

RESOLUTION NUMBER R- 296211

ADOPTED ON MAR 19 2002

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 [MEIR], THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE MEIR FOR THE PROPOSED BALLPARK AND ANCILLARY DEVELOPMENT PROJECTS, AND ASSOCIATED PLAN AMENDMENTS, THE ENVIRONMENTAL SECONDARY STUDY FOR THE PROPOSED BROADWAY AT KETTNER OFFICE BUILDING DATED JULY 9, 2001, THE SUPPLEMENT TO THE ENVIRONMENTAL SECONDARY STUDY DATED SEPTEMBER 26, 2001 AND THE SUPPLEMENT TO THE ENVIRONMENTAL SECONDARY STUDY DATED FEBRUARY 7, 2002, WITH RESPECT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT AND THE PROPOSED FIRST IMPLEMENTATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND BROADWAY TOWER 655, LLC; 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 (Resolution No. 2081), and the City Council (Resolution No. R-279880) 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 (Resolution No. R-03058), and the City Council (Resolution No. R-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 Agency has also previously prepared, and the Agency (Resolution No. R-03382) and the City Council (Resolution No. R-295564), have certified that the Environmental Secondary Study for the Proposed Broadway at Kettner Office Building dated July 9, 2001, and the Supplement to Environmental Secondary Study dated September 26, 2001, with respect to the proposed sale and development of the real property pursuant to the Disposition and Development Agreement with Broadway Tower 655, LLC [Agreement] were prepared and completed in compliance with the California Environmental Quality Act of 1970 [CEQA] and state and local regulations and guidelines; and

WHEREAS, the City Council approved the Agreement with Broadway Tower 655, LLC, a California limited liability company [Developer], for the development of a Class A office building with ancillary retail and residential uses, on certain real property in the Project area; and

WHEREAS, the Agency proposes to approve a First Implementation Agreement to the Agreement; and

WHEREAS, the sale of the real property, and development of the office, retail and residential development on the real property pursuant to the provisions of the Agreement and the proposed First Implementation Agreement between the Agency and the Developer is a redevelopment implementation activity whose environmental impacts are assessed in the MEIR/SEIR, the Environmental Secondary Study dated July 9, 2001, and the Supplement to Environmental Secondary Study dated September 26, 2001; and

WHEREAS, the Centre City Development Corporation, Inc., acting on behalf of the Agency, has prepared a Supplement to Environmental Secondary Study dated February 7, 2002, (focusing on the relocation of the SDG&E Harbor Substation as part of the development) in accordance with and pursuant to CEQA and state and local regulations and guidelines adopted pursuant thereto, and such Supplement further assesses the environmental impacts of the development of the real property pursuant to the Agreement and First Implementation Agreement; and

WHEREAS, the City Council has considered the environmental effects of the proposed development as shown in the MEIR/SEIR, the Environmental Secondary Study dated July 9, 2001, the Supplement to Environmental Secondary Study dated September 26, 2001, and the Supplement to Environmental Secondary Study dated February 7, 2002; NOW, THEREFORE,

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

1. The City Council certifies that the Supplement to Environmental Secondary Study for the Broadway at Kettner Office Building dated February 7, 2002, has been prepared and completed in compliance with the CEQA and state and local regulations and guidelines.
2. The City Council further certifies that the Supplement to Environmental Secondary Study dated February 7, 2002, was presented to the members of the City Council, and the information contained in the Supplement to Environmental Secondary Study dated February 7, 2002, has been reviewed and considered by the City Council members.
3. The City Council further certifies that the Supplement to Environmental Secondary Study dated February 7, 2002 (as with the MEIR/SEIR for the Redevelopment

Project, the Environmental Secondary Study dated July 9, 2001, and the Supplement to Environmental Secondary Study dated September 26, 2001), represents the City Council 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 sale and development of the real property pursuant to the Agreement and 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

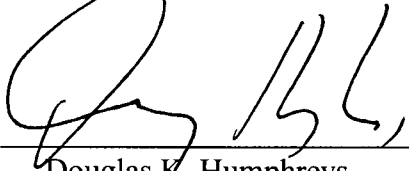
b. No new information of substantial importance to the Project has become available which was not known or could not have been known with the exercise of reasonable diligence at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant 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, or subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR is necessary or required; and

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

5. The activity specific Mitigation Monitoring and Reporting Program with respect to the development under the Agreement and First Implementation Agreement, Attachment A to the Supplement to Environmental Secondary Study dated February 7, 2002, is hereby approved and adopted.

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

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Or.Dept:CCDC
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