

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN AND COUNCILMEMBER FIFE

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**RESOLUTION TO (1) DECLARE THE CITY-OWNED PARCEL BOUNDED BY CLAY STREET, 14<sup>TH</sup> STREET AND CITY HALL – ALSO KNOWN AS THE “CLAY STREET GARAGE” – AS SURPLUS PROPERTY, (2) RELEASE A NOTICE OF AVAILABILITY UNDER THE SURPLUS LAND ACT, AND (3) PRIORITIZE OPTIONS THAT PROVIDE 100% AFFORDABLE HOUSING, WHICH MAY INCLUDE ANCILLARY USES SUCH AS GROUND FLOOR RETAIL, CONSISTENT WITH THE SURPLUS LAND ACT**

**WHEREAS**, Oakland is facing multiple extraordinary challenges when it comes to meeting its housing needs: the COVID-19 pandemic, gentrification and displacement, high rates of unemployment, and homelessness; and

**WHEREAS**, according to the City’s Housing Element Annual Progress Report for 2020, the City has met only 43% of its Regional Housing Needs Allocation (RHNA) goals for very low-income housing, 25% of its RHNA goals for low-income housing, 3% of its RHNA goals for moderate income housing, and 22% of its overall affordable housing goals; and

**WHEREAS**, the December 2021 RHNA allocation plan for the Bay Area for 2023-2031 concluded Oakland needs 6,511 units of very low income housing, 3,750 units of low income housing, 4,457 units of moderate income housing, and 11,533 units of above moderate income housing - for a total need of 26,251 units; and

**WHEREAS**, the City’s top policy objective when surveying potential uses for City-owned land is utilizing land to address housing and shelter inequities, as outlined in the March 2016 report on the City’s public lands policy framework, and underscored in the August 2019 informational memorandum on the status of a public lands policy ordinance; and

**WHEREAS**, on December 14, 2018, the City Council adopted Resolution No. 87483 C.M.S., authored by Councilmembers Guillén and Kaplan, setting forth a framework for a City public land policy which prioritizes using public land to address the City’s most pressing housing, job, and health inequities; and

**WHEREAS**, the public parking garage located in downtown Oakland at 1414 Clay Street, between 14th and 16th Streets directly behind City Hall, closed indefinitely in December 2016 after an assessment of the building concluded the 50+ year old structure was structurally dangerous and at too great a risk of being unable to withstand a major seismic event; and

**WHEREAS**, building affordable housing on the 1414 Clay Street parcel next to City Hall would ensure residents of all income levels have access to public services, public transportation, and Oakland businesses, and use an ideally located parcel which has not been in use for over five years; and

**WHEREAS**, the parcel located at 1414 Clay Street is located blocks from the 980 freeway, in close proximity to BART and multiple AC Transit lines, to amenities in Old Oakland and Chinatown, downtown and Jack London Square, and to employment centers; and

**WHEREAS**, the City's rules for disposition of real property for development, codified in Oakland Municipal Code Chapter 2.42, Article IV, require compliance with the California Surplus Land Act (California Government Code Sections 54220, et seq.) if and to the extent applicable to the disposition of the property; and

**WHEREAS**, the City shall issue a Notice of Availability for 120 days for the purpose of developing low- and moderate-income housing to ensure as many housing sponsors are aware of and able to take advantage of the development opportunity; and

**WHEREAS**, it is both California and City of Oakland policy to prioritize the use of available public lands when possible for affordable housing; and

**WHEREAS**, the City shall make a concerted effort to ensure contracts are awarded with an equity framework so that small, local, BIPOC, and women-owned firms are able to participate in the development of this project and that it is designed and planned in a manner to meet community needs; now, therefore, be it

**RESOLVED:** That the City-owned parcel bounded by Clay Street, 14<sup>th</sup> Street, and City Hall, also known as the "Clay Street Garage," is hereby found and declared to be surplus land and not necessary for the City's use under the California Surplus Land Act (California Government Code Section 54221(b)(1)); and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized and directed to issue a Notice of Availability (NOA) consistent with the California Surplus Land Act seeking expressions of interest for acquiring and developing that parcel from housing sponsors and other designated entities for 120 days; and be it

**FURTHER RESOLVED:** That in evaluating proposals submitted in response to the NOA, the City Administrator shall prioritize options that provide 100% affordable housing, which may include ancillary uses such as ground floor retail, if and to the extent consistent with the California Surplus Land Act; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to take any other action with respect to the NOA consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California