

Item 201 12/16/19
Sub-item-B
(R-2020-246)

RESOLUTION NUMBER R- 312788

DATE OF FINAL PASSAGE JAN 02 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT PROHIBITING THE OPERATION OF ALL MOTORIZED TRANSPORTATION DEVICES ON THE BOARDWALK IN MISSION BEACH AND PACIFIC BEACH, MISSION BAY PARK BAYSIDE WALK, AND LA JOLLA SHORES BOARDWALK IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301(C).

WHEREAS, the City intends to prohibit all such motorized transportation devices, including but not limited to scooters, from its Boardwalk from Mission Beach to Pacific Beach, Mission Bay Park Bayside Walk, and La Jolla Shores Boardwalk (Boardwalks); and

WHEREAS, modifications will be made to Chapter 8, Article 3, Division 3 of the San Diego Municipal Code (SDMC) by amending section 83.0308 related to geofencing requirements for shared mobility device operators; and Chapter 8, Article 4, Division 0 by adding a new section 84.18, related to prohibiting the operation of all motorized transportation devices on the boardwalk in Mission Beach and Pacific Beach, Mission Bay Park Bayside Walk, and La Jolla Shores Boardwalk; 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.) 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 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 Development Services 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 Council of the City of San Diego has considered the potential environmental effects of the Project; and

WHEREAS, on DEC 16 2019, 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 Council of the City of San Diego, using its independent judgment, has determined that the Project will not have a significant effect on the environment because the proposed amendments to the SDMC will alter the operation of existing facilities (the Boardwalks) with negligible or no expansion of use; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(c) and that an exception to the exemption does not apply.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

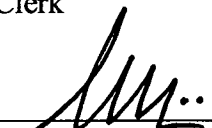
APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Ryan P. Gerrity
Deputy City Attorney

RPG:cw
12/03/19
Or.Dept: District 1
CC No.: N/A
Doc. No.: 2236697

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 16 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 January 2, 2020. 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 January 2, 2020. 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 16 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 02 2020

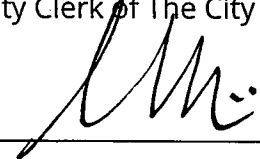
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

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

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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