

RESOLUTION NUMBER R- 313549DATE OF FINAL PASSAGE MAY 18 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF AN EMERGENCY ORDINANCE PURSUANT TO CHARTER SECTION 295 AND THE URGENCY ORDINANCE PROVISIONS IN CALIFORNIA GOVERNMENT CODE SECTION 65858 TEMPORARILY AMENDING THE MUNICIPAL CODE TO SUPPORTING BUSINESSES DUE TO THE STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS, COVID-19 BY ALLOWING THEM TO EXPAND CERTAIN BUSINESS OPERATIONS IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT 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 sidewalk cafes, pedestrian plazas, signs, and wholesale distribution during the state of emergency resulting from the novel coronavirus, COVID-19 (Project); 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 (City Council) has considered the potential environmental effects of the Project; and

WHEREAS, on May 18, 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 City Council, 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 San Diego 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 Noah Brazier
Noah J. Brazier
Deputy City Attorney

NJB:myb
April 20, 2021
Or.Dept: DSD
Doc. No.: 2640682

Passed by the Council of The City of San Diego on MAY 18 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAY 18 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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