

201A 1-29-24

(R-2024-295)  
COR.COPY

RESOLUTION NUMBER R- 315324  
DATE OF FINAL PASSAGE JAN 29 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE 119 CENTER STREET PUBLIC RIGHT-OF-WAY VACATION (PRJ-1081092) IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15305.

WHEREAS, the project proposes a public right-of-way (ROW) vacation of a section of Main Street, a street that is now aligned with East Beyer Boulevard located near 119 Center Street, San Diego, California, 92173, consisting of 1,012 square feet, designated as Commercial Community within the San Ysidro Community Plan area, zoned CC-2-1, and located within the Airport Land Use Compatibility Overlay Zone (NOLF Imperial Beach), the Airport Influence Area (NOLF Imperial Beach, Review Area 2), the Federal Aviation Administration Part 77 Noticing Area (NOLF Imperial Beach and Brown Field), and the Very High Fire Hazard Severity Zone (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 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 (Council) has considered the potential environmental effects of the Project; and

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

WHEREAS, the Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment as CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations) allows for projects that consist of 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 Project site was previously graded for development and would not change land use or increase density and the exemption is appropriate and none of the exceptions described in CEQA Guidelines section 15300.2 apply; 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 Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the 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 section 15305 (Minor Alterations in Land Use Limitations).

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that no exception to the exemption as set forth in CEQA Guidelines section 15300.2 applies.

BE IT FURTHER RESOLVED, that the City Clerk, or designee, is directed to file a Notice of Exemption in accordance with CEQA 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   
Jeanne MacKinnon  
Deputy City Attorney

JM:hm  
December 21, 2023  
January 23, 2024 COR.COPY  
Or.Dept: DSD  
Doc. No. 3538482

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 29 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

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  
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