


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION DECLARING SIXTEEN PROPERTIES, INCLUDING, (1) THIRTEEN PROPERTIES DESIGNATED IN THE LONG-RANGE MANAGEMENT PLAN FOR DISPOSITION OR FUTURE DEVELOPMENT; AND (2) THREE CITY-OWNED PROPERTIES LOCATED AT 98TH AVENUE AND STEARNS AVENUE (APN 48-5617-9-1, 48-5617-10-4), 1449 MILLER AVENUE (APN 20-153-6), AND 6226 MORAGA AVENUE (APN 048F-7361-11, 048F-7361-12), AS "SURPLUS LAND" PURSUANT TO GOVERNMENT CODE SECTION 54220(B)(1).

WHEREAS, under the Surplus Land Act The ("SLA"), Government Code Section 54220-54233, surplus property is defined as land owned by any local agency no longer necessary for the agency's use; and

WHEREAS, effective January 1, 2020, the SLA was amended to require local agencies to formally declare agency-owned properties as surplus land prior to taking actions to dispose of such properties and to issue Notices of Availability to eligible entities; and

WHEREAS, the City of Oakland ("City") owns 16 properties located throughout the City, totaling approximately 46 acres, that are suitable for future disposition and development (the "Surplus Properties"); and

WHEREAS, the City Administrator has made findings that the Surplus Properties are no longer necessary for the City's use, which findings are set forth in Exhibit A to this Resolution; and

WHEREAS, the City intends to follow the provisions of the SLA in the disposition of public lands; and

WHEREAS, it is the City's policy, as well as State law, to prioritize affordable housing in the disposition of public lands; and

WHEREAS, a declaration of surplus land, and the issuing of notices pursuant to the SLA, is a process adopted in State law, with the intent of ensuring proper process and the prioritization of affordable housing, including noticing and opportunity to respond, for affordable housing developers; and

WHEREAS, the process described in the SLA should take place prior to taking any further actions regarding the disposition of the Surplus Properties; and

WHEREAS, this declaration of surplus land does not obligate the City to subsequently dispose of the land and, depending on the response to the notices and other factors, the City could still decide not to move forward with disposition of specific properties; and now, therefore, be it

RESOLVED: that the above recitals and the findings in Exhibit A are integral to this Resolution and are incorporated herein; and be it

FURTHER RESOLVED: that the City Council has independently reviewed the findings for the Surplus Properties and hereby formally declares the Surplus Properties as “surplus land” pursuant to Government Code Section 54221(b)(1); and be it

FURTHER RESOLVED: that the City Council finds and determines, after independent review and consideration, that this action results in no binding commitment by the City to authorize or advance the disposition of any of the Surplus Properties; will not result in a direct or indirect physical change in the environment; and does not constitute an “approval” of a “project” pursuant to CEQA Guidelines Sections 15004 and 15352; and be it

FURTHER RESOLVED: that the City Council authorizes the City Administrator to issue Notices of Availability for the Surplus Properties that are compliant with the State SLA.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California