

RESOLUTION NUMBER R- 315108

DATE OF FINAL PASSAGE SEP 18 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING THAT APPROXIMATELY 27,670
SQUARE FEET OF THE CRYSTAL PIER STRUCTURE IN THE
PACIFIC BEACH AREA OF THE CITY OF SAN DIEGO IS
EXEMPT SURPLUS LAND UNDER THE SURPLUS LAND
ACT.

WHEREAS, the City of San Diego (City) owns certain real property consisting of
approximately 27,670 square feet of the full width of the Crystal Pier structure starting at the
mean high tide line of the Pacific Ocean identified in State of California Chapter 688, Statutes of
1933, and continuing westerly for 256 linear feet (Cottages Section), a permanent improvement to
City-owned tidelands property in the Pacific Beach area of the City identified as San Diego
County Assessor's Parcel Number 760-028-01 (Tidelands Property); and

WHEREAS, pertinent City departments reviewed the Cottages Section, and none of these
City departments requested retention of the Cottages Section for a City municipal use; and

WHEREAS, the Surplus Land Act (California Government Code (Government Code)
sections 54220 through 54234) is generally intended to make a local agency's surplus land (i.e.,
land not needed for the local agency's use) available for potential acquisition by affordable
housing sponsors or other local public entities; and

WHEREAS, Government Code section 54221(b)(1) requires the Council of the City of
San Diego to take formal action at a regular public meeting to declare the Cottages Section
surplus land or exempt surplus land, as supported by written findings, before the City may take
any action to dispose of the Cottages Section; and

WHEREAS, the written findings supporting an exempt surplus land declaration must be provided to the California Department of Housing and Community Development (HCD) for review at least thirty days before the City's disposition of the Cottages Section, under Section 400(e) of HCD's Surplus Land Act Guidelines; and

WHEREAS, the current lease of a portion of the Cottages Section with Crystal Pier Motel, Inc., a California corporation, started in August 1989 and will expire in July 2024 (Existing Lease); and

WHEREAS, the City plans to negotiate a new lease of some or all of the Cottages Section that will go into effect at or after the expiration or termination of the Existing Lease; and

WHEREAS, the City acquired ownership of the Tidelands Property through a grant from the State of California under Chapter 688, Statutes of 1933 (Granting Statute), as tidelands trust property; and

WHEREAS, Government Code section 54221(f)(1)(H) establishes a category of exempt surplus land for real property granted by the State of California in trust to a local agency, where disposal of the real property is authorized or required subject to conditions established by statute; and

WHEREAS, the Granting Statute restricts the leasing of the Tidelands Property "for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce, navigation or fisheries" and therefore, leasing the Tidelands Property, including the attached Cottages Section, is only authorized or required subject to conditions established by statute; and

WHEREAS, in a recent communication with the City, HCD acknowledged that the Cottages Section qualifies as exempt surplus land under California Government Code section 54221(f)(1)(H); and


WHEREAS, the City provided a draft of this Resolution to HCD for review and HCD approved the draft of this Resolution; 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, that the Cottages Section is exempt surplus land under Government Code section 54221(f)(1)(H) based on the facts and reasons set forth in this Resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Delmar Williams
Deputy City Attorney

DGW:nf
08/28/2023
Or. Dept: DREAM
Doc. No. 3233575

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By Krystle Medina
Deputy City Clerk

Approved: 9/15/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 12 2023, 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"/>
Kent Lee	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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