

#5507a  
9/21/2021

(R-2022-93)

RESOLUTION NUMBER R- 313719

DATE OF FINAL PASSAGE OCT 01 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT APPROVING THE SECOND AMENDMENT TO LEASE AGREEMENT WITH THE MINGEI INTERNATIONAL MUSEUM OF FOLK ART FOR A PORTION OF THE PROPERTY LOCATED AT 1439 EL PRADO, SAN DIEGO, CALIFORNIA 92101, COMMONLY KNOWN AS THE HOUSE OF CHARM, IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15301.

WHEREAS, the City of San Diego (City) is considering the approval of that certain Second Amendment to Lease Agreement between the City and the Mingei International Museum of Folk Art (Lessee), for a portion of the real property located at 1439 El Prado, Balboa Park, San Diego, California 92101 (Property), and commonly known as the House of Charm, to allow Lessee to operate a full-service restaurant and coffee shop on the Property (Project); 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.*) 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, 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 that have been determined not to have a significant effect on the environment; 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 the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 because this activity involves the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of existing or former use, the Property is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4), and no exception set forth in CEQA Guidelines section 15300.2 applies; 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 pursuant to CEQA Guidelines section 15301 (Existing Facilities); and

WHEREAS, the Council, exercising its independent judgment, determined that the Property is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4); 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; 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 pursuant to CEQA Guidelines section 15301 (Existing Facilities).
2. The Property is not located in an area of statewide, regional, or areawide concern identified in CEQA Guidelines section 15206(b)(4).
3. No exception set forth in CEQA Guidelines section 15300.2 applies to the Project.
4. The City Clerk, or designee, is directed to file a Notice of Exemption in accordance with CEQA with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By  /s/ Julie G. Inman \_\_\_\_\_  
Julie Gough Inman  
Deputy City Attorney

JGI:jdf  
09/15/2021  
Or. Dept: READ  
Doc. No.: 2761410

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 21 2021

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 10/1/21  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on SEP 21 2021, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 01 2021.

**(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  
Resolution Number R- 313719