

RESOLUTION NUMBER R- 308638
DATE OF FINAL PASSAGE FEB 28 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, AS RESPONSIBLE AGENCY, CERTIFYING THAT IT HAS REVIEWED AND CONSIDERED INFORMATION CONTAINED IN CERTAIN ENVIRONMENTAL REVIEW DOCUMENTS FOR THE NORTH EMBARCADERO VISIONARY PLAN PROJECT, ADOPTING CERTAIN FINDINGS OF FACT, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM.

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 Area (Project Area); and

WHEREAS, the Centre City Development Corporation, Inc. (CCDC) is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, the Agency, acting through CCDC, the City of San Diego (City), and the San Diego Unified Port District (Port) entered into a Joint Exercise of Powers Agreement (JPA Agreement) dated April 9, 2007, which established the North Embarcadero Alliance Joint Powers Authority (JPA) with the power to direct work as necessary to facilitate the completion of design, construction and development of a financing and phase plan necessary to implement the North Embarcadero Visionary Plan (NEVP); and

WHEREAS, the Agency, acting through CCDC, the City, and the Port now propose to enter into that certain First Amendment (First Amendment) to the JPA Agreement in order to memorialize the construction and maintenance funding arrangements between the City, the Port, and the Agency, acting through CCDC, for certain NEVP Phase I improvements in the Project Area, which include improvements to West Broadway, extension of the Esplanade improvements south to the former Navy Pier 11A, and inclusion of the Setback Park/Plaza, an approximately

two-acre public park/plaza to be designed and constructed within a 150-foot setback from North Harbor Drive along the Lane Field development between West Broadway and B Street (collectively, Phase I Improvements); and

WHEREAS, the First Amendment provides that the Port will be solely responsible for the administration of construction the Phase I Improvements, except that design and construction of Setback Park/Plaza is the primary responsibility of the adjacent Lane Field development; and

WHEREAS, the First Amendment provides that the Port and the Agency shall equally share the total cost of construction of the Phase I Improvements, provided that the Agency will advance the construction costs and the Port will receive certain credits for previous capital contributions and offsets for the Port's assumption of maintenance responsibility for the Phase I Improvements; and

WHEREAS, the First Amendment provides that the Agency will contribute additional funding for the design and construction of the Broadway Pier surface improvements; and

WHEREAS, the City anticipates accepting certain Phase I Improvements, upon completion of construction, to the extent that they are located within City right-of-way or easements; and

WHEREAS, the Port, acting as the lead agency for purposes of the California Environmental Quality Act (CEQA), set forth at California Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (CEQA Guidelines), set forth at California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq., prepared and certified the Final Master Environmental Impact Report (Final MEIR) for NEVP by Port Resolution 2000-82 adopted effective April 25, 2000, which analyzes the NEVP improvements along with the area covered by the NEVP Phase 1 Project; and

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WHEREAS, the Port prepared and approved subsequent addenda to the Final MEIR for subsequent projects, including the Broadway Cruise Ship Terminal in 2007 (2007 Addendum) and the Lane Field Development Project in 2008 (2008 Addendum); and

WHEREAS, in December 2010, after intervening changes to the NEVP Phase I Project, the Port prepared and approved another addendum to the Final MEIR (2010 Addendum) for the NEVP Phase 1 Project; and

WHEREAS, pursuant to Resolution 2011-08 adopted effective January 11, 2011, the Port made findings to the effect that the NEVP Phase 1 Project is within the scope of the Final MEIR, that no new significant environmental impacts would occur, that the mitigation measures identified in the Final MEIR are applicable and address all potential impacts of the proposed NEVP Phase 1 Project and no additional mitigation measures or alternatives are required, and that no additional environmental review is required; NOW, THEREFORE,

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

1. That the Council, acting as a responsible agency under CEQA, hereby certifies that the information contained in the Final MEIR, the 2007 Addendum, the 2008 Addendum and the 2010 Addendum has been reviewed and considered by the members of the Council, that each and all of the findings and determinations contained in this Resolution are based on substantial evidence in the record, and that such findings and determinations reflect the independent

judgment and analysis of the Council; copies of the Final MEIR, the 2007 Addendum, the 2008 Addendum and the 2010 Addendum are on file in the office of the City Clerk as Document Nos.

RR-306038-1 R-306038-2 R-306038-3 and R-306038-4, respectively.


2. That the Council, pursuant to CEQA Guidelines Sections 15091 and 15096, hereby adopts the Findings of Fact made in connection with the Final MEIR, as contained in

Exhibit A of Port Resolution 2000-82, and specifically including the findings set forth in Section 4.1 thereof (entitled North Embarcadero Visionary Plan) and Section 5.2 thereof (entitled Cumulative Significant Effects); a copy of Port Resolution 2000-82, containing the Findings of Fact, is on file in the office of the City Clerk as Document No. RR-306638-5

3. That the Council, pursuant to CEQA Guidelines Section 15096, hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), prepared in connection with the Final MEIR and the 2010 Addendum, to monitor and ensure that the mitigation measures identified will be instituted; a copy of the MMRP, which is contained within the 2010 Addendum, is on file in the office of the City Clerk as Document No. RR-306638-6

4. That the City Clerk, or designee, is hereby authorized and directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego, stating that the Council, in its capacity as a responsible agency under CEQA, has reviewed and considered the information contained in the Final MEIR, the 2007 Addendum, the 2008 Addendum and the 2010 Addendum.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Elisa A. Cusato
Deputy City Attorney

EAC:nja
02/10/2011
Or.Dept:CCDC
R-2011-694
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Comp. R-2011-693
R-2011-695
RA-2011-74
RA-2011-75
RA-2011-76

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.28.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor