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(R-2006-437)

RESOLUTION NUMBER R- 301142

ADOPTED ON DEC 06 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY LOCATED GENERALLY SOUTH OF J STREET BETWEEN SEVENTH AND TENTH AVENUES IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA (THE SCHIEFFER & SONS WAREHOUSE AND SHOWLEY BROTHERS CANDY FACTORY) TO EAST VILLAGE SQUARE LLC; APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH SALE.

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, in order to carry out and implement such Redevelopment Plan the Agency proposes to sell certain property [Parcel 3 (The Schieffer & Sons Warehouse) and Parcel 5 (Showley Brothers Candy Factory) of Parcel Map 19494 recorded May 25, 2004] located generally south of J Street between Seventh and Tenth avenues in the Project area to East Village Square LLC, a Delaware limited liability company [Developer], pursuant to the terms and provisions of a certain Disposition and Development Agreement [Agreement], which Agreement contains a description of Parcel 3 and Parcel 5 [the Site] and provides for the rehabilitation and adaptive reuse of the historic structures on the Site as restaurant, or restaurant and retail, ground floor uses and office use in the upper stories of the buildings; and

WHEREAS, the Developer has submitted to the Agency and this City Council of the City of San Diego copies of said proposed Agreement in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed said proposed Agreement, and has recommended that the City Council approve and the Agency enter into the Agreement; and

WHEREAS, the proposed Agreement is consistent in all respects with the East Village Square Master Plan approved by the City Council by Resolution R-298678 adopted December 2, 2003; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, Sections 33000, *et seq.*) the Agency and this City Council held a joint public hearing on the proposed sale of such real property pursuant to such Agreement, having duly published notice of such public hearing and made copies of the proposed Agreement and other reports and documents available for public inspection and comment; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed sale of real property and believes that the development of the real property pursuant to the proposed Agreement is in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; and

WHEREAS, because the building sizes and envelopes proposed in the East Village Square Master Plan were different from those analyzed in 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 [FSEIR], an Addendum to the FSEIR was prepared and certified on December 2,

2003, by the City Council and Redevelopment Agency at the time the East Village Square Master Plan was adopted; and

WHEREAS, the rehabilitation and adaptive reuse of the real property pursuant to the proposed Agreement is consistent with the adopted East Village Square Master Plan and no further environmental review or certification is required; NOW, THEREFORE,

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

1. That the City Council recognizes that it has received and heard all oral and written objections to the proposed Agreement, to the proposed sale of the real property pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the City Council hereby finds and determines that the sale of the real property pursuant to the proposed Agreement will assist in the elimination of blight within the Project area, and is consistent with the Implementation Plan for the Centre City Redevelopment Project adopted pursuant to Section 33490 of the California Community Redevelopment Law.

3. That the City Council hereby finds and determines that the consideration to be paid by the Developer for the sale of the real property as described in the Agreement is not less than fair market value at its highest and best use in accordance with the Redevelopment Plan for the Project, and is not less than the fair reuse value and fair market price at the use and with the covenants and conditions and development costs authorized by the sale.

4. That the sale of the real property and the Agreement which establishes the terms and conditions for the sale and development of the real property are hereby approved.

5. That the City Council hereby authorizes the City Clerk to deliver a copy of this Resolution to the Executive Director and members of the Agency. A copy of the Agreement,

when executed by the Agency, shall be placed on file in the office of the City Clerk as Document
No. RR - 301142.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *Rachel H. Witt*
Rachel H. Witt
Chief Deputy City Attorney

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