

RESOLUTION NUMBER R- 314432
DATE OF FINAL PASSAGE NOV 01 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT THE APPROVAL OF THE
CASS STREET PROW VACATION PROJECT IS
CATEGORICALLY EXEMPT AND NOT SUBJECT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PURSUANT TO CEQA GUIDELINES SECTIONS;
15061(b)(c)(3), 15304 AND 15332 CASS STREET PROW
VACATION - PROJECT NO. 659043.

WHEREAS, Public Right-of-Way Vacation No. 659043 proposes to vacate a portion of
Cass Street totaling 8,600 square feet located at 990 Van Nuys Street (Project); and

WHEREAS, the 0.20-acre site is in the RS-1-7 Zone within the La Jolla and Pacific
Beach Community Plan areas; 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 Development Services Department has established that the Project is
categorically exempt and not subject to CEQA pursuant to CEQA Guidelines sections;
15061(b)(c)(3), 15304 and 15332 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 has considered the potential environmental effects of the Project, and

WHEREAS, on November 1, 2022, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the project meets the criteria set forth in CEQA Guidelines sections 15061(b)(c)(3), 15304 and 15332; and

WHEREAS, CEQA Guidelines sections 15061(b)(c)(3) allows for projects to be exempt from CEQA when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Since there is no development associated with the Project and the Project would not permit any development the exemption is appropriate; and

WHEREAS, CEQA Guidelines section 15304 allows for minor or public alterations in the condition of land, water and or vegetation and do not involve removal of healthy, mature, scenic trees or agricultural purposes to be exempt from CEQA. Since there is no development associated with the project that would impact land, water, and vegetation and would not involve the removal of healthy, mature, scenic trees or agricultural purposes the exemption is appropriate; and

WHEREAS, CEQA Guideline section 15332 allows for in fill projects to be exempt from CEQA when they are consistent with the applicable general plan designation and all applicable general plan polices as well as with the applicable zoning designation and regulations; and

WHEREAS, the Project site occurs within City limits on a project site of no more than five acres, is substantially surrounded by development and has no value as habitat for endangered, rare, or threatened species; and

WHEREAS, the Project site can be adequately serviced by all required utilities and public services and the in-fill project exemption applies; and

WHEREAS, the Office of the City Attorney has drafted this resolution on the information provided by City staff including information provided by Ronald L. Holloway and affected third parties verified by City staff, with the understanding that this information is complete, true, and accurate; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where 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 Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(c)(3), 15304 and 15332 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 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 /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

SCE:sc
10/03/2022
Or.Dept: DSD
CC No.: N/A
Doc. No. 3101713

Passed by the Council of The City of San Diego on NOV 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 01 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314432