

RESOLUTION NUMBER R- 313865

DATE OF FINAL PASSAGE JAN 27 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S INCLUSIONARY AFFORDABLE HOUSING REGULATIONS ARE NOT A PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15183 OF THE CEQA GUIDELINES.

WHEREAS, the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000, *et seq.*), 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, the Council of the City of San Diego is considering amendments to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code to modify the City's Inclusionary Affordable Housing Regulations required for certification by the California Coastal Commission (Amendments); and

WHEREAS, the CEQA Guidelines section 15378 defines "Project" in part as "the whole of an action, which has a potential for resulting in either a direct or indirect physical change in the environment, or a reasonably foreseeable indirect change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including, but not limited to, public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances and

the adoption and amendment of General Plans or elements thereof pursuant to Government Code Sections 65100-65700"; and

WHEREAS, the Planning Department has established that the Amendments are not a project as defined by CEQA pursuant to Public Resources Code section 21065 and CEQA Guidelines section 15378 because they do not authorize any specific development activity or promote new construction or growth and any potential indirect physical change in the environment is speculative and not reasonably foreseeable, and therefore not subject to CEQA; and

WHEREAS, the Planning Department further established that CEQA review is not required under CEQA Guidelines section 15061(b)(3) because there is no possibility that the Amendments may have a significant effect on the enforcement as the amendments would not change any zoning or allowable housing densities for multifamily residential development depicted within the general plan or community plans and the required on-site affordable housing would remain within the development envelope permitted by the zoning and adopted regulatory framework; and

WHEREAS, CEQA Guidelines section 15183 provides that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified do not require additional environmental review; and

WHEREAS, the Planning Department further determined that the Amendments are consistent with recent updates to multiple community plans for which an EIR was certified, specifically the Otay Mesa Community Plan Update (Final Program EIR approved March 25, 2014; SCH No. 2004651076), the Ocean Beach Community Plan Update (Final Program EIR

approved September 16, 2014; SCH No. 2011071082), the Grantville Focused Plan Amendment (Final Program EIR approved June 23, 2015, SCH No. 2013111017), the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates (Final Program EIR approved December 15, 2015; SCH No. 2014051075), the North Park and Golden Hill Community Plan Updates (Final Program EIR adopted November 7, 2016; SCH No. 2013121076); the San Ysidro Community Plan Update (Final Program EIR approved November 28, 2016; SCH No. 2015111012), the Uptown Community Plan Update (Final Program EIR approved December 1, 2016; SCH No. 2016061023), the Midway-Pacific Highway Community Plan Update (Final Program EIR approved September 25, 2018; SCH No. 2015111013) and the Old Town Community Plan Update (Final Program EIR approved November 5, 2018; SCH No. 2018011022), and thus, pursuant to CEQA Guidelines section 15183 additional environmental review is not required; and

WHEREAS, these amendments would not foreclose review of alternatives or mitigation measures as part of the CEQA process when applied to any residential development within the City and future proposed projects subject to these amendments would be subject to review in accordance with the City's Land Development Code and CEQA; and

WHEREAS, on January 11, 2021, the Council of the City of San Diego held a duly noticed public meeting and considered the written record for the amendments as well as public comment and, using its independent judgment, has determined that the amendments will not have a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego has determined that the amendments to Chapter 14, Article 2, Division 13 of the San Diego Municipal Code to modify the City's Inclusionary Affordable Housing Regulations required for certification by the

California Coastal Commission are not a project pursuant to CEQA Guidelines 15378, is therefore not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3); and that even if the amendments were a project, it would be exempt from additional CEQA review pursuant to CEQA Guidelines section 15183 as a project which is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified and there are no project specific significant effects that must be examined.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney

HMF:sc
12/16/2021
Or.Dept: Planning
Doc. No.: 2841160

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 24 2022.

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

Approved: 1/27/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 24 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 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 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 JAN 27 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 Connie Patterson, Deputy
for Gil Sanchez

Office of the City Clerk, San Diego, California

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