

#100a  
03/08/2022

(R-2022-326)

RESOLUTION NUMBER R- 313947

DATE OF FINAL PASSAGE MAR 22 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE LOS PEÑASQUITOS LAGOON RESTORATION PHASE 1 PROJECT AND EXPENDITURE OF APPROPRIATIONS FOR PRELIMINARY DESIGN AND ENGINEERING ACTIVITIES ARE STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15262.

WHEREAS, the Council of the City of San Diego is considering authorizing the execution of a First Amendment to the Agreement with Burns & McDonnell Engineering Company, Inc. to provide design and engineering services for the Los Peñasquitos Lagoon Restoration Phase 1 Project (Project) and expenditure of additional appropriations in the amount of \$384,324 for design and engineering services for the Project; 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 Engineering and Capital Projects Department determined that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262

(entitled "Feasibility and Planning Studies"); and

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

WHEREAS, this action authorizing execution of a First Amendment to the Agreement with Burns & McDonnell Engineering Company, Inc. to provide design and engineering services for the Project and expenditure of appropriations for design and engineering services for the Project does not constitute approval of the Project 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 March 8, 2022, the Council held a duly noticed public meeting, and considered the written record and related public comment and evidence concerning 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 exempt from CEQA because it meets the requirement of CEQA Guidelines section 15262, in that the Project involves only feasibility or planning studies for possible future actions (i.e., potential lagoon restoration activities), which the City has not approved, adopted, or funded; and

WHEREAS, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is exempt from CEQA because the Project 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 Project; NOW, THEREFORE,

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

1. The execution of a First Amendment to the Agreement with Burns & McDonnell Engineering Company, Inc. to provide design and engineering services for the Los Peñasquitos Lagoon Restoration Phase 1 Project and expenditure of appropriations for design and engineering services for the Project in an additional amount not to exceed \$384,324 will not result in a significant effect on the environment and is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15262.

2. No exception set forth in CEQA Guidelines section 15300.2 applies to the execution of a First Amendment to the Agreement with Burns & McDonnell Engineering Company, Inc. to provide design and engineering services for the Los Peñasquitos Lagoon Restoration Phase 1 Project and expenditure of appropriations for design and engineering services for the Project in an additional amount not to exceed \$384,324.

APPROVED: MARA W. ELLIOTT, City Attorney

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

JLM:hm  
February 18, 2022  
Or.Dept: ECP  
Doc. No.: 2874453

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 08 2022

ELIZABETH S. MALAND  
City Clerk

By *Connie Patterson*  
Deputy City Clerk

Approved: 3/20/22  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on MAR 08 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 MAR 22 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 Cornie Patterson, Deputy

Office of the City Clerk, San Diego, California

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