

RESOLUTION NO. RES-2022-234

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE CITY LOCATED AT 625 AND 637 THIRD STREET (PARKING GARAGE 5) IS NON-EXEMPT SURPLUS LAND, DIRECTING STAFF TO PREPARE AND SUBMIT A NOTICE OF AVAILABILITY THEREFOR, AND AUTHORIZING THE CITY MANAGER TO COMPLY WITH THE SURPLUS LAND ACT, SUBJECT TO THE CONDITION THAT NOT LESS THAN 75 PUBLIC PARKING STALLS WILL BE RETAINED ON THE SURPLUS LAND

WHEREAS, the City of Santa Rosa (the “City”) is the owner in fee simple of that certain real property known as Assessor Parcel Numbers 009-013-011 and 009-013-012, and located at 625 and 637 Third Street (“Property”); and

WHEREAS, the Property is improved with a 3-level parking garage containing 199 public parking stalls commonly known as Parking Garage 5 or 3<sup>rd</sup> Street Garage; and

WHEREAS, the City has determined that it does not have a public use for the Property, and the City could maximize the beneficial use of the Property to help meet housing goals, if the City were to dispose of the Property, so long as any such disposition or long term lease of the Property is conditioned upon retaining some of the public parking stalls as part of any future development; and

WHEREAS, the Surplus Land Act, Government Code sections 54220 *et seq.* (as amended, the “Act”), applies when a local agency disposes of “surplus land,” as that term is defined in Government Code section 54221; and

WHEREAS, the definition of “surplus land” under the Act is extremely broad, and applies to the disposition of land by the City unless the land fits within the definition for “exempt surplus land” as set forth in the Act; and

WHEREAS, because the Property is land owned in fee simple by the City and does not meet the definition for “exempt surplus land,” as set forth in the Act, and the City desires to dispose of the Property in order to better maximize its value in furtherance of the City’s land use and policy goals, including but not limited to encouraging the development of housing and increasing activity in the downtown, the Council will take formal action (in the form of adoption of this resolution) in a regular public meeting declaring that the Property is surplus and is not necessary for the City’s use, provided that any disposition of the Property will provide for the continued provision of at least 75 public parking stalls on the Property; and

WHEREAS, the Act requires that prior to the disposal of any surplus land where an exemption does not apply, the City must issue a Notice of Availability (“NOA”) to, among others, affordable housing developers, and thereafter, if any entity submits a qualified Notice of Interest within sixty (60) days of issuance of the NOA, the local agency must negotiate in good

faith for at least ninety (90) days with any such submitting entities before pursuing any alternative disposition; and

WHEREAS, the City may impose reasonable conditions or restrictions on the disposition of surplus land, which conditions or restrictions must be included in the NOA.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby finds and declares that the Property is “surplus land” as defined by the Act, because the Property is owned in fee simple by the City, does not fit within the definition of “exempt surplus land” as set forth in the Act, and is not necessary for the City’s use, provided that at least 75 of the public parking stalls are retained on the Property as a condition of the sale or lease of the Property.

BE IT FURTHER RESOLVED that the Council directs City staff to prepare a Notice of Availability in accordance with the requirements of the Act, which Notice of Availability shall include the conditions that any disposition or long-term lease of the Property shall be conditioned on the purchaser or lessee maintaining not less than 75 public parking stalls as part of any future development of the Property.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager or her designee to take all necessary actions to fully comply with the Act and carry out the City Council’s direction as set forth herein. Any future disposition or long term lease of the Property following issuance of the Notice of Availability shall be subject to the approval of the City Council and shall be conditioned on the continued provision of not less than 75 public parking stalls on the Property through means as determined by the City Attorney to be appropriate to ensure that public parking will remain available on the Property, including but not limited to, the retention of easements, covenants, and/or CC&Rs to be recorded against the Property.

IN COUNCIL DULY PASSED this 6th day of December, 2022.

AYES: (5) Mayor C. Rogers, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm

NOES: (1) Council Member MacDonald

ABSENT: (1) Vice Mayor Alvarez

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney