

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI DECLARING
PROPERTY OWNED BY THE CITY TO BE EXEMPT SURPLUS LAND
IN ACCORDANCE WITH THE SURPLUS LAND ACT
(120 EAST COTATI AVENUE)**

RECITALS

WHEREAS, the City of Cotati (the “City”) is a municipal corporation organized and existing under the provisions of the California Government Code Section 34000 *et seq.*; and

WHEREAS, the City is empowered to manage and dispose of real property owned by the City; and

WHEREAS, pursuant to the California Surplus Land Act, codified at California Government Code Sections 54220-54233 (the “Act”), local agencies such as the City must declare any real property they own as either “Surplus Land” or “Exempt Surplus Land” prior to any disposition, including sales, certain leasing or options to lease transactions, of the property; and

WHEREAS, the City is empowered to sell or engage in certain leasing transactions of property declared as exempt surplus land as explicitly listed in California Government Code Section 54221(f)(1); and

WHEREAS, the prospective sale or lease covered by this Resolution is subject to separate review and consideration by the City and is not considered final or approved unless or until the City Council of the City of Cotati is presented with a separate hearing item for the sale or lease that includes review, evaluation and clearances under all applicable City policies, procedures, and the requirements of all applicable laws including, without limitation, the California Environmental Quality Act; and

WHEREAS, the City is the owner of real property located at 120 East Cotati Avenue, in the City of Cotati, California, which is approximately .85 acres of unimproved real property located at the southwest corner of E. Cotati Avenue and Charles Street, designated as Sonoma County Assessor Parcel Numbers 144-274-002, 144-274-014 and 144-274-015 (the “Site”); and

WHEREAS, none of the characteristics of Government Code Section 54221(f)(2) apply; 120 E. Cotati Avenue is not located within a coastal zone; adjacent to a historical unit of the State Park System; listed on, or determined to be eligible for, the National Register of Historic Places or within the Lake Tahoe region; and

WHEREAS, the City anticipates negotiating the sale or lease of the Site for the use as a housing development that meets the requirements of Government Code Section 37364, in accordance with Government Code Section 54221(f)(1)(A), or for use as a housing development

on land that is put out to open, competitive bid in accordance with the requirements of Government Code Section 54221(f)(1)(F)(i); and

WHEREAS, the City Council of the City of Cotati has reviewed this Resolution and now desires to declare the Site as “Exempt Surplus Land” as that term is defined in California Government Code Section 54221(f)(1)(A) or 54221(f)(1)(F) based on the findings and justifications contained in this Resolution, in particular that the purchaser will be required to develop a project that is consistent with either Government Code Section 54221(f)(1)(A) or 54221(f)(1)(F).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cotati:

Section 1. The above recitals are true, correct and are specifically incorporated in and made a substantive part of this Resolution.

Section 2. The City Council of the City of Cotati hereby declares that the Site is “Exempt Surplus Land” in accordance with the terms, requirements, and provisions of the Act, and based on the findings contained in this Resolution for the Site. If the City elects to dispose of, by sale or lease, additional properties not included in this Resolution, the City will, in advance of any contemplated transactions, consider and vote on a subsequent resolution that includes the requisite property-specific findings in conformance and compliance with the terms, requirements and provisions of the Act.

Section 3. The City Manager or his designee is hereby directed to send a copy of this Resolution to the California Department of Housing and Community Development in accordance with the requirements of Section 400(e) of the Surplus Land Act Guidelines, dated April 2021, and the Guide to Exemptions from the Standard Surplus Land Act Process for Local Agencies issued by the California Department of Housing and Community Development dated July 2022.

Section 4. This Resolution has been reviewed in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.* and Title 14 of the California Code of Regulations Section 15000 *et seq.*) (“CEQA” and the “CEQA Guidelines,” respectively). City staff have determined that the designation of the Site as “Exempt Surplus Land” does not have the potential for causing a significant effect on the environment and is, therefore, exempt from review under CEQA Section 21080 and CEQA Guidelines Section 15060(c)(3) because it is not a project as defined in CEQA Section 21065 and CEQA Guidelines Section 15378. Moreover, adoption of this Resolution does not have the potential to result in either a direct physical change or a reasonably foreseeable indirect physical change to the environment. If and when the Site is sold or leased for use by prospective tenants, and if the prospective purchaser or tenants propose a use for the Site that requires the issuance of a discretionary permit from an agency with land use authority and control over the Site, that future use, and the associated discretionary permit(s) will be reviewed and analyzed in accordance with the requirements of CEQA and the CEQA Guidelines.

Section 5. The City Manager or his designee is hereby authorized to do all things which he may deem necessary and proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED the 13th day of February 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Mayor
City of Cotati

ATTEST:

By _____
Kevin Patterson, Deputy City Clerk
City of Cotati