

#104
6/29/2021

(R-2021-525)

RESOLUTION NUMBER R- 313625

DATE OF FINAL PASSAGE JUL 16 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THE CITY-OWNED REAL PROPERTY LOCATED AT 3440 SANDROCK ROAD IN THE CITY OF SAN DIEGO EXEMPT SURPLUS LAND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54221(f)(1)(A), CONTINGENT UPON COUNCIL'S FUTURE DISCRETIONARY APPROVAL OF A LEASE OF THE PROPERTY FOR DEVELOPMENT OF AFFORDABLE HOUSING SATISFYING ALL THE APPLICABLE REQUIREMENTS OF GOVERNMENT CODE SECTION 37364.

WHEREAS, the City of San Diego (City) owns the real property located at 3440 Sandrock Road in the City (Property); and

WHEREAS, the Property was reviewed by pertinent City departments and none of these City departments requested retention of the Property for a City municipal use; 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 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 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;

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 (30) days before the City's disposition of the land pursuant to Section 400(e) of the HCD's Surplus Land Act Guidelines (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, Government Code section 54221(f)(1)(A) provides that City-owned property disposed of pursuant to Government Code section 37364 is exempt surplus land under the Surplus Land Act (Government Code sections 54220 – 54234).

WHEREAS, declaring the Property exempt surplus land, contingent upon the City entering into a lease of the Property for development of affordable housing satisfying all the applicable requirements of Government Code section 37364, does not require the City to enter into a future lease for development of the Property as affordable housing, nor does it require that such a lease contain any specific term or condition; and

WHEREAS, if for any reason the City does not enter into a future lease of the Property for development of affordable housing satisfying all the applicable requirements of Government Code section 37364, the Council does not intend for this declaration that the Property is exempt surplus land to have any force or effect; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Property is exempt surplus land pursuant to Government Code section 54221(f)(1)(A), contingent upon the Council's future discretionary approval of a lease of the Property for development of affordable housing satisfying all the applicable requirements of Government Code section 37364.

APPROVED: MARA W. ELLIOTT, City Attorney

By: /s/ Delmar G. Williams
Delmar G. Williams
Deputy City Attorney


DGW:jep
06/15/2021
Or. Dept: READ
Doc. No.: 2690647

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/29/2021.

ELIZABETH S. MALAND
City Clerk

By: /s/Linda Irvin
Deputy City Clerk

Approved: 7/16/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 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 JUL 16 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 Ginda Irwin, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>313625</u>