

#103a
7/19/2022

(R-2023-8)

RESOLUTION NUMBER R- 314227

DATE OF FINAL PASSAGE JUL 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT DECLARING 3,645 SQUARE FEET OF REAL PROPERTY IN VACATED PUBLIC RIGHT-OF-WAY OF 40TH STREET IN THE NORMAL HEIGHTS AREA OF THE CITY OF SAN DIEGO EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT AND APPROVING A PURCHASE AND SALE AGREEMENT FOR SALE OF THE REAL PROPERTY TO IWASHITA REAL ESTATE DEVELOPMENT, LLC, O'CONNOR REAL ESTATE DEVELOPMENT, LLC, AND HDP OPPORTUNITY PARTNERS, LLC, ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTIONS 15061(b)(2) AND 15312.

WHEREAS, the City of San Diego (City) is considering declaring 3,645 square feet of real property in vacated public right-of-way of 40th Street in the Normal Heights area of the City, specifically identified in the staff report included in the docket materials accompanying this Resolution (Property), exempt surplus land under the Surplus Land Act (California Government Code sections 54220 through 54234); and

WHEREAS, the City is also considering approving a purchase and sale agreement for the City's sale of the Property to Iwashita Real Estate Development, LLC, O'Connor Real Estate Development, LLC, and HDP Opportunity Partners, LLC (The exempt surplus land declaration and the approval of the purchase and sale agreement are referred to, collectively, in this Resolution as the "Actions"); and

WHEREAS, the California Environmental Quality Act, California Public Resources Code sections 21000 through 21189.70.10 (CEQA), in California Public Resources Code section 21083, states that the California Governor's Office of Planning and Research shall prepare

guidelines for the implementation of CEQA that are to be adopted by the Secretary of the California Natural Resources Agency; and

WHEREAS, the guidelines for implementation of CEQA adopted by the Secretary of the California Natural Resources Agency are set forth in Title 14 California Code of Regulations sections 15000 through 15387 (CEQA Guidelines); and

WHEREAS, California Public Resources Code section 21084 states that the CEQA Guidelines shall include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from CEQA; and

WHEREAS, CEQA Guidelines sections 15300 through 15333 list the categorical exemptions for those classes of projects that have been determined not to have a significant effect on the environment and are exempt from CEQA; and

WHEREAS, CEQA Guidelines section 15312 sets forth a categorical exemption for sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4); and

WHEREAS, the City Planning Department determined that the Actions are categorically exempt from CEQA under CEQA Guidelines sections 15061(b)(2) and 15312 because the Actions are for the sale of surplus government property; and

WHEREAS, the City Planning Department further determined that the Property, which is the subject of the Actions, is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4) and no exception set forth in CEQA Guidelines section 15300.2 applies to the Actions; and

WHEREAS, the Council of the City of San Diego (Council) considered the potential environmental effects of the Actions; and

WHEREAS, the Council held a duly noticed public meeting and considered the written record and related public comment about the Actions; and

WHEREAS, the Council, exercising its independent judgment, determined that the Actions will not result in a significant effect on the environment and are categorically exempt from CEQA under CEQA Guidelines section 15312 (Surplus Government Property Sales); and

WHEREAS, the Council, exercising its independent judgment, determined that the Property is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4); and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the Actions because no cumulative impacts were identified; no significant effects on the environment were identified; the Property is not adjacent to a scenic highway; no historical resources will be affected by the Actions; and the Property is not identified on a list of hazardous waste sites under California Government Code section 65962.5; NOW, THEREFORE,

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

1. The Actions will not result in a significant effect on the environment and are categorically exempt from CEQA under CEQA Guidelines section 15312 as a sale of surplus government property.
2. The Property is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4).
3. No exception set forth in CEQA Guidelines section 15300.2 applies to the Actions.

4. The City Clerk is directed to file a Notice of Exemption for the Actions under CEQA with the Clerk of the San Diego County Board of Supervisors.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Delmar G. Williams
Delmar G. Williams
Deputy City Attorney

DGW:cc
6/28/2022
Or. Dept: DREAM
Doc. No.: 3017499

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 19 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 7/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 19 2022, 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 JUL 21 2022.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314227