

RESOLUTION NUMBER R- 315027

DATE OF FINAL PASSAGE JUL 14 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AMENDMENTS TO CHAPTER 6, ARTICLE 2, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.1102, 62.1104, AND 62.1105; RETITLING AND AMENDING SECTION 62.1106; AMENDING SECTIONS 62.1107 AND 62.1108; REPEALING SECTIONS 62.1109 AND 62.1110; AMENDING AND RENUMBERING SECTION 62.1111 TO SECTION 62.1109; AMENDING AND RENUMBERING SECTION 62.1112 TO SECTION 62.1110; AMENDING AND RENUMBERING SECTION 62.1113 TO SECTION 62.1111; AND AMENDING AND RENUMBERING SECTION 62.1114 TO SECTION 62.1112; BY AMENDING CHAPTER 6, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF DIVISION 12; AND BY AMENDING CHAPTER 6, ARTICLE 2, DIVISION 12 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.1202 AND 62.1203; RETITLING AND AMENDING SECTION 62.1204; AMENDING SECTIONS 62.1205, 62.1206, AND 62.1207; ADDING NEW SECTION 62.1208; RETITLING, AMENDING, AND RENUMBERING EXISTING SECTION 62.1208 TO SECTION 62.1209; RETITLING, AMENDING, AND RENUMBERING SECTION 62.1209 TO SECTION 62.1210; RETITLING, AMENDING, AND RENUMBERING SECTION 62.1210 TO SECTION 62.1211; AMENDING AND RENUMBERING SECTION 62.1211 TO SECTION 62.1212; AMENDING AND RENUMBERING SECTION 62.1212 TO SECTION 62.1213; AMENDING AND RENUMBERING SECTION 62.1213 TO SECTION 62.1214; RETITLING, AMENDING, AND RENUMBERING SECTION 62.1214 TO SECTION 62.1215; AMENDING AND RENUMBERING SECTION 62.1215 TO SECTION 62.1216; REPEALING EXISTING SECTION 62.1216; AMENDING SECTIONS 62.1217 AND 62.1218; AND ADDING NEW SECTION 62.1219 TO THE SAN DIEGO MUNICIPAL CODE, ALL RELATING TO EXCAVATIONS IN THE PUBLIC RIGHT-OF-WAY ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO STATE CEQA GUIDELINES SECTION 15301(c) (EXISTING FACILITIES).

WHEREAS, the City of San Diego (City) is considering an ordinance Amending Chapter 6, Article 2, Division 11 of the San Diego Municipal Code by amending sections 62.1102, 62.1104, and 62.1105; retitling and amending section 62.1106; amending sections 62.1107 and 62.1108; repealing sections 62.1109 and 62.1110; amending and renumbering section 62.1111 to section 62.1109; amending and renumbering section 62.1111 to section 62.1109; amending and renumbering section 62.1112 to section 62.1110; amending and renumbering section 62.1113 to section 62.1111; and amending and renumbering section 62.1114 to section 62.1112; by amending Chapter 6, Article 2 of the San Diego Municipal Code by amending the title of Division 12; and by amending Chapter 6, Article 2, Division 12 of the San Diego Municipal Code by amending section 62.1202 and 62.1203; retitling and amending section 62.1204; amending section 62.1205, 62.1206, 62.1207; adding new section 62.1208; retitling, amending, and renumbering existing section 62.1208 to 62.109; retitling, amending, and renumbering section 62.1209 to section 62.1210; retitling, amending, and renumbering section 62.1210 to section 62.1211; amending and renumbering section 62.1211 to section 62.62.1212; amending and renumbering section 62.1212 to section 52.1213; amending and renumbering section 62.1213 to section 62.1214; retitling, amending, and renumbering section 62.1214 to section 62.1215; amending and renumbering section 62.1215 to section 62.1216, repealing existing section 62.1216; amending sections 62.1217 and 62.1218; and adding new section 62.1219 to the San Diego Municipal Code, all relating to excavations in the public right-of-way (Project).

California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) states 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, under 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 Planning Department has determined that the Project is categorically exempt from CEQA under CEQA Guidelines sections 15301(c) (Existing Facilities), and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Council of the City of San Diego (City Council) has considered the potential environmental effect of the Project; and

WHEREAS, 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 the Project consists of proposed amendments to the Municipal Code that provide procedures, limitations, and requirements for excavations in the existing public right-of-way, and relate to the repair, maintenance, and alteration of existing public or private facilities involving negligible or no expansion of existing or former uses; 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, by the Council of the City of San Diego as follows:

1. The City Council has determined that the Project is categorically exempt from CEQA under CEQA Guidelines section 15301(c) (Existing Facilities).
2. The City Council has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

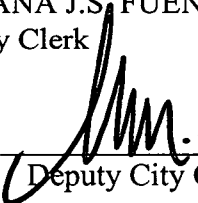
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Ryan P. Gerrity
Deputy City Attorney

RPG:cw
June 12, 2023
Or.Dept: Transportation
CC No.: N/A
Doc. No.: 3329173

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 10 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 7/14/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 10 2023, 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"/>
Kent Lee	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUL 14 2023.

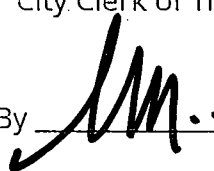
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California

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