

Item 100a
02/15/2022

(R-2022-264)
COR.COPY

RESOLUTION NUMBER R- 313902

DATE OF FINAL PASSAGE FEB 25 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE ADDITION OF TWO STANDALONE CREEK RESTORATION PROJECTS TO THE CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZING TRANSFER OF APPROPRIATIONS FOR PRELIMINARY ENGINEERING AND PLANNING ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3) AND 15262.

WHEREAS, the Council of the City of San Diego is considering authorizing the addition of two standalone Creek Restoration projects known as S-22008 Upper Auburn Creek Revitalization Project and S-22009 Chollas Creek Restoration 54th St. and Euclid Avenue Project (projects) to the Capital Improvements Program and the transfer of appropriations of \$250,000 to each project for a total of \$500,000 from the Capital Improvement Program Budget in CIP ACC00001, Stormwater Green Infrastructure, to fund preliminary engineering and planning activities for the projects; and

WHEREAS, 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.), adopted by the California Office of Planning and Research pursuant to Public Resources Code section 21083, 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 through 15285 list the statutory exemptions promulgated by the California State Legislature; and

WHEREAS, the City Planning Department determined that the projects are statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262 (entitled "Feasibility and Planning Studies") and are exempt from CEQA under the common sense exemption in CEQA Guidelines section 15061(b)(3) which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Council of the City of San Diego (Council) considered the potential environmental effects of the projects; and

WHEREAS, this action approving the addition of the projects to the Capital Improvements Program and the transfer of appropriations to each project from the Capital Improvement Program Budget in CIP ACC00001, Stormwater Green Infrastructure to fund preliminary engineering and planning activities for the projects does not constitute approval of the projects pursuant to CEQA Guidelines section 15352(a) and will not foreclose review of alternatives or mitigation measures by the public as part of the future CEQA process; and

WHEREAS, on February 15, 2022, the Council held a duly noticed public meeting, and considered the written record and related public comment and evidence concerning the projects; and

WHEREAS, the Council, exercising its independent judgment, determined that the projects will not result in a significant effect on the environment and are exempt from CEQA because they meet the requirement of CEQA Guidelines section 15262, in that they are projects involving only feasibility or planning studies for possible future actions (i.e., potential creek restoration activities), which the City has not approved, adopted, or funded; and

WHEREAS, the Council, exercising its independent judgment, determined that the projects will not result in a significant effect on the environment and are exempt from CEQA under the common sense exemption in CEQA Guidelines section 15061(b)(3) because both projects will be subject to discretionary review in accordance with the City's Land Development Code and the provisions of CEQA pursuant to section 15004 of the State CEQA Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review; and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the projects 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; NOW, THEREFORE,

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

1. The addition of two standalone Creek Restoration projects known as S-22008 Upper Auburn Creek Revitalization Project and S-22009 Chollas Creek Restoration 54th St. and Euclid Avenue Project to the Capital Improvements Program and the transfer of appropriations of \$250,000 to each project from the Capital Improvement Program Budget in CIP ACC00001, Stormwater Green Infrastructure, to fund preliminary engineering and planning activities will not result in a significant effect on the environment and is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262.

2. The addition of two standalone Creek Restoration projects known as S-22008 Upper Auburn Creek Revitalization Project and S-22009 Chollas Creek Restoration 54th St.

and Euclid Avenue Project to the Capital Improvements Program and the transfer of appropriations of \$250,000 to each project from the Capital Improvement Program Budget in CIP ACC00001, Stormwater Green Infrastructure, to fund preliminary engineering and planning activities for the projects is exempt under the common sense exemption in CEQA Guidelines section 15061(b)(3) which provides that CEQA only applies to actions having the potential to cause a significant effect on the environment.

3. No exception set forth in CEQA Guidelines section 15300.2 applies to the addition of two standalone Creek Restoration projects known as S-22008 Upper Auburn Creek Revitalization Project and S-22009 Chollas Creek Restoration 54th St. and Euclid Avenue Project to the Capital Improvements Program and the transfer of appropriations of \$250,000 to each project from the Capital Improvement Program Budget in CIP ACC00001, Stormwater Green Infrastructure to fund preliminary engineering and planning activities for the projects.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
January 28, 2022
COR.COPY
3/3/2022
Or.Dept: TSW
Doc. No.: 2874453_2

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: March 3, 2022
TO: Office of the City Clerk
FROM: Jeanne L. MacKinnon, Deputy City Attorney
SUBJECT: R-2022-264 COR.COPY

We are submitting a corrected copy of Resolution No. R-2022-264 for Item No. 100-A to reflect the following:

A correction to the date at page 2, the 4th WHEREAS clause, from February 14, 2022 to February 15, 2022.

JLM:hm

Attachment

cc: Constance Patterson, Legislative Recorder
Gilbert Sanchez, Associate Management Analyst

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

ELIZABETH S. MALAND
City Clerk

By *Cornie Patterson*
Deputy City Clerk

Approved: 2/25/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 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 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 FEB 25 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313902