

Item 330-8/2/16

(R-2017-47)

subitem B

RESOLUTION NUMBER R- 310660

DATE OF FINAL PASSAGE AUG 10 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE SALE OF THE REAL PROPERTY LOCATED AT 2513/2515 UNION STREET/540 W. LAUREL STREET AND THE PAYMENT OF A REAL ESTATE BROKERS COMMISSION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15312, 15325, 15331 and 15061(B)(3).

WHEREAS, the City owns approximately 0.68 acres of improved real property located at 2513/2515 Union Street/540 W. Laurel Street (the Property). The Property is improved with two structures. The structure located at 2513/2515 Union Street, commonly known as the Brad Truax House (Truax House), has been nominated for designation as an historical resource and is pending review by the Historical Resources Board; and

WHEREAS, the City has no foreseeable use for the Property, and is negotiating the sale of the Property to Nakhshab Development and Design, Inc., (Nakhshab), with a requirement that Nakhshab complete the nomination process for the Truax House; and, that as applicable, Nakhshab preserve, maintain, and rehabilitate the Truax House in compliance with the City's Land Development Code, the Historical Resources Regulations and Guidelines, the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties, and all other applicable laws and regulations (the Project); and

WHEREAS, the California Environmental Quality Act (CEQA) (California Public Resources Code sections 21000-21177), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, section 15000, *et seq.*) shall list those

classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of Projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15312, 15325, and 15331, and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Planning Department has established that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment; and

WHEREAS, the Council of the City of San Diego (City Council) has considered the potential environmental effects of the Project, and

WHEREAS, on August 2, 2016, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the City Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because it is a sale of surplus government real property that is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4); and

WHEREAS, the City Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because it is the transfer of ownership interests in land to preserve an historical resource; and

WHEREAS, the City Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because it requires the maintenance, rehabilitation and preservation of an potentially historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Property with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings (1995) Weeks and Grimmer; and

WHEREAS, the City Council, using its independent judgment, has determined that the Project does not have the potential for causing a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15312, 15325 and 15331, and that an exception to the exemption does not apply; and that Project is also exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

BE IT FURTHER RESOLVED, that the City Council has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption the Project with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:mcm
July 18, 2016
Or.Dept: Real Estate Assets Dept.
Doc. No.: 1325076

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2016.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 8/8/16
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 02 2016, 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 10 2016.

(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.

(Seal)

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

By Sty Bandy, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310660