

RESOLUTION NO. 22-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY (5256 ELIZABETH STREET AND 5260 ELIZABETH STREET), DECLARING ITS INTENT TO SELL SUCH PROPERTY, FINDING SUCH PROPERTY TO BE EXEMPT FROM THE SURPLUS LAND ACT, SETTING A HEARING DATE FOR CONSIDERATION OF PROTESTS, AND FINDING THE SAME CATEGORICALLY EXEMPT FROM CEQA REVIEW

WHEREAS, the City of Cudahy (“City”) currently owns in fee that certain real property generally located at 5256 Elizabeth Street and 5260 Elizabeth Street, in the City of Cudahy (APNs: 6224-001-901 and 6224-001-902) and legally described in Exhibit “A” attached to this resolution and incorporated by reference herein (the “Property”); and

WHEREAS, the City desires to sell the Property by entering into a Purchase and Sale Agreement (“PSA”) with Camerra Capital, Inc., a California corporation (“Purchaser”); and

WHEREAS, California Government Code Section 54220 *et seq.* (the “Surplus Land Act”) was amended in 2019 by Assembly Bill 1486 (“AB 1486”) and requires, among other things, that prior to the disposal of any surplus land, unless an exemption applies, a local agency must provide notice to, among others, affordable housing developers, and thereafter negotiate in good faith for ninety (90) days with any parties who submit a notice of interest; and

WHEREAS, pursuant to Government Code Section 54234(b), with respect to land held in the Community Redevelopment Property Trust Fund pursuant to Section 34191.4 of the Health and Safety Code, or that has been designated in the long-range property management plan pursuant to Health and Safety Code Section 34191.5, either for sale or retained for future development, the pre-AB 1486 provisions of the Surplus Land Act will not apply to the transaction if the property is the subject of an Exclusive Negotiation Agreement (“ENA”) prior to January 1, 2021 and the disposition is completed not later than December 31, 2022. This property was the subject of an ENA entered into in December 2020, and this transaction is required by the terms of the PSA to close prior to December 31, 2022~~the Property is exempt from the Surplus Land Act, as amended by AB 1486, because, pursuant to section 54234(a)(1) of the Surplus Land Act, it was subject to a legally binding agreement between the parties, effective as of a date prior to September 30, 2019; and~~

WHEREAS, California Government Code Sections 37420 through 37430 authorize the City to dispose of property; and

WHEREAS, California Government Code Section 37421 provides that when the legislative body of a city finds that the public interest and convenience require the sale of public buildings and sites, it must adopt a resolution so finding and giving notice of its intention to sell such property; and

WHEREAS, California Government Code Section 37422 provides that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance; and contain an accurate description of the property to be conveyed; and

WHEREAS, in accordance with Government Code section 65402, the proposed disposition of the Property under the PSA must be and will be presented to the City's Planning Commission ("Planning Commission"), to find that the conveyance of the Property from City to Purchaser is in conformance with the City's general plan; and

WHEREAS, in accordance with Government Code section 65402, the Planning Commission shall prepare a report finding that the disposition of real property conforms with the General Plan. Specifically, the Planning Commission shall find that the location, purpose and extent of the City's disposition of real property conforms with the General Plan. The Planning Commission shall render its report as to the conformity with the General Plan within forty (40) days after the matter is submitted to it.

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) ("CEQA") and the state guidelines for CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*) ("CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documentation for the project Developer is planning for on the Property (the "Project"). In 2018, the City prepared an update to its General Plan and Zoning Code (CMC Title 20) and prepared and certified the associated "Cudahy General Plan Update Environmental Impact Report" (State Clearinghouse No. 2017071071) (hereinafter, the "EIR"). The EIR was certified by the Cudahy City Council (the "City Council") on March 20, 2018 and focused on the impacts from changes to land use associated with buildout of the land use plan set forth in the update to the General Plan and impacts from the resulting population and employment growth in the City; and

WHEREAS, the City Council's 2018 approval of the EIR included approval of that certain EIR exhibit document entitled, "CEQA Findings of Fact and Statement of Overriding Considerations regarding the Final Program Environmental Impact Report for the City of Cudahy General Plan Update" (the "EIR Findings"). The EIR Findings provide requisite CEQA findings for the EIR and identify specific reasons why the update to the General Plan and Zoning Code are acceptable despite significant impacts that are infeasible to mitigate; and

~~WHEREAS, in connection with the approval of the Original Development Agreement, an addendum to the EIR (the "Addendum") was prepared pursuant to CEQA Guidelines Section 15164 in order to determine whether any significant environmental impacts which were not identified in the EIR would result from the Project or whether previously identified significant impacts would be substantially more severe in connection with the Original Development Agreement; and~~

~~WHEREAS, the City Council previously approved Resolution No. 20-32 approving and adopting, *inter alia*, the Addendum as the appropriate environmental document for the Project, pursuant to the findings set forth therein; and~~

WHEREAS, the City wishes to declare its intent to dispose of and convey the Property pursuant to the terms of the PSA, declare and find that the Property is ~~exempt from~~ subject to the Surplus Land Act as it existed on December 31, 2019, ~~†~~ fix a time for the hearing of any protests to the disposition, provide for publication of the notice of said hearing, and fix the time for final action on the disposition of the Property and approval of the DDA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

Section 2. Pursuant to Resolution No. 18-07, the City Council adopted Environmental Findings of Fact, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, and certified the EIR prepared for the 2018 General Plan Update.

SECTION 4. Surplus Land Act Findings. The City Council of the City hereby finds and determines that pursuant to Government Code Section 54234(b), because the property was the subject of an ENA prior to January 1, 2021 and the transaction is required by its terms to close prior to December 31, 2022, it is not subject to the Surplus Land Act, as amended by AB 1486.

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SECTION 5. Public Convenience and Necessity Findings. The City Council of the City hereby finds and determines that public convenience and necessity require the sale of the Property. The factors demonstrating that the public convenience and necessity require the sale of the Property include, but are not limited to the following: (i) strengthening the City's land use and social structure and (ii) alleviating economic and physical blight on the Property.

SECTION 6. Declaration of Intent to Sell; Fixing of Hearing. The City Council of the City hereby declares its intent to sell the Property pursuant to the PSA and fixes July 19, 2022, at 6:30 P.M. or as soon thereafter that the matter can be heard at the City of Cudahy, City Council Chambers, located at 5240 Santa Ana Street, Cudahy, CA 90201, as the date, time and location for hearing any protests to the proposed sale of the Property, approval of the PSA, and as the final action date.

SECTION 7. Publication and Posting. In compliance with California Government Code Section 37423, the City Council of the City hereby directs City staff to publish this resolution at least once in a daily newspaper prior to July 19, 2022, and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous places upon the Property prior to July 19, 2022.

SECTION 8. Notice of Exemption. The City Council hereby directs staff to prepare, execute and file with the Los Angeles County Clerk a Notice of Exemption within five working days of the approval of the PSA.

SECTION 9. Custodian of Documents. The custodian of documents constituting the record of proceedings for this matter is the City Clerk's Office. The documents constituting the record of proceedings for this matter are located at City Hall at 5220 Santa Ana Street, Cudahy, CA 90201.

SECTION 10. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 11. Effective Date. This Resolution shall become effective immediately upon its adoption.

The City Clerk of the City of Cudahy shall certify as to the adoption of this Resolution.
PASSED, APPROVED, AND ADOPTED this 5th day of July 2022.

ELIZABETH ALCANTAR
MAYOR

ATTEST:

RICHARD IGLESIAS
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF CUDAHY)

I, RICHARD IGLESIAS, City Clerk of the City of CUDAHY, DO HEREBY CERTIFY that foregoing Resolution No. 22-39 was duly passed and adopted by the City Council of the City of Cudahy at their regular meeting held July 5, 2022, by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD IGLESIAS
CITY CLERK

EXHIBIT "A"
TO
RESOLUTION NO. 22-39

LEGAL DESCRIPTION OF PROPERTY

PARCEL A

Parcel 1:

The West 52.5 feet of Lot 421 of Tract No. 180, in the City of Cudahy, County of Los Angeles, State of California, as per map recorded in Book 13, Page 198, of Maps, in the Office of the County Recorder of said County.

Parcel 2:

An easement for community driveway purposes over the Westerly 7.5 feet of the East 52.5 feet of Lot 421, of Tract No. 180, as recorded in Book 13, Page 198, of Maps.

PARCEL B

Parcel 1:

Lot 421 of Tract No. 180, in the City of Cudahy, County of Los Angeles, State of California, as per map recorded in Book 13, Page 198, of Maps, in the Office of the County Recorder of said County.

Except therefrom the West 52.5 feet of said land.

Parcel 2:

An easement for ingress and egress and community driveway purposes over the East 7.5 feet of the West 52.5 feet of Lot 421, of Tract No. 180, in the City of Cudahy, County of Los Angeles, State of California, as per map recorded in Book 13, Page 198, of Maps, in the Office of the County Recorder of said County.

Assessor's Parcel Number: 6224-001-901 and 6224-001-902