

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY PRESIDENT BAS, VICE MAYOR KAPLAN AND
COUNCILMEMBER KALB

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

WHEREAS, that portion of the Port Area commonly known as the Charles P. Howard Terminal and located along the Inner Harbor of the Oakland Alameda Estuary, at 1 Market Street and immediately adjacent to Jack London Square (Howard Terminal), is jurisdictionally controlled by the Port of Oakland (Port) pursuant to the Oakland City Charter; and

WHEREAS, the Athletics Investment Group LLC d/b/a the Oakland Athletics (Oakland Athletics) have proposed development of the Waterfront Ballpark District Project at the Howard Terminal, which 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 open space (Project); and

WHEREAS, the Oakland Athletics have requested, among other Project approvals, a Development Agreement with the City of Oakland (City); and

WHEREAS, California State Assembly Bill 734 (AB 734) requires that the Project be “subject to a comprehensive package of community benefits approved by the Port of Oakland or City Council of the City of Oakland, as applicable, which may include local employment and job training programs, local business and small business policies, public access and open space, affordable housing, transportation infrastructure, increased frequency of public transit, and transit accessibility and sustainable and healthy development measures for the surrounding community”; and

WHEREAS, the City Council 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, 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, members of the West Oakland community expressed their desire that the needs of the West Oakland community be incorporated into any future efforts, including patronage of West Oakland businesses, traffic congestion, air quality, pedestrian safety, job access and job training, and public health issues; and

WHEREAS, additional Oakland community stakeholders and advocacy organizations have provided input regarding public and community needs related to the Project, on a range of issues, including but not limited to affordable housing and quality local employment and training opportunities; and

WHEREAS, the City convened a Howard Terminal Community Benefits Steering Committee (Steering Committee), consisting of representatives of the Oakland Athletics, City, Port, and stakeholders from West Oakland, Old Oakland, Jack London District and Chinatown, to identify community needs related to the Project and prioritize solutions to address such needs; and

WHEREAS, the Steering Committee affirmed as part of its statement of “Key Principles of the Howard Terminal Community Benefits Agreement” that, among other things, any community benefits agreement developed for the Project would apply to all developers of the Project and all employers, commercial tenants, subcontractors, etc. that operate on the Project site; and

WHEREAS, the Steering Committee developed recommendations to address community needs, and those recommendations were compiled into a “Community Benefits Recommendations Summary Report”; and

WHEREAS, on July 20, 2021, the City Council approved Resolution 88744 C.M.S., approving the term sheet for a future Development Agreement, including requiring that it have a comprehensive package of community benefits and securing benefits for the City and its residents, consistent, at a minimum, with the guidelines set forth in Assembly Bill 734 (2018) (collectively, Term Sheet Resolution); and

WHEREAS, the Term Sheet Resolution expressed Council’s direction for confirmation of the Port’s Seaport Compatibility Measures, including goods movement measures (Freight Compatibility), prior to any final Project approvals by Council; and

WHEREAS, the Term Sheet Resolution expressed that prior to the development, measures be taken to ensure quality jobs on the project; and Project and community hiring leading to good jobs being created at the Project, including an operations jobs policy based on the Port’s 2017 Operations Jobs Policy for the Seaport Logistics Complex (also known as Centerpoint) (Port’s Jobs Policy); and

WHEREAS, the Port's Jobs Policy includes living wages and benefits for workers; priority consideration for unemployed individuals, armed forces veterans, single parents, ex-offenders and foster care adults; and a ban on asking applicants about prior criminal offenses; and

WHEREAS, the Port entered into an Exclusive Negotiation Term Sheet with the Oakland Athletics in May 2019, which includes local employment and targeted hire requirements, job access provisions including Fair Chance, workforce training and funding, retention of existing workers, apprenticeship policies, living wages, benefits and stable employment opportunities, as categories guiding community benefits negotiations; and

WHEREAS, the Term Sheet Resolution expressed that, as a component of the community benefits, the overall affordable housing percentage shall be equal to 35 percent of total units built on the Project site: 15 percent newly constructed units located on the Project site, including units affordable to very low income households in compliance with California Redevelopment Law; and an additional 20 percent comprised of a combination of newly constructed units and other types of housing assistance offsite in the four impacted neighborhoods (West Oakland, Old Oakland, Jack London Square and Chinatown); and

WHEREAS, the Term Sheet Resolution expressed that prior to the development, an informal group of City, Port, County, Oakland Athletics, community members and local experts should be convened to track implementation of Department of Toxic Substances Control (DTSC) remediation requirements; and

WHEREAS, the Term Sheet Resolution expressed that the development should be consistent with the continued safety, economic well-being and environmental health of the Chinatown community, and Councilmembers requested Staff work collaboratively with Chinatown representatives to identify and recommend measures for future Council consideration to address community concerns regarding the compatibility of the Ballpark use with the Chinatown commercial and cultural area, as follows:

A. Minimizing the potential adverse impacts of traffic and parking congestion on Chinatown's people, business and cultural institutions, which shall include defining an appropriate role for Chinatown representatives in implementing the project's Transportation Management Plan;

B. Seeking additional under freeway parking and prioritizing the use of Chinatown parking garages for cultural events when they occur at the same time as Ballpark events;

C. Working with the Oakland Athletics to promote patronage of Chinatown businesses by Ballpark event attendees and promote marketing for Chinatown history and culture; and

WHEREAS, the Term Sheet Resolution expressed the direction that the City Administrator, in coordination with the City Attorney, shall 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, obligations regarding community benefits are legally enforceable; and

WHEREAS, the City received a letter dated December 22, 2021, from members of West Oakland Benefits for Equity providing recommendations regarding the Project's community benefits and proposed community fund; and

WHEREAS, the Oakland Waterfront Ballpark District at Howard Terminal Project Environmental Impact Report (EIR) has been submitted for City Council certification; and

WHEREAS, the EIR includes, as an appendix, a draft Transportation Management Plan (TMP), which, among other things, requires the Oakland Athletics to ensure that traffic and parking related to the Project meet certain performance standards; and

WHEREAS, the purpose of the TMP is to outline improvements and operational strategies to optimize access to and from the Ballpark, while minimizing disruption to neighboring communities; and

WHEREAS, the City received a memorandum from Chinatown stakeholders dated February 10, 2022, requesting certain changes to the draft TMP; and

WHEREAS, the EIR requires the Oakland Athletics to submit an updated TMP, the primary goals of which are trip reduction and ensuring safe and efficient access for all people traveling to and from the site, with a focus on promoting pedestrian, bicycle, and transit access, for approval by the City prior to issuance of a temporary certificate of occupancy for the Ballpark; and

WHEREAS, City staff is actively negotiating with the Oakland Athletics the terms of a Development Agreement; and now, therefore be it

RESOLVED, the City Council hereby reconfirms its intent to take action on community benefits and Freight Compatibility concurrently with, or prior to, consideration and approval of any Development Agreement with the Oakland Athletics for the Project; and now, therefore, be it

FURTHER RESOLVED: That the City Administrator is hereby directed to negotiate with the Oakland Athletics, as a part of the negotiation of the Development Agreement, a comprehensive package of community benefits, including, but not limited to, meeting the requirements of AB 734 and generally consistent with the terms set forth in the Term Sheet Resolution; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator to engage with key stakeholders, including but not limited to Freight Compatibility stakeholders and the Port, in the planning processes for the Project and plans for the surrounding area; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator to work with the Port to identify any necessary transportation/infrastructure projects that the Port could lead that may have the potential to interact with Freight Compatibility, and to bring an informational report and recommendations to City Council, concurrently with or prior to, consideration and approval of any Development Agreement for the Project; and be it

FURTHER RESOLVED: That the City Council urges the Port to collaborate with the City and key stakeholders, and directs the City Administrator to consult with the Port and provide the Council with an informational report on the seaport compatibility measures to be imposed by the Port, as well as recommendations for any additional Freight Compatibility strategies, prior to consideration and approval of any Development Agreement for the Project; and be it

FURTHER RESOLVED: That the Project ingress and egress plans, including plans for pedestrian and bicycle improvements, grade-separated and at-grade rail crossings, and transit

access, shall be reviewed by the Commission on Persons with Disabilities and Bicycle and Pedestrian Advisory Committee, prior to the respective approvals of such plans; and be it

FURTHER RESOLVED: That, as a component of the community benefits, the City Council hereby reconfirms its intent, in accordance with the Term Sheet Resolution, to require, as a part of any Development Agreement, that 15 percent of all newly constructed units located on the Project site be made available at affordable rent or affordable ownership cost to households with extremely low-, very low-, low-, or moderate-income (up to a maximum of 110% of area median income), of which at least one-third must be units affordable to very low-income households (up to a maximum of 50 percent of area median income), and to implement offsite strategies, to set aside a portion of the tax increment captured by any infrastructure financing district that may be formed over the Project site for displacement prevention strategies, including a combination of newly constructed units and other types of housing assistance, in the four impacted neighborhoods (West Oakland, Old Oakland, Jack London Square and Chinatown); and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to include in the Development Agreement the creation of an informal working group, which shall include, at a minimum, representatives of the City and the Oakland Athletics, and invites and urges inclusion of representatives from DTSC, the Port and other relevant government agencies, to review and provide transparency over implementation of the toxics remediation plan(s) approved by DTSC; and be it

FURTHER RESOLVED: A study of the non-CEQA effects of the Project on traffic and parking congestion in Chinatown (Study) shall be completed and the results incorporated into a revised TMP prior to consideration of the Development Agreement, which study shall (a) identify strategies to reduce congestion and potential conflicts on Chinatown streets, including but not limited to operational improvements, such as ~~locations for the deployment of~~ traffic control officers, ~~as well as preferred routes for the management of~~ pedestrians traveling from the Lake Merritt BART station to the Ballpark, and ~~for~~ the management of vehicles accessing parking in Chinatown, before, during, and after medium and large events (including but not limited to ballgames) at the Ballpark, and (b) take into account other planned improvements in the local vicinity, including implementation of the transit-only lanes on Broadway ~~and~~, the Oakland-Alameda Access project, and the Chinatown Complete Streets Plan; and be it

FURTHER RESOLVED: That the City Council further directs the City Administrator to work with Chinatown stakeholders to revise the draft TMP prior to consideration of the Development Agreement to: (a) incorporate the results of the Study, (b) include clear roles and responsibilities for representatives from Chinatown, to participate in the monitoring implementation of the TMP; (c) require that the duties of the Oakland Athletics' designated mobility coordinator include overseeing mobility strategies to ensure safe and efficient access while minimizing disruption to the surrounding neighborhoods and that they work with Chinatown's representatives to evaluate the effectiveness of such TMP strategies; (d) require that use of Chinatown's parking garages be prioritized for Chinatown cultural events when they occur at the same time as events at the Ballpark; (e) develop performance standards to address travel times and traffic queues for vehicles traveling into and around Chinatown on event days at the Ballpark; and be it

FURTHER RESOLVED: That to promote Project compatibility with recreational maritime use of its waterfront site, the City Administrator will ensure that future Project approvals appropriately require the Project sponsor to install signs along portions, if any, of the waterfront park indicating where recreational fishing will be allowed, in coordination with other regulatory authorities; and be it

FURTHER RESOLVED: That the City Administrator shall inform representatives of the impacted communities and the public in general of the potential availability of a public community room within the Project pursuant to AB 1191 (Stats. 2019 Ch. 752) Section 7. Subsection (a) (10) and will document any public demand for such room for consideration by the State Lands Commission and the Bay Conservation and Development Commission; and be it

FURTHER RESOLVED: That the City Council further directs the City Administrator to work in coordination with the office of the City Councilmember in whose district the Project site is located to provide ongoing and robust opportunity for input related to the Project's community benefits from West Oakland community stakeholders; and

FURTHER RESOLVED: That the City Council directs the City Administrator to work with the Port and the Oakland Athletics to incorporate opportunities for small local businesses, such as participation in the Ballpark concessionaire program, both within and outside of the paid area of the Ballpark, allowing patrons to bring in food purchased outside the Project site, and promoting small local businesses through free/discounted/low-cost announcements during events at the venue; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator, in negotiation of the Development Agreement, to:

- A. prioritize efforts to protect and advance community and stakeholder interests as identified in recommendations of the Steering Committee;
- B. provide transparency to the public, the City Council, and community stakeholders regarding community benefits topics under negotiation; and
- C. continue to provide opportunities for community stakeholders to offer input regarding community benefits under negotiation in the Development Agreement and otherwise being planned with regards to the Project, and to take that input into account; and be it

FURTHER RESOLVED: That, prior to the City Council consideration and approval of a Development Agreement for the Project, the City Administrator shall publicly release and distribute a comprehensive community benefits framework for the Project, which shall summarize in accessible form the community benefits to be provided through or in conjunction with the Project, including details regarding:

- A. community benefits to be negotiated into the Development Agreement, or otherwise provided directly by the City or the Oakland Athletics;
- B. jobs policies and other community benefits to be provided by or required by the Port;

C. plans for onsite and offsite affordable housing and funds for anti-displacement tenant services consistent with terms in the Term Sheet Resolution; and

D. details of establishment and governance of a community fund dedicated to implementing certain community benefits related to the Project; and be it

FURTHER RESOLVED: That, as a component of the community benefits, the City Council hereby intends, in accordance with the Term Sheet Resolution, to require, as a condition precedent to the effectiveness of, and material consideration for entering into, any Development Agreement with the City, evidence that the Project will be subject to an enforceable operations jobs policy, the form of which shall be an attachment to the Development Agreement, based upon the Port’s Jobs Policy and including reporting for monitoring and compliance, pursuant to agreements between the Oakland Athletics and the Port; and be it

FURTHER RESOLVED: This action is for the preliminary identification of limited terms relating to the proposed Development Agreement; does not result in any discretionary approval, any land use or development entitlement, or grant vested development rights; and does not commit the City to any definite course of action that restricts the City’s full and complete consideration of CEQA mitigation measures or alternatives in its future review of the complete Development Agreement, including not approving the Development Agreement. The final and complete Development Agreement will be considered in a future discretionary action by the City subject to CEQA. Accordingly, this action does not constitute a “project” under CEQA Guidelines 15378.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

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

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