



Date: February 23, 2017

To: Members of the City Council Community & Economic Development (CED) Committee

From: District 1 City Councilmember **Dan Kalb** *Dan Kalb*

RE: **MacArthur BART Transit Village Parcel B Community Benefits Package and Amendments to Development Agreement**

Required Community Benefits

Under the 2008 Approvals, the Applicant is Required to Incorporate the Following:

- ✓ Affordable (BMR) Units (at 80% AMI) - Total of 45 (41+4)
- ✓ Project-Labor Agreement (PLA)
 - Includes 50% Local Hire requirement

Planning Commission and Staff Proposal for Amended Community Benefits (2/1/17)

Planning Staff has recommended additional community benefits and conditions including over \$1,000,000 in monetary benefits.

[See Feb. 1st Planning staff report, pages 11-12 or Agenda staff report, page 6]

Apply tenant and service contractor local-hire requirements, which include: a 'Fair Chance' policy, by which employers cannot screen for applicants' criminal histories until after a provisional job offer is made (known as 'Ban-the-Box'); 'wall-to-wall' living wage policies to ensure that every employee working on-site receives a living wage consistent with the wages established by the City of Oakland's Living Wage Ordinance; and a commitment to work with the T-T Business Improvement District to maximize local hiring throughout the life of the project.

Temescal-Telegraph BID Pedestrian Lighting (\$95,000): Pedestrian Scale Lighting program (near the BART station) managed by T-T BID (*This has already been negotiated and agreed to by the applicant and shall be memorialized as Condition of Approval #32*).

The Planning Commission added Condition of Approval #33 (*new*) relating to: '**Exterior Design Refinement**' to allow for continuing design review up until issuance of certificate of occupancy. *See language on pages 12-13 of staff Agenda report Attachment A.* Councilmember Kalb fully supports this added requirement.

The Planning Commission, in their motion on February 1, 2017, voted to recommend approval of staff proposal and recommended that the City Council include the following additional and complementary items in the community benefits package:

1. Require that any transportation and infrastructure impact fee exactions be expended for projects in the neighborhoods immediately surrounding the project;
2. Applicant shall actively seek a grocery store for the ground-floor retail space, if feasible;
3. Applicant shall *consider* leasing a ground-floor commercial space to a below market rate tenant; and
4. The applicant shall meet with nearby residents and neighborhood groups to share information and explain options for the type of retail that the market can support and following that obtain and consider feedback from the community about what type of ground-floor retail they are interested in having. [Councilmember Kalb had already asked for this and supports its inclusion as a community benefit]

Current Proposal from Councilmember Kalb

Councilmember Kalb agrees with and supports the above conditions and community benefits proposed by Staff and those added by the Planning Commission and also has proposed additional Conditions of Approval and community benefits as follows:

Conditions of Approval

Proposed additions to the Conditions of Approval from Councilmember Kalb:

1. **TDM Plan revisions:** Any significant modification to the Transportation Demand Management plan shall require a community meeting prior to submitting revised plan to City staff.
2. **Construction Management:** Project Construction Management Plan shall require a community meeting prior to submitting to City staff.
3. **Temescal-Telegraph BID Pedestrian Lighting (\$95,000):** Pedestrian Scale Lighting program (near the BART station) managed by T-T BID (*This has already been negotiated and agreed to by the applicant and shall be memorialized as Condition of Approval #32*).

Community Benefits (Development Agreement)

Councilmember Kalb proposes the following community benefits package in lieu of staff's monetary community benefits proposal:

Mosswood Park (\$250,000): Contribution to a new Recreation Center (and/or other capital improvements) at Mosswood Park

Pedestrian/Bicyclist Safety to/from Mosswood Park (\$105,000): Additional contribution to creating safer walking and biking connections between the BART Transit Village and Mosswood Park consistent with the City's adopted Pedestrian Master Plan, Bicycle Master Plan, and Telegraph Avenue Complete Streets Plan.

West MacArthur Improvements/Beautification (\$350,000):

Improvements/Beautification to West MacArthur Blvd. between the BART parking garage and MLK jr. Way - This could include streetscape improvements (including lighting) and a mural along the 24 underpass - Specific improvements to be determined by the City incorporating a neighborhood engagement process.

Tree Planting (\$15,000): Planting of 15-20 city-approved trees along portions of West MacArthur (between Telegraph and MLK) and MLK (between 37th and 40th streets) and provide/pay for maintenance for first two years.

RPP program (\$25,000): Additional funds into the Residential Parking Permit (RPP) program for residents within 1/4 mile of BART/Village consistent with City Resolution No. 81422 C.M.S. (7/11/08).

Transit Passes for BMR Unit Residents (\$110,000): Apply to Parcel B the Transit Pass Requirement from the existing Transportation Demand Management (TDM) plan already applicable to the residents in the Mural apartments. As an alternative implementation to this, the Parcel B applicant shall subsidize residents in the BMR units 90% of the cost of EasyPass transit passes (or the equivalent) for residents (up to 2 per unit) in all BMR units for first 10 years of occupancy.

Donation to Oakland NGO (\$50,000): One-time contribution to Oakland-based NGO working with youth and violence prevention in North and West Oakland (e.g. Youth Alive).

*****Total \$\$ of Community Benefits (inclusive of \$95,000 for T-T BID lighting) = \$1,000,000**
IF *additional* monetary benefits are added beyond the \$1,000,000, the first \$200,000 would be added to the contribution toward capital improvements at Mosswood Park.

Placement of Affordable Units: *Require* placement of Below Market Rate (BMR) units throughout *no less than* the lower *half* of the residential floors (floors 5-14) of the building (*not* merely lower quarter (floors 5-9) as proposed by applicant). After initial occupancy, BMR units shall be identified on a 'floating unit' basis to ensure timely on-going compliance. Applicant and Building Manager shall cooperate with City's Housing Department on monitoring and verification of compliance.

Climate-Friendly construction (no additional cost): Inclusion of All-Electric Cooking Appliances for all Units. All-electric cooking could *reduce* total construction costs by hundreds of thousands of dollars.

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