



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AFFIRMING THAT THE OAKLAND A'S BELONG IN OAKLAND, AND RECOGNIZING THE SUBSTANTIAL AND TANGIBLE PROGRESS THE CITY HAS ACHIEVED IN WORKING TOWARD A PROPOSED OAKLAND WATERFRONT BALLPARK DISTRICT TO BE DEVELOPED ON THE PROPERTY KNOWN AS THE HOWARD TERMINAL (ADJACENT TO THE FERRY DOCK AND THE AREA KNOWN AS JACK LONDON SQUARE) AT THE PORT OF OAKLAND.

WHEREAS, the Port of Oakland (Port) is a department of the City of Oakland (City) established in 1927 pursuant to an amendment to the City Charter, vesting management and operational authorities over the areas within the City known as the Port Area; and

WHEREAS, the Howard Terminal property, located at 1 Market Street and immediately adjacent to Jack London Square, is approximately 55 land acres (Howard Terminal), of which approximately 50 acres are located within the Port Area managed and operated by the Port; and

WHEREAS, the Athletics Investment Group LLC, d/b/a the Oakland Athletics, a California limited liability company (A's), proposed development of the Waterfront Ballpark District at the Howard Terminal that would include a new, 35,000-person capacity ballpark (Ballpark), together with up to 3,000 residential units, 1.5 million square feet of office space, and 270,000 square feet of mixed retail, cultural and civic uses, as well as a 3,500-seat performance theater, up to 400 hotel rooms, and approximately 18 acres of new, publicly- accessible open space (the Project) through land use applications with the City of Oakland, which applications are still open and pending; and

WHEREAS, the A's have negotiated separately with the Port for leases to use the Howard Terminal Property for the Project; and

WHEREAS, the A's have stated they would invest a projected cost of \$1 billion for the Project; and

WHEREAS, the City Council and the Mayor believe the A's belong in in Oakland; and

WHEREAS, pursuant to City Council Resolution No. 87998 C.M.S., dated January 21, 2020, the City and Port entered into that certain Memorandum of Understanding Between City and Port Regarding Howard Terminal Oakland A's Ballpark Project (MOU), setting forth principles of a shared regulatory framework between the Port and the City for the Project; and

WHEREAS, on February 26, 2021, the City issued a Notice of Availability and released the Draft Environmental Impact Report (EIR) for the Project, pursuant to the California Environmental Quality Act (CEQA) and Assembly Bill 734; and

WHEREAS, on February 17, 2022 per Resolution 89045 C.M.S., the City Council certified an Environmental Impact Report (EIR) for the A's proposed Project; and

WHEREAS, in legal challenges brought by outside interest groups, on September 21, 2022 the Alameda County Superior Court ruled that the EIR is legally adequate and complies with CEQA, and the California Court of Appeal upheld that ruling and denied an appeal on March 30, 2023; and the time to seek review in the California Supreme Court has long since passed, meaning that the EIR is legally adequate and can be used for consideration of the final Project applications; and

WHEREAS, much of Oakland's community, including parts of West Oakland and Chinatown, have been harmed by past infrastructure projects that demolished and undermined key community assets, and any new project must improve, and not harm, conditions for long-time disparately-impacted communities; and

WHEREAS, the City believes it is important that projects on public lands include plans and strategies to benefit the local community, including local hire, jobs standards, affordable housing, anti-displacement support, and pedestrian safety, among others; and

WHEREAS, the Community and Economic Development (CED) Committee of the City Council received, on July 7, 2021 (CED Meeting), an Informational Report and conducted a study session focused on certain key terms of any future Development Agreement, including an infrastructure financing district, non-relocation, affordable housing, and other community benefits; and

WHEREAS, at the CED Meeting, Councilmembers provided feedback on various aspects of the Project and Development Agreement terms, including:

- A. Support for an Enhanced Infrastructure Financing District (IFD) over the Property, including the pursuit of participation from both the City and Alameda County;
- B. Request to continue to pursue a range of outside/additional funding resources, including regional, State, and Federal transportation/infrastructure funding; and

WHEREAS, the City Council, on July 20, 2021, through Resolution No. 88744 C.M.S. and subsequently, has approved certain terms to enable moving forward with a proposed ballpark project at Howard Terminal (Terms); and

WHEREAS, since the time of the prior City Council approvals of Terms in July of 2021, the City's staff, consulting team, and elected officials have achieved the following additional important steps toward the success of the Project:

- Certified a legally adequate EIR for the Project, and successful defense against legal challenges

- Pursued and obtained \$428 million in grant funding for off-site infrastructure in the neighborhoods around the proposed stadium and the Project area; and continue to pursue additional grant funding
- Worked successfully to achieve the removal of the Port Priority Use designation for the Howard Terminal property by the San Francisco Bay Conservation and Development Commission
- Identified additional opportunities for public financing through an IFD to be formed by the City and Alameda County
- Worked extensively to draft and negotiate the agreements necessary to entitle and finance the Project, and guarantee that the A's would not relocate
- Drafted the various development standards, design guidelines and other rules to guide development of the Project over time
- Substantially completed a framework for public benefits contributions from the Project
- Substantially completed a Public Art Plan, and Parks and Open Space Plan, both as required by the Municipal Code; and

WHEREAS, the Owners of the Athletics had previously stated that their interest in pursuing acquisition of 50% of the Coliseum property, was to “ensure that the A's possess one assured route to a new privately financed stadium in Oakland”, as stated by David Kaval, President of the Oakland Athletics, in his 2018 letter to City of Oakland leadership; and

WHEREAS, subsequent to multiple levels of approvals by the City and other agencies, and subsequent to significant success by the City in raising hundreds of millions of dollars in transportation/infrastructure funds, the A's abruptly abandoned negotiations with Oakland and announced that they had entered into a “binding agreement” to build a ballpark village on 49 acres of land in Las Vegas; and

WHEREAS, the A's plan for a new ballpark village on 49 acres in Las Vegas was then abandoned by the A's owners and a much smaller project, for just a ballpark located on only nine acres of leased land was reported to be the next step for the A's; and

WHEREAS, it has been reported that the proposed ballpark plan for Las Vegas is now mired in uncertainty, possibly facing litigation, a signature-gathering drive for a referendum to stop it, lack of ballpark design, lack of cost estimating and funding, and excessive additional costs due to the need to add an expensive roof (which would not be needed in Oakland) due to the climate and weather; and

WHEREAS, the proposals that the City and Port have been processing for a large multi-use project on 55 acres at Howard Terminal were entirely based on the requests of the A's, and the City has multiple potential locations for a Major League Baseball ballpark use, which can easily accommodate the new smaller project requested by the A's owners, either for only a ballpark, or for a ballpark with dining and entertainment, such as with a portion of the land in the Coliseum (which the A's are purchasing in an installment sale from Alameda County and the City and A's will jointly own) or at Howard Terminal; and

WHEREAS, specifically, the smaller ballpark-focused proposed project now apparently desired by the A's could be readily be accommodated within a portion of the Howard Terminal site; such a focused footprint, adjacent to the Broadway Transit corridor, by the Jack London

Square area with dining and hotels and more, and adjacent to the ferry dock, could easily welcome a more focused ballpark project that could be expedited and successful; and

WHEREAS, to provide clarity to all parties, the City Council affirms to the A's owners and others, and to Major League Baseball, that a ballpark-focused project remains viable in Oakland; and

WHEREAS, the City Council further affirms that, contrary to statements by the Commissioner of Baseball, the City has proposed a viable, detailed, and mutually beneficial proposal for the Project when the A's walked away from negotiations. Major League Baseball is viable in Oakland, one of the nation's largest media markets and most passionate fan bases. The Project is viable and achievable by an ownership group that is committed to this community; and now, therefore, be it

RESOLVED: That the City Council hereby adopts the facts and findings set forth in the preceding "whereas" clauses and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the City Council affirms that the A's belong in Oakland, and it is important to document the substantial and tangible progress and proposals the City and Port put before the A's ownership in an effort to keep them here; and be it

FURTHER RESOLVED: That a focused ballpark or ballpark/entertainment project would be viable as an independent project in Oakland; and be it

FURTHER RESOLVED: That the City Council asks and encourages the City Administration and the Port to take any further actions as needed to effectuate this effort.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

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