

RESOLUTION NUMBER R- 314339

DATE OF FINAL PASSAGE SEP 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AUTHORIZING THE MAYOR OR DESIGNEE TO NEGOTIATE AND ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH MIDWAY RISING FOR THE POTENTIAL FUTURE LEASING AND REDEVELOPMENT OF THE CITY-OWNED SITE ON SPORTS ARENA BOULEVARD IN THE MIDWAY AREA IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

WHEREAS, the City of San Diego (City) owns several parcels of real property located at 3500, 3250, 3220, and 3240 Sports Arena Boulevard in the "Midway" area of the City, which collectively consist of approximately 48.5 acres (Property); and

WHEREAS, the Council of the City of San Diego (City Council) adopted Resolution R-313718, effective September 23, 2021, declaring the Property surplus land under the California Surplus Land Act (SLA), California Government Code sections 54220-54234; and

WHEREAS, in Resolution R-313718, the City Council approved placing a condition on the City's leasing of the Property that future development of the Property include renovation or replacement of the City's current sports arena on the Property as a regional entertainment venue and operation of that venue for concerts, sports, and other events, consistent with similar arenas in large cities in the United States; and

WHEREAS, on October 4, 2021, the City issued a notice of availability of the Property for lease in compliance with the SLA; and

WHEREAS, the City Council is, now, considering a resolution authorizing the Mayor or designee to negotiate and enter into an exclusive negotiation agreement with Midway Rising for the potential future leasing and redevelopment of the Property (ENA); and

WHEREAS, if the negotiations between the City and Midway Rising are successful, the City Council will be asked at a future date to consider approving a master development agreement and a master ground lease setting forth Midway Rising's obligation to carry out a specific redevelopment project on the Property; and

WHEREAS, the California Environmental Quality Act, California Public Resources Code (Code) section 21000-21189.3 (CEQA), states in Code section 21065 that a "project" under CEQA is an activity which may cause either a direct physical change in the environment, or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Code section 21083 provides that the California Office of Planning and Research shall promulgate, and the Secretary of the California Natural Resources Agency shall adopt, guidelines for implementation of CEQA; and

WHEREAS, the California Office of Planning and Research promulgated, and the Secretary of the California Natural Resources Agency adopted the guidelines for implementation of CEQA set forth in Title 14 California Code of Regulations sections 15000-15387 (CEQA Guidelines); and

WHEREAS, CEQA Guidelines section 15061(b)(3) states that a project is exempt from CEQA if the project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment (Common Sense Exemption); and

WHEREAS, the Common Sense Exemption applies 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; and

WHEREAS, the Planning Department has determined that the ENA is exempt from CEQA under the Common Sense Exemption because there is no possibility that the ENA may have a significant effect on the environment; and

WHEREAS, on September 13, 2022, the City Council held a duly noticed public meeting and considered the written record and all public comment about the ENA and, using its independent judgment, determined that the ENA will not have a significant effect on the environment; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The ENA is exempt from CEQA under the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
2. The City Clerk, or designee, is directed to file a Notice of Exemption for the ENA under CEQA with the Clerk of the Board of Supervisors for the County of San Diego.

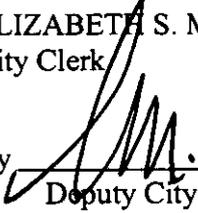
APPROVED: MARA W. ELLIOTT, City Attorney

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

DGW:cc  
09/08/2022  
Or. Dept.: DREAM  
Doc. No. 3081872

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of **SEP 13 2022**

ELIZABETH S. MALAND  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 9/20/22  
(date)

  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on SEP 13 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEP 21 2022.

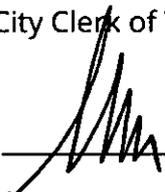
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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 , Deputy

Office of the City Clerk, San Diego, California

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