

#606a  
07/25/2022

(R-2023-44)

RESOLUTION NUMBER R- 314251

DATE OF FINAL PASSAGE JUL 29 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT APPROVING A 60-MONTH LEASE BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO POLICE OFFICERS ASSOCIATION FOR APPROXIMATELY 3,000 SQUARE FEET OF OFFICE SPACE AND 3,250 SQUARE FEET OF OUTDOOR SPACE LOCATED AT 4020 MURPHY CANYON ROAD; WAIVING COUNCIL POLICY 700-10; FORMALLY ACCEPTING STATE OF CALIFORNIA FUNDING; AND AUTHORIZING THE MAYOR OR DESIGNEE TO NEGOTIATE AND ENTER INTO A FUNDING AGREEMENT WITH THE SAN DIEGO POLICE OFFICERS ASSOCIATION ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.

WHEREAS, the City of San Diego (City) is considering entering into a 60-month Lease (Lease) with the San Diego Police Officers Association (Lessee) for approximately 3,000 square feet of office space and approximately 3,250 square feet of outdoor space, located at 4020 Murphy Canyon Road, San Diego, California (Property) to allow Lessee to operate a childcare facility (Murphy Canyon Childcare Facility) providing childcare to San Diego Police Department (SDPD) officers; and

WHEREAS, the City is considering waiving the requirement in Council Policy 700-10 that the City receive fair market rent for the Lease because the Lease serves the public purpose of creating a childcare facility available to SDPD officers; and

WHEREAS, the City is considering formally accepting an amount not to exceed \$3,000,000 in funding allocated to the City of San Diego under the State of California Budget Act of 2021 (Senate Bill 170) for the Murphy Canyon Childcare Facility (State Funding), and ratifying all actions previously taken by or on behalf of the City to obtain and receive the State Funding; and

WHEREAS, the City is considering authorizing the Mayor or designee to negotiate and enter into a funding agreement with Lessee on terms and conditions determined by the Mayor in consultation with the City Attorney, including compliance with the State of California requirements for receipt and expenditure of the State Funding (Funding Agreement); and

WHEREAS, within the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et seq.*), Public Resources Code section 21084 states that the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000, *et seq.*) prepared by the California Governor's Office of Planning and Research and adopted by the Secretary of the Natural Resource Agency 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 Guidelines sections 15300-15333 list the classes of projects that have been determined not to have a significant effect on the environment and are exempt from CEQA; and

WHEREAS, CEQA Guidelines section 15301 sets forth a categorical exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, the City Planning Department determined that approving the Lease, authorizing the Chief Financial Officer to accept, appropriate, and expend the State Funding consistent with the State of California requirements for receipt and expenditure of the State Funding, waiving the fair market rent requirement of Council Policy 700-10 for the Lease, and authorizing the Mayor or designee to negotiate and enter into a Funding Agreement (collectively,

Project), are categorically exempt from CEQA under CEQA Guidelines section 15301, and no exception set forth in CEQA Guidelines section 15300.2 applies to the Project; and

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

WHEREAS, the Council held a duly noticed public meeting and considered the written record and related public comment about the Project; and

WHEREAS, the Council, exercising its independent judgment, determined that the Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15301; and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the Project because no cumulative impacts were identified; no significant effects on the environment were identified; none of the land is adjacent to a scenic highway; no historical resources will be affected by the action; and none of the land is identified on a list of hazardous waste sites pursuant to California Government Code section 65962.5; 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. The Project will not result in a significant effect on the environment and is categorically exempt from CEQA under CEQA Guidelines section 15301.

2. No exception set forth in CEQA Guidelines section 15300.2 applies to the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Julie Gough Inman  
Julie Gough Inman  
Deputy City Attorney

JGI:cw  
7/19/22  
Or.Dept: DREAM  
CC No.: N/A  
Doc. No. 3034251

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 25 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 7/29/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUL 25 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 JUL 29 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

Office of the City Clerk, San Diego, California

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