



City of Alameda • California

VIA Email and US Mail

October 7, 2009

Kevin D. Siegel
Deputy City Attorney
Office of the City Attorney
One Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612

Re: Public Records Act Request Regarding Potential Development at Alameda Point

Dear Kevin,

As you know, the City of Alameda is in receipt of your August 24, 2009, request for public records. To recap, when we spoke on Sept. 2, 2009, you agreed that the request would be stayed until it was determined whether Suncal would actually submit its signed petitions for verification in an effort to qualify a ballot measure. In the meantime, we agreed, City of Alameda would provide the pending phase two election report. On Sept. 15, 2009, I emailed to you the phase two election report. In our subsequent correspondence, I confirmed Suncal did submit the petitions on Sept. 23, 2009. After you returned from being out of the office for a week, you confirmed on Sept. 30, 2009, that you had received the phase two election report. In our communications you also confirmed that City of Oakland already has copies of the initiative, the Exclusive Negotiation Agreement, staff reports of Nov. 5, 2008, and April 27, 2009, a 2008 presentation, and the phase one election report.

Regarding the balance of the public records request, the City of Alameda will make available for inspection and copying all disclosable records. The request is denied in part on the following grounds: Gov't Code Secs. 6254(a), 6254(k), 6254.7(d), 6254.15, and 6255; Civ. Code Sec. 3426.1.

The Suncal initiative petition is an effort of Suncal that has not been presented to a legislative body of Alameda for its concurrence on content. In other words, the proposal is not a public agency sponsored initiative. Because the initiative includes a Charter

amendment, the City Council would not have authority to adopt it. Should the measure qualify for the ballot, the authority of Council is limited by state statute to the ministerial duty of ordering an election. The City anticipates discussion and deliberation regarding environmental impacts and mitigation when a discretionary approval on development is sought from a legislative body, consistent with CEQA and the 2004 settlement agreement between City of Alameda, City of Oakland, Oakland Chinatown Chamber of Commerce and Asian Health Services. As you will see from the Exclusive Negotiation Agreement and in the initiative proposal, a disposition and development agreement will need to be drafted and approved by Alameda before land could be conveyed and developed. On Sept. 28, 2009, the City of Alameda Planning Board approved the recommendation of the Oakland Chinatown Advisory Committee that review of the Suncal proposal under CEQA begin promptly.

Given that your records request is voluminous, please contact me to discuss a date for disclosure that is workable. Thank you in advance for your cooperation.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Donna Mooney', with a stylized, cursive script.

Donna Mooney
Senior Assistant City Attorney
City of Alameda