

RESOLUTION NUMBER R- 314817

DATE OF FINAL PASSAGE MAY 08 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AMENDING CHAPTER 9, ARTICLE 8 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF DIVISION 7, AMENDING SECTIONS 98.0701 AND 98.0702, ADDING SECTIONS 98.0703, 98.0704, 98.0705, 98.0706, 98.0707, 98.0708, AND 98.0709, AND REPEALING SECTIONS 98.0720, 98.0725, 98.0730, 98.0750, AND 98.0760, RELATING TO RESIDENTIAL TENANT PROTECTIONS IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3).

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.) adopted by the California Office of Planning and Research pursuant to Public Resources Code section 21083 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, CEQA section 21065 states that "project" means an activity which may cause either a direct physical change in the environment, or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, a project is exempt from CEQA if the project is: (1) exempt by statute; (2) exempt pursuant to a categorical exemption and the application of that categorical exemption is not barred by on the exceptions set forth in section 15300.2; or (3) the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS, the common sense exemption is applicable where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the City of San Diego (City) desires to amend Chapter 9, Article 8 of the San Diego Municipal Code by repealing and amending portions of the Tenants' Right to Know Regulations and retitling Division 7 to "Residential Tenant Protections," amending San Diego Municipal Code sections 98.0701 and 98.0702, add sections 98.0703, 98.0704, 98.0705, 98.0706, 98.0707, 98.0708, and 98.0709, and repealing sections 98.0720, 98.0725, 98.0730, 98.0750, and 98.0760, to protect the rights of residential tenants by requiring a landlord to have just cause before terminating tenancies and other protections (Project); and

WHEREAS, although there is a possibility that, in response to this Project, landlords may increase rents which could potentially drive tenants to lower-rent neighborhoods and lead to tenant displacement which could result in a physical change in the environment, the Planning Department has established that the Project is covered by the common sense exemption pursuant to Guidelines section 15061(b)(3), because rent increases are regulated by separate state statutory rent control regulations and the Project should decrease tenant displacement within the current regulatory scheme. The Project would not have a significant effect on the environment as it would decrease tenant displacement and mandate benefits for certain types of evictions, which would also decrease tenant displacement; and

WHEREAS, the Council of the City of San Diego (Council) 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

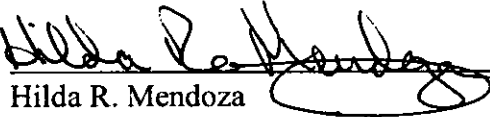
WHEREAS, the Council, using its independent judgment determines that the Project is exempt from CEQA, pursuant to CEQA Guidelines section 15061(b)(3), under the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

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, that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3)(common sense exemption).

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.

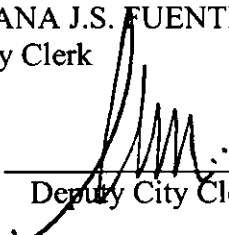
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

HRM:nja  
04/13/2023  
Or. Dept: Council District – 9  
Doc. No. 3277465

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 25 2023.

DIANA J.S. FUENTES  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 5/5/23  
(date)

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

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

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

Passed by the Council of The City of San Diego on APR 25 2023, 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 type="checkbox"/>	<input checked="" 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 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 08 2023.

(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)

DIANA J.S. FUENTES  
Interim City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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