

#332A
05/25/21

(R-2021-442)

RESOLUTION NUMBER R- 313556

DATE OF FINAL PASSAGE MAY 25 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING MITIGATED NEGATIVE DECLARATION NO. 637438 AND THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR 32ND & BROADWAY – PROJECT NO. 637438.

WHEREAS, on June 4, 2019, 32nd & Broadway, LLC, a California limited liability company, and Benny C. Anderson, Owners and 32nd & Broadway, LLC, a California limited liability company, Permittee, submitted an application to the Development Services Department for a Right of Way Vacation, Tentative Map, Site Development Permit, and Neighborhood Development Permit for the 32nd and Broadway project (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on May 25, 2021; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 637438 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines

thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By: /s/ Lauren N. Hendrickson
Lauren N. Hendrickson
Deputy City Attorney

LNH:nja
05/05/21
Or. Dept: DSD
Doc. No. 2655524

Attachment: Exhibit A – Mitigation, Monitoring, and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE

32ND & BROADWAY RIGHT OF WAY VACATION, TENTATIVE MAP, SITE DEVELOPMENT PERMIT, AND NEIGHBORHOOD DEVELOPMENT PERMIT

PROJECT NO. 673438

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 637438 shall be made conditions of the Right of Way Vacation, Tentative Map, Site Development Permit, and Neighborhood Development Permit as may be further described below.

BIO-MM1 Mitigation Fee: A total of 0.23-acre of Diegan coastal sage scrub located outside of the MHPA will be directly impacted as a result of project implementation. A mitigation ratio of 1:1 for impacts to Tier II (uncommon uplands, coastal sage scrub, coastal sage scrub/chaparral) will be required. Prior to construction, the project applicant will provide monetary compensation to the City of San Diego Habitat Acquisition Fund (HAF) as established by the City Council. Therefore, the total resulting mitigation required for direct project impacts is a total of a 0.23-acre equivalent contribution to the HAF plus a ten percent (10%) administrative fee.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on MAY 25 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 25 2021.

(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:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

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

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313556