



MARY AVENUE PROJECT DEVELOPMENT: FREQUENTLY ASKED QUESTIONS

1. Has the public right-of-way been vacated?

The proposed Project will likely require a vacation of a portion of the public right-of-way. The Streets and Highways Code (§8300 et seq.) does not establish any specific timing requirements regarding when a non-summary vacation must occur within the broader project or transactional timeline. Accordingly, the City remains within the permissible timeframe to undertake the vacation process and will do so at the appropriate stage.

2. Is the parcel map recorded on May 2, 2023 (P.M. 953-M-53) valid?

The parcel map was reviewed and approved through the City's standard subdivision procedures and was recorded on May 2, 2023. A copy of the recorded map has been provided as part of the materials for the City Council study session scheduled for December 2, 2025.

3. Will the council review this matter or will remaining matters be brought on the consent calendar?

Actions that are purely procedural and do not require substantive policy discussion may be placed on the consent calendar. This is typically determined on a case-by-case basis. If staff or the Council believes that an item warrants additional discussion or has policy implications, it will be scheduled as a regular agenda item rather than on consent.

4. Has the City complied with the Surplus Land Act ("SLA") Gov. Code §§54220–54234?

The SLA does not impose a specific deadline for a local agency to designate property as surplus land or exempt surplus land as long as it is completed prior to disposition of the property. The property at issue qualifies for an exemption under Government Code § 54221(f)(1); therefore, the Notice of Action and related procedures do not apply. Accordingly, the City remains within the permissible timeframe to make the required SLA declaration. The City is proceeding within the framework established by prior City Attorney guidance, which did not include a formal Council resolution declaring the property exempt surplus land at an earlier stage. This is in line with common municipal practice to make the exempt surplus land determination concurrently with approval of the Disposition and Development Agreement.

5. Has the City complied with the Brown Act as it relates to a decision to sell or lease the property to the developer?

The City Council will make its determination as to the appropriate mechanism for property transfer when it votes to approve such mechanism, which will likely be via either a sale in the form of a Disposition and Development Agreement (“DDA”) or a long-term Ground Lease. The City has not made the final determination at this time, although the City Attorney recommends that the Council approve the transfer of the property via sale pursuant to a negotiated DDA that includes an option to repurchase in certain circumstances under a pre-negotiated formula for determining the repurchase price, as opposed to a long-term ground lease.