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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2023

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Board Cover Memorandum

To: Board Facilities Committee

From: Benjamin "Sam" Davis, Board Director
Jennifer Brouhard, Board Director

Meeting Date: September 21, 2023

Subject: Resolution Prioritizing the Disposition and Use of Unutilized District Properties

Background:

While the Ohlone people were the original occupants of the area that is today known as the City of Oakland, the District is one of the largest landowners in this City, and owns a variety of parcels zoned for a variety of land uses; the District has a total of 108 facility sites; 76 of those sites have TK-12 and Alternative Ed programs (some with shared campuses); 32 of those sites have other uses such as charter schools, adult education programs, early childhood programs, administrative offices, warehouse spaces and unutilized properties; the District has a total of at least nine unutilized sites, or portions of sites. Effective use of these properties requires transparency in identifying unutilized or underutilized District land.

The District seeks to promote the health and welfare of those who live, work, and study within the District. Available District land, prior to disposition, should be made available for those purposes. Public land is an asset of the people and should be utilized for public good.

There is a great shortage of affordable housing in our City, with the greatest impact on the over 1,600 District students who are unhoused, as well as many thousands more who are in unstable or overcrowded housing situations. In addition, the extremely high cost of housing in Oakland and the surrounding area is one of the prime factors that makes it difficult to attract and retain employees in our District. In response to similar concerns, school districts across the Bay Area and California have explored or are actively engaged in using some of their unutilized or underutilized real property to develop workforce housing.

In a written report dated January 22, 2020, a District-authorized committee with between 7 and 11 members ("7-11 Committee") recommended designating certain District properties as surplus and recommended a priority of potential uses for each property. In addition, the 7-11 Committee recommended that the Board consider adopting an overarching policy for District property that would allow long-term ground leases, while prohibiting the sale of District land.

In consideration of the 7-11 Committee's recommendations, the Board hereby seeks to adopt an overarching policy for District property that seeks to avoid unnecessary sales of District land.

Furthermore, the Board recognizes the need for and desirability of ongoing community involvement with the disposition of District land.

Purpose:

The purpose of this Resolution is to direct staff to create unified District Policies regarding the disposition and the prioritization of various uses of District properties not being actively utilized; to ensure that this process is done in a way that maximizes transparency, accountability, and inclusivity; to maximize the amount of affordable

housing, for extremely low, very low, and low-income households, with priority to OUSD's 1,600 youth and families that are experiencing homelessness, as well as those in unstable or overcrowded housing situations, on underutilized and surplus District properties; to prioritize the provision of early childcare, youth, and homeless support and shelter services; and to increase available and affordable housing for the District's workforce of teachers and employees on all remaining underutilized or surplus District properties.

Fiscal Impact

To be determined

Attachment:

Proposed Resolution 2324-0155 Prioritizing the Disposition and Use of Unutilized District Properties

**OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2324-0155**

**PRIORITIZING THE DISPOSITION AND USE OF UNUTILIZED DISTRICT
PROPERTIES**

WHEREAS, the Oakland Unified School District ('District') is one of the largest landowners in the City of Oakland, and owns a variety of parcels zoned for a variety of land uses; and

WHEREAS, the original occupants of this land were the Ohlone people, and the District takes seriously its obligation to steward this land for all the people of Oakland and its future generations, in equitable and sustainable ways; and

WHEREAS, there are over 1600 students enrolled in District schools who are experiencing homelessness, and thousands more whose housing is insecure or overcrowded; and

WHEREAS, the median rent in Oakland is currently over \$2400 per month, which is unaffordable for the vast majority of District employees; and

WHEREAS, the District has a total of 108 facility sites; 76 of those sites have TK-12 and Alternative Ed programs (some with shared campuses); 32 of those sites have other uses such as charter schools, adult education programs, early childhood programs, administrative offices, warehouse spaces and unutilized properties; and the District has a total of at least nine unutilized sites that are not currently being used for any purpose; and

WHEREAS, effective use of these properties requires transparency in identifying unutilized or underutilized District land; and

WHEREAS, the District seeks to promote the health and welfare of those who live, work, and study within the District; and available District land, prior to disposition, should be made available for those purposes; and

WHEREAS, public land is an asset belonging to the people and should be utilized for public good; and

WHEREAS, In a written report dated January 22, 2020, a District-authorized committee with between 7 and 11 members ("7-11 Committee") recommended designating certain District properties as surplus, and recommended a priority of potential uses for each property. In addition, the 7-11 Committee recommended that the Board of Education ('Board') consider adopting an overarching policy for District

property that would allow long-term ground leases, while prohibiting the sale of District land; and

WHEREAS, In consideration of the 7-11 Committee's recommendations, the Board seeks to adopt an overarching policy for District property that seeks to avoid unnecessary sales of District land; and

WHEREAS, The Board recognizes the need for and desirability of ongoing community involvement with the disposition of District land; and

WHEREAS, Board Policy 7350 articulates the District's Physical Asset Management Policy, including a priority order for uses of real properties; and

WHEREAS, Board Policy 7351 articulates the goal of the District to cause to be built and cause to be maintained sustainable and safe housing for unsheltered District students and their families as well as housing for District employees that is financially accessible to classified and certificated staff; and

WHEREAS, it is the will of the Board to update the priority list of uses in Board Policy 7350 to align with the vision of the Board, and to articulate more detail on the goals of Board Policy 7351, as well as to align the two policies with each other,

NOW THEREFORE BE IT RESOLVED, the Board directs the Superintendent or designee to bring back by [XXXX] of 2023 a unified District Policy on prioritizing the disposition and use of unutilized District properties, with language designed to:

- ensure transparency, accountability, and inclusivity; maximize the amount of affordable housing, for extremely low, very low, and low-income households, with priority to youth enrolled in OUSD that are experiencing homelessness or housing insecurity and their families, on unutilized District properties;
- prioritize the provision of early childcare, youth, and homeless support and shelter services;
- and increase available and affordable housing for the District's workforce of teachers and employees on all remaining unutilized District properties; and

BE IT FURTHER RESOLVED, such policy will include language expressing the intent of the District to make best efforts to lease surplus real property consistent with the priority use list articulated in the policy, prior to offering property for sale or for long-term lease with option to purchase; and that if leasing without option to purchase is not reasonable, then District staff shall submit a written report explaining the reasons why the property cannot reasonably be leased in this manner; furthermore such policy will include language clarifying that District Staff shall not propose to sell District real property or to lease such

property with option to purchase, unless expressly directed to do so by the Board after consideration by a 7-11 Committee; and

BE IT FURTHER RESOLVED, such policy will include the following future uses in the appropriate places in the priority use list:

- Development of projects with a minimum of 50% affordable housing, including affordable rental units with efforts to prioritize and/or reach out to the many students enrolled in OUSD who are experiencing homelessness or who are housing insecure and their families. “Affordable rental units” are defined to include rental units affordable to households at 120% of Area Median Income (“AMI”) or below, with at least 15% of the units in a given development affordable at 0 to 30% of AMI.
- Provision of early childcare and family and youth services
- Housing teachers or District employees; and

BE IT FURTHER RESOLVED, such policy will include language directing the Superintendent or designee to develop, maintain and publish, or cause to be developed, maintained and published, on the District’s website, a Public Lands Availability Report (“Report”) of all real property owned by the District that might be made available for joint tenancy lease, long-term lease, or sale (including, but not limited to, any such property that could be leased or sold upon the conclusion of a 7-11 process); to present this Report to the Board no later than October of 2024; and to update this Report or cause it to be updated in the future via the Facilities Master Planning process described in Board Policy 7110; and

BE IT FURTHER RESOLVED, such policy will direct the Superintendent or designee to include or cause to be included at least the following information in the Report for each identified property:

1. The street address (if there is one);
2. The date of acquisition by the District (if known);
3. A general description, including the land size and topography;
4. A summary of the historical uses by the District and any prior owner (if known)
5. The current use (if there is one) and any plans/intent for future use (if there are any)
6. Preliminary estimates of the current value and of the highest and best use
7. A general description, including an assessment of physical condition, of any structure(s) on the property; and

BE IT FURTHER RESOLVED, such policy will express the Board’s intent to take action to make the properties listed in the Report available for joint occupancy leases pursuant to Education Code Sections 17515 et seq. (Joint Occupancy) in accordance with the uses listed in said policy and identified above; and

BE IT FURTHER RESOLVED, such policy will clarify that all developments on District property are subject to the District’s existing project labor agreement, as well as existing Board Policies concerning local and small business Use, sustainability and prevailing-wage requirements on capital projects; and that the District also remains subject to compliance with state statutes, including state-mandated disposition priorities for surplus land offered for sale or for lease with an option to purchase; and

BE IT FURTHER RESOLVED, staff shall develop and propose administrative regulations to implement this Policy once it is presented to and adopted by the Board.

PASSED AND ADOPTED on _____, 2023, by the Governing Board of the Oakland Unified School District by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on _____, 2023.

Legislative File	
File ID Number:	23-2075
Introduction Date:	9/21/2023
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Enactment Date:	

OAKLAND UNIFIED SCHOOL DISTRICT

Mike Hutchinson
President, Board of Education

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education