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6/13/2021

(R-2021-501)

RESOLUTION NUMBER R- 313630  
DATE OF FINAL PASSAGE JUL 16 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE MICROGRID AGREEMENT WITH SHELL NEW ENERGIES US, LLC IS STATUTORILY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.35 AND CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINE SECTIONS 15301 AND 15304.

WHEREAS, concurrent with this resolution an agreement with Shell New Energies US (Microgrid Agreement) is presented to the Council of the City of San Diego (Council) for a renewable microgrid portfolio project to be installed at eight (8) City facilities which includes solar photovoltaic (PV) systems, battery energy storage systems (BESS), microgrid controls, and electric vehicle (EV) charging stations to allow the eight facilities to produce renewable energy and manage energy demand to reduce greenhouse gas emissions by using renewable energy and storage on site during ordinary grid-tied operations, and to isolate from the electrical distribution grid and operate independently during power outages, thus increasing resiliency in response to energy disruptions; and

WHEREAS, microgrid installations at City facilities support the Climate Action Plan which sets a goal for the City to reduce municipal energy consumption from a 2010 business-as-usual baseline by 15% in 2020 and an additional 25% in 2035, with these goals being reflected in the Municipal Energy Strategy; and

WHEREAS, the Climate Action Plan calls for programs and policies that increase the City's ability to "absorb disturbance and . . . retain essentially the same function," and microgrids will help the City work toward both the municipal fossil energy use reductions and resiliency goals; and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code sections 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; and

WHEREAS, 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; and

WHEREAS, the Development Services Department has established that the solar electric generating function of the Project is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.35; and

WHEREAS, the Development Services Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301 and 15304 and that no exception to the exemption as set forth in CEQA Guidelines section 15300.2 applies; and

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

WHEREAS, on JUN 29 2021, the Council held a duly noticed public meeting and considered the written record for the Project as well as any public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment because the proposed adoption of a 25-year Energy Management Services Agreement with Shell New Energies US, LLC is consistent with the Final Program Environmental Impact Report (PEIR)

prepared for the Climate Action Plan (Project No. 416603 / SCH No. 2015021053), which was certified by San Diego City Council Resolution R-310176 (Jan. 4, 2016); and

WHEREAS, the installation of renewable microgrids at eight (8) City facilities is also categorically exempt from 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 section 15304 (Minor Alterations to Land) which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and

WHEREAS, furthermore, the installation of renewable microgrids at eight (8) City facilities is statutorily exempt from CEQA pursuant to CEQA section 21080.35, as added by SB 226, which exempts the installation of a solar energy system, including all associated equipment, on the roof of an existing building or at an existing parking lot; NOW,

THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the project provided in the Microgrid Agreement with Shell New Energies US, LLC on file in the Office of the City Clerk as Document No. RR-313630 (Agreement) for microgrids at eight City facilities is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 21080.35, as added by Senate Bill (SB) 226, which exempts the installation of a solar energy system and associated equipment on the roof of an existing building or at an existing parking lot.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the installation of renewable microgrids at eight City facilities pursuant to the Microgrid Agreement is categorically exempt from 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 section 15304 (Minor Alterations to Land) which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that no exception to the exemption as set forth in CEQA Guidelines section 15300.2 applies to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

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

FMO:cw  
06/01/21  
Aud.Cert: N/A  
Or.Dept: Sustainability Department  
Doc. No.: 2677284

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/29/2021

ELIZABETH S. MALAND  
City Clerk

By /s/Linda Irvin  
Deputy City Clerk

Approved: 7/14/21  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 2021, 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 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 16 2021

(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 Binda Irwin, Deputy

Office of the City Clerk, San Diego, California

**313630**

Resolution Number R-\_\_\_\_\_