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10/11/22

(R-2023-162)
COR.COPY

RESOLUTION NUMBER R- **314388**

DATE OF FINAL PASSAGE OCT 18 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE TRANSFER OF APPROPRIATIONS OF \$3,750,000 FROM CIP ACC00001, STORMWATER GREEN INFRASTRUCTURE, TO CIP ACA00001, FLOOD RESILIENCE INFRASTRUCTURE, FOR FUNDING B22067 914 SANTA CLARA PLACE PUMP STATION N SD EMERGENCY PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

WHEREAS, the Council of the City of San Diego is considering authorizing the transfer of appropriations of \$3,750,000 from CIP ACC00001, Stormwater Green Infrastructure, to CIP ACA00001, Flood Resilience Infrastructure, to fund the immediate needs for B22067, 914 Santa Clara Place Pump Station N SD Emergency Project; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), adopted by the California Office of Planning and Research pursuant to Public Resources Code section 21083, 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, the City Planning Department determined that the transfer of appropriations to fund the B22067, 914 Santa Clara Place Pump Station N SD Emergency Project is exempt from CEQA under the common sense exemption in CEQA Guidelines section 15061(b)(3) which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Council of the City of San Diego (Council) considered the potential environmental effects of the project; and

WHEREAS, this action authorizing the transfer of appropriations of \$3,750,000 from CIP ACC00001, Stormwater Green Infrastructure, to CIP ACA00001, Flood Resilience Infrastructure, to fund the immediate needs for B22067, 914 Santa Clara Place Pump Station N SD Emergency Project does not constitute approval of the project pursuant to CEQA Guidelines section 15352(a) and will not foreclose review of alternatives or mitigation measures by the public as part of the future CEQA process; and

WHEREAS, on October 11, 2022, the Council held a duly noticed public meeting, and considered the written record and related public comment and evidence concerning the project; and

WHEREAS, the Council, exercising its independent judgment, determined that the project will not result in a significant effect on the environment and is exempt from CEQA under the common sense exemption in CEQA Guidelines section 15061(b)(3) because the B22067, 914 Santa Clara Place Pump Station N SD Emergency Project was previously determined to be statutorily exempt from CEQA pursuant to: Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) which allow for specific actions necessary to prevent or mitigate an emergency; and Public Resources Code Section 21080(b)(2) and CEQA Guidelines Section 15269(b) which allow for emergency repairs to publicly or privately owned service facilities necessary to maintain services essential to the public health, safety, or welfare; and

WHEREAS, a Notice of Right to Appeal Environmental Determination (NORA) was posted for the emergency project on December 13, 2021 and no appeals were received by the close of the appeal period (December 28, 2021); and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the project because: no cumulative impacts were identified; no significant effects on the environment were identified; none of the land is adjacent to a scenic highway; no historical resources will be affected by the action; and none of the land is identified on a list of hazardous waste sites pursuant to California Government Code section 65962.5; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The transfer of appropriations of \$3,750,000 from CIP ACC00001, Stormwater Green Infrastructure, to CIP ACA00001, Flood Resilience Infrastructure, to fund the immediate needs for B22067, 914 Santa Clara Place Pump Station N SD Emergency Project is exempt under the common sense exemption in CEQA Guidelines section 15061(b)(3) which provides that CEQA only applies to actions having the potential to cause a significant effect on the environment.
2. No exception set forth in CEQA Guidelines section 15300.2 applies to the transfer of appropriations of \$3,750,000 from CIP ACC00001, Stormwater Green

Infrastructure, to CIP ACA00001, Flood Resilience Infrastructure, to fund the immediate needs for B22067, 914 Santa Clara Place Pump Station N SD Emergency Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
9/22/2022
COR.COPY
10/13/2022
Or.Dept: SWD
Doc. No. 3097409

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 11 2022

ELIZABETH S. MALAND
City Clerk

By Kyshell Medina
Deputy City Clerk

Approved: 10/18/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 11 2022, 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"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 18 2022

(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)

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

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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