

RESOLUTION NUMBER R- 313655  
DATE OF FINAL PASSAGE AUG 03 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE USE OF THE BALBOA PARK BOTANICAL BUILDING AND GARDENS DONOR ACKNOWLEDGMENT PROGRAM, THE NAMING OPPORTUNITIES PROGRAM, THE PROPOSED AGREEMENT FOR NAMING RIGHTS FOR DONORS TO THE RESTORATION OF THE BALBOA PARK BOTANICAL BUILDING AND GARDENS PROJECT, AND WAIVING COUNCIL FINAL APPROVAL OF EACH NAMING OR RENAMING RIGHT THAT INCLUDES FUNDING AND GRANTING FINAL APPROVAL AUTHORITY TO THE MAYOR, OR HIS DESIGNEE, AND RELATED ACTIONS IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), 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 15060-15065 list the statutory exemptions promulgated by the California State Legislature; and

WHEREAS, the Development Services Department has established that the Project is statutorily exempt from CEQA review pursuant to the "common sense" exemption set forth in the CEQA Guidelines section 15061(b)(3) which states the general rule that CEQA applies only to projects having the potential to cause a significant effect on the environment. Where it can be

seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA; and

WHEREAS, in 2016 the Balboa Park Conservancy (Conservancy) began a project to restore the Botanical Building and adjacent gardens (Project) in partnership with the City of San Diego (City) Parks and Recreation Department. The Project is divided into Phase I and Phase II. The Conservancy plans to raise funds for Phase II through a capital campaign in which donor acknowledgment will be a key component; and

WHEREAS, the City desires to approve the use of the Donor Acknowledgment Program which acknowledges the acceptance of donations in exchange for the placement of donor names on pavers, benches, interior water features, pergola statues, urns and pedestals, drinking fountains, interior planters, and promenade pathways throughout the Project, consistent with Council Policy 100-02; and

WHEREAS, the City desires to approve the use of the Naming Opportunities Program developed by the City and Conservancy, which formalizes the roles and responsibilities for approval of potential donors and potential gift levels for the naming right of each City asset in the Project, consistent with Council Policy 900-20; and

WHEREAS, the City desires to approve the use of a proposed Agreement for Naming Rights for Donors to the Restoration of the Balboa Park Botanical Building and Gardens Project (Agreement) which formalizes the City's consent to name a City asset in the Project pursuant to the Agreement, in exchange for a specific donation amount from a donor; and

WHEREAS, the City desires to waive the provision in Council Policy 900-20 that requires the Council of the City of San Diego (Council) provide final approval for all naming or

renaming rights of City assets that include funding in the Project, and grant final approval authority to the Mayor, or his designee; and

WHEREAS, the Council has considered the potential environmental effects of the Project; and

WHEREAS, on JUL 20 2021, 2021, the Council held a duly noticed public meeting and considered the written record for the Project as well as any public comment; and

WHEREAS, the Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because pursuant to CEQA Section 15352(a), the action of requesting approval of the Balboa Park Botanical Building Donor Acknowledgment and Naming Program, proposed Agreement, and requesting a waiver of City Council final approval of the naming rights does not constitute approval of a "project" as defined in CEQA Guidelines Section 15378. Approval of the Balboa Park Botanical Building and Garden's Restoration project will occur once an application is submitted for review in accordance with the provisions of CEQA Section 15004 which provides direction to lead agencies on the appropriate timing for environmental review, and the City's Land Development Code (LDC). Therefore, the proposed action is exempt from CEQA review pursuant to the "common sense" exemption set forth in CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects having the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA. This action will not foreclose review of alternatives or mitigation measures by the public as part of the future CEQA process; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Project is  
statutorily exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

APPROVED: MARA W. ELLIOTT, City Attorney

By  /s/ Jane M. Boardman  
Jane M. Boardman  
Deputy City Attorney

JMB:nja  
06/23/21  
07/16/21 Cor. Copy  
07/27/21 Cor. Copy 2  
Or. Dept: Parks & Recreation Dept.  
Doc. No.: 2698651\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this  
meeting of 07/20/2021.

ELIZABETH S. MALAND  
City Clerk

By  /s/ Gil Sanchez for Linda Irvin  
Deputy City Clerk

Approved: 8/3/21  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 20 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 type="checkbox"/>	<input checked="" 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 AUG 03 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: TODD GLORIA  
Mayor of The City of San Diego, California.

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

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313655