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**From:** Lake, Betsy </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1EA248D36DAF4E769EE39E12CC683290-LAKE, BETSY>  
**To:** Boyd, Karen  
**Sent:** 2/19/2019 9:36:00 AM  
**Subject:** Fwd: Oakland A's Howard Terminal Project  
**Attachments:** image001.jpg

See links below. Let's discuss.

Sent from my iPhone

Begin forwarded message:

**From:** Niccolo De Luca <[ndeluca@townsendpa.com](mailto:ndeluca@townsendpa.com)>  
**Date:** February 19, 2019 at 4:56:14 AM PST  
**To:** Libby Schaaf <[libbyforoakland@gmail.com](mailto:libbyforoakland@gmail.com)>  
**Cc:** "Lake, Betsy" <[ELake@oaklandca.gov](mailto:ELake@oaklandca.gov)>  
**Subject: Re: Oakland A's Howard Terminal Project**

He and I are speaking Wednesday morning so I'll have more information to share

Niccolo De Luca  
Senior Director/TPA  
510 681 7306

Sent from my iPhone

On Feb 18, 2019, at 10:29 PM, Libby Schaaf <[libbyforoakland@gmail.com](mailto:libbyforoakland@gmail.com)> wrote:

Betsy  
I've always gotten along well with David. Should we request a meeting with just him and us?

Sent from my iPhone

On Feb 18, 2019, at 2:01 PM, Niccolo De Luca <[ndeluca@townsendpa.com](mailto:ndeluca@townsendpa.com)> wrote:

**Niccolo De Luca**  
*Senior Director of Northern California*  
**Townsend Public Affairs, Inc.**  
O: [510-835-9050](tel:510-835-9050) M: [510-681-7306](tel:510-681-7306)  
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**From:** David Lewis <[dlewis@savesfbay.org](mailto:dlewis@savesfbay.org)>  
**Sent:** Sunday, February 17, 2019 12:46 PM  
**To:** Niccolo De Luca <[ndeluca@townsendpa.com](mailto:ndeluca@townsendpa.com)>  
**Subject:** RE: Oakland A's Howard Terminal Project

Nicco: Things have picked up since we last spoke – not sure if you're following it, but fLMK if you want some more

background. Simple version is the A's and the City are pursuing things the wrong way, seeking shortcuts and starting a legally-flawed EIR process that will crumble under challenges, and make unnecessary enemies along the way. Sound familiar?

We have repeatedly warned that wherever anyone wants the A's to play baseball, **everyone should support a robust and complete EIR** to ensure all stakeholders and the public have full information about the impacts and alternatives, and to inform the best decisions. It's in everyone's interest for this EIR to be done right and survive legal scrutiny, instead of being thrown out after years of work because it was built on a bad foundation. The current EIR plan, and legislative efforts to exempt the project from other agencies' regulatory oversight, also set dangerous precedents that will have implications for other projects.

Happy to talk if you're interested. - David

\* \* \* \* \*

FYI – here's a collection of Bay Area press coverage on the issue from the last few days.

**Underneath the asphalt: Howard Terminal's industrial past poses challenges for Oakland A's planned stadium**– SF Chron 2-15-19

Phil Matier: **A's Ballpark Proposal Encounters Choppy Waters** – SF Chron 2-17-19

**Oakland A's stadium opponents line up to block streamlined approvals for Howard Terminal ballpark** SF Biz Times 2-14-19

**Brewing at A's proposed ballpark site: A toxic stew and a critical decision**– SF Chron Sporting Green 2-17-19

**LISTEN: Phil Matier: Howard Terminal Is Going to Be a Lot of Work For the Oakland A's** – KCBS 2-15-19

**SAN FRANCISCO CHRONICLE**      **February 15, 2019**      <https://www.sfchronicle.com/bayarea/article/Howard-Terminal-s-industrial-past-poses-13618156.php>

## **Underneath the asphalt**

### **Howard Terminal's industrial past poses challenges for Oakland A's planned stadium**

By Kimberly Veklerov

The Oakland A's planned site for a new stadium is now mostly a parking lot, where colorful shipping containers and tractor-trailers sit in neat rows and diesel fumes and seagulls pack the gusty air.

But underneath the asphalt of Howard Terminal, on the Oakland Inner Harbor, lies a buried legacy of industrial use going back a century. A Chronicle review of regulatory documents found that soil and groundwater on the site contain hazardous and cancer-causing chemicals that would need to be remedied before a ballpark could be built there.

The presence of the toxic material will probably be addressed in the environmental review

process that will begin in the coming months. Depending on the concentration and position of the harmful substances, the dirt may have to be removed entirely, altered chemically or further sealed off from human contact, experts say. State regulators will have to sign off on the plans.

Now a 50-acre site for container storage and truck parking, the Charles P. Howard Terminal near Jack London Square was previously home to oil tanks, a manufactured gas plant, a briquette plant where compressed charcoal blocks were made, a coal tramway, an asphalt paving plant and a blacksmith.

<image001.jpg>

The operations created streams of waste: a type of carbon called lampblack, oil tar sludge, spent coke, cyanide, paint and other materials.

Before natural gas became widespread, the manufactured gas plant — which made gas from coal and oil — produced Oakland's first energy, including for city streetlights. The leftover chemicals still at Howard Terminal are “in the range of what we deal with,” said Richard Sinkoff, director of environmental programs and planning for the Port of Oakland, which owns the land.

“The port is really a patchwork of legacy sites. You're seeing the history of the city of Oakland,” Sinkoff said. “In the past, we looked at those smokestacks with pride. Now our operations are clean.”

A's leaders, who have commissioned design plans for the site, are still negotiating a financial deal with the port, with the goal to open the park in 2023. Team President Dave Kaval said he did not yet know how much the cleanup would cost, but that it would be

privately financed along with the rest of the project, which will include housing, retail and parks.

“There are going to be a lot of infrastructure costs on the site, whether it’s transportation, whether it’s sea level rise, whether it’s environmental mitigation,” Kaval said. “Those are all things that as part of the project, we’re willing to pay for.”

Elevated levels of chemicals that remain in the site’s soil and groundwater, such as polynuclear aromatic hydrocarbons, are known to cause cancer. Volatile organic compounds, also at the site but in much lower concentrations, have been linked to birth defects and can damage the central nervous system.

“They’re very nasty materials,” said Dan Hirsch, retired director of the Environmental and Nuclear Policy Program at UC Santa Cruz. “People are scared of radiation. They should be just as scared of these chemicals.”

In recent decades, the site has been capped with asphalt that ranges from 4 to 30 inches in depth. After the California Department of Toxic Substances Control declared in 2000 that the site posed an “imminent and substantial endangerment” to public health and the environment, the city and port have been obligated to monitor the groundwater and keep the cap safely intact.

The chemicals found years ago were not eliminated or reduced but walled off with the cap, said Russ Edmondson, spokesman for the state agency.

“Thus, the contaminants presently on the site would be the same as indicated by previous investigation, to the extent they have not degraded naturally,” he said.

Because of the chemical hazards, Howard Terminal is considered a “brownfield,” one of

more than 450,000 sites across the country where pollutants and contaminants make redevelopment difficult, according to the U.S. Environmental Protection Agency.

It's not yet clear how the chemicals will be dealt with ahead of stadium construction. Sinkoff said the parties are still in the early stages of planning, but that a complete removal of contaminated dirt would be unlikely.

“One of the things we know from past experiences is that hauling off all your soils is one of the most expensive things you can contemplate. This is the challenge of infill development and brownfield sites,” he said. “Digging up an entire site and moving the soil to a landfill has major implications for cost, trucks and landfill capacity.”

The public will get to weigh in on the remediation strategy, Kaval said, and the A's will ensure human health and the environment are protected.

“It's a relatively common situation,” he said. “There's a defined process. There's agencies set up to make sure it's done appropriately.”

Professional sports stadiums are often built on contaminated property, said Lenny Siegel, executive director of the Center for Public Environmental Oversight and the former mayor of Mountain View. Once construction is complete, he said, the ballpark itself may not be a concern, but areas in adjacent communities could be.

“The owner has an interest in having a relatively clean site, but you have to check and see whether anything is bleeding from the site,” Siegel said. “Because it's on the bay, you worry about the impact of sea level rise and more storms causing the contamination to get away from the cap.”

Right now, groundwater flows toward San Francisco Bay. But in the coming decades, its

direction could change as it bumps up against a rising sea, said Kristina Hill, a UC Berkeley associate professor of landscape architecture, environmental planning and urban design. Groundwater flooding is already happening in locations around the East Bay, Hill said.

“People think that flooding is something that comes sideways in from the ocean, but this kind of flooding actually bubbles up through the soil over a long period of time,” she said, creating “soupy shorelines.”

Since the groundwater can contain harmful chemicals, people in the surrounding community should push for the installation of additional monitoring wells to track the changing dynamic “because people’s lives are at stake,” Hill said. The site’s immediate neighbors are industrial users, but a few blocks east is the growing commercial and residential area around Jack London Square, and the team wants to build additional housing near the stadium.

Last month, the A’s and the Department of Toxic Substances Control entered into an agreement — standard for development projects — that allows the team to investigate hazardous substances at the site and ensures that the baseball franchise reimburses state regulators for the costs of their oversight.

For the huge redevelopment project, it’s not just contaminants in the soil that could be a concern, but also the stability of the site. Tidal mudflats covered the land before it was filled beginning in the late 1800s.

One of the first actions the A’s engineering consultant, Engeo, said it will take is collecting soil samples and conducting “cone penetration tests,” which involve drilling up to 100 feet underground. The objective is to fill in gaps of the existing geotechnical data, the firm said.

Kaval said the development, which includes building parking garages, retail and

commercial offices in addition to the stadium, is an opportunity to finally clean the land.

“One of the benefits of this project is that the site would be remediated,” Kaval said. “Not only are the health impacts handled in an appropriate way, but sea level rise and other resiliency issues would be addressed.”

*Kimberly Veklerov is a San Francisco Chronicle staff writer.*

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SAN FRANCISCO CHRONICLE  
LOCAL // PHIL MATIER

Feb. 17, 2019 9:30 a.m.

# A's ballpark proposal encounters choppy waters

By Phil Matier

The Oakland A's are getting hit on two fronts by organized opposition to their proposed waterfront ballpark at Howard Terminal.

The politically powerful organization Save the Bay is raising questions about the environmental impacts of the project, and the bar pilots association, whose members steer those huge container ships into the Port of Oakland, say they'll be blinded by the ballpark's lights and might run over kayakers hoping to collect home run balls. Then there are the port's tenants, who are complaining about the impact on traffic.

“This is not a transit-accessible area, so more people will be traveling there in cars, and the more people traveling in cars, the more we contribute to climate change,” Save the Bay Executive Director **David Lewis** said.

**Mike Jacob**, vice president of the Pacific Merchant Shipping Association, which represents several of the port's tenants, said the A's plan to build a hotel and 4,000 housing units at the site would significantly impact truck movements in and out of the port as well as future industrial uses in the area.

And San Francisco Bar Pilots President **Joseph Long** has written a letter to the San Francisco Bay Conservation and Development Commission, saying pilots navigating the narrow estuary will be blinded by the ballpark's lights, “similar to that experienced by the motorist facing an oncoming car with its high beams on.”

“Even when the lights are not shining directly into the pilot's eyes, the ambient light from the ballpark will also affect the pilot's night vision, making it nearly impossible to see navigation aids,” Long wrote.

But wait, he wasn't finished.

“Navigating a large container ship through such congested waters would substantially increase the risk that a small vessel or kayak will be damaged or sunk ... resulting in personal injury or fatalities, or cause the ship or tugs to go aground or strike a pier in evasive maneuvers, resulting in an oil spill,” Long contended in the Jan. 14 letter to the BCDC.

The opposition appears to be mobilizing because of a concern that there is a behind-the-scenes effort to get state lawmakers to pass legislation to fast-track the permitting process for the stadium. “Our concern is that the A’s and the citizens of Oakland are creating an approval process that may be legally vulnerable,” Lewis said.

A’s President **Dave Kaval** said there were no plans to ask Sacramento to shortcut the process — if anything the team is pushing to include “environmental justice” issues.

As for the questions about traffic, lights and blinding the bar pilots, Kaval said the team was looking at “everything from the traffic to the ballpark’s lights to make sure the stadium is designed and built to take into consideration all of the stakeholders’ uses.”

Whether the neighbors and pilots agree with Kaval remains to be seen, but the rumbling are going public.

SAN FRANCISCO BUSINESS TIMES

February 14, 2019 SPORTS BUSINESS

## **Oakland A's stadium opponents line up to block streamlined approvals for Howard Terminal ballpark**

By Ron Leuty Reporter, San Francisco Business Times

A coalition of labor and environmental groups and a major nearby employer in a letter Thursday warned East Bay legislators not to take "shortcuts" that would accelerate the Oakland Athletics' plans for a bayfront ballpark. The letter, sent to Assemblymembers Rob Bonta and Buffy Wicks and state Sen. Nancy Skinner, urged the lawmakers not to introduce bills that would "further erode" environmental laws that would apply to Howard Terminal and adjacent parcels, a total of 55 acres where the A's hope to build a 35,000-seat ballpark.

There is precedent for what the group opposes. In the last decade, state lawmakers have embraced legislation that sped up approvals for new arenas for the Sacramento Kings and the Golden State Warriors and a new stadium for the San Francisco 49ers. A state bill passed last year limited the length of time legal challenges could be filed against an environment impact report for the Howard Terminal project. In addition to the ballpark, the Howard Terminal site also could include up to 4,000 housing units, 2.27 million square feet of mixed-used development, including retail, office, entertainment, flexible manufacturing or recreation, a 3,500-seat performance venue and 300- to 400-room hotel. The A's have pledged to privately finance the organization's plan but have not disclosed the expected cost. By comparison, the Golden State Warriors' under-construction Chase Center arena in San Francisco, including two office buildings, a proposed residential tower and hotel, retail space and plaza will cost more than \$1 billion.

After years of running into legal or community opposition to various ballpark sites, the A's have built enthusiasm for the Howard Terminal plan as well as a proposal to redevelop the current Coliseum site since introducing them in November. That comes in part because the A's will be the last professional sports team standing in Oakland: The Warriors decamp in six months for San Francisco and the Oakland Raiders could leave next season as the team readies a \$2 billion taxpayer-supported stadium in Las Vegas. But the A's ambitious projects are far from reaching home plate.

At the San Francisco Business Times' Mayors' Economic Forecast on Thursday, Oakland Mayor Libby Schaaf said the A's ballpark plan is complicated by its waterfront location. City officials need to see how "housing and affordable housing can coexist with the maritime industry," she said. "Waterfront development is never a done deal," Schaaf said. With the A's aiming to throw the first pitch at a new stadium in 2023, "we're on a tight timeline," Schaaf said. The A's still are in negotiations with the Port of Oakland for control of the Howard Terminal site, and with the city and Alameda County for the Coliseum site, where its plans include housing, a hotel, office buildings,



recreation, job training and a university. Still, Schaaf expressed confidence the obstacles could be overcome. "We are going to get a new ballpark and (it's going to) complement what is growing into a mixed-use Jack London neighborhood," the mayor said.

What happens in the dash for a new stadium is what concerns David Lewis, executive director of Save the Bay and the coalition's spokesman. His group wants to maintain oversight of the project by the San Francisco Bay Conversation and Development Commission and the State Lands Commission. It opposes reducing the role of the Department of Toxic Substances Control, which has prohibited development of Howard Terminal beyond its use as a marine terminal and wants to guard against further erosion of the California Environmental Quality Act, or CEQA. "All these agencies have statutory responsibilities," Lewis said. The group includes Schnitzer Steel Industries Inc. (NASDAQ: SCHN), which has a metals recycling yard and port just near the site, the International Longshore and Warehouse Union, the Pacific Merchant Shipping Association, the Harbor Trucking Association, Sailors' Union of the Pacific, Sierra Club California and Sierra Club San Francisco Bay and the Golden Gate Audubon Society. "There are more than rumors, but there's nothing officially in the (legislative) pipeline," Lewis said. "We understand they are considering introducing bills for additional regulatory streamlining or shortcuts for this particular project." Feb. 22 is the last day for legislation to be introduced, but lawmakers still could introduce a "shell" bill that would be later be largely rewritten.

The A's did not immediately comment on the group's letter. A's President Dave Kaval told the Business Times last month that "transparency and openness is one the guiding principles" of the A's development efforts. "We want to make this bigger than baseball and the A's," Kaval said. "We will continue to do that and that's important to the elected officials who respond to that kind of interaction."

*Emily Fancher contributed to this report.*

SAN FRANCISCO CHRONICLE

Feb. 16, 2019 9:45 p.m.

SPORTS

# Brewing at A's proposed ballpark site: A toxic stew and a critical decision

By Scott Ostler

How funky is the industrial ooze burbling under the vast parking lot that is Howard Terminal, the proposed future home of the Oakland A's?

As outlined in a recent Chronicle story, the terminal has a paved "cap" covering a toxic sea, which is the legacy of several messy manufacturing operations on the site back in the days before environmental regulations.

The Port of Oakland bought the site in 1978 and sent geotechnical engineers to test the soil in preparation for paving the acreage and installing light standards.

Not long ago I spoke with a civil engineer with knowledge of that project. He is an A's booster hoping to alert the team to potential problems at the site. He requested anonymity because he is no longer involved in that work and is not authorized to speak for any of the current agencies.

The man told me that two engineers were sent to Howard Terminal to drill soil-test holes down into the earth. "The fumes that came out of the test holes were so toxic they overcame the geotech technicians and they had to be taken to the hospital," said the man. He said the plans for the terminal were then altered. The toxic soil was paved over, capping the bad stuff. The pave-over — sounds almost like a comb-over — raised the level of the

entire area, and the light-standard bases were re-designed to eliminate the need for deep piers.

Hmm. Wouldn't the A's need to sink pilings into that toxic stuff in order to build a ballpark? "They would, if they built it over that area, and that's exactly my concern," the man said. "Maybe it's manageable. That requires more knowledge than I have. (But the toxic stuff) is not going to go away. I'm hopeful it's not leaking into the bay."

Catherine Aker, A's vice president of communications and community, said, "This is a known contaminated site like many development sites in the Bay Area and it will be thoroughly studied and managed accordingly. Our project will be importing soil and remediating where DTSC (Department of Toxic Substances Control) require us to; a great public benefit to repurpose a brownfield site and transform it into a public amenity."

Akers added, "Engeo (a geotechnical engineering firm working on the A's ballpark project) has characterized the environmental contamination as low and very manageable."

My source said, "I will be happy as long as the A's are informed, so they don't make a foolish decision."

That could never happen.

--

David Lewis

Executive Director, Save The Bay

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[<image002.png>](#)

<Ltr re Howard Terminal (Oak Delegation)(021419).pdf>

<Coalition NOP DEIR letter 011419 final.pdf>