

RESOLUTION NUMBER R- **314437**DATE OF FINAL PASSAGE **NOV 28 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DETERMINING THAT AMENDMENTS TO THE
PROJECT AGREEMENTS FOR THE BENEFICIAL USE OF
DIGESTER GAS FACILITY AT THE POINT LOMA
WASTEWATER TREATMENT PLANT ARE
CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA
GUIDELINES SECTION 15031.

WHEREAS, concurrent and together with this resolution the City is adopting an ordinance authorizing the execution of (1) a Fourth Amendment to the Agreement (H084434) for the Purchase and Sale of Biogas between the City of San Diego, as Seller and Watonga RNG 1, LLC, as Assignee Buyer; and (2) a Fifth Amendment to the Agreement (H084247) for the Beneficial Use of Digester Gas Site Lease at Point Loma Wastewater Treatment Plant between the City of San Diego, as Lessor and Watonga RNG 1, LLC, as Lessee (together the "BUDG Project Amendments"); 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 BUDG Project Amendments are categorically exempt from the California Environmental Quality Act

(CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities) which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, on NOV 15 2022, the City Council held a duly noticed public meeting and considered the written record for the BUDG Project Amendments as well as any public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the BUDG Project Amendments will not have a significant effect on the environment because they involve operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, the Office of the City Attorney has drafted 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, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, that the San Diego City Council has determined by this resolution that the BUDG Project Amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities).

BE IT FURTHER RESOLVED, that the Council has determined by this resolution that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply to the BUDG Project Amendments.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Frederick M. Ortlieb
Frederick M. Ortlieb
Senior Deputy City Attorney

FMO:cw
10/03/22
Or.Dept: Public Utilities
CC No.: N/A
Doc. No. 3105034

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022

ELIZABETH S. MALAND
City Clerk

By Krystell Medina
Deputy City Clerk

Approved: 11/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 15 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 NOV 28 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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