

Item 201

Monday,

Aug. 3, 2015

RESOLUTION NUMBER R- 309907

DATE OF FINAL PASSAGE AUG 07 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO MAKING VARIOUS FINDINGS AND APPROVING VARIOUS ACTIONS RELATED TO THE PARK BOULEVARD AT-GRADE CROSSING IMPROVEMENT PROJECT.

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 (AB26), as modified by the California Supreme Court in *California Redevelopment Assn. v. Matosantos*, 53 Cal.4th 231 (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 subsequent legislation (collectively, the Dissolution Laws); and

WHEREAS, pursuant to Resolution No. R-309274 and Resolution No. R-309248, both passed on October 8, 2014, the City and the Successor Agency entered into that certain

Agreement Regarding Expenditure of Excess Redevelopment Bond Proceeds dated November 14, 2014, on file in the Office of the City Clerk as Document No. RR-309247 (Bond Expenditure Agreement), which provides for the Successor Agency's transfer of excess non-housing bond proceeds to the City and the City's expenditure of such bond proceeds in accordance with the Bond Spending Plan included as Exhibit 2 to the Bond Expenditure Agreement (Bond Spending Plan); and

WHEREAS, the Park Boulevard At-Grade Crossing Improvement Project (Project) will extend Park Boulevard to Harbor Drive across six existing railroad tracks, three owned by Burlington Northern Santa Fe railroad and three owned by Metropolitan Transit System, and is a key link between the Harbor area and Balboa Park; and

WHEREAS, the Bond Spending Plan identifies the Project as one of the activities to be implemented by the City under the Bond Expenditure Agreement, using excess non-housing bond proceeds now in the City's possession; 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), 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, pursuant to Resolution No. R-292363 adopted effective October 26, 1999, the Former RDA also certified the Final Subsequent Environmental Impact Report to the Final Master EIR for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects (1999 Subsequent EIR); and

WHEREAS, Civic San Diego, on behalf of the City, has administered the preparation of the Park Boulevard At-Grade Crossing Improvement Capital Improvement Project, California Environmental Quality Act – Section 15162 Evaluation (Section 15162 Evaluation), which is included as an attachment to the Staff Report, in accordance with CEQA and state and local guidelines adopted pursuant thereto; and

WHEREAS, the Section 15162 Evaluation sets forth findings that the Project is within the scope of the development program analyzed in the 2006 Final EIR, the Addenda, and the 1999 Subsequent EIR, and will not result in new or increased environmental effects compared to what already has been evaluated under such CEQA documents; NOW, THEREFORE,

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

1. The Council finds and determines that all recitals set forth in this Resolution are true and correct and fully incorporated herein by this reference.
2. Consistent with the analysis contained in the Section 15162 Evaluation, the environmental effects of the Project were adequately addressed in the 2006 Final EIR, the Addenda, and the 1999 Subsequent EIR, and the Project is within the scope of the development described therein.
3. The Council adopts the following findings and determinations, as set forth on pages three and four of the Section 15162 Evaluation:

(a) No substantial changes are proposed in the Project which will require important or major revisions of the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; and

(b) No substantial changes have occurred with respect to the circumstances under which the Project will be undertaken which will require major revisions of the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; and

(c) No new information of substantial importance, which was not known or could not have been known with the exercise of reasonable diligence at the time the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR were certified as complete, is available which shows that (i) the Project will have any significant effects not discussed previously in the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR, (ii) any significant effects previously examined will be substantially more severe than shown in the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR, (iii) any mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, or (iv) any mitigation measures or alternatives which are considerably different from those analyzed in the 2006 Final EIR, the Addenda, or the 1999 Subsequent EIR would substantially reduce any significant effects on the environment; and

(d) The Project is adequately covered in the 2006 Final EIR, the Addenda, and the 1999 Subsequent EIR, and therefore, the Project is within the scope of the development program approved under the 2006 Final EIR, the Addenda, and 1999 Subsequent EIR.

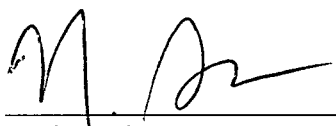
4. Pursuant to CEQA Guidelines sections 15162 and 15168, the Council determines that no further environmental documentation is required to address the potential environmental effects of the Project.

5. The City Clerk, or designee, is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

6. The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S15045, Park Boulevard At-Grade Crossing Improvement, and to appropriate and expend a total amount not to exceed \$13,998,000, of which \$13,748,000 is from Fund 400349 – Centre City Tax 2006(A) Tax Exempt Tax Allocation bonds, and \$250,000 is from Fund 200700 – Redevelopment Obligation Retirement Fund (ROPS line 467), for the purpose of designing, constructing and administering the Project, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

7. Council Policy 800-14, Prioritizing Capital Improvement Program Projects, is hereby waived.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Nathan Slegers
Deputy City Attorney

NLJS:dkr
July 23, 2015
Or.Dept: CivicSD
Doc. No.: 1061082

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 03 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/6/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 03 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 07 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By *Sty Brady*, Deputy

Office of the City Clerk, San Diego, California

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