

RESOLUTION NUMBER R- 308561

DATE OF FINAL PASSAGE NOV 21 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AND DIRECTING THE EXECUTION OF A 25-YEAR LEASE EXTENSION WITH THE YMCA OF SAN DIEGO COUNTY FOR THE CONTINUED LEASE OF THE OLD FIREHOUSE PROPERTY LOCATED AT 7877 HERSCHEL AVENUE, SAN DIEGO, CALIFORNIA, FOR THE PURPOSE OF OPERATING A YMCA COMMUNITY CENTER.

WHEREAS, the City of San Diego (City) owns the real property located at 7877 Herschel Avenue, San Diego, California, which was formerly the location of City Fire Station 13 (Property); and

WHEREAS, the Property was originally leased in 1987 to the YMCA of San Diego County, a California nonprofit public benefit corporation (the YMCA), for the purpose of renovating the Property and constructing and operating a YMCA community center for recreational, educational, and cultural uses by YMCA members and the general public (Original Lease). The community center on the Property is commonly known as the "Firehouse YMCA"; and

WHEREAS, the Original Lease contained a right of first refusal to extend the leasehold on the same terms and conditions for an additional twenty-five (25) years on condition the City Council votes, in its sole discretion, to continue use of the Property as a nonprofit community center at a nominal rental rate; and

WHEREAS, the YMCA has timely requested that the City Council consider whether the Property should continue to be used for a nonprofit community center at a nominal rental rate; and

WHEREAS, the YMCA has well-provided a public purpose through the continued operation of the community center at the Property; and

WHEREAS, City staff has negotiated with the YMCA an amendment and extension of the Original Lease for the additional twenty-five year term (Amendment). The Amendment adds current City-standard terms and conditions to the Original Lease and replaces certain outdated provisions. The Amendment includes a new requirement that the YMCA annually pay the City \$3,250, adjusted annually for Consumer Price Index increases, reflecting the City's annual administrative costs involving the lease; and

WHEREAS, Council Policy 700-12 provides that fair market value shall be obtained for leases of City-owned property to non-profit entities and that the only discount should be for direct offsets to otherwise-required City expenditures; and

WHEREAS, the market value of the subject real estate is between \$14,000 and \$16,800 per month; NOW, THEREFORE,

BE IT RESOLVED, that the Council President in his capacity under Charter section 265(i), or his designee, is authorized and directed to execute that certain "City of San Diego First Amendment to Nonprofit Lease," which is on file with the City Clerk as Document No. RR-308561, with the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a YMCA community center at 7877 Herschel Avenue, San Diego, California, to provide recreational, health, social, educational and cultural benefits to YMCA members and the general public.

BE IT FURTHER RESOLVED, that the Council President in his capacity under Charter section 265(i), or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

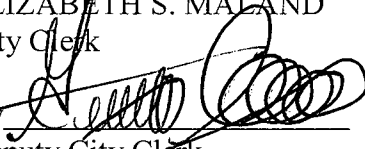
BE IT FURTHER RESOLVED, that, given the recreational, health, social, educational, cultural and other public benefits to be afforded by continued use of the property located at 7877 Herschel Avenue as a YMCA community center, Council Policy 700-12 is hereby waived to the extent that the Property shall be leased at less than fair market value as authorized hereby.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy M. Fonseca
Deputy City Attorney

JMF:mcm
9/30/2013
Or.Dept:Real Estate Assets Dept.
Doc. No.: 641818

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 05 2013.

ELIZABETH S. MALAND
City Clerk
By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

(date)

TODD GLORIA, Council President

NOV 05 2013

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOV 21 2013

Date of final passage _____.

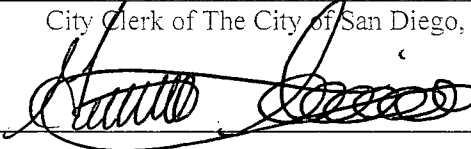
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308561