

RESOLUTION NUMBER R- 315540

DATE OF FINAL PASSAGE MAY 14 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE DESANTIS PUBLIC RIGHT-OF-WAY PROJECT NO. PRJ-0692645 IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15305.

WHEREAS, the project is to vacate a portion of existing public right-of-way known as the DeSantis Public Right-of-Way project (Project), located in front of the front yard of 3525 Wilcox Street, and legally described as, that portion of Wilcox Street as dedicated per Resolution No. 127723 recorded 07/29/1955 in Book 5735, Page 348 of Official Records, also being a portion of Pueblo Lot 180 of the Pueblo Lands of San Diego according to the Map thereof made by James Pascoe in the year 1870, more particularly described in administrator's deed recorded June 11, 2021, as document no. 2021-0432944, of official records of the San Diego County of San Diego recorder's office, in the Peninsula Community Plan area, in the RS-1-7 base zone, Coastal (non-appealable) overlay zone that is no longer needed and encroaches into the front yard of the applicant's property; and

WHEREAS, the California Environmental Quality Act (CEQA) (California Public Resources Code section 21000, *et seq.*), section 21084, states that the CEQA Guidelines (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 May 14, 2024, the Council of the City of San Diego (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, that the project meets the criteria in CEQA section 15305 (Minor Alterations in Land Use Limitations), which allows for minor alterations to land as long as the average slope on site is less than 20 percent on average and would not result in any changes in land use or density, the project site does not contain slopes greater than 20 percent on average and would not change land use or increase density the exemption does apply; 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 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; 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; 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.

BE IT FURTHER RESOLVED, that the Council has determined that an exception to the exemption in CEQA Guidelines section 15300.2 does not apply.

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.

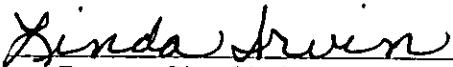
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon C. Eckmeyer  
Deputy City Attorney

SCE:cm  
April 18, 2024  
Or.Dept: DSD  
Doc. No. 3627662

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk  
For Gilbert Sanchez

Passed by the Council of The City of San Diego on MAY 14 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"/>
Henry L. Foster III	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAY 14 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 Linda J. Juen, Deputy  
For Gilbert Sanchez

Office of the City Clerk, San Diego, California

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