

NOTICE OF EXEMPTION

<p>TO:</p> <p><input checked="" 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: Sean Myott Manager of Real Estate Assets</p> <p>Address: 1255 Imperial Avenue Suite 1000 San Diego, CA 92101</p> <p>Telephone: (619) 595-4903</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>Kearny Mesa Transit Center – Property Purchase</p>
<p>2. Project Applicant:</p>	<p>San Diego Metropolitan Transit System</p> <p>Contact: Sean Myott Manager of Real Estate Assets 1255 Imperial Avenue Suite 1000 San Diego, CA 92101 Sean.Myott@sdmts.com</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>8949 Clairemont Mesa Boulevard See attached map of project site</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 March 13, 2025, the Board of Directors for San Diego Metropolitan Transit System authorized the creation of a project in the 2025 Capital Improvement Program for the Kearny Mesa Transit Center project (“Project”); authorized the transfer \$14,000,000 from the Clean Transit Advancement Campus project (WBSE 3004100801) to the Kearny Mesa Transit Center project (WBSE 3004128201); authorized the Chief Executive Officer to execute a Purchase and Sale Agreement for the purchase of the property located at 8949 Clairemont Mesa Boulevard, San Diego, California 92121 with a purchase price of \$13,266,000, and to take all actions necessary to complete due diligence necessary to complete the purchase process; determined that the Project is statutorily and categorically exempt from environmental review under the California Environmental Quality Act, as further explained below; and certified that any construction contract for the Project would require use of a skilled and trained workforce consistent with the criteria in Public Resources Code section 21080.25.

MTS staff recently identified a 2.05-acre parcel of property in Kearny Mesa, 8949 Clairemont Mesa Boulevard, that is vacant. The property includes a 21,400 square foot building that was previously leased to Bank of America for a bank branch. The property was identified as an ideal location for a consolidated Kearny Mesa Transit Center because of its proximity to several MTS street-side bus stops in this area. During a Closed Session discussion on January 16, 2025 (Agenda Item 20), the Board provided real property negotiating instructions and authority to MTS staff related to a potential purchase of this property. Following receipt of those instructions, staff was able to negotiate a proposed purchase of the property within the authority granted by the Board.

The location of the property, at the corner of Clairemont Mesa Boulevard and Complex Drive just east of State Route 163, is across the street from the Kearny Mesa courthouse. This location is currently served by eight MTS bus routes. Although this location is designated on MTS bus route maps as the “Kearny Mesa Transit Center”, it is not a formal transit center similar to stations operated at Otay Mesa, UTC, or many of MTS’s trolley stations. Instead, the current “transit center” consists of bus stops located on City streets along Clairemont Mesa Boulevard and Complex Drive.

Presently the street environment for this heavy concentration of bus stops is not ideal. Buses compete for space with local traffic and bike lanes, and some

	<p>passengers have to cross Clairemont Mesa Boulevard in order to transfer buses. There are also limited amenities available for bus operators who begin or end their routes in this location. With the purchase of the 8949 Clairemont Mesa Boulevard property, these bus stops would be consolidated into a traditional transit center, providing better amenities for passengers and bus operators, and also removing some of the conflicts in the surrounding streets. The Project would include typical transit center features such as shelters, benches, ticket vending machines, variable message signs, digital and static information boards, and digital and static advertising displays. There would also be space to expand bus service to this location.</p>
<p>6. 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:</p> <p>Sean Myott Manager of Real Estate Assets</p> <p>1255 Imperial Avenue Suite 1000 San Diego, CA 92101 Sean.Myott@sdmts.com</p>
<p>7. Exempt status: (check one)</p>	
<p>(a) <input type="checkbox"/> Ministerial project.</p>	
<p>(b) <input type="checkbox"/> Not a project.</p>	
<p>(c) <input type="checkbox"/> Emergency Project.</p>	
<p>(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:</p>	<p>Class 1, 14 Cal. Code. Regs., § 15301 (existing facilities)</p> <p>Class 3, 14 Cal. Code Regs., § 15303 (new construction or conversion of small structures)</p> <p>Class 32, 14 Cal. Code Regs., § 15332 (in-fill development projects)</p>
<p>(e) <input type="checkbox"/> Declared Emergency.</p>	
<p>(f) <input checked="" type="checkbox"/> Statutory Exemption. State Code section number:</p>	<p>Pub. Resources Code, § 21080.25 (b)(2), (5), (8) (transportation project exemptions and criteria)</p>
<p>(g) <input type="checkbox"/> Other. Explanation:</p>	
<p>8. Reason why project was exempt:</p>	<p>The Project is statutorily and categorically exempt from environmental review under CEQA, Public Resources Code section 21000 <i>et seq.</i>, and Title 14 of the California Code of Regulations, section 15000 <i>et seq.</i> (“State CEQA Guidelines”).</p> <p>The Project is statutorily exempt from CEQA review under Public Resources Code section 21080.25,</p>

subdivision (b)(2), (5), and (8) as a public project for the institution or increase of bus rapid transit and bus service, including the construction or rehabilitation of stations, terminals, or existing operation facilities, which will be exclusively used by zero-emission, near zero-emission, low oxide of nitrogen engine, compressed natural gas fuel, fuel cell, or hybrid powertrain buses on existing public rights-of-way or existing highway rights-of-way, whether or not the right-of-way is in use for public mass transit; improvements for customer information and wayfinding for transit riders; and the maintenance, repair, relocation, replacement, or removal of any associated utility infrastructure.

MTS would carry out the Project and is the lead agency for the Project. The Project would be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. The Project would not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way. The Project also would not include the addition of any auxiliary lanes and would not require the demolition of affordable housing units.

The Project would also be located within MTS's existing public right-of-way in the City of San Diego. Public Resources Code section 21071, subdivision (a)(1) defines an "Urbanized area" as an incorporated city that has a population of at least 100,000 persons. The City of San Diego is an incorporated city that has a population of more than 1 million persons according to the United States Census Bureau. Therefore, the Project would be located in an urbanized area within an existing public right-of-way.

In compliance with the statutory exemption criteria in Public Resources Code section 21080.25, subdivision (f), any construction contract awarded for the Project would require the use of a skilled and trained workforce or, alternatively, under a project labor agreement. The construction contract for the Project would include an enforceable commitment to MTS that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the Project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with

Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

In addition, the improvements or modifications to the bank building for the Project are categorially exempt from CEQA review under State CEQA Guidelines section 15301 (Class 1), which includes the 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 but not limited to demolition of the existing building on site.

The Project is also categorially exempt from CEQA review under State CEQA Guidelines section 15303 (Class 3), which consists of the construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The Project is in an urbanized area and would not include buildings exceeding 10,000 square feet in floor area. The exemption also applies to water main, sewage, electrical, gas and other utility extensions, including street improvements, of reasonable length to serve such construction, as well as accessory structures.

Finally, State CEQA Guidelines section 15332 (Class 32) applies to projects characterized as infill development that is consistent with the applicable general plan designation and policies and zoning designation and regulations; occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; is on a site with no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality or water quality; and is on a site that can be adequately served by all required utilities and public services. The Project meets the criteria for infill development. The property is zoned RMX-2 in the City of San Diego. San Diego Municipal Code section 131.0706 states, "The purpose and intent of the mixed-use zones is to allow a varied mix of uses that reduce the dependency on automobiles and promote transit accessibility and walkability." The Project directly services this goal.

None of exceptions to the categorical exemptions in State CEQA Guidelines section 15300.2 applies. The Project would not be located in a particularly sensitive environment as the project would be located entirely within developed areas and all

	<p>impact areas are within disturbed areas of the site. There is no reasonable possibility that the Project would have a significant effect on the environment due to unusual circumstances. The cumulative impact of successive projects of the same type in the same place, over time is not significant, as no similar transit facilities of this scale are proposed within the area and the project would continue the existing bus use. The Project would not result in any damage to scenic resources within a highway officially designated as a state scenic highway as it would not be located within a designated state scenic highway. The Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Lastly, the Project would not cause a substantial adverse change in the significance of a historical resource.</p>
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<p>9. Lead Agency Contact Person: Telephone:</p>	<p>Sean Myott Manager of Real Estate Assets 1255 Imperial Avenue Suite 1000 San Diego, CA 92101 (619) 595-4903 Sean.Myott@sdmts.com</p>
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<p>10. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. <i>Not applicable</i></p>

<p>11. Has a Notice of Exemption been filed by the public agency approving the project? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Not applicable</i></p>
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<p>12. 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: March 13, 2025</p>



Signature

Date: March 17, 2025

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 Project Location:

8949 Clairemont Mesa Drive

San Diego, CA 92123

