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RESOLUTION NUMBER R- 305465
DATE OF FINAL PASSAGE DEC 10 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO (i) STATING FOR THE RECORD THAT THE COUNCIL HAS REVIEWED AND CONSIDERED THE FINAL ENVIRONMENTAL SECONDARY STUDY RELATING TO THE BAYSIDE FIRE STATION [PROJECT]; (ii) MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATED TO THE USE OF TAX INCREMENT PROCEEDS FROM THE HORTON PLAZA REDEVELOPMENT PROJECT AREA AND THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO PAY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT; AND (iii) ACCEPTING FUNDING ASSISTANCE FROM THE REDEVELOPMENT AGENCY FOR THE COMPLETION OF THE PROJECT.

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 and the Redevelopment Plan for the Horton Plaza Redevelopment Project [collectively, the Redevelopment Plans]; and

WHEREAS, the Agency has approved the Fourth Implementation Plan for the Horton Plaza and Centre City Redevelopment Projects for the period of July 2009 through June 2014 [Implementation Plan], which provides for the implementation of certain activities necessary or appropriate to carry out the objectives of the Redevelopment Plans; and

WHEREAS, the Centre City Development Corporation [CCDC], acting on behalf of the Agency, desires to cause the design and construction of a public facility known as Bayside Fire Station [Fire Station] on the southeast corner of Cedar Street and Pacific Highway within the Little Italy neighborhood of the Expansion Sub Area of the Centre City Redevelopment Project Area [Centre City Project Area]; and

WHEREAS, the Fire Station will be located within approximately one-half mile from the northwestern boundary of the Horton Plaza Redevelopment Project Area [Horton Plaza Project Area]; and

WHEREAS, the City, CCDC and the Agency have proposed a project management plan pursuant to a Memorandum of Understanding [MOU], which contemplates CCDC's management of the design and construction of the Fire Station [Project] on behalf of the Agency, the City's oversight and assistance with management of the Project [City Services], and the Agency's payment to the City for the City Services in an amount not to exceed \$275,000; and

WHEREAS, the Agency desires to expend tax increment funds generated from the Horton Plaza Project Area and the Centre City Project Area [collectively, the Project Areas] in the estimated collective total of \$19,200,000 for the Project, provided that such tax increment proceeds are first determined by the Agency to be available for such expenditures in the Agency's annual budgets for the respective Project Areas; and

WHEREAS, pursuant to California Health and Safety Code section 33445, which is part of the California Community Redevelopment Law [CRL], California Health and Safety Code section 33000 et seq., the Agency may, with the consent of the City Council of the City of San Diego [Council], pay for all or part of the land for and/or the installation and construction of any building, facility, or other improvement that is publicly owned either within or without the Project Areas if the Council makes certain determinations set forth in CRL section 33445 [33445 Findings]; and

WHEREAS, pursuant to CRL section 33679, the Agency and the Council held a joint public hearing on DEC 07 2009, regarding the Agency's proposed expenditure of tax increment proceeds to pay for the Project, after publishing notice of the public hearing for at

least two successive weeks prior to the public hearing, and after making available, for public inspection and copying, that certain "Summary Pertaining to the Use of Tax Increment for the Bayside Fire Station" [Summary], on file in the office of the City Clerk as Document No. R 305465, and incorporated fully into this Resolution by this reference; and

WHEREAS, the Summary includes all of the following elements: (a) estimates of the amount of tax increment proposed to be used to pay for the Project, including interest payments; (b) the facts supporting the 33445 Findings; and (c) the redevelopment purpose for which tax increment proceeds are being used to pay for the Project; and

WHEREAS, the Summary was made available to the public no later than the time of the first publication of the notice of the public hearing; and

WHEREAS, pursuant to the CRL section 33445, the Council considered the information in the Summary regarding: (1) the benefit of the Project to the Project Areas and the immediate neighborhoods in which the Project is located, including the information contained in Section III of the Summary; (2) the unavailability of other reasonable means of financing the Project by the City, including the information contained in Section IV of the Summary; (3) the Project's assistance in the elimination of one or more blighting conditions inside the Project Areas, and the Project's consistency with the Implementation Plan adopted pursuant to CRL section 33490, including the information contained in Section V of the Summary; and (4) that the Project is provided for in the Redevelopment Plan for the Centre City Project Area, including the information contained in Section VI of the Summary; and

WHEREAS, pursuant to Resolution No. R-04001 adopted effective March 14, 2006, the Agency, acting as the designated "lead agency" for purposes of the California Environmental Quality Act [CEQA], has previously certified the Final Environmental Impact Report for the

San Diego Downtown Community Plan, Centre City Planned District Ordinance and Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project [2006 Final EIR], on file in the office of the Agency Secretary as Document No. D-04001a; and

WHEREAS, pursuant to Resolution No. R-301265 adopted effective March 14, 2006, the Council, acting as a “responsible agency” for purposes of CEQA, has previously reviewed and considered the information contained in the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-04193 adopted effective August 3, 2007, the Agency has certified the Addendum to the Final EIR for the Eleventh Amendment to the Redevelopment Plan [2007 Addendum], related to certain amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final EIR; and

WHEREAS, pursuant to Resolution No. R-302931 adopted effective August 3, 2007, the Council has certified the 2007 Addendum; and

WHEREAS, the Council proposes to approve the execution of the MOU in furtherance of the oversight of the Project and to consent to the Agency’s expenditure of tax increment proceeds toward the cost of completion of the Project [collectively, the Activities]; and

WHEREAS, CCDC, on behalf of the Agency, has prepared the Final Environmental Secondary Study for the Project [Secondary Study], which is attached to CCDC Report No. CCDC-09-10 to the Council for this action, in accordance with CEQA and state and local guidelines adopted pursuant thereto; and

WHEREAS, the Secondary Study, at page 7, sets forth the following findings with respect to the Project:

- (i) No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Centre City Redevelopment Project is to be undertaken as a result of the Project, which will require important or major revisions in the 2006 Final EIR or the 2007 Addendum;
- (ii) No new information or substantial importance to the Centre City Redevelopment Project has become available, which was not known or could not have been known at the time the Final 2006 EIR was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the 2006 Final EIR or the 2007 Addendum, or that any significant effects previously examined will be substantially more severe than shown in the 2006 Final EIR or the 2007 Addendum, 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 on the environment;
- (iii) No negative declaration, subsequent environmental impact report, or supplement or further addendum to the 2006 Final EIR is necessary or required;
- (iv) The development of the Project will have no significant effect on the environment, except as identified and considered in the 2006 Final EIR and the 2007 Addendum, and no new or additional project-specific mitigation measures are required in connection with development of the Project;
- (v) Uniformly applied development policies or standards previously adopted by the City and/or the County of San Diego relating to the identification and remediation of soil contamination will substantially mitigate the site-specific effects associated with the potential soil contamination created by previous activities on the Project

site, and therefore the Project site's existing soil conditions are not considered peculiar to the Project site, nor is an environmental impact report warranted for the proposed Project; and

- (vi) The Project would not have any new effects that were not adequately covered in the 2006 Final EIR or the 2007 Addendum, and therefore, the Project is within the scope of the development program approved under the 2006 Final EIR and the 2007 Addendum.

WHEREAS, the Secondary Study, at page 1, states that the Project is presently in its conceptual stage and will undergo a full design approval and entitlement process, during which time an amended Secondary Study or other applicable environmental document in compliance with CEQA will be prepared; and

WHEREAS, the Council has considered any written evidence and/or testimony received in support of or in opposition to the Activities and the Secondary Study; NOW, THEREFORE,

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

1. That the foregoing recitals are true and correct.
2. That the Council has previously reviewed and considered the information contained in the 2006 Final EIR and the 2007 Addendum.
3. That the Council, acting as a "responsible agency" for purposes of CEQA, has reviewed and considered the information contained in the Secondary Study.
4. That the Council received and heard any and all oral and written objections relating to the proposed expenditure of tax increment for the Project, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.

5. That the Council hereby adopts the findings and recommendations set forth in the Summary, which is attached to CCDC Report No. CCDC-09-10 to the Council for this action, and more specifically finds and determines as follows:

a. The Project is of benefit to the Project Areas and the immediate neighborhoods in which the Project is located, as described in Section III of the Summary;

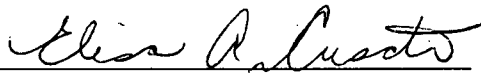
b. The City has no other reasonable means of financing the Project, as described in Section IV of the Summary;

c. The payment of tax increment proceeds for the Project will assist in the elimination of one or more blighting conditions inside the Project Areas and is consistent with the Implementation Plan adopted pursuant to CRL section 33490, as described in Section V of the Summary; and

d. The Project is provided for in the Redevelopment Plan for the Centre City Project Area, as described in Section VI of the Summary.

6. That the City Council hereby consents to the Agency's payment for the cost of the Project using tax increment proceeds generated from the Project Areas, provided that such tax increment proceeds are first determined by the Agency to be available for such expenditures in the Agency's annual budgets for the respective Project Areas.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Elisa A. Cusato
Deputy City Attorney

EAC:pev:cw
07/02/09
09/03/09 (COR.COPY)
10/30/09 (COR.COPY 2)
11/19/09 (COR.COPY 3)
Or.Dept:Redev. Agency
R-2009-1220
MMS #8003
Companion to: R-2009-1196
RA-2009-132

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 07 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-10-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor