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June 2, 2015

Barbara Parker  
Oakland City Attorney  
1 Frank Ogawa Plaza  
Oakland, CA 94612

## Re: East 12<sup>th</sup> Street Remainder Parcel Legal Compliance

Dear Ms. Parker:

We write on behalf of Eastlake United for Justice (EUJ), a neighborhood organization of concerned residents who live in Oakland's Eastlake neighborhood, to request full legal compliance in connection with any disposition or authorization to dispose of the 12<sup>th</sup> Street Remainder Parcel ("E. 12<sup>th</sup> Street Parcel"), located at East 12<sup>th</sup> Street and 2<sup>nd</sup> Avenue.

As detailed in our May 4, 2015, letter to the Oakland City Council (attached and incorporated herein), federal, state, and local laws establish specific procedures and substantive requirements that must be followed when local governments dispose of public land such as the E. 12<sup>th</sup> Street Parcel. We have reviewed the City's initial response to our Public Records Act request sent on May 8, 2015 ("Public Records Act Request – 12<sup>th</sup> Street Remainder Parcel"), and concluded that the City has not complied with many of these requirements.

We ask that the City of Oakland come into full compliance with these laws before either (a) authorizing the negotiation or execution of a disposition and development agreement and related documents between the City and any development entity for sale of the East 12th Street parcel, (b) executing a disposition and development agreement or other contractual obligations with any developer for sale of the E. 12<sup>th</sup> Street Parcel, or (c) transferring the E. 12<sup>th</sup> Street Parcel to any purchaser or developer. If the City takes any of these actions without first ensuring full legal compliance, we may ask a court to enforce unfulfilled legal obligations and enjoin the transfer of the parcel.

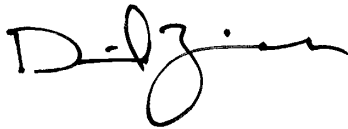
Full compliance includes fulfilling, *inter alia*, all of the following obligations:

- i. Offering to sell or lease the property for the purpose of developing low- and moderate-income housing to housing sponsors, including nonprofit housing providers, as required by Government Code § 54222, Oakland Municipal Code § 2.42.040, and the City of Oakland's 2015-2023 Housing Element, Action 2.7.3 (p.306);

- ii. Calling publicly for oral or written competitive bids or offers, including publishing notice of the proposed sale and competitive process in the newspaper or posting on the City's website, as required by Oakland Municipal Code § 2.42.050;
- iii. Giving first priority to, and entering good faith negotiations for a period of not less than 90 days with, an entity that proposes to use the parcel for developing low- and moderate-income housing and agrees to make available not less than 25 percent of the total number of units developed as affordable to lower income households, as required by Government Code §§ 54222, 54222.5, and 54227, and Oakland Municipal Code § 2.42.040;
- iv. Giving priority to the entity that proposes to provide the greatest number of affordable units at the deepest level of affordability, as required by Government Code § 54227; and
- v. Ensuring at minimum that at least 15 percent of the total number of units is affordable to lower income households, as required by Government Code § 54233 and the City of Oakland's 2015-2023 Housing Element, Action 2.7.3 (p.306).

By complying with these legal requirements, the City will also demonstrate responsible stewardship of public land and promote a vision for Oakland that supports inclusion and diversity.

Sincerely yours,



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Cc: Oakland City Councilmembers  
John Flores, Interim City Administrator  
LaTonda Simmons, City Clerk