

RESOLUTION NUMBER R- 314696

DATE OF FINAL PASSAGE APR 10 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT THE APPROVAL OF THE
44th STREET TENTATIVE MAP AND EASEMENT
VACATION IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PURSUANT TO CEQA GUIDELINES SECTIONS 15301 AND
15305.

WHEREAS, Three Arch Capital Management, a California Limited Liability
Corporation, submitted a request to the Development Services Department for a Tentative Map
and Easement Vacation for the 44th Street Tentative Map and Easement Vacation Project
No. 621697 (Project); 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 from CEQA pursuant to CEQA Guidelines section 15301 (Existing
Facilities) and CEQA section 15305 (Minor Alterations in Land Use Limitations), 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 (City Council) has considered the potential environmental effects of the Project; and

WHEREAS, on April 10, 2023, 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 will not have a significant effect on the environment as the sewer Easement Vacation and Tentative Map would not result in any changes in land use or density considering the dwelling units are already constructed (approved under PTS No. 535429); and

WHEREAS, the Project meets the criteria set forth in CEQA section 15301 (Existing Facilities), which allows for division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt; and

WHEREAS, in addition, the Project meets the criteria set forth in CEQA section 15305 (Minor Alterations in Land Use Limitation), which allows for 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, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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; NOW, THEREFORE,

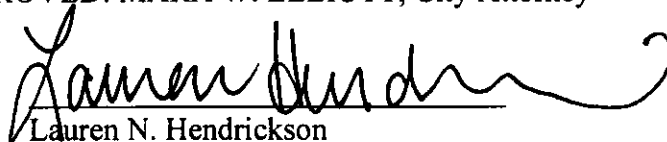
BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities) and CEQA section 15305 (Minor Alterations in Land Use Limitations).

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that an exception to the exemptions 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


Lauren N. Hendrickson
Deputy City Attorney

LNH:nsf:cm
February 13, 2023
Or.Dept: Development Services
Doc. No. 3255735

Passed by the Council of The City of San Diego on APR 10 2023, 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 APR 10 2023

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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