

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2020 JAN -9 PM 3:47



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Alexa Jeffress
Interim Director, Economic
& Workforce Development

SUBJECT: Surplus Land Declaration of Fire
Alarm Building Site

DATE: December 20, 2019

City Administrator Approval

Date:

1/9/20

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution To Ratify City Council's Prior Actions Regarding The Disposition Of The City's Property At 1310 Oak Street (Assessor Parcel Number 002-0091-001), Commonly Referred To As "The Fire Alarm Building," As A Declaration Of Such Property As "Surplus Land" Pursuant To Government Code Section 54221(B)(1).

EXECUTIVE SUMMARY

Effective January 1, 2020, a revised version of the California Surplus Land Act (SLA) will require local agencies to formally declare agency-owned properties as surplus land prior to issuing a Notice of Availability. Staff is requesting such a declaration be made for the Fire Alarm Building Property (the Property).

On November 5, 2019, the City Council adopted Resolution No. 87903 C.M.S., directing the City Administrator to issue a Notice of Availability for the Property, pursuant to the SLA noticing requirements that were in effect at the time. While it is unclear whether the new requirements would apply to the disposition of the Property, staff is recommending City Council take this action to ratify its prior action to declare the Property as surplus land to be consistent with the new requirements.

BACKGROUND / LEGISLATIVE HISTORY

The SLA requires public agencies to follow certain procedural steps when they desire to dispose of public lands they no longer need. The SLA has been amended on several occasions over the years to underscore the legislature's intent to utilize public lands for designated priority uses, such as affordable housing and open space. Assembly Bill (AB) 1486, Ting, effective January 1, 2020, is the most recent amendment to the SLA. Among other things, AB 1486 expressly prohibits local agencies from commencing negotiations prior to providing notification of

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availability to designated entities. Importantly, AB 1486 now requires a local agency to declare property as "surplus land" or "exempt surplus land" before taking any actions to dispose of such property, including issuance of a notice of availability. The declaration must be made by the legislative body of the local agency and should be supported by written findings. The amended law further defines surplus land as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use."

On November 5, 2019, the City Council adopted Resolution No. 87903 C.M.S., which authorized the City Administrator to issue a Notice of Availability pursuant to the SLA in effect at that time for the disposition of the Property. This resolution did not explicitly declare the Property as surplus consistent with the revised SLA.

ANALYSIS / POLICY ALTERNATIVES

While it is unclear whether the new requirements would apply to the disposition of the Property, staff recommends that the City Council take this action to ratify its prior action to declare the Property as surplus land to comply with the new state requirements. This action is necessary because the Notice of Availability for the Property has not yet been issued.

Should City Council ratify, on January 21, 2020, its prior action to formally declare the Property as surplus land, staff will immediately issue a Notice of Availability that meets the new SLA requirements. The revised SLA, which amends California Government Code Sections 54220-54223, requires a 60-day noticing and a 90-day negotiation period with public agencies, affordable housing developers (Priority Purchasers), and other required entities defined in Section 54220 for the disposition of public land. As City Council directed in its November 5, 2019 action, staff would return to City Council to report and receive public comment and subsequent direction should multiple responses be received in response to the Notice of Availability. In addition, any subsequent actions regarding the Property, including authorization of an exclusive negotiation agreement or other agreements for the site, would be brought back to the City Council for approval.

FISCAL IMPACT

There is no fiscal impact or cost of declaring the Property as Surplus Land, as it is a ratification of a prior action by the City Council with respect to the disposition of the Property.

PUBLIC OUTREACH / INTEREST

This resolution simply ratifies the intent of the City Council's previous public action on November 5, 2019 to move forward with the disposition of the Property. Any future projects proposed on the site would return to City Council, and would require public outreach and stakeholder input.

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COORDINATION

Economic and Workforce Development Staff have coordinated with the Office of the City Attorney to analyze and interpret differences between the prior and new legal requirements of the SLA. The Office of the City Attorney and Budget Bureau also assisted in preparation of the staff report and legislation.

SUSTAINABLE OPPORTUNITIES

Economic: There is no economic impact associated with the ratification of City Council's prior action taken on Nov. 5, 2019.

Environmental: There is no environmental impact associated with the ratification of City Council's prior action taken on Nov. 5, 2019.

Race and Equity: There is no equity impact associated with the ratification of Council's prior action taken on Nov. 5, 2019.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Nothing in this action declaring the Property "surplus land" should be interpreted as an approval or a pre-commitment to approve, now or in the future, of the disposition of the City's interest in the Property to any particular party, on any particular terms, or for any particular purposes. Any proposed disposition of the Property, whether made pursuant to the Notice of Availability or otherwise, will require further discretionary actions of the City Council, and the City retains full discretion, following conclusion of the response and negotiation periods set forth in the Notice of Availability and the SLA to proceed with disposition of its interest in the Property in compliance with CEQA. As such, this action will not result in a direct or indirect physical change in the environment and does not in-and-of-itself constitute a "project" pursuant to CEQA Guidelines Section 15378.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution directing the City Administrator to ratify its prior actions regarding the disposition of the City's property at 1310 Oak Street (Assessor Parcel Number 002-0091-001), commonly referred to as "The Fire Alarm Building," as a declaration of such property as "Surplus Land" pursuant to Government Code Section 54221(B)(1).

For questions regarding this report, please contact Rupa Parikh, Urban Economic Analyst III at (510) 238-2970.

Respectfully submitted,



Alexa Jeffress, Interim Director,
Economic & Workforce Development

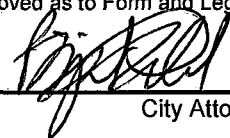
Reviewed by:
Kelley Kahn, Special Projects Director

Prepared by:
Rupa Parikh, Urban Economic Analyst III

FILED
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OAKLAND

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO RATIFY CITY COUNCIL'S PRIOR ACTIONS REGARDING THE DISPOSITION OF THE CITY'S PROPERTY AT 1310 OAK STREET (ASSESSOR PARCEL NUMBER 002-0091-001), COMMONLY REFERRED TO AS "THE FIRE ALARM BUILDING," AS A DECLARATION OF SUCH PROPERTY AS "SURPLUS LAND" PURSUANT TO GOVERNMENT CODE SECTION 54221(B)(1)

WHEREAS, the City owns 0.75-acre of land located at 1310 Oak Street (APN 002-0091-001), commonly referred to as "the Fire Alarm Building"; and,

WHEREAS, Resolution No.87903 (adopted November 5, 2019) authorized the City Administrator to issue a Notice of Offer pursuant to the California Surplus Land Act ("SLA") for the disposition and development of the Fire Alarm Building; and,

WHEREAS, effective January 1, 2020, Assembly Bill 1486 amends the SLA 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 instead of Offer once disposition actions are commenced; and,

WHEREAS, on November 5, 2019, the Council adopted Resolution No. 87903 C.M.S., which authorized the City Administrator to commence actions to dispose of the Fire Alarm Building, without explicitly declaring such Property as surplus land;

WHEREAS, in light of AB 1486, the City Administrator has delayed issuance of a Notice of Availability and intends to issue it in January 2020 pursuant to the amended SLA requirements;

WHEREAS, Staff recommends that the City Council ratify its prior action of November 5, 2019, as a declaration of the Fire Alarm Building as surplus land to fulfill requirements under the amended SLA; and now therefore, be it,

RESOLVED: That the City Council hereby ratifies its action taken on November 5, 2019 as a formal declaration of the Fire Alarm Building as surplus land pursuant to Government Code Section 54221(B)(1);

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 the Fire Alarm Building; 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 a Notice of Availability for the Fire Alarm Building that is compliant with the amended SLA and the Council's prior authorization in Resolution No. 87903 C.M.S., is so amended.

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