

# **AB 734 Application**

**Oakland Athletics  
Oakland Sports and Mixed-Use Project  
at Howard Terminal**

March 2019

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# 1. Project Proposal

The Athletics Investment Group LLC D/B/A The Oakland Athletics, a California limited liability company (Oakland A's), which owns and operates the Oakland Athletics Major League Baseball team, proposes constructing a baseball park and a variety of adjacent ancillary and mixed uses, including residential, hotel, entertainment, office, retail, and open space, on the approximately 55-acre project site located on Charles P. Howard Terminal, Berths 67-68 site (Howard Terminal) and certain immediately adjacent properties in the City of Oakland, California.

The Oakland A's, in their commitment to sustainability and the environment, are seeking the Governor's certification of the proposed Oakland Sports and Mixed-Use Project (also known as the Oakland Waterfront Ballpark District Project or Project) pursuant to Assembly Bill (AB) 734, which enacted Public Resources Code (PRC) section 21168.6.7 et seq.

The Project is subject to review under the California Environmental Quality Act (CEQA) and a number of local and state approvals. This AB 734 certification process is separate from and in addition to the preparation of the environmental review document for the Project under CEQA. The City of Oakland (the "City") is the lead agency under CEQA and the Port of Oakland (the "Port") has fee jurisdiction of Howard Terminal pursuant to the City of Oakland Charter. The City and the Port maintain full discretion in their separate review processes with respect to the Project.

## 1.1. Project Description

The Project proposes to redevelop the Project site with a baseball park that will become the new home to the Oakland Athletics, and with adjacent residential, hotel, entertainment, office, retail, and open space, on the approximately 55-acre site. The 35,000-seat ballpark will total up to approximately 1,200,000 gross square feet (GSF), and a 3,500-seat performance center will total up to approximately 50,000 GSF. The remainder of Project site will include up to approximately 1,500,000 GSF of office space, up to approximately 270,000 GSF of retail use, up to 3,000 housing units (which would total up to approximately 3,300,000 GSF) and a 400-room hotel, totaling up to approximately 280,000 GSF. The Project will also include up to approximately 2,670,000 GSF of parking and loading space. In total, the Project will consist of up to approximately 9,270,000 GSF of developed space. The Project will also reflect the possibility that an approximately 7 acre corner of the Howard Terminal site will be subject to the Port's right for a ten (10) year period of time to demolish that portion of the site in order to enlarge the existing maritime turning basin (the "Turning Basin Area"). If the option is exercised, the Project Land Uses will be redistributed on the balance of the site. The proposed Project site plan (including the Turning Basin Area) is provided in **Exhibit A**.

**Table 1. Project Land Uses at Howard Terminal**

| Land Use              | Square Footage |
|-----------------------|----------------|
| Ballpark              | 1,200,000      |
| Office                | 1,500,000      |
| Retail/Cultural/Civic | 270,000        |
| Residential           | 3,300,000      |
| Performance Venue     | 50,000         |

|                     |           |
|---------------------|-----------|
| Hotel               | 280,000   |
| Parking and Loading | 2,670,000 |

The Project is located in the Port Area within the City of Oakland, California, on the site known as “Howard Terminal,” as identified in PRC section 21168.6.7(a)(3) and shown on **Exhibit A**. The A’s would need to apply for or request several discretionary approvals from the City and Port to approve the Project at the Project site. Howard Terminal is currently being used for maritime support uses. Subject to a public planning process, the City will evaluate amending its General Plan to add the Project site to the City’s Regional/Commercial District, or another newly created district. The City and the Port may also consider establishing a joint regulatory framework that will guide land use and planning policies applicable to the Project. To govern the development of the Project, the Oakland A’s will apply for a Development Agreement with the City and/or Master Lease and related transaction documents with the Port. If the Project is approved, Oakland A’s would be required to comply with any applicable conditions of approval, Standard Conditions of Approval (SCA) and the Mitigation Monitoring and Reporting Program (MMRP) as imposed and enforced pursuant to the Development Agreement and/or the Master Lease, and any other project approvals.

**1.2. Project Variants**

The proposed Project includes seven variants, which allow for flexibility in the development of the Project. The variants include:

- New elevated pedestrian connections over the Union Pacific Railroad (UPRR) railroad tracks, and improvements to existing at-grade pedestrian crossings;
- An aerial tram or gondola above Washington Street extending from downtown Oakland near the 12th Street BART station to Jack London Square;
- Redevelopment of a portion of an existing power plant and removal of adjacent tanks;
- Altered edge configuration of the existing wharf to enhance public views and provide additional boat access and active water uses;
- Extension of Embarcadero West to Middle Harbor Road and a new ramp from the existing Adeline Street overpass for new direct access to the Project Site;
- Removal of the existing shipping container cranes located on Howard Terminal; and
- Development of the existing parking lot located at Embarcadero and Clay St.

## 2. Consistency with Statutory Requirements for CEQA Streamlining

The following information demonstrates how the Project satisfies the statutory requirements for CEQA streamlining pursuant to PRC section 21168.6.7.

- ***Information to show the project is a sports center and mixed-use project located at the Howard Terminal site in the City of Oakland that includes (i) a baseball park that will become the new home to the Oakland A's baseball team with adjacent residential, retail, commercial, cultural, entertainment, or recreational uses, (ii) associated public space, and (iii) facilities and infrastructure for ingress, egress, and use of the baseball park and mixed-use development. (PRC section 21168.6.7(a)(3)(A, B and C))***

The Project consists of sports and entertainment uses, as well as ancillary adjacent development. The project site is designed to include a baseball park which will host the Oakland A's Major League Baseball team, as well as occasional entertainment events, such as concerts, other sporting events, and cultural events. The Project will also include a small entertainment venue, as well as adjacent residential, office, hotel, retail and open space uses. The Project will have extensive public space, including dedicated bay trails and waterfront access. The Project will also include infrastructure necessary to support Project uses, including facilities for ingress, egress and use of the baseball park and the adjacent development, such as streets and utilities. Proposed site plans for the Project are attached as **Exhibit A**.

- **Information to show that: (a) the baseball park will receive a LEED Gold certification for new construction within one year after completion of the first baseball season; (b) each new nonresidential building will receive a LEED Gold certification for new construction within one year after completion of the applicable nonresidential building and (c) any residential building will achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to transit . (PRC section 21168.6.7(a)(3)(A)(i))**

As noted above, the Oakland A's anticipate applying for a Development Agreement with the City and/or a Master Lease with the Port to govern the development of the Project and to impose on the Oakland A's certain obligations and conditions of approval in connection with the development of the Project. If the Project is approved, the City and/or the Port will include among the conditions of approval for the Project, the obligations set forth above under PRC section 21168.6.7(3)(A)(i), as described in the Oakland A's letter agreement with the City and the Port included with this application as **Exhibit B**.

***Information to establish that the Project will not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code, including information showing not less than 50% of the greenhouse gas emissions reductions necessary to demonstrate that the project does not result in any net additional emissions of greenhouse gases, excluding greenhouse gas emissions from residential uses of the project, are from local, direct greenhouse gas emissions reduction measures that give consideration to criteria air pollutant and toxic air contaminant emissions reductions, including, but not limited to, any of (i) Project design features or onsite reduction measures, or both design features and onsite reduction measures, and (ii) Off-site reduction measures in the neighboring communities. Information to show that (i) offset credits account for no more than 50 percent of the greenhouse gas emissions reductions, (ii) such offset credits are verified by a third party accredited by the State Air Resource Board, (iii) such offset credits are not used from a project located outside the United States, and, (iv) to the extent feasible, showing the highest priority was given to the purchase of offset credits that produce emission reductions within the City of Oakland or the boundaries of the Bay Area Air Quality Management District. (PRC section 21168.6.7(a)(3)(A)(ii))***

**Exhibits C-1 and C-2** attached hereto demonstrate that the Project will not result in any net additional emissions of greenhouse gases.

The proposed methodology for quantifying the Project's GHG emissions (**Exhibit C-1**) accounts for one-time emissions due to Project construction, as well as annual Project operations emissions from 2024 through 2057 to account for an approximately 30-year lifespan of the Project following full buildout.

Emissions were estimated using methodologies consistent with the widely accepted California Emissions Estimator Model® (CalEEMod). Where available, the proposed methodology uses site-specific data for both the existing site and for the Project, including events schedule, attendance and employee numbers, trip rates, energy use, water use, and solid waste. Where site-specific data is not available, default values such as those recommended in the CalEEMod® land-use model have been used.

Total construction emissions, including both direct and indirect emissions, are estimated to be approximately 27,977 MT CO<sub>2</sub>e over seven years of construction. The calculations assume that construction occurs in two phases over seven years, which represents an accelerated phasing schedule for the purposes of conservatively assessing emissions. Construction of the project is a one-time source of emissions.

Based on this methodology, current operational emissions generated by existing site uses are approximately 12,738 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e) per year. Net operational emissions from the Project are estimated to be approximately 47,219 MT CO<sub>2</sub>e at full buildout in operational year 2028, with approximately 34,072 MT CO<sub>2</sub>e from nonresidential uses and approximately 13,147 MT CO<sub>2</sub>e from residential uses. With anticipated reductions from the California Renewables Portfolio Standard and fleet turnover, net new operational emissions decrease to 17,752 MT CO<sub>2</sub>e in 2056 (the last full operational year presented).

Detailed emissions calculations are provided in **Exhibit C-2**.

To offset the increase in GHG emissions from construction in 2020 through 2027 and from any potential increase in GHG emissions from operations beginning in 2024, the Project Sponsor will implement a combination of on-site or local off-site mitigation measures and purchase carbon credits. The Project will be constructed in phases or subphases as market conditions dictate and certain Project components are uncertain at this time. As such, the Project will demonstrate that the no net additional GHG requirement and Local GHG Reduction commitment under AB734 are met through a phased calculation approach.

The letter agreement between the Oakland A's and the City and the Port (attached as **Exhibit B**) acknowledges that, if the Project is approved, the Oakland A's will enter into an agreement with the City and/or the Port, as the case may be, to enforce the Oakland A's obligations under AB 734 (the "City/Port Letter Agreement"). The Oakland A's expect that the enforceable agreement will take the form of a Development Agreement (or a Master Lease), which will enforce applicable Standard Conditions of Approval (SCAs), any other conditions of approval, and a Mitigation Monitoring and Reporting Program (MMRP). If the Project is approved, the Development Agreement (or Master Lease) will impose obligations on the Project, including the no net additional greenhouse gases (GHG) requirements under AB 734, other Standard Conditions of Approval, and community benefits obligations. The City or the Port will monitor and enforce the obligations over time as the Project gets permitted and constructed. The no net additional GHG requirements of AB 734 will be enforced applying the following requirements:

The Project will be constructed in phases or sub-phases, as market conditions dictate. Construction Emissions (and any required local offsets) will be calculated and required contracts for purchase of credits entered into no later than the issuance of a grading permit for each construction phase or subphase for horizontal development and at the issuance of each building permit for vertical buildings. Operational Emissions will be calculated and required off-site reduction measures in the neighboring communities (if any) identified and/or contracts for purchase of credits entered into no later than the issuance of a temporary certificate of occupancy for the each building in that phase or subphase, based on a projected 30-year useful life for that building. If the purchase of credits is required, the As shall, to the extent feasible, place the highest priority on the purchase of offset credits that produce emission reduction within the neighboring communities of West Oakland, followed by the City of Oakland as a whole and the boundaries of the Bay Area Air Quality Management District.

In calculating the Construction and Operational emissions, the Oakland A's will provide to the City or the Port calculations and related evidence demonstrating compliance with AB 734, including project design features, onsite reduction measures and/or offsite reduction measures in the neighboring communities, as well as contracts for offset credits from projects, located within the United States, and verified by a third party accredited by the State Air Resources Board (Offset Credits). In considering off-site reduction measures in the neighboring communities, the City and/or the Port have expressed a willingness to discuss allowing the Oakland A's to fund measures that also reduce criteria air pollutants and toxic air contaminants, provided the Oakland A's provide evidence that the funds directed to such off-site reduction measures are in an amount at least equal to the amount the Oakland A's would otherwise pay in the then-current market for Offset Credits for the amount of credits otherwise required to comply with the provisions of AB 734.

- ***Information to show that a transportation management plan or transportation demand management program, or both, will achieve a 20-percent reduction in the number of vehicle trips collectively by attendees, employees, visitors, and customers as compared to operations absent the transportation management plan or transportation***

***demand management program, or both. Information to show, for the baseball park, such reduction will occur within one year after the completion of the first baseball season, and, for nonbaseball park portions of the Project, such reduction shall occur within one year after the completion of that portion. The transportation management plan or transportation demand program shall include a menu of options designed to reduce the number of vehicle trips, including temporarily expanding the capacity of a public transit line, as appropriate, to serve the baseball park events, and participation in a transportation management association that will determine a range of services and programs designed to meet the 20-percent reduction, including providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. (PRC section 21168.6.7 (a)(3)(A)(iii))***

The analysis attached as **Exhibit D** demonstrates that the transportation management plan or transportation demand management program, or both, will achieve the 20% reductions required by PRC section 21168.6.7 (a)(3)(A)(iii). The measures and strategies in this analysis will be subject to further refinement and revision through the CEQA environmental review process. The City/Port will verify the final transportation management plan or transportation demand management plan at the time of project approval and enforce the implementation of the requirements through the Development Agreement/Master Lease, Standard Conditions of Approval, any other applicable conditions of approval and/or the Mitigation Monitoring and Reporting Program, as described in greater detail below.

**Exhibit D** details the calculation of trip generation estimates under Project 1.0 and Project 2.0 for the project's ballpark and ancillary development components at Howard Terminal. The documentation also provides a menu of potential Transportation Management Plan (TMP) and Transportation Demand Management (TDM) strategies with estimated Vehicle Trip Reduction (VTR) derived from each strategy where applicable. Proposed monitoring and evaluation methods verifying the effectiveness of the TMP and the TDM measures are also included in the documentation.

### **Ballpark Vehicle Trip Reductions**

The ballpark would host 81 regular season baseball games, one to two pre-season games, and up to 11 post-season games. Three to 15 concerts would occur each year, and there would be about 35 other small events, 100 corporate / community events, and up to 16 events at the plaza adjacent to the ballpark. The 3,500-seat performance theater would host roughly 50 events each year.

For the ballpark component of the project, a travel mode choice model was constructed to estimate trip generation for Project 1.0 and Project 2.0 to demonstrate the efficacy of the TDM and TMP measures. Project 1.0 considers a ballpark at Howard Terminal operated in the same way that the Oakland A's operate at the Coliseum without imposing methods for managing vehicle generation, maintaining today's personal vehicle parking availability, and without special accommodations for or attempt to encourage non-automobile transportation. Project 2.0 considers implementation of a TMP and TDM strategies to achieve a 20-percent VTR.

A wide variety of TMP measures were considered and studied as part of a program to achieve VTR goals for the ballpark at Howard Terminal. A menu of the potential options studied in this memorandum to reduce vehicle trips is provided in **Table 2**.

The Oakland A's, through the City's Standard Conditions of Approval, will be required to incorporate enough TMP and/or TDM measures to ensure the ballpark VTR is 20%. Several of the TMP measures from Table 2 were assumed to comprise Project 2.0 for the purposes of this documentation to illustrate how the Oakland A's can achieve the 20-percent vehicle trip reduction, although these measures may not represent the final list of implemented measures. **Table 3** presents the trip generation and VTR estimates for a ballpark Project 2.0 consisting of the following TMP measures:

- Reduce the number of on-site ballpark parking spaces from 6,800 to 3,500.
- At nearby on-street parking spaces, introduce game time parking restrictions that prevent use by ballpark attendees.
- Construct a geofence of 0.5 miles from the ballpark in all directions before and after baseball games and large events for transportation network company (TNC) vehicles, with a surcharge rationing access to the pick-up/drop-off zones on-site and nearby off-site. Enforcement would occur through use of traffic control officers.
- Develop Howard Terminal with high-density residential and office uses.
- Provide free bicycle parking with security oversight and the ability to serve 500 bicycles.

**TABLE 2: DESCRIPTION OF BALLPARK TMP MEASURES AND VTR ESTIMATE**

| <b>TMP Measure</b>                    | <b>Description</b>  | <b>VTR Estimate</b> |
|---------------------------------------|---|---------------------|
| Reduced On-Site Parking Spaces        | Reduce the number of on-site parking spaces available for ballpark attendees to 3,500   | 5-9%                |
| On-Street Parking Management          | At nearby on-street parking spaces introduce gameday time restrictions that prevent use by ballpark attendees   | 2-3%                |
| BART Shuttles                         | Gameday shuttles between 12th Street BART station and the ballpark  | 1-3%                |
|                                       | Additional gameday shuttles between West Oakland and Lake Merritt BART stations and the ballpark  | 1%                  |
| Gondola                               | Gondola service between 12th Street and the ballpark  | 4-7%                |
| Special Event Ferries and Water Taxis | Gameday and special event ferry (one ferry) to Oakland Jack London Square ferry terminal from either Alameda, Richmond or Vallejo   | 1%                  |
| Improved AC Transit Service           | Move bus stops to provide high-frequency AC Transit service adjacent to the ballpark  | 1%                  |
| Transit Reimbursement                 | Price of transit trip is included in the ticket price, redeemed upon scanning Clipper card inside ballpark gates  | 1-2%                |
| Carpool Preference                    | Reserve the closest 30% of on-site parking spaces for vehicles with 4+ occupants  | 1-3%                |
| TNC Surcharge and Geofence            | Before and after ballpark games and events, TNC users pay a surcharge to pick-up/drop-off on-site or at the designated pick-up/drop-off zone. All other TNCs geofenced for 0.5 miles from the ballpark in all directions. Enforcement would occur using traffic control officers. | 9-14%               |
| Develop Howard Terminal               | Develop Howard Terminal with high-density housing and office uses   | <1%                 |
| Bicycle Parking                       | Provide free secure bicycle parking for at least 500 bicycles   | 2%                  |

Source: Fehr & Peers, 2019.

**TABLE 3: BALLPARK VEHICLE TRIP GENERATION AND VTR**

| Scenario    | Weekday Evening <sup>1</sup> | Weekday Day <sup>1</sup> | Weekend <sup>1</sup> | Concert <sup>2, 3</sup> | Weighted Average <sup>4</sup> |
|-------------|------------------------------|--------------------------|----------------------|-------------------------|-------------------------------|
| Project 1.0 | 27,400                       | 27,800                   | 28,600               | 22,800                  | 27,400                        |
| Project 2.0 | 22,200                       | 20,800                   | 22,900               | 19,600                  | 21,900                        |
| <b>VTR</b>  | <b>19%</b>                   | <b>25%</b>               | <b>20%</b>           | <b>14%</b>              | <b>20%</b>                    |

Notes:

1. Includes 35,000 attendees and 1,320 employees
2. Includes 28,000 attendees and 1,200 employees
3. The concert venue trip generation can be adjusted based on attendance and staff to represent the other smaller events, corporate / community events, and plaza events anticipated to be held at the ballpark.
4. The weighted average calculated based on 41 weekday evening games, 14 weekday day games, 27 weekend games, 9 concerts.

Source: Fehr & Peers, 2019.

### Ancillary Development Vehicle Trip Reduction

The ancillary development must also achieve a 20-percent reduction in vehicle trips to receive the benefits conferred by AB 734, and the City requires a 20-percent reduction in vehicle trips as a Standard Condition of Approval for large development projects. Travel patterns for the ancillary development are expected to be like other land uses with similar locations and characteristics, so Project 1.0 trip generation was calculated using standard methodologies. Project 2.0 uses the same standard methodologies but also includes parking reductions and operational strategies as well as TDM elements from the Standard Condition of Approval. Many of the TDM elements from the Standard Condition of Approval are difficult to model, so trip generation calculations focused primarily on parking reductions to affect the number of vehicle trips. **Table 4** presents the trip generation and VTR estimates for ancillary development Project 2.0 with the following TDM elements:

- Adhere to parking maximums of:
  - 1.0 parking spaces per residential unit
  - 2.0 parking spaces per 1,000 square feet office
  - 2.6 parking spaces per 1,000 square feet retail / restaurant
  - 0.5 parking spaces per hotel room
  - parking spaces for the performance venue would be shared with the ballpark
- Construct physical improvements, such as corridor-level bikeway and pedestrian improvements, that help facilitate travel by modes other than automobiles.
- Execute on-going operational strategies, such as unbundled parking and designated carshare spaces, to reduce automobile ownership and encourage non-automobile travel.

The results presented in Table 4 illustrate VTR reductions on days without and with the performance venue since the venue will only be active about 50 days each year. Further VTR reductions would be achieved on days with a baseball game when about one half of the hotel would cater to the visiting ball team and related activities. On these days, an additional 1 to 2% VTR could be achieved.

Over the course of one year the weighted average VTR for the ancillary development is 21% assuming the performance venue has 50 weekend performances and the hotel caters to the visiting baseball teams.

**TABLE 4  
VTR ESTIMATES FOR HOWARD TERMINAL ANCILLARY DEVELOPMENT**

| Land Use                   | Weekday       |               |             | Weekend       |               |             |
|----------------------------|---------------|---------------|-------------|---------------|---------------|-------------|
|                            | Project 1.0   | Project 2.0   | VTR         | Project 1.0   | Project 2.0   | VTR         |
| Residential                | 8,900         | 6,300         | -30%        | 8,000         | 5,700         | -30%        |
| Office                     | 10,900        | 7,800         | -28%        | 1,600         | 1,100         | -28%        |
| Retail                     | 6,600         | 5,500         | -17%        | 6,800         | 5,600         | -18%        |
| Restaurant                 | 7,500         | 6,200         | -17%        | 8,500         | 7,000         | -18%        |
| Hotel                      | 3,000         | 3,000         | -0%         | 2,300         | 2,300         | -0%         |
| Performance Venue          | 3,000         | 3,000         | -0%         | 3,000         | 3,000         | -0%         |
| <b>Total with Venue</b>    | <b>39,900</b> | <b>31,800</b> | <b>-20%</b> | <b>30,200</b> | <b>24,700</b> | <b>-18%</b> |
| <b>Total Without Venue</b> | <b>36,900</b> | <b>28,800</b> | <b>-22%</b> | <b>27,200</b> | <b>21,700</b> | <b>-20%</b> |

Source: Fehr & Peers, 2019.

- ***Information to show the Project is located within a priority development area identified in the sustainable communities strategy Plan Bay Area 2040 adopted by the Metropolitan Transportation Commission and the Association of Bay Area Governments.***

Senate Bill 375 requires that each metropolitan planning organization in the state prepare a Sustainable Communities Strategy (SCS) as part of a regional transportation plan (RTP). The Project is within the jurisdiction of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), who are jointly responsible for developing the Bay Area's SCS. The SCS for Oakland is "Plan Bay Area 2040," which was adopted on July 26, 2017. The Project will be built within a Plan Bay Area 2040 priority development area as shown on the map attached hereto as **Exhibit E**. The Proposed Project serves to implement Plan Bay Area 2040 by emphasizing the importance of focusing growth in the priority development areas.

- ***Information to show that the project will satisfy the prevailing and living wage requirements of PRC section 21168.6.7(d)(1) & (2)(A).***

During construction the Project will create high-wage, highly skilled jobs that pay according to the prevailing wages and living wages required by PRC section 21168.6.7(d)(1). All workers employed for the construction duration of the Project will receive, at minimum, the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations (DIR) pursuant to Sections 1773 and 1773.9 of the Labor Code. Rate details are included in **Exhibit F**. The Project sponsor will include this requirement in all contracts for work performed.

- **Information to show that the Project complies with the following requirements: (i) any residential building within the Project shall achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality transit (as required by PRC section 21168.6.7(d)(3)); (ii) the Project meets all requirements for commercial and organic waste recycling in Chapters 12.8 (commencing with Public Resources Code section 42649) and 12.9 (commencing with Public Resources Code Section 42649.8) of Part 3 of Division 30, as applicable (as required pursuant to PRC section 21168.6.7(d)(4)); (iii) the Project comply with the City's Bird Safety Measures, adopted in 2013, and that nighttime programming will apply best management practice strategies to avoid and reduce potential collision hazards for migratory and resident birds, to the extent feasible (as required pursuant to PRC section 21168.6.7(d)(8)); and (iv) the Project will be subject to a comprehensive package of community benefits approved by the Port or City Council, as applicable (as required pursuant to PRC section 21168.6.7(d)(9)).**

The Oakland A's acknowledgement and agreement with the City and the Port regarding the Project Sponsor's obligation under PRC sections 21168.6.7(d)(3-4) & (8-9) is attached as **Exhibit B** (the City/Port Letter Agreement). The City/Port Letter Agreement obligates the Oakland A's to enter into binding and enforceable agreements to comply with each of obligations under PRC sections 21168.6.7(d)(3-4) & (8-9). If the Project is approved, the City/Port Letter Agreement obligations will be further memorialized and enforced in the form of a Development Agreement, Standard Conditions of Approval, other conditions of approval and the Mitigation Monitoring and Reporting Program. All such obligations will be conditions of approval of the Project and fully enforceable by the City's Planning Division, the Port or other agency designated by the City or the Port.

- **Information to show that the project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to PRC division 13 and any other environmental measures required by PRC section 21168.6.7 to certify the project shall be conditions of approval of the Project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures and any other environmental measures required by PRC section 21168.6.7, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation. Information to show that the project applicant will pay any additional costs incurred by the courts in hearing and deciding any case subject to Public Resources Code section 21168.6.7 and costs of preparing the record of proceedings for the Project concurrent with review and consideration of the Project pursuant to CEQA, in a form and manner specified by the City.**

The City/Port Letter Agreement, attached as **Exhibit B**, further addresses the Oakland A's obligations under PRC sections 21168.6.7(d)(5 - 7). The City/Port Letter Agreement demonstrates that the As will enter into binding and enforceable agreements to implement all mitigation measures required pursuant to CEQA and any other environmental measures required by AB 734. The Oakland A's are committed to comply with all Mitigation Monitoring and Reporting Program measures from the Project's EIR and environmental measures required by AB 734. Such obligations will be conditions of approval of the Project and will be fully enforceable by the City and/or the Port. The Oakland As agree to pay any additional costs incurred by the courts in hearing and deciding any case subject to PRC section 21168.6.7, and will pay the costs of preparing the record of proceedings for the Project concurrent with review and consideration of the Project pursuant to CEQA, in a form and manner specified by the City or the Port.

Name of Applicant Representative: Mary G. Murphy (Gibson, Dunn & Crutcher LLP) on behalf of the Athletics Investment Group LLC d/b/a The Oakland Athletics

Title of Applicant Representative: Legal Counsel

Signature of Applicant Representative:



Date: 3/15/19

**Exhibit A**

**Oakland Sports and Mixed-Used Project Site Plan**

**Exhibit B**

**Letter Agreement between Oakland As and City of Oakland  
and Port of Oakland**

**Exhibit C-1**

**Greenhouse Gas Emissions Methodology**

**Exhibit C-2**

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## **Exhibit F**

# **Wage and Investment Documentation**

3197430.5