

From: East Oakland Stadium Alliance <info@eastoaklandstadiumalliance.com>
To: Maybrun, Molly
Sent: 3/1/2021 1:22:16 PM
Subject: Notes from the East Oakland Stadium Alliance

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

[View this email in your browser](#)



March 1, 2021

INDUSTRY NOTES

Last week the City of Oakland has published the Oakland Ballpark Waterfront

District Project Draft Environmental Impact Report (DEIR). The DEIR can be found on the City of Oakland website in the Oakland Waterfront Ballpark District Documents section.

The release of the DEIR marks just one of many steps in a long road ahead. As this coalition knows well, Oakland's working waterfront is no place for a stadium, office and luxury condominium complex. As the City of Oakland moves forward in this process, the EOSA will continue to advocate for the Port of Oakland's maritime use and the thousands of workers it supports regionally. **While the DEIR is an important tool for evaluating the project's impact on our community, neither the City of Oakland nor the Port of Oakland should be pressured into making any decisions before completion of a transportation study, an economic and jobs impact report, a seaport compatibility plan and a community benefits agreement, as well as full transparency on the public subsidies required for the project.** Without this critical data and a true understanding of the full totality of impacts, the project cannot move forward.

Subscribe below for more media excerpts, industry highlights and other critical information about the status of the coalition and the ballpark proposal. If you'd like to get in touch, please email us at info@eastoaklandstadiumalliance.com. Thanks for listening.

Sincerely,

East Oakland Stadium Alliance

[Subscribe Here](#)

Follow us on Twitter and visit our website:



EOSA STATEMENT REGARDING RELEASE OF HOWARD TERMINAL DRAFT EIR

The following statement on behalf of the East Oakland Stadium Alliance is attributed to Mike Jacob, Vice President and General Counsel of the Pacific Merchant Shipping Association, on the release of a Draft Environmental Impact Report (EIR) by the City of Oakland regarding the Oakland A's proposed luxury condominium, office tower, and stadium complex at Howard Terminal in the Port of Oakland:

"Our coalition of labor, community, and business groups who are significantly impacted by the Oakland A's proposed project at Howard Terminal will be doing a thorough analysis of this draft report. We know that Oakland's working waterfront is no place for a stadium, office, and luxury condominium complex, and this environmental review must ultimately shine a bright light on the many significant adverse impacts of building the proposed stadium complex at this location.

"We anticipate that the Howard Terminal Draft EIR will once again confirm the obvious and what everyone already knows -- that the current Coliseum site remains the ideal and most logical location for a new ballpark that will make A's fans proud to call home. This is especially true since the Coliseum site already has an approved Environmental Impact Report.

"Unfortunately, this Draft EIR is also being released under an unresolved claim that the A's project has the authority to proceed under a now-expired fast-track process. Because there is still a lawsuit pending on this very question in state appellate court, we are very disappointed that the A's and the City are moving forward with the release of this Draft EIR prior to the final resolution of this critical issue.

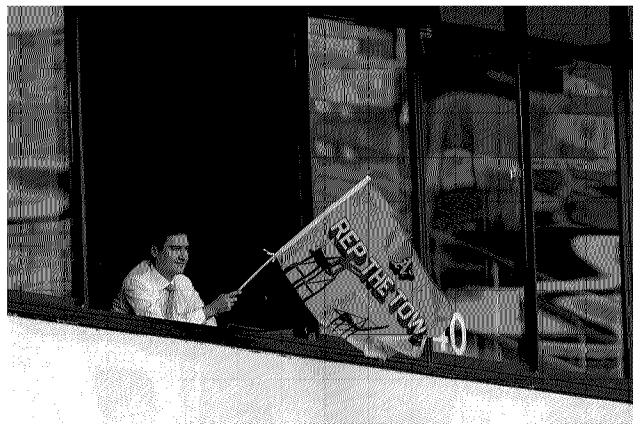
"We look forward to more fully reviewing and addressing this DEIR in the days ahead and continuing to support efforts to secure a new A's ballpark at the Coliseum site in East Oakland."

Additional Information:

- While the DEIR provides some important information about potential impacts, much remains unknown about this project's full scope.
 - A fully-reasoned discussion about the viability of this proposal cannot be had until a comprehensive transportation plan, seaport compatibility plan, economic study, financing plan, community benefits agreement, and business plan are presented to the public.
 - The port is home to over 80,000 jobs, many of which would be lost forever if they are displaced by conflicting real estate demands. Any decision that reduces maritime-related jobs undermines the Port of Oakland's success in favor of developers who do not share the same commitment to the West Oakland community.
 - A newly redeveloped stadium at the current Coliseum site remains the preferred option for Oakland residents and A's fans, as it already contains the necessary legal approvals, existing infrastructure, and transit options to support a ballpark, and would serve as an economic engine for surrounding East Oakland neighborhoods.
-

MEDIA EXCERPTS

A's Howard Terminal stadium project could be derailed by recent appeal



Alex Coffey & Steve Berman, February 24, 2021 | The Athletic

When the A's hopes of building a stadium at Oakland's Laney College fell through in 2017, the team quickly shifted gears and began planning a new ballpark at Howard Terminal. In the time they've spent pitching the waterfront stadium to the city and fans, the team has promoted a rosy outlook on the project's viability. And even though this ambitious undertaking — which also includes housing, office and retail space — presents an array of complications, the A's seemed confident heading into 2020 that they would be able to move into their new home for the 2023 season.

Multiple delays have made that an impossibility, something A's president Dave Kaval acknowledged in a phone interview this week.

"We don't have a definitive timeline when we can open the stadium," Kaval said Monday. "Because we're not sure how these legal cases are going to be resolved, there's appeals, we need to see if we're going to have a vote (on the draft environmental impact report) this year. So, I mean, there is a lot of uncertainty over timeline. We had a timeline before where we really felt strongly we could open by 2023. Obviously that's not going to happen. And when people ask me, 'Hey what is the new timeline?' All I can say is we don't know right now."

But it's in Kaval's nature to be optimistic, and that has meant relishing every small victory throughout this process.

One such example came Feb. 10, when Alameda County Superior Court Judge Noël Wise dismissed a lawsuit brought against the A's, the city of Oakland and the state of California, by Port of Oakland stakeholders. The lawsuit challenged the notion that Gov. Gavin Newsom had the legal authority to certify the

Howard Terminal project for streamlined review under the California Environmental Quality Act, because Newsom had missed a Jan. 1, 2020 deadline to certify the project (Newsom certified it on Feb. 11, 2021, missing the deadline by over a year). The A's believe that they were granted streamlining with the passage of Assembly Bill No. 734 in 2018. The Port of Oakland stakeholders say that AB 734 — an amendment written specifically for the Howard Terminal project — was subjected to AB 900 guidelines and the Jan. 1, 2020 deadline.

According to the California Governor's Office of Planning and Research, of all the projects submitted in 2019 under AB 900, Howard Terminal was the only one that wasn't certified prior to, or on, Dec. 31, 2019. Why Newsom missed this deadline was not abundantly clear, but there is speculation.

Shortly after Wise ruled in the A's favor two weeks ago, the Port of Oakland stakeholders (Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association and Schnitzer Steel) filed an appeal against her ruling.

In a statement, Vice President and General Counsel of the Pacific Merchant Shipping Association Mike Jacob said, "We disagree with the Alameda County Superior Court ruling that the Governor has the power to certify the A's proposed Howard Terminal project for environmental fast-tracking and have filed a Notice of Appeal. The fact is that the A's clearly failed to meet the generous deadline set forth by the Legislature because the A's struggled for months to provide evidence that their project would meet the minimum environmental requirements written in the law."

The matter is now a clean slate. The new justices — in the California Court of Appeal's First Appellate District — do not need to take Wise's ruling into consideration in their own ruling. They have full discretion to rule as they see fit.

Nevertheless, Kaval has continued to portray the initial ruling as something to be celebrated, rather than the reality: that the outstanding appeal could derail the entire Howard Terminal project.

"That lawsuit that had been brought by the Pacific Merchant Shipping Association and Schnitzer Steel was holding up the release of the environmental report," Kaval said. "Held it up for almost a year. And so now that we've won that lawsuit, the city can release the draft EIR (environmental impact report). It's great news."

If you had only been following Kaval's Twitter feed or reading Kaval's recent interviews, you might think that this lawsuit is over. You might not know about the appeal at all, or of its significance. If the Court of Appeal rules against the A's, the EIR will no longer be streamlined, adding years to a project that is

already behind schedule. Even if the EIR is approved — not on an expedited timeline — it is common for groups opposing a project to file lawsuits against parties undertaking major development projects, which could delay the project further. AB 734 mandates that if the Oakland City Council approves the Howard Terminal project, any resulting lawsuits would have to be resolved within 270 days if feasible.

“Typically, before that type of legislation was in place, it could take anywhere from five to seven years to get hearings,” Kaval said of AB 734. “And then opponents would just say, ‘Hey, I can just sue, and then the project would end.’ Because it’s going to take five to seven years. So this was a mechanism that the legislature put in place to deal with the fact that these big projects needed to be heard soon enough to ensure that they still had a viable way to be successful or not. So we’re still gonna have to go through all the standard procedures. We just wanted to be heard in a timely fashion.”

When asked on Monday about the impact of the Court of Appeal potentially ruling against the A’s, Kaval said, “Well, it would hold up the process and it would mean the stadium could not be built. That’s what that means. That’s why it was important to win the lower court ruling. The entire ability to build at the waterfront is predicated on the environmental impact report.”

When asked to elaborate, Kaval added: “But what I would say this, is that our ability to move forward with the privately financed waterfront ballpark is completely dependent on getting the environmental report out and approved by the City Council. Any litigation that would hold that up would jeopardize the ability for the project to occur.”

It’s possible that this court’s decision could, in some ways, determine whether the A’s stay in Oakland or attempt to relocate to another city. The A’s slogan since 2018 has been “Rooted in Oakland,” but they’ve made it clear that staying in Oakland does not involve renovating the Coliseum site for anything beyond commercial development.

The A’s purchased half of the Coliseum site from Alameda County for \$85 million in October. The city of Oakland currently owns the other half, and the A’s would like to make a deal with the city so they can control the entire site.

A new, intimate, bay-adjacent park sounds like an oasis for many A’s fans who’ve watched the Giants change the course of their franchise since moving from Candlestick Point to Third and King. But many have wondered why the A’s couldn’t build a new park on the Coliseum site, or renovate a stadium that conveniently sits next to a BART station and Interstate 880.

“When you really look at baseball in America, successful ballparks are built in downtown urban areas where there is a sense of neighborhood in place around the ballpark, to facilitate 81 days of baseball games,” Kaval said. “And whether

that's Wrigley or Progressive Field in Cleveland or Oracle Park in San Francisco or Petco Park in San Diego, that is the model of success in baseball. It's different than football, where you only need eight or 10 events and it's a destination, people come from much farther. But baseball is really something that's connected to the urban fabric of a community.

"And the waterfront ballpark and its adjacency to downtown, West Oakland, Chinatown, gives it an incredible opportunity to fulfill that vision that you see in other communities and ensure that you'll have large crowds, exciting economic activity and vibrancy that you don't see in more of the destination locations like the Coliseum."

Kaval also maintains that upgrading at the Coliseum site isn't as easy as many think.

"The one thing that people can keep in mind is that's one of five or six additional offers on the city side of the Coliseum," Kaval said. "And I think one thing that folks should keep in mind is that certainly, it's important that East Oakland is developed in a way that makes sense and is responsible and has community benefits and it's in line with what the community wants."

"But there's still a lot of questions on who is going to do that, the timing, what the shared visions could be. Because one of those is to build a new NFL stadium. And so, I think when people say that, 'Hey, you know, things at the Coliseum are super simple,' I would point them to the five additional bidders and the questions around ownership. And we own half of it, but there's a lot of complexity on that site as well that people need to acknowledge."

There's no use in predicting how the Court of Appeal may rule, but one thing to take into consideration is that Wise, on Nov. 20, 2020, issued a tentative ruling in favor of the Port of Oakland stakeholders. She found that the "Governor's March 12, 2020 guidelines for AB 900 appear to indicate that the Governor's January 1, 2020 deadline to certify projects applies to the Howard Street Terminal Project," according to the Port of Oakland's motion for calendar preference. She later reversed course, ruling in favor of the A's, Newsom and the city of Oakland, but that sudden reversal could color the Court of Appeal's decision, or at the very least, pique its interest.

But the chasm between the reality of the situation and what the A's are portraying is vast. This goes for the Governor's office, as well — this appeal questions whether Newsom had the legal grounds to certify the Howard Terminal project for streamlining following the initial ruling.

One day after the appeal had been filed on Feb. 10, Kaval sent out a tweet that seemed to claim another victory for the ball club:

Newsom's certification, however, was toward CEQA streamlining for the

Howard Terminal project, not the EIR itself. The city of Oakland has to certify the EIR, a draft of which could come as soon as Friday. But there's no guarantee that it will be released anytime soon.

When asked on Monday when the draft EIR could be released, Kaval doubled down on his initial tweet: "You'd have to ask the city exactly when it would be released. The governor had to certify the environmental impact report, which he did. And now it's in the city's hands to pick the date. They typically release on Fridays. So that could be this Friday, hopefully. And that would be a public document for people to review for 45 days and post comments."

The A's lost their race against the clock to open a new stadium in 2023. Now they're focusing on two separate timelines. One is when the city will finally release the draft EIR, something they had hoped would occur before the pandemic, which would then be followed by a 45-day period for public comment before the City Council could take a vote. The other is when the Court of Appeal hears the Port of Oakland Stakeholders' case.

But for A's fans, perhaps the most ominous future date relates to the team's Coliseum lease, which expires in 2024. With so many hoops left to jump through and legal battles to fight, how much longer the A's will be rooted in Oakland is anyone's guess.

[Click Here to View Full Article](#)

Share the news on social media or email to a friend:



Share



Tweet



Forward

Forwarded from a friend? Click below to join our mailing list:

[Subscribe Here](#)

Copyright © 2021 East Oakland Stadium Alliance, All rights reserved.

You are receiving this email because you signed up for updates on our website or are a member of the West Oakland community.

Our mailing address is:

East Oakland Stadium Alliance
150 Post Street
San Francisco, CA 94018

Add us to your address book

Want to change how you receive these emails?

You can **update your preferences** or **unsubscribe from this list**.

