



CITY OF OAKLAND

## MEMORANDUM

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**DATE:** February 14, 2022  
**TO:** City Council and Members of the Public  
**FROM:** Council President Nikki Fortunato Bas, Vice Mayor Rebecca Kaplan,  
Councilmember Dan Kalb  
**SUBJECT:** **Resolution requiring Council action on community benefits and freight compatibility prior to final approval of Howard Terminal Project**

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Dear City Council Colleagues and Members of the Public,

We respectfully request the Council adopt the following: RESOLUTION REQUIRING CITY COUNCIL ACTION ON COMMUNITY BENEFITS AND FREIGHT COMPATIBILITY, CONCURRENTLY WITH OR PRIOR TO, CONSIDERATION AND APPROVAL OF A DEVELOPMENT AGREEMENT WITH THE ATHLETICS INVESTMENT GROUP LLC D/B/A THE OAKLAND ATHLETICS FOR THE PROPOSED WATERFRONT BALLPARK DISTRICT PROJECT TO BE DEVELOPED ON THAT PORTION OF THE PORT AREA THAT IS COMMONLY KNOWN AS THE CHARLES P. HOWARD TERMINAL AND IS LOCATED ALONG THE INNER HARBOR OF THE OAKLAND-ALAMEDA ESTUARY

On February 17, 2022, City Council will conduct a public hearing on the final Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project (Project) at Howard Terminal. The EIR will **set the floor, not the ceiling, for project expectations**, providing requirements under the California Environmental Quality Act (CEQA).

There are several critical issues to address regarding the Project, and some are outside CEQA and the EIR. Our resolution seeks to identify what those outstanding issues are and how they will be addressed **prior to the final project approval** of the Development Agreement with the Oakland A's, regardless of whether they are included in the EIR.

With this resolution, we reaffirm the Council direction outlined in the July 20, 2021 resolution adopting the Project Term Sheet, Resolution 88744 C.M.S, and we detail important requirements prior to consideration of the final Project approval of the Development Agreement.

A full range of community benefits must be approved by the City of Oakland, Port of Oakland and Oakland A's. These benefits include, but are not limited to, local hire, jobs standards, affordable housing, anti-displacement support, pedestrian & cyclist safety, traffic congestion mitigations, environmental and air quality protections, local small business support, and freight compatibility. These parties must continue to meaningfully engage critical stakeholders, including, but not limited to, the impacted communities of West Oakland, Old Oakland, Jack London Square and Chinatown, freight/rail stakeholders, and the Port of Oakland.

By adopting this resolution prior to the EIR hearing, Council will give the Administration clear direction for the full range of community needs that must be addressed in future negotiations with the A's and during critical engagement of key stakeholders, including impacted communities of West Oakland, Old Oakland, Jack London Square and Chinatown, freight/rail stakeholders, and the Port of Oakland. These requirements include:

- Identification of the transportation/infrastructure projects that the Port of Oakland, versus the City of Oakland, could lead, and review of options,
- Seaport/Freight Compatibility Plan by the Port of Oakland,
- Review of ingress and egress plans by the Commission on Persons with Disabilities and the Bicycle and Pedestrian Advisory Commission,
- Onsite housing affordability level commitments by the Oakland A's,
- Informal working group to review and provide transparency over implementation of the toxics remediation plan(s) approved by DTSC,
- Completion of a study of the non-CEQA effects of the Project on traffic and parking congestion in Chinatown and West Oakland, and results incorporated into a revised Traffic Management Plan,
- Opportunities for small local businesses,
- Community and stakeholder engagement in the community benefits negotiations, including resourcing, developing and implementing a West Oakland community engagement process with the District 3 Council Office which represents West Oakland, and
- Publication and distribution of community benefits to be provided through or with the Project including jobs policies, affordable housing, and establishment and governance of a community fund dedicated to implementing certain community benefits.

For questions regarding this memo, please contact Cinthya Munoz Ramos, Chief of Staff, Office of Council President Nikki Fortunato Bas, at [cmunozramos@oaklandca.gov](mailto:cmunozramos@oaklandca.gov).

Respectfully Submitted,



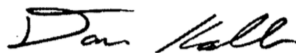
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Nikki Fortunato Bas  
Council President, District 2



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Rebecca Kaplan  
Vice Mayor, At-Large



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Dan Kalb  
Councilmember, District 1

Attachments:

- Letter from West Oakland Benefits for Equity, December 22, 2021
- Memo from Oakland Chinatown Working Group, February 10, 2022



Via Electronic Submittal Only

December 16, 2021

Councilmember Carroll Fife
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Betsy Lake
City Administrator's Office
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Re: Howard Terminal Community Benefits Recommendations and Community Fund Administration

Dear Councilmember Fife and Ms. Lake,

We are writing this letter to clearly state our positions in the following two sections, as participants in the Howard Terminal Community Benefits Agreement Process as Steering Committee members and Topic Cohort participants.

Section 1 - Howard Terminal Community Benefits Recommendations and Community Fund Administration

Section 2 - Modifications to the Google San Jose Community Fund as basis for Oakland use

Signed,

West Oakland Benefits for Equity (WOBE) Members, Including, but not limited to:

WOEIP, CBA Community Partner Planning Committee Organization

Ms. Margaret Gordon, Co-Director WOEIP, West Oakland Resident

Brian Beveridge, Co-Director WOEIP, West Oakland Resident

Oakland A's Waterfront Ballpark District at Howard Terminal CBA Members:

Transportation Cohort Steering Committee Chairs

Mercedes S Rodriguez, Block Captain: BayPorte Village Neighborhood Watch; Neighborhood Watch Steering Committee Board Member, Area 1; Resident of West Oakland

Steve Lowe, VP, West Oakland Commerce Association; VP, JLDA, Boardmember, Old Oakland Neighbors; Member, WOCAG; Coordinator, WOJLOO!; Member (1997), Councilmember Miley's Waterfront Roundtable; Co-Founder, (1973) Old Oakland Project

Environmental Cohort Members

Kevin Mulvey

Teron McGrew

Jessica Jobe Sea, Co-Founder, Equity Research Team

Community Health and Safety Cohort Members

Angie Tam, 32-year Oakland resident; Communities for a Better Environment

Education Cohort Members

Alivirdia Owens, Friends of the Hoover Durant Library Leadership Team and Fundraising Chairperson, 33 year Resident in West Oakland; RAC (Residential Action Council) Hoover/Foster: Parliamentarian; NCPC Beat 6X Member

Economic Development and Jobs Cohort Members

Gina Bugiada, Co-Founder, Equity Research Team; Resident of West Oakland

Culture and History Keeping Cohort Members

David Peters, 3rd generation West Oakland resident; Board President, West Oakland Cultural Action Network (WOCAN); Founder, Black Liberation Walking Tour; Member, West Oakland Community Advisory Group (WOCAG)

Oakland Chinatown Collaborators:

Alvina Wong, CBA Environmental Cohort Steering Committee Member, Aisian Pacific Environmental Network, Oakland Chinatown Coalition Member

Oakland Chinatown Coalition, CBA Community Partner Planning Committee Member:

Eunice Kwon, Oakland Asian Cultural Center

Jack London Square Collaborators:

Savlan Hauser, Jack London Improvement District, CBA Jack London Square At-Large Member

## Section 1 - Howard Terminal Community Benefits Recommendations and Community Fund Administration

### Howard Terminal Community Benefits Recommendations Summary

#### 1. Guiding Principle

We endorse the Guiding Principles set forth by the City at the outset of this process, and have invested our efforts to shape a CBA based on these equity principles, inclusivity, informed decision-making, and the City's Equity Indicators Report. This CBA must address the disproportionate harm from disinvestment, racist neglect, and displacement by the City of Oakland, Port of Oakland, and other government and non-government institutions on marginalized Oakland communities and the West Oakland community in particular, and should generate a net-positive benefit to those directly impacted by the development.

**In order to ensure the process will remain consistent with its guiding principles and do the most good where possible, we ask you to ensure this process is protected, completed, and implemented transparently.**

#### 2. Abrupt ending

The conclusion of the Howard Terminal CBA steering committee process was abrupt to many of us. Additionally, there was no clear path forward provided to the Steering Committee regarding how the CBA recommendations (Equity Strategies) will be integrated into the development deal for the Howard Terminal

We Request:

- A. An adequate debrief to the public on the contents of the report document and the methodologies of
  - i. scoring each Equity Strategy put forth by the topic cohorts
  - ii. ranking the Equity Strategies
- B. A clearly stated intent, in writing, by the Mayor of the City of Oakland, of the intended use of the report
- C. City-hosted, neutrally-facilitated, quarterly steering committee meetings to report back to the community on the progress of implementing the Equity Strategies in our report.
  - i. City of Oakland to aid in updating the final document, where appropriate
  - ii. clear method of reporting and logging progress to be created and shared publicly on the City of Oakland website

### Development Deal Specifics

In addition to the City and the Port of Oakland, the Community Fund should receive ongoing funding directly from the Oakland Athletics (Developer of the proposed Howard Terminal Project), beyond any minimum legal obligation, in order to offset the environmental and community impacts of the development.

Throughout the development negotiations process, the City should be transparent and communicative with impacted community areas about updates in the development agreement process. City protocol to increase transparency should include regular timeline updates and informational meetings open to the public.

### Community Fund Administration

The Community Fund should adhere to and fund CBA priorities outlined in the recommendation report presented to City Council in July 2021, and be in place for the duration of the land lease. The CBA recommendation report should be treated as a set of guidelines to be updated and refined over time with new information, tactics, and strategies.

The Community Fund should be administered by a diverse and representative Community Commission allocating funds according to the CBA recommendations and updating them as necessary to evolve over the course of the lease. The Community Commission should include representation of each geographically impacted area, and not be political appointees. We the undersigned are willing to participate in the design and directly serve on this commission as appropriate.

We advocate that **the developer** contribute directly to meet the deeply affordable rental housing goal of 35% affordable rental units (at 60% AMI or less), or beyond, as well as provide at least \$15 million dollars over the first ten years of the project for tenant resources such as eviction defense legal services and emergency assistance, and establish a \$50 million investment fund to prioritize ownership opportunities for long-time and displaced Black West Oaklanders to address the legacy of redlining. These measures are imperative to begin addressing the potential displacement of West Oakland and other impacted neighborhood residents. The funding for these "benefits" should be allocated and administered separate from the A's-proposed community fund.

We support the resolution City Council approved calling for a community oversight body, which states that "The City Administrator, in coordination with the City Attorney, will analyze how a community oversight body, including members of engaged coalitions and community organizations, can be established to ensure that community benefits included in any future Development Agreement are implemented and enforceable."

This progressive process has potential to be the precedent for future large-scale development projects required to generate community benefits. Community Benefit Agreements should be: commensurate with the scale of the project; formed with diverse, inclusive participation; transparent in information; and neutrally facilitated. It has been an honor to serve our communities in this important moment, and we look forward to taking these crucial next steps with you.

## Section 2 - Modifications to the Google San Jose Community Fund as basis for Oakland use

In regards to the “Development Agreement By And Between The City of San Jose And Google LLC Relative To The Development of Property Located In The Diridon Station Area Plan” as the basis for the HT Community Fund design, our feedback is as follows (mirroring the document structure of the above mentioned plan):

### 1. Howard Terminal Community Fund Commission

Community involvement in the administration of the Community Fund should be in the form of a Commission that has central decision-making powers for the allocation of the community funds.

- a. The Community Fund Commission to be provided with staff for research, schedule administration, calendar management, note taking, etc

### 2. Election of Community Fund Commission Members

Community Fund Commission members should not be appointed by the Oakland City Council.

- a. We recommend the following selection process elements:
  - i. a minimum of (2) informational meetings be held to educate and inform the public about the nature of the job
  - ii. a public application process should be facilitated by City of Oakland staff, paid from the Community Fund allocations or The Developer directly
  - iii. Applications should be vetted for appropriate criteria
    1. residency
    2. expertise
    3. availability
    4. age diversity
    5. race diversity
- b. Continuity of experience from participation in the original Steering Committee and Topic CoHorts, to be considered and encouraged
- c. Standing positions on the Commission to include representation from each impacted area as defined by the January 11, 2020 Howard Terminal Waterfront Ballpark Community Benefits Agreement meeting packet. Impacted areas are defined as West Oakland, Chinatown, Jack London District, and Old Oakland. (see copy of diagram included in the meeting packet, below)



- d. candidates serving larger constituencies and/or representing local organizations to be encouraged

### 3. Fund Allocations

- a. Community Fund dollars should be able to support for-profit businesses and workforce development, including Black, Indigenous, Asian, Latinx, and/or locally-owned businesses, and not be limited to only non-profit enterprises.
- b. The Community Commission should be the sole decision-maker in allocation of funds.

### 4. Funding Priorities

**The CBA Steering Committee has already laid out numerous strategies in the Howard Terminal CBA Recommendation Report that should be supported by the Community Fund as the primary objective.**

The CBA Steering Committee or the inaugural Community Fund oversight body should create a set of evaluation criteria, referencing the final CBA Recommendations for prioritizing the implementation of CBA strategies, and for addressing new proposals that arise over time. Recommendations that are missing or underfunded elsewhere in the Development Agreement should be elevated (such as the Culture Keeping topic cohort).

Other guiding principles for Fund prioritization include:

- a. Establishing long-term sustainable equity for the most impacted and marginalized Oakland residents and organizations, balancing current and future needs
- b. Pursuing anti-displacement practices, as research and methods-testing continues to evolve, so should the fund's program funding considerations

- c. Seeking methods of support for people and projects that address the legacy of racist planning and financial policies and practices that shaped both West Oakland and Chinatown. Building and preserving cultural facilities, events, and organizations to reverse the cultural erasure that is the legacy of generations of redlining and disinvestment.
- d. Supporting a culturally resilient, cohesive, and thriving community, including youth, elderly, and families, and empower residents throughout
- e. Funding and creating programs that support the community health and safety of all Oakland residents, and prioritizing the most vulnerable and historically marginalized populations.

5. Roles and Responsibilities, as defined in referenced Exhibit H:

Fund Manager

- A. We recommend that the Fund Manager do not hold responsibility iii listed under section 8 of Exhibit H-3 in the Google San Jose development deal:  
*“Manage the solicitation, evaluation, and award recommendations of each round of competitive grants.”*

This responsibility should be placed directly under the helm of the Community Commission.

The Fund Manager should not have the ability to decide on the allocation of funds, but rather award money only at the direction of the Community Commission

Community Commission

- A. Authority to direct priorities and allocate funding based on equity data and criteria informed by the CBA Steering Committee process

City Council

- A. Support the direction of the Community Commission

City Administrator’s Office

- A. Publicly report regularly on the implementation of the strategies
- B. Provide information to the Community Commission when requested

Oakland Athletics

- A. Contribute ongoing money to the fund over time
- B. Contribute in-kind participation when requested by the Community Commission
  - a. For example: internship and career training programs as proposed in the CBA recommendations
- C. Maintain a community liaison with the Community Fund Commission to understand the priorities of community members.

Future Howard Terminal building owners

- A. Contribute money to the fund
- B. Contribute in-kind participation when requested by the Community Commission
  - a. For example: internship and career training programs as proposed in the CBA recommendations

6. Selection and Compensation of Fund Manager

No feedback at this time.

7. Committee Composition

The stipulations in the Google San Jose document on pages Ex. H-5, 6 and 7 are acceptable base lines. We request the additions outlined above in the ‘Election of Community Fund Commission Members’ section.

# Memorandum

To: Council President Bas and Vice Mayor Kaplan

From: Oakland Chinatown Working Group

Date: February 10, 2022

Subject: Requested Changes to the Traffic Management Plan within the Howard Terminal EIR

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The Chinatown Working Group recommends limited changes to the text of the Traffic Management Plan (TMP) in Appendix TRA-1 of the proposed Final EIR to carry out the Chinatown-related directives of the July 20<sup>th</sup>, 2021 City Council resolution that approved the Howard Terminal Project Term Sheet.<sup>1</sup>

## **1. Role for Chinatown’s Representatives in Implementing the TMP**

### **a. Must be Consulted During Project’s Implementation Phase**

The Council stated that staff should propose an appropriate role for Chinatown representatives in implementing the Project’s Transportation Management Plan. The draft TMP only provides that Community Groups such as Chinatown “may offer consultation and feedback on the project design and operational planning to help ensure a smooth integration into the existing neighborhood.” (Table 1-1: Key Stakeholders, Roles and Responsibilities, TRA-1, p. 15). The Community Groups’ role must include “consultation and feedback on project implementation, monitoring, and enforcement” to achieve the Council’s intent. Impacted communities need to be able to monitor the Project’s impact and seek corrective action while the Project is operational.

Minor language changes to Section 1.3 “Key Stakeholders” and ,Table 1-1: “Key Stakeholders, Roles and Responsibilities” are suggested in the Attachment.

### **b. Must Be Included in Discussions Between A’s Representative and City/Port**

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<sup>1</sup> The resolution sought measures to address community concerns regarding the compatibility of the Howard Terminal Ballpark with Chinatown, by Identifying and minimizing the potential safety, economic, and environmental impacts of traffic and parking congestion on Chinatown, through means including but not limited to:

- An appropriate role for Chinatown representatives in implementing the Project’s Transportation Management Plan,
- Prioritizing the use of Chinatown parking garages for cultural events when they occur simultaneously with Ballpark events,
- Working with the A’s to promote patronage of Chinatown businesses by event attendees, and
- Establishing a community oversight body to ensure that community benefits in any Development Agreement are realized, among other things.



The TMP provides for quarterly meetings between the A's representative, the City, Port, and other transportation providers to evaluate the TMP strategies throughout the life of the project. Representatives of Chinatown and the surrounding neighborhoods must be invited to these discussions.

## **2. Including Community Protection In the TMP**

The Council and the City Staff have assured Chinatown that policies and actions to protect the community will be included in the TMP. The A's will designate a mobility coordinator to oversee the ongoing implementation of the Ballpark TMP. The mobility coordinator would represent the A's to the City, the Port, and surrounding neighborhoods to support the project's "sustainable trip making."

The duties of the mobility coordinator should also include overseeing measures reasonably necessary to protect the safety economic, and environmental health of the surrounding communities. Minor language changes to Section 4, "Ballpark Travel Management Strategies" paragraph 1.

A Chinatown-specific performance measure is added to Chapter 16, "Monitoring, Refinement and Performance Standards" in the Appendix. This performance measure is modeled on the measure for the Port of Oakland and is a place holder until the results of the Chinatown Traffic Study are available.

Both of these changes are provided in the Appendix.

## **3. Prioritizing the Use of Chinatown's Parking Garages**

Staff has not proposed a program to prioritize the use of Chinatown parking garages for cultural events as requested by the Council in July. It appears that any program will be introduced closer to opening day. To make sure that this principle is incorporated into the actual parking management program, the Council's direction should be added as a guiding principle for the TMP's Off-Site Parking Management Program.

The new term has been added to Section 8.4 "Off-Site Parking Management", which appears in the Attachment.

## **4. Discussion**

- a. These Changes Should be Made Now

These changes should be incorporated by action of the City Council to ensure that the City's intent to protect Chinatown through the TMP is carried out.

The EIR states that the A's will submit a TMP with its application for building permits. (EIR Table 2-1, Mitigation Measure Trans 1-b, p. 2-83). We should assume that the TMP would address no more than the minimum requirements of the Final EIR.

Presently, the TMP's only purpose is only to set the standard by which the A's compliance with AB 734 will be evaluated. Staff has said that Chinatown protection measures will eventually be added to the TMP. Once the TMP has been adopted (as part of the Final EIR), changes to the TMP are subject to City approval (TMP p. 14).

It is unclear when the City would have the opportunity to amend the TMP. These changes should be adopted now to provide the A's with clear guidelines for the development approval process.

b. Neighborhood Protection is a Proper TMP Goal

EIR Table 2-1, Mitigation Measure Trans 1-b states that the one of the City's overarching goals for the TMP is "to manage how the project interacts with the surrounding area, including residential neighborhoods, the Port of Oakland, and local industries and businesses." It also lists certain high-level objectives of the TMP (p.2-83), including "Facilitate the safe and efficient flow of traffic into and out of the site and the adjacent neighborhoods during event and no-event conditions."

This overarching goal indicates that providing Chinatown and surrounding neighborhoods an effective role in minimizing potential safety economic and environmental impacts is consistent with the TMP.

## ATTACHMENT

### RED-LINE CHANGES TO THE DRAFT TRAFFIC MANAGEMENT PLAN

Text is quoted directly from the TMP, unless stated otherwise

#### Section 1.3: Key Stakeholders

Overall management of the TMP will be overseen by the A's, the City of Oakland, and the Port of Oakland. The A's will have responsibility for implementation of the Plan, and the City of Oakland ~~and Port of Oakland~~ and representatives of the Chinatown, Jack London, Old Oakland and West Oakland communities will provide feedback and direction to the A's to modify the TMP as needed, based on the results of monitoring reports.

(TMP p. 14)

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Table 1-2 (*stet*, should be Table 1-1) describes the roles and responsibilities for key agencies and entities involved in implementing the TMP. It is expected this table will change over time based on which agencies and organizations are required to play a role in the TMP.

#### Table 1-1: Key Stakeholders, Roles and Responsibilities

Community Groups: Community groups may offer consultation and feedback on the project design, ~~and~~ operational planning, monitoring and enforcement to help ensure a smooth integration into the existing neighborhood. Some community groups include the West Oakland Environmental Indicators Project, Jack London Improvement District (JLID) and other neighborhood and business groups in West Oakland, Jack London District, Chinatown District, and Old Oakland District, as well as Bick East Bay, Walk Oakland Bike Oakland, and SPUR Oakland.

(TMP p. 17)

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#### Chapter 16: Monitoring, Refinement and Performance Standards

Methods that will be employed to monitor TMP strategies include, but are not limited to, the following:

1. Coordination Meetings - -the on-site mobility coordinator and key Ballpark staff will meet quarterly with the City's designated representative, the Port of Oakland, and other key City staff, ~~and~~ other transportation service providers, and representatives of

Chinatown and the other surrounding neighborhoods to evaluate the TMP strategies throughout the life of the project.

(TMP p. 110)

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#### Section 4: Ballpark Travel Management Strategies

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Under all circumstances, as part of the TMP implementation, the A's will be required to complete the following:

1. The A's will designate a mobility coordinator to oversee and coordinate the ongoing implementation of the Ballpark TMP. ... The coordinator will also coordinate with the Oakland A's, other Ballpark site tenants, the City of Oakland, the Port of Oakland and the surrounding neighborhoods of Chinatown, Jack London Square, Old Oakland, and West Oakland on policies, operations, and capital needs to support the project's sustainable trip making and measures reasonably necessary to protect the safety, economic and environmental health of the surrounding neighborhoods.

(TMP p. 36)

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#### Section 16.3: Performance Standards and Goals

The TMP is oriented towards the achievement of a 20 percent vehicle trip reduction performance standard mandated by AB 734 legislation, with various goals related to the performance of the transportation system also used to assess whether further refinements to the TMP are warranted.

...

The following standards have been developed for the project, and the A's through implementation of the TMP monitoring, will be responsible for collecting the data necessary to determine if the standards are being met, as well as preparing the performance monitoring reports documenting whether each standard was met and what, if any, change are necessary to meet each standard.

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12. Chinatown Operations: Travel times and traffic queues for vehicles travelling into and around Chinatown are at reasonable and acceptable levels. The routes evaluated may include, but are not limited to, the following:

- a. Webster and Harrison Streets between the Webster and Posey Tubes, respectively, and 12<sup>th</sup> Street

- b. Streets traversing or bordering Chinatown used to access off-street parking in Downtown, Jack London Square, and Chinatown
- c. Jackson street on-ramp to highway 880 north and off-ramp from 880 south
- d. Oak street off-ramp from 880 north and the Oak Street on-ramp to 880 south
- e. Routes used after the Broadway off-ramp from 880 north is removed
- f. Parking in public and city-owned lots, especially Pacific Renaissance Plaza and others around Chinatown.

(TMP p. 113)

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#### 8.4 Off-Site Parking Management

The City of Oakland prepared a Parking Management Plan (PMP) that addresses daily on- and off-street parking management in Oakland with additional details for parking management near the Project site on game days. The PMP identifies the following principles to guide parking and curb management decisions:

- Parking is part of a multimodal approach to developing neighborhood transportation infrastructure.
- Parking should be actively managed to maximize efficient use of a public resource.
- Parking should be easy for customers.
- Parking policy and regulation should help the City meet other transportation, land use, and environmental goals.
- Chinatown's parking garages will be prioritized for Chinatown's cultural events when they occur at the same time as A's events.

(TMP p. 74)