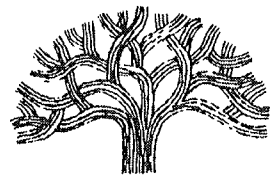


CITY OF OAKLAND



FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY HALL
REBECCA KAPLAN
At-Large
atlarge@oaklandnet.com

18 MAY 31 PM 3:32

FRANK H. GAWA PLAZA • OAKLAND, CALIFORNIA 94612
(510) 238-7008
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Date: May 31, 2018
To: City Council
From: Councilmember Kaplan and the Community Assembly of the Post Salon
Re: RESOLUTION APPROVING A 180-DAY MORATORIUM ON COUNCIL APPROVAL OF THE LONG-TERM GROUND LEASE OR SALE OF CITY REAL PROPERTY, OR UNTIL THE CITY COUNCIL HAS ADOPTED A PUBLIC LANDS POLICY IF ADOPTED WITHIN THE 180-DAY MORATORIUM PERIOD

Dear Colleagues on the City Council and Members of the Public,

City-owned land is a critically scarce resource that should be used to serve important public needs, through an appropriate process. Oakland is also experiencing a severe housing crisis, and it is important to maximize housing for all income levels on public land, and create quality jobs for the local community.

The community has been calling on the City to develop and implement a responsible public lands policy, which a broad coalition of stakeholders are in the process of authoring. In the meantime, we must take the steps necessary to ensure that valuable public land is not sold off for private interests, and lost to the taxpayers of Oakland.

I am thankful for the members of the Community Assembly of the Post Salon for co-sponsoring of this proposed policy, and bringing attention to this important issue. Together we have authored this Resolution, which would impose a 180-day moratorium on Council approval of the long-term ground lease or sale of City-owned real property, or until Council has adopted a public lands policy.

There are exceptions to this proposed moratorium, including for parcels under 5,000 square feet; properties at the former Oakland Army Base that are being leased or sold for projects currently under negotiation; parcels that are being leased or sold for projects that are subject to Exclusive Negotiating Agreements entered into prior to the date of this Resolution; leases or sales that have already been approved by Council as of the date of this Resolution; and for parcels being leased or sold for 100% low-income affordable housing projects, or for mixed use projects where

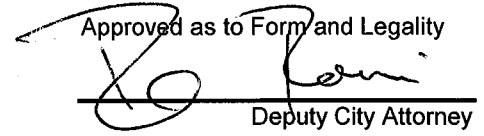
100% of the residential units are affordable to households at or below 60% of area median income.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rebecca Kaplan". The signature is fluid and cursive, written over the printed name.

Councilmember At-Large Rebecca Kaplan and
The Community Assembly of the Post Salon

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Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Kaplan

RESOLUTION APPROVING A 180-DAY MORATORIUM ON COUNCIL APPROVAL OF THE LONG-TERM GROUND LEASE OR SALE OF CITY REAL PROPERTY, OR UNTIL THE CITY COUNCIL HAS ADOPTED A PUBLIC LANDS POLICY IF ADOPTED WITHIN THE 180-DAY MORATORIUM PERIOD

WHEREAS, there is a trend toward privatization of public resources in the United States; and

WHEREAS, City-owned land is a critically scarce resource that should be used to serve important public needs, through an appropriate process; and

WHEREAS, City-owned land, when leased, can serve vital community needs while remaining an important asset of the City; and

WHEREAS, Oakland is currently experiencing a severe housing crisis, which would be further exacerbated if we fail to use land that is zoned for housing for such purposes, primarily housing affordable to low, very low, and extremely low income households; and

WHEREAS, with approximately 2,500 units of market housing currently in the construction pipeline, private developers have shown that the demand for market-rate housing will be addressed privately without City subsidy or assistance, but that affordable housing and housing for those of low and extremely low incomes can only be produced with public assistance, including allocation of publicly-owned land; and

WHEREAS, a 2016 report to the Council on housing states: “With the loss of redevelopment and the exhaustion of past state affordable housing bond funds, California has virtually no resources to construct affordable housing. Fast-rising rents and a shortage of affordable housing in Oakland could be addressed through a public lands policy. There are many publicly-owned parcels that permit residential uses in the city, which could be used to help achieve its affordable housing goals;” and

WHEREAS, the City of Oakland is currently working on a proposed public land policy, but until such policy is adopted, City real properties are at risk of being sold without community

needs and policy standards being taken into account; now, therefore, be it

RESOLVED: That the Oakland City Council hereby approves a 180-day moratorium on Council approval of the long-term ground lease (for a lease term exceeding 35 years) or sale of City-owned real property (including without limitation leases or sales at zero or nominal value), or until Council has adopted a public lands policy if adopted within the 180-day moratorium period; and be it

FURTHER RESOLVED: That the following shall be exempt from the moratorium:

- Parcels being leased or sold for 100% low-income affordable housing projects (i.e., affordable to households at or below 60% of area median income), or for mixed use projects where 100% of the residential units are affordable to households at or below 60% of area median income;
- Leases or sales that have already been approved by Council as of the date of this Resolution;
- Properties that are being leased or sold for projects that are subject to Exclusive Negotiating Agreements entered into prior to the date of this Resolution;
- Properties at the former Oakland Army Base that are being leased or sold for projects currently under negotiation; and
- Properties under 5,000 square feet

and be it

FURTHER RESOLVED: That the City Council may only grant an exception to this moratorium in cases where the exception is granted at a public meeting of the City Council after a hearing, with a finding that the moratorium's application would either (1) be unlawful under and/or conflict with Federal, State, or local law or regulation; or (2) a health and safety threat or emergency has been duly established to the satisfaction of the City Council; and be it

FURTHER RESOLVED: That this moratorium shall become effective immediately upon final adoption of this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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