

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, FINDING GOOD CAUSE AND CLEAR AND CONVINCING BENEFIT TO THE PUBLIC TO VARY FROM THE REQUEST FOR PROPOSALS PROCESS PURSUANT TO FMC SECTION 4-204 RELATING TO THE DISPOSITION OF REAL PROPERTY APN 477-060-04T (FLORENCE AND PLUMAS)

WHEREAS, the parcel of property located at the southeast corner of East Florence and South Plumas Avenues (APN 477-060-04T) was previously declared surplus exempt on \_\_\_\_\_ by Resolution No. \_\_\_\_\_ ; and,

WHEREAS, Fresno Municipal Code (FMC) Section 4-204 details the additional steps which may be required to dispose of real property and conduct a request for proposals (RFP) process; and

WHEREAS, FMC 4-204 states, in part: "Real property may be sold, encumbered by an option, or leased for period exceeding five years only after an open and competitive request for proposals (RFP) process initiated by Council action and in compliance with state law concerning disposition of surplus land; exclusive negotiating agreements shall not be permitted."; and,

WHEREAS, an exception to the RFP process may be provided where the Council finds good cause and clear and convincing benefits to the public to do so with a supermajority approval of at least five votes; and,

WHEREAS, Council recognizes that this vacant 8-acre parcel was purchased by the City in its capacity as Housing Successor as a site intended and available for

affordable housing as evidenced in the City's 2015-2023 Housing Element of the General Plan, adopted by Council on April 13, 2017; and,

WHEREAS, the Agency and Fresno Housing Authority (FHA) have a long history of working together for the revitalization of southwest Fresno that has included the Yosemite Village Hope VI conceptual master plan and development of the 118 unit multi-family Legacy Commons residential project; and,

WHEREAS, the Agency wishes to bring about an affordable, single-family residential development on the 8-acre vacant parcel at the southeast corner of East Florence and South Plumas Avenues;

WHEREAS, 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 which requires: (1) 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); (2) 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 area median income), and at least half of which (20% of the units) shall be affordable to very low-income households (50% of area median income); and (3) 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;

Whereas the Fresno Housing Authority is an experienced affordable housing developer and uniquely qualified to address requirements presented by affordable residential development; and,

WHEREAS, the City has a significant interest in encouraging development of housing and eliminating blight whenever possible; and,

WHEREAS, development of the property will help to address the housing crisis and confer a clear and convincing benefit to the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council hereby makes findings of good cause and clear and convincing benefit to the public to vary from the provisions contained within FMC Section 4-204 and make an exception to the RFP process as detailed below.

2 Staff is directed to bypass the RFP process and proceed with negotiations with the FHA to dispose of the property through negotiation of a Disposition and Development Agreement for purposes of the development of affordable housing.

5. Staff will negotiate with the FHA and return to Council for consideration of a Disposition and Development Agreement when terms and conditions have been finalized.

6. This resolution shall be effective upon final approval.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, CMC, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
RINA M. GONZALES  
Interim City Attorney

By: \_\_\_\_\_  
Taylor W. Rhoan Date  
Deputy City Attorney