



October 14, 2009

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Planning Director  
 City of Alameda  
 City Hall  
 2263 Santa Clara Ave.  
 Alameda, CA 94501

Re: 2004 Settlement Agreement Between the City of Alameda, the City of Oakland, the Oakland Chinatown Chamber of Commerce and Asian Health Services.

Dear Planning Director:

This letter is to provide the City of Alameda with notice that the Oakland Chinatown Chamber of Commerce and the Asian Health Services intend to challenge the City of Alameda's decision to place the SunCal initiative petition on the ballot as a ministerial duty should it "qualify." This decision was stated in the October 7, 2009 letter from Donna Mooney, Senior Assistant City Attorney for the City of Alameda to Kevin D. Siegel, Deputy City Attorney for the City of Oakland. We further challenge the City of Alameda's unwillingness to comply with its contractual obligations under the 2004 Settlement Agreement and its statutory duties under CEQA, as stated in Donna Mooney's October 7, 2009 letter.

The Settlement Agreement requires the City of Alameda to prepare at least one Project level EIR in compliance with CEQA before taking any steps to further the SunCal project as proposed in the initiative. Preparing an EIR subsequent to the voters consideration of SunCal's plans, as stated in Donna Mooney's October 7, 2009 letter, would amount to a post hoc rationalization for actions the City had already taken and would violate the City's obligations under the Agreement.

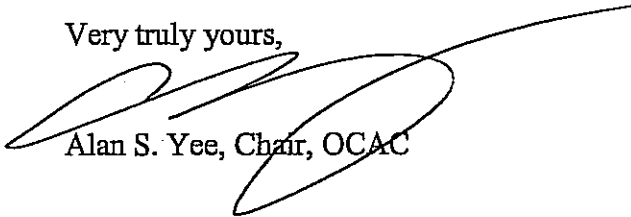
Additionally, the proposed project is a city sponsored initiative, at least in part. SunCal is under contract with the City of Alameda under an Exclusive Negotiating Agreement since 2007. The City of Alameda, through its Mayor, City Council, numerous City boards and commissions, has developed with SunCal the master plan being proposed in the SunCal initiative. In addition to input to the initiative, various City of Alameda officials, staff, boards and commissions have actively provided support for the initiative. It is undeniable that SunCal initiative is supported, in part, through contract and other forms of assistance from the City of Alameda. Accordingly, the City of Alameda is obligated by statute to comply with CEQA prior to placing the SunCal matter on the ballot.



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We therefore demand that Alameda and the parties to the agreement meet and confer to attempt to resolve this dispute as provided in Section 6 of the Agreement. If settlement efforts are unsuccessful, we will have no alternative but to undertake legal action.

Very truly yours,



Alan S. Yee, Chair, OCAC

Jennie Ong, Executive Director  
Oakland Chinatown Chamber of Commerce

Sherry Hirota, Executive Director  
Asian Health Services

cc: Alameda City Clerk  
Alameda City Council  
Alameda City Attorney