



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

4/10/2017

SUBJECT:

Adoption of Resolution of the City Council of the City of Pacifica to Comply with Assembly Bill 2135, Surplus Land Act

RECOMMENDED ACTION:

Adopt the resolution entitled: A Resolution of the City Council of the City of Pacifica to Comply with Assembly Bill 2135, Surplus Land Act

STAFF CONTACT:

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BACKGROUND/DISCUSSION:

The City of Pacifica applied for grant funding from the Metropolitan Transportation Commission (MTC) under MTC's One Bay Area Grant Program 2 (OBAG 2). Three projects were nominated, namely;

- 1) FY 2017-18 Pavement Rehabilitation Project - repaving of Linda Mar Boulevard (from Adobe Drive to Alicante Drive) and Oceana Boulevard (from Avalon Drive to Monterey Boulevard). Total estimated project cost is \$715,000. Proposed funding will be \$641,000 from OBAG2 and \$74,000 from Measure A
- 2) Palmetto Sidewalk Project - construction of sidewalk along the 100 Block of Palmetto Avenue. Total estimated project cost is \$373,000. Proposed funding will be \$330,000 from OBAG2 and \$43,000 Measure A
- 3) Citywide Curb Ramps Project - installation of 100 wheelchair accessible ramps at various locations within the City. Total estimated project cost is \$452,000. Proposed funding will be \$400,000 from OBAG2 and \$52,000 Measure A

The OBAG 2 grant requires that the City provide a resolution which states that the City will comply with the California Surplus Land Act, Government Code section § 54220 *et seq.*

The Surplus Land Act was enacted in 1968. This Act requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of surplus land. Assembly Bill 2135 was adopted and signed in 2014 and took effect in January 1, 2015. AB 2135 amended the Act by strengthening and prioritizing the availability of publicly-

held surplus lands for affordable housing. (See e.g. Cal. Gov. Code §§ 54222.5 & 542227.) "Surplus land" is defined by the Act to mean land owned by any local agency that is determined to be no longer necessary for the agency's use, except property that is being used for the purpose of exchange or is exempt from the Act, such as land that is less than 5,000 square feet, less than the minimum legal residential lot size for the jurisdiction in which the land is located or has no recorded access and is less than 10,000 square feet. (See Cal Gov. Code §§ 54221(b) & (e).) Accordingly, land that the City may no longer need but is exempt under the Act does not need to be offered to other organizations or entities as set forth above.

The City is obligated to comply with the Surplus Land Act, regardless of whether it adopts a resolution stating it will do so.

ALTERNATIVE ACTION:

The City Council may decide not to adopt the attached resolution however, this will make the City ineligible to receive the grant funds of \$1,371,000. This grant is much needed in our efforts to build and maintain infrastructure. Staff does not recommend this alternative action.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Adoption of Resolution is consistent with the following Council adopted Goal:

- Stewardship of City Infrastructure: includes repairing/replacing outdated city facilities such as city hall, the libraries, fire stations, etc., improving streets, and responding to impacts of sea level rise. *Adopting the resolution will comply with the California Surplus Land Act and satisfy the requirement for One Bay Area Grant (OBAG 2) funding to repair City infrastructure, including the deteriorating pavement along Linda Mar Boulevard and Oceana Boulevard.*

ORIGINATED BY:

Engineering Division
Department of Public Works

FISCAL IMPACT:

Adoption of the resolution makes the City eligible to receive a total of \$1,371,000 in grant funds, which will be available in FY 2018-19. An 11.47% or (\$169,000) local match is required. The City's local match will come out of the City's Street Construction Fund Measure A (Fund 9).

ORIGINATED BY:

Engineering

ATTACHMENT LIST:

None. (TXT)



Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA TO COMPLY WITH ASSEMBLY BILL 2135, SURPLUS LAND ACT

Metropolitan Transportation Commission Surplus Land Resolution for San Francisco Bay Area Cities and Counties

WHEREAS, the San Francisco region has the highest housing costs in the United States; and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing; and

WHEREAS, the State of California Surplus Land Act, Government Code section 54220 *et seq.*, provides in part that prior to disposing of surplus land a local agency, such as the City of Pacifica, shall send a written offer to sell or lease the property to any local public entity in whose jurisdiction the property is located and to any housing sponsor, as defined in Health and Safety Code, section 50074, for the purpose of developing low- or moderate-income housing on such property; and

WHEREAS, the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4202, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 2), including the requirement that a local agency who applies for grant funding under the OBAG 2 program must adopt a resolution demonstrating that it will comply with the State of California's Surplus Land Act; and

WHEREAS, the City of Pacifica applied to the MTC for grant funding under the OBAG 2 program for three projects, namely the FY 2017-18 Pavement Rehabilitation Project, Palmetto Sidewalk Project and Citywide Curb Ramps Project and

WHEREAS, the City of Pacifica may, in the future, apply to the MTC for grant funding under the OBAG 2 program or future OBAG programs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pacifica, State of California, as follows:

Resolve that the City of Pacifica agrees to comply with the terms of Surplus Land Act (including Assembly Bill 2135, which amended the Act, effective January 1, 2015) (California Government Code § 54220, *et seq.*), as it exists now or may be amended in the future.

* * * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the _____ day of _____ 2017, by the following vote:

AYES, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

CITY OF PACIFICA

By: _____
Mike O'Neill, Mayor

ATTEST

By: _____
Kathy O'Connell, City Clerk

APPROVED AS TO FORM

By: _____
Michelle Kenyon, City Attorney