

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: August 20, 2018

TO: Elizabeth Maland, City Clerk

FROM: City Attorney

SUBJECT: Title, Summary, and City Attorney Impartial Analysis for Ballot Measure - SDSU West Initiative Measure (**Measure G**)

The City Council has directed the City Attorney to prepare a ballot title, summary, and impartial analysis of a citizens' initiative to authorize a sale of Mission Valley stadium property to San Diego State University or affiliated entities to allow development approved through the California State University Master Planning Process, which the City Council voted to place on the November ballot. (*See* San Diego Resolution R-311918, adopted July 30, 2018.)

This measure seeks voter approval to amend the San Diego Municipal Code to add section 22.0908, titled Sale of Real Property to SDSU.

The City Council adopted San Diego Ordinance O-20967 on July 30, 2018, to submit the measure to the voters on the November 6, 2018 Municipal Special Election ballot. The City Council decided not to adopt the initiative petition in full, and instead adopted a resolution of intention to submit the matter to the voters and placed the measure on the ballot.

BALLOT TITLE

SDSU West Citizens' Initiative

BALLOT SUMMARY

This citizens' initiative measure provides for the sale of approximately 132 acres of property owned by the City of San Diego, including the Mission Valley stadium, to San Diego State University (SDSU) or any SDSU auxiliary organization, entity, or affiliate. Contingent upon certain approvals, the property would be redeveloped, including demolishing the existing stadium and building a new stadium. This measure is proposed by private individuals and does not bind SDSU, a California State University.

If approved by voters, this measure would amend the San Diego Municipal Code to establish a process for the City to sell the property to SDSU or the other listed entities. This

measure includes terms and conditions the sale must meet. The sale would not be subject to existing Municipal Code provisions regarding the sale of City property.

The sale would be at the price and terms the City Council deems fair and equitable and in the public interest, to be determined at a public meeting. The sale price must be based on the value of the property as of October 9, 2017. The measure includes several factors the City Council may consider in determining that value.

This measure states that the sale shall provide for development of various educational, residential, commercial, and recreational uses, including a joint use stadium and a river park. If the property is sold, the City would not be responsible for the costs of demolishing the stadium or building a new stadium.

The land specified for the location of a river park would not be sold as part of this measure. The measure does not specify who would pay for, develop, build, or maintain a river park. The measure would prohibit the use of the City's General Fund to pay for the development of the river park, but does not prevent other types of City funds from being used.

Potential uses of the property include:

- a new joint use stadium with approximately 35,000 seats;
- public trails and open space;
- recreation space and parks;
- practice and recreation fields; and
- facilities for educational, research, entrepreneurial and technology programs constructed in phases and comprised of:
 - academic and administrative buildings and classrooms;
 - commercial, technology, and office space;
 - retail uses;
 - hotels;
 - faculty and staff housing;
 - graduate and undergraduate student housing;
 - apartment-style homes for the local community;
 - other market-rate, workforce and affordable homes; and
 - trolley and other public transportation uses and improvements.

If the property is sold, the specific development would be planned through an SDSU Campus Master Plan revision process. This process would include:

- preparation of a Campus Master Plan revision;
- review required by the California Environmental Quality Act (CEQA), including opportunities for public review and input; and
- approval by the Board of Trustees of the California State University.

This measure may not be amended for 20 years after its adoption without a vote of the people.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

This citizens' initiative measure was placed on the ballot by the City Council after voter signatures qualified the initiative measure for the ballot.

If approved by voters, this measure would allow the sale of approximately 132 acres of Mission Valley stadium property to San Diego State University (SDSU) or any SDSU auxiliary organization, entity, or affiliate, which could include a non-governmental entity or a private party. Voter approval of this measure does not guarantee that the property would be sold or that any specific development would be built.

If the property is sold to SDSU, the Board of Trustees of the California State University will determine the use of the property in its sole discretion through a Campus Master Plan revision process. A Campus Master Plan revision does not require City approval. The City's development regulations would not apply to development by SDSU, regardless of the terms of this measure. It is unclear whether the City's development regulations would apply if SDSU is not the purchaser.

The final development plan for the property will not be known until:

- the Campus Master Plan revision process is complete;
- California Environmental Quality Act (CEQA) review has been performed; and
- the Board of Trustees of the California State University grants its approval.

These steps would occur after the sale.

This measure states that the sale shall provide for development of various educational, residential, commercial, and recreational uses. The measure does not address how the sale would provide for that development. A sale agreement may create requirements related to development, which must be consistent with state laws and the terms of this measure. The terms of a final sale agreement will not be known until after the election, when a purchaser is identified and a sale agreement is negotiated.

The sale must allow the purchaser to lease, sell, or exchange any portion of the property to an entity or affiliate as part of a SDSU-private partnership or arrangement, or to an SDSU auxiliary organization. The purchaser will determine whether the property or a portion of it will be sold to another party or parties.

Existing law allows the City to sell property to a public agency for public purposes on terms the City Council deems fair and equitable and in the public interest. This measure would change existing law to require the City to sell the property to a particular public entity or private party under specific terms, if certain conditions are met. CEQA review is not legally required before a citizens' initiative measure may be approved by voters.

This measure may not be amended for 20 years after its adoption without a vote of the people. Once the property is sold, the terms of the sale agreement could not be changed by a public vote.