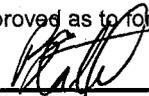


2020 JAN -2 AM 10:55

Approved as to form and legality  
  
Deputy City Attorney

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 87998 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A NON-BINDING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PORT REGARDING THE PROCESS OF REVIEW OF APPLICATIONS FOR, AND, IF APPROVED, THE ANTICIPATED FRAMEWORK OF REGULATION OF THE DEVELOPMENT PROJECT PROPOSED BY THE OAKLAND ATHLETICS AT HOWARD TERMINAL**

**WHEREAS**, the Oakland Athletics have proposed to build a new major league ballpark, together with residential and mixed-use development, including retail, commercial, office, cultural, entertainment, hotel, and recreational uses (the "Proposed Project"), in the City of Oakland ("City"); and

**WHEREAS**, the City is a municipal corporation, enabled by authority vested through its Charter, adopted by the people of the City of Oakland on November 5, 1968 and ratified and made effective by the California Secretary of State on January 28, 1969 (as amended, the "Charter"); and

**WHEREAS**, as a charter city, the City has broad local authority with respect to land use planning and building permitting of lands lying within the City boundaries; and

**WHEREAS**, Article VII of the Charter vests in the Port of Oakland (the "Port") Board of Port Commissioners, as a department of the City, the authority to control and manage certain lands of the City (referred to as the "Port Area") in accordance with the Charter; and

**WHEREAS**, the Proposed Project is located on and adjacent to Howard Terminal along the Inner Harbor of the Oakland-Alameda Estuary and consists of approximately 55 acres of real property, approximately 50 acres of which lie within the Port Area; and

**WHEREAS**, development of the Proposed Project will therefore require discretionary approvals from both the City and the Port, as well as other state, regional, and local agencies; now, therefore, be it

**RESOLVED:** That, to avoid administrative duplication, appropriately allocate regulatory land use authority between the City and Port, and facilitate the analysis of and, if

approved by all applicable government agencies and entities, the development of the Proposed Project, the City Council hereby authorizes the City Administrator, or her designee, to execute a non-binding Memorandum of Understanding Between City and Port Regarding Howard Terminal Oakland A's Ballpark Project ( the "City-Port MOU"); and be it

**FURTHER RESOLVED:** That the City Council finds and determines, after independent review and consideration, that this action results in no binding commitment by the City to authorize or advance the Proposed Project; will not result in a direct or indirect physical change in the environment; and does not constitute an "approval" of a "project" pursuant to CEQA Guidelines Sections 15004, 15352 and 15378; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or his or her designee to negotiate and execute documents and take all other action necessary with respect to the City-Port MOU consistent with this Resolution and its basic purposes, as shall be approved for form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 21 2020

PASSED BY THE FOLLOWING VOTE:

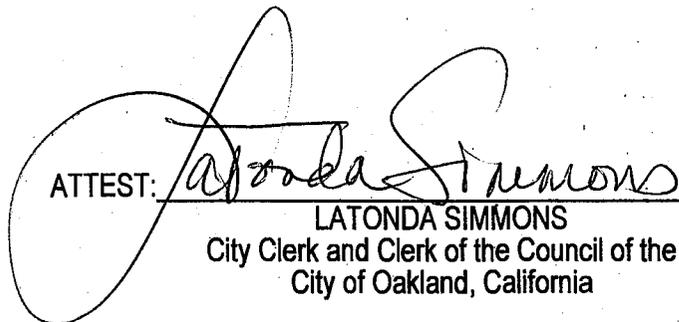
AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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