Surplus Land Act: Know the Impact Before You Transact
# Session Overview

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Role</th>
<th>Topic/Session</th>
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<tbody>
<tr>
<td>Larry Kosmont</td>
<td>Chairman and CEO, Kosmont Companies</td>
<td><strong>Moderator Introduction</strong>&lt;br&gt;&lt;i&gt;Overview &amp; Trends&lt;/i&gt;</td>
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<tr>
<td>Troy Brown</td>
<td>City Manager, City of Moorpark</td>
<td><strong>Public Agency Perspective</strong></td>
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<tr>
<td>Laura Nunn</td>
<td>Senior Manager, CA Dept. of Housing &amp; Community Development</td>
<td><strong>Implementation of SLA</strong></td>
</tr>
<tr>
<td>Elizabeth Hull</td>
<td>Partner, Best Best &amp; Kreiger</td>
<td><strong>SLA Transactions &amp; Documentation</strong></td>
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</table>
Larry Kosmont - Overview & Trends
Communities at Crossroads:
A Unique Opportunity for a Vital Future

Leverage private sector momentum to improve your community’s services & quality of life

Timely opportunity to access new funding sources and economic development tools that have emerged in a post-COVID digital world:

**New Economic Toolkit** with new / expanded tools such as special districts (EIFDs, CRIAs), zoning strategies, and tax-exempt financing.

**New Funding Sources** from federal and state government

Compliance with onslaught of state policy requirements imposing density, zoning standards, and redirecting the disposition of local public agency owned real estate (Surplus Land Act)
Community Investment: Private Sector’s Opportunities and Challenges
Where is Real Estate, Land Use & Development Heading?

Public Policy Driven by State
California focus is on housing / sustainability / resiliency
Housing Element mandates: Density can create value to entice investment (some HEs give that value away)
Cities struggle to raise the revenues needed to fund community services and improve quality of life
Many cities changing perspective on zoning.
Grant funding from state/federal enables projects

Complex Predevelopment Process
Entitlement process in California is complex:
CEQA environmental review, zoning and land use procedures, public hearings and legal challenges.

Surplus Land Act to contend with: impacts public land sales or leases to private sector

Post-Covid Trends...are here to stay
Telework reshapes the home and workplace
Densification of suburbia – housing needed
Consumers focused on service, essentials and experience;
E-commerce is escalating
Retailers are “resetting and resizing, upgrading workforce / automation, supply chain improvements, omnichannel
Automated showrooms /distribution hubs/ service hubs

Impact on Econ Dev and Land Use
Reconfiguration retail corridors/downtown/centers to include blended uses: residential clusters, outdoor amenities
Residential typically yields highest land values and returns
Industrial uses are booming in SoCal: distribution, entertainment studios, bio science, tech
# Kosmont’s Three Trends for Economic Development

<table>
<thead>
<tr>
<th>1: Housing is Not a Loss Leader, it’s a Growth Driver</th>
<th>2: Retail is Not Just Retail Anymore</th>
<th>3: Industrial / Distribution is Critical for Your Economy</th>
</tr>
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<tbody>
<tr>
<td>Housing Creation as Economic Development</td>
<td>Retail Reimagination as Economic Development</td>
<td>Industrial &amp; Fulfillment as Economic Development</td>
</tr>
<tr>
<td>• New housing generates significant new tax revenues and supports local jobs</td>
<td>• US over-built on retail; ~25% of U.S. malls may close over next 3-5 years, COVID accelerates this trend</td>
<td>• Modern industrial is not your father’s industrial – not smokestacks</td>
</tr>
<tr>
<td>• Housing is not necessarily a net negative fiscal impact, especially at current property values</td>
<td>• Blended/mixed use projects integrate multiple uses (housing, retail, open space, office, hotel) onto one site</td>
<td>• Retail can’t thrive without distribution</td>
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<td></td>
<td></td>
<td>• Booming demand for distribution, e-commerce, and data centers, blending for fulfillment/delivery, job creators</td>
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Proprietary
Do Not Duplicate
## Public Sector Perspectives

<table>
<thead>
<tr>
<th>State Policy</th>
<th>Land Use</th>
<th>Economic Development</th>
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<tbody>
<tr>
<td><strong>State focused on housing production</strong> especially in high-demand job centers and TOD</td>
<td><strong>Land use demands blending</strong> retail centers w/ apartments and distribution, office conversions to residential, infill distribution for delivery</td>
<td><strong>Cities can’t just focus on attracting large employers</strong> make places with amenities, experiences, and housing that attracts workers</td>
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<td><strong>New focus on housing policy enforcement</strong> RHNA, Surplus Land Act, and HAA put pressure on cities to deliver new homes</td>
<td><strong>Flexible zoning needed</strong> for new integration</td>
<td><strong>Attracting workers and attractive housing</strong> as essential as job creation</td>
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<td><strong>SLA targets public agency owned property for affordable housing</strong></td>
<td><strong>Rethinking outdoor spaces</strong> parks, green space, outdoor commercial, pedestrian orientation</td>
<td><strong>Strategy Matters</strong> leveraging own resources and attracting state / local funds</td>
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<td>Get ahead of the SLA by updating your asset plans</td>
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## Surplus Land Act (SLA) Overview

<table>
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<tr>
<th>Origin</th>
<th>In a response to the massive housing shortage in California, the State has passed dozens of housing bills including AB 1486 (Surplus Lands Act) to address this crisis.</th>
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<tr>
<td>Purpose</td>
<td>The SLA gives affordable housing developers a right of first refusal on all public agency owned land in the State of California. <strong>Does not prevent agencies from ultimately selling or leasing property for other uses or fair market value.</strong></td>
</tr>
<tr>
<td>Mandate</td>
<td>Public Agencies in California (e.g., cities, counties, special districts, school districts, etc.), with certain exceptions, must follow this mandate prior to selling or leasing <strong>any</strong> public agency owned real estate.</td>
</tr>
<tr>
<td>Process</td>
<td>The Surplus Lands Act requires an up to 150-day request for proposal/bid process to either select or reject an affordable housing project/proposals. Once rejected, the property can be sold or leased to broader market.</td>
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The New World of the Surplus Land Act (SLA)

The Old Days:
Want to sell or lease a City property? Just put it out for an RFP/Q

The New World of SLA:
The Surplus Land Act requires public agencies to first go through a process of offering property to affordable housing developers before pursuing other opportunities.

Opportunity:
Public Agencies can and should look at SLA as an opportunity to explore a variety of strategies to better utilize the value of their properties:
  • Performance-based leases / ground leases
  • Monetizing assets (such as parking garages, civic centers)
  • Selling property to private sector – includes lease-back strategies, continued operation of existing use, redevelopment into new uses

HEADLINES

555 New Apartments Planned for South Natomas as Sacramento Sells Land to Developer

Sac Bee, 1/25/22

California Public Land Now Battleground in Fight over Affordable Housing

The Real Deal, 8/26/21
The SLA has a profound impact on a public agency’s decision-making process to sell or lease public-private projects across the State. Agencies must act proactively and strategically to get the most out of their property assets.

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<tr>
<th>1) Know Your Portfolio</th>
<th>2) Know Your Priorities</th>
<th>3) Know Your Strategies</th>
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<tr>
<td>Understanding your agency’s property portfolio is key</td>
<td>Consider the variety of economic development priorities that you can use your properties to pursue:</td>
<td>Make a strategic determination of which properties to keep or sell.</td>
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<tr>
<td>Perform due diligence and prioritize potential portfolio of properties contemplated for disposition and/or development</td>
<td>• Affordable housing</td>
<td>Agencies can use a variety of strategies to increase market/reuse value of its land &amp; comply with the SLA</td>
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<td>• Civic/Public amenity purposes</td>
<td>Be sure to consider CEQA / Entitlements &amp; RHNA</td>
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<td></td>
<td>• In conjunction with private projects</td>
<td>Align these property strategies with other economic development tools / approaches</td>
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<td>• Other uses</td>
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<td></td>
<td>Do you want to keep the property for public use or put into private service?</td>
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SLA Challenges Unique to Each Public Agency

Each Public Agency needs to devise a real estate disposition strategy that considers its own economic development priorities in light of SLA.

**County of Los Angeles**
- +/- 200 Acre Property
- Zoning: Heavy Agriculture
- $229M flood risk mitigation, Adjacent to Detention Center
- **SLA Status:** Process completed & HCD certified

**Moorpark Successor Agency**
- +/- 1.8 Acre Property
- Zoning: Industrial
- Adjacent to Floodplain, Liquefaction issues
- Pre-Existing Agreement with Developer
- **SLA Status:** Requires Sale by 12/31/2022

**City of El Cajon**
- +/- 20 Acre Property
- Zoning: Commercial, Downtown Master Plan
- Complex Civic Center Revitalization; County/State owners/users
- Reuse program requires public uses
- **SLA Status:** City review
What Needs to Get Done in Your Community?

How do I add housing, RHNA & address density?

How do I fix my regional shopping centers and retail corridors?

How do I replace sales tax?

How do I revitalize my downtown?

How do I meet these escalating state requirements?

How do I meet the needs of today and prepare for the future?

How do I pay for constituent service demands?
Primary Steps to Comply with SLA & Pursue Projects

1 Property Inventory (Start Early)
Identify priority properties and/or projects now that may be impacted by SLA & can be put into productive use.

2 Prioritize, Screen, & Select an Approach
Determine value, SLA applicability, Preferred Disposition Strategy/Use (e.g. asset monetization, public use, housing, etc.) & Econ Dev Tools & Financing Mechanisms.

3 Implementation (Transparency is Key)
Execute preferred disposition (sale, lease, etc.) strategy that’s done transparently & fulfills community goals and objectives (job creation, tax revenues, housing) in compliance with SLA.
Post Covid Economy: Opportune Time to Use Real Estate Tools
New Rules & New Tools for Local Agencies to Deploy Proactively and Strategically

SLA Taking Off
New rules being used for property disposition and housing creation

New Processes
Agencies navigating evolving procedures and compliance

New Strategies
Agencies using property assets strategically to pursue priorities

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<tr>
<td><strong>Troy Brown</strong> will explain his approach to the SLA in the City of Moorpark</td>
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<tr>
<td><strong>Laura Nunn</strong> will provide insights in HCD’s compliance process &amp; flexibility</td>
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<tr>
<td><strong>Elizabeth Hull</strong> will discuss the mechanics of SLA transactions &amp; key issues facing communities</td>
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Troy Brown – Public Agency Perspective
What is the Purpose of the Surplus Land Act (SLA)?

• Provide more affordable housing options in all parts of the state
• Cities, counties, and special districts have land that can reduce cost barriers to housing development
• SLA requires local agencies to make land available for affordable housing before selling or leasing the land for another purpose
Standard SLA Process

1. Declare the land “surplus”
2. Issue notice of availability to required parties (60 days)
3. Negotiate in good faith (90 days) and prioritize affordability
4. Send proposed disposition to HCD for review
5. Address HCD’s findings
6. Dispose of the land
**Alternative Pathways:**
**Exemptions from standard SLA process**

1. **“Grandfathering”**
   The version of the SLA in effect before 12/31/2019 applies if the local agency entered into an exclusive negotiating agreement or other legally binding agreement to dispose of property (or issued a competitive request for proposals that meets criteria on slide 19) before a certain date.

2. **Land for Affordable Housing**
   Must meet certain criteria in the SLA.

3. **Land dedicated for other public uses**
   Land restricted for another use (parks, schools, etc.) transferred to federal/state government, land traded for other land to be used by the local agency, etc.

4. **Land not suitable for housing**
   Small parcels, former streets, parcels with legal restrictions that prohibit housing.

*Still requires HCD review and other requirements*
Besides the 14 official exemptions from the standard process, the following transactions do not fall under the SLA:

1. **Short-term leases**
   - Land leases for a term of less than five years

2. **Leases that do not allow demolition or development of the property**

Governing board does **not** need to pass a resolution to declare land as surplus or exempt surplus in these cases.
Tips and Best Practices for Local Agencies

- Develop basic in-house familiarity with the SLA
- Survey and catalogue the potential surplus properties
- Have a general sense of whether and how the SLA applies for each property
- Gather documents and reach out to HCD to confirm understanding of SLA applicability and process
How can HCD help? – Technical Assistance

• HCD is committed to helping jurisdictions navigate this law:
  – Assist with responding to questions
  – Develop informational materials
  – Provide legal analysis
  – Provide trainings to “de-mystify” the SLA and proactively address stakeholder concerns
Website Resources Walkthrough

Our webpage hosts a variety of resources, reference materials, and templates that will help you navigate the SLA:

- **Guidelines** – starting the update now
- **New** – SLA 101 PowerPoint, FAQs, and Exemption User Guide
- Lists of Notices of Availability Received (w/map) and Developers Interested in Surplus Property
- Sample Notice of Availability and Covenant/Deed Restriction Forms
- Compliance Self-Assessment

**Contact us**

- For requests for technical assistance, email publiclands@hcd.ca.gov
- To report potential violations, email compliance@hcd.ca.gov
Thank You!
Key Compliance Aspects and Processes
Questions we’ve been hearing

• What if I declared the property surplus ages ago?
• Any tips for my Notice of Availability
• When negotiating, what latitude does a city have?
• What other laws do I need to think about?
Property declared surplus pre-AB 1486

• Did you comply with the SLA that was in place at the time you declared it surplus?
  ▪ Yes
    ➢ you don’t need to declare it surplus again and go through the NOA process
    ➢ You will need to record the restrictive covenant against the property
  ▪ No (declared it surplus but never issued the NOA)
    ➢ You will need to go through the NOA process

• Tips
  ▪ Find your staff report, notice of availability or any evidence of negotiations
  ▪ Submit all the documentation you have to HCD to demonstrate compliance with the SLA at the time you declared it surplus
Notice of Availability

• Accurately describe the property
  ▪ Describe all its warts and limitations
• Identify the City’s desires for the property
  ▪ If you want a mixed use project, say so.
• Identify what you want in the developer’s responsive notice of interest
  ▪ You can’t weigh proposals if all you get is “yes, I’m interested” from the developer
  ▪ Ask for a description of what they will build. Number of units? Mixed use? Affordability levels?
  ▪ You cannot determine order of priority without some details
  ▪ Incomplete responses burn up negotiation time (90 days required)
Negotiation Latitude

• What is “good faith negotiation?”
  ▪ City can’t disallow residential use as a condition of disposal
  ▪ City can’t reduce the number of units or max lot coverage below what is allowed by zoning or GP requirements
  ▪ City can’t apply design stds or arch requirements that substantially effect the viability or affordability of the housing development

• City DOES NOT have to sell at below fair market value
• City MAY limit residential use or density if specific findings can be made
Ending Negotiations

• Grounds to reject an offer:
  ▪ If the city and buyer can’t agree on a sales price or lease terms
  ▪ When the city is giving priority to a competing offer that includes a greater number of affordable units, or if there is a tie in the number of units, then lowest average level of affordability
  ▪ When the developer is not responsive to the city’s reasonable conditions or restrictions as described in the NOA
What else do I need to think about?

• CEQA
  ▪ There is a CEQA exemption for selling surplus land but it doesn’t apply if selling for a specific project.

• Relocation
  ▪ Is the property occupied? You may need to pay relocation expenses

• Prevailing wages
  ▪ Selling below market?
  ▪ Developer funding sources?

• SB 330/SB 35/Density Bonus
  ▪ Projects developed on surplus land can take advantage of other laws designed to facility housing development
What else do I need to think about?

- **Annual Inventory**
  - Cities/counties must prepare by 12/31 each year an inventory of surplus land and all land in excess of cities/counties foreseeable needs
    - Surplus land: land no longer necessary for agency use and has been declared surplus
    - Excess land: land that is beyond an agency’s foreseeable needs but has not been declared surplus yet
    - Available to anyone who requests it and submitted to HCD by 4/1 each year as part of the HE annual progress report
  - **Inventory details**
    - Address or location information
    - APN
    - Existing use
    - Whether site is surplus or excess
    - Size in acres
Larry Kosmont – Key Takeaways
## The Great Reconfiguration

### Challenges of a New Policy Mindset and a Changing Economy

<table>
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<tr>
<th>Consumers</th>
<th>Investors</th>
<th>City Hall</th>
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<tbody>
<tr>
<td>driven by quality of life, cost of living and housing, amenities, essentials, and experiences</td>
<td>driven by new technology, shifting demand, supply chain anomalies, and new live / work patterns</td>
<td>driven by resident and employer needs &amp; new state policies which seek to install housing</td>
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**Consumers**
Want it all in a 15-Minute Community

**Investors**
Seeking value from new demand drivers

**City Hall**

Tension: Comply with state priorities vs. achieving community priorities in a post covid digital world (RHNA, Density Bonus, SLA)
What’s Next For SLA? Key Takeaways

• Future cleanup legislation is coming and will likely tighten SLA compliance and enforcement

• Public Agencies should start **NOW** to review and evaluate their property portfolio in alignment with economic development goals and objectives

• SLA is nuanced and circumstantial. Engaging HCD early in process of disposition is important to future determination of compliance

• Transparency is key – reposition and promote your asset program to your community and to achieve compliance
Surplus Land Act: Know the Impact Before You Transact

Questions?

Kosmont Companies
Larry Kosmont

City of Moorpark
Troy Brown

CA Dept. of Housing & Community Develop.
Laura Nunn

Best Best & Kreiger LLP
Elizabeth Hull
Frequently Asked Questions

True or false: Leases are subject to the Surplus Land Act.

TRUE, except for leases that are less than 5 years or where no demolition of development will occur.
Frequently Asked Questions

How long is the notice period?
How long is the good faith negotiations period?

60 days and 90 days, respectively.
True or false: We can include conditions and restrictions in our Notice of Availability.

TRUE, but they must be approved by HCD.
If more than one entity responds to the Notice of Availability, how should we prioritize proposals? (Hint: There are three levels of priority.)

- First, proposals with at least 25% affordable.
- Second, the proposal with the greatest number of affordable units.
- Third, the proposal with the deepest level of affordability.
True or false: We do not have to record an affordability covenant if we are not selling to an affordable housing developer.

FALSE. The land must include a 15% affordability covenant.
True or false: Surplus land must be sold or leased below market value.

FALSE. Local agencies may dispose of surplus land at or below fair market value.
Frequently Asked Questions

Which of the following must I provide HCD before disposing of surplus land?

a) Notice of Availability
b) Description of good faith negotiations
c) Affordability covenant

All of the above.
Which of the following are exemptions?

a) An ENA was in place before 12/31/19 and the disposition will occur before 12/31/22.

b) Land used for affordable housing.

c) Land dedicated for other public uses.

d) Land with legal restrictions that prohibit housing.

All of the above, but please check with HCD.
**True or false**: Dispositions for exempt surplus land are the same as those for surplus land.

**FALSE.** Exempt surplus land dispositions require much less documentation.
True or false: HCD’s SLA Team is glad to provide technical assistance throughout the process.

TRUE. And HCD has lots of resources online too.
SLA Compliance & Property Sales:
Kosmont Realty Digital Online Surplus Land Act Platform (powered by CREXI)

- Established public agency real estate and SLA expert
- Secured approvals/financing for over 1,000 public/private real estate and finance projects valued at over $12B
- CA licensed brokerage – 35 years in public agency property sales and broker opinions of value

- Nation’s leading online real estate marketplace
- Access to 2 million buyers, brokers, tenants each month
- Presented over $2 trillion of property value nationwide
- Closed upward of $330 billion in transactions
- 225+ employees, based in Los Angeles
SLA - Digital Property Profile

Address
1063-1123 Walnut Canyon Rd, Moorpark, CA 93021

Date Added: Jul 20, 2022
Days on Market: 48 days
Time Since Last Update: 18 minutes

Details

Property Type: Land
Subtype: Land
Zoning: Rural Exclusive (R-E)
Lot Size (acres): 0.156
Ownership: Moorpark Housing Successor Agency

Marketing Description

Kosmont Real Estate Services, dba Kosmont Realty ("KR") has been retained by the Housing Successor Agency to the former Redevelopment Agency of the City of Moorpark ("Housing Successor Agency" or "HSA" or "Salior") as the exclusive representative in the disposition and sale of certain property located at 1063-1123 Walnut Canyon Rd., Moorpark, CA ("Property").

As required by California Government Code Section 54220, et seq. (the "Surplus Land Act"), the Housing Successor Agency, is required to prepare and distribute a Notice of Availability ("NOA") to notify to those entities described in Section 54222 of the Surplus Land Act of the availability of the Property for purchase.

To access the NOA and submit requirements, please click the "Download OM" button shown on the listing page for the Property.

In accordance with Section 54222, if your organization or a subsidiary is interested in purchasing the property, you must notify the Housing Successor Agency and/or its broker representative, as identified herein, in writing within 60 days of the date of the NOA (5 p.m. PST on Friday, September 23, 2022).

If you have any questions, please feel free to contact; Brian Moncrief, Senior Managing Director, Kosmont Realty [Phone: 805-469-7364, Email: bmoncrief@kosmontrealty.com]
SLA - Digital Marketing Campaign

NOTICE OF AVAILABILITY OF SURPLUS LAND

1293-1331 WALNUT CYN. RD
Moorpark, CA
Land | 0.81 acres

1063-1123 WALNUT CYN. RD
Moorpark, CA
Land | 1.56 acres
SLA - Market Intelligence & Activity

Activity Overview
Shows total activity, email campaign events, and key property updates like price change.

- 490 Impressions
- 52 Page Views
- 6 Visitors
- 4 Opened OM

Marketing Blasts
359 total emails sent
- 350 Delivered (97.5% Delivered / Sent)
- 165 Opened (47.1% Opened / Delivered)
- 16 Clicked (9.7% Clicked / Opened)
## SLA - Reporting & Tracking

### Campaign: Notice of Availability - Surplus Land Act (Property Located in Moorpark, CA)

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<tr>
<th>Emails Requested / Sent</th>
<th>Delivered (% of Sent)</th>
<th>Opened (% of Delivered)</th>
<th>Clicked (% of Opened)</th>
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<tbody>
<tr>
<td>541 / 358</td>
<td>349 (97.5%)</td>
<td>164 (47.0%)</td>
<td>15 (9.1%)</td>
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### Moorpark SLA Distribution List 7.25.22

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</table>
SLA - Demographic Insights

Household Income
- $89.2k Median Income
- $107k 2026 Estimate
- ↑4% Growth Rate

Age Demographics
- 32 Median Age
- 34 2026 Estimate
- ↑6% Growth Rate

Renter to Homeowner Ratio
- 1:1
- 1:1 predicted by 2026

Housing Occupancy Ratio
- 32:1
- 35:1 predicted by 2026

Number of Employees
- 7,545

Top 5 Employment Categories
- Office & Administrative Support
- Management
- Sales & Related
- Production
- Food Prep & Service

Flood Risk
- Depth of Flood Water (ft.)
- Based on a 1% chance that any flooding will occur this year.
- Less than 0.5 ft
- 1-2 ft
- More than 3 ft
- 0-1 ft
- 2-3 ft
### Appendix A: Alternatives to the Standard SLA Process

**Still requires HCD review and other requirements**

<table>
<thead>
<tr>
<th>Exemption Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Grandfathering” *</td>
<td>Subject to provisions of SLA as it existed on 12/31/2019 if:</td>
</tr>
<tr>
<td></td>
<td>1a The local agency entered into an ENA or other legally binding agreement to dispose of property as of 9/30/2019 and the disposition will be completed on or before 12/31/2022 (Gov. Code § 54234 subd. (a)(1))</td>
</tr>
<tr>
<td></td>
<td>– or –</td>
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<tr>
<td></td>
<td>1b The local agency issued a competitive RFP as of 9/30/2019 for the development of property including at least 100 residential units, with at least 25% of total units restricted to lower-income households; and entered into a disposition and development agreement (DDA) by 12/31/2024 and will complete the disposition by 3/31/2026 pursuant to the DDA (Gov. Code § 54234 subd. (a)(3))</td>
</tr>
</tbody>
</table>

* Property held in the Community Redevelopment Property Trust Fund or a Long-Range Property Management Plan (LRPMP) that is designated for sale or retention is also subject to grandfathering provisions in the SLA. If land in a LRPMP is subject to an exclusive negotiating agreement or legally binding agreement for disposition entered into not later than 12/31/2020 and disposition is completed not later than 12/31/2022, the version of the SLA as it existed on 12/31/2019 applies. (Gov. Code § 54234 subd. (b)(1).)
<table>
<thead>
<tr>
<th>Exemption Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streamlining the process for disposing of properties destined for affordable housing</td>
<td>Must meet certain criteria in the SLA</td>
</tr>
</tbody>
</table>

### Eligible for an exemption from standard SLA process if:

2a* At least 75% of residential units are restricted and affordable to lower-income households and the remaining are restricted to moderate-income households (Gov. Code § 54221 subd. (f)(1)(F)(i))

- or -

2b At least 80% of the property's area is used for housing; at least 40% of units are affordable to households at or below 60% of AMI; at least half of the above affordable units are affordable to very low-income households; and affordable units are subject to at least a 30-year affordability covenant (Gov. Code § 54221 subd. (f)(1)(A))

- or -

2c* At least 25% of residential units in a mixed-use development are restricted and affordable to lower-income households; and the development includes at least 300 residential units and more than one acre in area (Gov. Code § 54221 subd. (f)(1)(F)(ii))

2d The development has a planned residential density of 100+ units per acre, includes 100+ residential units restricted and affordable to low- or moderate-income households (with 80% of units restricted to lower-income households with an affordable sales price or rent subject to an affordability covenant), and the land was transferred by the state to a local agency pursuant to Streets and Highways Code section 32667 prior to 6/30/2019 (Gov. Code § 54221 subd. (f)(1)(K))

* Eligible for exemption provided there is a competitive bidding process and housing sponsors and local public entities specified in Government Code Section 54222 are invited to participate.
<table>
<thead>
<tr>
<th>Exemption Category</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land restricted for other public uses</td>
<td><strong>Eligible for an exemption from standard SLA process if:</strong></td>
</tr>
<tr>
<td></td>
<td>3a The local agency is transferring the surplus land to a local, state, or federal agency for the receiving agency’s use, or to a federally recognized California Indian tribe <em>(Gov. Code § 54221 subd. (f)(1)(D))</em></td>
</tr>
<tr>
<td></td>
<td>3b The local agency is exchanging the surplus land for another property necessary for the agency’s use <em>(Gov. Code § 54221 subd. (f)(1)(C))</em></td>
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<td></td>
<td>3c The local agency is a school district and the land is subject to the provisions defined in Government Code section 54221, subdivision (f)(1)(I)</td>
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<tr>
<td></td>
<td>3d The local agency is a district and the property is necessary for the agency’s use <em>(Gov. Code § 54221 subd. (f)(1)(J))</em></td>
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<td></td>
<td>3e The surplus land was granted by the state in trust to a local agency or acquired for trust purposes by purchase or exchange and the disposition of land was authorized subject to conditions established by statute <em>(Gov. Code § 54221 subd. (f)(1)(H))</em></td>
</tr>
<tr>
<td>Exemption Category</td>
<td>Criteria</td>
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<tr>
<td><strong>Land unlikely to be suitable for affordable housing</strong></td>
<td><strong>Eligible for an exemption from standard SLA process if:</strong></td>
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<tr>
<td>Small parcels, former streets, restrictions that prohibit housing</td>
<td></td>
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</tbody>
</table>

4a The surplus land is a former street, right of way, or easement; and the surplus land is conveyed to the owner of an adjacent property (Gov. Code § 54221 subd. (f)(1)(E))

4b The surplus land is a small site within the limits defined in Government Code section 54221, subdivision (f)(1)(B); the surplus land is not contiguous to land owned by a state or local agency that is used for open space or low- and moderate-income housing; and the surplus land is being sold to the owner of contiguous land (Gov. Code § 54221 subd. (f)(1)(B))

4c The surplus land is subject to valid legal restrictions that are not imposed by the local agency that would make housing prohibited, and there is no feasible method to mitigate or avoid the prohibition (Gov. Code § 54221 subd. (f)(1)(G))