

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA IN ITS CAPACITY AS HOUSING SUCCESSOR DECLARING THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST FLORENCE AVENUE AND SOUTH PLUMAS AVENUE TO BE EXEMPT SURPLUS LAND (APN 477-060-04T)

WHEREAS, the City of Fresno in its capacity as Housing Successor currently owns an 8-acre parcel located at the southeast corner of East Florence Avenue and South Plumas Avenue, in Fresno, California (APN 477-060-04T) (Property), as described in the parcel map attached hereto as Exhibit A; and

WHEREAS, the Surplus Land Act (California Government Code sections 54220 through 54236) is generally intended to make a local agency's surplus land (i.e., land not needed for the agency's use) available for potential acquisition by affordable housing sponsors for affordable housing purposes or by other local public entities; and

WHEREAS, California Government Code section 54221 (b) and the April 2021 Surplus Land Act Guidelines (SLA Guidelines) published by the California Department of Housing and Community Development (HCD) require that prior to taking any action to dispose of land that is subject to the Surplus Land Act, the City Council must, at public meeting, declare the land either surplus land or exempt surplus land, as each are defined in California Government Code section 54221; and

WHEREAS, if the Council declares land exempt surplus land, such declaration must be supported by written findings, which must be forwarded to HCD for its review at

least thirty days before the City's disposition of the land in accordance with Section 400(e) of the SLA Guidelines; and

WHEREAS, the Property is exempt surplus land pursuant to California Government Code section 54221 (f)(I)(A) because the Property will be transferred for the development of affordable housing pursuant to Government Code section 37364; and

WHEREAS, the City's interest in the Property shall be declared exempt surplus land pursuant to California Government Code section 37364 (b), (c) and (d) as the land shall be transferred for the development of affordable housing with restrictions;

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; and

WHEREAS, the City has a significant interest in negotiating the development of said property for the purpose of an affordable housing development in compliance with these exemption requirements and affordability restriction; and

WHEREAS, representatives of the City and HCD discussed this matter, and HCD sent an email to the City confirming that the City's interest in the Property qualifies as exempt surplus land pursuant to California Government Code section 37364.

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

1. The Property shall be declared exempt surplus land pursuant to California Government Code section 54221(f)(1)(A) as the property will be transferred for the development of affordable housing pursuant to Government Code section 37364.
2. This resolution shall be effective upon final approval.

* * * * *

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

I, TODD STERMER, 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 :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

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

By: _____
Taylor W. Rhoan Date
Deputy City Attorney

Attachments:
Exhibit A – Property Parcel Reports

