

RESOLUTION NUMBER R- 309986

DATE OF FINAL PASSAGE SEP 24 2015

ITEM # 333
SUB-A
9/15/15

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AMENDMENTS TO CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE SECTION 113.0103, AND AMENDMENTS TO CHAPTER 13, ARTICLE 3, DIVISIONS 1 AND 4 OF THE SAN DIEGO MUNICIPAL CODE SECTIONS 131.0112 AND 131.0422, RELATING TO THE REGULATION AND DEFINITION OF ROOMING HOUSES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO EXEMPTION 15061(b)(3) (GENERAL RULE).

WHEREAS, the Council is considering amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending section 113.0103, and amending Chapter 13, Article 3, Divisions 1 and 4 of the San Diego Municipal Code by amending sections 131.0112 and 131.0422, relating to the regulation and definition of rooming houses. The Rooming House Ordinance (RHO) O-19739 was passed by the City Council and signed into law in 2008. The purpose of the ordinance is to provide Code Enforcement with the tools necessary to regulate the commercial overuse of dwelling units in residential neighborhoods. The definition of rooming house in O-19739 is not specific enough to enable Code Enforcement to do its job. This action corrects that deficiency; and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code section 21083, states that the CEQA Guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment;" and

WHEREAS, pursuant to that authority, CEQA Guidelines section 15061(b)(3) states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies

only 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, Planning Department staff has established that this project is exempt from CEQA pursuant to Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA); and

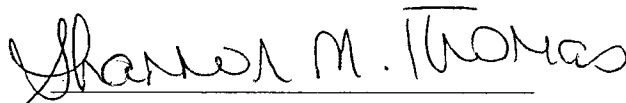
WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the request to amend sections 113.0103, 131.0112 and 131.0422 of the San Diego Municipal Code, relating to the regulation and definition of rooming houses; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that there is no possibility that the project will have a significant effect on the environment because the project is a request to amend sections 113.0103, 131.0112 and 131.0422 of the San Diego Municipal Code, relating to the regulation and definition of rooming houses, which will provide clarification to City Code Enforcement for interpreting the code;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the amendments to sections 113.0103, 131.0112 and 131.0422 of the San Diego Municipal Code, relating to the regulation and definition of rooming houses, are exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

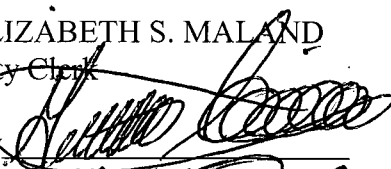
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
12/19/2014
09/01/2015 Cor.Copy
Or.Dept: Council District 9
Doc. No.: 924593_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 15 2015.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: _____

9/23/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____

(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 15 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<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"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 24 2015

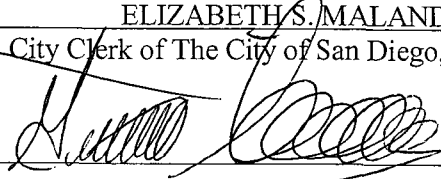
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California
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