

RESOLUTION NUMBER R- 314677

DATE OF FINAL PASSAGE MAR 28 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE THIRD AMENDMENT TO THE THIRD AMENDED AND RESTATED FLAT RATE LEASE WITH BROWN FIELD AVIATION VENTURES, INC. FOR 20.29 ACRES OF REAL PROPERTY AT BROWN FIELD MUNICIPAL AIRPORT.

WHEREAS, the City Council authorized the Mayor to enter into a long-term, flat rate lease with Brown Field Aviation Ventures, Inc. (Lessee) by Ordinance No. O-18361 adopted November 12, 1996, related to approximately 15 acres at Brown Field Municipal Airport (Airport) in the Otay Mesa community of the City of San Diego; and

WHEREAS, the City and Lessee entered into the First Amendment to Lease Agreement on or about March 10, 1997, adding 2.2 acres to the leased premises; and

WHEREAS, the City and Lessee entered into the Second Amendment to Lease Agreement on or about May 23, 1997, adding 1.78 acres of land and 3,424 square feet of office space to the leased premises; and

WHEREAS, on November 21, 2005, the City and Lessee entered into the Third Amended and Restated Flat Rate Lease (Lease) filed with the Office of the City Clerk as Document No. RR-301059 for approximately 20.29 acres (Premises), superseding the prior lease and amendments; and

WHEREAS, to extend the Lease term for ten years, the Lease required Lessee to make significant capital improvements to the Premises at a cost of not less than \$1,000,000 and including construction of not less than 20,000 square feet of new hangar space within ten years of the effective date of the Lease, the original deadline being December 28, 2015; and

WHEREAS, the City and Lessee entered into a First Amendment to the Lease on or about December 11, 2015, granting Lessee a two-year extension to the deadline to complete the capital improvements required under the Lease; and

WHEREAS, the City and Lessee entered into a Second Amendment to the Lease on December 4, 2018, filed with the Office of the City Clerk as Document No. RR-312042, to grant Lessee a four-year extension to complete the capital improvements required by the Lease, add a cost sharing arrangement for restroom maintenance, and incorporate City of San Diego standard lease requirements; and

WHEREAS, Lessee submitted and received City approval of a development plan for the required capital improvements on November 16, 2020, but did not complete the improvements by the required date; and

WHEREAS, the City and Lessee have negotiated a proposed Third Amendment to the Lease (Third Amendment) to delete the requirement for the Lessee to make significant capital improvements to the Premises, reduce the size of the Premises by approximately 2.29 acres, extend the term of the Lease for ten years, reserve a right of way to the City across a portion of the Premises for public access to an Airport taxi lane, and incorporate the City's standard lease requirements; and

WHEREAS, concurrently with the Third Amendment, the City and RAMP 5 Holdings, LLC have negotiated a proposed Third Amendment to the Flat Rate Aviation Lease (RAMP 5 Third Amendment) for 3.76 acres of property (RAMP 5 Premises) located adjacent to the Premises; and

WHEREAS, the RAMP 5 Third Amendment proposes to reduce the size of the RAMP 5 Premises by approximately 1.56 acres; and

WHEREAS, as discussed in the City staff report dated March 2, 2023, the City Council will consider the Third Amendment with Lessee and the RAMP 5 Third Amendment at the same meeting; and

WHEREAS, if approved, the Third Amendment with Lessee and the RAMP 5 Third Amendment will result in a contiguous 8.3-acre parcel retained by the City for future aviation development opportunities at the Airport; and

WHEREAS, under the Lease authorized by the City Council in 2005, the Premises are needed for the City's general aviation purposes (i.e., a valid public use) in accordance with the Airport Master Plan approved for Brown Field by the City Council, and as such, the Third Amendment is not a disposition of surplus land and is not subject to the Surplus Land Act as set forth in California Government Code sections 54220 through 54234; and

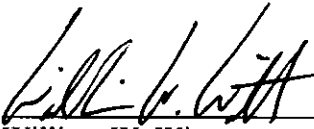
WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council approves the Third Amendment. The Council's approval of the Third Amendment shall take effect and be in force upon the Council's approval of the RAMP 5 Third Amendment.

2. The Mayor, or designee, is authorized and directed to sign the Third Amendment on the City's behalf. The Third Amendment, once fully executed, shall be placed on file in the Office of the City Clerk as Document No. RR- 314677.

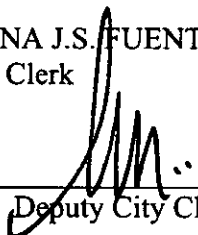
APPROVED: MARA W. ELLIOTT, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:jdf
02/22/2023
Or. Dept: DREAM
Doc. No.: 3242193

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 21 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/27/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

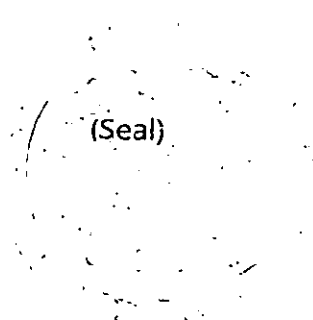
Passed by the Council of The City of San Diego on MAR 21 2023, by the following vote:

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 28 2023.

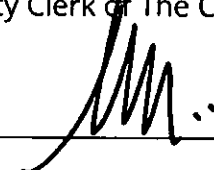
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



TODD GLORIA
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California
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