

RESOLUTION NUMBER R- 315485  
DATE OF FINAL PASSAGE APR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT CITY'S APPROVAL OF (1) AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT AND (2) AN EASEMENT AGREEMENT, BOTH RELATED TO A PORTION OF CITY-OWNED REAL PROPERTY LOCATED AT THIRD AVENUE AND OLIVE STREET (APN 452-718-01) WITH THE OWNER OF THE ADJACENT PROPERTY AT 2765 SECOND AVENUE (APN 452-718-02), JENNIFER J. HASSO-NAJM, TRUSTEE OF THE NAJM FAMILY TRUST DATED 05-19-97, IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15301 AND 15305.

WHEREAS, the City of San Diego (City) is considering entering into (1) an Encroachment Maintenance and Removal Agreement (EMRA) and (2) an Easement Agreement with Jennifer J. Hasso-Najm, individually and as trustee of The Najm Family Trust Dated 05-19-97 (Ms. Hasso), with respect to a portion of certain City-owned property located at Third Avenue and Olive Street, designated as Assessor's Parcel Number 452-718-01, which is adjacent to Ms. Hasso's single-family home located at 2765 Second Avenue, designated as Assessor's Parcel Number 452-718-02 (Project); and

WHEREAS, within the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et seq.*), Public Resources Code section 21084 states that the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000, *et seq.*) prepared by the California Governor's Office of Planning and Research and adopted by the Secretary of the Natural Resource Agency Public Resources Code section 21083 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, CEQA Guidelines sections 15300-15333 list the classes of projects that have been determined not to have a significant effect on the environment and are exempt from CEQA; and

WHEREAS, CEQA Guidelines section 15301 sets forth a categorical exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, CEQA Guidelines section 15305 sets forth a categorical exemption 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 Council of the City of San Diego (Council) considered the potential environmental effects of the Project; and

WHEREAS, the Council held a duly noticed public meeting and considered the written record and related public comment about the Project; and

WHEREAS, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines sections 15301 and 15305; and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the Project because no cumulative impacts were identified; no significant effects on the environment were identified; none of the land is adjacent to a scenic highway; no historical resources will be affected by the action; and none of the land is identified on a list of hazardous waste sites pursuant to California Government Code section 65962.5; 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, as follows:

1. The Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15301 (titled "Existing Facilities") and 15305 (titled "Minor Alterations in Land Use Limitations").
2. No exception set forth in CEQA Guidelines section 15300.2 applies to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By Kevin Reisch /for  
Brian W. Byun  
Deputy City Attorney

BWB:nja  
03/15/2024  
Or. Dept: READ  
Doc. No. 3275162

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES  
City Clerk

By Kristell Medina  
Deputy City Clerk

Approved: 4/22/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

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Passed by the Council of The City of San Diego on \_\_\_\_\_, 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"/> |
| Henry L. Foster III | <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"/> |

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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 Krystell Medina, Deputy

|                                                 |
|-------------------------------------------------|
| Office of the City Clerk, San Diego, California |
| Resolution Number R- <u>315485</u>              |