



## Legislation Details (With Text)

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**Title:** \*\*\* RESOLUTION - Declaring a 1.21-acre parcel of land improved with retail suites, located at 4323-4333 N. Blackstone Avenue, Fresno, California, (APN 426-253-19), to be exempt surplus land and directing staff to comply with the open and competitive request for proposals (RFP) process for the disposition of this property for an affordable housing development as required by FMC Section 4-204 (District 4) (Subject to Mayor's Veto)

**Sponsors:** Planning and Development Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Senior Center-Exempt Surplus

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** JENNIFER CLARK, Director  
Planning and Development Department

**BY:** PHIL SKEI, Assistant Director  
Planning and Development Department

## SUBJECT

\*\*\* RESOLUTION - Declaring a 1.21-acre parcel of land improved with retail suites, located at 4323-4333 N. Blackstone Avenue, Fresno, California, (APN 426-253-19), to be exempt surplus land and directing staff to comply with the open and competitive request for proposals (RFP) process for the disposition of this property for an affordable housing development as required by FMC Section 4-204 (District 4) (Subject to Mayor's Veto)

## RECOMMENDATION

Staff recommends the City Council adopt a Resolution (Exhibit "A" - RESOLUTION) declaring a 1.21-acre parcel of land improved with retail suites, located at 4323-4333 N. Blackstone Avenue in central Fresno, APN 426-253-19 (Exhibit "B" Parcel Map), as exempt surplus real property at this regularly scheduled Council meeting to comply with the open and competitive request for proposals (RFP) process for the disposition of this property for an affordable housing development as required by FMC Section 4-204. (District 4).

## EXECUTIVE SUMMARY

In accordance with the State of California Assembly Bill No. 1486 and 1255, commonly referred to as the Surplus Land Act (SLA), the Council shall take formal action in a public meeting to declare this City-owned property as exempt surplus land. The attached Resolution declares a 1.21-acre parcel of land improved with retail suites, located at 4323-4333 N. Blackstone Avenue in central Fresno, APN 426-253-19, as exempt surplus real property pursuant to Government Code section 37364 and section 54221(f)(1)(A) and shall comply with all development conditions as required under this exemption.

On July 21, 2022, the City Council previously voted to purchase this property and an adjacent parcel for a Senior Activity Center. At that time, additional analysis was being performed to determine the suitability of the site to include a senior affordable housing development to complement the Senior Activity Center. A CEQA analysis was performed to include this possibility. Since the acquisition of this property the analysis has been completed and it has been determined that the site is indeed suitable for a senior affordable multi-family housing development to include up to 100 units. Staff recommends Council to initiate an open and competitive request for proposals (RFP) process for an affordable housing development as is now required pursuant to FMC Section 4-204, unless an exception applies or Council votes to vary from the process upon making findings of good cause and clear and convincing benefits to the public, and by a supermajority approval of at least five votes.

This action will allow staff to initiate a competitive request for proposals (RFP) process for an affordable housing development at this site.

## BACKGROUND

City staff has concluded that the property located at 4323-4333 N. Blackstone Avenue in central Fresno, APN 426-253-19, is exempt surplus real property as it was purchased by the City on October 21, 2022 and will be utilized for the exclusive purpose of creating affordable housing. The proposed development and affordability restrictions support the findings that the property qualifies as exempt from the California Surplus Land Act as stated in Government Code Section 37364(a): "...whenever the legislative body of a city determines that any real property or interest therein owned or to be purchased by the city can be used to provide housing affordable to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code or as defined by the United States Department of Housing and Urban Development or its successors, and that this use is in the city's best interests, the city may sell, lease, exchange, quitclaim, convey, or otherwise dispose of the real property or interest therein at less than fair market value, or purchase an interest in the real property, to provide that affordable housing under whatever terms and conditions the city deems best suited to the provision of such housing."

On March 17, 2023, City staff contacted the State of California Department of Housing and Community Development (HCD) to discuss the history of the property, and request approval for an exemption. HCD concurred that a development of the type described herein is in compliance with the following requirements of Government Code section 37364:

- a) Minimum of 80% of the area of any parcel shall be used for development of housing (remaining 20% could be ancillary commercial or park/open space use);
- b) Not less than 40% of the total number of housing units developed on any parcel pursuant to this section shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households (80% of AMI), and at least half of

which (20% of the units) shall be affordable to very low-income households (50% of AMI). (HCD chart to calculate income limits: <https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2021.pdf>.);

- c) Dwelling units shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years and shall be recorded against the property.

The attached Resolution and findings are a requirement of SLA to designate the property as exempt surplus land.

The request for proposals process initiated by this Council action will require any developer to comply with the development parameters outlined above.

## **ENVIRONMENTAL FINDINGS**

A Mitigated Negative Declaration for this project, pursuant to the California Environmental Quality Act was previously adopted by City Council on July 21, 2022.

## **LOCAL PREFERENCE**

Adoption of this Resolution is not subject to local preference.

## **FISCAL IMPACT**

There is no fiscal impact to the City at this time.

## **APPENDIX**

Resolution Senior Center-Exempt Surplus