RESOLUTION NUMBER R- 311872

DATE OF FINAL PASSAGE   JUL. 1 0 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT APPROVAL OF SITE
DEVELOPMENT PERMIT NO. 1673361 FOR VIA ESPRILLO
STORM DRAIN REPLACEMENT PROJECT – PROJECT
NO. 230855 IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT
TO CEQA GUIDELINES SECTIONS 15304 AND 15333.

WHEREAS, the City of San Diego Public Works Department has completed the Via

Esprillo Storm Drain Replacement Project – Project No. 230855, which was emergency work to

repair and replace a storm drain and stabilize the adjacent sloped area at 16450-16464 Via Esprillo

in the Rancho Bernardo Community Plan area; and

WHEREAS, the work was performed under Emergency Site Development Permit

No. 939438 and upon completion, an after-the-fact site development permit (SDP) is required,

which the Public Works Department has applied for (SDP No. 1673361); and

WHEREAS, Public Resources Code section 21084 of the California Environmental Quality

Act (CEQA), states that the CEQA Guidelines thereto (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 Council of the City of San Diego (City Council) has considered the

potential environmental effects of the Project; and

WHEREAS, on __JUL. 1 0 2018__ , the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the City Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because it involved repair and replacement of an existing storm drain facility, and stabilization and revegetation of the adjacent sloped area; and
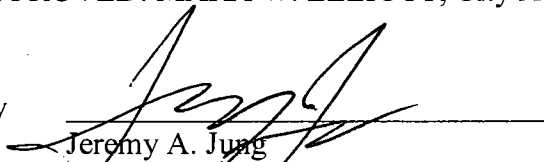
WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, that the City Council determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects).

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

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
    Jeremy A. Jung
    Deputy City Attorney

JAJ:cw
06/25/18
Or.Dept: DSD
CC No.: N/A
Doc. No.: 1778301

Passed by the Council of The City of San Diego on _____ **JUL. 1 0 2018** _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Chris Ward	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☑	☐	☐	☐
Georgette Gomez	☑	☐	☐	☐

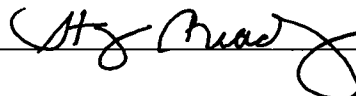Date of final passage _____ **JUL 1 0 2018** _____.

(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:

_____KEVIN L. FAULCONER_____
Mayor of The City of San Diego, California.

(Seal)

_____ELIZABETH S. MALAND_____
City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R-_____ **311872**