

#331a  
4/27/2021

(R-2021-397)

RESOLUTION NUMBER R- **313519**

DATE OF FINAL PASSAGE **APR 27 2021**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF AN EMERGENCY ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE TO SUPPORTING BUSINESSES DUE TO CATASTROPHIC EVENTS, BY ALLOWING THEM TO MINISTERALLY CONSTRUCT EQUIPMENT IN THE PUBLIC RIGHT-OF-WAY IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTIONS 15269(c) AND 15359.

WHEREAS, a citywide emergency ordinance is necessary for temporary changes to the San Diego Municipal Code related to construction of fiber optic and wireless communication facilities of equipment in the City of San Diego's public right-of-way during the state of emergency resulting from the novel coronavirus, COVID-19 (Project); and

WHEREAS, approval of a citywide emergency ordinance creates permitting flexibility and streamlining to help local businesses expedite their recovery operations amid the economic effects of the COVID-19 pandemic while cost-effectively implementing safety, health and social distancing protocols; and

WHEREAS, the California State Legislature, through the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21177, has determined that CEQA does not apply to various types of projects listed therein; and

WHEREAS, CEQA section 21084 states that the CEQA Guidelines 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 sections 15269(c) and 15359; and

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

WHEREAS, on April 27, 2020, 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. The COVID-19 pandemic, if left unaddressed, will result in an immediate public health crisis, and this action is necessary to prevent or mitigate loss of life, health, and essential public services; 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 sections 15269(c) and 15359.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer

Shannon C. Eckmeyer  
Deputy City Attorney

SCE:sc

04/12/2021

Or.Dept:DSD

CC No.: N/A

Doc. No.: 2632154

Passed by the Council of The City of San Diego on APR 27 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 APR 27 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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