

RESOLUTION NO. PC 2024-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, MAKING GENERAL PLAN CONFORMANCE FINDINGS UNDER GOVERNMENT CODE SECTION 65402 REGARDING THE PURCHASE AND SALE OF CERTAIN REAL PROPERTY LOCATED AT 20702 EL TORO ROAD #35 (APN 938-741-79)

WHEREAS, the City of Lake Forest ("City") and South County Outreach ("SCO") are parties to two purchase and sale agreements ("PSA"); and

WHEREAS, under the first PSA, the City is purchasing one residential condominium unit from SCO for fair market value. The condominium unit is located at 20702 El Toro Road #35 and is referred to herein as the "Property." The Property is more particularly described in Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, under the second PSA, the City is selling the Property back to SCO for \$1 and an associated regulatory agreement that requires the Property to be rented to very-low income households for a period of 30 years. The regulatory agreement will be recorded against the Property's title; and

WHEREAS, existing restrictions require that the Property be used as affordable housing for low- and moderate-income tenants until May 21, 2027. Thereafter, it can be transferred to a market-rate rental. Completing the above transactions will replace the existing restrictions with a new requirement that the Property be rented to very-low income households for a period of 30 years—extending the Property's affordability restrictions until 2054; and

WHEREAS, on July 2, 2024, the City Council approved the above transactions and authorized the City Manager to execute the PSAs and perform all acts necessary to complete the transactions; and

WHEREAS, the transactions are currently in escrow. Before the close of escrow, Government Code section 65402 requires the Planning Commission to render a determination as to whether the City's proposed acquisition and disposition of the Property is consistent with and conformance with the General Plan; and

WHEREAS, adopting this Resolution will satisfy the City's obligations under Government Code section 65402; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Resolution.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1: Incorporation. The above recitals are true and correct and are a substantive part of this Resolution and findings of the Planning Commission.

SECTION 2. CEQA. The determinations that the City's acquisition and disposition of the Property is consistent with and conforms to the General Plan are exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that these activities may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).) The City's actions do not authorize any new development or other action that has the potential to significantly impact the environment.

SECTION 3. General Plan Conformance Findings. Given the foregoing, the Planning Commission hereby finds that the City's acquisition and disposition of the Property is consistent with and conforms to the City's General Plan as follows:

1. Housing Element Policy 2.5 provides that the City shall endeavor to preserve income-restricted affordable units that are at risk-of converting to market-rate. The City's acquisition and disposition of the Property is consistent with Policy 2.5 because it will extend the Property's affordability restrictions until 2054; without the above transactions, the Property could convert to a market-rate rental in 2027. For these reasons, the City's acquisition and disposition of the Property is consistent with Housing Element Policy 2.5.

2. Housing Element Program 15 provides, in relevant part, that the City will coordinate with qualified entities to preserve and maintain affordability of units at-risk of converting to market rate uses. Here, the City is coordinating with SCO, a California non-profit public benefit corporation, to extend the Property's affordability restrictions from 2027 to 2054. Thus, the City's acquisition and disposition of the Property is consistent with Housing Element Program 15.

3. Land Use Element Action LU-1e provides that the City will implement the policies and actions in the Housing Element to enhance opportunities to provide affordable housing within the community and to accommodate a range of household types, special needs populations, and income levels. The City's acquisition and disposition of the Property is consistent with Action LU-1e because it implements the Housing Element provisions set forth above and expands the affordable housing opportunities within the City by extending the Property's affordability restrictions from 2027 to 2054.

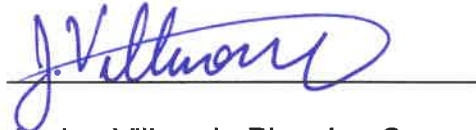
SECTION 4. Report. Pursuant to Government Code section 65402(a), this Resolution constitutes the Planning Commission's report to the City Council showing that the proposed acquisition and disposition of the Property is consistent with and conforms to the General Plan.

SECTION 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

SECTION 6. Effective Date. This Resolution takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Lake Forest at a regular meeting held on August 8th, 2024, by the following vote, to wit:

AYES:	COMMISSIONERS BARAJAS, STANNARD, CHAIR VILLWOCK, VICE CHAIR LUDDEN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	COMMISSIONER FUENTES



Jordan Villwock, Planning Commission Chair

ATTEST:



Gayle Ackerman, AICP
Director of Community Development

EXHIBIT "A"

Property Description

LEGAL DESCRIPTION

Real property in the City of Lake Forest, County of Orange, State of California, described as follows:

A CONDOMINIUM COMPRISED OF:

PARCEL A:

UNIT 35, AS SHOWN AND DEFINED ON THAT CERTAIN CONDOMINIUM PLAN RECORDED FEBRUARY 11, 1982 AS INSTRUMENT NO. 82-050571 AND AS AMENDED MAY 18, 1982 AS INSTRUMENT NO. 82-171220 BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL B:

AN UNDIVIDED 1/160TH INTEREST IN AND TO LOT 1 OF TRACT NO. 9667, IN THE CITY OF LAKE FOREST, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 475, PAGES 33 TO 39 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH ALL IMPROVEMENTS THEREON, EXCEPTING THEREFROM CONDOMINIUM UNITS 1 THROUGH 160 INCLUSIVE, LOCATED THEREON.

PARCEL C:

AN EXCLUSIVE EASEMENT APPURTENANT TO EACH UNIT FOR THE USE AND OCCUPANCY OF THOSE PORTIONS OF THE COMMON AREA DESIGNATED IN THE DECLARATION OF RESTRICTIONS RECORDED IN BOOK 14049, PAGE 1933 OF OFFICIAL RECORDS, AND ANY AMENDMENTS THERETO, AS SHOWN ON THE CONDOMINIUM PLAN FOR EACH UNIT.

APN: 938-741-79