

RESOLUTION NUMBER R- 314079

DATE OF FINAL PASSAGE MAY 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF CHANGE ORDER NO. 6 WITH AMERICAN ASPHALT SOUTH, INC. FOR SLURRY SEAL GROUP 1803 IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301(c) AND EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, this action will authorize the Mayor or designee to approve Change Order No. 6 to the City's Slurry Seal Group 1803 contract in the amount of \$17,930 for traffic signal loop repairs (Project); and

WHEREAS, the California Environmental Quality Act (CEQA) (California 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; and

WHEREAS, the California Environmental Quality Act (CEQA) (California Public Resources Code section 21000, *et seq.*), section 21065, states that "Project" means an activity which may cause either a direct physical change in the environment, or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, a project is exempt from CEQA if the project is: (1) exempt by statute; (2) exempt pursuant to a categorical exemption and the application of that categorical exemption is not barred by one of the exceptions set forth in section 15300.2; or (3) the activity is covered by the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; 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 which have been determined not to have a significant effect on the environment; and

WHEREAS, the Common Sense Exemption is applicable 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; and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(c) (Existing Facilities) and that no exception to the exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

WHEREAS, the Planning Department has established that this action is covered by the Common Sense Exemption pursuant to Guidelines section 15061(b)(3), because the proposed activity involves the approval and execution of a construction change order to add locations to a project that was previously determined by the Council of the City of San Diego (City Council) to be exempt from CEQA pursuant to CEQA Guidelines section 15301(c) (Existing Facilities) (San Diego Resolutions R-311332 and R-311703).

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

WHEREAS, on APR 26 2022, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the City Council, using its independent judgment, has considered the written record and public comment and determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(c) (Existing Facilities) and will not have a significant effect on the environment because the activity only involves the 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 City Council, using its independent judgement, has considered the written record and public comment and determines that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), under the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; NOW, THEREFORE,

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

1. The City Council has determined that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(c) (Existing Facilities).
2. The City Council has determined that the Project is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (Common Sense Exemption).
3. The City Council has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

4. The City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

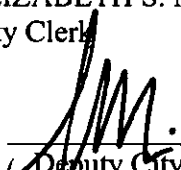
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Cassandra E. Mouglin
Cassandra E. Mouglin
Deputy City Attorney


CEM:cc
April 6, 2022
Or.Dept: Transportation
Doc. No.: 2944995

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 26 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/9/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 26 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 MAY 09 2022.

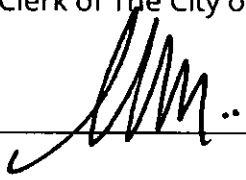
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California
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