

RESOLUTION NUMBER R- **315339**DATE OF FINAL PASSAGE **FEB 14 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A FIVE-YEAR RETAIL LEASE, INCLUDING TWO FIVE-YEAR OPTIONS TO EXTEND THE TERM, WITH CLOWN MARKET FOR A 960-SQUARE FOOT SUITE IN THE RETAIL CENTER LOCATED AT 8690 AERO DRIVE.

WHEREAS, the City of San Diego (City) owns certain real property located at 8690 Aero Drive (Property), consisting of a 22,000 square foot commercial retail center (Retail Center); and

WHEREAS, Rivan Samuail dba Clown Market (Tenant) has been a tenant in good standing in the Retail Center since August 7, 2012, and currently occupies Suite 130, which is approximately 960 square feet (Suite), on a month-to-month holdover basis; and

WHEREAS, the City desires to enter into a formal lease with Tenant for the Suite in the Retail Center for continued use as convenience store; and

WHEREAS, the City and Tenant have negotiated a lease for the Suite (Lease) with an initial five-year term, followed by two five-year extension options exercisable by Tenant; and

WHEREAS, under Council Policy 700-10, the City obtained an appraisal of the Suite to determine its fair market rent, and the rent negotiated by the City for the Lease (Rent) is equal to or higher than the appraised fair market rent for the Suite; and

WHEREAS, as specified in the proposed Lease (included in the docket materials accompanying this Resolution), the monthly rent will be \$2,160.98 for the first year and will increase annually by a set percentage through the tenth year, then will adjust to market rate starting in the eleventh year; and

WHEREAS, the Lease is not subject to the Surplus Land Act, Government Code sections 54220 to 54234 (as amended, SLA), because it (a) is not for a term longer than 15 years,

including renewal options; and (b) does not involve any development or demolition; 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 City's lease of the Suite to the Tenant under the terms and conditions of the Lease.
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- **315339**.
3. The Council finds, as required by Council Policy 700-10, that the City will receive fair market rent for the Lease.
4. 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 Airport Enterprise Fund 7000033.

APPROVED: MARA W. ELLIOTT, City Attorney

By Kevin Reisch /for  
Brian W. Byun  
Deputy City Attorney

BWB:nja  
01/23/204  
Or. Dept: DREAM  
Doc. No. 3538813

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 06 2024.

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 2/12/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on FEB 06 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 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"/>
District 4 - vacant	<input 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 FEB 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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