

**PLEASANT VALLEY RECREATION & PARK DISTRICT
ADMINISTRATION OFFICE - CONFERENCE ROOM
1605 E. BURNLEY ST., CAMARILLO, CALIFORNIA**

**LONG RANGE PLANNING COMMITTEE
AGENDA**

Tuesday, March 10, 2020

3:00 P.M.

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. LAS POSAS EQUESTRIAN PARK DISCUSSION**
- 4. ARNEILL RANCH PARK DISCUSSION**
- 5. AIRPORT SURPLUS PROPERTY PROCESS AND DISCUSSION**
- 6. ORAL COMMUNICATIONS**
- 7. ADJOURNMENT**

Note: Written materials related to these agenda items are available for public inspection in the Office of the Clerk of the Board located at 1605 E. Burnley Street, Camarillo during regular business hours beginning the day preceding the Committee meeting.

Announcement: Should you need special assistance (*i.e.* a disability-related modification or accommodations) to participate in the Committee meeting or other District activities (including receipt of an agenda in an appropriate alternative format), as outlined in the Americans With Disabilities Act, or require further information, please contact the General Manager at 482-1996, extension 114. Please notify us 48 hours in advance to provide sufficient time to make a disability-related modification or reasonable accommodation.

20948 Tulsa Street
 Chatsworth, CA 91311
 (818) 291-0200

**Arneill Ranch Park Renovation
 Preliminary Opinion of Probable Costs**

Item Description	Quantity	Unit	Unit Cost	Subtotal	Total
PHASE 1: Inside Track					
1.00 Demoliton					
1.01 Site Clearing - interior	103,587	SF	1.00	103,587.00	
1.02 Track removal - DG	31,533	SF	2.00	63,066.00	
1.03 Concrete walkway & pad removal	3,460	SF	3.00	10,380.00	
1.04 Exercise equipment removal	16	EA	350.00	5,600.00	
1.05 Play structure removal	1	LS	10,000.00	10,000.00	
1.06 Tree removal	1	LS	500.00	500.00	
					\$ 193,133.00
2.00 Grading					
2.01 Rough and Fine Grading	103,587	SF	0.50	51,793.50	
2.02 Erosion Control	103,587	SF	0.25	25,896.75	
					\$ 77,690.25
3.00 Construction and Site Furniture					
3.01 Decomposed granite surfacing for track	31,534	SF	5.00	157,670.00	
3.02 Flush 8" concrete curb track edging	2,769	LF	14.00	38,766.00	
3.03 Play structure for 5-12 year olds	1	LS	130,000.00	130,000.00	
3.04 Play area surfacing - poured in place rubber	3,500	SF	18.00	63,000.00	
3.05 Swings	1	LS	20,000.00	20,000.00	
3.06 Swing area surfacing - poured in place rubber	1,156	SF	18.00	20,808.00	
3.07 Nature play elements	6	EA	2,000.00	12,000.00	
3.08 Wood chip surfacing for nature play	1,000	SF	6.00	6,000.00	
3.09 Fitness zone equipment	6	LS	2,500.00	15,000.00	
3.10 Fitness zone surfacing - concrete	1,021	SF	12.00	12,252.00	
3.11 Fitness zone seat wall	57	LF	80.00	4,560.00	
3.12 Fitness zone shade structure	1	LS	35,000.00	35,000.00	
3.13 Fitness stations equipment	2	EA	1,000.00	2,000.00	
3.14 Decomposed granite surfacing for stations	725	SF	5.00	3,625.00	
3.15 Flush 8" concrete curb for fitness stations	62	LF	14.00	868.00	
3.16 Challenge course equipment	1	LS	70,000.00	70,000.00	
3.17 Challenge course surfacing - rubber	3,521	SF	18.00	63,378.00	
3.18 Climbing Rock	1	LS	24,000.00	24,000.00	
3.19 Surfacing for climbing rock	1,190	SF	16.00	19,040.00	
3.20 Gazebo	1	LS	35,000.00	35,000.00	
3.21 Decorative colored concrete @ restroom	435	SF	14.00	6,090.00	
3.22 Ping pong tables	2	EA	5,000.00	10,000.00	
3.23 Corn hole toss - precast concrete	2	EA	3,000.00	6,000.00	
3.24 Concrete walkways at play areas	3,153	SF	12.00	37,836.00	
3.25 Decomposed granite fitness trail	4,595	SF	5.00	22,975.00	
3.26 Mow strip for dg fitness trail	1,520	LF	14.00	21,280.00	
3.27 Concrete box culvert bridge over swale	1	EA	8,000.00	8,000.00	
3.28 Streambed/drainage swale	1,740	SF	30.00	52,200.00	
3.29 Raise manhole cover in swale	1	LS	4,000.00	4,000.00	
3.30 Boulders	86	EA	350.00	30,100.00	
3.31 Picnic tables	11	EA	2,000.00	22,000.00	
3.32 Benches	5	EA	1,500.00	7,500.00	
3.33 Concrete pads for benches	90	SF	12.00	1,080.00	
3.33 Pet Waste Stations	1	EA	1,200.00	1,200.00	
3.34 Lighting - including panel upgrades	1	allot	70,000.00	70,000.00	
					\$ 1,033,228.00

4.00 Landscaping

4.01 Shrubs	5,451	SF	2.00	10,902.00
4.02 Mulch	50	CY	30.00	1,500.00
4.03 Site Preparation	79,976	SF	0.25	19,994.00
4.04 Seeded turf	74,525	SF	0.10	7,452.50

\$ 39,848.50

5.00 Irrigation

5.01 Irrigation	79,628	SF	2.00	159,256.00
5.02 Electrical, Point of Connection, Backflow Preventer, Meter, Controller	1	allot	20,000.00	20,000.00

\$ 179,256.00

Subtotal

\$ 1,523,155.75

General Conds., Bonds, Insurance, Overhead & Profit (22%)

\$335,094.27

Design Contingency (15%)

\$228,473.36

Phase 1 Total

\$ 2,086,723.38

PHASE 2: Outside Track**1.00 Demoliton**

1.01 Site Clearing - outside track	64,915	SF	1.00	64,915.00
1.02 Asphalt removal	6,480	SF	2.00	12,960.00
1.03 Restroom removal	1	LS	40,000.00	40,000.00
1.04 CMU wall removal and driveway gate	1	LS	2,000.00	2,000.00
1.05 Concrete walkway & pad removal	1,695	SF	3.00	5,085.00
1.06 Exercise equipment removal	1	EA	350.00	350.00

\$ 125,310.00

2.00 Grading

2.01 Rough and Fine Grading	64,915	SF	0.50	32,457.50
2.02 Erosion Control	64,915	SF	0.25	16,228.75

\$ 48,686.25

3.00 Construction and Site Furniture

3.01 Prefabricated restroom building	1	LS	250,000.00	250,000.00
3.02 Decorative colored concrete @ restroom	1,324	SF	14.00	18,536.00
3.03 Porous paver parking area	7,405	SF	20.00	148,100.00
3.04 Striping & ADA signage for parking	1	LS	4,000.00	4,000.00
3.05 Concrete sidewalk	500	SF	12.00	6,000.00
3.06 Decomposed granite fitness trail	4,818	SF	5.00	24,090.00
3.07 Mow strip for dg fitness trail	1,614	LF	14.00	22,596.00
3.08 Fitness stations equipment	5	EA	1,000.00	5,000.00
3.09 Decomposed granite surfacing for stations	1,714	SF	5.00	8,570.00
3.10 Flush 8" concrete curb for fitness stations	270	LF	14.00	3,780.00
3.11 View Fence @ street	257	LF	100.00	25,700.00
3.12 Double vehicle gate	1	LS	10,000.00	10,000.00
3.13 Boulders	16	EA	350.00	5,600.00
3.14 Picnic tables	3	EA	2,000.00	6,000.00
3.15 Decomposed granite surfacing under tables	1,732	SF	5.00	8,660.00
3.16 Benches	10	EA	1,500.00	15,000.00
3.17 Concrete pads for benches	450	SF	12.00	5,400.00
3.18 Pet Waste Stations	3	EA	1,200.00	3,600.00
3.19 Park sign	1	LS	5,000.00	5,000.00
3.20 Bike rack	1	EA	1,000.00	1,000.00
3.21 Low walls (CMU) at neighborhood entrances	1,200	LF	35.00	42,000.00
3.22 Concrete paving at neighborhood entrances	1,164	SF	12.00	13,968.00
3.23 Lighting	1	allot	50,000.00	50,000.00

\$ 682,600.00

4.00 Landscaping

4.01 Shrubs	47,865	SF	2.00	95,730.00
4.02 Trees (24" box)	8	EA	450.00	3,600.00
4.02 Mulch	456	CY	30.00	13,680.00
4.03 Site Preparation	49,280	SF	0.25	12,320.00
4.04 Seeded turf	1,415	SF	0.10	141.50

\$ 125,471.50

5.00 Irrigation

5.01 Irrigation	49,280	SF	2.00	98,560.00
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\$ 98,560.00

Subtotal					\$	1,080,627.75
General Conds., Bonds, Insurance, Overhead & Profit (22%)						\$237,738.11
Design Contingency (15%)						\$162,094.16
Phase 2 Total					\$	1,480,460.02

PHASE 3: Paseo

6.00 Paseo

6.01 Site Clearing	9,932	SF	2.00	19,864.00		
6.02 Fine Grading	9,932	SF	0.40	3,972.80		
6.03 Trellis structure @ entry	1	LS	18,000.00	18,000.00		
6.04 Decomposed granite surfacing	2,367	SF	5.00	11,835.00		
6.05 6" mow curb	754	LF	14.00	10,556.00		
6.06 Benches	6	EA	2,000.00	12,000.00		
6.07 Lighting	1	LS	20,000.00	20,000.00		
6.08 Shrub Planting	7,565	SF	2.00	15,130.00		
6.09 Mulch	70	SF	30.00	2,100.00		
6.10 Irrigation	7,565	SF	2.50	18,912.50		
					\$	132,370.30

Subtotal					\$	132,370.30
General Conds., Bonds, Insurance, Overhead & Profit (22%)						\$29,121.47
Design Contingency (15%)						\$19,855.55
Phase 3 Total					\$	181,347.31

Complete Park Total					\$	3,748,530.71
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Exclusions: Professional design and consulting fees, general building permit, testing fees, construction project managers fees, plan check fees, building permit fees, construction contingency, move-in costs, hazardous material abatement

This opinion of the probable cost of construction is made on the basis of the experience, qualifications, and best judgement of a professional consultant familiar with the construction industry.

**PLEASANT VALLEY RECREATION AND PARK DISTRICT
STAFF REPORT / AGENDA REPORT**

TO: LONG RANGE PLANNING COMMITTEE

FROM: MARY OTTEN, GENERAL MANAGER
By: Jessica Puckett, Administrative Analyst

DATE: March 4, 2020

**SUBJECT: FREEDOM POOL PROPERTY – POTENTIAL SURPLUS
SALE**

SUMMARY

Pleasant Valley Recreation and Park District has owned the land that Freedom Park Pool occupies since November 17, 1976. The District operated the Freedom Park Pool until its' permanent closure in 2003. The property was included in a proposed land swap agreement with Ventura County Airports in exchange for the empty lot north of the BMX track off Willis Avenue. Airport officials have indicated this proposed swap is not a realistic arrangement as they are embarking on a master plan for the Camarillo Airport Business park area. Due to the lack of interest in the swap agreement, pool regulations and lack of funding for renovating the existing swimming pool and adjoining improvements, the District is exploring options of best use for the property going forward, including placing the property up for surplus sale.

BACKGROUND

A quick claim deed was performed on October 12, 1976 to transition 33.86 acres of property from the United States Interior Department and Bureau of Outdoor Recreation, previously used as the Oxnard Air Force Base, to the Pleasant Valley Recreation and Park District for the benefit of public recreational use. These 33.86 acres later became known as Freedom Park and included an outdoor swimming pool. The pool property is on a portion of parcel APN 230-0-030-145 and located at 535 Houck St. in Camarillo. There is no legal description for the specific pool property as it has not been subdivided yet.

The entire Freedom Park property is zoned by the City of Camarillo as RE (rural exclusive). Rural exclusive zoning is intended to promote and preserve large lot subdivisions which are capable of producing and supporting certain ancillary agricultural uses and the keeping of certain domestic animals for personal purposes. The City of Camarillo General Plan also categorizes the property as C or Community Park which is under the rural exclusive categorization. It also sits within the Camarillo Airport Master Plan.

Despite District efforts to enter into agreement with the County of Ventura to swap the pool property with the lot north of the BMX track/in-line skating rink, airport authorities are clear this is not a viable future option.

ANALYSIS

Considering the swimming pool has sat unused for 17 years, which increases renovation costs exponentially compared to an operating pool, and the County of Ventura/County Airports no longer has interest in entering into a swap agreement, the best use option is to explore placing the property up for surplus property sale.

New State Laws

The California Surplus Land Act (Government Code section 54220, *et. seq.*) (Act) currently requires local agencies, prior to disposing of surplus property, to offer to sell or lease that property to certain entities for specified uses, including affordable housing, parks and recreation, and school uses. After making these preliminary offers, if the disposing agency receives notice of interest from one of the entities under the Act, the disposing agency and the responding entity must enter into negotiations to sell or lease the property for a period of at least 90 days – presumably unless, before that time expires, an agreement is reached or the parties agree to terminate negotiations. If no notice of interest is received or negotiations do not result in a disposition of the property, and the local agency subsequently disposes of the surplus land for development of 10 or more residential units, then not less than 15% of the total number of units developed on the site must be sold or rented as affordable housing.

In the fall of 2019, the State of California made sweeping changes to the California Surplus Land Act (Government Code section 54220, *et. seq.*) through the passage of Assembly Bill (AB) 1486. Through AB 1486, the Legislature intends to promote affordable housing development by tapping into the pully of surplus land held by California local agencies. AB 1486 will give the California Department of Housing and Community Development (HCD) significantly greater involvement in and control over the processes by which local agencies dispose of surplus land, and the Bill's severe penalties will likely give weight to these new changes.

AB 1486 imposes several changes to the Act, including the following:

- Expressly clarifies that the law applies to local agencies of every kind, including cities, counties, districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, or other political subdivisions of the state and any instrumentality thereof authorized to acquire and hold real property.
- Requires all local agencies, at a regular public meeting prior to disposing of surplus land, to declare the land as either “surplus land” or “exempt surplus land.” The local agencies’ declaration must be supported by written findings.
- Significantly expands the definition of “exempt surplus land,” to include land covered by certain provisions of the Education Code, and land that is conveyed to another local, state, or federal agency for that agency’s use.

The Act also requires every local agency, prior to agreeing to terms for the disposition of surplus land, to provide HCD with a description of the process followed to dispose of the land. HCD must then review the description and submit written findings to the local agency. If notified by HCD of a violation of the Act, and if the local agency fails to correct its violation within a certain period of time, then HCD may impose a penalty on the local agency of up to 30% of the final purchase price of surplus property sold, and up to 50% for repeat violations of the Act. Finally, AB 1486 provides that any “beneficially interested person or entity” may bring an action to enforce the Act. These particular provisions of the Act pertaining to enforcement and oversight by HCD and

interested individuals will not be implemented until January 1, 2021. The remainder of the changes appear to apply to any transaction where an exclusive negotiating agreement or legally binding agreement to dispose of property was entered into after September 30, 2019. For agreements entered into prior to that date, the changes apply if the disposition is not completed by December 31, 2022.

FISCAL IMPACT

The property was last appraised in May 2011 when David Kimura, MAI was contracted to appraise a 3.0-acre portion of APN 230-0-030-145 and a 3.6-acre portion of APN 230-0-030-175. The swimming pool site sits within the three-acre portion that was assessed. In his report, Mr. Kimura valued the entire three-acre site at \$1,045,000.00. Not only has the market changed since 2011, which would affect the appraised value, but his assessment included property we are not looking to sell. It also included the presumption that the lot has been cleared of the improved structures (swimming pool, locker rooms, pool equipment house) and the land is vacant. Staff recommends obtaining an updated appraisal costing approximately a maximum of \$1,000, before going out to bid. If an updated appraisal finds it imperative for the existing structures to be removed before selling, then the cost of demolition must be explored and considered.

An additional consideration to the sale of the property is the need for it to be subdivided in order to exclude the portion of the property we are in arrangement with the County Airports where the picnic shelter currently sits as well as the rest of Freedom Park. According to John Novi, AICP, senior planner with the City of Camarillo, the property is not a part of the airport for the city/county agreement and therefore, would be handled through the City. To subdivide, a new parcel map would be required. A parcel map of up to 5 lots costs \$13,815.

RECOMMENDATION

Staff recommends taking the first step in the process by completing an updated, certified property appraisal before declaring the property as surplus and not necessary for the District's use. Upon completion of the appraisal, Staff recommends further discussion and exploration, if necessary, if in fact any demolition of the existing structures with associated costs is recommended for the property to be sold. It is recommended the Committee review and provide staff direction.

ATTACHMENTS

- 1) The California Surplus Land Act (Government Code section 54220, *et. seq.*) (9 pages)



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GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821] (Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 5. Property [54000 - 54256] (Chapter 5 added by Stats. 1949, Ch. 81.)

ARTICLE 8. Surplus Land [54220 - 54234] (Heading of Article 8 amended by Stats. 1982, Ch. 1442, Sec. 1.)

54220. (a) The Legislature reaffirms its declaration that housing is of vital statewide importance to the health, safety, and welfare of the residents of this state and that provision of a decent home and a suitable living environment for every Californian is a priority of the highest order. The Legislature further declares that a shortage of sites available for housing for persons and families of low and moderate income is a barrier to addressing urgent statewide housing needs and that surplus government land, prior to disposition, should be made available for that purpose.

(b) The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of land available for recreational purposes and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes. This article shall not apply to surplus residential property as defined in Section 54236.

(c) The Legislature reaffirms its declaration of the importance of appropriate planning and development near transit stations, to encourage the clustering of housing and commercial development around such stations. Studies of transit ridership in California indicate that a higher percentage of persons who live or work within walking distance of major transit stations utilize the transit system more than those living elsewhere, and that lower income households are more likely to use transit when living near a major transit station than higher income households. The sale or lease of surplus land at less than fair market value to facilitate the creation of affordable housing near transit is consistent with goals and objectives to achieve optimal transportation use. The Legislature also notes that the Federal Transit Administration gives priority for funding of rail transit proposals to areas that are implementing higher density, mixed-use, and affordable development near major transit stations.

(Amended by Stats. 2019, Ch. 664, Sec. 1. (AB 1486) Effective January 1, 2020.)

54221. As used in this article, the following definitions shall apply:

(a) (1) "Local agency" means every city, whether organized under general law or by charter, county, city and county, district, including school, sewer, water, utility, and local and regional park districts of any kind or class, joint powers authority, successor agency to a former redevelopment agency, housing authority, or other political subdivision of this state and any instrumentality thereof that is empowered to acquire and hold real property.

(2) The Legislature finds and declares that the term "district" as used in this article includes all districts within the state, including, but not limited to, all special districts, sewer, water, utility, and local and regional park districts, and any other political subdivision of this state that is a district, and therefore the changes in paragraph (1) made by the act adding this paragraph that specify that the provisions of this article apply to all districts, including school, sewer, water, utility, and local and regional park districts of any kind or class, are declaratory of, and not a change in, existing law.

(b) (1) "Surplus land" means land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use. Land shall be declared either "surplus land" or "exempt surplus land," as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency's policies or

procedures. A local agency, on an annual basis, may declare multiple parcels as "surplus land" or "exempt surplus land."

(2) "Surplus land" includes land held in the Community Redevelopment Property Trust Fund pursuant to Section 34191.4 of the Health and Safety Code and land that has been designated in the long-range property management plan approved by the Department of Finance pursuant to Section 34191.5 of the Health and Safety Code, either for sale or for future development, but does not include any specific disposal of land to an identified entity described in the plan.

(3) Nothing in this article prevents a local agency from obtaining fair market value for the disposition of surplus land consistent with Section 54226.

(c) (1) Except as provided in paragraph (2), "agency's use" shall include, but not be limited to, land that is being used, is planned to be used pursuant to a written plan adopted by the local agency's governing board for, or is disposed to support pursuant to subparagraph (B) of paragraph (2) agency work or operations, including, but not limited to, utility sites, watershed property, land being used for conservation purposes, land for demonstration, exhibition, or educational purposes related to greenhouse gas emissions, and buffer sites near sensitive governmental uses, including, but not limited to, waste water treatment plants.

(2) (A) "Agency's use" shall not include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development. Property disposed of for the sole purpose of investment or generation of revenue shall not be considered necessary for the agency's use.

(B) In the case of a local agency that is a district, excepting those whose primary mission or purpose is to supply the public with a transportation system, "agency's use" may include commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development or be for the sole purpose of investment or generation of revenue if the agency's governing body takes action in a public meeting declaring that the use of the site will do one of the following:

(i) Directly further the express purpose of agency work or operations.

(ii) Be expressly authorized by a statute governing the local agency, provided the district complies with Section 54233.5 where applicable.

(d) "Open-space purposes" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

(e) "Persons and families of low or moderate income" has the same meaning as provided in Section 50093 of the Health and Safety Code.

(f) (1) Except as provided in paragraph (2), "exempt surplus land" means any of the following:

(A) Surplus land that is transferred pursuant to Section 25539.4.

(B) Surplus land that is (i) less than 5,000 square feet in area, (ii) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (iii) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes. If the surplus land is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to this article.

(C) Surplus land that a local agency is exchanging for another property necessary for the agency's use.

(D) Surplus land that a local agency is transferring to another local, state, or federal agency for the agency's use.

(E) Surplus land that is a former street, right of way, or easement, and is conveyed to an owner of an adjacent property.

(F) Surplus land that is put out to open, competitive bid by a local agency, provided all entities identified in subdivision (a) of Section 54222 will be invited to participate in the competitive bid process, for either of the following purposes:

(i) A housing development, which may have ancillary commercial ground floor uses, that restricts 100 percent of the residential units to persons and families of low or moderate income, with at least 75 percent of the residential units restricted to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 or 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing, and in no event shall the maximum affordable sales price or rent level be higher than 20 percent below the median market rents or sales prices for the neighborhood in which the site is located.

(ii) A mixed-use development that is more than one acre in area, that includes not less than 300 housing units, and that restricts at least 25 percent of the residential units to lower income households, as defined in Section 50079.5

of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing.

(G) Surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site. An existing nonresidential land use designation on the surplus land is not a legal restriction that would make housing prohibited for purposes of this subparagraph. Nothing in this article limits a local jurisdiction's authority or discretion to approve land use, zoning, or entitlement decisions in connection with the surplus land.

(H) Surplus land that was granted by the state in trust to a local agency or that was acquired by the local agency for trust purposes by purchase or exchange, and for which disposal of the land is authorized or required subject to conditions established by statute.

(I) Land that is subject to Sections 17388, 17515, 17536, 81192, 81397, 81399, 81420, and 81422 of the Education Code and Part 14 (commencing with Section 53570) of Division 31 of the Health and Safety Code, unless compliance with this article is expressly required.

(J) Real property that is used by a district for agency's use expressly authorized in subdivision (c).

(K) Land that has been transferred before June 30, 2019, by the state to a local agency pursuant to Section 32667 of the Streets and Highways Code and has a minimum planned residential density of at least one hundred dwelling units per acre, and includes 100 or more residential units that are restricted to persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing and 45 years for ownership housing. For purposes of this paragraph, not more than 20 percent of the affordable units may be restricted to persons and families of moderate income and at least 80 percent of the affordable units must be restricted to persons and families of lower income as defined in Section 50079.5 of the Health and Safety Code.

(2) Notwithstanding paragraph (1), a written notice of the availability of surplus land for open-space purposes shall be sent to the entities described in subdivision (b) of Section 54222 prior to disposing of the surplus land, provided the land does not meet the criteria in subparagraph (H) of paragraph (1), if the land is any of the following:

(A) Within a coastal zone.

(B) Adjacent to a historical unit of the State Parks System.

(C) Listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places.

(D) Within the Lake Tahoe region as defined in Section 66905.5.

(Amended by Stats. 2019, Ch. 664, Sec. 2. (AB 1486) Effective January 1, 2020.)

54222. Except as provided in Division 23 (commencing with Section 33000) of the Public Resources Code, any local agency disposing of surplus land shall send, prior to disposing of that property or participating in negotiations to dispose of that property with a prospective transferee, a written notice of availability of the property to all of the following:

(a) (1) A written notice of availability for the purpose of developing low- and moderate-income housing shall be sent to any local public entity, as defined in Section 50079 of the Health and Safety Code, within whose jurisdiction the surplus land is located. Housing sponsors, as defined by Section 50074 of the Health and Safety Code, that have notified the Department of Housing and Community Development of their interest in surplus land shall be sent a notice of availability of surplus land for the purpose of developing low- and moderate-income housing. All notices shall be sent by electronic mail, or by certified mail, and shall include the location and a description of the property.

(2) The Department of Housing and Community Development shall maintain on its internet website an up-to-date listing of all notices of availability throughout the state.

(b) A written notice of availability for open-space purposes shall be sent:

(1) To any park or recreation department of any city within which the land may be situated.

(2) To any park or recreation department of the county within which the land is situated.

(3) To any regional park authority having jurisdiction within the area in which the land is situated.

(4) To the State Resources Agency or any agency that may succeed to its powers.

(c) A written notice of availability of land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

(d) A written notice of availability for the purpose of developing property located within an infill opportunity zone designated pursuant to Section 65088.4 or within an area covered by a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994 (Article 8.5 (commencing with Section 65460) of Chapter 3 of Division 1 of Title 7) shall be sent to any county, city, city and county, successor agency to a former redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

(e) The entity or association desiring to purchase or lease the surplus land for any of the purposes authorized by this section shall notify in writing the disposing agency of its interest in purchasing or leasing the land within 60 days after the agency's notice of availability of the land is sent via certified mail or provided via electronic mail.

(f) For the purposes of this section, "participating in negotiations" does not include the commissioning of appraisals, due diligence prior to disposition, discussions with brokers or real estate agents not representing a potential buyer, or other studies to determine value or best use of land, issuance of a request for qualifications, development of marketing materials, or discussions conducted exclusively among local agency employees and elected officials.

(Amended by Stats. 2019, Ch. 664, Sec. 3. (AB 1486) Effective January 1, 2020.)

54222.3. This article shall not apply to the disposal of exempt surplus land as defined in Section 54221 by an agency of the state or any local agency.

(Amended by Stats. 2019, Ch. 664, Sec. 4. (AB 1486) Effective January 1, 2020.)

54222.5. An entity proposing to use the surplus land for developing low- and moderate-income housing shall agree to make available not less than 25 percent of the total number of units developed on the parcels at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years. The initial occupants of all ownership units shall be lower income households, and the units shall be subject to an equity sharing agreement consistent with paragraph (2) of subdivision (c) of Section 65915. These requirements shall be contained in a covenant or restriction recorded against the surplus land at the time of sale, which shall run with the land and shall be enforceable, against any owner who violates a covenant or restriction and each successor in interest who continues the violation, by any of the following:

(a) The local agency that disposed of the property.

(b) A resident of a unit subject to this section.

(c) A residents association with members who reside in units subject to this section.

(d) A former resident of a unit subject to this section who last resided in that unit.

(e) An applicant seeking to enforce the covenants or restrictions for a particular unit that is subject to this section, if the applicant conforms to all of the following:

(1) Is of low or moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Is able and willing to occupy that particular unit.

(3) Was denied occupancy of that particular unit due to an alleged breach of a covenant or restriction implementing this section.

(f) A person on an affordable housing waiting list who is of low or moderate income, as defined in Section 50093 of the Health and Safety Code, and who is able and willing to occupy a unit subject to this section.

(Added by Stats. 2014, Ch. 677, Sec. 2. (AB 2135) Effective January 1, 2015.)

54223. (a) After the disposing agency has received a notice of interest from the entity desiring to purchase or lease the land on terms that comply with this article, the disposing agency and the entity shall enter into good faith negotiations to determine a mutually satisfactory sales price and terms or lease terms. If the price or terms cannot be agreed upon after a good faith negotiation period of not less than 90 days, the land may be disposed of without further regard to this article, except that Section 54233 shall apply.

(b) Residential use shall be deemed an acceptable use for the surplus land for the purposes of good faith negotiations with a local agency conducted pursuant to this article. Nothing in this subdivision shall restrict a local jurisdiction's authority or discretion to approve land use, zoning, or entitlement decisions in connection with the surplus land. Except as provided in subdivision (c), terms agreed to pursuant to the negotiations shall not do any of the following:

(1) Disallow residential use of the site as a condition of the disposal.

(2) Reduce the allowable number of residential units or the maximum lot coverage below what may be allowed by zoning or general plan requirements.

(3) Require as a condition of disposal, any design standards or architectural requirements that would have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, other than the minimum standards required by general plan, zoning, and subdivision standards and criteria.

(c) Terms agreed to pursuant to the negotiations required by subdivision (a) may include limitations on residential use or density if, without the limitations, the residential use or density would have a specific, adverse impact, supported by written findings, upon the public health or safety or upon the operation or facilities of a local agency, and there is no feasible method to satisfactorily mitigate the impact.

(Amended by Stats. 2019, Ch. 664, Sec. 5. (AB 1486) Effective January 1, 2020.)

54224. Nothing in this article shall preclude a local agency, housing authority, or redevelopment agency which purchases land from a disposing agency pursuant to this article from reconveying the land to a nonprofit or for-profit housing developer for development of low- and moderate-income housing as authorized under other provisions of law.

(Repealed and added by Stats. 1982, Ch. 1442, Sec. 6.)

54225. Any public agency disposing of surplus land to an entity described in Section 54222 that intends to use the land for park or recreation purposes, for open-space purposes, for school purposes, or for low- and moderate-income housing purposes may provide for a payment period of up to 20 years in any contract of sale or sale by trust deed for the land. The payment period for surplus land disposed of for housing for persons and families of low and moderate income may exceed 20 years, but the payment period shall not exceed the term that the land is required to be used for low- or moderate-income housing.

(Amended by Stats. 2019, Ch. 664, Sec. 6. (AB 1486) Effective January 1, 2020.)

54226. This article shall not be interpreted to limit the power of any local agency to sell or lease surplus land at fair market value or at less than fair market value, and any sale or lease at or less than fair market value consistent with this article shall not be construed as inconsistent with an agency's purpose. No provision of this article shall be applied when it conflicts with any other provision of statutory law.

(Amended by Stats. 2019, Ch. 664, Sec. 7. (AB 1486) Effective January 1, 2020.)

54227. (a) In the event that any local agency disposing of surplus land receives a notice of interest to purchase or lease that land from more than one of the entities to which notice of available surplus land was given pursuant to this article, the local agency shall give first priority to the entity or entities that agree to use the site for housing that meets the requirements of Section 54222.5. If the local agency receives offers from more than one entity that agrees to meet the requirements of Section 54222.5, then the local agency shall give priority to the entity that proposes to provide the greatest number of units that meet the requirements of Section 54222.5. In the event that more than one entity proposes the same number of units that meet the requirements of Section 54222.5, priority shall be given to the entity that proposes the deepest average level of affordability for the affordable units. A local agency may negotiate concurrently with all entities that provide notice of interest for the purpose of developing affordable housing that meets the requirements of Section 54222.5.

(b) Notwithstanding subdivision (a), first priority shall be given to an entity that agrees to use the site for park or recreational purposes if the land being offered is already being used and will continue to be used for park or recreational purposes, or if the land is designated for park and recreational use in the local general plan and will be developed for that purpose.

(Amended by Stats. 2019, Ch. 664, Sec. 8. (AB 1486) Effective January 1, 2020.)

54230. (a) (1) On or before December 31 of each year, each county and each city shall make a central inventory of all surplus land, as defined in subdivision (b) of Section 54221, and all lands in excess of its foreseeable needs, if any, identified pursuant to Section 50569, located in all urbanized areas and urban clusters, as designated by the United States Census Bureau, within the jurisdiction of the county or city that the county or city or any of its departments, agencies, or authorities owns or controls.

(2) (A) Subject to subparagraph (C), each county and each city shall make a description of each parcel described in paragraph (1) and the present use of the parcel a matter of public record and shall report this information to the Department of Housing and Community Development no later than April 1 of each year, beginning April 1, 2021, in

a form prescribed by the department, as part of its annual progress report submitted pursuant to paragraph (2) of subdivision (a) of Section 65400.

(B) The information reported pursuant to this paragraph shall include, but not be limited to, the following information with respect to each site:

- (i) Street address, or similar location information.
- (ii) Assessor's parcel number.
- (iii) Existing use.
- (iv) Whether the site is surplus land or exempt surplus land.
- (v) Size in acres.

(C) The Department of Housing and Community Development may, in its discretion, delay implementation of this paragraph until April 1, 2022.

(3) Each county and each city, upon request, shall provide a list of its surplus land and excess land to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

(b) The Department of Housing and Community Development shall provide the information reported to it by a city or county pursuant to paragraph (2) of subdivision (a) to the Department of General Services for inclusion in a digitized inventory of all state-owned parcels that are in excess of state needs.

(c) The Department of Housing and Community Development may review, adopt, amend, and repeal standards, forms, and definitions in order to implement this section. Any standards, forms, or definitions adopted, amended, or repealed pursuant to this subdivision are hereby exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

(Amended by Stats. 2019, Ch. 661, Sec. 2. (AB 1255) Effective January 1, 2020.)

54230.5. (a) (1) A local agency that disposes of land in violation of this article after receiving a notification from the Department of Housing and Community Development pursuant to subdivision (b) that the local agency is in violation of this article shall be liable for a penalty of 30 percent of the final sale price of the land sold in violation of this article for a first violation and 50 percent for any subsequent violation. An entity identified in Section 54222 or a person who would have been eligible to apply for residency in any affordable housing developed or a housing organization as defined in Section 65589.5, or any beneficially interested person or entity may bring an action to enforce this section. A local agency shall have 60 days to cure or correct an alleged violation before an action may be brought to enforce this section, unless the local agency disposes of the land before curing or correcting the alleged violation, or the department deems the alleged violation not to be a violation in less than 60 days.

(2) A penalty assessed pursuant to this subdivision shall, except as otherwise provided, be deposited into a local housing trust fund. The local agency may elect to instead deposit the penalty moneys into the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund. Penalties shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the penalty moneys deposited into the local housing trust fund within five years of deposit for the sole purpose of financing newly constructed housing units that are affordable to extremely low, very low, or low-income households.

(3) Five years after deposit of the penalty moneys into the local housing trust fund, if the funds have not been expended, the funds shall revert to the state and be deposited in the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund for the sole purpose of financing newly constructed housing units located in the same jurisdiction as the surplus land and that are affordable to extremely low, very low, or low-income households. Expenditure of any penalty moneys deposited into the Building Homes and Jobs Trust Fund or the Housing Rehabilitation Loan Fund pursuant to this subdivision shall be subject to appropriation by the Legislature.

(b) (1) Prior to agreeing to terms for the disposition of surplus land, a local agency shall provide to the Department of Housing and Community Development a description of the notices of availability sent, and negotiations conducted with any responding entities, in regard to the disposal of the parcel of surplus land and a copy of any restrictions to be recorded against the property pursuant to Section 54233 or 54233.5, whichever is applicable, in a form prescribed by the Department of Housing and Community Development. A local agency may submit this information after it has sent notices of availability required by Section 54222 and concluded negotiations with any responding agencies. A local agency shall not be liable for the penalty imposed by subdivision (a) if the Department of Housing and Community Development does not notify the agency that the agency is in violation of this article within 30 days of receiving the description.

(2) The Department of Housing and Community Development shall do all of the following:

(A) Make available educational resources and materials that informs each agency of its obligations under this article and that provides guidance on how to comply with its provisions.

(B) Review information submitted pursuant to paragraph (1).

(C) Submit written findings to the local agency within 30 days of receipt of the description required by paragraph (1) from the local agency if the proposed disposal of the land will violate this article.

(D) Review, adopt, amend, or repeal guidelines to establish uniform standards to implement this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(E) Provide the local agency reasonable time, but not less than 60 days, to respond to the findings before taking any other action authorized by this section.

(3) (A) The local agency shall consider findings made by the Department of Housing and Community Development pursuant to subparagraph (B) of paragraph (2) and shall do one of the following:

(i) Correct any issues identified by the Department of Housing and Community Development.

(ii) Provide written findings explaining the reason its process for disposing of surplus land complies with this article and addressing the Department of Housing and Community Development's findings.

(B) If the local agency does not correct issues identified by the Department of Housing and Community Development, does not provide findings explaining the reason its process for disposing of surplus land complies with this article and addressing the Department of Housing and Community Development's findings, or if the Department of Housing and Community Development finds that the local agency's findings are deficient in addressing the issues identified by the Department of Housing and Community Development, the Department of Housing and Community Development shall notify the local agency, and may notify the Attorney General, that the local agency is in violation of this article.

(c) The Department of Housing and Community Development shall implement the changes in this section made by the act adding this subdivision commencing on January 1, 2021.

(d) Notwithstanding subdivision (c), this section shall not be construed to limit any other remedies authorized under law to enforce this article including public records act requests pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1.

(Amended by Stats. 2019, Ch. 664, Sec. 9. (AB 1486) Effective January 1, 2020.)

54230.6. The failure by a local agency to comply with this article shall not invalidate the transfer or conveyance of real property to a purchaser or encumbrancer for value.

(Added by Stats. 2019, Ch. 664, Sec. 10. (AB 1486) Effective January 1, 2020.)

54231. Land acquired by a local agency for highway purposes through the expenditure of funds allocated pursuant to Chapter 3 (commencing with Section 2100) of Division 3 of the Streets and Highways Code may be retained by the local agency, or transferred to another local agency, for public park and recreational purposes if the land is no longer necessary for highway purposes, and if the local agency having jurisdiction over such land determines that the use of such land for public park and recreational purposes is the highest and best use of the land.

(Added by Stats. 1975, Ch. 852.)

54232. Land retained or transferred for public park and recreational purposes pursuant to Section 54231 shall be developed within 10 years, and shall be used for at least 25 years, following such retention or transfer for such purposes in accordance with the general plan for the city or county in which the land is located. Otherwise, the land shall be sold by the local agency, and the funds received from the sale shall be used for highway purposes. If the land originally had been transferred for such purposes, it shall revert to the original acquiring local agency for such sale.

(Added by Stats. 1975, Ch. 852.)

54233. If the local agency does not agree to price and terms with an entity to which notice of availability of land was given pursuant to this article, or if no entity to which a notice of availability was given pursuant to this article responds to that notice, and 10 or more residential units are developed on the property, not less than 15 percent of the total number of residential units developed on the parcels shall be sold or rented at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the

Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years for rental housing and 45 years for ownership housing. The initial occupants of all ownership units shall be lower income households, and the units shall be subject to an equity sharing agreement consistent with the provisions of paragraph (2) of subdivision (c) of Section 65915. These requirements shall be contained in a covenant or restriction recorded against the surplus land prior to land use entitlement of the project, and the covenant or restriction shall run with the land and shall be enforceable, against any owner who violates a covenant or restriction and each successor in interest who continues the violation, by any of the entities described in subdivisions (a) to (f), inclusive, of Section 54222.5. A local agency shall provide a copy of any restrictions recorded against the property to the Department of Housing and Community Development on a form prescribed by the department.

(Amended by Stats. 2019, Ch. 664, Sec. 11. (AB 1486) Effective January 1, 2020.)

54233.5. If a local agency that is a district, excepting those whose primary mission or purpose is to supply the public with a transportation system, disposes of surplus land where local zoning permits development of 10 or more residential units or is rezoned within five years of the disposal to permit the development of 10 or more residential units, and 10 or more residential units are developed on the property, not less than 15 percent of the total number of residential units developed on the parcel shall be sold or rented at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households as defined in Section 50079.5 of the Health and Safety Code. Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years for rental housing and 45 years for ownership housing. The initial occupants of all ownership units shall be lower income households, and the units shall be subject to an equity sharing agreement consistent with the provisions of paragraph (2) of subdivision (c) of Section 65915. These requirements shall be contained in a covenant or restriction recorded against the restriction and each successor in interest who continues the violation, by any of the entities described in subdivisions (a) to (f), inclusive, of Section 54222.5. This section shall not apply to projects as defined in subdivision (j) of Section 32121 of the Health and Safety Code. A local agency shall provide a copy of any restrictions recorded against the property to the Department of Housing and Community Development in a form prescribed by the department.

(Added by Stats. 2019, Ch. 664, Sec. 12. (AB 1486) Effective January 1, 2020.)

54234. (a) (1) If a local agency, as of September 30, 2019, has entered into an exclusive negotiating agreement or legally binding agreement to dispose of property, the provisions of this article as it existed on December 31, 2019, shall apply, without regard to the changes made to this article by the act adding this section, to the disposition of the property to the party that had entered into such agreement or its successors or assigns, provided the disposition is completed not later than December 31, 2022.

(2) The dates specified in paragraph (1) by which the disposition of property must be completed shall be extended if the disposition of property, the local agency's right or ability to dispose of the property, or a development project for which such property is proposed to be transferred, is the subject of judicial challenge, by petition for writ of mandate, complaint for declaratory relief or otherwise, to the date that is six months following the final conclusion of such litigation.

(b) (1) 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 a long-range property management plan pursuant to Section 34191.5 of the Health and Safety Code, either for sale or retained for future development, this article as it existed on December 31, 2019, without regard to the changes made to this article by the act adding this section which take effect on January 1, 2020, shall apply to the disposition of such property if both of the following apply:

(A) An exclusive negotiating agreement or legally binding agreement for disposition is entered into not later than December 31, 2020.

(B) The disposition is completed not later than December 31, 2022.

(2) If land described in paragraph (1) is the subject of litigation, including, but not limited to, litigation challenging the disposition of such property, the right or ability to dispose of the property, or a development project for which such property is proposed to be transferred, the dates specified in paragraph (1) shall be extended to the date that is six months following the final conclusion of such litigation.

(c) Nothing in this section shall authorize or excuse any violation of the provisions of this article as it existed on December 31, 2019, in the disposition of any property to which such provisions apply pursuant to subdivision (a) or (b).

(Added by Stats. 2019, Ch. 664, Sec. 13. (AB 1486) Effective January 1, 2020.)