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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Brian Mulry
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 91205 C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO 1) DEVELOP AN AMORTIZATION PROGRAM TO RELOCATE INDUSTRIAL RECYCLING FACILITIES OPERATED BY CALIFORNIA WASTE SOLUTIONS, INC. ("CWS") AND CASS, INC. ("CASS") FROM AREAS IN WEST OAKLAND TO ADDRESS NEGATIVE ENVIRONMENTAL IMPACTS ON LOCAL RESIDENTS; AND 2) PROCEED TO PLANNING COMMISSION WITH AMORTIZATION LEGISLATION NO LATER THAN DECEMBER 31, 2026

WHEREAS, due to redlining, urban renewal, and discriminatory zoning policies, the West Oakland community has been subject to disproportionate exposure to polluting industries, resulting in environmental degradation and devastating health impacts on residents, including higher rates of asthma, cardiovascular disease, and a decline in life expectancy;[1] and

WHEREAS, all West Oakland census tracts are in the top 50% of pollution-burdened census tracts when compared to the rest of Alameda County; and

WHEREAS, West Oakland residents experience higher rates of deaths from cancer, heart disease, and asthma hospitalizations for West Oakland are about 88% higher than the County average;[2] and

WHEREAS, the West Oakland community has long advocated for relocating industries linked to emissions of toxic air contaminants and particulates; and

WHEREAS, the West Oakland Specific Plan ("WOSP") identifies a vision for the Mandela/West Grand Opportunity Area that includes "the long-term relocation of other recycling operations, heavy truck-dependent uses and other older heavy industries" which would result in

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[1] https://www.baaqmd.gov/~/media/files/ab617-community-health/west-oakland/proposed-final/proposed-final-plan-vol-1-092619-pdf.pdf

[2] *Ibid.*

greater "land availability and other improvements [that would] attract more low-intensity light industrial and business mix development";[3] and

WHEREAS, in 2012, the City revised its Redevelopment Plan for the Oakland Army Base to include relocation of California Waste Solutions, Inc. ("CWS") and Custom Alloy Scrap Sales, Inc. ("CASS") from the West Oakland neighborhood to the North Gateway Area on the former Oakland Army Base as a key community benefit; and

WHEREAS, CWS is a recycling company currently headquartered in West Oakland, with existing facilities at 3300 Wood Street, 1819 10th Street and 1820 10th Street, which are located within a block for residential neighborhoods; and

WHERAS, CASS is a recycling and smelting company currently located at 2730 Peralta Street in Oakland, which is within a block from residential neighborhoods; and

WHEREAS, since 2012, the City has made a concerted effort to advance the necessary agreements and approvals for the planned relocation of both CWS and CASS from West Oakland, but events beyond the City's control have arisen that has made those planned relocations difficult, if not impossible; and

WHEREAS, in December 2012, the City entered into a joint Exclusive Negotiation Agreement ("ENA") with CWS and CASS to jointly relocated their uses to the North Gateway area of the Oakland Army Base; and

WHEREAS, the joint ENA expired in 2016, but through that process, CWS, CASS, and the City reached an agreement on how to divide the North Gateway Area for the respective recyclers and for each recycler to separately proceed with negotiations with the City; and

WHEREAS, in July 2018, the City and CWS executed an ENA to negotiate the sale of approximately 12.02 acres and lease of an adjacent 2.36-acre easement at the North Gateway Area to CWS for relocation of its recycling uses from its existing facilities in the West Oakland neighborhood (See, Resolution No. 87308 C.M.S.); and

WHEREAS, the ENA between the City and CWS was amended several times to extend the expiration date, including on January 24, 2020 pursuant to Resolution No. 88001 C.M.S., on July 13, 2020 pursuant to Resolution No. 88204 C.M.S., on October 24, 2020 pursuant to Resolution No. 88342 C.M.S., and on April 24, 2021 pursuant to Resolution No. 88593 C.M.S.; and

WHEREAS, on July 7, 2021, the City Council approved a Lease/Disposition and Development Agreement ("L/DDA") with CWS pursuant to Ordinance No. 13658; and

WHEREAS, CWS did not complete the required steps to close escrow and elected not to extend the term of the L/DDA with the City, resulting in the City issuing a termination notice to CWS the on May 27, 2025, formally terminating the CWS L/DDA; and

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[3] https://www.oaklandca.gov/files/assets/city/v/1/planning-amp-building/documents/sp/neighborhood-plans/wosp/wosp-chapter-4-land-use.pdf (page 4-25).

WHEREAS, City Council approved an ENA with CASS on September 21, 2021 for a term of nine months, with the Council authorizing two three-month administrative extensions; and

WHEREAS, On December 21, 2022, the ENA with CASS expired with the parties not being able to reach agreement on a conveyance of the property that would have facilitated the relocation; and

WHEREAS, despite a more than decade long effort, there has not been significant progress in relocating these businesses to the former Army Base and as noted above, all agreements have lapsed and the City is pursuing alternative uses of the North Gateway Area properties;[4] and

WHEREAS, the adopted Environmental Justice Element of the City's 2045 General Plan, identifies amortization as a process to allow "the City to identify and prioritize nonconforming land uses (which could include existing polluting industries, truck-intensive uses, autobody uses, recycling uses, etc.) to phase out over time prioritizing areas within 1,000 feet of primarily residential impacted areas";[5] and

WHEREAS, CWS and CASS are the two largest recyclers in West Oakland and it is critical for the City to consider all options that will remove incompatible industrial recycling operations adjacent to residential areas to reduce exposure to toxic emissions and improve the health and quality of life for residents; now, therefore, be it

RESOLVED: That the City Council directs the City Administrator to develop an amortization program through City legislation, including making any necessary findings, developing a specific timeline for amortization, creating a list of alternative sites for relocation to ease the transition of these businesses, and other elements that would ensure compliance with all applicable laws and that the businesses are treated fairly while their non-conforming industrial recycling facilities are more appropriately located outside of West Oakland's residential neighborhoods; and be it

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[4] https://oakland.legistar.com/LegislationDetail.aspx?ID=7749312&GUID=D833AD31-AB94-494C-A9B2-84DE4C896B17&Options=&Search=

[5] https://www.oaklandca.gov/files/assets/city/v/1/planning-amp-building/documents/sp/gp/ej-element/ej-element_adopted-9.26.23_89907-c.m.s.pdf

FURTHER RESOLVED: That the Council directs the City Administrator to proceed to Planning Commission with amortization legislation no later than December 31, 2026, in preparation for City Council consideration thereafter.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: JUN 2 2026

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California