



## MEMORANDUM

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Alexa Jeffress  
Director, Economic &  
Workforce Development

Larry Gallegos  
Economic & Workforce  
Development

**SUBJECT:** Conclusion of Surplus Lands Act      **DATE:** July 28, 2020  
Process: 1310 Oak Street

City Administrator  
Approval

Date July 28, 2020

### INFORMATION

This Information Memorandum documents the Surplus Land Act (SLA) compliance process for the City's property located at 1310 Oak Street (the "Property"), commonly known as the Fire Alarm Building.

### EXECUTIVE SUMMARY

On January 24, 2020, in accordance with City Council direction, staff issued the SLA Notice of Availability (NOA) for the Property (see Attachment A).

Pursuant to legislative amendments to the SLA which became effective on January 1, 2020, the City Council held a public meeting on January 21, 2020, and approved Resolution No. 87999 C.M.S. which declared the Property as surplus (see Attachment B).

The 60-day statutory noticing period concluded on March 24, 2020, with no responses received by staff.

In accordance with the SLA, any subsequent development of 10 or more residential units on the site must include at least 15 percent of units as affordable. This requirement must be contained in a deed restriction recorded against the land prior to future land use entitlement.

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**BACKGROUND / LEGISLATIVE HISTORY**

*1310 Oak Street*

The City owns property located at 1310 Oak Street (Assessor Parcel Number 002-0091-001), commonly known as the Fire Alarm Building.

The property is generally bounded by Oak Street, 13th Street, and Lake Merritt Blvd., across the street from the Alameda County Superior Courthouse and Lake Merritt. The Property is approximately 0.75 acres. It is currently zoned as D-LM-4, per the Lake Merritt Station Area Plan, which allows a wide range of residential and commercial uses.

The Property contains the historic Fire Alarm Building, which was built in 1911 and is approximately 4,500 square feet. The site also includes 45 parking spaces, currently used by various City departments and a nearby restaurant, and parking for a mixture of public and private use. The Oakland Planning Bureau assigns the building a historic rating of Ba1+ (B, major importance, landmark quality; potential A, highest importance; 1+, contributor to National Register-eligible Lake Merritt District). This rating qualifies the Fire Alarm Building as a historical resource for purposes of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), California Historical Building Code, and the City's Category II Demolition Findings. Please call the Oakland Cultural Heritage Survey at 510-238-6879 for questions about historic status.

As described in the Executive Summary above, the City determined its interest in the Property to be surplus and staff completed the SLA process as required by state law and outlined below.

*The Surplus Land Act*

Effective January 1, 2020, Assembly Bill (AB) 1486 amended the SLA by prohibiting local agencies from commencing negotiations over the sale or lease of surplus property prior to sending notices about available, surplus local public land to designated entities ("Eligible Entities"), including:

- California Department of Housing and Community Development ("HCD")
- Any local public entity within the jurisdiction where the surplus local land is located
- Developers who have notified HCD of their interest in developing affordable housing on surplus local land.

Importantly, AB 1486 now requires a local agency to declare property as "surplus land" in a public hearing by the legislative body of the local agency.

When a property is surplus, the City must provide a NOA to the Eligible Entities for specified uses, including affordable housing, parks and recreation, and schools. An Eligible Entity desiring

to purchase or lease the surplus land for any of the purposes described above must notify the City in writing of its intent to purchase or lease the land within 60 days after receipt of the City's notification of intent to dispose of the land.

If the City receives notice of interest from any Eligible Entities, the SLA mandates a 90-day negotiation period with any designated entities that submit timely offers. If no notice of interest is received or negotiations do not result in a disposition, the City may proceed with disposing of the land. The SLA does not require the City to dispose of surplus land at less than fair market value. However, the SLA requires that, at a minimum, any subsequent development of 10 or more residential units on the site must include at least 15 percent of units as affordable as defined in the Health & Safety Code Section 50052.5 and 50053.

### **CONCLUSION**

The SLA process for the 1310 Oak Street property is complete. The City received no letters of interest, no offers for sale or lease were received and no sale or lease was consummated as part of the SLA process for the Property.

As required by the SLA, subsequent development of 10 or more residential units on the site must include at least 15 percent of units as affordable. This requirement must be contained in a deed restriction recorded against the land prior to land use entitlement.

For questions regarding this report, please contact Larry Gallegos, Department of Economic and Workforce Development, at [lgallegos@oaklandca.gov](mailto:lgallegos@oaklandca.gov) or (510) 238-6174.

Attachments:

- A. Notice Of Availability (NOA)
- B. Resolution No. 87999 C.M.S.

Respectfully submitted,



ALEXA JEFFRESS

Director, Economic & Workforce Development

## CITY OF OAKLAND

ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT  
PUBLIC/PRIVATE DEVELOPMENTMemorandum

TO: Eligible Entities  
FROM: Alexa Jeffress, Acting Director, Economic and Workforce Development Department  
DATE: January 24, 2020

RE: Notice of Availability to Purchase or Lease Surplus Land Located at 1310 Oak Street

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Pursuant to Government Code Section 54220 et seq, as it may be amended, the City of Oakland (“City”) hereby gives notice of the availability of surplus land and its intent to convey its property located at 1310 Oak Street (Assessor Parcel Number 002-0091-001) (the “Property”), commonly known as the Fire Alarm Building, by sale or lease. Pursuant to Government Code Section 54222, the City is hereby providing this written offer to your agency/organization to purchase or lease said property for certain purposes or uses consistent with your agency’s/organization’s mission. The City is concurrently providing this written offer to all eligible entities designated in Government Code Section 54222.

**If your agency/organization desires to purchase or lease the Property, please provide written notice to the City of your intent within 60 days from the date of this notice.** Your response should include a description of your intended development proposal. Priority shall be given to the development proposals designated in Section 54222(a). If you submit a response, the City will enter good faith negotiations with your agency/organization to discuss your proposed development proposal or use and to determine a mutually satisfactory sales price or lease terms.

Please address the notice of intent to purchase or lease to:

**Rupa Parikh  
City of Oakland  
250 Frank H. Ogawa Plaza Suite 5313  
Oakland, CA 94612**

The City will carefully consider any reasonable offer or proposal, but it has previously expressed its intent that the property be developed into a project that preserves the historic building on the site, and that serves as a community facility or commercial use open to the public, consistent with the City’s adopted *Lake Merritt Station Area Plan*. Please note all the relevant information regarding the *Lake Merritt Station Area Plan* and zoning and land use policies pertaining to this site can be found on the City’s website: <https://www.oaklandca.gov/topics/lake-merritt-station-area-plan>.

**ABOUT THE PROPERTY**

## Notice of Surplus Land at 1310 Oak Street

The property is generally bounded by Oak Street, 13<sup>th</sup> Street, and Lake Merritt Blvd., across the street from the Alameda County Superior Courthouse and Lake Merritt. The Property is approximately 0.75 acres. It is currently zoned as D-LM-4, per the *Lake Merritt Station Area Plan*, which allows a wide range of residential and commercial uses.

The Property contains the historic Fire Alarm Building, which was built in 1911 and is approximately 4,500 square feet. The site also includes 45 parking spaces, currently used by various City departments and a nearby restaurant, and parking for a mixture of public and private use. The Oakland Planning Bureau assigns the building a historic rating of Ba1+ (B, major importance, landmark quality; potential A, highest importance; 1+, contributor to National Register-eligible Lake Merritt District). This rating qualifies the Fire Alarm Building as a historical resource for purposes of CEQA, NEPA, California Historical Building Code, and the City's Category II Demolition Findings. Please call the Oakland Cultural Heritage Survey at 510-238-6879 for questions about historic status.

Please see the Property outlined within the orthophotograph map below:

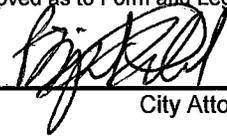


For additional information, please contact Rupa Parikh at (510) 238-2970 or via email [real\\_estate@oaklandca.gov](mailto:real_estate@oaklandca.gov)

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2020 JAN -9 PM 3:47

Approved as to Form and Legality

  
City Attorney

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 87999 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, JAN 21 2020

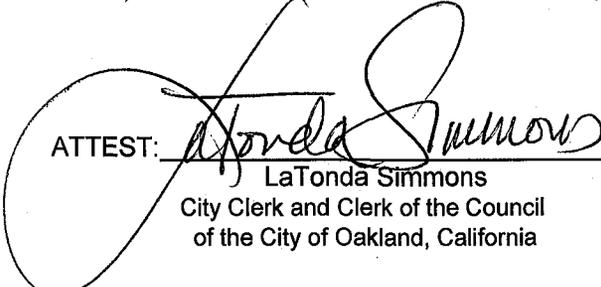
**PASSED BY THE FOLLOWING VOTE:**

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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