

RESOLUTION NUMBER R- 316300
DATE OF FINAL PASSAGE JUN 17 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE A PERMANENT AND TEMPORARY EASEMENT OVER PROPERTY LOCATED AT 3755 MURPHY CANYON ROAD, SAN DIEGO, CALIFORNIA TO FACILITATE THE MURPHY CANYON TRUNK SEWER REPAIR AND REHABILITATION PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15301 AND 15302 OF THE STATE CEQA GUIDELINES.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Murphy Canyon Trunk Sewer Repair and Rehabilitation Project, CIP Project B-17005, (Project) improves the capacity of existing sewer infrastructure by installing approximately 1.4 miles of new gravity sewer lines, rehabilitating approximately 5.2 miles of existing sewer pipelines, and abandoning approximately 1.1 miles of existing sewer pipelines and manholes within the Tierrasanta, Kearny Mesa, Mission Valley, and Serra Mesa Communities.

B. The existing trunk sewer is located parallel to I-15, mainly on or near Murphy Canyon Road from Clairemont Mesa Boulevard to south of Friars Road and includes sewer rehabilitation on Ruffin Road from Balboa Avenue to Aero Drive and on Aero Drive from Ruffin Road to Sandrock Road.

C. The Project requires acquisition of portions of property owned by Daley Square Dolphin, a California General Partnership (Owner) located at 3755 Murphy Canyon Road, San Diego, California (APNs 421-333-08, 421-333-10) (Property), including appurtenant reciprocal access and parking rights, which is needed to construct the Project.

D. 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.) 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.

E. 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.

F. The City previously determined on November 4, 2022, that the Project was categorically exempt from CEQA pursuant to CEQA Guidelines sections 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, including existing streets, sidewalks, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes and 15302 (Replacement or Rehabilitation) which allows for 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. A Notice of Right to Appeal that determination was posted from November 4, 2022, through November 14, 2022, with no appeals of the City's exemption determination filed.

G. The Planning Department has determined that the acquisition of the private property rights needed to construct the Project is also categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and Section 15302 (Replacement or Rehabilitation).

H. The exceptions to the exemptions listed in CEQA Guidelines Section 15300.2 would not apply in that no cumulative impacts were identified, no significant effects on the environment were identified, the Project is not adjacent to a scenic highway, no historical resources would be affected by the action, and the Project is not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

I. The Council desires to authorize the City Attorney's Office to commence eminent domain proceedings to acquire the property interests needed over the Subject Property for the Project. The Council has considered the potential environmental effects of the acquisition of property rights to construct the Project.

J. The Council held a public meeting for the Resolution of Necessity and this environmental determination and considered the written record for the Project as well as public comment.

K. The Council, using its independent judgment, has determined that the acquisition of private property interests needed to construct the Project is categorically exempt from CEQA, pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15302 (Replacement or Rehabilitation) and no exceptions to the exemptions apply.

L. 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.


M. Under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the Council to act as a quasi-judicial body where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The acquisition of private property interests needed to construct the Project is categorically exempt from the provisions of CEQA under CEQA Guidelines sections 15301 and 15302.
2. No exception to the application of a categorical exemption set forth in CEQA Guidelines section 15300.2 applies to the acquisition of the property interests needed to construct the Project.
3. The City Clerk, or designee, is directed to file a Notice of Exemption in accordance with CEQA with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the Project.

APPROVED: HEATHER FERBERT, City Attorney

By 
Jenny K. Goodman
Lead Deputy City Attorney

JKG:msb
May 20, 2025
Or. Dept: DREAM
Doc. No. 4066042

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JUN 17 2025

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

JUN 17 2025

Passed by the Council of The City of San Diego on _____, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. 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 **JUN 17 2025**

(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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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