

RESOLUTION NUMBER R- 315815  
DATE OF FINAL PASSAGE OCT 14 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO THAT (1) RESCINDS THE PORTION OF RESOLUTION R-313627 DECLARING THAT THE CITY-OWNED REAL PROPERTY LOCATED AT 5680 GENOA DRIVE, SAN DIEGO, CALIFORNIA (APN 462-121-03) IS SURPLUS LAND; (2) DECLARES THAT THE SAME PROPERTY IS EXEMPT SURPLUS LAND; AND (3) AUTHORIZES THE SALE OF THE PROPERTY AND PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS RELATED THERETO.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The City of San Diego (City) owns the real property located at 5680 Genoa Drive, San Diego, California (Assessor’s Parcel Number 462-121-03), comprised of an approximately 0.3-acre of land with a 2,654-square foot single-family home – both of which are specifically identified in the staff report included in the docket materials accompanying this Resolution (collectively, Property). The Property was reviewed by pertinent City departments, and none of these City departments requested retention of the Property for a City municipal use.

B. The Surplus Land Act (California Government Code sections 54220 through 54234) (SLA) 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.

C. Government Code section 54221(b)(1) requires the Council to take formal action at a regular public meeting to declare the Property surplus land or exempt surplus land, as supported by written findings, before the City may take any action to dispose of the Property. By

Resolution R-313627 (effective July 16, 2021), the Council declared the Property surplus land, but the City has not yet disposed of the Property.

D. Effective January 1, 2024, the SLA was amended to, among other things, expand the small-parcel exemption under Government Code section 54221(f)(1)(B) to one-half acre in area. Besides being less than one-half acre in size, to qualify for the small-parcel exemption, a property must also not be contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes. The Property is approximately 0.3 acres and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes. Therefore, the Property satisfies all of the conditions to be deemed exempt surplus land under Government Code section 54221(f)(1)(B).

E. Government Code section 54221(f)(2) states that, notwithstanding an exempt surplus land declaration under Government Code section 54221(f)(1), a local agency must issue a notice of availability of the land (with the exception of certain land granted by the State of California to a local agency in trust) solely for open-space purposes, if the land is any of the following: (a) within a coastal zone; (b) adjacent to a historical unit of the State Parks System; (c) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places; or (d) within the Lake Tahoe region as defined in Government Code section 66905.5. The Property does not satisfy any of the foregoing conditions, and therefore, the City is not required to issue a notice of availability of the Property for open-space purposes if the Property is declared exempt surplus land.

F. An independent MAI appraiser recently appraised the value of the Property at \$1,200,000.

G. In compliance with the San Diego Municipal Code and Council Policy 700-10, after soliciting quotes from certain real estate brokers, City staff selected Coldwell Banker West (Broker) to list and market the Property for sale.

H. The Office of the City Attorney prepared 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego as follows:

1. The Council rescinds the portion of Resolution R-313627 declaring that the Property is surplus land.
2. The Property is exempt surplus land under Government Code section 54221(f)(1)(B), based on the facts and reasons set forth in this Resolution.
3. The Mayor, or designee, is authorized to sell the Property through negotiation, public auction, sealed bids, or any combination of such methods, at a minimum acceptable sale price of \$1,200,000.
4. The Mayor, or designee, is authorized to pay, from the proceeds of the sale of the Property, a commission to the Broker, under the provisions of San Diego Municipal Code Section 22.0905, of \$25,000, and to pay the buyer's real estate broker's commission up to an amount not to exceed \$25,000. In other words, the Mayor, or designee, is authorized to pay up to an amount not to exceed \$50,000 for all real estate brokerage commissions associated with the sale of the Property.

5. The Mayor, or designee, shall have the Property re-appraised at least once every twelve (12) months until sold, and the resulting fair market value of the Property shall become the acceptable minimum price, which the Mayor or designee shall report to the Council; provided, however, if a re-appraisal results in a fair market value below the minimum price set on the date of this Resolution, the Mayor shall seek Council approval prior to lowering the original minimum price.

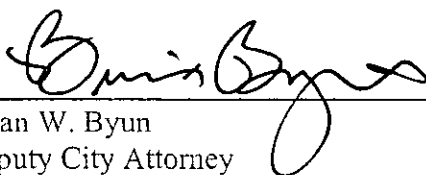
6. The Mayor, or designee, is authorized to sign and deliver such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

7. The Chief Financial Officer is authorized to accept and deposit the proceeds of the sale of the Property, net of brokerage commissions and other costs related to the sale, into the Capital Outlay Fund 400002 and deposit the independent consideration into the General Fund 100000.

8. If, after attempting to sell the Property at the minimum price specified herein, the Mayor, or designee, determines that the Property cannot be sold at or above the minimum acceptable price, the Mayor is directed to seek review and additional direction from the Council as to the disposition of the Property.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
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Brian W. Byun  
Deputy City Attorney

BWB:nja  
06/07/2024  
Or. Dept: Real Estate  
Doc. No. 3791266  
Companion to: R-2025-82

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on  
OCT 08 2024

DIANA J.S. FUENTES  
City Clerk

By Kristell Medina  
Deputy City Clerk

Approved: 10/11/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on OCT 08 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 14 2024.

**(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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