

Todd, Amber

From: elizabeth.lake@hklaw.com
Sent: Thursday, February 11, 2016 6:05 PM
To: Millner, Dianne
Cc: David.Preiss@hklaw.com
Subject: FW: 2-11-16 Letter
Attachments: DOC021116.pdf; ATT00001.htm

Dianne, did this go through the City Attorney's office?

Elizabeth Lake | **Holland & Knight**

Partner

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From: Cole, Doug [<mailto:DCole@oaklandnet.com>]
Sent: Thursday, February 11, 2016 5:39 PM
To: Lake, Elizabeth (Betsy) A (SFR - X56969) <elizabeth.lake@hklaw.com>; 'Pat Christman' <ptrckcshmn@gmail.com>; Millner, Dianne <DMillner@oaklandcityattorney.org>; Monetta, John <JMonetta@oaklandnet.com>
Subject: Fwd: 2-11-16 Letter

FYI

Sent from my iPhone

Begin forwarded message:

From: "Woo, Winnie" <WWoo@oaklandnet.com>
Date: February 11, 2016 at 2:55:23 PM PST
To: "tagami@californiagroup.com" <tagami@californiagroup.com>
Cc: "Cole, Doug" <DCole@oaklandnet.com>, "Cappio, Claudia" <CCappio@oaklandnet.com>
Subject: 2-11-16 Letter

Dear Sir:

Per Sabrina Landreth, please find the attached letter.

Winnie

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CITY OF OAKLAND



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Office of the City Administrator
Sabrina B. Landreth
City Administrator

(510) 238-3302
FAX (510) 238-2223
TDD (510) 238-2007

February 11, 2016

Mr. Phil Tagami
Prologis CCIG Oakland Global, LLC
300 Frank H. Ogawa Plaza, Suite 340
Oakland, CA 94612
tagami@californiagroup.com

Re: Finalization of the Lease Disposition and Development Agreement (LDDA) Third Amendment
and the West Gateway Lease for the Army Base Redevelopment Program

Dear Mr. Tagami:

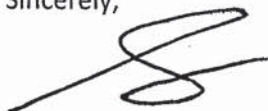
This letter provides clarification of the City's position with respect to the LDDA Third Amendment between CCIG Oakland Global and Prologis and the West Gateway Lease. Although we have reached agreement on the major provisions that were at issue, I believe it is important to provide a clear position of where the City and CCIG find themselves with regard to the potential transport and handling of coal at the proposed bulk commodities terminal at the West Gateway.

Specifically, the finalization of the LDDA Third Amendment and the West Gateway Lease does not in any way limit the City's ability to seek appropriate remedies as a follow up to the City Council's September 21, 2015 informational public hearing regarding the potential transport, transloading and export of coal at the West Gateway bulk commodities terminal. Numerous public comments were received through the public comment period, which ended on October 6, 2015. City staff has recently recommended that the City undertake additional evaluation by subject matter experts of the written and oral testimony and other evidence that has been submitted. Further, this work is proposed to include analysis of the other potential commodities that are proposed to be transported, including fuel oil and gasoline. After the proposed work program is completed, staff will provide additional information and potential approaches to the City Council regarding the Council's direction to develop and evaluate potential actions that the City could employ to address the health and/or safety impacts of the transloading, transportation, handling, and export of coal, fuel oil and gasoline as part of the Project, pursuant to Development Agreement (DA) Section 3.4.2.

Separately and independently, the City is also evaluating discretionary decisions it may take in the future with respect to the bulk commodities terminal (e.g., additional permit requirements) and the scope of additional environmental review, if any, that it may require in connection with any such decision(s), consistent with its existing contractual obligations. Please note that nothing in the LDDA Third Amendment and the West Gateway Lease documents shall be construed to limit the City's ability to address these issues/concerns.

If you have any questions, please contact Assistant City Administrator Claudia Cappio at ccappio@oaklandnet.com or 510 238 6654.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Landreth', with a stylized, looping flourish.

Sabrina B. Landreth
City Administrator

cc: Mayor Libby Schaaf
City Council President and Council Members
Claudia Cappio, Assistant City Administrator
Doug Cole, Project Manager III, Oakland Army Base Project

Todd, Amber

From: Cole, Doug <DCole@oaklandnet.com>
Sent: Friday, February 26, 2016 12:21 PM
To: Millner, Dianne
Subject: FW: Scanned Files from "RICOH MP C5503"
Attachments: 20160219094657823.pdf

FYI

Doug Cole

-----Original Message-----

From: Phil Tagami [<mailto:tagami@californiagroup.com>]
Sent: Friday, February 19, 2016 10:00 AM
To: Cappio, Claudia; Cole, Doug
Cc: Schaaf, Libby
Subject: FW: Scanned Files from "RICOH MP C5503"

Please forward to Ms. Landreth

Phil Tagami
CEO & President
CALIFORNIA CAPITAL & INVESTMENT GROUP
Office 510.463.6343
tagami@californiagroup.com

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-----Original Message-----

From: do-not-reply@californiagroup.com [<mailto:do-not-reply@californiagroup.com>]
Sent: Friday, February 19, 2016 9:47 AM
To: Phil Tagami <tagami@californiagroup.com>; Jen Lang <jang@californiagroup.com>
Subject: Scanned Files from "RICOH MP C5503"

This E-mail was sent from "RNP0026737A8484" (MP C5503).

Scan Date: 02.19.2016 09:46:57 (-0800)

Queries to: do-not-reply@californiagroup.com

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February 19, 2016

TRANSMITTED VIA U.S. AND ELECTRONIC MAIL

SLandreth@oaklandnet.com

Sabrina B. Landreth
City Administrator
CITY OF OAKLAND
City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612

Re: Oakland Global Trade and Logistics Center and Your February 11, 2016 Letter

Dear Administrator Landreth,

Thank you for your letter of February 11, 2016. We join with the City in celebrating this important milestone in the ongoing progress in realizing our collective vision for the Oakland Global Trade and Logistics Center (Oakland Global) at the former Oakland Army Base. This is the most significant step to date in making a reality the 2,800 project construction jobs, 2,000 permanent waterfront jobs, and an estimated 4,225 regional jobs as well as the \$300 million in annual regional employment income. Both during construction and when operational, Oakland Global is and will be a state-of-the-art integrated multi-modal facility, setting new standards for economic vitality, job creation, and environmentally sensitive and sound operations.

We write to concur in your letter's statement that the relationship between the project developers and the City remains governed by the terms of the LDDA, as amended, and the Development Agreement (DA) for Oakland Global, including the covenants of quiet enjoyment, good faith, and fair dealing implied by California law. Of course, the terms of those vesting documents speak for themselves and define the respective rights and obligations of all parties to them. We have appreciated the clarity with which the terms of the LDDA and DA have guided and structured progress on the project to date and look forward to the same moving forward.

As to future discretionary approvals and related environmental review, again, the law is clear as to both. To date, the full entitlement and initial construction of Oakland Global has fully and completely complied with all applicable laws and regulations, including the California Environmental Quality Act (CEQA). Whatever future approvals and the related discretion, or lack thereof, associated with them will, of course, be as proscribed by law.

OAKLAND BULK AND OVERSIZED TERMINAL

300 FRANK H. OGAWA PLAZA, SUITE 340 OAKLAND, CA 94612 (T) 510-268-8500 (F) 510-225-3945

Ms. Sabrina Landreth, City Administrator
CITY OF OAKLAND
February 19, 2016
Page 2

As for the possibility of any given commodity being transported through the West Gateway, there continues to be no commitment to specifically include or exclude any given commodity. We understand that the City is in the midst of reviewing submittals regarding one commodity in particular and, according to your letter, may expand that to others. While any such analysis strikes us as premature given the state of the project and present lack of confirmation regarding commodities, we would encourage the City to confirm which of such commodities are already being transported in and through the City. The degree to which such transport is already occurring certainly speaks to the City's existing views of the health and safety considerations today. As we have said repeatedly as to the future, no commodity will be processed at Oakland Global unless it can be done in accord with all applicable health and safety mandates in law.

Again, we join with the City in recognizing and celebrating this important occasion for Oakland Global, our West Oakland neighbors, and the City at large. We look forward to the ongoing progress and success of the project to the great benefit of all Oaklanders.

Respectfully,



Phil Tagami
OAKLAND BULK AND OVERSIZED TERMINAL

cc: Mayor Libby Schaaf
City Council President and Council Members
Claudia Cappio, Assistant City Administrator
Doug Cole, Project Manager III, Oakland Army Base Project