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# CITY OF POMONA COUNCIL REPORT

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December 17, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Kirk Pelser, Deputy City Manager

Subject: **Discussion Regarding Possible Use of City Owned Property Located on South Buena Vista Avenue (APN 8349-026-902) for Urban Gardening**

## OVERVIEW

**Recommendation** – It is recommended that the City Council provide direction regarding the possible use of City owned property (APN 8349-026-902) for an urban gardening use.

**Previous Related Action** – At the December 3, 2018 City Council Meeting, Mayor Sandoval asked staff to bring a report for discussion at tonight's meeting.

## EXECUTIVE SUMMARY

The City owns a vacant and unused 21,609 square foot parcel of land on South Buena Vista Avenue between 11<sup>th</sup> Street and Grand Avenue (see Attachment No. 1). The City has been approached by United Voices of Pomona for Environmental Justice (United Voices) and their non-profit fiscal partner, Center for Community Action and Environmental Justice (CCA EJ), with a proposal to use the parcel for a Community Oriented Farming and Resource operation. United Voices and CCA EJ have secured a \$50,000 CalEPA grant for programmatic elements to establish their envisioned urban gardening operation.

## BACKGROUND/DISCUSSION/OPTIONS

The subject 21,609 square foot parcel is currently vacant and unused by the City. The parcel faces Buena Vista Avenue, has an R-2 Multi-Family Residential zoning designation, and is surrounded by existing residential uses. Available records are limited, but it appears that the City has owned the parcel since 1962 and that it might have been acquired to create a street that was never constructed. Typically, an unused or excess City parcel like this would be sold for fair market value subject to Government Code Section 54222 (see Attachment No. 2). In summary, 54222 outlines a multi-step process for making excess property available for sale or lease as follows:

- 1- For the purpose of developing low and moderate income housing to any public entity as defined by Health & Safety Code Section 57009 or to Housing sponsors as defined by Health & safety Code Section 50074.
- 2- To any park or recreation department of any City within which the land is situated.
- 3- To any park or recreation department of the County within which the land is situated.
- 4- To any regional park authority having jurisdiction within the area in which the land is situated
- 5- To the State Resources Agency or any agency that may succeed to its powers.
- 6- For school facilities or school related open space.
- 7- Other steps as detailed in Attachment No. 2

Should the City elect to make the parcel available per 54222, staff believes it is unlikely that one of the above listed entities would step forward and ask to lease or sell it. If this were the case, the City would then have the option of selling or leasing the parcel on the open market. The parcel's current fair market value was appraised at \$367,500 (\$17 per square foot) in September 2018. A current fair market lease rate would fall within a \$1,700 - \$2,400 per month range.

United Voices has a desire to use the site for little or no initial cost, with the hope of fund raising and obtaining sufficient funds to acquire the parcel for fair market value in a 3-5 year period. If the City were amenable to this concept, a possible approach might be to license the parcel to United Voices for 3-5 years and grant them a first option to acquire the parcel for fair market value at the end of the period, subject to the City first exercising the Government Code Section 54222 requirements previously noted.

Aside from the real estate aspects associated with this concept, there will likely be a number of land use, and CEQA related issues to consider similar to any other project entitlement. If the Council were amendable to the license approach, the license and option would need to be clearly contingent upon satisfying any existing regulatory use requirements or development of new regulatory land use requirements to address urban community gardening uses. There are a number of concerns to be vetted such as the differences between urban farming and community gardening and potential neighborhood impacts which might require regulation and/or mitigation.

Urban farming is a burgeoning concept. At its core urban farming and community gardening can help build healthy community interaction, and address food scarcity and societal nutritional needs. To ensure that this type of land use is appropriately implemented, there is a need to create codes and policies to help guide this new use with appropriate consideration of neighborhood compatibility and operational details.

Attachments:

- 1) Aerial Map
- 2) Gov't Code Section 54222