

200A 1-29-24

(R-2024-278)
COR. COPY

RESOLUTION NUMBER R- 315322
DATE OF FINAL PASSAGE JAN 29 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE VACATION OF THE TORREY HILLS FLOOD WATER STORAGE AND LANDSCAPING EASEMENT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15305, MINOR ALTERATIONS IN LAND USE LIMITATIONS, AND THAT NO EXCEPTION TO THAT EXEMPTION APPLIES.

WHEREAS, the approval of the Torrey Hills Floodwater/Landscape Easement Vacation project allows for the vacation of a 4,965-square-foot and 5,598-square-foot easement for flood water storage and a 12,346-square-foot and 13,048-square-foot easement for landscaping located at 11208 El Camino Real, with all of those easements located within Parcel 2 and Parcel 3 of Parcel Map No. 18148; 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 15305 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 January 29, 2024, 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. CEQA Section 15305 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. Since the project would only allow the vacation of easements on a site with less than 20 percent slopes and proposes no land use or density changes the exemption was deemed appropriate. The project is located on a site currently being developed and no environmental impacts were identified; 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

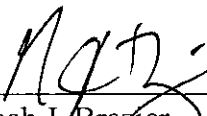
WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and 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, by the City Council of the City of San Diego, that the Council determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15305 and that an exception to the exemption does not apply.

BE IT FURTHER RESOLVED, that the 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 with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Noah J. Brazier
Deputy City Attorney

NJB:nja
12/14/2023
01/23/2024 Cor. Copy
Or. Dept: DSD
Doc. No.: 3504986_2

Passed by the Council of The City of San Diego on JAN 29 2024, 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"/>
District 4 - vacant	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JAN 29 2024

(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
315322
Resolution Number R-_____