

RESOLUTION NUMBER R- 308309
DATE OF FINAL PASSAGE JUL 12 2013

ITEM # 332
6/25/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, APPROVING THE FIRST AMENDMENT TO THE GRANT DEED FOR EAST VILLAGE SQUARE PARCEL 5 – CANDY FACTORY AND RELATED ACTIONS

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion issued on December 29, 2011; and

WHEREAS, at the time of the Former RDA's dissolution, the City, in its capacity as the successor agency to the Former RDA (Successor Agency), became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and Assembly Bill 1484 (AB 1484), enacted on June 27, 2012 (collectively, the Dissolution Laws); and

WHEREAS, the Oversight Board has been formed to oversee certain actions and decisions of the Successor Agency in accordance with the Dissolution Laws; and

WHEREAS, the San Diego County Auditor-Controller, the State Controller, and the State Department of Finance (DOF) also possess certain rights and obligations under the Dissolution Laws with respect to the Successor Agency's administration of the Former RDA's operations; and

WHEREAS, pursuant to Resolution No. R-04001 adopted effective March 14, 2006, the Former RDA, 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 with the City Clerk as Document No. D-04001a; and

WHEREAS, the Former RDA also certified subsequent addenda to the 2006 Final EIR effective August 3, 2007 (Resolution No. R-04193), April 21, 2010 (Resolution Nos. R-04508 and R-04510), and August 3, 2010 (Resolution No. R-04544) (collectively, Addenda); and

WHEREAS, in 2006 the Former RDA entered into a Disposition and Development Agreement (DDA) allowing a developer's acquisition and rehabilitation of the Candy Factory/Schieffer Building; and

WHEREAS, the Grant Deed, included as Attachment B to Staff Report No. CSD-13-07, for the Candy Factory/Schieffer Building requires that the property include active commercial uses on the ground floor; and

WHEREAS, the proposed First Amendment to the Grant Deed, included as Attachment A to Staff Report No. CSD-13-07, would allow some flexibility in leasing options for the

ground-floor spaces to commercial tenant(s) by removing the use restriction in the Grant Deed requiring 6,500 square feet of restaurant and retail uses on the ground floor; and

WHEREAS, Padre Time Candy Factory, LLC (Owner) has agreed to pay \$67,000 to the Successor Agency as consideration for the increased value of the Candy Factory property resulting from the removal of the use restriction from the Grant Deed; and

WHEREAS, pursuant to the Dissolution Laws, specifically California Health and Safety Code section 34181(e), the Oversight Board and the DOF will need to approve the First Amendment to the Grant Deed before the Successor Agency is permitted to execute such First Amendment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

1. The environmental effects of removing the use restriction were adequately addressed in the 2006 Final EIR and the Addenda and are within the scope of the development program described therein.

2. The Successor Agency adopts the following findings and determinations with respect to the environmental effects of removing the use restriction:

(a) 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 removing the use restriction, which will require important or major revisions in the 2006 Final EIR or the Addenda; and

(b) 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 2006 Final EIR was certified as complete, and which shows that removing

the use restriction will have any significant effects not discussed previously in the 2006 Final EIR or the Addenda, or that any significant effects previously examined will be substantially more severe than shown in the 2006 Final EIR or the Addenda, 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; and

(c) No negative declaration, subsequent environmental impact report, or supplement or further addendum to the 2006 Final EIR is necessary or required; and

(d) Removing the use restriction will have no significant effect on the environment, except as identified and considered in the 2006 Final EIR and the Addenda, and no new or additional project-specific mitigation measures are required; and

(e) Removing the use restriction will not have any new effects that were not adequately covered in the 2006 Final EIR or the Addenda, and therefore, removing the use restriction from the Grant Deed is within the scope of the development program approved under the 2006 Final EIR and the Addenda.

3. Pursuant to CEQA Guidelines section 15162 and 15168, the Successor Agency determines that no further environmental documentation is required to address the potential environmental effects of removing the use restriction from the Grant Deed for the Candy Factory property.

4. The First Amendment to the Grant Deed, which will remove the use restriction to develop and maintain a minimum of 6,500 square feet of restaurant or retail uses on the ground floor of the Candy Factory property, is approved.

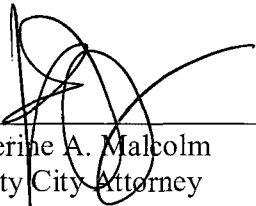
and directed

5. The Mayor or designee is authorized ~~and directed~~ to execute the First Amendment to the Grant Deed on the Successor Agency's behalf, conditioned upon approval of such First

Amendment by the Oversight Board and the DOF; a copy of the fully-executed First Amendment shall be placed on file in the Office of the City Clerk as Document No. RR- 308309

6. The City Comptroller is authorized, on the Successor Agency's behalf, to accept the Owner's payment of \$67,000 to the Successor Agency as consideration for the increased value of the Candy Factory property arising from removal of the use restriction.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Katherine A. Malcolm
Deputy City Attorney

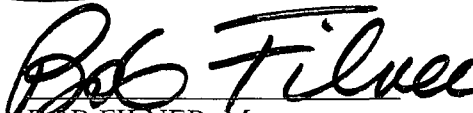
KAM:als
06/04/13
Or.Dept: Civic San Diego
Doc. No. 574216

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 25 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/11/13
(date)
(as amended)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Pursuant to the City Attorney Memorandum of Law dated July 15, 2013, (see Resolution R-308282 of July 2, 2013) the strike-out amendments to this resolution have been deemed ineffectual. The resolution, as passed by the Council on June 25, 2013, is effective on the day the resolution was returned to the Office of the City Clerk with the Mayor's approval, that date being July 12, 2013

Passed by the Council of The City of San Diego on JUN 25 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 12 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

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