

RESOLUTION NUMBER R- 314819
DATE OF FINAL PASSAGE MAY 15 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DENYING THE APPEAL AND APPROVING
ENVIRONMENTAL DETERMINATION THAT THE BALBOA
DRIVE SLURRY SEAL AND RESTRIPIING PROJECT IS
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES
SECTION 15301(c) (EXISTING FACILITIES) AND SECTION
15304(h) (MINOR ALTERATION TO LAND).

WHEREAS, on February 22, 2023, a Notice of Right to Appeal (NORA) for the Balboa
Drive Slurry Seal and Restriping Project (Project) was prepared and posted pursuant to
San Diego Municipal Code section 112.0310; and

WHEREAS, on March 1, 2023, an environmental appeal was filed by Isaac Warner; 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; and

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(c) (Existing Facilities) and
section 15304(h) (Minor Alteration to Land), and also determined no exceptions to the
exemptions applied; and

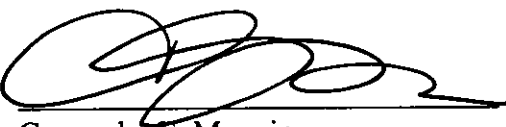
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and 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 for the Project is approved and the Project is exempt from CEQA, pursuant to CEQA State Guidelines section 15301(c) (Existing Facilities) and section 15304(h) (Minor Alteration to Land).

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Cassandra E. Mougin
Deputy City Attorney

CEM:cc
May 17, 2023
Or.Dept: Planning
Doc. No. 3308687

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 15 2023.

DIANA J.S. FUENTES
City Clerk

By Kristine Medina
Deputy City Clerk

Passed by the Council of The City of San Diego on MAY 15 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MAY 15 2023

Date of final passage _____.

(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 Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California

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