

RESOLUTION NUMBER R- 314550DATE OF FINAL PASSAGE DEC 13 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING ENVIRONMENTAL DETERMINATION SS4400 THAT THE AS-NEEDED TREE MAINTENANCE SERVICES FOR STREETS RIGHT-OF-WAY AGREEMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND SECTION 15304 (MINOR ALTERATION TO LAND).

WHEREAS, on November 3, 2022, a Notice of Right to Appeal (NORA) for the As-Needed Tree Maintenance Services for Streets Right-of-Way Agreement (Project) was prepared and posted pursuant to San Diego Municipal Code section 112.0310; and

WHEREAS, on November 7, 2022, an environmental appeal was filed by Margaret McCann; and

WHEREAS, the Environmental Policy Section of the Planning Department conducted a preliminary review consistent with California Environmental Quality Act (CEQA) Guidelines section 15060, to determine if approval of the Project would result in any impacts to the environment and to identify required mitigation, if necessary.

WHEREAS, the Environmental Policy section of the Planning Department, upon completion of the City of San Diego staff review, determined that the Project would not result in a significant physical effect on the environment and that the Project was categorically exempt from CEQA pursuant to CEQA State Guidelines section 15301 (Existing Facilities) and section 15304 (Minor Alteration to Land), and also determined no exceptions to the exemptions applied; and

WHEREAS, under San Diego 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the appeal of the environmental determination of the Project is denied, based on the substantial evidence provided in the record to support the exemptions and the determination that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that the Environmental Exemption No. SS4400 for the Project is approved and the Project is exempt from CEQA, pursuant to CEQA State Guidelines section 15301 (Existing Facilities) and section 15304 (Minor Alteration to Land).

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Cassandra E. Mougín
Cassandra E. Mougín
Deputy City Attorney

CEM:cm
December 14, 2022
Or.Dept: Planning
Doc. No. 3165863

Passed by the Council of The City of San Diego on DEC 13 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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 13 2022

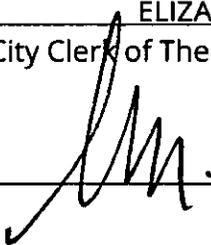
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



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

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

By , Deputy

Office of the City Clerk, San Diego, California

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