

RESOLUTION NUMBER R- 294696

ADOPTED ON MAR 27 2001

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED INFORMATION CONTAINED IN THE MASTER ENVIRONMENTAL IMPACT REPORT FOR THE HORTON PLAZA REDEVELOPMENT PROJECT AND THE SECONDARY STUDY WITH RESPECT TO THE PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND BALBOA THEATRE, LLC; APPROVING THE BASIC CONCEPT/SCHEMATIC DRAWINGS FOR THE REHABILITATION IN ACCORDANCE WITH THE DISPOSITION AND DEVELOPMENT AGREEMENT, AND MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT PURSUANT THERETO.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Horton Plaza Redevelopment Project [the Project]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, Agency proposes to enter into a Disposition and Development Agreement [Agreement], pursuant to which Agency will sell certain real property in the Project [the Site] to Balboa Theatre, LLC [Developer] for rehabilitation of the existing Balboa Theatre on the Site in conformance with the Secretary of the Interior's Standards and Guidelines for Rehabilitation for adaptive reuse as a state of the art, approximately 1400 seat, multi-purpose performing arts center for live theatre, music, and dance, as well as movies and conference venues [the Rehabilitation] all pursuant to the terms and provisions of the Agreement; and

WHEREAS, Agency proposes to approve Basic Concept/Schematic Drawings for the Rehabilitation; and

WHEREAS, the Agency has previously prepared the following environmental documents for the Project [collectively, the MEIR/SEIR]:

A. "Environmental Impact Statement, Plaza Redevelopment Project," Chapter VII of the Report to City Council on the Redevelopment Plan for the Horton Plaza Redevelopment Project, June 1972;

B. A Supplemental Report to an Environmental Impact Statement on the Horton Plaza Urban Redevelopment Project (EQD-72-11-18) dated October 1, 1973;

C Supplemental Master Environmental Impact Report for the Centre City Redevelopment Project, certified by the Redevelopment Agency by Resolution No. R-416 adopted January 9, 1979, and certified by the City Council by Resolution No. R-222568 adopted January 9, 1979;

D. Environmental Impact Secondary Study re: Horton Plaza Retail Center, prepared for the First Amended Disposition and Development Agreement [DDA] and certified by the Redevelopment Agency by Resolution No. R-460 adopted August 1, 1979, and certified by the City Council by Resolution No. R-224151 adopted August 1, 1979;

E. Environmental Impact Secondary Study re: Horton Plaza Retail Center, prepared for the Second Amended DDA, and certified by the Redevelopment Agency by Resolution No. R-694 adopted October 17, 1981, and certified by the City Council by Resolution No. R-255269 adopted October 17, 1981;

F. Environmental Impact Secondary Study re: Horton Plaza Retail Center, prepared for the Third Amended DDA and certified by the Redevelopment Agency by Resolution No. R-

799 adopted September 21, 1982, and certified by the City Council by Resolution No. R-257193 adopted September 21, 1982;

G. Final Amended Supplement to the Environmental Impact Report for the Horton Plaza Redevelopment Project, Proposed San Diego Arts Center–Balboa Theater Building, dated October 23, 1984;

H. Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents, certified by the Redevelopment Agency by Resolution No. R-2081 adopted April 28, 1992, and certified by the City Council by Resolution No. R-279875 on April 28, 1992; and

I. Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments, certified by the Redevelopment Agency by Resolution Nos. R-03058, R-03063, and R-03066 adopted October 26, 1999, and certified by the City Council by Resolution Nos. R-292363, R-292366, and R-292371 adopted October 26, 1999;

WHEREAS, the sale of the property and the Rehabilitation of the Balboa Theatre is a redevelopment implementation activity whose environmental impacts are assessed in the MEIR/SEIR, and

WHEREAS, Centre City Development Corporation, Inc., acting on behalf of Agency, has prepared an Environmental Secondary Study for the Proposed Balboa Theater Rehabilitation dated January 31, 2001 [Secondary Study], in accordance with and pursuant to the California Environmental Quality Act of 1970 (CEQA) and State and local regulations and guidelines

adopted pursuant thereto, that assesses the environmental impacts of the sale and Rehabilitation of the real property pursuant to the Agreement and the Basic Concept/Schematic Drawings, and

WHEREAS, the City Council has considered the environmental effects of the proposed development as discussed in the MEIR/SEIR and the Secondary Study, NOW, THEREFORE,

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

1 That the City Council certifies that the Environmental Secondary Study for the Proposed Balboa Theater Rehabilitation has been prepared and completed in compliance with the California Environmental Quality Act of 1970 and state and local regulations and guidelines adopted pursuant thereto

2 That the City Council certifies that the information contained in the Secondary Study and the MEIR/SEIR has been reviewed and considered by City Council

3 That the City Council finds and determines that

a No substantial changes are proposed in the Horton Plaza Redevelopment Project, or with respect to the circumstances under which the Project is to be undertaken as a result of the sale and rehabilitation of the real property pursuant to the Agreement and the Basic Concept/Schematic Drawings, which will require important revisions in the MEIR/SEIR for the Project,

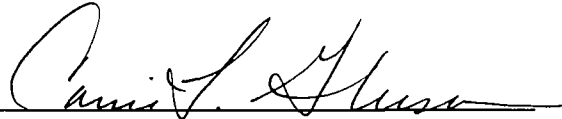
b No new information of substantial importance to the Project has become available which was not known or could not have been known at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, 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; and

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

d. The sale of the real property and the rehabilitation of the Balboa Theatre, pursuant to the Agreement and the Basic Concept/Schematic Drawings will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project.

APPROVED: CASEY GWINN, City Attorney

By 
Carrie L. Gleeson
Deputy City Attorney

CLG:jc
03/06/01
Or.Dept:CCDC
Aud.Cert:N/A
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