

**CITY COUNCIL MEETING  
OCTOBER 19, 2021**

**DOCUMENTS RECEIVED AFTER  
PUBLISHED AGENDA**

# **AGENDA QUESTIONS & ANSWERS**

## **Item 2**

**AGENDA QUESTIONS & ANSWERS**  
**MEETING DATE: October 19, 2021**

Item #2 CONS 21-498 Adopt a Resolution Approving the Transfer and Appropriation of \$125,560 in Policy Planning Fees for the Next General Plan Update and Other Future Planning Projects

Is there a logic to reducing the fee back down to 12% from 16% now that the loan has been repaid?

The intent of the policy planning fee is to build up reserves for the next General Plan Update and other future long range planning projects without having to either borrow again from the CIP or request funds from the already constrained General Fund. For instance, we will be utilizing some of these collected fees to augment the grant funds received for community outreach for the Housing Element as well as the Objective Standards project. Costs for these efforts will only increase over time, especially by when we need to do another Comprehensive General Plan Update in 2035. The percentage charged is a small percentage on the building permit fee, not the total of all fees paid for a building permit and the amount collected will fluctuate over time depending on the level of building permit activity. The fee is also similar to what other surrounding cities charge for similar purposes. Staff recommends keeping the fee at 16%, but happy to monitor it and if appropriate we can consider modifying the fee in the future.

## **eCOMMENTS RECEIVED**

### **Item 10**

**eComments received for October 19, 2021 Hayward City Council Meeting:**

Item	Name	Comment	Position
10. RPT 21-122 City Council Referral: Consider Adoption of a Resolution Urging the Alameda County Board of Supervisors to Support the Proposed Howard Terminal/Waterfront Ballpark District Enhanced Infrastructure Finance District (EIFD)	Didacus Ramos	Why endorse this project before the contract points have been completed? What are the direct benefits for Hayward? If we don't benefit then vote NO. What guarantees that we will tbenefits. The A's should epay for building, maintaining and any future upgrades and remodeling. FWe hould have profit participation using the "Costco model" where we receive a portion of revenues. How much of the affordable housing funds will Hayward get? The A's should pay any balance if they break their lease.	

## **8. PH 21-087**

**Sale of Parcel Group 3 for Development of New Affordable Housing and a School: Adoption of Resolutions (1) Declaring City-Owned Properties Generally Located between Tennyson Road and Broadway Street as Exempt Surplus Lands; and (2) Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners for Transfer of Specified City Owned Properties; and Amendment of the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594), Consistent with Prior California Environmental Quality Act Determinations**

### **REVISED RESOLUTION**

**(Attachment II)**



**DATE:** October 19, 2021

**TO:** Mayor and City Council

**FROM:** Assistant City Manager/Development Services Director

**THROUGH:** City Manager

**SUBJECT:** Sale of Parcel Group 3 for Development of New Affordable Housing and a School: Adoption of Resolutions (1) Declaring City-Owned Properties Generally Located between Tennyson Road and Broadway Street as Exempt Surplus Lands; and (2) Approving the Government Code Section 52201 Summary Report for the Project; and Authorizing the City Manager to Negotiate and Execute a Disposition and Development Agreement with Eden Housing, Pacific West Communities, and Strategic Growth Partners for Transfer of Specified City Owned Properties; and Amendment of the Parcel Group 3 Affordable Housing Plan (Planning Application #202001594), Consistent with Prior California Environmental Quality Act Determinations **(PH 21-087)**

#### **RECOMMENDATION**

That the Council accept an amendment to PH 21-087 regarding Attachment II Exempt Surplus Lands Resolution by changing the reference to a “charter school” to “public community school.” The revised Attachment II is attached.

*Recommended by:* Jennifer Ott, Assistant City Manager/Development Services Director

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21 –

Introduced by Council Member \_\_\_\_\_

RESOLUTION DECLARING CITY-OWNED PROPERTIES LOCATED BETWEEN  
TENNYSON ROAD AND BROADWAY STREET AS EXEMPT SURPLUS LAND  
PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(H)

WHEREAS, the City of Hayward (the “City”) is the owner of those parcels of real property more particularly described in the attached Exhibit A, generally located between the Tennyson Road on the south and Broadway Street on the north (the "City Properties"); and

WHEREAS, the City Properties were previously intended to be used by the State of California Department of Transportation (the "Caltrans") in connection with State Highway Route 238; and

WHEREAS, the Caltrans' plans proved infeasible; and

WHEREAS, the City acquired the City Properties from Caltrans for the purposes of exchange, economic development, and to generate State funding for the local alternative transportation improvement program, which is intended to address the local transportation problems caused by the infeasibility of the Route 238 plan; and

WHEREAS, Caltrans granted the City Properties to the City in trust pursuant to State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65); and

WHEREAS, disposal of the City Properties is authorized or required subject to conditions established by statute and under Government Code Section 14528.65(a)(2) the Surplus Lands Act does not apply to the sale of excess property pursuant to Section 14528.65; and

WHEREAS, the City intends to dispose of a portion of the City Properties to be developed as ~~charter~~ public community school and affordable housing development; and

WHEREAS, the City intends to retain a portion of the City Properties for open space and park use; and

WHEREAS, pursuant to California Government Code section 54221(b)(1), the City must declare land as either surplus or exempt surplus prior to beginning the disposition process.



NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds that the City Properties identified in Exhibit A are exempt surplus land pursuant to Government Code section 54221(f)(1)(H) and under Government Code Section 14528.65(a)(2) because the land was granted by Caltrans in trust to the City and for which disposal of the land is authorized or required subject to conditions established by statute under the State Route 238 Local Alternative Transportation Improvement Program (Government Code Sections 14528.6 and 14528.65).

BE IT FURTHER RESOLVED that the City Council directs the City Manager to transmit a copy of this Resolution to the California Department of Housing and Community Development no later than thirty (30) days prior to the disposition of the City Properties.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:
	MAYOR:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

EXHIBIT A  
LEGAL DESCRIPTION OF CITY PROPERTIES

Number
DD-030989-01-01

## Exhibit "A"

Those parcels of land, in the City of Hayward, County of Alameda, State of California, as described in Grant Deeds: AF32727, 32728, and 39082, together with portions of Blocks K, L, and M, as shown on that Map "City of Alta Vista", recorded July 13, 1925, in Book 4 of Maps at Page 80, filed in the Office of the County Recorder of Alameda County, together with Parcels 2 and 3, as described in that Executor's Deed, recorded November 20, 1970, in Reel 2736, Image 143, Official Records of Alameda County, together with Parcel 1, as described in that Final Order of Condemnation, recorded May 29, 1964, in Reel 1218 Image 69, Document Number AW86756, Official Records of Alameda County, described as follows:

Lot 5, in Block K, together with Lots 6, 8, 9, 10, 11, 12, and 13, in Block L, together with Lots 1, 4, 5, 6, 7, 8, 9, and 10, in Block M, as shown on said Map, recorded July 13, 1925, in Book 4 of Maps at Page 80, filed in the Office of the County Recorder of Alameda County.

TOGETHER WITH,

That parcel of land as described in said Grant Deed 39082, recorded November 12, 1970, in Reel 2730, Image 13, Document Number 70-124437, Official Records of Alameda County, described therein:

*"The northeastern 82.20 feet of Lots 9 and 10, in Block "K", as said lots and block are shown on the map of "City of Alta Vista, Eden Township, Alameda Co., California", filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County."*

TOGETHER WITH,

Said Parcels 2 and 3, as described in said Executor's Deed, described therein:

*'Parcel 2:*

*Lot 8, and the southwesterly 40 feet of Lots 11 and 12, in Block "K", as said lots and block are shown on the Map of "City of Alta Vista, Eden Township, Alameda Co., California",*

Number
DD-030989-01-01

*filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County.*

*Parcel 3:*

*The northeasterly 82.20 feet of Lots 11 and 12, in Block "K", as said lots and block are shown on the Map of "City of Alta Vista, Eden Township, Alameda Co., California", filed July 13, 1925, in Book 4 of Maps, page 80, in the office of the County Recorder of Alameda County.'*

ALSO,

The State of California acting by and through its Director of Transportation does hereby remise, release and quitclaim any and all interest lying within East 17th Street, Broadway, Clay Street, Franklin Street, and Webster Street, as shown on said Map recorded July 13, 1925, in Book 4 of Maps at Page 80.

TOGETHER WITH,

Said Parcel 1, as described in said Final Order of Condemnation, described therein:

"Parcel 1:

*For freeway purposes, that real property described as follows:*

*COMMENCING at the northeasterly corner of that certain parcel of land containing 21.28 acres, described in the deed to William P. Silva, et ux, recorded June 24, 1942 in Book 4230 of Official Records of Alameda County, at Page 300 (PP/31567); thence along the easterly line of said 21.28 acre parcel, S. 1°01'00" W., 1144.17 feet to the southeasterly line of said 21.28 acre parcel; thence along said southeasterly line S. 78°02'00" W., 240 feet; thence N. 19°00'00" W., 888 feet, more or less, to the northwesterly line of said 21.28 acre parcel; thence along said northwesterly line, N. 57°27'00" E., 650 feet to the point of commencement.*

*CONTAINING 9.611 acres, more or less."*

ALSO,

Page 2 of 4

Number
DD-030989-01-01

The State of California acting by and through its Director of Transportation does hereby remise, release, and quitclaim any and all abutter's rights, including access rights as described by said Final Order of Condemnation.

TOGETHER WITH,

That parcel of land as described in said Grant Deed AF32727, recorded June 13, 1967, in Reel 1980, Image 77, Document Number AZ55700, Official Records of Alameda County, described therein:

"COMMENCING at the southwesterly corner of that certain parcel of land described in the Final Judgment of Condemnation rendered to the State of California on May 29, 1964 in Superior Court, Alameda County, Case No. 333126, recorded May 29, 1964, on Reel 1218, Image 69, (AW/86756) Alameda County Records; thence along the property line common to the lands, now or formerly, of Topaz Builders, Inc., and of Mission Heights Associates, a Partnership, S. 79°20'50" W., 136.12 feet; thence N. 10°22'17" W., 469.55 feet; thence N. 13°59'40" W., 398.49 feet to the property line common to the lands, now or formerly, of Hooper and Company, a Partnership and of Mission Heights Associates, a Partnership; thence along said common property line N. 58°23'05" E., 44.95 feet to the southwestern line of said State of California parcel; thence along said southwestern line S. 18°04'25" E., 890.90 feet to the point of commencement.

CONTAINING 1.666 acres, more or less."

"The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000823 to obtain ground level distances."

ALSO,

The State of California acting by and through its Director of Transportation does hereby remise, release, and quitclaim any and all abutter's rights, including access rights as described by said Grant Deed.

TOGETHER WITH,

That parcel of land as described in said Grant Deed 32728, recorded March 21, 1967, in Reel 1933 Image 694, Document Number AZ25095, Official Records of Alameda County, described therein:

Page 3 of 4

Description: Alameda, CA Document - Year.DocID 2017.252113 Page: 8 of 14  
Order: ec Comment:

Number
DD-030989-01-01

"A portion of the 77.70 acre parcel of land described in the Decree Quieting Title rendered May 11, 1925 from Superior Court, Alameda County, in the action of J. E. Costa vs. Roman Catholic Archbishop of San Francisco, a corporation sole, et al., Case No. 78611, a certified copy of which was recorded May 11, 1925, in Book 996 of Official Records of Alameda County, page 230, (U-38782), described as follows:

Beginning at the intersection of the northeastern line of the land described in the deed to City of Hayward, dated December 16, 1965, recorded December 29, 1965, on Reel 1674, Image 38, (AX-177888) Alameda County Records, with the centerline of Webster Street, 50 feet wide; running thence along the last named line, northeasterly on the arc of a curve to the left, having a radius of 780 feet, through a central angle of  $9^{\circ}00'39''$ , a distance of 122.67 feet; thence northeasterly on the arc of a reverse curve to the right, having a radius of 636.50 feet, through a central angle of  $16^{\circ}46'18''$ , a distance of 186.32 feet; thence continuing along said centerline and the direct production thereof, North  $63^{\circ}54'$  East 315.36 feet to the northeastern line of the land described in the deed to Pine & Co., dated October 4, 1955, recorded October 19, 1955, in Book 7819 of Official Records of Alameda County, Page 333, (AK-113734); thence along the last named line and along the eastern and southeastern lines of said last mentioned land, South  $40^{\circ}$  East 658.29 feet; South  $1^{\circ}28'01''$  West 252.94 feet; and South  $57^{\circ}17'36''$  West 700.17 feet to said northeastern line of said land conveyed to City of Hayward; and thence along the last named line, North  $23^{\circ}48'25''$  West 891.38 feet to the point of beginning."

All the above described parcels having a combined total area containing 28.48 acres, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Andrew Lachowicz  
Licensed Land Surveyor

Date 3-25-2016



**EXHIBIT 'A'**  
**Legal Description**  
**State Remainder Parcel 1**

All that real property situated in the City of Hayward, County of Alameda, State of California, described as follows:

Being portions of Parcel 1 and Parcel 3 as described in the Director's Deed from the State of California to the City of Hayward recorded November 3, 2017, under Recorder's Series Number 2017243815, Official Records of said County, more particularly described as follows:

**Commencing** at the intersection of the exterior boundary of Tract 7620 with the monumented line of Tennyson Road (60 feet in width), as shown on that certain map of Tract 7620 filed May 3, 2016 in Book 339 of Maps at Page 46, Records of said County, from which the southwesterly terminus of that certain course shown as North 59°10'01" East 179.24 feet along said monumented line of Tennyson Road bears South 59°10'01" West 63.75 feet as shown on said Tract 7620;

1. Thence South 89°39'02" West 41.89 feet along said exterior boundary of Tract 7620 to the intersection of the northerly line of said Tennyson Road, and the **Point of Beginning**, said point being the beginning of a non-tangent curve concave northerly and having a radius of 720.00 feet, (a radial bearing of said curve through said point bearing South 25°53'42" East);

Thence along last said line the following three (3) courses;

2. Westerly 198.77 feet along said curve through a central angle of 15°49'03";
3. South 79°55'21" West 216.36 feet to the beginning of a curve concave northerly and having a radius of 570.00 feet;
4. Westerly 103.75 feet along said curve through a central angle of 10°25'45" to the exterior boundary of said Parcel 3;

Thence along last said line and the exterior boundary of said Parcel 2 the following four (4) courses;

5. North 19°22'35" West 41.87 feet;
6. North 86°21'23" West 118.00;
7. North 78°26'02" West 292.82 feet;
8. North 89°39'02" East 349.50 feet to the **Point of Beginning**.

Containing 34,002 square feet, more or less

**End of Description**

**Surveyor's Statement**

This description was prepared pursuant to Section 8726 of the Business and Professions Code of the State of California, by or under the supervision of:

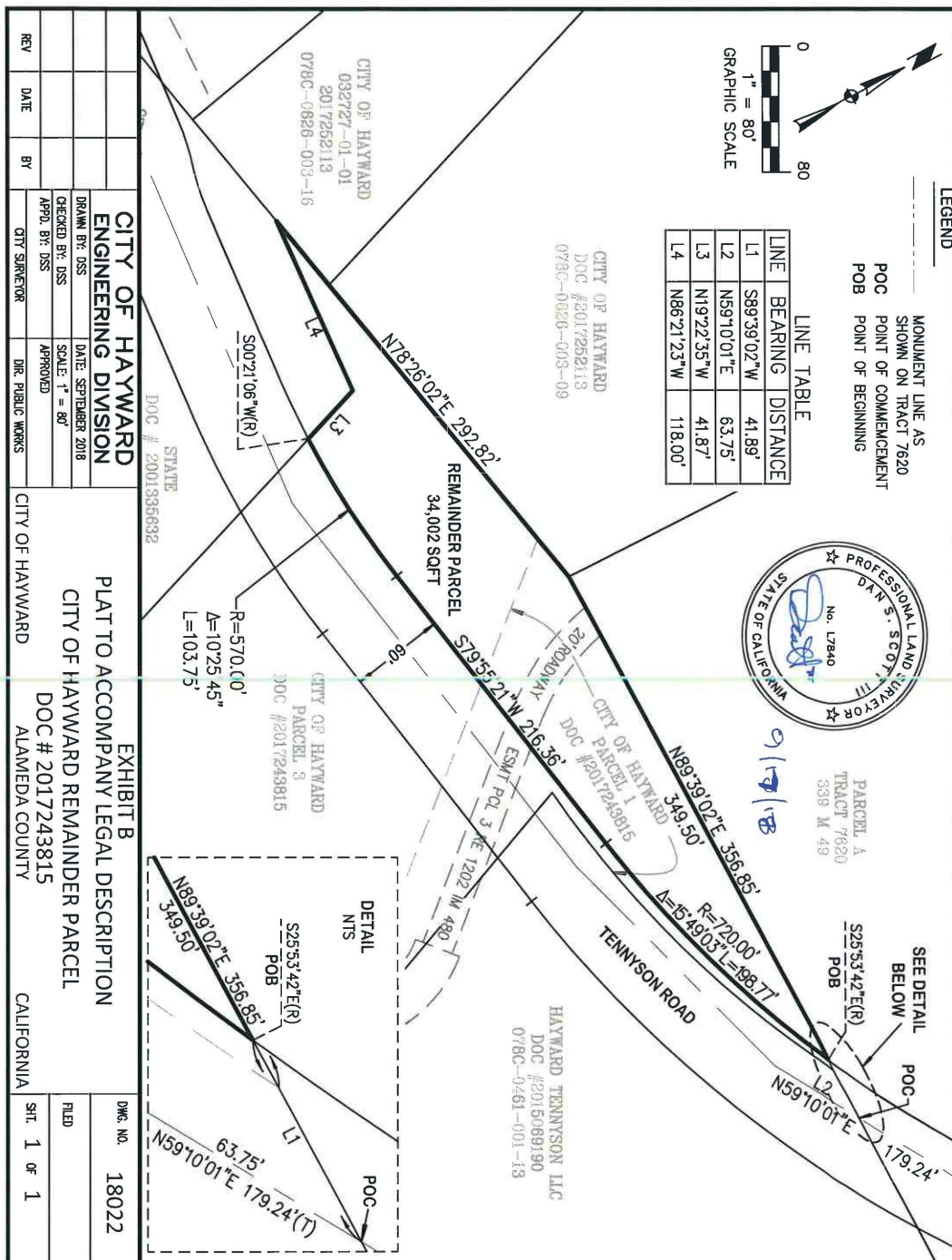


Dan S. Scott III, PLS L7840

September 17, 2018

Date







## **10. RPT 21-122**

### **City Council Referral:**

**Consider Adoption of a Resolution  
Urging the Alameda County Board of  
Supervisors to Support the Proposed  
Howard Terminal/Waterfront  
Ballpark District Enhanced  
Infrastructure Finance District (EIFD)  
(Report from Mayor Halliday)**

### **PUBLIC COMMENTS**



## BOARD OF SUPERVISORS

DAVID HAUBERT  
Supervisor, District 1

October 19, 2021

Dear President Carson,

Thank you for providing direction to bring forward the Oakland A's Stadium item to our October 26, 2021 agenda. Supervisor Valle and I, respectfully request that this item be brought forward as an action item not just as an information item.

It is important that the non-binding resolution (attached) is taken up for discussion and a vote on October 26, 2021, due to the vital economic development that this project would provide to the City of Oakland and its additional social, economic, and long-term benefits to Alameda County and the region.

The Infrastructure Financing District or Enhanced Infrastructure Financing District (EIFD) is a creative tool that can be used to make this project a success for both the City of Oakland and the County of Alameda, if the analysis and needed framework is thorough and comprehensive.

The Oakland A's and the Oakland City Council have been working for several years to pursue a new stadium. We have toured the Howard Terminal and see the potential that this site holds for revitalization of Jack London Square. We believe that the incremental tax generated to both Alameda County and the City of Oakland should be thoroughly examined and analyzed. One of the important activities from the development of a new stadium would be ongoing development and investment that would contribute to the economic and social fabric of the stadium area.

President Carson, hearing the Major League Baseball Commissioner state that he is "not sure we see a path to success for a new A's ballpark in Oakland," clearly it is apparent we could lose this last professional franchise to another city, which in our opinion would diminish the potential for revitalization of this critical area in the City of Oakland. We believe that the non-binding resolution does not commit the county to any decisive vote on whether the stadium is built. Our request is predicated on a good faith effort that requires a thoughtful examination of the benefits to the community and the region.

Sincerely,

A handwritten signature in cursive script that reads "David G. Haubert".

David G. Haubert  
Supervisor, First District

A handwritten signature in cursive script that reads "Richard Valle".

Richard Valle  
Supervisor, Second District

Attachments: Non-Binding Resolution

ATTACHMENT

RESOLUTION NO. 2021 \_\_\_\_\_

**RESOLUTION OF THE COUNTY OF ALAMEDA DECLARING THE COUNTY OF ALAMEDA'S NON-BINDING INTENT TO CONTRIBUTE THE COUNTY'S SHARE OF THE INCREMENTAL PROPERTY TAXES THAT WILL BE GENERATED FROM DEVELOPMENT OF THE WATERFRONT BALLPARK DISTRICT AT HOWARD TERMINAL INTO AN ENHANCED INFRASTRUCTURE FINANCING DISTRICT TO BE FORMED OVER THE PROJECT SITE FOR THE PURPOSE OF FINANCING AFFORDABLE HOUSING, PARKS AND OTHER INFRASTRUCTURE OF COMMUNITY-WIDE SIGNIFICANCE.**

**WHEREAS**, the Oakland Athletics (the A's) have proposed development of the Waterfront Ballpark District at the Howard Terminal in the City of Oakland (City), County of Alameda (County), which would include a new 35,000-person capacity ballpark (the 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); and

**WHEREAS**, on November 20, 2018, the A's initiated the regulatory process for the Project by filing with the City an application for Environmental Review; and

**WHEREAS**, the Project is located on Port of Oakland (Port) land, and on May 13, 2019, the Board of Port Commissioners unanimously approved an Exclusive Negotiation Term Sheet to memorialize the preliminary terms negotiated between the Port and the A's for disposition and development of the Project site; and

**WHEREAS**, on February 20, 2020, the A's applied for, and the City and A's shortly thereafter commenced negotiation of a term sheet (Term Sheet) for, a Development Agreement, which among other things, includes a financing plan for the Project; and

**WHEREAS**, City staff, together with the City's independent economic and public finance consultants, concluded after extensive due diligence that the Project's substantial infrastructure costs could not feasibly be financed without public investment; and

**WHEREAS**, California Redevelopment Law (Redevelopment), before its repeal in 2011, provided a mechanism widely used by the City and County to invest the incremental property taxes created by large economic development projects such as this one in essential infrastructure, public improvements, and affordable housing; and

**WHEREAS**, following the repeal of Redevelopment in 2011, the State legislature created a new tool to help fund economic development projects, known as an Infrastructure Financing District or Enhanced Infrastructure Financing District (IFD or EIFD); and

**WHEREAS**, on June 15, 2021, the Board held a hearing at which City staff and consultants made a detailed presentation regarding the Project, its fiscal benefits to the County, and the structure of the proposed EIFD, and County Supervisors and staff requested additional time and information to complete a thorough analysis of the proposed Project and EIFD; and

**WHEREAS**, on July 20, 2021, the Oakland City Council approved the non-binding Term Sheet for the Project, indicating its support for the Project and intent to form an EIFD over the Project site capturing the City's share of the incremental property taxes generated by the development for a period 45 years; and

**WHEREAS**, under an IFD or EIFD, unlike under Redevelopment, each participating taxing entity must affirmatively and independently "opt-in" to contribute its incremental property taxes to the district for construction of critically needed infrastructure, open space and affordable housing; and

**WHEREAS**, the assessed value of the site, currently less than \$30 million, is projected to increase to over \$7 billion upon full build-out of the proposed Project; and

**WHEREAS**, in response to questions raised by County Supervisors and staff at the June 15, 2021 meeting, on September 7, 2021, City staff provided a comprehensive analysis of projected revenues to the County from the Project, which confirmed that development of the Project is anticipated to generate over \$16 million per year in new annual property, sales and transfer tax revenues to the County (a more than 300-fold increase over the current \$50,000 per year generated by the site) and construction of the Project is projected to generate new one-time tax revenues to the County of more than \$67 million; and

**WHEREAS**, these projected revenues would not exist "but for" construction of the Project; and

**WHEREAS**, no public funds would be used to build or operate the proposed Ballpark, no general obligation bonds or general fund risk would accrue to the City or County (even if increased tax revenues fall short of current projections), and no increases to City or County property tax rates would occur as a result of the Project or the EIFD; and

**WHEREAS**, the EIFD would be established solely to provide a mechanism to reimburse the A's over time for some of the up-front costs of constructing required parks, affordable housing, and on-site infrastructure, and would have no design, construction, or operational obligations or liabilities related to the Ballpark or the Project; and

**WHEREAS**, the obligation to provide parks, affordable housing, and infrastructure on-site would rest solely with the A's; and

**WHEREAS**, to craft a financially feasible, fiscally responsible Project with broad benefits to the City, County and region, the A's and City have requested that the County make a non-binding indication of its intent to "opt-in" to a future EIFD over the Project site and contribute its share of the incremental property taxes that will be generated from development of the Waterfront

Ballpark District at Howard Terminal for the purpose of financing affordable housing, parks and other infrastructure of communitywide significance; and

**WHEREAS**, even after contributing its share of incremental property taxes to an EIFD, the County is expected to receive more than \$5 million in additional tax revenues each year for provision of County essential health care, early childhood education and homelessness services, revenues that would not exist “but for” the Project; and

**WHEREAS**, the County’s final determination to join the EIFD would be made by the County only after the Project has been approved by the City and Port pursuant to the California Environmental Quality Act, and only upon findings that the County shall not be liable for the construction or operation of the ballpark, the County shall not be liable for either cost overruns related to the infrastructure, parks and affordable housing to be financed by the district, or in the event that the Project does not produce additional revenues as or when currently projected; and

**WHEREAS** before any County tax revenues could be committed to the EIFD, the Board must independently adopt, in its sole discretion, a resolution approving an infrastructure finance plan (IFP) for the district specifying the amount of property tax increment that would be allocated by each of the City and County to the EIFD and detailing the public improvements and facilities to be financed by the EIFD; and

**WHEREAS**, once approved, the IFP, including but not limited to the boundaries of the EIFD and the amount of County property tax increment to be contributed to the EIFD, could be amended only with the Board’s approval; and

**WHEREAS**, the Board of Supervisors finds that the economic interests of the County’s residents and the public health, safety and welfare will be best served by indicating the County’s intent to opt-in to the Waterfront Ballpark District EIFD;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Supervisors that, after hearing all interested persons and receiving and considering all relevant evidence, the Board finds and determines as follows:

Section 1. The Board hereby adopts the facts and findings set forth in the preceding “whereas” clauses and incorporates them into this Resolution.

Section 2. The Board hereby declares the non-binding intent of the County to contribute the County’s share of the incremental property taxes, inclusive of property taxes in lieu of vehicle license fees, that will be generated from development of the Waterfront Ballpark District at Howard Terminal into an EIFD to be formed over the project site for the purpose of financing affordable housing, parks and other infrastructure of community-wide significance, for a period of 45 years and that the County’s commitment to contribute would not guarantee a specific amount, but would solely be limited to contributing such taxes actually received.

Section 3. The Board hereby finds that this declaration of non-binding intent to is not subject to CEQA because this action is non-binding, does not result in any discretionary approval or grant vested development rights, and does not commit the County to any definite course of action; accordingly, this action does not constitute a "project" under CEQA Guidelines.

Section 4. If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Resolution is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Resolution.

Section 5. This Resolution shall be in full force and effect immediately upon passage.

AYES:

NOES:

EXCUSES:

\_\_\_\_\_  
President, Board of Supervisors  
of the County of Alameda, State of California

Attest:

\_\_\_\_\_  
Clerk of the Board of Supervisors of the  
County of Alameda, State of California

Approved as to Form  
DONNA R. ZIEGLER, County Counsel

By: \_\_\_\_\_

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**From:** Didacus Ramos  
**Sent:** Sunday, October 17, 2021 12:21 PM  
**To:** List-Mayor-Council  
**Subject:** Call out the A's stadium proposal from consent calendar

**CAUTION:** This is an external email. Do not click on links or open attachments unless you know the content is safe.

I see that the proposal for a new stadium at Howard Terminal in Oakland is seeking Hayward City Council endorsement as item 7-D on the consent calendar for Tuesday's Council meeting. Being on the consent calendar doesn't make any sense. Supporting this project makes even less sense.

The proposition is more than just controversial. It is problematic. As an Urban Planner I can tell you that no way can the EIR submitted be accurate or acceptable. Too many times it sidetracks major concerns about pollution, site contamination, present port truck parking, and gentrification of housing as something to be mitigated later. That should be an immediate non-starter for this Council.

It also is suspicious because the subject of affordable housing in that area and around the Coliseum has not been resolved. Every time it comes up it is apparent that the A's and developers are not acting in good faith instead are deflecting the issue by refusing to make any guarantees. How can these people be trusted if they won't commit to reasonable guarantees?

But looking deeper, who is this project serving?

It appears this is just the continuation of developers led by the A's baseball team to make quick profits then dump added expenses on tax payers from Oakland and Alameda County.

At the very least, your response should be to pull this item from the calendar and deny it the favor of your endorsement.

If that's not enough, the politics around this project evokes images of smoke-filled back rooms and bullying tactics. We, the people, are worth more than a return to such tactics. Prove that you recognize the ploy and won't let it go through.

Please call out this item listed as 7-d, then vote it down.

Sincerely,

Didacus Ramos

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**From:** George Syrop  
**Sent:** Sunday, October 17, 2021 5:40 PM  
**To:** List-Mayor-Council  
**Subject:** Please Vote NO - Agenda Item 10: RPT 21-122

Dear Mayor and Councilmembers,

After a year of productive conversations and city action around social justice and equity in Hayward, I was deeply disheartened to see a resolution in support of the Howard Terminal/Waterfront make its way into this week's agenda. ***There's no reason to make any commitment before the full scope of the project is determined, the City has finalized its financial terms with the A's, and the complete price tag for taxpayer funds is revealed to the public.***

When we look at the history of racism that lead to Russell City's destruction and say "never again", let's be mindful of the small, oftentimes banal decisions that created the incentives for Hayward and the County to destroy it. **A seemingly innocuous yes vote on this resolution carries the potential to destroy another Black and brown community. I beg you, please do not take this decision lightly**

The resolution completely overlooks the staunch opposition being voiced by working class families and organizations (a few are listed below) who have yet to receive satisfying answers to their concerns from the A's and Mayor Schaaf. The only thing that the A's have been clear about is that they, unlike other developers, do not intend to pay for any community benefits or the infrastructure needed to make the Howard Terminal site potentially viable. That leaves the City, County, and Port left to determine what taxpayer revenues should be contributed to fund the A's development, and whether they are in a financial position to subsidize this massive real estate deal. Taxpayers could be on the hook for close to a billion dollars or more.

**I hope that as Hayward leaders invested in racial and environmental justice, you can use this referral as an opportunity to scrutinize this project rather than giving it the rubber stamp.**

***I strongly urge Mayor Halliday and our Councilmembers to VOTE NO*** on this resolution - for a project that will disrupt, displace, and gentrify communities of color so wealthy owners and developers can grow even wealthier. I am more than happy to put you in touch with organizers who are fighting for their lives and their communities against the Terminal If you would like to learn more about the real backstory of this naked land grab.

Sincerely,  
George Syrop

*A handful of opposing groups:*

**International Longshore and Warehouse Union** - Opposed

**East Oakland Stadium Alliance** - Opposed

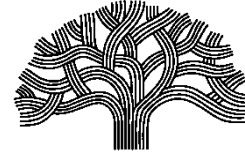
**Oakland United** - in favor of community benefit agreements, feels the A's betrayed them by reneging on their commitment to fund those benefits.

**Oakland East Bay Democratic Club** - Opposed

**CBE**- Finds the Draft Environmental Impact Report to be completely inadequate in addressing the damage that this development would cause both the natural and cultural environment.



# CITY OF OAKLAND



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Office of the Mayor  
Libby Schaaf  
Mayor

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October 19, 2021

Dear Mayors,

On behalf of the City of Oakland, thank you for your support of the Alameda County Board of Supervisors action to opt-in to an Enhanced Infrastructure Financing District (EIFD) for the proposed Waterfront Ballpark District at Howard Terminal.

With this project, the City and County have a once-in-a-generation chance to reimagine how underutilized public lands can be redeveloped to achieve invaluable public benefits. An EIFD using project-generated revenues to help fund infrastructure and safety improvements, public parks, affordable housing, displacement prevention, and other community benefits will make our City and County safer and more resilient, successful, and equitable, while creating thousands of new skilled jobs paying prevailing and living wages.

A project of this magnitude generates a lot of interest and discussion by various stakeholders, and it is essential to inform subsequent action with accurate information. Below are our responses to false claims made in an auto-generated opposition email that many of you received.

<b>Claim vs. Fact</b>
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False Claim: “The A’s project is not only a bad deal for Oakland, but for all Alameda County residents, and it would be foolish for our city to ask the county to support a private project that will divert resources away from critical programs and services including public health and safety.”

**Fact: The proposed project will add – not divert – resources for critical public health and safety services. It will create \$65M ADDITIONAL, one-time revenues for County services and more than \$5M EVERY YEAR in additional annual revenues for health care, early childhood education and homelessness. These are funds that would not be available “but for” the development of the proposed project. Additionally, the EIFD proceeds will pay for desperately needed affordable housing, public parks and public infrastructure.**

False Claim: “It is also irresponsible to pressure Alameda County to commit to funding the Oakland A’s project before the City of Oakland has even reached a final agreement with the team and the Environmental Impact Report is completed.”

**Fact: The County’s commitment is needed in order to reach final agreement on a financial plan for the proposed project. Without that commitment, the project will not move forward. The City and the Port, through actions of the City Council and Board of Port Commissioners, have both made public, nonbinding commitments to this project, and we are simply asking the County to do the same. The EIFD would not actually be formed until all regulatory approvals are granted, including all environmental approvals.**

False Claim: “These terms leave taxpayers on the hook for over \$400 million for onsite infrastructure exclusively benefiting the A’s private development.”

**Fact: The project is paid for with “but for” taxes – the EIFD does not raise taxes, divert existing taxes, or utilize any tax revenues other than those generated onsite by the project itself.**

**Furthermore, the “taxpayer” in this case is the developer – the A’s. It is the developer’s increased property taxes – resulting from development of the site itself – that will be captured and used to fund the following public benefits:**

- 18.3 acres of public parks
- 450 affordable housing units on-site and significantly more in the surrounding area
- 1.5-mile extension of the Bay Trail
- Remediation of existing environmental contamination
- Sea-level rise protection through 2100

False Claim: [These terms] “... rely on the promise of future benefits that depend on the A’s keeping their word.”

**Fact: The benefits would be enforced by the City through a binding, enforceable development agreement.**

False Claim: [These terms] “...allow for a \$350 million funding gap that will ultimately draw funding away from other county needs.”

**Fact: No County funds will be used to fund the \$350 million in offsite infrastructure. This infrastructure will be the sole responsibility of the City of Oakland and will be funded entirely through the City’s own ‘but for’ taxes directly generated by the project as well as federal, state and regional transportation funds.**

False Claim: “The terms proposed so far, as well as the Howard Terminal DEIR, do nothing to address the considerable impact this project will have on the operations at the Port of Oakland, which provides good-paying, working-class jobs to tens of thousands of Alameda County residents

and is crucial to the economic success of our entire region. The A's have offered no mitigation measures for the increase in traffic that will clog the port and 880, and the serious conflicts between the 24/7 demands of a working industrial port and new residential or commercial tenants."

**Fact: Howard Terminal is currently used primarily for short-term container and chassis storage. There are approximately 25 FTE employees on the 50-acre property, and the site is no longer suitable for Port maritime shipping and not required for Port operations. See Port for additional information at <https://www.portofoakland.com/howard-terminal/faqs/>.**

**Additionally, the Port of Oakland has been working with various stakeholders to create Seaport Compatibility Measures to ensure the project does not interfere with Port operations and that it mitigates potential impacts such as congestion and increased air emissions; these mitigation measures, which will be required of the project. More information about the Seaport Compatibility Measures can be found at <https://www.portofoakland.com/howard-terminal/seaport-compatibility-measures/>**

False Claim: After being burned by "Mt. Davis" and other sports debacles, the county made the wise decision to get out of the sports business altogether.

**Fact: The County is being asked to help finance critically needed public infrastructure, public parks and affordable housing. The County is not being asked to get back into the sports business. The City and County would have no role in the financing, ownership or management of the proposed Waterfront Ballpark at Howard Terminal, which, unlike the Coliseum, will be entirely privately funded, maintained and operated.**

False Claim: The A's proposal for a huge commercial development at the Port of Oakland that includes luxury condos and high-rise office space – and happens to include a ballpark – is a bad deal for our entire county

**Fact: The project generates almost \$65 million in one-time and more than \$5.4 million in new annual taxes to County, even after participation in an EIFD over the project site. After the 45-year opt-in period, new annual revenues to the County would increase to approximately \$16 million (measured in today's dollars). As noted above, the new project-generated revenue will provide funding needed to support County's [OBJ]early childhood education[OBJ], homelessness and essential health services.**

**Additionally, the project will result in 7,100 new full-time jobs and 25,000 construction jobs, and according to Bay Area Council, will result in \$7.3 billion in total economic impact in the first ten10 years.**

False Claim: Your constituents are opposed to spending public dollars on private developments: say NO to wasting Alameda County tax dollars to fund the A's luxury project.

**Fact: Under state law, EIFD funds can *only* be spent on affordable housing and public improvements of communitywide significance. The public dollars generated by a private development will be expended FOR public benefits, not the other way around.**

The facts that I have provided in this letter are supported by thorough financial and legal analyses that were performed by third-party experts and can be accessed on the project webpage at <https://www.oaklandca.gov/projects/oakland-waterfront-ballpark-district>.

Please join the City of Oakland on October 26<sup>th</sup> to urge the Alameda County Board of Supervisors to adopt a motion declaring their willingness to contribute the County's share of its incremental property taxes for the purpose of financing affordable housing, parks and other infrastructure of communitywide significance.

Sincerely,

A handwritten signature in black ink, appearing to read "Libby Schaaf", with a stylized flourish at the end.

Mayor Libby Schaaf  
Oakland CA