

2019 OCT 30 PM 12:18

Approved as to Form and Legality

**DRAFT**

City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

### OPTION 2

**RESOLUTION EXERCISING THE WAIVER OF COMPETITIVE PROCESS SET FORTH IN CHAPTER 2.42.050 OF THE OAKLAND MUNICIPAL CODE AND DIRECTING THE CITY ADMINISTRATOR TO ISSUE A NOTICE OF OFFER PURSUANT TO THE STATE SURPLUS LAND ACT FOR THE DISPOSITION AND DEVELOPMENT OF THE FIRE ALARM BUILDING AT 1310 OAK STREET AND, IF NO OTHER PROPOSAL IS RECEIVED, TO COMMENCE NEGOTIATIONS FOR THE LEASE AND DEVELOPMENT OF THE PROPERTY WITH THE MUSEUM OF JAZZ AND ART**

**WHEREAS**, the City of Oakland ("City") owns 0.75-acre of land located at 1310 Oak Street (Assessor Parcel Number 002-0091-001) (the "Property"); and

**WHEREAS**, the Property is improved with the historic Fire Alarm Building and associated parking that serves various City departments and a private restaurant; and

**WHEREAS**, the City intends to preserve the historic building on the site; and

**WHEREAS**, the City of Oakland designated the 14th Street corridor on or within four blocks of 14th Street from Oak Street to Frontage Road as the "Black Arts Movement and Business District" to highlight, celebrate, preserve and support the contributions of Oakland's Black artists and business owners and the corridor as a place central both historically and currently to Oakland's Black artists and Black owned businesses (Oakland City Council Resolution No. 85958 C.M.S.); and

**WHEREAS**, the Lake Merritt Station Area Plan (December 2014) describes the Plan Vision (page 3-8) as "The Fire Alarm Building site (located between Oak Street, 13th Street, and Lakeside Drive), could be reused as a community amenity and/ or commercial use open to the public, with some public open space that preserves views to Lake Merritt and creates a clear connection to the Lake and its trails." and also describes "Land Use Policies for the 14th Street Corridor District" (page 4-30) including "as a center for educational, public service, and cultural uses [...] Complement existing government and institutional uses – including the Oakland Museum of California, Kaiser Auditorium, County Courthouse, Main Public Library – with new residential uses and by promoting active ground floor commercial uses in new development [...] Contribute to

the entertainment, educational and cultural activity hub [...] Promote the reuse of the Fire Alarm Building site (located between Oak Street, 13th Street, and Lakeside Drive) as a public amenity.”; and

**WHEREAS**, Belonging in Oakland: A Cultural Development Plan (Spring 2018) describes its guiding vision as “Equity is the driving force. Culture is the frame. Belonging is the goal.” and defines a new cultural equity vision as including “An understanding that the health of cultural life is inextricably tied to the existence and quality of cultural spaces (spaces intended for production, enactment, and/or sharing of culture, whether non-profit, for-profit, or something in between), neighborhood places (places people find to exercise their cultural expression and build identity), and the civic cultural commons (public areas and structures where people gather, connect, celebrate, learn, and build community).”; and

**WHEREAS**, the City has received an unsolicited proposal from the Museum of Jazz and Art to ground lease the Property for the development of a museum, the term of which ground lease is unknown at this time; and

**WHEREAS**, the City desires to potentially waive the competitive process, the authority for which the City Administrator may have depending upon the length of the ground lease term, pursuant to Chapter 2.42.050 of the Oakland Municipal Code; and

**WHEREAS**, the City desires to issue noticing consistent with the State Surplus Land Act for development of the Property; and

**WHEREAS**, the requirements of the California Environmental Quality Act (“CEQA”), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation have been satisfied; now, therefore, be it

**RESOLVED:** That the City Council directs the City Administrator or her designee to draft and issue noticing consistent with the State Surplus Land Act for the development of the Property and take all other actions with respect to the Surplus Land Act noticing consistent with this Resolution and its basic purpose; and be it further

**RESOLVED:** That the City Council directs the City Administrator, after the 60-day noticing period required by the SLA, to negotiate with any proposed purchasers for 90-days as required by the SLA and bring the results back to City Council for further direction; and be it further

**RESOLVED:** That the City Council directs the City Administrator to commence negotiations with the Museum of Jazz and Art if no other proposals are received pursuant to the Surplus Land Act notice of offer; and be it further

**RESOLVED:** That the Oakland City Council has made a finding and determination that it is in the best interests of the City to leasesell the Property by negotiated leasesalerather than sell it; and be it further

**RESOLVED:** That this action does not constitute a “project” within the definition of CEQA Guideline Section 15378 that would have the potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. To the extent a project is determined to exist, the City Council has independently reviewed and considered this action, and the City Council finds and determines that it complies with CEQA because this action is exempt from CEQA under Section 15061(b)(3) (common sense exemption, no significant effect on the environment) and Section 15262 (Feasibility and Planning Studies) of the CEQA guidelines; and be it further

**RESOLVED:** That the City Administrator shall return to the City Council for approval of any Exclusive Negotiation Agreement along with the adoption of requisite findings for a waiver of the competitive process under Chapter 2.42; and be it further

**RESOLVED:** That the City Administrator shall return to the City Council for approval of any sale or long-term lease of the Property; and be it further

**RESOLVED:** That the City Attorney shall review and approve all documents and agreements related to this transaction as to form and legality, and a copy shall be placed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2019

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California