

## Attachment H

**PROPOSED RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AUTHORIZATION OF A TEN-YEAR MARKETING PARTNERSHIP AGREEMENT AMONG THE CITY OF SAN DIEGO, IKE SMART CITY, LLC, AND DOWNTOWN SAN DIEGO PARTNERSHIP FOR THE FINANCING, IMPLEMENTATION, MANAGEMENT, AND OPERATION OF A DIGITAL WAYFINDING SYSTEM WITH CITY MARKETING RIGHTS AND BENEFITS, AUTHORIZATION OF A LIMITED EXCEPTION TO THE SIGNAGE AND OFF-PREMISES MESSAGING REGULATIONS CONTAINED IN CHAPTER 14, ARTICLE 2, DIVISION 12 OF THE SAN DIEGO MUNICIPAL CODE, AUTHORIZATION OF A LIMITED EXCEPTION TO THE AUTOMATIC CHANGING COPY AND METHOD OF DISPLAY REGULATIONS CONTAINED IN CHAPTER 14, ARTICLE 1, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15301, 15303, AND 15304 AND NO EXCEPTIONS PURSUANT TO CEQA GUIDELINES SECTION 15300.2 APPLY, AND DIRECTING THE CLERK TO FILE A NOTICE OF EXEMPTION.**

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), 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 the authority of CEQA section 21083, CEQA Guidelines section 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 City of San Diego desires to authorize a Marketing Partnership Agreement for the financing, implementation, management, and operation of a digital wayfinding system, authorize a limited exception to the signage and off-premises messaging regulations contained in Chapter 14, Article 2, Division 12 of the San Diego Municipal Code, authorize a limited exception to the automatic changing copy and method of display regulations contained in Chapter 14, Article 1, Division 11 of the San Diego Municipal Code (Project); and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land), and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

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

WHEREAS, the Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council, using its independent judgment, has determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities), as the kiosks would be added to existing public right-of-way (ROW), CEQA Guidelines sections 15303 (Small Structures), as the kiosks are small structures, and 15304 (Minor Alterations to Land), as the kiosks would require minor alterations to the public ROW during installation, and that none of the exceptions

applicable to any of these categorical exemptions pursuant to CEQA Guidelines section 15300.2 apply; 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 determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15303, and 15304, and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego hereby directs the City Clerk to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego at such time and form required by CEQA and approved by the City Attorney.