

RESOLUTION NUMBER R- 315123  
DATE OF FINAL PASSAGE SEP 20 2023

A RESOLUTION ADOPTING ADDENDUM TO THE FINAL  
NEGATIVE DECLARATION NO. 225045 (SCH NO.  
2013011059) FOR THE POINT LA JOLLA AND BOOMER  
BEACH YEAR-ROUND CLOSURE PROJECT.

WHEREAS, the City of San Diego (City) prepared Negative Declaration (ND) 225045 for the La Jolla Children’s Pool Enclosure Project, which was adopted by the Council of the City of San Diego (Council) on March 12, 2014 (Resolution R-308758). The La Jolla Children's Pool Enclosure Project included an amendment to the La Jolla Community Plan and Local Coastal Program to establish community plan policies to support a seasonal closure of the Children’s Pool Beach consistent with Coastal Act Section 30230, “Marine resources; Maintenance” during harbor seal pupping season to contribute to the protection of an area of special biological significance for breeding pinnipeds; and

WHEREAS, on February 25, 2022 the City of San Diego (City), as Lead Agency under the California Environmental Quality Act (CEQA), prepared and completed an Addendum to the Negative Declaration (Addendum) for the proposed seasonal closure of Point La Jolla and Boomer Beach annually from May 1 to October 31 for sea lion pupping season consistent with Coastal Act Section 30230, “Marine resources; Maintenance”; and

WHEREAS, on June 3, 2022 the Council adopted Resolution Number R-314142, which adopted the Addendum for the proposed seasonal closure of Point La Jolla and Boomer Beach annually from May 1 to October 31 for sea lion pupping season consistent with Coastal Act Section 30230, “Marine resources; Maintenance”; and

WHEREAS, on March 9, 2023, during its monthly meeting, the California Coastal Commission (CCC) directed the City to amend Coastal Development Permit (CDP)

No. 6-22-0113 to allow for the year-round closure of Point La Jolla and Boomer Beach until additional long-term strategies including the installation of cameras in the area could be implemented (Project). These mandates were based on public safety concerns resulting from ongoing conflicts between sea lions and humans at the site; and

WHEREAS, on July 7, 2023, the City submitted a CDP amendment application to the CCC requesting the year-round closure of Point La Jolla and Boomer Beach until additional long-term strategies including the installation of cameras in the area can be implemented; and

WHEREAS, on July 12, 2023 the City, as Lead Agency under the California Environmental Quality Act (CEQA), prepared and completed a new Addendum to the Negative Declaration for the Project consistent with Coastal Act Section 30230, "Marine resources; Maintenance"; and

WHEREAS, pursuant to Section 15162 of the State CEQA Guidelines when an Environmental Impact Report (EIR) has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that 1) substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration, or 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration; and

WHEREAS, pursuant to Section 15162 of the State CEQA Guidelines when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that there is new information of substantial importance, which

was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, that shows any of the following: a) the project will have one or more significant effects not discussed in the previous EIR or negative declaration, b) significant effects previously examined will be substantially more severe than shown in the previous EIR, c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

WHEREAS, based on all available information in light of the entire record, the analysis in the City's Addendum, and pursuant to Section 15162 of the State CEQA Guidelines, the City has determined that none of the situations described in Sections 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, the Addendum was prepared in accordance with Section 15164 of the CEQA Guidelines; and

WHEREAS, on September 7, 2023, the CCC is scheduled to vote on the City's CDP amendment application for the Project; and

WHEREAS, along with this resolution, the City is requesting approval of a proposed ordinance amending Chapter 6, Article 3, Division 1 of the San Diego Municipal Code by

amending Section 63.0102(g) relating to the Use of Point La Jolla and Boomer Beach, which outlines the Project; and

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

WHEREAS, the Council, using its independent judgment, has determined that that none of the situations described in Sections 15162 of the State CEQA Guidelines apply to the Project. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project; 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, that the Council of the City of San Diego has determined that none of the situations described in Section 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested which would result in new significant or substantially increased adverse impacts as a result of the Project. Therefore, the Council adopts the Addendum for the proposed year-round closure of Point La Jolla and Boomer Beach consistent with Coastal Act Section 30230, "Marine resources; Maintenance."

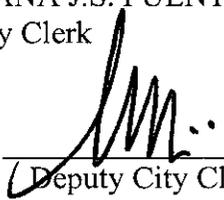
BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By  \_\_\_\_\_  
Jane M. Boardman  
Deputy City Attorney

JMB:nja  
08/04/23  
Or. Dept: Parks & Recreation Dept.  
Doc. No.: 3401022

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 18 2023.

DIANA J.S. FUENTES  
City Clerk  
By  \_\_\_\_\_  
Deputy City Clerk

Approved: 9/20/23  
(date)

  
TODD GLORIA, Mayor

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

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

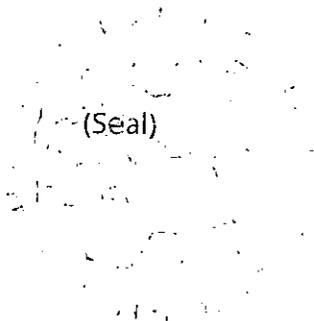
Passed by the Council of The City of San Diego on SEP 18 2023, by the following vote:

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 20 2023.

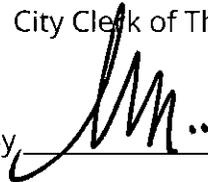
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:



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

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

By , Deputy

Office of the City Clerk, San Diego, California

315123

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