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5/25/2021

(R-2021-459)

RESOLUTION NUMBER R- 313551

DATE OF FINAL PASSAGE JUN 01 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING THAT APPROXIMATELY 34
ACRES OF THE REAL PROPERTY LOCATED AT 1405
PARK BOULEVARD IS EXEMPT SURPLUS LAND.

WHEREAS, the City of San Diego (City) owns approximately 34 acres of improved real property located at 1405 Park Boulevard, San Diego, California, which is dedicated parkland within Balboa Park that includes the San Diego High School campus and Balboa Stadium (Property); and

WHEREAS, the San Diego Unified School District (District) currently leases the Property from the City for the operation and use of both San Diego High School, which has been located on the Property since the 1880's, and Balboa Stadium; and

WHEREAS, in a Municipal Special Election held on November 8, 2016, City voters approved Measure I, which amended Charter section 55 to allow the City Council to authorize a lease of the real property identified in Measure I, which did not include Balboa Stadium, to the District as a public high school for educational, cultural, recreational, and civic programs and activities without a vote of the electorate; and

WHEREAS, the City's current lease of the Property to the District expires in 2024, and the District desires to enter into a new lease for the Property prior to the expiration of the current lease, which will allow the District to continue to use the San Diego High School campus for a public high school for educational, cultural, recreational, and civic programs and activities, and to continue to use Balboa Stadium for park and recreation purposes, including those recreation uses related to the District's curricular and extra-curricular programs; and

WHEREAS, the April 2021 Surplus Land Act Guidelines (SLA Guidelines) published by the California Department of Housing and Community Development (HCD) define “disposition of surplus land” to generally include leases of surplus land, except in specific circumstances that are not anticipated to be applicable to a future lease between the City and the District for the Property; and

WHEREAS, the Surplus Land Act (California Government Code sections 54220 through 54236) is generally intended to make a local agency’s surplus land (i.e., land not needed for the agency’s use) available for potential acquisition by affordable housing sponsors for affordable housing purposes or by other local public entities; and

WHEREAS, the California Government Code section 54221(b) and the SLA Guidelines require that prior to taking any action to dispose of land that is subject to the Surplus Land Act, the City Council must, at a public meeting, declare the land either surplus land or exempt surplus land, each as defined in California Government Code section 54221 and the SLA Guidelines; and

WHEREAS, a Council declaration that land is exempt surplus land must be supported by written findings that must be forwarded to HCD for review at least thirty (30) days before the City’s disposition of the land, in accordance with Section 400(e) of the SLA Guidelines; and

WHEREAS, California Government Code section 54221(f)(1) and the SLA Guidelines establish various categories of exempt surplus land that are not required to be made available for potential acquisition by affordable housing sponsors or other local public entities; and

WHEREAS, if the City enters into a lease of the Property with the District in the future for the District’s use, the Property will be exempt surplus land pursuant to California

Government Code section 54221(f)(1)(D) because the City will be leasing the Property to another local agency for that agency's use; and

WHEREAS, declaring the Property exempt surplus land, contingent upon the City entering into a lease of the Property with the District, does not require the City to enter into a future lease with the District, nor does it require that such a lease contain any specific term or condition; and

WHEREAS, the declaration that the Property is exempt surplus land as described in this Resolution is contingent upon the City entering into a future lease with the District, and if for any reason the City does not enter into a lease with the District, the Council does not intend for this declaration to have any force or effect; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Property is exempt surplus land pursuant to California Government Code section 54221(f)(1)(D), contingent upon the City and the District entering into a new lease for the Property for the District's use.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:nja
05/07/21
Or. Dept: READ
Doc. No.: 2658586

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/25/2021

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 5/20/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 25 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 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 JUN 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 *Binda Krwin*, Deputy

Office of the City Clerk, San Diego, California

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