

RESOLUTION NUMBER R- **312784**
DATE OF FINAL PASSAGE **DEC 26 2019**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE RELATING TO THE INCLUSIONARY AFFORDABLE HOUSING REGULATIONS ARE NOT A PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15183 OF THE CEQA GUIDELINES.

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

WHEREAS, the Planning Department has established that the amendments are not a project as defined by CEQA pursuant to Public Resources Code section 21065 and CEQA Guidelines 15378 because they do not authorize any specific development activity or promote new construction or growth and any potential indirect physical change in the environment is

speculative and not reasonably foreseeable, and therefore the amendments are not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3); and

WHEREAS, CEQA Guidelines section 15183 provides that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified do not require additional environmental review; and

WHEREAS, the Planning Department further determined that the amendments are consistent with recent updates to multiple community plans for which an EIR was certified, specifically the Otay Mesa Community Plan Update (Final Program EIR approved March 25, 2014; SCH No. 2004651076), the Ocean Beach Community Plan Update (Final Program EIR approved September 16, 2014; SCH No. 2011071082), the Grantville Focused Plan Amendment (Final Program EIR approved June 23, 2015, SCH No. 2013111017), the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates (Final Program EIR approved December 15, 2015; SCH No. 2014051075), the North Park and Golden Hill Community Plan Updates (Final Program EIR adopted November 7, 2016; SCH No. 2013121076); the San Ysidro Community Plan Update (Final Program EIR approved November 28, 2016; SCH No. 2015111012), the Uptown Community Plan Update (Final Program EIR approved December 1, 2016; SCH No. 2016061023), the Midway-Pacific Highway Community Plan Update (Final Program EIR approved September 25, 2018; SCH No. 2015111013) and the Old Town Community Plan Update (Final Program EIR approved November 5, 2018; SCH No. 2018011022), and thus, pursuant to CEQA Guidelines section 15183 additional environmental review is not required; and

WHEREAS, the Planning Department has further determined that the amendments would not change the plan densities for multifamily development depicted within the recently updated community plans or the General Plan, nor would it change any zoning or allowable housing densities; and

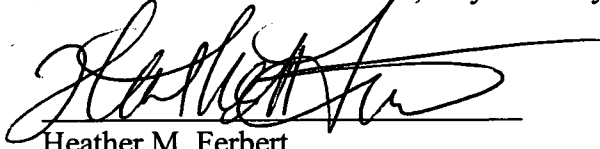
WHEREAS, these amendments would not foreclose review of alternatives or mitigation measures as part of the CEQA process when applied to any residential development within the City and future proposed projects subject to these amendments would be subject to review in accordance with the City's Land Development Code and CEQA; and

WHEREAS, on December 10, 2019, the San Diego City Council held a duly noticed public meeting and considered the written record for the amendments as well as public comment and, using its independent judgment, has determined that the amendments will not have a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego has determined that the amendments to the San Diego Municipal Code relating to the Inclusionary Affordable Housing Regulations are not a project pursuant to Public Resources Code section 21065 and CEQA Guidelines 15378, is therefore not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3); and that even if the amendments were a project, it would be exempt from additional CEQA review pursuant to CEQA Guidelines section 15183 as a project which is consistent with the development density established by existing zoning, community plan, or

general plan policies for which an EIR was certified and there are no project specific significant effects that must be examined.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Deputy City Attorney

HMF:soc
11/21/19
Or.Dept: Council District 9
Doc. No.: 2231990

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: This resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on December 26, 2019. Pursuant to the San Diego Charter Section 295(a)(2), the Mayor has 10 business days from the date the resolution was transmitted to sign or veto the resolution, said deadline being close of business on December 26, 2019. Therefore the date of expiration of that time shall be deemed the date of its final passage.)

Passed by the Council of The City of San Diego on DEC 10 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" 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 DEC 26 2019.

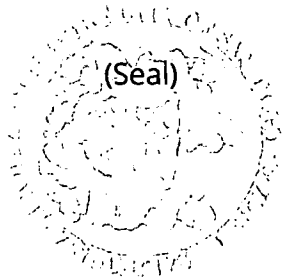
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

By *Linda Bruen*, Deputy



Office of the City Clerk, San Diego, California

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