

RESOLUTION NUMBER R-**313718**DATE OF FINAL PASSAGE **SEP 23 2021**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING 48.5 ACRES OF CITY-OWNED REAL PROPERTY LOCATED AT 3500, 3250, 3220 AND 3240 SPORTS ARENA BOULEVARD IN THE CITY OF SAN DIEGO SURPLUS LAND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 54220-54234; SUPERSEDING RESOLUTION R-313689 IN ITS ENTIRETY; AND RELATED WAIVER OF COUNCIL POLICY 700-10.

WHEREAS, the City of San Diego (City) owns the real property located at 3500, 3250, 3220, and 3240 Sports Arena Boulevard in the City, which collectively consist of approximately 48.5 acres (Property); and

WHEREAS, part of the Property has been used for certain non-municipal uses (such as retail buildings) for more than 50 years, exclusive of the part of the Property on which the City's sports arena, currently known as Pechanga Arena, and associated surface parking lots are located; and

WHEREAS, the California Surplus Land Act (SLA), Government Code sections 54220-54234, requires in Government Code section 54221(b)(1) that the Council take formal action at a regular public meeting to declare the Property surplus land before the City may take any action to dispose of the Property; and

WHEREAS, the California Department of Housing and Community Development (HCD) published its 2021 SLA Guidelines that interpret the SLA to apply to both the proposed sale of surplus land and the proposed leasing of surplus land (subject to limited exceptions not applicable in this instance); and

WHEREAS, the Council previously adopted its Resolution R-313689, effective August 9, 2021 (Prior Resolution), declaring the Property surplus land pursuant to the SLA on the

condition that future development of the Property include renovation or replacement of the City's current sports arena on the Property as a regional entertainment venue and operation of that venue for concerts, sports, and other events, consistent with similar arenas in large cities in the United States (Development Condition); and

WHEREAS, HCD reviewed the Prior Resolution and informed the City that imposing the Development Condition through the surplus land declaration for the Property is, in HCD's view, inconsistent with the definition of "surplus land" under the SLA, which does not expressly permit a conditional declaration of surplus land; and

WHEREAS, HCD further informed the City that, pursuant to Section 202(a)(2)(D)(iv) of the 2021 SLA Guidelines, the City is permitted to impose the Development Condition through the notice of availability for the Property to be distributed to certain governmental entities and affordable housing sponsors identified in the SLA; and

WHEREAS, at the City's request, HCD reviewed and approved a draft notice of availability for the Property containing the Development Condition; and

WHEREAS, the Council intends that the City include the Development Condition in the notice of availability for the Property; and

WHEREAS, the Council further intends that the City shall only offer the Property for lease and shall not offer the Property for sale, so that the City may exercise appropriate long-term control over the use and operation of the sports arena facility for the benefit of the City, local residents, and tourists; and

WHEREAS, the Council further intends that this Resolution supersede the Prior Resolution in its entirety to bring the City's disposition of the Property into compliance with the SLA, as interpreted by HCD; and

WHEREAS, the Council further intends to waive the requirement in Council Policy 700-10 that the Property be circulated to City departments for review to determine if there is a municipal use for the Property before the City disposes of the Property because the Property has been the subject of a ground lease for certain non-municipal uses for over 50 years and the future development of the Property is intended to be consistent with land use policies and goals outlined in the Midway-Pacific Highway Community Plan, General Plan, Municipal Code and Climate Action Plan; NOW, THEREFORE,

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

1. The Property is declared surplus land pursuant to the SLA.
2. The Mayor or designee is authorized and directed to issue a notice of availability of the Property for lease pursuant to the SLA with the condition that future development of the Property include renovation or replacement of the City's current sports arena on the Property as a regional entertainment venue and operation of that venue for concerts, sports, and other events, consistent with similar arenas in large cities in the United States.
3. The requirement in Council Policy 700-10 that the Property be circulated to City departments for review to determine if there is a municipal use for the Property before the City disposes of the Property is waived for lease of the Property in accordance with this Resolution.

4. This Resolution shall supersede Council Resolution R-313689, effective August 9, 2021, in its entirety.

APPROVED: MARA W. ELLIOTT, City Attorney

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

DGW: jep
08/30/2021
Or. Dept.: READ
Doc. No.: 2746590

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 21 2021.

ELIZABETH S. MALAND
City Clerk

By: Connie Patterson
Deputy City Clerk

Approved: 9/23/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 21 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Monica Montgomery Steppe	☒	☐	☐	☐
Marni von Wilpert	☐	☐	☒	☐
Chris Cate	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 23 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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