9/14/26
#202A
(R-2027-40)

RESOLUTION NUMBER R- **316927**

DATE OF FINAL PASSAGE **SEP 14 2026**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING SUMMARY APPROVAL OF THE DESERT VIEW DRIVE PUBLIC RIGHT-OF-WAY VACATION PROJECT – PROJECT NO. PRJ-1138629, RESERVATION OF A UTILITY EASEMENT NEAR 5897 AND 5915 DESERT VIEW DRIVE, AND RELATED ACTIONS ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTIONS 15301 AND 15305.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Council will consider summary approval of a Public Right-of-Way (PROW) Vacation to vacate a 1,002.32 square-foot (0.023 acre) portion of excess PROW located adjacent to 5897 Desert View Drive and 5915 Desert View Drive, reservation of public utility easements, and improvements to the existing driveway and sidewalk, including a curb, gutter, and landscape strip (Project).

B. The California Environmental Quality Act (CEQA), California Public Resources Code (Code) sections 21000-21189.91, provides in Code section 21083 that the California Office of Planning and Research will promulgate, and the Secretary of the California Natural Resources Agency will adopt, guidelines for implementation of CEQA. The California Office of Planning and Research promulgated, and the Secretary of the California Natural Resources Agency adopted, the guidelines for implementation of CEQA set forth in Title 14 California Code of Regulations sections 15000 through 15387 (CEQA Guidelines).

C. Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are

exempt from the provisions of CEQA. CEQA Guidelines sections 15300 through 15333 list classes of projects that have been determined not to have a significant effect on the environment and declared to be exempt from preparation of environmental documents under CEQA.

D. The Council has considered the written record related to the Project and all public comments about the potential environmental effects of the Project. The Council, using its independent judgment, has determined that the Project is categorically exempt from the provisions of CEQA under CEQA Guidelines sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations) on the basis that section 15301 consists of operation, repair, maintenance, and minor alteration of existing public or private structures involving negligible or no expansion of existing or former use, and section 15305 consists 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, including but not limited to minor lot line adjustments. As the project is a right of way vacation with negligible expansion of use and only minor landscape and street improvements, the exemptions are appropriate.

E. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the Project.

F. The Office of the City Attorney prepared 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 and accurate.

G. 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.

ACTION ITEMS

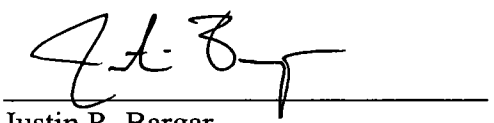
Be it resolved by the Council of the City of San Diego:

1. The Project is categorically exempt from the provisions of CEQA under CEQA Guidelines section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

2. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the Project.

3. The City Clerk, or designee, is directed to file a CEQA Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Land Use and Climate Innovation.

APPROVED: HEATHER FERBERT, City Attorney

By 

Justin R. Bargar
Deputy City Attorney

JRB:cw
August 26, 2026
Or. Dept: DSD
Doc. No.: 4532158

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on SEP 14 2026.

DIANA J.S. FUENTES
City Clerk

By Krystell Medina
Deputy City Clerk

SEP 14 2026

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☐	☐	☒	☐
Marni von Wilpert	☐	☐	☒	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 14 2026.

(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.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By Krystell Medina, Deputy

Office of the City Clerk, San Diego, California

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