

RESOLUTION NUMBER R- 314546DATE OF FINAL PASSAGE DEC 20 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE RELATING TO BEACH FIRES IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT.)

WHEREAS, amendments to the San Diego Municipal Code (Project) are proposed in order to eliminate confusion with enforcement of rules regarding beach fires and to improve public safety and air quality in the building, maintenance, and use of beach fires in City-provided fire rings and portable propane-fueled devices; 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 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 categorically exempt from CEQA under CEQA Guidelines Section 15301 (Existing Facilities) and Section 15308 (Actions by Regulatory Agencies for CEQA Protection of the Environment)

and that no exception to either exemption, as set forth in CEQA Guidelines section 15300.2, applies to the Project; and

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

WHEREAS, on December 13, 2022, the Council held a duly noticed public meeting and considered the written record for the Project as well as public comment; and

WHEREAS, the Council, using its independent judgment, has determined that the Project will not have a significant effect on the environment because the Project proposes amendments to the San Diego Municipal Code, and no development is proposed. The Project meets the criteria set forth in CEQA section 15301 (Existing Facilities) for this exemption to apply, namely that "the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features" involves no expansion of existing or former use; and

WHEREAS, the Council, using its independent judgment, has also determined that the Project meets the criteria set forth in CEQA section 15308 (Actions by Regulatory Agencies for Protection of the Environment); 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, by the Council of the City of San Diego, as follows:

1. that the Council has determined that the Project is categorically exempt from CEQA under CEQA Guidelines section 15301 (Existing Facilities) and section 15308 (Actions by Regulatory Agencies for Protection of the Environment).
2. The Council has determined that no exception to either exemption as set forth in CEQA Guidelines section 15300.2 applies.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Catherine C. Morrison  
Catherine C. Morrison  
Deputy City Attorney

CCM:jvg  
December 8, 2022  
December 12, 2022 COR. COPY  
Or.Dept: Council District 1  
CC No. N/A  
Doc. No. 3161899

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

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/20/22  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 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"/> |
| Kent Lee                 | <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 DEC 20 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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