

**SUBMITTAL TO THE BOARD OF COMMISSIONERS  
HOUSING AUTHORITY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 10.2  
(ID # 18374)

**MEETING DATE:**  
Tuesday, March 22, 2022

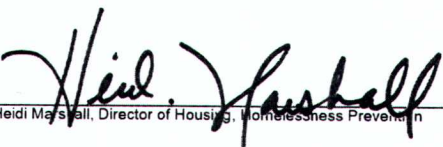
**FROM :** HOUSING AUTHORITY:

**SUBJECT:** HOUSING AUTHORITY: Adoption of (l) Resolution Number 2022-004, A Resolution of the Board of Commissioners of the Housing Authority of the County of Riverside Making Supplemental Findings That Certain Real Property Located in the City of Palm Springs, County of Riverside, State of California, Identified as APN 507-100-044 is "Exempt Surplus Land" Pursuant To Government Code Section 54221(f)(1)(E); District 4. [\$0]

**RECOMMENDED MOTION:** That the Board of Commissioners:

1. Adopt Resolution Number 2022-004, A Resolution of the Board of Commissioners of the Housing Authority of the County of Riverside Making Supplemental Findings That Certain Real Property Located in the City of Palm Springs, County of Riverside, State of California, Identified as APN 507-100-044 is "Exempt Surplus Land" Pursuant To Government Code Section 54221(f)(1)(E).

**ACTION:**Policy


  
Heidi Marshall, Director of Housing, Homelessness Prevention 2/24/2022

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**MINUTES OF THE BOARD OF COMMISSIONERS**

On motion of Commissioner Spiegel, seconded by Commissioner Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: March 22, 2022  
xc: Housing Authority

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	21/22

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The Housing Authority of the County of Riverside (“HACR”) is the legal owner of record of the real property located at the intersection of E. Vista Chino and N. Sunrise Way in the City of Palm Springs, County of Riverside, State of California, identified as Assessor’s Parcel Number 507-100-044 and depicted on the attached Site Map (“HACR Property”). Desert Aids Project (“DAP”) is a California nonprofit public benefit corporation that owns adjacent property and the improvements thereon which include the Desert Aids Project facility and the Palm Springs Family Care Center. The HACR Property is improved as a parking lot that serves the parking needs of the Desert Aids Project facility and the Palm Springs Family Care Center pursuant to a Reciprocal Easement Agreement recorded against the HACR Property as Instrument No. 2005-760268 and as amended by that certain unrecorded Reciprocal Easement Agreement dated May 2, 2007, collectively, the “REA”.

On January 11, 2022 (Minute Order 10.3), the Board of Commissioners adopted Resolution No. 2022-001, finding that the HACR Property is “Exempt Surplus Land” under the California Surplus Land Act and Resolution No. 2022-002, approving a Disposition and Development Agreement between the HACR and DAP for the disposition of a fee simple interest in the HACR Property to DAP in exchange for and in consideration of the recordation of Affordability Covenants on an adjacent parcel to be developed as an affordable housing project known as Vista Sunrise II.

The disposition of the HACR Property to DAP was to occur in two separate conveyances. “**Conveyance No. 1**” related to an approximately 3,267 square foot portion of the HACR Property to be conveyed to DAP and merged via lot line adjustment with adjacent DAP property to create the “Future Housing Parcel” for the development of the proposed Vista Sunrise II affordable housing project. “**Conveyance No. 2**” related to the conveyance of the remainder of the HACR Property to DAP for continued use as parking to serve the adjacent Desert Aids Project and Palm Springs Family Care Center facilities consistent with the REA. In exchange for Conveyance No. 2, DAP agreed to long term affordable housing covenants in favor of HACR to be recorded against the fee and leasehold interests in the Future Housing Parcel.

Pursuant to the Surplus Lands Act, HACR submitted Resolution No. 2022-001 with the findings of “Exempt Surplus Lands” to the California Department of Housing and Community Development (HCD). HCD quickly approved the “Exempt Surplus Lands” finding as to the

**SUBMITTAL TO THE BOARD OF COMMISSIONERS HOUSING AUTHORITY  
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3,267 square foot portion of the HACR Property to be conveyed by Conveyance No. 1. Conveyance No. 1 is complete and the proposed Vista Sunrise II affordable housing project is moving forward.

Following more lengthy and detailed discussions in evaluating the proposed disposition of the balance of the HACR Property to be completed by Conveyance No. 2, HCD has agreed that Conveyance No. 2 qualifies as "Exempt Surplus Lands" pursuant to Government Code Section 54221(f)(1)(E). Because this subdivision was not expressly recited in the original findings included in Resolution No. 2022-001, HCD has requested the Board of Commissions to adopt a supplemental finding of "Exempt Surplus Land" as set forth in the attached Resolution No. 2022-004.

Adoption of the proposed Resolution documents compliance with the Surplus Lands Act and closes out the HCD file on Conveyance No. 2, thereby allowing the transaction to be completed as contemplated in the approved Disposition and Development Agreement.

County Counsel has reviewed and approved as to form the attached Resolution No. 2022-004.

**ATTACHMENT:**

- Resolution No. 2022-004

  
Brianra Lontajo, Principal Management Analyst 3/15/2022

1 **BOARD OF COMMISSIONERS**

**HOUSING AUTHORITY OF THE**  
**COUNTY OF RIVERSIDE**

2  
3 **RESOLUTION NUMBER 2022-004**

4 **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING**  
5 **AUTHORITY OF THE COUNTY OF RIVERSIDE MAKING SUPPLEMENTAL**  
6 **FINDINGS THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF PALM**  
7 **SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, IDENTIFIED AS A**  
8 **PORTION OF APN 507-100-044 IS "EXEMPT SURPLUS" LAND PURSUANT TO**  
9 **GOVERNMENT CODE SECTION 54221(f)(1)(E)**

10 **WHEREAS**, prior to taking any action to sell or lease surplus real property, the  
11 California Surplus Lands Act (Assembly Bill (AB) 1486 (Statutes of 2019, Chapter 664)  
12 and AB 1255 (Statutes of 2019, Chapter 661) ("SLA") requires local agencies, including  
13 housing authorities, to declare surplus real property to be "surplus land" or "exempt  
14 surplus land";

15 **WHEREAS**, "surplus land" means land owned in fee simple by any local agency  
16 for which the local agency's governing body takes formal action in a regular meeting  
17 declaring that such land is surplus and is not necessary for the agency's use;

18 **WHEREAS**, "exempt surplus lands" as defined by the SLA are exempt from  
19 certain mandatory notification and negotiation procedures imposed by the SLA;

20 **WHEREAS**, the Housing Authority of the County of Riverside, a public body  
21 corporate and politic ("HACR" or "Housing Authority"), is a housing authority duly  
22 created, established and authorized to transact business and exercise its power, under  
23 and pursuant to the provisions of the Housing Authorities Law which is Part 2 of Division  
24 24 of the California Health and Safety Code (commencing with Section 34200 et seq,  
25 the "Housing Authorities Law");

26 **WHEREAS**, pursuant to Health & Safety Code section 34312.3(b) of the Housing  
27 Authorities Law, whenever the Board of Commissioners determines that any real  
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FORM APPROVED COUNTY COUNSEL  
BY: AMRIT P. DHILLON DATE: 3/15/2022

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1 property owned by the HACR can be used to provide housing affordable to low income  
2 families or the proceeds of a disposition of real property are used directly to assist  
3 housing for very low income families, the HACR may, after a public hearing, sell, lease  
4 or otherwise dispose of the real property without complying with other any provision of  
5 law concerning disposition of surplus property;

6 **WHEREAS**, HACR is the legal owner of record of approximately 2.87 gross acres  
7 of real property located at 1695 N. Sunrise Way, City of Palm Springs, County of  
8 Riverside, State of California, identified with Assessor's Parcel Number 507-100-044,  
9 described in the Legal Description (Exhibit A) attached hereto and depicted on the Site  
10 Map (Exhibit B) attached hereto ("Property");

11 **WHEREAS**, consistent with and in furtherance of the Housing Authorities Law  
12 and the Surplus Lands Act, HACR desires to convey the Property to the adjacent  
13 property owner, Dessert Aids Project (DAP), in exchange for and inconsideration of the  
14 recordation of affordability covenants on an adjacent parcel to be developed as a  
15 residential project known as Vista Sunrise II;

16 **WHEREAS**, on January 11, 2022, the HACR approved Resolution No. 2022-001  
17 finding the Property was exempt surplus land under the SLA and Resolution No. 2022-  
18 002 approving a Disposition and Development Agreement (DDA) between HACR and  
19 DAP for the disposition of the Property and development of Vista Sunrise II;

20 **WHEREAS**, a portion of the Property consisting of approximately 3,267 square  
21 feet (the "Housing Portion") was found by HACR and the California Department of  
22 Housing and Community Development to be "exempt surplus land" under the SLA and,  
23 pursuant to the DDA, was conveyed to DAP and combined with the contiguous property  
24 pursuant to a lot line adjustment ("Conveyance No. 1") to be integrated as part of the  
25 Vista Sunrise II project;

26 **WHEREAS**, pursuant to the DDA, the remainder of the Property (the "Parking  
27 Lot Portion") will be conveyed to DAP in exchange for and in consideration of the long  
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1 term affordable housing covenants on the Vista Sunrise II Project (“Conveyance No.  
2 2”);

3 **WHEREAS**, the Parking Lot Portion is subject to a Reciprocal Easement  
4 Agreement dated September 8, 2005, between HACR, Vista Sunrise Apartments L.P.,  
5 and DAP recorded on September 14, 2005 as Instrument No. 2005-760268 and as  
6 amended by that certain unrecorded Reciprocal Easement Agreement dated May 2,  
7 2007 (collectively, the “Easement”) restricting its use to ingress, egress and parking to  
8 serve the Desert Aids Project and Palm Springs Family Care Center facilities located  
9 on adjacent property;

10 **WHEREAS**, the Board of Commissioners has considered the provisions of the  
11 SLA, including Section 54221(f)(1) defining “exempt surplus land,” the Easement, the  
12 terms and conditions of Conveyance No. 2 as set forth in the DDA and, in addition to  
13 the findings set forth in Resolution No. 2022-00, finds that the Parking Lot Portion of  
14 the Property is “exempt surplus land” within the meaning of Section 54221(f)(1)(E) of  
15 the SLA.

16 **NOW THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND**  
17 **ORDERED** by the Board of Commissioners of the County of Riverside, State of  
18 California (“Board”), in regular session assembled on or about March 22, 2022, in the  
19 meeting room of the Board located on the 1<sup>st</sup> floor of the County Administrative Center,  
20 4080 Lemon Street, Riverside, California, and based upon the evidence and testimony  
21 presented on the matter, both written and oral, including the Administrative Record as  
22 it relates to the Property, as follows:

- 23 1. The foregoing recitals are true and correct.
- 24 2. Board of Commissioners finds and determines that the Parking Lot portion  
25 of the Property qualifies as “exempt surplus land” within the meaning of  
26 Section 54221(f)(1)(E) of the SLA based on the terms and conditions of  
27 Conveyance No. 2 to the adjacent property owner in accordance with the  
28 DDA and applicable laws governing the conveyance of real property and

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merger.

3. This Resolution shall become effective in accordance with applicable law.

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

Kecia R. Harper, Clerk of said Board

By   
Deputy

## EXHIBIT "A"

### LEGAL DESCRIPTION OF THE PROPERTY

All that certain real property situated in the County of Riverside, State of California, described as follows:

#### Parcel A:

That portion of Parcel 2 of Parcel Map, in the City of Palm Springs, County of Riverside, State of California, as shown by map on file in Book 17, Page 7 of Parcel Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Commencing at the Northeast corner of said Parcel 2;  
Thence along the Easterly line of said Parcel 2, South 0°21'09" West, a distance of 335.00 feet to the True Point of Beginning.

Thence continuing along the Easterly line of said Parcel 2, South 0°21'09" West, a distance of 404.09 feet to the Southeast corner of said Parcel 2;

Thence along the Southerly line of said Parcel 2, North 89°44'25" West, a distance of 314.97 feet to the Southwest corner of said Parcel 2;

Thence along the Westerly line of said Parcel 2, North 0°20'42" East, a distance of 404.44 feet; Thence South 89°40'34" East, a distance of 315.02 feet to the True Point of Beginning.

Except therefrom all oil, gas, minerals and other hydrocarbon substances lying below a depth of 500 feet, but with no right of surface entry, as provided in deed recorded April 28, 1964 as Instrument No. 1964-052476 of Official Records and March 6, 1975 as Instrument No. 1975- 026565, of Official Records.

Said legal description is shown as Parcel A on that certain approved Lot Line Adjustment No. 05-13, as evidenced by document recorded September 13, 2005 as Instrument No. 2005-756184 records of said County.

Assessor's Parcel No: 507-100-044

#### Parcel B:

An easement for ingress, egress and parking purposes as set forth as Easement "A" in that certain "Reciprocal Easement Agreement" dated September 8, 2005, executed by the Housing Authority of the County of Riverside, Vista Sunrise Apartments, L.P., a California Limited Partnership and the Desert Aids Project, a California Non-Profit Corporation, recorded September 14, 2005 as Instrument No. 2005-760268, of Official Records.



Parcel C:

An easement for ingress, egress and parking purposes, as set forth as Easement "B " in that certain "Reciprocal Easement Agreement" dated September 8, 2005 executed by the Housing Authority of the County of Riverside, Vista Sunrise Apartments, L.P., a California Limited Partnership, and the Desert Aids Project, a California Non-Profit Corporation, recorded September 14, 2005 as Instrument No. 2005-760268 of Official Records.

Exhibit A

