

RESOLUTION NUMBER R- 299641

ADOPTED ON SEP 14 2004

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 DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND OAK SHELTER SYSTEMS, 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. 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 (Resolution No. 03058) and the City Council (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 Disposition and Development Agreement [Agreement] between the Agency and Oak Shelter Systems, LLC [Developer] for the development of mixed-use condominium and retail project on the north block, on certain real property in the Project area; and

WHEREAS, the sale of the real property and development of the mixed-use condominium and retail project on the north block pursuant to the provisions of the proposed Agreement between the Agency and the Developer 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 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 the environmental impacts with respect to the proposed sale and development of the real property pursuant to the 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 sale and development of the real property pursuant to the 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 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



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Deputy City Attorney

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Or.Dept:CCDC  
R-2005-238  
Redv: RA-2005-33