

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) APPLY TO THE ALAMEDA LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO ANNEX A CITY-OWNED PARCEL (APN 85-1-4) MEASURING APPROXIMATELY 25,700 SQUARE FEET LOCATED ON LAND KNOWN AS RINIHMU PULTE'IREKNE IN JOAQUIN MILLER PARK INTO CITY LAND USE JURISDICTION, (2) NEGOTIATE AND ENTER INTO A PROPERTY TAX EXCHANGE AGREEMENT BETWEEN THE COUNTY OF ALAMEDA AND THE CITY OF OAKLAND RELATED TO THE ANNEXATION, AND (3) TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE ANNEXATION; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland is the owner of certain real property with Assessor Parcel Number 85-1-4 (Property) measuring approximately 25,700 square feet located on land previously known as Joaquin Miller Park; and

WHEREAS, the City recognizes that the Property is located within the unceded territory of the Chochenyo-speaking Ohlone people who have occupied and continue to occupy this region since time immemorial; and

WHEREAS, the Sogorea Te' Land Trust (Land Trust) is an Indigenous women-led nonprofit land trust based in the San Francisco Bay Area that facilitates the return of Indigenous land to Indigenous people; and

WHEREAS, pursuant to Ordinance No. 13712 C.M.S., on December 13, 2022, the City conveyed a cultural conservation easement (Conservation Easement) over approximately five acres of Joaquin Miller Park (Conservation Easement Property), including the Property, to the Land Trust, thereby returning the Property to Indigenous stewardship; and

WHEREAS, Ordinance No. 13712 C.M.S. renamed the Conservation Easement Property Rinihmu Pulte'irekne, meaning "above the red ochre" in the Chochenyo language; and

WHEREAS, consistent with the Conservation Easement, the Land Trust intends to develop a ceremonial structure and related improvements (Planned Improvements) on the Conservation Easement Property with a portion of the Planned Improvements located on the Property; and

WHEREAS, the Property is located outside the City of Oakland and within unincorporated Alameda County, and annexation of the Property to the City of Oakland would correct this irregularity; and

WHEREAS, it is impractical for the Land Trust to secure permits and utility service for the Planned Improvements due to their planned location being, in part, outside the City of Oakland and East Bay Municipal Utility District boundaries, and annexation of the Property within the City of Oakland would remove this impediment; and

WHEREAS, the Alameda County Local Agency Formation Commission (LAFCO) is a state mandated local agency that oversees boundary changes to cities and special districts, and either the City or Land Trust can apply to LAFCO for annexation of the Property into the City of Oakland subject to a resolution adopted by the City Council approving such application; and

WHEREAS, such annexation would require that the City and Alameda County enter into a property tax exchange agreement to apportion taxes and assessments levied against the Property between the two governments upon completion of the annexation; and

WHEREAS, Section 17.154.030 of the City of Oakland Planning Code provides that any land annexed to Oakland shall, in the absence of a rezoning action to the contrary, be deemed to be in the same zone as the nearest zoned lots in Oakland which it abuts; and

WHEREAS, the Property abuts just one lot in Oakland, which has the zoning Open Space-Resource Conservation Area; and

WHEREAS, the actions authorized by this Resolution are exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), Section 15301 (small structures), Section 15319 (annexation for exempt facilities) and California Public Resources Code Section 21080.28, each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and now be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or the Land Trust with City Administrator signature as may be necessary, to apply to LAFCO for the annexation of the Property into City land use jurisdiction, which may include annexation into the East Bay Municipal Utility District; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to negotiate and enter into a property tax exchange agreement between the City of Oakland and the County of Alameda related to the annexation of the Property; and be it

FURTHER RESOLVED: That the City Council hereby approves the annexation of the Property into City land use jurisdiction and authorizes the City Administrator to take all other actions that may be necessary to effectuate the annexation of the Property; and be it

FURTHER RESOLVED: That all agreements and further amendments authorized by this Resolution shall be reviewed and approved by the Office of the City Attorney for form and legality; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines on the basis of substantial evidence in the record, that the actions authorized by this Resolution are exempt from CEQA.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

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