

RESOLUTION NUMBER R- 315107

DATE OF FINAL PASSAGE SEP 18 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT DECLARING APPROXIMATELY 27,670 SQUARE FEET OF THE CRYSTAL PIER STRUCTURE IN THE PACIFIC BEACH AREA OF THE CITY OF SAN DIEGO IS EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND ACT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTION 15061(b)(3).

WHEREAS, the City of San Diego (City) is considering declaring certain real property consisting of approximately 27,670 square feet of the full width of the Crystal Pier structure starting at the mean high tide line of the Pacific Ocean identified in State of California Chapter 688, Statutes of 1933, and continuing westerly for 256 linear feet (Cottages Section), a permanent improvement to City-owned tidelands property in the Pacific Beach area of the City identified as San Diego County Assessor's Parcel Number 760-028-01, exempt surplus land under the Surplus Land Act (California Government Code sections 54220 through 54234); and

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

WHEREAS, Public Resources 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 through 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 activities that 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 City Planning Department determined that declaring the Cottages Section exempt surplus land is exempt from CEQA under the Common Sense Exemption because there is no possibility that declaring the Cottages Section exempt surplus land may have a significant effect on the environment; and

WHEREAS, the Council of the City of San Diego (Council) held a duly noticed public meeting and considered the written record and all public comment about declaring the Cottages Section exempt surplus land; and

WHEREAS, the Council, exercising its independent judgment, determined that declaring the Cottages Section exempt surplus land 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 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. Declaring the Cottages Section exempt surplus land is exempt from CEQA under the Common Sense Exemption that CEQA applies only to activities that 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 declaring the Cottages Section exempt surplus land under CEQA with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Delmar G. Williams
Deputy City Attorney

DGW:nf
08/28/2023
Or. Dept: DREAM
Doc. No. 3197067

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By Krystelle Medina
Deputy City Clerk

Approved: 9/15/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 12 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 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
City Clerk of The City of San Diego, California.

By *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California
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