



PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 22, 2022
SUBJECT: Determination of General Plan Consistency for sale of City owned property.
APPLICANT: City of Carson
REQUEST: Make findings related to the proposed sale of real property owned by the City of Carson on 223rd Street (APN: 7315-012-900, 7315-012-804) as consistent with the General Plan
PROPERTY INVOLVED: 223rd Street (APN: 7315-012-900, 7315-012-804)

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			Hernandez
		Huff			Alt. Docdocil Alt. Vacant Alt. Wilson

I. Introduction

Applicant / Property Owner

City of Carson
701 E. Carson Street
Carson, CA 90745

II. Project Description

The matter under consideration relates to the City’s potential disposition of 4.16 acres or a net 3.15 acres (137,285 sq. ft. after easements) of City owned undeveloped real property located on E. 223rd Street (APN: 7315-012-900, 7315-012-804) (“Property”) as visually depicted under Vicinity Map (Exhibit No. 1). The Property is located south of Interstate 405 (I-405), west of the Alameda Corridor (rail corridor), and north of East 223rd Street.

The Property is currently leased to two parties: (1) Win Chevrolet, Inc., and (2) the State of California Department of Transportation (“Caltrans”). Win Chevrolet, Inc. is currently using the Property for vehicular storage to support its nearby car dealership site. Caltrans is using the property to store construction equipment in connection to its Dolores Yard Overhead Bridge retrofitting project, which is adjacent to the Property.

III. Analysis

Property Disposition History

Assembly Bill (AB) made changes to the Surplus Land Act (codified in Government Code 54220 et seq.) (“Act”) to promote affordable housing development on unused or underutilized public land throughout the state to respond to the existing affordable housing crisis. The Act outlines required steps for any local agencies including the City to take when disposing the surplus properties.

Accordingly, on February 16, 2021, the City Council adopted Resolution No. 21-010 to declare the Property as “Non-Exempt Surplus Land.” The City subsequently solicited the Property to the priority entities including affordable housing developers as required by the Act. Given that the Property is in a highly industrial area, surrounded by freeways, railroads, and oil refineries, no agreements were reached.

On September 8, 2022, the State of California Department of Housing and Community Development (“HCD”) issued a letter to the City setting forth HCD’s determination that the City has met all the requirements under the Act for the purposes of disposing the Property and that the City is permitted to proceed with the sale of the Property. The City subsequently solicited the Property to private parties.

General Plan Consistency and Government Code Sections 37350

On Tuesday, February 15, 2022, the City Council tentatively selected an offer submitted by to Win Chevrolet, Inc. for a purchase price of \$8,000,000. The next step to dispose the Property is for the Planning Commission to determine the sale of the Property to be consistent with the General Plan. This step is required under the City's Charter Section 319D which states the following:

"No real property of City shall be sold, transferred or conveyed without a finding by the Planning Commission and City Council as to the consistency of the sale with the general plan. Moreover, real property valued at more than two million five hundred thousand dollars (\$2,500,000), may not be sold, transferred or conveyed except when approved by ordinance or resolution passed by a two-thirds affirmative vote of the city council"

In addition to the City's Charter, California Government Code Section 37350 provides that "a city may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit," and Government Code Section 37351 provides that the legislative body of a city may dispose of and convey real property for the benefit of the city.

Provided the requirements of Charter Section 319(D) and Government Code Sections 37350-37351 are met, including that the Planning Commission make findings as to consistency of a proposed sale with the General Plan, the City can dispose of its real property as it deems fit.

General Plan Consistency Analysis

The proposed sale to Win Chevrolet Inc. is consistent with the General Plan of the City of Carson. The subject property has a General Plan Land Use designation of Regional Commercial. The proposed sale is not anticipated to dictate a specific or particular use of the Property by Win Chevrolet Inc. following the sale, although it may provide for Win Chevrolet Inc. to pave, landscape, fence, and light the Property. However, the buyer's ability to make significant improvements to the property will likely be limited for at least for a period of time due primarily to the presence of the CalTrans easement/lease on the property.

Although Win Chevrolet Inc's future use is not known to the City with any certainty, Win Chevrolet Inc. currently licenses use of the Property from the City for the purpose of storing vehicles from its nearby dealership. This use is consistent with the current General Plan land use designation for the Property. Based on the current use and the fact that the proposed buyer is a car dealership business, it is reasonable to expect that the Win Chevrolet Inc. will continue to use the Property for the same or related purposes or activities after the sale.

Any use of the property by the proposed buyer or any other transferee following the sale will be subject to consistency with the General Plan and compliance with the City's Zoning Ordinance and Municipal Code, like all land uses in the City. The proposed sale will not create any conflict or inconsistency with any provision of the General Plan. Instead, the proposed sale will help further the General Plan goals of maintaining and increasing net fiscal gains to the City to strengthen existing City services and support systems. Additionally, the proceeds from the sale would help fund new City services and promote economic development of the Property and the surrounding area.

Government Code Section 37350 Analysis

The proposed sale will serve the common benefit and the benefit of the City. The Property is not necessary for public use, as declared by Resolution No 21-010, and has been approved for disposition by HCD based on the City having met all requirements of the Act. Additionally, the proposed sale of the Property will generate significant revenue to the City's general fund that would be used to fund City services, programs and activities that are provided for the benefit of the City's residents. The sale of the Property may also promote or facilitate greater economic development of the Property and the surrounding area.

The proposed resolution (Exhibit 2) contains affirmative findings as to each of the foregoing criteria.

IV. Environmental

Neither the proposed sale nor the City's consideration of approval thereof, including with respect to making the required findings referenced herein, constitutes a "project" within the meaning of the California Environmental Quality Act (CEQA), and therefore CEQA does not apply to same. Additionally, even if it is a "project," this activity is categorically exempt from CEQA under Class 12 per CEQA Guidelines Section 15312. This categorical exemption applies to sales of surplus government property except for parcels of land located in an area of statewide regional or area-wide concern. The subject property is not located in such an area. Accordingly, the activity is not subject to CEQA.

V. Public Notice

The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting (CMC 9172.11(C)).

VI. Recommendation

ADOPT Planning Commission Resolution No. 22-XXX, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON MAKING FINDINGS RELATED TO THE PROPOSED SALE OF REAL PROPERTY OWNED BY THE CITY OF CARSON LOCATED ON E. 223RD ST. IN THE CITY OF CARSON, IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 7315-012-900 AND 7315-012-804." (Exhibit No. 2).

VII. Exhibits

1. Vicinity Map
2. Draft Resolution

Prepared by: James Nguyen, Project Manager