

**RESOLUTION NO. 22-051**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON  
APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY OF  
CARSON LOCATED ON E. 223<sup>RD</sup> ST. IN THE CITY OF CARSON,  
IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 7315-012-900 AND  
7315-012-804**

**WHEREAS**, the City of Carson owns that certain real property located on E. 223rd St. in the City of Carson identified as Los Angeles County Assessor's Parcel Numbers 7315-012-900 and 7315-012-804 (collectively, the "Property"). The Property is composed of two vacant parcels totaling 4.16 acres, or a net 3.15 acres (137,285 sq. ft.) but subject to various rail, slope, and billboard easements including (i) a temporary easement to CalTrans which covers a significant portion of the Property; and (ii) a License Agreement with WIN Chevrolet, Inc. ("WIN") for a significant portion of the Property on which it parks vehicles from its car dealership located in the City. The Property is located south of Interstate 405 (I-405), west of the Alameda Corridor (rail corridor), and north of East 223rd Street; and

**WHEREAS**, the City desires to sell the Property and accordingly declared the Property to be non-exempt surplus land and not necessary for the City's use pursuant to Resolution No 21-010 adopted on February 16, 2021 and the City thereafter complied with the Surplus Land Act ("SLA") by distributing a Notice of Availability to the recipients specified in the SLA. After written findings were submitted to the State of California Housing Community Development Department ("HCD") pursuant to the SLA, on September 8, 2021, HCD issued the City a letter setting forth HCD's determination that the City has met all the requirements under the SLA for the purposes of disposing of the Property, and that the City is permitted to proceed with the sale of the Property; and

**WHEREAS**, the City subsequently solicited offers from private parties to purchase the Property; and

**WHEREAS**, Section 319(D) of the City's Charter provides that "[n]o 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;..."; and

**WHEREAS**, California Government Code Section 37350 provides that a city may dispose of real property for the common benefit and California Government Code Section 37351 provides that the legislative body of a city may purchase, lease, exchange, or receive such real estate situated inside or outside the city limits as is necessary or proper for municipal purposes, and that it may control, dispose of, and convey such property for the benefit of the city; and

**WHEREAS**, pursuant to Planning Commission Resolution 22-2824, the Planning Commission made the required findings as required by Charter Section 319(D); and also made the findings pertaining to CEQA and to the common benefit and the benefit of the City to be served by the proposed sale in order to aid the City Council in its decision-making process and ensure compliance with Gov't Code Sections 37350-37351 in connection with the proposed sale; and

**WHEREAS**, the City has selected the offer submitted by WIN for purposes of proceeding to approve a sale of the Property to WIN (which is an existing business owner in the City) for the sale price of \$8,000,000 pursuant to the terms of the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions as attached hereto as Exhibit A ("**PSA**"); and

**WHEREAS**, California Government Code Section 37350 provides that a city may dispose of real property for the common benefit, and California Government Code Section 37351 provides that the legislative body of a city may purchase, lease, exchange, or receive such real estate situated inside or outside the city limits as is necessary or proper for municipal purposes, and that it may control, dispose of, and convey such property for the benefit of the city; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct, and are incorporated herein by reference as though set forth in full.

**SECTION 2.** The City Council finds as follows:

- a) The proposed sale is consistent with the General Plan of the City of Carson. The Property has a General Plan Land Use designation of "regional commercial." The PSA for the proposed sale to WIN does not dictate a specific or particular use of the Property by WIN following the sale; the PSA provides for WIN to (without limitation) pave, landscape, fence, and light the Property, but WIN'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. Although WIN's contemplated future use is not known to the City with any certainty, WIN currently licenses use of a portion of the Property from the City for the purpose of storing vehicles from its nearby dealership, a use which is consistent with the current General Plan land use designation for the Property. Based on the current use and the fact that WIN is a car dealership business, it is reasonable to expect that WIN will continue to use the Property for the same or related purposes or activities after the sale. Any use of the Property by WIN 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 to WIN will not create any conflict or inconsistency with any provision of the General Plan, and instead will help further the General Plan goals of (without limitation) maintaining and increasing net fiscal gains to the City and (as a result) strengthening existing City services and support systems, in addition to potentially

helping fund new City services and promoting or facilitating future economic development of the Property and the area in which it is located.

- b) The proposed sale to WIN will serve the common benefit and the benefit of the City. The Property is not necessary for the City's use, as declared by Resolution No. 21-010, is not being used by the City or for a public use and has been approved for disposition by HCD based on the City having met all requirements of the Surplus Land Act ("SLA") with respect to same. The proposed sale of the Property will benefit the City and the public in that it will generate significant and much needed revenue to the City's general fund that can in turn be used to fund City services, programs and activities that are provided for the benefit of the City's residents, and the proposed sale may also potentially have the effect of promoting or helping facilitate greater economic development of the Property and the surrounding area in the future.

**SECTION 3.** The City Council further finds that neither the proposed sale to WIN 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. 14 CCR §§15060(c), 15378. 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 Property is not located in such an area. Accordingly, the activity is not subject to CEQA.

**SECTION 4.** The Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions between City and WIN Chevrolet, Inc., a copy of which is attached hereto as Exhibit A, is hereby approved.

**SECTION 5.** The City Manager or his designee is hereby authorized to execute such additional documents as may be necessary to consummate the transaction including any extensions, minor waivers or modifications.

**SECTION 6.** This Resolution shall take effect from and after the date of its passage and adoption.

**SECTION 7.** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Carson at a regular meeting held on the 5th day of April, 2022

CITY OF CARSON:

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LULA DAVIS-HOLMES, MAYOR

ATTEST:

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DR. KHALEAH K. BRADSHAW, CITY CLERK

APPROVED AS TO FORM:

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SUNNY K. SOLTANI, CITY ATTORNEY

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF CARSON                )

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 22-051 was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 5<sup>th</sup> day of April 2022, and that the same was passed and adopted by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

By: \_\_\_\_\_  
Dr. Khaleah K. Bradshaw, City Clerk

# EXHIBIT “A”