

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DECLARING CERTAIN REAL PROPERTY LOCATED AT 11390-11400 STANFORD AVENUE, GARDEN GROVE, CALIFORNIA AS EXEMPT SURPLUS LAND; AND, MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH

WHEREAS, the City of Garden Grove (“City”) is a California municipal corporation and general law city; and

WHEREAS, the Garden Grove Housing Authority (“Authority”) is a California housing authority acting under the California Housing Authorities Law, Part 2 of Division 24, Section 34200, *et seq.*, of the Health and Safety Code (“HAL”); and

WHEREAS, further, the Authority serves as the “housing successor” to the former Garden Grove Agency for Community Development, a dissolved redevelopment agency (“Former Agency”) pursuant to Part 1.85 of Division 24 of the Health and Safety Code, in particular HSC Section 34176.1 (“Dissolution Law” or “Housing Successor Law”) and the Dissolution Law references and incorporates certain affordable housing laws set forth in Health and Safety Code Section 33000, *et seq.* that survived the dissolution of all California redevelopment agencies and remain effective as to housing successors, including the Authority (“CRL”); and

WHEREAS, the Authority is authorized and empowered under the HAL, CRL and Dissolution Law to provide funding for the production, improvement, or preservation of affordable housing and appurtenant improvements, and maintains accounts thereunder including funds on deposit in the Low to Moderate Income Housing Fund pursuant to HSC Section 34176.1 (“LMIHAF”); and

WHEREAS, while the City has broad powers and purposes, a housing authority (including as a housing successor) is more limited in statutory purpose and focus to carry out affordable housing functions, including, without limitation, the power to finance housing such as through issuance of loans, grants, bonds, or other tax exempt obligations, to construct, maintain, and operate housing, to monitor and enforce covenants and applicable laws, etc.; and

WHEREAS, in more simple wording, a housing authority is an affordable housing specialist entity, with specific regulations, policies, powers, and tools to accomplish the housing duties imposed on the City via State and local law, and thereby best suited, between the two entities (City and Authority), to advance the community’s affordable housing goals; and

WHEREAS, state law statutory references in this Agreement are to the California Government Code (“GC”) and the California Health and Safety Code (“HSC”) unless otherwise stated; and

WHEREAS, the City is the owner of certain real property located at the southwest corner of Stanford Avenue and Eighth Street in the City, the parcel is approximately 96,073 square feet in size, and has a common address of 11390-11400 Stanford Avenue, Garden Grove, California (north portion of a larger assessor's parcel APN No. 090-154-57) (herein, "Property"); and

WHEREAS, the Property is suitable for development of affordable housing; and

WHEREAS, the City recently rezoned the Property (Ordinance No. 2925) to be within the CC-3 (Civic Center Core Mixed Use) zone district and the permitted base density was increased to 60 units per acre, which base density is before consideration of use for affordable housing or application of a density bonus or other incentives; and

WHEREAS, the CC-3 zone is established to encourage civic, educational, commercial, high-density residential, and compatible uses that enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities; the zoning allows shared parking facilities, promotes pedestrian orientation of buildings, high-quality architecture, pedestrian-scale landscaping, pathways, and signage reinforce the goal to create places where people, not cars, predominate; and

WHEREAS, the City obtained an independent appraisal of the Property that concludes the highest and best use is for "multiple family residential development in accordance with the existing zoning; and

WHEREAS, pursuant to GC Section 54221(b)(l) of the California Surplus Land Act (GC Sections 54220-54234) ("SLA"), the City Council must declare real property to be "surplus land" or "exempt surplus land" before the City Council takes action to sell or otherwise dispose of real property; and

WHEREAS, GC Section 54221(f)(1)(D) defines "exempt surplus land" to include surplus land that is transferred to another local agency for the agency's use; and

WHEREAS, pursuant to Section 103(b)(2)(D) of the Surplus Land Act Guidelines ("SLA/HCD Guidelines") issued by the State of California, Department of Housing and Community Development ("HCD"), local agency surplus land that is transferred to another local agency for the transferee agency's use is exempt from the provisions of Articles II and III of the SLA/HCD Guidelines; and

WHEREAS, pursuant to the SLA, the City Council must take formal action in a regular public meeting to declare that the Property is exempt surplus land, as supported by written findings, which is the subject and intention of this Resolution; and

WHEREAS, by this Resolution the City Council declares pursuant to GC Sections 54221(b)(1) and 54221(f)(1)(D) that the Property is exempt surplus land because the City intends to sell and convey the Property to the Authority for the development of affordable housing on the Property; and

WHEREAS, pursuant to the SLA/HCD Guidelines, any determination by a local agency that its surplus land is exempt from the SLA must be provided to HCD for its review at least 30 days prior to disposition; and

WHEREAS, under the California Environmental Quality Act (“CEQA”) this declaration is exempt pursuant to Section 15312 of the State CEQA Guidelines (Title 14, California Code of Regulations); and

WHEREAS, this action declares the Property as exempt surplus land and directs staff to effectuate the purpose of this Resolution, and this administrative activity of government will not result in direct or indirect physical changes to the environment; and there is no commitment to a particular scope of development other than the objective for development and operation of affordable housing on the Property, and in this regard, CEQA review requirements will be completed before any commitment to a selected proposal and project occurs and appropriate environmental review pursuant to CEQA will be completed at such time; and

WHEREAS, by this Resolution the City Council intends to authorize and direct the City Manager (who is also the Authority Director) to cause submittal of a copy of this Resolution to HCD in accordance with the SLA/HCD Guidelines; and

WHEREAS, the City Council intends that the City Manager, and her designees, be authorized to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution.

NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF GARDEN GROVE as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The City Council declares 11390-11400 Stanford Avenue, Garden Grove, California (portion of APN No. 090-154-57) as exempt surplus land under GC Section 54221(f)(1)(D) and pursuant to Section 103(b)(3)(D) of the SLA/HCD Guidelines.

Section 3. The City Council authorizes and directs the City Manager (who is also the Authority Director) to cause submittal of a copy of this Resolution to HCD in accordance with the SLA/HCD Guidelines.

Section 4. The City Manager and her designees are authorized to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously taken, if any, are hereby ratified; and

Section 5. The City Council finds that this declaration and action is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15312 of the CEQA Guidelines (Surplus Government Property Sales).

Section 6. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Garden Grove, California, this 13th day of June 2023 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Jones, Mayor

Attest:

Teresa Pomeroy, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF GARDEN GROVE)

I, Teresa Pomeroy, CMC, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution No. 2023-____ was duly and regularly adopted by vote of the City Council of the City of Garden Grove at its regular meeting held on the 13th day of June 2023, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Teresa Pomeroy, City Clerk