

RESOLUTION NUMBER R- 314434DATE OF FINAL PASSAGE NOV 28 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE ORDINANCE MODIFYING THE EFFECTIVE DATE OF THE CITY'S SIDEWALK REGULATIONS UNDER CHAPTER 3, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE IN THE COASTAL OVERLAY ZONE IS NOT SUBJECT TO CEQA PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(2) AND IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE STATE CEQA GUIDELINES.

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 through 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, on May 17, 2022, the City of San Diego (City) adopted regulations relating to permitting and the operation of sidewalk vendors and conditioned the effective date of these regulations in the Coastal Overlay Zone on certification by the California Coastal Commission (Commission); and

WHEREAS, the City has engaged in further discussions with Commission staff which has indicated that the City's regulations on sidewalk vending do not require the certification of the Commission to be effective in the Coastal Overlay Zone; and

WHEREAS, based on this discussion with Commission staff, the City is seeking to modify the effective date of the Sidewalk Vending Regulations under Chapter 3, Article 6, Division 1 of the San Diego Municipal Code to remove the requirement that the Commission certify the ordinance adopting such regulations before it becomes effective (Project); and

WHEREAS, the Planning Department has determined that this Project is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(2) as it would not result in any direct or reasonably foreseeable indirect physical change in the environment as the City had not been enforcing its previously existing regulations related to sidewalk vending that are in conflict with SB 946; and

WHEREAS, as a result, sidewalk vendors are currently operating in the City and would continue to be allowed to do so even with the approval of the Project; and

WHEREAS, even if the Project is subject to CEQA, the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Existing Facilities) because it involves negligible or no expansion of an existing use as the Project is proposing to regulate sidewalk vending activity that is already occurring and will allow for regulated uses of City sidewalks in a manner no more intense than is the case on the date the Council approves the Project, 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, the Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

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

BE IT RESOLVED, that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determines that the Project is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(2) and also categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301 and that an exception to the exemption as set forth in CEQA Guidelines 15300.2 does not apply.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ken So
Ken So
Chief Deputy City Attorney

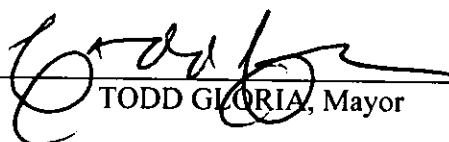
KRS:cm
10/31/2022
Or. Dept: Council District – 2
Doc. No. 3129454

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 14 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/21/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 14 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 NOV 28 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:

(Seal)

TODD GLORIA
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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