

RESOLUTION NUMBER R- 313405

DATE OF FINAL PASSAGE JAN 12 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF AN INTERIM EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO PURSUANT TO CHARTER SECTION 295 ENACTING A TEMPORARY EXPANSION OF ALLOWABLE OUTDOOR ACTIVITIES IN PUBLIC PARKS FOR PARK USE PERMIT APPLICANTS WHOSE BRICK-AND-MORTAR BUSINESSES HAVE BEEN ORDERED TO CURTAIL OR LIMIT INDOOR OPERATIONS, ENACTING A TEMPORARY WAIVER OF PERMIT FEES FOR GYMS, FITNESS FACILITIES, PLACES OF WORSHIP, AND OTHER BUSINESSES WHOSE OPERATIONS ARE CONSISTENT WITH CHARTER SECTION 55 PURPOSES, AND A TEMPORARY WAIVER OF SPECIAL EVENT PERMIT APPLICATION FEES AND PER BUSINESS DAY LATE FEES, DUE TO THE STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS, COVID-19 IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15269(c).

WHEREAS, a citywide emergency ordinance is necessary for temporary additions and amendments to the San Diego Municipal Code related to fitness centers, instructional studios, personal trainers, places of religious assembly, and other businesses whose operations are consistent with Charter section 55 purposes during the state of emergency resulting from the novel coronavirus, COVID-19 (Project); 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 15260-15285 list the statutory exemptions promulgated by the California State Legislature; and

WHEREAS, the Development Services Department has established that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15269(c) to prevent or mitigate an emergency; and

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

WHEREAS, on January 12, 2021, the City Council held a duly noticed public meeting and considered the written record for the Project as well as any 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 Project is necessary to prevent or mitigate an emergency, and is also necessary to address a sudden and unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services related to the Novel Coronavirus (COVID-19) pandemic. This Ordinance will allow the City to implement actions needed to prevent or mitigate the adverse effects to public health, safety, and welfare related to the spread of COVID-19 by allowing the use of public spaces for COVID-19 safety and economic recovery. Specifically, the use of these public spaces is immediately necessary to ensure that commercial and personal service uses, which are critical to the City's economy, and therefore, ability to provide essential services, have sufficient physical areas to ensure social distancing to prevent or mitigate the spread of COVID-19. If additional spaces cannot be made available for these uses, social distancing would be physically constrained, and could therefore, result in the spread of COVID-19; and

WHEREAS, under Charter section 280(a)(3) this resolution is not subject to veto by the Mayor because the Project involves emergency ordinances due to the state of emergency resulting from the novel coronavirus; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15269(c).

APPROVED: MARA W. ELLIOTT, City Attorney

By Jane M. Boardman
Jane M. Boardman
Deputy City Attorney

JMB:nja
12/15/20
Or. Dept: Parks & Recreation Dept.
Doc. No.: 2546192

Passed by the Council of The City of San Diego on JAN 12 2021, 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 JAN 12 2021.

(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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