



## Legislation Text

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**File #:** 23-0490, **Version:** 1

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Recommendation to adopt resolution declaring City-owned properties located at 5870 Atlantic Avenue (a portion of APN 7124-032-900), 5895 Lime Avenue (APN 7124-032-912), and 5885 Lime Avenue (APN 7124-032-914) (collectively "Subject Properties") as "exempt surplus land" as defined in Government Code Section 54221(f)(1)(D); and, authorize City Manager, or designee, to take any actions and execute any documents necessary to ensure compliance with the Surplus Land Act and State regulations relating thereto. (District 9)

The City of Long Beach (City) is currently fee owner of properties located at 5870 Atlantic Avenue, 5895 Lime Avenue, and 5885 Lime Avenue adjacent to the City's Michelle Obama Neighborhood Library (collectively "Subject Properties") (Attachment). The Subject Properties consist of approximately 33,193 square feet and are currently unimproved vacant lots. The Long Beach Community College District, familiarly known as Long Beach City College (LBCC), has expressed a desire to develop the Subject Properties for a satellite classroom building and/or a student housing project serving LBCC students and the adjacent neighborhoods. Staff supports the proposed development of satellite classrooms and student housing, as it would represent the highest and best use of the Subject Properties. To facilitate the development by LBCC, the City is required to declare the Subject Properties as exempt surplus land in compliance with the Surplus Land Act (SLA) before disposition can proceed.

The SLA, as codified in Government Code Section 54220 et seq., requires all agencies to prioritize affordable housing as well as parks and open space when disposing of surplus land. Surplus land is land owned by a local agency that is determined to be no longer necessary for the agency's use. Recent changes to the SLA, through Assembly Bill (AB) 2135, (i) revise procedures for disposition by sale or lease of surplus land by local agencies; (ii) extend the good faith negotiation period with potential affordable housing developers to 90 days; (iii) deepen affordability requirements where an affordable housing project is developed on the site; and, (iv) add a requirement that if negotiations with an affordable housing developer are unsuccessful, then any residential development on the surplus land over ten units must make at least 15 percent of the units affordable. Further, AB 2135 no longer allows exceptions and requires local agencies to adopt a Resolution declaring property "surplus" or "exempt surplus" as supported by findings at a regular public meeting of the agency's governing body.

The City considers the Subject Properties to be exempt surplus land, as defined by Government Code Section 54221(f)(1)(D), which allows an exemption if the local agency is transferring the Subject Properties to another local, state or federal agency for that agency's use. To proceed with the disposition and development of the Subject Properties, the following findings must be made by the City Council, as the legislative body of the City:

- The City desires to transfer the Subject Property to the District, and the LBCC desires to acquire the Subject Properties from the City for LBCC's use.
- The Subject Properties are "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(D) because the Subject Properties are being transferred to LBCC in accordance with a written plan adopted by LBCC's governing board.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on April 20, 2023, and by Budget Management Officer Nader Kaamoush on April 21, 2023.

City Council action is requested on May 16, 2023, to allow the City to implement actions necessary to comply with the SLA and continue the disposition processes for the Subject Properties.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

BO MARTINEZ  
DIRECTOR  
ECONOMIC DEVELOPMENT

APPROVED:

THOMAS B. MODICA  
CITY MANAGER