

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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April 06, 2023

Miranda Cole-Corona, Manager
Economic Development and Housing
City of La Habra
110 East La Habra Boulevard
La Habra, CA 90631

Dear Miranda Cole-Corona:

RE: HCD's Review of the Grant Deed From La Habra Associates to the Redevelopment Agency of the City of La Habra for the Property owned by the City of La Habra's Successor Agency (Assessor Parcel Number 018-381-64)

Thank you for contacting the California Department of Housing and Community Development (HCD) regarding the property owned by the City of La Habra's Successor Agency (Successor Agency) (Assessor Parcel Number 018-381-64) (Property). You requested that HCD provide guidance as to whether the Property, which is subject to restrictions in the Grant Deed, qualifies as "exempt surplus land" under Government Code section 54221, subdivision (f)(1)(G).

HCD reviewed the Grant Deed from La Habra Associates to the Redevelopment Agency of the City of La Habra (Grantee) and other documentation you provided. As explained below, HCD finds that the Property qualifies as "exempt surplus land" under Government Code section 54221, subdivision (f)(1)(G).

Analysis

Valid Legal Restrictions Exemption

According to Government Code section 54221, subdivision (f)(1)(G), "exempt surplus land" means:

"Surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site. An existing nonresidential land use designation on the surplus land is not a legal restriction that would make housing prohibited..."

(Emphasis added; also see Surplus Land Act Guidelines section 103(b)(3)(G).)

Grant Deed

According to the Grant Deed, recorded on June 27, 1990, the Grantee agreed for itself and its successors and assigns to “use, improve and operate the Property solely for a surface level public parking lot and no other use shall be allowed thereon.” (Emphasis added.)

HCD was also informed that efforts were made to request that the restrictions in the grant deed be lifted by the other party to the agreement and that the request was denied.

Conclusion

After a thorough review of the documentation provided, HCD finds that, because the restrictions require that the Property be used for surface level parking and no other use is allowed, housing is prohibited on the Property and there isn't a feasible method to mitigate the restriction on the Property. Therefore, the Property qualifies as “exempt surplus land” under Government Code section 54221, subdivision (f)(1)(G).

If you have any questions or need additional technical assistance, please contact Public Lands at Publiclands@hcd.ca.gov.

Sincerely,



Laura Nunn
Senior Manager, Housing Accountability Unit
Housing Policy Development