

NOTICE OF EXEMPTION

<p>TO:</p> <p><input type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044</p>	<p>FROM: Name: San Diego Metropolitan Transit System (lead agency)</p> <p>Contact: Kena Teon, MTS Grants Administrator</p> <p>Address: 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Telephone: 619-557-4575</p>
<p><input checked="" type="checkbox"/> Clerk of the Board of Supervisors or County Clerk (Include County name) Address: Office of the Recorder – County Clerk 1600 Pacific Highway, Suite 260 P.O. Box 121750 San Diego, CA 92112-1750 Phone: (619) 237-0502</p>	

<p>1. Project Title:</p>	<p>Imperial Avenue Terminal Transit Center Expansion and Joint Development Project – San Diego Foundation Collaboration Agreement</p>
<p>2. Project Applicant:</p>	<p>San Diego Metropolitan Transit System</p> <p>Contact: Kena Teon MTS Grants Administrator 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Phone: 619-557-4575</p>
<p>3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15’ or 7 1/2’ topographical map identified by quadrangle name):</p>	<p>The potential Joint Development Project subject to the Collaboration Agreement would be located at 1255 Imperial Avenue, San Diego and the adjacent “triangle lots” at 13th Street and National Avenue.</p> <p>A map of the potential Joint Development Project location is attached.</p>
<p>4. (a) Project Location – City: City of San Diego</p>	<p>(b) Project Location – County: San Diego</p>

5. Description of nature, purpose, and beneficiaries of Project:

On June 15, 2023, the San Diego Metropolitan Transit System (“MTS”) Board of Directors authorized the Chief Executive Officer to execute a Collaboration Agreement with the San Diego Foundation outlining the developer selection process for a potential joint development project at 1313 National Avenue and 1344 National Avenue (IMT Joint Development Project). The agreement provides for the San Diego Foundation to conduct a competitive solicitation process to identify a developer or developers to partner with the San Diego Foundation to design, permit, and/or construct a joint development project on the National Avenue property.


The agreement sets the Goals and Policy Objectives that both MTS and the San Diego Foundation are seeking to achieve with the IMT Joint Development Project and identifies the process that the San Diego Foundation, with MTS participation, will follow to identify and select a development partner and prepare a development proposal for presentation to the MTS Board for approval in the form of a Development and Disposition Agreement (DDA).

The Goals and Policy Objectives are intentionally broad so that the San Diego Foundation and MTS can engage in an interactive process with potential developers and with community stakeholders to identify the most effective and beneficial project that can be completed. The Goals and Policy Objectives include efficiently and effectively completing Transit Center improvements to centralize existing transit facilities; completing necessary drainage and stormwater improvements; maximizing, to the extent feasible and commercially reasonable, affordable and workforce housing and multi-family residential rental units on the property in a manner that promotes the use of nearby transit and thereby reduces vehicle miles traveled and greenhouse gas emissions; satisfying Government Code section 54233’s requirement that a minimum of 15% of any potential project’s rental housing units are affordable units; satisfying the prevailing wage requirements applicable to public works projects under California Labor Code sections 1770-1785, the skilled labor requirements under Public Utilities Code section 120221.5, and in accordance with MTS policies and guidelines, as applicable; promoting equity through consistent design and building standards across affordable, workforce and market rate units; incorporating green building and sustainability features that meet or exceed applicable law; and incorporating, if feasible and commercially reasonable, ground-floor activating uses such as commercial, government and nonprofit services, and childcare.

	<p>On October 20, 2022, the MTS Board accepted a 2022 Transit Intercity Rail Capital Program Grant Award for the Zero Emission Transit Enhancement Project, which is intended to be used to increase transit ridership, passenger safety, and efficiency, particularly in disadvantaged and low-income communities, and thereby reduce greenhouse gas emissions. The Grant Award includes \$13.65 million (inclusive of \$2.73 million local match) for the purposes of enhancing and centralizing transit capacity around the 12th and Imperial Transit Center and enabling future potential transit-oriented development on or near the properties.</p>
<p>6. Name of Public Agency approving project:</p>	<p>San Diego Metropolitan Transit System</p> <p>Contact: Kena Teon MTS Grants Administrator 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Phone: 619-557-4575</p>
<p>7. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:</p>	<p>San Diego Metropolitan Transit System</p> <p>Contact: Kena Teon MTS Grants Administrator 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Phone: 619-557-4575</p>
<p>8. Exempt status: (check one)</p>	
<p>(a) <input type="checkbox"/> Ministerial project.</p>	
<p>(b) <input checked="" type="checkbox"/> Not a project.</p>	<p>Pub. Resources Code, § 21065; 14 Cal. Code Regs., § 15378, subd. (a)</p>
<p>(c) <input type="checkbox"/> Emergency Project.</p>	
<p>(d) <input type="checkbox"/> Categorical Exemption. State type and section number:</p>	
<p>(e) <input type="checkbox"/> Declared Emergency.</p>	
<p>(f) <input type="checkbox"/> Statutory Exemption. State Code section number:</p>	
<p>(g) <input checked="" type="checkbox"/> Other. Explanation:</p>	<p>14 Cal. Code Regs., § 15061, subd. (b)(3) (common sense exemption – no possibility of significant effect on environment)</p>

<p>9. Reason why project was exempt:</p>	<p>Authorization of the Collaboration Agreement does not constitute a “project” subject to environmental review under the California Environmental Quality Act (“CEQA”) because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; 14 Cal. Code Regs., § 15378, subd. (a).)</p> <p>Further, authorization of the Collaboration Agreement is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. There is no possibility authorization of the Collaboration Agreement may have a significant effect on the environment, and therefore it is not subject to CEQA. (14 Cal. Code Regs., § 15061, subd. (b)(3).)</p> <p>The Collaboration Agreement does not commit MTS to any potential development proposal, which would be subject to compliance with CEQA, as required, for any future project approval. Moreover, the details of the IMT Joint Development Project concept are too speculative at this juncture to enable meaningful CEQA review.</p>
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<p>10. Lead Agency Contact Person: Telephone:</p>	<p>Kena Teon, MTS Grants Administrator 619-557-4575</p>
<p>11. If filed by applicant: Attach Preliminary Exemption Assessment (Form “A”) before filing. Not applicable to Project</p>	
<p>12. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable to Project</p>	
<p>13. Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, the date of the public hearing was: June 15, 2023</p>	



Signature

Date: June 16, 2023

Karen Landers

Name

Title: General Counsel

Signed by Lead Agency

Signed by Applicant

Date Received for Filing: [Click to enter date](#)

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

MAP OF POTENTIAL JOINT DEVELOPMENT PROJECT LOCATION

