

Notice for Posting on SBCCD's Website 30 days

**NOTICE OF PUBLIC HEARING: EXEMPTION REQUEST PURSUANT TO  
GOVERNMENT CODE SECTION 54221(f)(1)(G)(i)**

Please be advised that the Governing Board of the San Bernardino Community College District, at its regular board meeting to be held on June 12, 2025, in the SBCCD Board Room located at 550 E. Hospitality Lane, Suite 200 San Bernardino, CA 92408, will hold a public hearing on the exemption from the Surplus Lands Act under Government Code Section 54221(f)(1)(G)(i) for the real property located on approximately APN 014117103 -30, 016433110-13, 016401322, 014115136-42 located as identified in Exhibit A, incorporated herein, in San Bernardino, CA ("Site K Property") pursuant to findings set forth in the attached Resolution.

Any inquiries should be directed to:

Atkinson, Andelson, Loya, Ruud & Romo  
Attn: Constance Schwindt  
Attorneys for San Bernardino Community College District  
12800 Center Court Drive, Suite 300  
Cerritos, CA 90703  
Tel: (562) 653-3200

**Exhibit "A"**

**Site K Property**

**Parcels:** 014117103 -30, 016433110-13, 016401322, 014115136-42



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## RESOLUTION NO.2025-04-10-FP

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
SAN BERNARDINO COMMUNITY COLLEGE DISTRICT DECLARING SURPLUS  
REAL PROPERTY WITH INTENT TO LEASE  
SURPLUS REAL PROPERTY; DECLARING REAL PROPERTY EXEMPT FROM  
SURPLUS LANDS ACT;  
AND AUTHORIZING WAIVER OF EDUCATION CODE § 81360 *ET SEQ.* IN  
RELATION TO LEASE OF SURPLUS REAL PROPERTY**

**(Site K Property; SBVC New Properties)**

**WHEREAS**, the San Bernardino Community College District (“District”) owns certain real properties commonly known as Site K and located adjacent to the San Bernardino Valley College (“Site K Property”), as more particularly described in Exhibit “A” attached hereto;

**WHEREAS**, the San Bernardino Community College District (“District”) owns certain real properties commonly known as SBVC properties located adjacent to the San Bernardino Valley College (“SBVC New Properties”), as more particularly described in Exhibit “B” attached hereto;

**WHEREAS**, pursuant to Education Code § 81390, the Site K Property is not needed by the District for school classroom buildings and the Board of Trustees desires to declare the Property surplus real property that is “exempt” under the Surplus Land Act (“SLA”) (Gov. Code, §§ 54220 et seq.) and California Department of Housing and Community Development (“HCD”) SLA Guidelines (“Guidelines”) and potentially lease the Site K Property for the development of student housing, work force housing, and affordable housing; and

**WHEREAS**, pursuant to Education Code § 81390, SBVC New Properties are not needed by the District for school classroom buildings and the Board of Trustees desires to declare the Property surplus real property and potentially lease the SBVC New Properties for the purpose of generating income; and

**WHEREAS**, Education Code § 81390 authorizes the District’s governing board to declare the Site K Property surplus and authorize its intention to lease the Site K Property by adopting a resolution in an open meeting; and

**WHEREAS**, Education Code § 81390 authorizes the District’s governing board to declare the SBVC New Properties surplus and authorize its intention to lease the SBVC New Properties by adopting a resolution in an open meeting; and

**WHEREAS**, the Surplus Land Act requires public agencies to “support” this exempt Surplus Land Act finding with “written findings” (Government Code § 54221(b)(i).); and

**WHEREAS**, the Site K Property is surplus land pursuant to Government Code § 54221, subdivision (b)(1), and will be exempt surplus land pursuant to Government Code § 54221(f)(1)(G)(i) which will restrict at least 25% of residential units to affordable housing to at



least 25 percent of the residential units to lower income households, as defined in § 50079.5 of the Health and Safety Code.

**WHEREAS**, the SBVC New Properties are surplus land pursuant to Government Code § 54221 and will comply with applicable requirements, including notice requirements, set forth therein.

**WHEREAS**, the District desires to lease the Site K Property pursuant to long-term income producing ground lease(s); and

**WHEREAS**, the District desires to lease the SBVC New Properties pursuant to long-term income producing ground lease(s); and

**WHEREAS**, the District has determined that complying with the procedures set forth in Education Code § 81360 *et seq.*, specifically the public auction requirement, will not allow the District to take advantage of the potential of the Site K Property and desires greater flexibility to select a suitable entity and negotiate a successful lease agreement(s) for the Site K Property and/or for the purpose of joint or shared use of the Site K Property and facilities and/or for the collaborative partnerships between colleges and other public and private entities, as well as the flexibility to transfer title of the Site K Property to a nonprofit public benefit corporation formed specifically for the benefit of the District; and

**WHEREAS**, the District has determined that complying with the procedures set forth in Education Code § 81360 *et seq.*, specifically the public auction requirement, will not allow the District to take advantage of the potential of the SBVC New Properties and desires greater flexibility to select a suitable entity and negotiate a successful lease agreement(s) for the SBVC New Properties and/or for the purpose of joint or shared use of SBVC New Properties and facilities and/or for the collaborative partnerships between colleges and other public and private entities, as well as the flexibility to transfer title of SBVC New Properties to a nonprofit public benefit corporation formed specifically for the benefit of the District; and

**WHEREAS**, Education Code § 81250 *et seq.* allows a community college district to waive all or part of any section of Education Code Part 49; Chapter 2. Property: Sale, Lease, Use, Gift, and Exchange; including Education Code § 81360 *et seq.*; and

**WHEREAS**, to obtain a waiver, the District must comply with certain Education Code requirements set forth in Education Code § 81250 *et seq.*; and

**WHEREAS**, Education Code § 81365 authorizes the District's governing board to declare its intention to lease real property by adopting a resolution in open meeting by two-thirds vote; and

**WHEREAS**, the Board must conduct a public hearing regarding the District's intention to request a waiver; and

**WHEREAS**, the Board must provide written notice of the public hearing at least thirty (30) days prior to the hearing, to any city, county, park or recreation district, regional park

authority, or public housing authority within which the land is situated, pursuant to Education Code § 81250(b); and

**WHEREAS**, the Board of Governors of the California Community Colleges may approve any request for waiver upon finding that the waiver would promote efficiency and further the public benefit, and may be approved for proposals including, but not necessarily limited to, joint or shared use of property and facilities and for collaborative partnerships between colleges and other public and private entities; and

**WHEREAS**, the Board of Governors of the California Community Colleges shall not approve any request for waiver of any provision of this chapter pursuant to Education Code § 81250 unless the district seeking the waiver demonstrates all of the following:

- (1) The District has provided the written notice required by subdivision (b) of Education Code § 81250.
- (2) The District, after making a good faith effort, was unable to reach agreement with any public agency that sought to acquire the site pursuant to Education Code § 81363.5.
- (3) The waiver will not substantially increase state costs or decrease state revenues.
- (4) The waiver will further the ability of the District to meet the educational needs of the community.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Trustees of the San Bernardino Community College District as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the Board hereby declares the Site K Property surplus and hereby declares the Board's intention to lease the Site K Property or any portion thereof.

Section 3. That the Board hereby declares the SBVC New Properties surplus and hereby declares the Board's intention to lease the SBVC New Properties or any portion thereof.

Section 4. That the District's Chancellor or his/her designee is/are authorized and directed to send written offers for the lease of the Site K Property to public agencies pursuant to Government Code § 54222 and Education Code § 81363.5.

Section 5. That the District's Chancellor or his/her designee is/are authorized and directed to send written offers for the lease of the SBVC New Properties to public agencies pursuant to Government Code § 54222, Government Code § 54221, and Education Code § 81363.5.

Section 6. That the District's Chancellor or his/her designee is authorized and directed to give public notice to public entities of the District's intent to lease the Site K Property by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.



Section 7. That the District's Chancellor or his/her designee is authorized and directed to give public notice to public entities of the District's intent to lease the SBVC New Properties by publishing notice in any newspaper of general circulation located within the District, once a week for three weeks.

Section 8. That the Site K Property is exempt surplus land pursuant to Government Code § 54221(f)(1)(G)(i) which requires at least 25 percent of the residential units be restricted to lower income households, as defined in § 50079.5 of the Health and Safety Code.

Section 9. That the SBVC New Properties are surplus land pursuant to Government Code § 54221 and will comply with applicable requirements, including notice requirements, set forth therein.

Section 10. That the Board hereby declares its intention to seek a waiver of Education Code § 81360 *et seq.*

Section 11. That the waiver will promote efficiency and benefit the public by allowing the District to select the most qualified entity(ies) that is the best fit for the Site K Property, to negotiate a successful lease agreement(s), and/or for the purpose of joint or shared use of the Site K Property and facilities and/or for the collaborative partnerships between colleges and other public and private entities, as well as the flexibility to transfer title of the Site K Property to a nonprofit public benefit corporation formed specifically for the benefit of the District in order to maximize the District's revenue.

Section 12. That the waiver will promote efficiency and benefit the public by allowing the District to select the most qualified entity(ies) that is the best fit for the SBVC New Properties, to negotiate a successful lease agreement(s), and/or for the purpose of joint or shared use of the SBVC New Properties and facilities and/or for the collaborative partnerships between colleges and other public and private entities, as well as the flexibility to transfer title of the SBVC New Properties to a nonprofit public benefit corporation formed specifically for the benefit of the District in order to maximize the District's revenue.

Section 13. The District will provide the written notice required by subdivision (b) of Education Code § 81250.

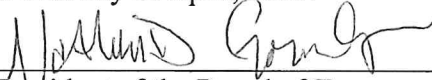
Section 14. That on June 12, 2025, the District will hold a public hearing at which time the public will be able to comment on the waiver request.

Section 15. That the waiver will not substantially increase state costs or decrease state revenue and, to the contrary, allowing the District to be more flexible in negotiating income generating leases for the Property will likely lead to a higher income stream for the District.

Section 16. That the waiver will further the ability of the District to meet the educational needs of the community by providing the District with additional funds as well as student housing, workforce housing, and affordable housing needs in the community.

Section 17. That the Chancellor, or his designee is authorized and directed to submit a copy of this Resolution to the Board of Governors, thereby seeking a waiver of Education Code § 81360 *et seq.*

ADOPTED, SIGNED AND APPROVED this 10th day of April, 2025.

  
 President of the Board of Trustees of the San Bernardino Community College District

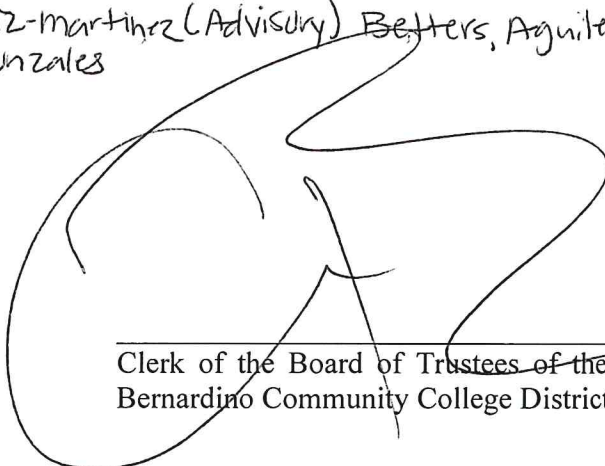
I, Cherina Betters, EdD Clerk of the Board of Trustees Board of the San Bernardino Community College District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of the Board held on the 10 day of April, 2025, and it was so adopted by the following vote:

AYES: Natour (Advisory), Ruiz-Martinez (Advisory) Betters, Aguilera,  
 Lengua, Houston, Gonzales

NOES: None

ABSTAIN: None

ABSENT: Reyes, Williams

  
 Clerk of the Board of Trustees of the San Bernardino Community College District