



# OAKLAND ATHLETICS

Oakland Athletics Baseball Company • 510-638-4900 • athletics.com • @athletics

March 13, 2019

City of Oakland  
1 Frank H. Ogawa Plaza  
Oakland, CA  
94612

Re: Oakland Waterfront Ballpark District Project at Howard Terminal  
AB 734 Application for Certification for CEQA Streamlining Acknowledgement of  
Obligations under Public Resources Code Sections 21168.6.7

Dear City of Oakland and Port of Oakland:

I write on behalf of the Oakland Athletics (the "Oakland A's") the project sponsor of that certain proposed Oakland Sports and Mixed-Use Project located on Howard Terminal in the City of Oakland, California (also referred to sometimes as the "Oakland Waterfront Ballpark District Project" or the "Project"). The City of Oakland, acting by and through its City Council (the "City"), as you know, is the lead agency under the California Environmental Quality Act (CEQA) reviewing the proposed Project and the City of Oakland, acting by and through its Board of Port Commissioners (the "Port") has fee jurisdiction of Howard Terminal pursuant to the City of Oakland Charter.

Assembly Bill 734 ("AB 734") amended CEQA to provide for specified procedures for administrative and judicial review of the environmental review and approvals granted for a project that is certified by the Governor because it meets certain requirements. The Oakland A's intend to apply to the Governor for certification of the Project under AB 734. In connection with that application, the Oakland A's wish to acknowledge and agree that they will comply with certain obligations that are required to qualify the Project for certification.

Accordingly, and as required by Public Resources Code section 21168.6.7(d)(5), by this letter the Oakland A's agree to enter into binding and enforceable agreements requiring them, in the event they obtain all requisite approvals and implement the Project, to comply with all mitigation measures required pursuant to CEQA and any other environmental measures required by Public Resources Code section 21168.6.7 to certify the Project under AB 734 ("AB 734 Obligations"). The Oakland A's further agree that the AB 734 Obligations shall be made conditions of approval of the Project, that these conditions will be fully enforceable by the City's Planning Division, the Port or other responsible agencies, and that all mitigation measures required pursuant to CEQA and any other environmental measures required to certify the Project under AB 734 (including

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those specifically listed above as AB 734 Obligations) may be monitored and enforced by the City the Port or other applicable responsible agency for the life of the obligation.

As required by Public Resources Code section 21168.6.7(d)(6), the Oakland A's also agree to pay any additional costs incurred by the courts in hearing and deciding any case subject to Public Resources Code section 21168.6.7, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to AB 734.

As required by Public Resources Code section 21168.6.8(d)(7), the Oakland A's also agree to 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.

In entering into this letter agreement, the Oakland A's acknowledge and agree that this agreement will have no impact on the on-going process under CEQA or any approvals by the City or the Port, whether discretionary or ministerial. In order to comply with CEQA and give the public and decision-makers the opportunity to be fully aware of the environmental consequences of the Project, the parties to this letter agreement acknowledge that the City and/or the Port have no obligation to approve, and the Oakland A's have no obligation to develop, the Project unless and until the parties have negotiated, executed and delivered mutually acceptable agreements based upon information produced from the CEQA environmental review process and any other public review and hearing processes, subject to all applicable regulatory approvals. The City and the Port retain the absolute, sole discretion to: (1) modify the Project as the City or the Port may, in its respective sole discretion, deem necessary to comply with CEQA; (2) select other feasible alternatives and/or impose mitigation measures to avoid or reduce significant environmental impacts; (3) balance the benefits of the Project against any significant environmental impacts prior to taking final actions, if such significant impacts cannot otherwise be avoided; and/or (4) determine not to grant requisite discretionary approvals for the Project.

The Oakland Athletics,

By: 

Name: Dave Kaval

Title: President

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Acknowledged and Agreed to by:

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CITY OF OAKLAND

By: *[Signature]*

Its: Deputy City Administrator

PORT OF OAKLAND

By: *[Signature]*

Its: Exec Dir.

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