

#613-A 6-13-23

(R-2023-783)

RESOLUTION NUMBER R- 314991

DATE OF FINAL PASSAGE JUN 20 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT AMENDMENTS TO CHAPTER 5, ARTICLE 4, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 54.0212; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 BY REPEALING AND RESERVING SECTION 63.20.11; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 63.0102, 63.0103, 63.0105 AND 63.0108; AND AMENDING CHAPTER 6, ARTICLE 3 BY ADDING DIVISION 4, SECTIONS 63.0401, 63.0402, 63.0403, 63.0404, 63.0405 AND 63.0406, ALL RELATING TO REGULATING ENCAMPMENTS ON PUBLIC PROPERTY, ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15301(d) AND 15308.

WHEREAS, the City of San Diego (City) is considering an ordinance amending Chapter 5, Article 4, Division 2 of the San Diego Municipal Code by amending section 54.0212; amending Chapter 6, Article 3, Division 00 by repealing and reserving section 63.20.11; amending Chapter 6, Article 3, Division 1 by amending sections 63.0102, 63.0103, 63.0105 and 63.0108; and amending Chapter 6, Article 3 by adding Division 4, sections 63.0401, 63.0402, 63.0403, 63.0404, 63.0405 and 63.0406, all relating to regulating encampments on public property (Project); and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code 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, under that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research for those classes of projects which have been determined not to have a significant effect on the environment; and

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

WHEREAS, the Council 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 and is categorically exempt from CEQA under CEQA Guidelines sections 15301(d) (Existing Facilities) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) because the Project would prohibit encampments on public property that would ensure public facilities are maintained in a manner that meets current standards of health and safety and prohibiting camping and encampments in open space and near waterways would protect environmentally sensitive areas and reduce water pollution from unregulated human activity; 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, that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the Project and has determined that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines

sections 15301(d) and 15308, and that an exception to the exemption as set forth in CEQA Guidelines section 15300.2 does not apply.

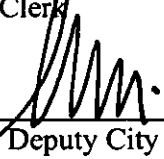
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Senior Chief Deputy City Attorney

HMF:sc
05/30/2023
Or.Dept: Council District 3
Doc. No. 3319585

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 13 2023

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/15/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 13 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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 20 2023.

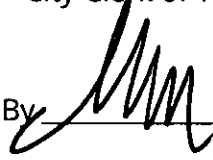
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

314991

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