

RESOLUTION NUMBER R- **316963**

DATE OF FINAL PASSAGE **SEP 29 2026**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT THE APPROVAL OF
THE 40TH STREET AND EL CAJON BOULEVARD RIGHT-
OF-WAY VACATION PRJ-1147743 IS CATEGORICALLY
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT UNDER CEQA GUIDELINES SECTIONS
15305 AND 15332.

RECITALS

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

A. The Council will consider approval of the 40th Street and El Cajon Boulevard Right-of-Way Vacation PRJ-1147743 to vacate 3,640 square feet of a western portion of 40th Street cul-de-sac, generally located just south of 4344 40th Street and 785 square feet of an unnamed alley running west from 40th Street between two vacant parcels described as lots 29 through 32 inclusive and lots 25 through 28 in block 48 of W.P. Herbert's Subdivision, Map No. 1108 (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 section 15305 (titled “Minor Alterations in Land Use Limitations”) on the basis that the Project is in an area with an average slope of less than 20% and would not change the land use or density. No physical development, land use, or zone changes are proposed. The areas to be vacated are flat (approximately 375 above mean sea level), which is less than 20%.

E. The Project was also determined to be categorically exempt from the provisions of CEQA under CEQA Guidelines section 15332 (titled “In-Fill Development Projects”). The Project is consistent with the applicable general plan designation (Central Urbanized Planned District) and all applicable general plan policies, as well as with the applicable zoning designations (Zones CUPD-CU-2-4 and CUPD-CT-2-4) and regulations. The proposed Project is located within City limits on a project site that is no more than 5 acres (the overall Project site is 0.68 acres, while the areas to be vacated are 0.10 acres) and is substantially surrounded by urban uses considering the site is surrounded by existing residential and commercial uses. The Project site has no value as habitat for endangered, rare or threatened species because it was previously developed, consists of hardscape, and is surrounded by development. Approval of the Project would not result in significant effects relating to traffic, noise, air quality, or water quality because the Project is a mapping action that would result in no change to existing conditions.

The site can be adequately served by all required utilities and public services, as it is located within an urban area where such services are available.

F. No exception to the application of the categorical exemptions set forth in CEQA Guidelines section 15300.2 applies to the Project. Per CEQA Guidelines section 15300.2(a), Classes 3, 4, 5, 6, and 11 exemptions are subject to the location exception. As CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations) is a Class 5 exemption, it is subject to evaluation under the location exception. The Project is not located in an area with a mapped environmental resource of hazardous or critical concern and does not meet the exception criteria under CEQA Guidelines section 15300.2(a). CEQA Guidelines section 15332 (In-fill Development Projects) is a Class 32 exemption and is not subject to the exception criteria under CEQA Guidelines section 15300.2(a). As no physical change is proposed, the Project will have no significant cumulative impact on the physical environment and does not meet the cumulative impact exception criteria under CEQA Guidelines section 15300.2(b). No significant effect due to unusual circumstances would result from the Project, as no physical changes are proposed. Thus, the Project would not meet the significant effect exception criteria identified in CEQA Guidelines section 15300.2(c). Considering the Project proposes no physical change and is not located within the view of a scenic highway, no impacts to a scenic highway would occur and the Project would not meet the exception criteria identified in CEQA Guidelines section 15300.2(d). The site is not located on a list compiled pursuant to section 65962.5 of the Government Code and the Project would not meet the exception criteria identified in CEQA Guidelines section 15300.2(e). As no historical resources exist on the site, the Project would not cause a substantial adverse change in the significance of a historical resource and would not meet the exception criteria identified in CEQA Guidelines section 15300.2(f).

G. 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.

H. 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 sections 15305 and 15332.

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 
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
September 15, 2026
Or. Dept: Development Services Dept.
Doc. No. 4547912

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

SEP 29 2026

DIANA J.S. FUENTES

City Clerk

By *Cennie Patterson*
Deputy City Clerk

Passed by the Council of The City of San Diego on SEP 29 2026, 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 29 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.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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