



Staff Report

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**File #:** 23-0608

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 08/16/2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Planning & Development Department

**SUBJECT:**

RESOLUTION DECLARING THAT THE PROPERTY GENERALLY LOCATED SOUTH OF GREEN RIVER ROAD AND WEST OF DOMINGUEZ RANCH ROAD AND IDENTIFIED AS A PORTION OF [ASSESSOR'S PARCEL NUMBER 101-190-034](#) AND A PORTION OF STREET RIGHT-OF-WAY ON GREEN RIVER ROAD IS SURPLUS LAND AND IS NO LONGER NECESSARY FOR THE CITY'S USE

**EXECUTIVE SUMMARY:**

This staff report asks the City Council to declare 1.46 acres, a portion of City-owned real property identified as [Assessor Parcel Number 101-190-034](#), and 1.94 acres of an excess street right-of-way on Green River Road and a portion of [Assessor Parcel Number 101-190-034](#), just west of Dominguez Ranch Road as surplus land that is no longer necessary for the City's use. Pursuant to state law, declaring the City-owned property as surplus land would allow the City to formally start the process to dispose of the property in accordance with the procedures set forth by State law in the Surplus Land Act.

**RECOMMENDED ACTION:**

**That the City Council:**

- a. Adopt Resolution 2023-090 declaring that the portion of the property identified as [APN 101-190-034](#) and excess street right-of-way on Green River Road is surplus land and is no longer necessary for the City's use.
- b. Direct the City Manager, or his designee, to follow the procedures set forth in the Surplus Land Act pursuant to California Government Code Section 54220, et seq. for the sale of surplus land.

**BACKGROUND & HISTORY:**

The California Surplus Land Act governed by Government Code § 54220 et seq. requires a local agency to prioritize affordable housing, as well as parks and open space when disposing of agency-owned surplus land. The law defined surplus land to be land owned in fee simple for which a local agency's governing body takes formal action at a regular public meeting declaring land to be surplus and not necessary for a local agency's use. This action is required before a local agency takes any action to dispose of land.

The subject property identified as Parcel 1 is an excess street right-of-way on Green River Road and a portion of [APN 101-190-034](#), totaling 1.94 acres. Parcel 2 is also a portion of [APN 101-190-034](#), totaling 1.46 acres. Parcels 1 and 2 are undeveloped. Parcel 1 includes excess right-of-way on Green River Road that is no longer necessary for the roadway improvements associated with Green River Road and a portion of unimproved, open space that is part of the City's Landscape Maintenance District (LMD). The LMD area is 66.15 acres. Parcel 2 is also part of the City's LMD and is a portion of the property that is hillside, unimproved open space. Parcels 1 and 2 are not designated as Parkland and are not part of the City's Parkland inventory.

The subject property meets the definition of surplus land. The City Council's adoption of Resolution 2023-090 would take formal action declaring the subject property as surplus land.

Upon the City's determination that the subject property is surplus land, staff would follow the procedures set forth in Government Code § 54220 et seq. Those procedures require the City to offer the surplus land to certain public entities for a period of 60 days by transmitting a written notice of availability to those entities, including:

- Any local public entity as defined in Health and Safety Code 50079 within whose jurisdiction the surplus land is located and to housing sponsors that have notified the California Department of Housing and Community Development (HCD) of their interest in surplus land. These entities specialize in developing low- and moderate-income housing.
- A local park district for the creation of parks and open space.
- The local school district for the purpose of constructing school facilities or open space.

If the City receives correspondence from any of the above entities interested in purchasing the surplus property after transmitting a written notice of availability, the City is required to enter into good faith negotiations concerning the price and terms of disposition with that entity for a period of 90 days. If the entity and City cannot agree to price and terms within the 90 days, or if no entity gives the City a notice of interest in the property, the City may dispose of the surplus land without further regard to the surplus land procedures. However, the provisions of the Surplus Land Act require an affordability covenant to be recorded on the property in the event more than 10 residential dwelling units are developed on the property. In this case, at least 15 percent units would need to be set aside for affordable housing if residential housing were to be built on the subject property.

**ANALYSIS:**

Parcels 1 and 2 are undeveloped and consist of unimproved open space. No zoning is assigned to

Parcel 1 for the area that is excess street right-of-way, but the portion that is part of the City's LMD is zoned Mixed Use of the Green River Ranch Specific Plan. The General Plan designation is Mixed-Use. The zoning of Parcel 2 is Open Space of the Sierra Del Oro Specific Plan. The General Plan designation is Open Space General. Parcel 2 is not designated Parkland and are not part of the City's Parkland inventory.

The properties are generally located south of Green River Road and west of Dominguez Ranch Road. The adjacent property is 97.4 acres and is privately owned. The zoning of the property is Mixed Use for Commercial and Industrial, and Estate Residential near City owned Parcels 1 and 2. The adjacent property owner is interested in purchasing the City owned parcels and including the parcels as part of the adjacent property.

The City has no use for a portion of the LMD property that is unimproved, open space, and for the excess right-of-way on Green River Road as the entire right-of-way for the street currently exists.

**FINANCIAL IMPACT:**

The potential sale of the City-owned surplus property would result in revenue to the City's General Fund.

**ENVIRONMENTAL ANALYSIS:**

The declaration of the subject property as surplus is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 (Surplus Government Property Sales). However, any subsequent development of the subject property would be reviewed further under CEQA and other applicable laws.

**PREPARED BY:** JOANNE COLETTA, PLANNING & DEVELOPMENT DIRECTOR

**Attachments:**

1. Exhibit 1 - Resolution 2023-090