

6066
07/25/2022

(R-2023-45)

RESOLUTION NUMBER R- 314252

DATE OF FINAL PASSAGE JUL 29 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO 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 AND WAIVING A PORTION OF COUNCIL POLICY 700-10.

WHEREAS, the City of San Diego (City) owns certain real property located at 4020 Murphy Canyon Road, San Diego, California 92123, commonly known as Police Plaza, consisting of multiple buildings and outdoor areas (Property); and

WHEREAS, the San Diego Police Department (SDPD) is currently using the Property for office, repair, storage, and training purposes; and

WHEREAS, the City desires to lease a portion of the Property to the San Diego Police Officers Association (Lessee) to allow Lessee to provide a childcare facility with extended normal operating hours and emergency after-hours operating hours to serve SDPD officers; and

WHEREAS, the City and Lessee have negotiated a proposed 60-month lease (Lease) for approximately 3,000 square feet of office space and 3,250 square feet of outdoor space at the Property (collectively, Premises), and a copy of the Lease is included in the docket materials accompanying this Resolution; and

WHEREAS, under the Lease, Lessee will pay to the City administrative rent in the amount of \$4,082.50 per year, adjusted annually based on the Consumer Price Index (Rent), which is below market rental rates for comparable spaces; and

WHEREAS, the City proposes that the requirement at page 10 of Council Policy 700-10 that the City receive fair market rent for the Lease be waived, because the Lease serves the

public purpose of creating a childcare facility available to SDPD officers with extended normal operating hours, emergency after-hours operating hours, and subsidized tuition, which will serve to increase the retention of SDPD officers and the recruitment of diverse SDPD officers; and

WHEREAS, the California Department of Housing and Community Development (HCD) issued the 2021 Surplus Land Act Guidelines (SLA Guidelines) to provide guidance regarding the noticing and disposition procedures applicable to a local agency's disposition of surplus land under the California Surplus Land Act (SLA), as amended by Assembly Bill 1486 (which became effective on January 1, 2020); and

WHEREAS, Section 102(h) of the SLA Guidelines sets forth HCD's interpretation that the SLA noticing and disposition procedures apply generally to lease transactions, except with respect to a lease of land on which no development or demolition will occur, or a lease with a term of less than five years (including any extensions, amendments, or options); and

WHEREAS, HCD reviewed the Lease and determined that the Lease is not subject to the SLA because it does not involve any development or demolition within the meaning of Section 102(h) of the SLA Guidelines; 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 City's lease of the Premises to Lessee under the terms and conditions of the Lease is approved and authorized.
2. The Mayor or designee is authorized, on behalf of the City, to sign and deliver the Lease and all documents necessary or appropriate to perform the City's obligations under the

Lease. A copy of the Lease, when fully signed, shall be placed on file in the Office of the City Clerk as Document No. RR- 314252.

3. The Council finds that the Lease serves the public purpose of creating a childcare facility available to SDPD officers.

4. The Council waives the requirement in Council Policy 700-10 that the City receive fair market rent for the Lease.

5. The Chief Financial Officer is authorized and directed to accept the Rent payable to the City under the Lease and deposit such Rent into the General Fund 100000.

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. 3034270

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
Resolution Number R- **314252**