

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 NOV -1 PM 3: 27

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Community & Economic Development Agency
DATE: November 13, 2007

RE: **Action on a Report and Recommendation to Conduct A Public Planning Process and Adopt a Specific Plan for the Area from 19th Avenue to 54th Avenue and between Interstate 880 and the Estuary**

SUMMARY

The Community and Economic Development Committee (CEDC), at their September 11, 2007 meeting, directed staff to develop a draft work plan and budget to conduct a public planning process and adopt a Specific Plan for the area from 19th Avenue to 54th Avenue and between Interstate 880 and the Estuary. The area is identified in the Estuary Policy Plan (EPP) as the San Antonio/Fruitvale District, involving the central Estuary lands also identified as the Brooklyn Basin, Kennedy Tract and the Tidewater areas. This work would build on the existing EPP, adopted by the City Council and the Port of Oakland in 1998. Part of the EPP included an implementation program with the following Policy MF-3:

“Adopt and enforce development regulations which reflect the land use policies established by the Estuary Policy Plan. Eighteen unique land use classifications are recommended in the EPP. They should form the basis of future regulatory controls to be enforced to insure project consistency with the EPP and ultimately with the General Plan.”

Staff is recommending that a specific plan be prepared for the area with a project budget not to exceed \$2.5 million. Staff is also recommending that the planning process proceed without the formation of a steering committee/task force.

FISCAL IMPACT

The fiscal impact to the City would be up to \$2.5 million depending on actual contract amounts for the work involved in preparing the EIR and parts of the Specific Plan. A funding source needs to be identified as no funds have been appropriated in FY 2007-09 Adopted Policy Budget for this plan.

BACKGROUND

The City of Oakland was approached by a private firm interested in funding a public-private partnership to create a Specific Plan for the central waterfront area between approximately 19th and 54th Avenues and between Interstate 880 and the water. The CED Committee, at their September 11, 2007 meeting, directed staff to prepare a draft work plan, budget and

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recommendations on using a steering committee/task force or other alternative means of guiding the planning process.

Staff conducted three public meetings on October 4th at City Hall, October 25th at a local elementary school and October 29th at the Executive Inn to gather public input on the proposed work plan budget and the method of directing the Specific Planning effort. Staff has modified the work plan in light of comments received during these meetings. Staff is also recommending that no steering committee be formed, in direct response to feedback received from the public during the meetings. Staff is recommending that the attached draft work plan, with a budget of not to exceed \$2.5 million, be authorized. Staff will return to Council with subsequent approvals and authorizations for contracts with consultant firms as each RFP is issued.

KEY ISSUES AND IMPACTS

Work Plan:

The draft work plan (Attachment A) has been modified based on community input received during the October public meetings. The plan is divided into four parts for conceptual purposes, the parts are not sequential. The EIR process will be taking place simultaneously with the other planning parts. The rest of the plan is segmented as pre-planning work, plan preparation and public outreach/participation. Public outreach/participation will take place throughout all phases of the plan, including the EIR preparation, and is separated here to highlight the extra efforts being devoted to inclusive public processes and to ensure that adequate budget resources are devoted to increased public participation.

Budget:

The proposed work plan is estimated to require \$2.5 million to execute. A source of funding needs to be identified as this item was not included as part of the FY 2007-2009 policy budget.

Planning Process Governance:

One of the most fruitful areas of public discussion and input was on the subject of how to oversee the planning process while it is happening. The standard method is to appoint a task force/steering committee to work with staff and the consulting groups in between public meetings and check-in points. This committee or task force is usually appointed by the Mayor and City Council to represent the various stakeholder groups.

During the first public meeting, an alternative method of constructing a task force was articulated and a recommendation was made to have no task force/steering committee. Staff has developed both alternatives:

1. Traditional task force/steering committee appointed by elected officials. This option uses a body appointed by elected officials based on some formula to disperse the number of appointments so that no one individual appoints a majority of the board. As an illustration, a 15 member committee could be apportioned by having each council member appoint one person, except for District 5, in which most of the planning area lies, which would get four appointments. The Mayor's Office would appoint four bringing the total body to 15 members. This is one possibility and many

formulas are possible, depending on the overall size of the committee and the desires of the elected officials.

2. Alternative Method 1. This alternative would assign a number of the seats on the committee to stakeholder groups and allow that stakeholder group to choose its representative while also reserving a number of seats for appointments from elected officials. As an illustration, a 25 member committee could be formed by allocating 15 seats to 15 different stakeholder groups with each group choosing one person to represent them, with the remaining 10 seats appointed as follows: 5 from the Mayor's Office and 5 from the District 5 Council member.
3. Alternative Method 2. This alternative is to use no steering committee/task force. This option is becoming more common in planning and is currently being used, or has recently been used, for specific plans in San Francisco, Brentwood, Sebastopol and Redwood City. In this option more frequent public check in meetings are substituted for the steering committee meetings.

The draft work plan attached to this report has 10 public meetings budgeted over an 18 month planning process, exclusive of the required public hearings for adoption, or approximately a meeting every six weeks. This schedule could handle the requirements of proceeding without a steering committee. Many of those who spoke in favor of this option at the public meetings were concerned that a steering committee process would not be widely representative of all the stakeholders. There was also some concern expressed that a steering committee could become too divided to provide clear direction, as some felt the recent Blue Ribbon Commission became divided on the issue of Condominium Conversion. Finally, this option received favorable comment from stakeholders who have often disagreed on procedural issues and seems to have the broadest support of the possible options.

Staff recommends that Alternative Method 2, the no steering committee option be chosen based on the broad support it garnered at the public meetings and because the increased public participation schedule, as proposed in the draft work plan, supports the use of this option.

PROGRAM DESCRIPTION

In general, the purpose of a Specific Plan under California Government Code 65451 is to provide an area specific set of development regulations and requirements including the distribution, extent and location of land uses, infrastructure requirements and development standards. Staff believes that a specific plan approach is desirable for this area given:

- the broad array of existing uses and the eight EPP land use designations in the area including recreational-water oriented uses, parks and open space, light industrial, commercial – mixed use and limited residential uses, with potential land use conflicts.
- the City's prior funding commitments to construct the Bay Trail, the East Bay Regional Park District's (EBRPD) commitment for a new waterfront park at the tip of the Tidewater and the planning necessary to ensure adequate and safe access.
- that the area is presently underserved with regard to roadways, sewers, storm drainage and other essential infrastructure, and that it is important to scope out the public improvements required to serve the proposed new developments in the area under the new plan.

- that the scope of public improvements is beyond what any one developer would likely be required to do, it is important to have area-wide financing mechanisms to build the required infrastructure.

The draft work plan provides a two year time table for preparing and adopting a Specific Plan for the Waterfront area. The work plan emphasizes public participation at a high level throughout the process. Staff expects that at least two, and possibly several more, contract firms would be retained for the EIR and planning process work. The total proposed budget for the Specific Plan is \$2.5 million, which reflects the amount of infrastructure investigation and planning needs in this area, in addition to any amounts needed to mitigate hazardous material issues known or expected to be found as part of the EIR.

SUSTAINABLE OPPORTUNITIES

Economic: No particular economic opportunities have been identified due to the preliminary stage in the planning process. However, this type of effort, involving property and business owners, public agencies, community groups and others has often resulted in the identification of new business and development opportunities through increased knowledge of the area, planned public improvements, decreasing land use conflicts, etc.

Environmental: No particular environmental opportunities have been identified due to the preliminary stage in the planning process. However, if such a planning process were to be undertaken, completed and approved, the consequent environmental review information will likely inform future City actions concerning clean up of contaminated areas, green building, green business locations, etc.

Social Equity: No particular social equity opportunities have been identified due to the preliminary stage in the planning process. However, it is likely that land use and public improvement discussions during the Specific Plan process would include pertinent topics such as clean up of contaminated soils and groundwater due to past industrial activities, access to public parks and open space from areas historically cut off from the Estuary shoreline and other issues.

DISABILITY AND SENIOR CITIZEN ACCESS

No changes to access have been identified.

RECOMMENDATION AND RATIONALE

Staff recommends the City Council:

1. authorize the preparation of a Specific Plan for the area from 19th Avenue to 54th Avenue and between Interstate 880 and the Estuary;
2. identify a funding source;
3. authorize up to \$2.5 million dollars to execute the draft work plan; and
4. direct that no steering committee be formed for this planning effort.

Individual contracts for the EIR and planning process will return to Council for approval and award as bids are received and firms selected if the Council approves proceeding with the planning process.

The biggest potential benefit to the City from the Specific Plan is the ability to charge fees to new development anywhere in the planning area to fund needed infrastructure and other improvements throughout the planning area as whole. This can allow the City to plan major infrastructure improvements in an efficient manner instead of the more fragmented nature of improvements dictated by the changing patterns of private development. It also allows money to be spent in areas within the planning area where development may be lagging or may not be attractive because of the infrastructure deficiencies.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the City Council by motion:

1. Authorize proceeding with preparing and adopting a Specific Plan for the area from 19th Avenue to 54th Avenue and from Interstate 880 to the Estuary.
2. Authorize proceeding with the planning process as outlined in the draft work plan and without forming a steering committee.
3. Identify a funding source and authorize a project budget not to exceed \$2.5 million dollars with individual contracts to be awarded and approved by City Council or as otherwise allowed under the City's contracting procedures.

Respectfully submitted,



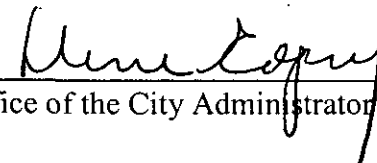
Claudia Cappio

Development Director

Community & Economic Development Agency

Prepared by: Eric Angstadt, Community & Economic
Development Agency

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:



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**Proposal for a Specific Plan
Estuary to Tidewater Area
Scope of Work**

10/29/2007

PART I Policy Plan, Scope and Inventory

Task 1: Policy Review

Staff will conduct initial meetings with task force/steering committee to review all existing policy documents relating to study area. Staff in conjunction with steering committee (or stakeholder groups if no steering committee is appointed) will prepare the project description. The description will include:

- Policy scope and framework guiding the Plan
- Statement of Purpose for the Plan
- Creation of Tasks and Proposed Timeline for the Plan
- Review of existing documents, including adopted Redevelopment Plans, other adopted plans, related Environmental Review documents and all other relevant information

Task 2: Identification of Project Boundaries and Creation of Proposed Project Area Map

- Initial Meeting with Property Owners and Consultant Team
- Creation of a City/Agencies Technical Advisory Team for review of Draft Plan

Task Cost Estimate Task 1 and Task 2:

\$50,000

Task 3: Assessment of Existing Land Use & Physical Setting Conditions

- Assess the existing environmental conditions, land uses, acreages, building characteristics and ownership patterns to include, but not limited to, the following:
 - Assess existing open space
 - Assess undeveloped parcels (physical characteristics)
 - Review existing Zoning and Land Use regulations

Task 4: Assessment of Existing Demographic, Socio-Economic and Business Conditions

- Development of a resident profile(s) including race, income, education level, employment status, health, tenure, etc. Development of business profiles including employees, infrastructure needs, expansion outlook among other factors. Analysis of potential sources of additional jobs (new, expansion of existing sources) and the workforce characteristics needed for any potential additional jobs.

Task Cost Estimate Task 3 and Task 4:

\$75,000

PART I TOTAL

\$125,000

PART II Initial Study & EIR

Preparation of administrative draft(s) and final draft versions of an Initial Study, Draft EIR and Final EIR and supporting technical reports that conform to CEQA requirements, and address the following issue areas:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazardous Materials
- Hydrology and Water Quality /Stormwater
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

Some costs may be reduced through the appropriate application of existing studies and data collected for other projects.

PART II TOTAL **\$1,050,000**

PART III Public Participation

An extensive outreach approach that maximizes representation from members of lower-income renter communities and non-English speaking communities will be developed. Likewise, multi-lingual collateral material will be distributed. (Meetings included here are exclusive of mandatory EIR and public hearing adoption meetings.)

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|--|-----------------|
| Education Materials | \$25,000 |
| Alternative Outreach Strategies (for non-English speakers, etc.) | \$45,000 |
| Visioning (3 Public Meetings, estimated attendance 50+) | \$18,000 |
| Development of Conceptual Urban Structure/Design Alternatives (3 Public Meetings, estimated attendance 50+) | \$18,000 |
| Selection of Preferred Alternative (Single Large Meeting) | \$10,000 |
| Presentation of draft plan/design guidelines (2 Public Meetings estimated attendance 50+) | \$10,000 |
| Small stakeholder meetings (various) | \$5,000 |
| Mailings | \$50,000 |
| Other Outreach (newspaper ads, cable, TV, other) | \$10,000 |

Interpretation services for meetings \$20,000

PART III TOTAL **\$211,000**

PART IV Plan Preparation and Production

Preparation of Plan:

- Preparation of Specific Plan documents including, but no limited to, design guidelines, public infrastructure standards and guidelines, park plans, and trail plans
- Preparation of circulation and infrastructure plan
- Preparation of economic study and financing plan (includes demographic analysis and market feasibility study of various land use alternatives such as employment generating land uses.)
- Preparation of design examples and site plan examples

Production of Plan:

- 250 copies of Final Draft, black and white and color, plus electronic copies.

PART IV TOTAL **\$350,000**

In-House staff costs:

Planner IV (Step 3 for two years) \$343,000

City Attorney support and review \$200,000

Contract Engineer \$150,000

Peer Reviews \$75,000

IN HOUSE STAFF TOTAL **\$768,000**

Project Total **\$2,504,000**

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**COMMUNITY & ECONOMIC
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NOV 18 2007

Approximate Timeline of Specific Plan Process

