

RESOLUTION NUMBER R- 311420

DATE OF FINAL PASSAGE NOV 20 2017

ITEM #100B
11/14/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AUTHORIZATION OF THE RAILROAD RIGHT-OF-WAY LICENSE FROM THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM FOR THE FALSE BAY SEWER PROJECT IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTION 21080.21 AND CEQA GUIDELINES SECTION 15282(k).

WHEREAS, on January 22, 1957, the City Council approved a License issued to the City by The Atchison, Topeka and Santa Fe Railway Company to construct and maintain two sewer pipes, an 8-inch sewer pipe and a 10-inch sewer pipe, in Tecolote Creek, by Resolution No. 137390 (Original License); and

WHEREAS, the San Diego Metropolitan Transit System (MTS) is the successor in interest to The Atchison, Topeka and Santa Fe Railway Company; and

WHEREAS, MTS desires to replace the Original License with a new proposed license for the construction and maintenance for the new 18-inch sewer pipe and the existing 10-inch sewer pipe (Project); and

WHEREAS, the California State Legislature, through the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21177, has determined that CEQA does not apply to various types of projects listed therein; and

WHEREAS, CEQA section 21084 states that the CEQA Guidelines 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 15260-15285 list the statutory exemptions promulgated by the California State Legislature; and

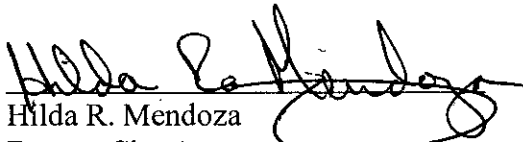
WHEREAS, the Development Services Department has established that the Project is statutorily exempt from CEQA pursuant to California Public Resources Code section 21080.21 and CEQA Guidelines section 15282(k) (Other Statutory Exemptions); and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego, using its independent judgment, has considered the written record concerning the Project as well as public comment, if any, and determines that the Project is statutorily exempt from CEQA pursuant to California Public Resources Code section 21080.21 and CEQA Guidelines section 15282(k).

APPROVED: MARA W. ELLIOTT, City Attorney

By


Hilda R. Mendoza
Deputy City Attorney

HRM:als
10/31/2017
Or.Dept:READ
Doc. No.: 1616581

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 14 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/20/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 14 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 20 2017

(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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Atty. General*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>311420</u>