

RESOLUTION NUMBER R- 314929DATE OF FINAL PASSAGE MAY 26 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE THE PROPERTY OWNER'S INTANGIBLE EASEMENT OF ACCESS TO FACILITATE THE NORMAL STREET PROMENADE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15301, 15304 AND 15305 OF THE STATE CEQA GUIDELINES.

WHEREAS, the Normal Street Promenade Project is a collaborative effort between the City of San Diego, SANDAG and the Uptown Community Parking District and will repurpose the existing right-of-way along Normal Street from University Avenue to Washington Street, to provide a Class I bicycle facility, an expansion of the existing Pride Plaza, and an approximately 30-foot-wide pedestrian promenade by reducing Normal Street from four lanes to two lanes; and

WHEREAS, the Normal Street Promenade Project requires closing the side street driveway to property owned by Hillcrest Village Square Partnership (HVSP) abutting Normal Street (portion of APN 445-620-14) while leaving the property's main driveway opening on University Avenue intact (Project); and

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 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 determined that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, including existing streets, sidewalks, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes; and Section 15304 (Minor Alterations to Land) which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, including the creation of bicycle lanes on existing rights-of-way; and Section 15305 (Minor Alterations to Land Use Limitations) which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and

WHEREAS, the exceptions to the exemptions listed in CEQA Guidelines Section 15300.2 would not apply in that no cumulative impacts were identified, no significant effects on the environment were identified, the Project is not adjacent to a scenic highway, no historical resources would be affected by the action, and the Project is not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code; and

WHEREAS, the Council of the City of San Diego desires to authorize the City Attorney's Office to commence eminent domain proceedings to acquire HVSP's intangible easement of access to close the side driveway abutting Normal Street to facilitate the Normal Street Promenade Project; and

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

WHEREAS, the Council of the City of San Diego held a public meeting for the Resolution of Necessity and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project is categorically exempt from CEQA, pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use; Section 15304 (Minor Alterations to Land) which consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15305 (Minor Alterations to Land Use Limitations) which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; 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, that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines 15301, 15304 and 15305, and that no exceptions to the exemptions as set forth in CEQA Guidelines section 15300.2 apply.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By Jenny K. Goodman
Jenny K. Goodman
Deputy City Attorney

JKG:msb
May 10, 2023
May 18, 2023 COR. COPY
Or. Dept: DREAM
Doc. No. 3309816

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2023

DIANA J.S. FUENTES
City Clerk

By [Signature]
Deputy City Clerk

Approved: 5/24/23
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 23 2023, 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"/>
Kent Lee	<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 26 2023

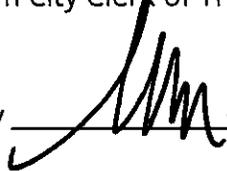
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

DIANA J.S. FUENTES
Interim City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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