

10/22/99

RESOLUTION NUMBER R- 292371

ADOPTED ON OCT 26 1999

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO IMPLEMENTING GENERAL REDEVELOPMENT BY CERTIFYING THE FINAL 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, AS IT PERTAINS TO THE PROPOSED 1999 GENERAL DESIGN AND PUBLIC AND SEMI-PUBLIC USES AMENDMENTS TO THE CENTRE CITY COMMUNITY PLAN AND PLANNED DISTRICT ORDINANCE, MAKING CERTAIN FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS.

WHEREAS, the Redevelopment Agency of the City of San Diego (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 of the City of San Diego (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, in order to carry out the Redevelopment Project, the Agency and the City Council are considering permitting certain public and semi-public land uses in the Mixed Use Residential Emphasis District in the East Village area of Centre City without residential components, changing certain development standards in parts of East Village, and making other clarifying changes within the Redevelopment Project Area, independent of any amendments made to establish the Sports/Entertainment District and Related Matters, or to approve a baseball park therein; and

WHEREAS, in order to implement the changes in permitted uses and design standards, the City Council proposes to approve: (1) 1999 General Design and Public and Semi-Public Uses

Amendments to the Centre City Community Plan, and (2) 1999 General Design and Public to Semi-Public Uses Amendments to the Centre City Planned District Ordinance (collectively, the "Proposed Amendments"); 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, among other things, the environmental impacts which may result from the proposed 1999 General Design and Public and Semi-Public Uses Amendments within the 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 Amendments, 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 City Council, in connection with its consideration of the approval of the Proposed Amendments, has reviewed and considered the information contained in the MEIR and the Final Subsequent EIR; NOW, THEREFORE,

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

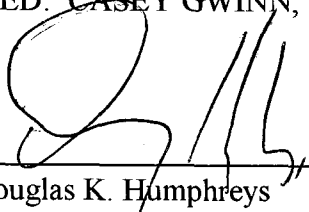
1. The City Council hereby certifies that the Final Subsequent EIR with respect to the Proposed Amendments for the Centre City Redevelopment Project has been prepared and completed in compliance with CEQA and state and local guidelines and regulations adopted pursuant thereto, and that the Agency has certified thereto.
2. The City Council hereby further certifies that the MEIR and Final Subsequent EIR were presented to the members of the City Council, and that the information contained in the MEIR and Final Subsequent EIR has been reviewed and considered by the members of the City Council.
3. The City Council hereby further certifies that the Final Subsequent EIR (as with the MEIR) represents the City Council's independent judgment and analysis.

4. The City Council hereby finds and determines that the Proposed Amendments within the Redevelopment Project, will not result in significant environmental effects, as described in Attachment A (attached hereto and incorporated herein by this reference).

5. The City Clerk (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 1999 General Design and Public and Semi-Public Uses Amendments to the Community Plan and Centre City Planned District Ordinance.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:lc

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Attachment A

[Findings to be added.]

Attachment B

[Statement of Overriding Considerations, to be added.]

**ATTACHMENT A
TO RESOLUTION NO. R-2000-369
OF THE CITY OF SAN DIEGO**

**FINDINGS OF FACT
FOR THE 1999 GENERAL DESIGN
AND PUBLIC AND SEMI-PUBLIC USES AMENDMENT
TO THE CENTRE CITY COMMUNITY PLAN AND
PLANNED DISTRICT ORDINANCE**

I. INTRODUCTION

The following Findings of Fact ("Findings") are made relative to the conclusions of the final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Center 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 ("FSEIR"). The FSEIR, which is incorporated by reference as if fully set forth herein, addresses the environmental issues associated with the proposed text and map changes to the Centre City Community Plan and Planned Development Ordinance constituting the proposed 1999 General Design and Public and Semi-Public Uses Amendment ("Proposed Amendments").

In accordance with the provisions of the California Environmental Quality Act, CEQA Sections 21000-21177 ("CEQA"), the State CEQA Guidelines, 14 Cal. Code Regs Sections 15000-15387, and the Procedures for Implementation of the California Environmental Quality Act and the State CEQA Guidelines of the Redevelopment Agency of the City of San Diego (June 1990) ("Agency Local CEQA Guidelines"), the Redevelopment Agency of the City of San Diego ("Agency") and the City Council of the City of San Diego ("Council") (collectively referred to herein as "Council/Agency") hereby adopt these Findings.

A. DESCRIPTION OF PROPOSED AMENDMENTS

The Proposed Amendments include a number of text and map changes. Most of the changes affect an area identified in the SEIR as the Secondary Plan Amendment Area, which is generally defined by Market Street, Sixth Avenue, Interstate 5 and Commercial Street. Changes within the Secondary Plan Amendment Area would relate to permitted land uses, sun access criteria, limited vehicular access, and street level uses. In addition, the Proposed Amendments would change all references to "Centre City East" to "East Village" and all references to "Harborview (Little Italy)" to "Little Italy".

Permitted Land Uses: The Mixed Use/Residential Emphasis District, as defined by the Centre City Community Plan and Planned District Ordinance (PDO), would be amended within the Secondary Plan Amendment Area to allow the following "Public and Semi-Public" uses without providing the required 80% residential component:

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- Park & Recreation Facilities;
- Schools, Public or Private; and
- Cultural Institutions.

Sun Access Criteria: The requirements of the Sun Access Criteria in the Centre City Community Plan and PDO would not apply within the Secondary Plan Amendment Area.

Limited Vehicular Access: Standards for limited vehicular access in the Centre City Community Plan and PDO would be eliminated within the Secondary Plan Amendment Area.

Street Level Uses: The requirements in the Centre City Community Plan and PDO to provide street level uses on those portions of Twelfth Avenue and National Avenue within the Secondary Plan Amendment Area would be eliminated. A requirement for Street Level Uses would be added to J Street between Sixth and Eleventh Avenues.

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Amendments consists, at a minimum, of the following documents:

- The Notice of Preparation and all other public notices issued by the Council/Agency in conjunction with the Ballpark and Ancillary Development Projects, and Associated Plan Amendments SEIR;
- The Final Master Environmental Impact Report for the Centre City Redevelopment Project ("MEIR");
- The Draft SEIR;
- The Final SEIR ("FSEIR");
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All written and verbal public testimony presented during a noticed public hearing for the Proposed Development at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program ("MMRP") for the FSEIR;
- The reports included in Volumes II -V of the FSEIR;

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- The Findings, Ordinances and Resolutions adopted by the Council/Agency in connection with the Proposed Amendments, and all documents incorporated by reference therein;
- Matters of common knowledge to the Council/Agency, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

The documents and other materials that constitute the record of proceedings upon which the Council/Agency's decision are based are located at the City of San Diego ("City"), 202 C Street, San Diego, CA 92101, and at the Centre City Development Corporation ("CCDC"), 225 Broadway, Suite 1100, San Diego, CA 92101. The custodians for these documents are the City Clerk, whose office is located at 202 C Street, 2nd Floor, San Diego, CA 92101, and the Centre City Development Corporation, whose office is located at 225 Broadway, Suite 1100, San Diego, CA 92101. Copies of all these documents, which constitute the record of proceedings, are and at all relevant times have been available upon request at the offices of the Council/Agency at the above addresses. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code Regs § 15091(e).

The Council/Agency has relied on all the documents listed above in reaching its decision on the Proposed Amendments, even if every document was not formally presented to the Council/Agency or Council/Agency staff as part of the Council/Agency files generated in connection with the Proposed Amendments. These documents are either in the Proposed Amendments files, reflect prior planning or legislative decisions of which the Council/Agency was aware in approving the Proposed Amendments, or influenced the expert advice provided to the Council/Agency staff or consultants, who then provided advice to Council/Agency. For that reason, these documents form part of the underlying factual basis for the Council/Agency's decisions relating to the adoption of the Proposed Amendments.

II. GENERAL FINDINGS

The Council/Agency hereby finds as follows:

- The foregoing statements are true and correct;
- The FSEIR was completed in compliance with CEQA;
- The FSEIR reflects the Council/Agency's independent judgment;

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- In determining whether the Proposed Amendments has a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the Council/Agency has complied with CEQA Sections 21081.5 and 21082.2;
- Copies of all the documents incorporated by reference in the FSEIR are and have been available upon request at all times at the offices of the City Clerk, custodians of record for such documents or other materials;
- The impacts of the Proposed Amendments have been analyzed to the extent feasible at the time of certification of the FSEIR; and
- Having received reviewed and considered the above-described information, as well as all other information and documents in the record, the Council/Agency hereby conditions the Proposed Amendments and finds as stated in these Findings.

III. FINDINGS REGARDING DIRECT AND CUMULATIVE IMPACTS

The Council/Agency, having independently reviewed and considered the information contained in the FSEIR for the Ballpark and Ancillary Development Projects, and Associated Plan Amendments, its appendices, and the record of proceedings, finds pursuant to CEQA, the State CEQA Guidelines, and the Agency Local CEQA Guidelines that the Proposed Amendments would not result in any significant direct or cumulative impacts with respect to the following issues: aesthetics/visual quality, agricultural resources, air quality, biology, cultural resources, energy, geology/soils, hazardous materials, hydrology/water quality, land use/planning, light/glare, mineral resources, noise, paleontological resources, population/housing, public services/facilities, transportation, circulation, access and parking.

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