



# STAFF REPORT

## CITY of YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** DECEMBER 7, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DAVID BRANTLEY, AICP  
COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** RESOLUTION NO. 2021-5772 REGARDING DETERMINATION OF  
SURPLUS CITY-OWNED PROPERTY AT 4859 MAIN STREET (APN: 323-  
304-19)

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### **RECOMMENDATION**

It is recommended that the City Council adopt attached Resolution No. 2021-5772 declaring the City-owned property, addressed as 4859 Main Street (APN: 323-304-19), as “surplus land” as required by Assembly Bill (AB) 1486.

### **BACKGROUND / DISCUSSION**

The California Surplus Land Act (Government Code 54220 *et seq*) governs the sale of surplus lands and requires local agencies to prioritize opportunities for certain uses including affordable housing on any land it intends to sell. AB 1486, effective January 1, 2020, amended the existing Surplus Land Act to require local agencies to formally declare publicly owned property no longer necessary for the agency’s use as surplus land. As amended, “Surplus Land” means land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use. Land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures. A local agency, on an annual basis, may declare one or more parcels as “surplus land.”

The City owns the subject property located at 4859 Main Street (see attached exhibit). The property currently is being leased to Evan Carl, owner of Evan’s Smokehouse restaurant, on a temporary basis. Prior to the current leasehold on the property, the property served as a public parking lot containing approximately ten (10) parking stalls. As part of the ongoing revitalization and redevelopment of the City’s downtown, the City constructed a public parking structure with over 400 parking spaces in it to provide ample public parking for the Town Center area. Hence, the City is contemplating alternate highest and best uses for the 4859 Main Street property, including potential sale to a private party for development of additional commercial/retail space consistent with the goals of the Town Center Specific Plan.

## **RESOLUTION NO. 2021-5772 REGARDING DETERMINATION OF SURPLUS CITY-OWNED PROPERTY AT 4859 MAIN STREET (APN: 323-304-19)**

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State law also requires prior to disposal of surplus land or participating in negotiations to dispose of a surplus property to a prospective transferee that written notice of availability of the property for the purpose of development of low- and moderate-income housing be provided to housing sponsors and the State Department of Housing and Community Development. Any entity or association desiring to purchase or lease the property for housing purposes shall notify the City of its interest in purchasing or leasing the surplus property within 60 days after the City provides notice of availability. After receiving such notice, the City must enter into good faith negotiations for a period of not less than 90 days to determine a mutually satisfactory sales price and terms. If the price and terms cannot be agreed upon, the land may be disposed of without any further requirements.

In that the subject property is a commercially zoned parcel, and is only ±5,000 square feet in area, staff does not anticipate receiving any interest in the site from a housing sponsor entity. Assuming there will be no interest from a housing sponsor, after fully complying with the written notification requirement and associated 60-day review term, the City would be free to dispose of the property. If interest is expressed by a housing sponsor, the City would engage in further discussions with the party.

Notwithstanding the written notification requirement, the first step in the process of complying with state surplus land regulations is the declaration of the property as “surplus land” by the City Council. Resolution No. 2021-5772 declaring the subject property as “surplus land” has been provided herein for the City Council’s consideration and adoption.

### **FISCAL IMPACT**

The mere declaration of the subject City-owned parcel as “surplus land” would not have any fiscal impact.

### **ALTERNATIVES**

Do not accept staff’s recommendation to declare the subject City-owned parcel as “surplus land.” In this case, the City would not be able to dispose of the subject property in compliance with state law.

### **ATTACHMENTS**

- 1) Property Location Exhibit
  - 2) Resolution No. 2021-5772
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