

2024 JULY -01 PM 5:50

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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. ~~13791~~ 13791 = 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 1-YEAR LICENSE AGREEMENTS WITH THE OAKLAND BALLERS, A MINOR LEAGUE BASEBALL TEAM, FOR USE OF (A) THE RAIMONDI PARK BASEBALL FIELD AT A RATE OF FIVE HUNDRED SEVENTY DOLLARS (\$570) PER MONTH IN EXCHANGE FOR APPROXIMATELY \$1.6 MILLION DOLLARS (\$1,600,000) OF IMPROVEMENTS AND (B) 1707 WOOD STREET FOR SPECIAL EVENT PARKING AT A RATE OF FIVE HUNDRED DOLLARS (\$500) PER MONTH; (2) MAKING FINDINGS THAT THE LICENSES FOR BELOW FAIR MARKET VALUE ARE IN THE BEST INTEREST OF THE CITY; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

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

WHEREAS, the City owns real property located at 1707 Wood Street, Oakland, CA 94607 (APN 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 proposes to provide 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, the improvements include a new scoreboard, bleachers, dugouts, batter's eye and moving fences to conform with league standards; and

WHEREAS, the Ballers propose to improve and utilize the Property for temporary special event parking on Ballers game days during the 2024 season, and any improvements to the Property required for this use shall be the sole responsibility of the Ballers pursuant to a concurrently proposed license agreement subject to Council authorization; and

WHEREAS, the License Agreements will be non-exclusive, the Park 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 April 3, 2024, the Parks and Recreation Advisory Commission will consider recommending approval of a minor conditional use permit (Minor CUP) allowing for the full scope of improvements contemplated under the License Agreement, and the City's Director of Planning subsequently approved the Minor CUP; and

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

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, in the case of licensees or lessees who provide in-kind services in lieu of cash rent, the value of such in-kind services to the City or the community at large may be considered in making the required Council finding and determination. In-kind services include benefits or values the provider renders to the City or the community at large as a result of the tenancy in lieu of payment of cash, including, but not be limited to, property security and maintenance, social and cultural benefits to the community, or other appropriate services; and

WHEREAS, the proposed temporary use of the Park 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); 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 1-year license agreements with the Oakland Ballers for use of (a) the Raimondi Park baseball field for a 1-year term at a rate of Five Hundred Seventy Dollars (\$570) per month; and (b) 1707 Wood Street at a rate of Five Hundred Dollars (\$500) per month for temporary special event parking.

SECTION 2. That the proposed license fees and administrative processing fees collected from the Oakland Ballers shall be accepted and appropriated in the General Purpose Fund (1010), Real Estate Organization (85231), Miscellaneous Land Rental Revenue Account (44219), DP850 Administrative Project (1000019), Real Estate Program (PS32).

SECTION 2. The City Council finds and determines that the license of the Premises and 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 activate Raimondi Park by providing approximately \$1.6 million in improvements to the baseball field, which will remain available for public use except on Ballers game days, and the Ballers will provide twenty-four hour, seven days per week security for the Premises and Property throughout the 2024 season, thereby relieving the City of security expenses during this time. Improvements to the presently-unusable field will allow the City to host City-run sports clinics, leagues and events on the field and enable community leagues, such as Oakland Babe Ruth League and Oakland Girls' Softball League, to expand services in West Oakland.

SECTION 3. The Construction activities for the proposed project would entail minor construction activities such as erection of bleachers and improvements to the sports field. In addition, project operations would use amplified sound system, crowd noise, fireworks, and food trucks, and would require the removal of contaminated soil stockpiles at the nearby 1707 Wood Street property for gameday parking.

Based on an examination of the CEQA analysis, findings, and conclusions of the WOSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the West Oakland Specific Plan Environmental Impact Report (WOSP EIR), nor would it result in new significant impacts related to noise that were not identified in the WOSP EIR. The WOSP EIR did not identify any mitigation measures related to noise, and none would be necessary for the proposed project.

The proposed project would be required to implement Standard Conditions of Approval (SCAs) to reduce construction noise, and ensure project design and operation of the sound system equipment to meet applicable noise performance standards, (for reference, these are SCA-NOI-7: Operational Noise, SCA NOI-1: Construction Days/Hours, SCA NOI-2: Construction Noise, SCA NOI-3: Extreme Construction Noise, and SCA NOI-5: Construction Noise Complaints). On a separate and independent basis, the CEQA analysis for the project found that the project would be exempt from 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).

SECTION 4. That the license agreement is subject to City Attorney review and approval for form and legality and a copy of this resolution 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,

PASSED BY THE FOLLOWING VOTE:

APR 30 2024

AYES - ~~Five~~, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 7

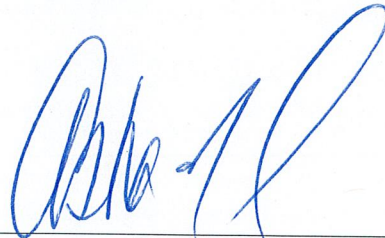
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Five

ATTEST:



ASHA REED

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

Date of Attestation:

May 2, 2024

NOTICE AND DIGEST

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE 1-YEAR LICENSE AGREEMENTS WITH THE OAKLAND BALLERS, A MINOR LEAGUE BASEBALL TEAM, FOR USE OF (A) THE RAIMONDI PARK BASEBALL FIELD AT A RATE OF FIVE HUNDRED SEVENTY DOLLARS (\$570) PER MONTH IN EXCHANGE FOR APPROXIMATELY \$1.6 MILLION DOLLARS (\$1,600,000) OF IMPROVEMENTS AND (B) 1707 WOOD STREET FOR SPECIAL EVENT PARKING AT A RATE OF FIVE HUNDRED DOLLARS (\$500) PER MONTH; (2) MAKING FINDINGS THAT THE LICENSES FOR BELOW FAIR MARKET VALUE ARE IN THE BEST INTEREST OF THE CITY; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance authorizes the City Administrator to negotiate and execute 1-year license agreements with the Oakland Ballers for use of (a) the Raimondi Park ballfield a rate of Five Hundred Seventy Dollars (\$570) per month in exchange for approximately \$1.6 million in improvements; and (b) 1707 Wood Street for temporary special event parking at a rate of Five Hundred Dollars (\$500) per month; makes findings that the licenses for below market rate are in the best interest of the City; and makes appropriate California Environmental Quality Act (CEQA) findings.