

#331 Subitem D  
2/28/06

(R-2006-717)  
REV. COPY

RESOLUTION NUMBER R- 301265

DATE OF FINAL PASSAGE MAR 14 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CENTRE CITY REDEVELOPMENT PROJECT FOR THE PROPOSED DOWNTOWN COMMUNITY PLAN, THE PROPOSED CENTRE CITY PLANNED DISTRICT ORDINANCE AND THE PROPOSED TENTH AMENDMENT TO THE CENTRE CITY REDEVELOPMENT PLAN AND MAKING CERTAIN FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED DOWNTOWN COMMUNITY PLAN, PROPOSED CENTRE CITY PLANNED DISTRICT ORDINANCE AND PROPOSED TENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY PROJECT AREA; MAKING CERTAIN FINDINGS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the Redevelopment Agency of the City of San Diego (the "Agency") is engaged in activities necessary and appropriate to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, in order to carry out the Redevelopment Project, the Agency is considering approving a Proposed Downtown Community Plan, a Proposed Centre City Planned District

Ordinance and Proposed Tenth Amendment to the Redevelopment Plan (the "Proposed Activities"), all contained within the Centre City Redevelopment Project Area; and

WHEREAS, the Agency was designated as the lead agency to prepare an Environmental Impact Report for the Proposed Activities, pursuant to the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the Centre City Development Corporation ("CCDC"), acting on behalf of the Agency, prepared a Draft Environmental Impact Report ("Draft EIR") in July 2005 to further assess certain potential environmental impacts of the Proposed Activities, and circulated such Draft EIR for a 45-day public review, comment and consultation with citizens, professional disciplines and public agencies pursuant to CEQA, and related guidelines and regulations adopted pursuant thereto; and

WHEREAS, the Final EIR relating to the Proposed Activities and responding to the concerns raised during the review period; the Findings of Fact for the City Council of the City of San Diego and the Redevelopment Agency of the City of San Diego Certifying the Final Environmental Impact Report for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance and the 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project ("Findings"); the Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program have been prepared pursuant to CEQA and said guidelines and regulations; and

WHEREAS, the City Council, in connection with its consideration of the approval of the Proposed Activities, has reviewed and considered the proposed Final EIR, the Findings, the

Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program;  
NOW, THEREFORE,

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

1. The City hereby certifies that the Final EIR, on file in the Office of the City Clerk Agency as Document No. R-301265, the Findings, on file in the Office of the City Clerk as Document No. R301265, the Statement of Overriding Considerations, on file in the Office of the City Clerk as Document No., R301265, and the and Mitigation Monitoring and Reporting Program (contained in Volume 1.B of the Final EIR), have been prepared and completed in compliance with CEQA and state and local guidelines and regulations adopted pursuant thereto.

2. The City Council hereby further certifies that the proposed Final EIR, the Findings, the Statement of Overriding Considerations, and the and Mitigation Monitoring and Reporting Program were presented to the members of the City Council, and that the information contained therein has been reviewed and considered by the members of the City Council.

3. The City Council hereby further certifies that the Final EIR, the Findings, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program represent the City Council's independent judgment and analysis.

4. The City Council hereby finds and determines that:

- a. The Proposed Activities will not result in significant environmental effects in certain respects identified in the Final EIR, as described in the Findings.
- b. Changes or alterations have been required in, or incorporated into, the Proposed Activities, that will avoid or substantially lessen certain

significant environmental effect of the Proposed Activities, as identified in the Findings and the Mitigation and Monitoring Program.

- c. CCDC staff shall clarify the wording in the Final EIR to reflect the intent that (i) the historical resources and archeological sections of the EIR conform to the City's existing designation and Site Development Permit process and (ii) that the Historical Resources Board shall require additional mitigation for both the direct and cumulative impacts, as determined to be appropriate by the Historic Resources Board through the Site Development review process.
- d. The EIR identifies cumulative significant impacts to water quality from urban run-off. An increase in vehicle traffic and other economic activity may cause an increase in trash, brakedust, oils, and solvents, which may increase levels of bacteria and other pollutants in urban runoff. The EIR contemplates implementation of Best Management Practices as currently required by the Municipal Code, which in turn implements the federally-enforceable Municipal Storm Water Permit issued by the Regional Water Quality Control Board. These Best Management Practices mitigate the impacts to water quality from urban runoff to the federal water quality standard of "Maximum Extent Practicable." As such, the Program EIR requires water quality impacts to be mitigated to the extent feasible.
- e. Changes or alterations that would avoid or substantially lessen certain significant environmental effects of the Proposed Activities, as identified

in the Final EIR, are within the responsibility and jurisdiction of another public agency and not the Agency or the City, and such changes have either been adopted by such other agency, or can and should be adopted by such other agency, as described in the Findings.

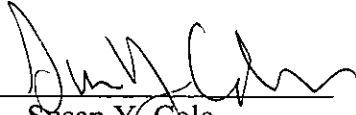
- f. With respect to those significant environmental effects of the Proposed Activities that cannot be avoided or substantially lessened, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR, as described in the Findings.
- g. The significant environmental effects of the Proposed Activities that cannot be avoided or substantially lessened are acceptable due to economic, legal, social, technological or other benefits of the Proposed Activities that outweigh the unavoidable adverse environmental effects, as described in the Statement of Overriding Considerations.

5. The Findings and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program with respect to the Proposed Activities, are hereby made and adopted.

6. The City Clerk or designee is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Final EIR upon adoption of the Proposed

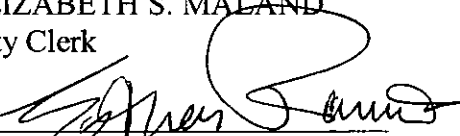
Community Plan, Proposed Centre City Planned District Ordinance, and Proposed Tenth Amendment to the Redevelopment Plan.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Susan Y. Cola  
Deputy City Attorney

SYC:mm  
02/15/06  
03/01/06 Rev. Copy  
Or.Dept: Redev. Agency  
RA-2006-717  
Comp. to Agency RA-2006-83  
MMS#3043

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of FEB 28 2006.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 3-14-06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor