1 indicates that implementation of alternative projects would not significantly mitigate the adverse effects of relocation and would diminish the likelihood of achieving the goals set forth in the Redevelopment Plan.

B. TRANSPORTATION

A certain number of street closures will be required to accommodate the new residential development (See Attachment 1-B to the proposed Agreement). These closures and the changes in land use will result in increased traffic congestion (Section 5.2, pg. V-63).

The EIR proposes a number of possible mitigation measures (Section 5.3.1 pgs. V-64-66).

The particular mitigation measures which will be taken has not yet been completely determined.

A traffic study for the entire Centre City area is currently being finalized by DMJM as consultant to the City and the Agency. Preliminary findings have been submitted and included in the EIR.

As the increased traffic congestion anticipated over the next 20 years will be due to a variety of factors, of which redevelopment activities is only a part, a comprehensive long-term approach to mitigation will be developed through the cooperative efforts of the City, the Agency, the Metropolitan Transit District Board and The San Diego Transit Authority.

The proposed Agreement provides for the possible widening of "G" and Market Streets and that vehicular access to the residential development shall be coordinated with the traffic flow (Section III-D and II-M of the Scope of Development).

Section 470 of the Marina and Columbia Redevelopment Plans establishes Agency's authority to explore alternate transportation concepts and provides that the Agency shall review all design plans in order to determine that necessary easements and rights-of-way can be effectuated.

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Section 440.2 of said Plans provides Agency authority to make public improvements including street improvements and traffic signals.

Individual street closures and vacations require a separate action which will be initiated by the City.

Alternatives to the Project are discussed in Chapter VI. Development to a lesser intensity (Section 2.2) would lessen the magnitude of the environmental effects, but would also preclude achievement of the goals and objectives set forth in the Plan.

Changing of the land uses to those not related to the movement of vehicles (Section 5.1) would also preclude achievement of a balanced commercial, retail; residential and entertainment focus for Centre City, San Diego.

C. NOISE

A secondary unavoidable impact resulting from construction of the residential development is an increase in noise during the construction period (several years) and a long-term increase in the ambient noise level due to an overall increase in traffic and a possible increase in police helicopter overflights (Section 8.2, pg. V-106).

Possible mitigation measures including changing bus routes and the time of rail switching operations are outlined in Section 8.3.2 and 8.3.7 (pg. V-108-109). These measures, with the exception of speed zoning of residential parking lots, are not within the direct jurisdiction of the Agency.

As noted above, the Agreement provides that the Developer shall site and design the buildings in such a manner as to mitigate noise impacts (Section II-G, Scope of Development).

As pointed out in the EIR, some increased noise from police helicopters may be required to insure adequate efficient police protection of the Project area. (Sec. 8.3.6, pg. V-108).

Development to a lesser intensity or in a manner which would result in less traffic would reduce the long-term increase in the ambient noise level. However, as noted in Chapter VI, these alternatives would negate the objectives of the Plan and perhaps result in other adverse environmental effects due to continued deterioration of the economic base.

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III. AREAS HAVING NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT DUE TO THE PROPOSED SALE OF LAND AND CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT PURSUANT TO THE PROPOSED AGREEMENTS

The following areas have been identified in the EIR as not being subject to significant adverse environmental impacts due to the proposed redevelopment activities:

Section 3.2.1 - Land use

Section 5.2 - Pedestrian, rail and air travel

Section 6.3 - Health services, solid waste, domestic water, chilled water, commercial stream, electrical consumption, fueloil, telephone service, sewage, storm drains, and long-term air pollution

Section 11.2 - Biology

Section 12.2 - Aesthetics

Chapter X - geological, biological and hydrological resources.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

The sale of property and construction of a residential development pursuant to the proposed Agreement may have significant or certain substantial adverse impacts on the environment, as discussed hereinabove.

Implementation of the proposed Agreement is consistent with the State Urban Development Strategy which lists as priorities for the location of urban development, the renewal and maintenance of existing urban areas and the development of under-utilized land within urban areas (Chapter IX, Section 2.1).

San Diego's Comprehensive Planning Organization and the City of San Diego have adopted growth management strategies with similar objectives (Chapter IX, Sections 2.2 and 2.3). The proposed residential development also conforms with the City objectives of achieving proximity of place of employment and residence and infill within city neighborhoods.

Higher density development within the Centre City reduces the necessity for land consumption in peripheral areas to accommodate population growth and is more energy efficient than lower density development (Chapter IX, Section 3.0).

The proposed project will have a tremendous overall positive impact on the environment in removing blighted conditions and creating a residential environment which is greatly beneficial to the public health, safety and welfare of the citizens of the City of San Diego. Any adverse effects are more than mitigated by the redevelopment activity proposed, in fact, the adverse effects described in the Environmental Impact Report are greatly out-weighted by the positive impacts which will result from development in accordance with the Redevelopment Plans and the proposed Agreement. These positive impacts include the creation of a residential development which will be an integral part of a modern urban center for San Diego, and will provide an environment where a socially balanced community can work and live by providing jobs and housing for persons of varying social, economic and ethnic groups.

The provision of the proposed residential development is essential to the success of additional redevelopment activities proposed in the Centre City area such as the Horton Plaza Retail Center. The residential development will improve the aesthetic, economic and social environment of the Centre City. Residents will live within walking distance of jobs, retail and entertainment facilities.

The project will result in the elimination of blighting influences and environmental deficiencies, preserve artistically and architecturally worthwhile structures, and provide for the orderly development of a portion of Centre City in accordance with the General Plan for the City of San Diego and the Centre City Community Plan.

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Passed and adopted by the Council of The City of San Diego on **JAN 9 1979**,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Bovard*, Deputy.

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Office of the City Clerk, San Diego, California	
Resolution Number	222573 Adopted JAN 9 1979