

RESOLUTION NUMBER R- 312197

DATE OF FINAL PASSAGE FEB 04 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE BIRMINGHAM DRIVE PUBLIC RIGHT-OF-WAY VACATION PROJECT (PROJECT NO. 576547) IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15305 (MINOR ALTERATIONS IN LAND USE LIMITATIONS) OF THE CEQA GUIDELINES.

WHEREAS, Sharp Healthcare filed an application with the City of San Diego for the Birmingham Drive Public Right-of-Way Vacation located at 7909 Birmingham Drive, Assessor's Parcel Number 427-540-2900, near the intersection of Birmingham Drive and Birmingham Way, Project No. 576547 (Project); and

WHEREAS, the Project to vacate an approximate 6,430-square-foot portion of Birmingham Drive; reserve an approximate 3,312-square-foot general utility and access easement; and vacate an approximate 6,459-square-foot temporary road easement; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, 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 that authority, CEQA Guidelines sections 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 Environmental Analysis Section (EAS) of the Development Services Department (DSD) has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations) and determined that no exceptions 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 has considered the potential environmental effects of the Project, and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on February 4, 2019, the City Council of the City of San Diego held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

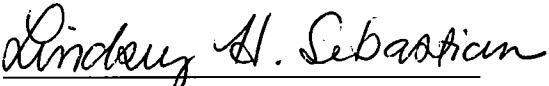
WHEREAS, the City Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment since the Project is a public right-of-way vacation located in a fully developed urbanized area and consists of minor alterations in land use limitations in areas with an average slope of less than 20% and which do not result in any changes in land use or density; NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations).

BE IT FURTHER RESOLVED, that the City Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
01/17/2019
Or.Dept:DSD
Doc. No.: 1911390

Passed by the Council of The City of San Diego on FEB 04 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 04 2019.

(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:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Linda Irwin*, Deputy

Office of the City Clerk, San Diego, California

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