

*Brian Mulry*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION, AS RECOMMENDED BY THE LANDMARKS PRESERVATION ADVISORY BOARD, APPROVING THREE (3) MILLS ACT CONTRACTS BETWEEN THE CITY OF OAKLAND AND THE PROPERTIES AT 295 MACARTHUR BOULEVARD, 867 WILLOW STREET, AND 3220 MACARTHUR BOULEVARD, PURSUANT TO ORDINANCE NO. 12987 C.M.S., TO PROVIDE PROPERTY TAX REDUCTIONS IN EXCHANGE FOR OWNERS' AGREEMENT TO REPAIR AND MAINTAIN HISTORIC PROPERTIES IN ACCORDANCE WITH SUBMITTED WORK PROGRAMS AND APPROVING TOTAL CITY TAX REVENUE REDUCTION ESTIMATED TO BE BELOW \$25,000 PER YEAR, AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland (City) General Plan Historic Preservation Element Policy 2.6.1 calls for the adoption of a Mills Act contract program pursuant to Sections 50280-90 of the California Government Code and Section 439.2 of the California Revenue and Taxation Code, to promote historic preservation in the City of Oakland; and

**WHEREAS**, the Oakland City Council adopted a pilot Mills Act program on February 6, 2007, by Ordinance No. 12784 C.M.S. and a permanent Mills Act Property Tax Abatement Program (Mills Act Program) for qualified historic properties on January 5, 2010, by Ordinance No. 12987 C.M.S.; and

**WHEREAS**, the implementation of the Mills Act Program meets numerous General Plan goals and policies, including housing rehabilitation, preservation of community character and identity, blight prevention and correction, support of skilled building trades, sustainability, revitalization, and image; and

**WHEREAS**, the City has received three Mills Act contract applications in 2023 from qualified properties: (1) 295 MacArthur Boulevard, a ten-unit 1922 California Spanish bungalow court in the Adams Point neighborhood; (2) 867 Willow Street, an 1875-76 Italianate vernacular cottage in the National Register eligible Oakland Point district; (3) 3220 MacArthur Boulevard, a 1900-03 Queen Anne-Colonial house in the Dimond/Laurel neighborhood; and

**WHEREAS**, all three properties were designated as Heritage Properties by the Landmarks Preservation Advisory Board on August 7 2023, making them City of Oakland Designated Historic Properties and eligible to apply for Mills Act participation; and

**WHEREAS**, estimates of 2024-25 ad valorem property tax reductions for the three individual properties range from \$4,118 to \$12,095, for a total of \$26,989, all of which is required to be reinvested in restoration and upkeep of these historic Oakland properties; and

**WHEREAS**, the City receives approximately 27.28% of ad valorem property taxes collected by Alameda County, so that the City's share of the potential Mills Act tax reductions would be approximately \$7,363; and

**WHEREAS**, the Mills Act Program capped fiscal impacts of new Mills Act contracts on City tax revenues at \$25,000 per year plus up to \$500,000 impact on Redevelopment tax revenues; and

**WHEREAS**, the Mills Act Program provides that tax losses may exceed the program limits with approval of the City Council; and

**WHEREAS**, despite rising property prices the estimated first-year City property tax revenue reduction from new 2023 Mills Act contracts, at \$7,363, remains well below the Mills Act Program City revenue reduction cap of \$25,000; and

**WHEREAS**, this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines sections 15301 (Existing Facilities); 15305 (Minor Alterations in Land Use Limitations); 15306 (Information Collection); 15308 (Actions by Regulatory Agencies for Protection of the Environment); 15331 (Historical Resource Restoration/ Rehabilitation); and

**WHEREAS**, at a duly noticed meeting on August 7, 2023, the Landmarks Preservation Advisory Board recommended the three applications for Mills Act contract approval for 2023 and expressed support for the revenue reduction in view of the benefits of the specific nominated projects and the Mills Act Program in general; and

**WHEREAS**, at a duly noticed meeting on September 13, 2023, the Planning Commission received and accepted an Informational Report on the Landmarks Board's Mills Act contract recommendations; now, therefore be it

**RESOLVED:** That the City Council finds and determines that the decision made hereby is made in conformance with the requirements of CEQA; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into Mills Act contracts, subject to review and approval of the City Attorney, in substantial conformity with the previously-approved model Mills Act contract, with the owners of the following properties:

**295 MACARTHUR BOULEVARD, Oakland CA**  
**867 WILLOW STREET, Oakland CA**  
**3220 MACARTHUR BOULEVARD, Oakland CA; and be it**

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to take all actions necessary to implement the previously approved Mills Act Program consistent with this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED

City Clerk and Clerk of the Council of  
the City of Oakland, California