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APPROVED AS TO FORM AND LEGALITY



K.C.
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13839 C.M.S.

INTRODUCED BY CITY ADMINISTRATOR JESTIN D. JOHNSON
AND COUNCILMEMBER CARROLL FIFE

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE LICENSE AGREEMENTS WITH THE OAKLAND BALLERS, A MINOR LEAGUE BASEBALL TEAM, FOR USE OF (A) THE RAIMONDI PARK BASEBALL FIELD FOR A TERM OF TEN YEARS AT A BASE RATE OF ONE THOUSAND DOLLARS (\$1,000) PER MONTH WITH AN ANNUAL THREE PERCENT (3%) INCREASE AND ADDITIONAL RENT OF FIFTY CENTS (\$0.50) PER PAID ADMISSION WITH AN ANNUAL THREE PERCENT (3%) INCREASE, FIFTY PERCENT (50%) OF NAMING RIGHTS REVENUE AND TWENTY PERCENT (20%) OF BUSINESS AND ADVERTISING SIGN REVENUE AND (B) 1707 WOOD STREET FOR SPECIAL EVENT PARKING FOR A ONE YEAR TERM WITH TWO 1-YEAR OPTIONS AT A RATE OF FIVE HUNDRED DOLLARS (\$500) PER MONTH; (2) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City owns real property located at 1689 20th Street, Oakland, CA 94607 (Assessor Parcel Number 007-0568-00100), otherwise known as Raimondi Park (Park); and

WHEREAS, the City owns real property located at 1707 Wood Street, Oakland, CA 94607 (Assessor Parcel Number 018-0310-01301) (Property), which is subject to an Exclusive Negotiating Agreement with Midpen Housing Corporation and Habitat for Humanity East Bay/Silicon Valley, Inc. for development of affordable housing pursuant to Resolution No. 87795 C.M.S., as amended by Resolution No. 88968 C.M.S., that allows the City to grant to other parties a license to the Property for parking prior to conveyance of the Property to the developers; and

WHEREAS, the Oakland Ballers Baseball Club, LLC, a Delaware limited liability company (Ballers) is a professional baseball team that provided approximately \$1,600,000 in improvements to the baseball field (Premises) located on the Park in exchange for the ability to play 48 home games plus potential additional playoff games on the Premises during the 2024 Pioneer Baseball League season; and

WHEREAS, on April 30, 2024, the City Council authorized license agreements with the Ballers for use of the Premises for home games and use of the Property for parking each for a duration of one year pursuant to Ordinance No. 13791 C.M.S.; and

WHEREAS, on May 3, 2024, the City entered into a one-year license agreement with the Ballers for use of the Premises for baseball games, and on May 20, 2024, entered into a one-year license agreement with the Ballers for use of the Property for event parking; and

WHEREAS, the Ballers financed and implemented substantial capital improvements to the Premises, including a new scoreboard, bleachers, dugouts, batter's eye and fencing, thereby transforming a previously unplayable baseball field into a high-quality field suitable for professional baseball; and

WHEREAS, the Ballers secured and maintained the Premises and Property throughout the terms of the license agreements; and

WHEREAS, the Ballers drew nearly 100,000 attendees to home games during their 2024 season, activated the Park, generated economic activity in West Oakland, and stirred civic pride throughout Oakland; and

WHEREAS, the Ballers propose to continue their use and stewardship of the Premises for another ten years and to continue using the Property for game-day parking until it is needed for development pursuant to license agreements (License Agreements); and

WHEREAS, the License Agreements will be non-exclusive, the Premises will remain available for public use except on Ballers' game days, and the Property will be used for temporary special event parking on Ballers' game days; and

WHEREAS, on February 12, 2025, the Parks and Recreation Advisory Commission recommended that the City Council authorize the License Agreements and recommended that the City's Director of Planning approve an associated minor conditional use permit (Minor CUP) and minor variance required for some of the Baller's planned improvements to the Premises; and

WHEREAS, the City is or will separately consider a Special Event Permit application which would govern use of the Premises and Property on game days and associated neighborhood impacts; and

WHEREAS, pursuant to OMC Section 2.42.110, City-owned real property must be licensed or leased for a rent or fee, payable in cash or other consideration, equal to or exceeding the property's fair market value, unless the City Council determines that the license or lease of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, pursuant to Oakland Planning Code Section 17.11.090, Business and Advertising Signs are allowed in the Open Space (OS) Zone only when a City agency enters into an agreement with a private enterprise to enhance public park facilities and/or programs, and the

private enterprise is a principal provider of cash and/or in kind contribution toward the enhancements; and

WHEREAS, the Ballers have agreed to pay to the City as consideration for the License Agreement of the Premises the sum of One Thousand Dollars (\$1,000) per month in base rent, subject to 3% annual escalations; Fifty Cents (\$0.50) per paid admission subject to 3% annual escalations; and Twenty Percent (20%) of all on-site business and advertising sign revenue and Fifty Percent (50%) of naming rights revenue, net of reasonable third-party commissions, manufacturing and installation costs. These payments are consistent with the fair market rental value of the Park; and

WHEREAS, the Ballers have agreed to pay to the City as consideration for the License Agreement of the Property Five Hundred Dollars (\$500) per month in base rent, in addition to the in-kind service of securing and maintaining the Property until it is needed for development; and

WHEREAS, the proposed temporary use of the Premises for baseball games and community activities, including community movie nights and little league games, and proposed use of the Property for temporary special event parking is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning), pending CEQA analysis; and

WHEREAS, the non-exclusive and temporary use of the Premises and Property by Licensee for community benefitting uses, does not authorize development, and thus is not a disposition of surplus property under Government Code section 54220 et seq.; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Administrator is hereby authorized to negotiate and execute a license agreement with the Ballers for use of the Raimondi Park baseball field for a ten-year term in exchange for the Ballers paying the City as consideration the sum of One Thousand Dollars (\$1,000) per month in base rent, subject to Three Percent (3%) annual escalations; Fifty Cents (\$0.50) per paid admission subject to Three Percent (3%) annual escalations; and Twenty Percent (20%) of all on-site advertising revenue and Fifty Percent (50%) of naming rights revenue, net of reasonable third-party commissions, manufacturing and installation costs. The City Administrator is also authorized to negotiate and execute a license agreement with the Ballers for use of the City-owned property at 1707 Wood Street for an initial term of one year with two one-year extension options with a thirty (30) day right to terminate except within 30 days of the start of the season or during the season at a rate of Five Hundred Dollars (\$500) per month for temporary special event parking.

SECTION 2. The base rent, advertising sign revenue and naming rights revenue derived from the License Agreement of the Premises shall all be accepted and appropriated into OPRCA Self Sustaining Revolving Fund (1820), Office of OPR Director Organization (501110), Raimondi Revenue - OPR Project (1007985), Program NB01. The base rent shall be deposited into Land

Rental: Field Revenue Account (44211), advertising sign revenue into Other Rental: Billboards Revenue Account (44418) and naming rights revenue into Other Rental: Miscellaneous Revenue Account (44419). These funds would thereby be reinvested in Oakland's parks. The ticket surcharge from the License Agreement of the Premises and the rent from the License Agreement of the Property shall be accepted and appropriated in the Telecommunications Land Use Fund (1770), Real Estate Organization (85231), Miscellaneous Land Rental Revenue Account (44219), Real Estate Program (PS32), in a Project to-be-determined or created (TBD).

SECTION 2. The City Council finds and determines that the license of the Property for less than its fair market rental value is in the best interests of the City pursuant to OMC Section 2.42.110, because the Ballers will provide twenty-four hour, seven days per week security for the Property throughout the year, thereby relieving the City of security expenses during this time.

SECTION 3. The City Council has independently reviewed and considered this environmental determination, and the City Council, and the City Council finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (operation, licensing, and minor alteration of existing public facility), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning), pending CEQA analysis. The City Administrator or designee is hereby directed to file a Notice of Exemption with the appropriate agencies.

SECTION 4. That the license agreements are subject to City Attorney review and approval for form and legality and a copy of this ordinance shall be filed with the City Clerk without returning to Council.

SECTION 5. The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 7. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 6 2025

PASSED BY THE FOLLOWING VOTE:

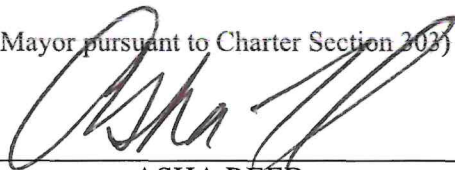
AYES – BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO - 7

NOES - 0

1 ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION - 0

ATTEST: _____



ASHA REED

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

Introduction Date APR 14 2025

Date of Attestation: May 7, 2025

NOTICE AND DIGEST

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE LICENSE AGREEMENTS WITH THE OAKLAND BALLERS, A MINOR LEAGUE BASEBALL TEAM, FOR USE OF (A) THE RAIMONDI PARK BASEBALL FIELD FOR A TEN YEAR TERM AT A BASE RATE OF ONE THOUSAND DOLLARS (\$1,000) PER MONTH WITH AN ANNUAL THREE PERCENT (3%) INCREASE AND ADDITIONAL RENT OF FIFTY CENTS (50¢) PER PAID ADMISSION WITH AN ANNUAL THREE PERCENT (3%) INCREASE, FIFTY PERCENT (50%) OF NAMING RIGHTS REVENUE AND TWENTY PERCENT (20%) OF BUSINESS AND ADVERTISING SIGN REVENUE AND (B) 1707 WOOD STREET FOR SPECIAL EVENT PARKING FOR A ONE YEAR TERM WITH TWO 1-YEAR OPTIONS AT A RATE OF FIVE HUNDRED DOLLARS (\$500) PER MONTH; (2) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance authorizes the City Administrator to negotiate and execute license agreements with the Oakland Ballers for use of (a) the Raimondi Park baseball field for a ten (10) year term at a base rate of One Thousand Dollars (\$1,000) per month with an annual Three Percent (3%) increase and additional rent of Fifty Cents (\$0.50) per paid admission with an annual three percent increase, Fifty Percent (50%) of naming rights revenue, and Twenty Percent (20%) of business and advertising sign revenue; and (b) 1707 Wood Street for temporary special event parking for a one (1) year term with two (2) one (1) year options at a rate of Five Hundred Dollars (\$500) per month; and making appropriate California Environmental Quality Act (CEQA) findings.