

RESOLUTION NUMBER R- 295757

ADOPTED ON NOV 20 2001

A RESOLUTION OF THE CITY 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 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 WITH RESPECT TO THE PROPOSED FIRST IMPLEMENTATION AGREEMENT TO THE DISPOSITION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND THE CHILDREN'S MUSEUM; 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 Centre City Redevelopment Project [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 [MEIR]; and

WHEREAS, the Agency has also previously prepared, and the Agency by Resolution No. 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 [SEIR]; and

WHEREAS, the MEIR, as supplemented by the SEIR for the Project, is sometimes referred to collectively herein as the MEIR/SEIR; and

WHEREAS, the City Council proposes to approve a First Implementation Agreement to Disposition Agreement [First Implementation Agreement] between the Agency and The Children's Museum, a California non-profit public benefit corporation [Museum] to provide for:

- (1) The refinement of the terms and conditions for conveyance of the site [as defined in the original Disposition Agreement] to the Museum to facilitate the development of a new children's museum thereon;
- (2) authorization for the Museum to transfer a portion of the site to Pinnacle Market Development (US), LLC, a California limited liability company [Developer], for the development of a residential condominium tower, with ancillary retail, consistent with redevelopment of the site pursuant to the Disposition Agreement, as amended by the proposed First Implementation Agreement;
- and (3) payment to the Agency of any proceeds received by the Museum in connection with such transfer to the Developer, which are not used to assure development of the museum; and

WHEREAS, the conveyance of the real property, and development of the museum, residential condominium and retail development on the real property pursuant to the provisions of the Disposition Agreement, as amended by the proposed First Implementation Agreement, is a redevelopment implementation activity whose environmental impacts are assessed in the MEIR/SEIR; and

WHEREAS, the Centre City Development Corporation, Inc., acting on behalf of the Agency, has prepared a 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, and such Secondary Study assesses the environmental impacts of the development of the real property pursuant to the First Implementation Agreement; and

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

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

1. The City Council hereby certifies that the Secondary Study of environmental impacts with respect to the proposed conveyance and development of the real property pursuant to the First Implementation Agreement 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, and that the Agency has certified thereto.

2. The City Council hereby further certifies that the MEIR/SEIR for the Centre City Redevelopment Project, and the Secondary Study, were presented to the members of the City Council, and that the information contained in the Secondary Study, and the MEIR/SEIR, has been reviewed and considered by the City Council members.

3. The City Council hereby further certifies that the Secondary Study [as with the MEIR/SEIR for the Redevelopment Project] represents the City Council's independent judgment and analysis.

4. The City Council 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 Project is to be undertaken, as a result of the conveyance and development of the real property pursuant to the First

Implementation Agreement, which will require major revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, not covered in the MEIR/SEIR; and

b. No new information of substantial importance to the Project has become available which was not known, or could not have been known, with the exercise of reasonable diligence 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, subsequent environmental impact report, supplement or addendum to the MEIR/SEIR is necessary or required; and

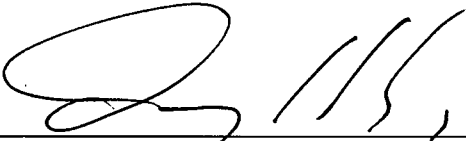
d. The conveyance and development of the real property pursuant to the First Implementation Agreement will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project.

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5. The activity specific Mitigation Monitoring and Reporting Program with respect to the development under the proposed First Implementation Agreement, Attachment A to the Secondary Study, is hereby approved and adopted

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

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