


  
 Deputy City Attorney

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 OFFICE OF THE CITY CLERK  
 OAKLAND

 10 JUN 20 PM 4:43 **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 or have been 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