

RESOLUTION NUMBER R- 312387

DATE OF FINAL PASSAGE APR 16 2019

ITEM# 333A  
4/16/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE SUMMARY VACATION OF PORTIONS OF OTAY CENTER DRIVE, PASEO DE LA FUENTE, PASEO DE LA FUENTE NORTE, AND AVENIDA DE LA FUENTE NORTE (RIGHT-OF-WAY VACATION NO. 1583505) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15305.

WHEREAS, Carlos Avila of Rick Engineering, filed an application for the vacation of portions of public rights-of-way in Otay Center Drive, Paseo de la Fuente, Paseo de la Fuente Norte, and Avenida de la Fuente Norte, Right-of-Way Vacation No. 1583505 (Vacation); and

WHEREAS, the Vacation will vacate public rights-of-way in (1) Parcel A: an unimproved portion of Otay Center Drive, Paseo de la Fuente, and Paseo de la Fuente Norte, constituting approximately 1.345 acres; (2) Parcel B: an unimproved portion of Paseo de la Fuente Norte containing 0.37 acre; and (3) Parcels C and D: portions of improved parkway areas on both sides along Avenida de la Fuente Norte containing 0.125 acres each; and

WHEREAS, utility easements for Pacific Bell Telephone Company dba AT&T California, Cox Communications California, LLC, and San Diego Gas and Electric will be reserved from the Vacation; 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, on April 16, 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 percent which do not result in any changes in land use or density; 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; NOW, THEREFORE,

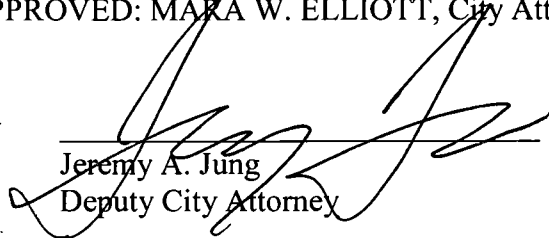
BE IT RESOLVED, that the City Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations).

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

  
Jeremy A. Jung  
Deputy City Attorney

JAJ:als  
03/22/2019  
Or.Dept:DSD  
Doc. No.: 1963680

Passed by the Council of The City of San Diego on APR 16 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 16 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 *Aty Beach*, Deputy

Office of the City Clerk, San Diego, California
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