

RESOLUTION NUMBER R- **315638**

DATE OF FINAL PASSAGE JUL 02 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT EXECUTING CONSTRUCTION CHANGE ORDER NO. 3 TO THE CONTRACT WITH BURTECH PIPELINE INCORPORATED (K-22-2088-DBB-3) FOR CONSTRUCTION OF THE AC WATER & SEWER GROUP 1050 PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER STATE CEQA GUIDELINES SECTIONS 15301, 15302, AND 15303, AND THAT NONE OF THE EXCEPTIONS TO THE EXEMPTIONS AS LISTED IN STATE CEQA GUIDELINES SECTION 15300.2 APPLY.

WHEREAS, effective June 21, 2022, the City of San Diego (City) and Burtech Pipeline Incorporated entered into contract K-22-2088-DBB-3 (Contract), for construction of the AC Water & Sewer Group 1050 project; and

WHEREAS, the City desires to execute a fourth amendment to the Agreement (Project); and

WHEREAS, the California State Legislature, through the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21189.70.10, has determined that CEQA does not apply to various types of projects listed therein; and

WHEREAS, California Public Resources Code section 21084 states that the CEQA Guidelines (Cal. Code Regs., title 14, §§ 15000 to 15387 (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, 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 that have been determined not to have a significant effect on the environment; and

WHEREAS, City staff has determined that the Project is categorically exempt from CEQA under CEQA Guidelines sections 15301, 15302, and 15303; and

WHEREAS, the Council considered the potential environmental effects of the Project; and

WHEREAS, the Council held a duly noticed public meeting and considered the written record and related public comment with respect to 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 categorically exempt from CEQA under CEQA Guidelines section 15301 because it involves 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, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15302 because it involves the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and

WHEREAS, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15303 because it involves construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and

facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; 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

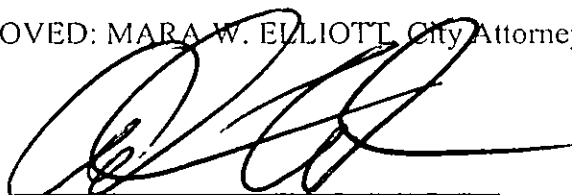
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. That the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines sections 15301, 15302, and 15303.
2. That no exception to the categorical exemption, set forth in CEQA Guidelines section 15300.2, applies to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Adam R. Wander
Deputy City Attorney

ARW:cw
05/27/24
Or.Dept: E&CP
CC No.: N/A
Doc. No.: 3663947
Companion to: R-2024-577

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at this meeting of JUN 25 2024.

DIANA J.S. FUENTES
City Clerk

By Krystle Medina
Deputy City Clerk

Approved: 7/1/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 25 2024, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| Henry Foster, III | <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 02 2024.

(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)

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

By Krystell Medina, Deputy

Office of the City Clerk, San Diego, California
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