



CITY OF OAKLAND

AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Elizabeth Lake
Deputy City Administrator

SUBJECT: Surplus Land Declaration for Former
Raiders Training Facility

DATE: January 11, 2021

City Administrator Approval 

Date: January 21, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution 1) Declaring The City's Undivided 50% Fee Interest In The Former Raiders Training Facility Located At 1150 And 1220 Harbor Bay Parkway (Assessor Parcel Numbers: 074-1361-008 And 074-1339-016) As "Surplus Land" Pursuant To Government Code Section 54220 Et Seq. (California Surplus Land Act); And 2) Authorizing The City Administrator To, Jointly With The County Of Alameda, Issue The Notice Of Availability For The Sale Of 100% Fee Title To The Property, In Compliance With The Surplus Land Act.

EXECUTIVE SUMMARY

The City of Oakland (City) and the County of Alameda (County) jointly own, as tenants-in-common, the former Raiders training facility at 1150 and 1220 Harbor Bay Parkway located in Alameda (Property). In accordance with the Tenancy In Common Agreement dated December 15, 2020 entered into by and between the City and County (Joint Ownership Agreement), the City and the County set forth the process to prepare the Property for future disposition. In addition, effective January 1, 2020, Assembly Bill (AB) No.1486 amended the State Surplus Land Act (SLA) to require a local agency to formally declare as surplus land any publicly owned property no longer used for the agency's use before beginning the disposition process of such property. The declaration must be made by the legislative body of the local agency and should be supported by written findings. The County made its surplus land declaration for its undivided 50 percent interest in the Property on January 12, 2020. Therefore, staff recommends the Council also declare the City's undivided 50 percent interest in the Property as surplus land, which will allow the City and County to coordinate and jointly issue a Notice of Availability (NOA) pursuant to the Surplus Land Act and in accordance with the Joint Ownership Agreement.

City Council
February 2, 2021

BACKGROUND / LEGISLATIVE HISTORY

The SLA and the Surplus Land Declaration

Effective January 1, 2020, Assembly Bill (AB) No. 1486 amended the SLA by prohibiting local agencies from commencing negotiations for the sale or lease of surplus property prior to sending notices about available, surplus local public land to the following entities:

- State of California Housing and Community Development (HCD)
- Any local public entity within the jurisdiction where the surplus local land is located.
- Affordable housing sponsors who have notified HCD of their interest in developing affordable housing on surplus local land.

In addition, AB 1486 now requires a local agency to declare property as “surplus land” or “exempt surplus land” before taking any actions to dispose of such property, including issuance of an NOA or a request for proposals (RFP).

Surplus land is exempt if:

- The property is less than 5,000 square feet in area (or less than 10,000 square feet for properties with no record access)
- The property is being exchanged for another property necessary for City use or transferred to another public agency
- The property is a former street or right-of-way conveyed to an adjacent owner
- The City intends to put the property out to open, competitive bidding for the purpose of developing 100 percent affordable housing or a mixed-use project per conditions defined in Government Code Section 54221

The declaration of “surplus land” or “exempt surplus land” must be made by the legislative body of the local agency.

For non-exempt surplus land, the SLA requires that the local agency provide an NOA to eligible entities for specified uses, including affordable housing, parks and recreation, and schools. An eligible entity desiring to purchase or lease the surplus land for any of the purposes described above must notify the local agency in writing of its intent to purchase or lease the land within 60 days after receipt of the NOA.

If the local agency receives notice of interest from one of the eligible entities, the SLA mandates a 90-day negotiation period with any designated entities that submit timely offers. If no notice of interest is received or negotiations do not result in a disposition, any subsequent development of 10 or more residential units on the site must include at least 15 percent of units as affordable units.

Joint Ownership Agreement

City Council approved Ordinance No. 13631 C.M.S., which authorized staff to enter into the Joint Ownership Agreement with the County to create a framework for coordinated management, maintenance and disposition of the Property. The Joint Ownership was entered into by the parties, dated as of December 15, 2020. Because the Property is outside of the City's jurisdiction, the Joint Ownership Agreement designates the County as the lead agency. Additionally, under Ordinance No. 13631 C.M.S., the City Council authorized the appropriation of funding to manage and maintain the Property until it is disposed. Based on initial estimates, the City's 50 percent contribution portion necessary to properly maintain the Property for up to one year is approximately \$300,000, which includes holding costs such as temporary security, maintenance, insurance, etc.

ANALYSIS / POLICY ALTERNATIVES

Staff recommends that City Council approve the "surplus land" declaration for the Property in accordance with State law, as the Property does not meet the requirement for "exempt surplus land." Further, the Property was never used for City purposes, as the former Oakland Raiders acquired, renovated and operated the facility while they were located in the City. Now that the team has moved to Las Vegas, the City has no agency use for the Property.

In accordance with the Joint Ownership Agreement, staff will then coordinate with the County and will proceed with the required SLA noticing procedures to issue the NOAs. If the City and County receive one or multiple offers after releasing the NOA but cannot agree to a sales price or terms for the properties after a good faith negotiation period of no less than 90 days, the City and County will then begin preparations for marketing and sale of the Property on the open market in accordance with the Joint Ownership Agreement. The terms of any final disposition agreement would require formal action by both the County Board of Supervisors and the City Council. Taking this action is consistent with the Joint Ownership Agreement and will enable the ownership parties to limit the costs of maintaining the property by embarking as soon as possible on the path to disposition.

If the City Council decides not to issue the "surplus land" declaration, this would be in direct conflict with the County's action since the Board of Supervisors recently approved its corresponding "surplus land" declaration for the Property on January 12, 2021. Moreover, this would potentially delay the City and County's disposition process and would add to additional significant holding costs for both the City and the County. As a result, staff recommends that Council approve the "surplus land" declaration for the Property.

FISCAL IMPACT

There is no fiscal impact related to the declaration of the properties as surplus land or to the release of the properties for sale in the open market. Fiscal impacts of any final disposition recommended by staff will be assessed in future reports brought before the City Council.

PUBLIC OUTREACH / INTEREST

Surplus Land Act NOA will be sent to eligible public entities and developers included within the State HCD's list of affordable housing sponsors.

COORDINATION

The City Administrator's Office, Economic and Workforce Development Department and the City Attorney's Office have and will continue to coordinate with the County of Alameda in the declaration of the property as surplus, and the issuance of the Notice of Availability and future disposition of the properties. This report and resolution have been reviewed by the Budget Bureau and the City Attorney's Office. Finally, as a courtesy, staff has notified and met with the City of Alameda as recommended by the City Council.

SUSTAINABLE OPPORTUNITIES

Economic: There is no economic relevance to the recommended actions within this report. Economic impacts of received and staff-recommended proposals will be assessed in future reports brought before Council.

Environmental: There is no environmental relevance to the recommended actions within this report. Environmental impacts of received and staff-recommended proposals will be assessed in future reports brought before Council.

Race & Equity: This report recommends statutory compliance with State law that is required for disposition for any public lands and any future disposition recommended actions will be brought back to Council and will address equity impacts.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Nothing in this action declaring the properties "surplus land" should be interpreted as an approval or a pre-commitment to approve, now or in the future, of the disposition of the City's interest in the properties to any particular party, on any particular terms, or for any particular purposes. Any proposed disposition of the Property, whether made pursuant to the Notice of Availability or otherwise, will require further discretionary action of the City Council, and the City retains full discretion, following conclusion of the response and negotiation periods set forth in the Notice of Availability and the SLA to proceed with disposition of its interest in the properties in compliance with CEQA. As such, this action will not result in a direct or indirect physical change in the environment and does not in-and-of-itself constitute "approval" of a "project" pursuant to CEQA Guidelines Sections 15352 and 15378.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council 1) Adopt A Resolution Declaring The City's Undivided 50% Fee Interest In The Former Raiders Training Facility Located At 1150 And 1220 Harbor Bay Parkway (Assessor Parcel Numbers: 074-1361-008 And 074-1339-016) As "Surplus Land" Pursuant To Government Code Section 54220 Et Seq. (California Surplus Land Act); And 2) Authorizing The City Administrator To, Jointly With The County Of Alameda, Issue The Notice Of Availability For The Sale Of 100% Fee Title To The Property, In Compliance With The Surplus Land Act.

For questions regarding this report, please contact Larry Gallegos, Development Area Manager at (510) 238-6174.

Respectfully submitted,

Elizabeth Lake

BETSY LAKE

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