

RESOLUTION NUMBER R- 314316DATE OF FINAL PASSAGE SEP 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATED TO SUMMARY ABATEMENT OF UNSECURED STRUCTURES IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15269(c) AND CATEGORICALLY EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15301.

WHEREAS, the City of San Diego (City) desires to amend the San Diego Municipal Code to declare unsecured structures a public nuisance, to authorize the Police and Fire Rescue Departments, or an authorized contractor, to summarily abate the nuisance under specified emergency circumstances, and to authorize cost recovery by the City or authorized contractor (Project); and

WHEREAS, California Public Resources Code section 21065 defines a project as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the California Environmental Quality Act (CEQA) (California 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 this authority, CEQA Guidelines sections 15260 through 15285 list the statutory CEQA exemptions promulgated by the California State Legislature; and

WHEREAS, also pursuant to this 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 Planning Department has established that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15269(c), emergency projects; and

WHEREAS, the Planning Department has established that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301, 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 (City Council) has considered the potential environmental effects of the Project; and

WHEREAS, on September 13, 2022, 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 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 and mitigate an emergency, and meets the requirements of CEQA Guidelines 15301 in that the project involves only operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The City Council has determined that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines section 15269(c), emergency projects.
2. The City Council has determined that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301, existing facilities.
3. The City Council 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 /s/ Michelle A. Garland
Michelle Garland
Chief Deputy City Attorney

MAG:hm
August 11, 2022
Or.Dept:PSE
Doc. No.: 3036102_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2022.

ELIZABETH S. MALAND
City Clerk
By [Signature]
Deputy City Clerk

Approved: 9/20/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 13 2022, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEP 21 2022

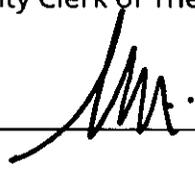
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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

Resolution Number R- 314316