

RESOLUTION NUMBER R- 312701

ITEM 201B

DATE OF FINAL PASSAGE OCT 23 2019

10/14/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT ACCEPTANCE OF A STRATEGIC PLAN TO ADDRESS HOMELESSNESS TITLED "THE CITY OF SAN DIEGO COMMUNITY ACTION PLAN ON HOMELESSNESS" IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTIONS 15060(c)(3), 15378(b)(5), AND 15061(b)(3) OF THE CEQA GUIDELINES.

WHEREAS, the Council for the City of San Diego (City Council) is considering a resolution to accept the City of San Diego Community Action Plan on Homelessness (Strategic Plan) and directing City staff and the San Diego Housing Commission to bring actionable items and updates identified in the Plan to the appropriate Council committees for further consideration (Project); 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, the CEQA Guidelines section 15378 defines "Project" in part as "the whole of an action, which has a potential for resulting in either a direct or indirect physical change in the environment, or a reasonably foreseeable indirect change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including, but not limited to, public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances and the adoption and amendment of General Plans or elements thereof pursuant to Government Code sections 65100-65700" and

specifically excludes “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment”; and

WHEREAS, if an action is determined to be a project, as defined by the CEQA, it may be 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, 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 San Diego Housing Commission in conjunction with the Planning Department have determined that the Project is not a project pursuant to Public Resources Code section 21065 and CEQA Guidelines section 15378, is therefore not subject to CEQA pursuant to section 15060(b)(3) as an administrative action that will not result in direct or indirect physical changes in the environment and that the Project is covered by the Common Sense Exemption pursuant to Guidelines section 15061(b)(3), because the Project would not, on its own accord, cause a significant effect on the environment and any and all future actions to implement the Strategic Plan will be brought before City Council or City Council committees and will be subject to CEQA review at such a time as details are developed, funding proposed, and implementation responsibilities are defined and that this review will be accomplished as required by section 15004 of the CEQA Guidelines, as subsequently determined by City of San Diego for compliance under CEQA; and

WHEREAS, on October 14, 2019, the City Council held a duly noticed public meeting and considered the written record for the Project as well as public comment and, using its independent judgment, has determined that the Project will not have a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the Project, and determines that the Project is not a project pursuant to Public Resources Code section 21065 and CEQA Guidelines section 15378, is therefore not subject to CEQA pursuant to section 15060(b)(3), and further 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.

BE IT FURTHER RESOLVED, that 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 
Heather M. Ferbert
Deputy City Attorney

HMF:soc
10/07/19
Or.Dept: San Diego Housing Commission
Doc. No.: 2191257

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 14 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/21/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 21 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 2019.

(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.

(Seal)

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

By *Aty Brady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312701