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OFFICE OF THE CITY CLERK
OAKLAND

2016 DEC 29 AM 8:59

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Darin Ranelletti
Interim Director, PBD

SUBJECT: Downtown Oakland Specific Plan and
EIR

DATE: December 19, 2016

City Administrator Approval

Date:

12/23/2016

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing the City Administrator To:

- A. Execute A Professional Services Contract With The I-SEED Team Of Consultants, In An Amount Not To Exceed \$200,000, For Services Related To The Downtown Oakland Specific Plan Social Equity Strategy Without Returning To Council; and
- B. Amend The Professional Services Contract Between The City Of Oakland And Dover, Kohl & Partners In The Amount Of Four Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$453,440), Plus An Additional Project Contingency Amount of One Hundred Thousand Dollars (\$100,000) For An Overall Amount Not To Exceed The Amount Of Five Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$553,440), For Enhanced Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council; and
- C. Apply For, Accept, And Appropriate Six Hundred Thousand Dollars (\$600,000) From the Federal Transit Administration (FTA) Transit-Oriented Development Pilot Program Funds For Enhanced Transportation, Economic, and Environmental Analysis To Develop A Comprehensive Transit-Oriented Development Strategy for Downtown Oakland That Will Help Increase Transit Ridership By Encouraging Reverse Commuting To Oakland Without Returning To Council; and
- D. Enter Into A Memorandum of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented Development Pilot Program Funds Without Returning To Council.

Item: _____
CED Committee
January 10, 2017

EXECUTIVE SUMMARY

Adopting the proposed resolution will authorize the City Administrator to enter into a new professional services contract to develop a social equity strategy for the Downtown Specific Plan; and to supplement and expand the City's existing professional services contract with the Downtown Specific Plan's lead consultant, Dover, Kohl & Partners, to continue the development of the Specific Plan and Environmental Impact Report to establish a community-supported comprehensive vision for downtown Oakland that incorporates the work of the social equity strategy.

Once completed, the Downtown Oakland Specific Plan and EIR will:

1. Provide a comprehensive, clear and certain set of development standards, requirements, regulations and other criteria that will govern downtown development in a predictable way;
2. Provide a comprehensive environmental analysis, along with concurrent downtown-wide mitigation measures, under the California Environmental Quality Act (CEQA);
3. Provide short-, medium- and long-term public sphere and infrastructure improvements needed to support the land uses and developments desired in the plan. These include, but are not limited to transportation, sewage, water, energy, and other essential services;
4. Provide an economic, social and community development strategy that includes specific actions and initiatives and is consistent with the Economic and Workforce Development Department's projects and policies;
5. Provide a comprehensive downtown transit-oriented development strategy that includes specific actions to increase transit ridership, walking and biking, and supports BART's goal of increasing ridership in the reverse commute direction;
6. Provide land-use goals that balance environmental, economic, preservation, social equity and quality of life-related interests; and
7. Provide an inclusive community engagement process, community-driven social and racial equity goals and outcomes, and community-driven action items to achieve those equity goals and outcomes.

The attached resolution is an adjustment to the original scope of work for the Downtown Oakland Specific Plan, which is required in order to address: a) the community desire that the Specific Plan include a social equity strategy; b) the receipt of a Bay Area Rapid Transit (BART) District Federal Transit Administration (FTA) grant to conduct enhanced circulation, economic, and environmental analysis; and c) the need for a more in-depth evaluation of development standards for downtown.

BACKGROUND / LEGISLATIVE HISTORY

Legislative History

- **Oakland City Council Resolution Number 85272 C.M.S.** Resolution No. 85272 C.M.S., adopted on October 30, 2014, authorized the City Administrator to apply for and appropriate \$750,000 grant from the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), and appropriate \$100,000 in community benefit funds from the Jack London Redevelopment Project and to allocate the \$100,000 of Jack London Redevelopment Project Community Benefit funds to fund the local match requirement.
- **Oakland City Council Resolution Number 85584 C.M.S.** Resolution No. 85584 C.M.S., adopted on April 30, 2015, authorized the City Administrator to negotiate and execute a Professional Services Agreement with the Contractor for development of the Project in an amount not to exceed One Million Dollars (\$1,000,000).
- **Metropolitan Transportation Commission Funding Agreement.** The City and the MTC entered into a Funding Agreement for the "Downtown Oakland Specific Plan" on March 16, 2015, which required the City to engage a consultant to perform the project tasks as specified in the Funding Agreement's Scope of Work and is considered a third party obligation.
- **Professional Services Agreement for Specific Plan and EIR.** On July 1, 2015, the City entered into a professional services agreement with the Dover, Kohl & Partners team to prepare the Downtown Oakland Specific Plan and related Environmental Impact Report (EIR).

Initial Community Engagement Process

The process of developing a specific plan for Downtown Oakland began in July 2015. Through a series of community meetings and public workshops, residents and businesses have been involved in every stage of the planning process to date. Over the last year and a half, significant milestones have been reached, including the publication of an existing conditions report titled, *Priority Development Area (PDA) Profile Report*, completion of a 10-day public design charrette, and publication of the *Plan Alternatives Report*.

The Oakland Planning and Building Department received over a thousand public comments on the *Plan Alternatives Report*. These comments came in the form of emails, handwritten drawings, notes taken in meetings, and contributions via the City's "Speak Up, Oakland!" online forum. The majority of community feedback received centered on issues of affordability, gentrification, displacement, and the perception that Downtown Plan outcomes will negatively affect historically marginalized communities of color. After careful consideration of these comments, staff concluded that the work required to address these concerns was largely outside the original scope of work for the Plan's lead consultant.

Therefore, the City issued a Request for Proposals (RFP) for a social equity strategy for the Downtown Oakland Specific Plan to obtain expert guidance on how to thoroughly address these

equity concerns. In the development of a social equity strategy, the City will engage the community in a dialogue about equity issues and develop specific policies and implement measures that include improved culturally-sensitive, inclusive methods of community engagement; comprehensive information collection (including the addition of crowd-sourced data); and impact assessments of potential policies and programs that will lead to a refined and actionable equity framework.

Fundamental Shift in the Approach to the Development of the Specific Plan

The Planning and Building Department is requesting the City Council authorize additional funds (through a combination of grant funds and department planning-restricted funds) for the Downtown Oakland Specific Plan to create a more responsive plan document, as well as to enable a more inclusive plan preparation process. As **Attachment A** depicts, the original specific plan community engagement process was centered on an early design charrette. While the charrette was successful in terms of generating interest and momentum for the Downtown planning process, it didn't provide a sufficient forum to drill down on the many equity issues the community expressed, including those around affordability, gentrification, and displacement. In an effort to better address these issues, many of which are beyond the scope of the original contract, staff has partnered with the City's Department of Race and Equity and selected an equity consultant team lead by I-SEED to work collaboratively with the existing Dover Kohl consultant team to revise the planning process. Additionally, the City has received grant funding for additional transportation, economic and environmental analysis that will be included in the revised plan process.

These scope enhancements will include additional community engagement, additional analysis to support recommendations in the plan, and a higher level of environmental clearance from the environmental impact report (EIR). The process to develop the draft specific plan will be modified to identify stakeholders from communities who have not yet been engaged and to hold a capacity building workshop for leaders from these communities. Additional community meetings will be held (including leaders from under-represented stakeholder groups) to refine the plan goals to more thoroughly integrate equity into the Downtown planning process and to identify equitable plan outcomes. A series of technical meetings (covering topics such as housing, economic development, art and culture, transportation, etc.) are planned to develop the draft proposals that will ultimately be included in the plan. Similarly, neighborhood design sessions are planned to focus on urban design, development potential and equity issues within the various districts of downtown. Implementation working group meetings are planned to prioritize implementation actions based on equity outcomes and feasibility.

The draft specific plan will be enhanced with more detailed transportation recommendations, land use recommendations that support an equitable economic development strategy, culturally responsive design interventions, and a community-supported social equity policy framework, based on an equity impact assessment for downtown. The enhanced EIR contents will include project-level analysis of greenhouse gas emissions, enhanced noise analysis, including collection of noise measurement data and additional historic resources impact analysis.

Current Recommended Actions

- **Professional Services Agreement for Social Equity Strategy.** A new professional services agreement with the I-SEED team of consultants for \$200,000 will result in the creation of a social equity strategy which will be integrated into the Downtown Oakland Specific Plan. The goal of this contract is to work with a broad spectrum of the community to identify equitable outcomes and related policy recommendations, implementation priorities, accountability systems, and evaluation tools that address disparities related to race, ethnicity and socioeconomic status. This will take the framework of short-term and long-term implementation measures that advance overall equitable development in the Downtown area.
- **Modification to the Professional Services Agreement with Dover Kohl & Partners.** Enhancing the Dover Kohl & Partners contract by \$453,440 will account for a revised approach to developing the draft specific plan that includes a more extensive community engagement process than was originally contemplated under the existing contract. The funds will also be used for additional design work to develop the zoning development standards and design guidance to create a vibrant downtown where Oakland's authenticity and varied cultural identities are held and reflected in the built environment.
- **Bay Area Rapid Transit District Memorandum of Understanding for Federal Transit Administration (FTA) Grant.** The City and the BART were recently awarded a \$600,000 grant from the FTA through the Federal Pilot Program for Transit-Oriented Development Planning Projects to conduct more in-depth circulation, economic and environmental analysis than was originally funded in the Downtown Oakland Specific Plan. The expanded analyses funded by this FTA grant will allow for a project-level review of environmental topics in the EIR, allowing future projects that meet plan goals to streamline permit approvals and begin construction more quickly. Further, this work will also bolster regional efforts to develop a comprehensive Transit-Oriented Development (TOD) strategy that helps to relieve some of the transit capacity constraints in the Transbay Corridor. The grant activities will enable BART to increase transit ridership by encouraging reverse commuting to Oakland. This set of activities will be complementary to FTA Core Capacity funded improvements. The TOD strategy will be incorporated into the Downtown Oakland Specific Plan.

A project contingency of \$100,000 is included to cover any unexpected or additional work necessary on these topics as the work progresses.

ANALYSIS AND POLICY ALTERNATIVES

The Downtown Oakland Specific Plan will establish a predictable framework and level of certainty as to how downtown Oakland will grow and change over the next 20 to 25 years. The Specific Plan will detail clear plans for connecting downtown Oakland's distinct neighborhoods and waterfront areas, and help guide the city's future public investment decisions. The Specific Plan is projected to improve downtown's role as the economic engine of the City, and thereby support the delivery of services to residents throughout the whole city. Policies and initiatives will be included that address social equity.

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Social Equity Consultant Selection

The City originally issued and advertised a competitive Request for Proposals (RFP) for contracting services for the Downtown Specific Plan Social Equity Strategy in January 2016, with a deadline for submission of February 25, 2016. However, the City only received one proposal and a letter of qualifications.

The RFP for contracting services was then re-issued in June 2016, with a new deadline for submission of July 27, 2016 in order to reach a broader audience. The City received four proposals based on the re-issued RFP. A panel of City staff reviewed the four proposals and invited three firms to interview.

The I-SEED team, which includes Oakland-based companies, was selected by a panel of City staff from the Planning & Building Department, Economic & Workforce Development, and Mayor's Office, including staff participating in the Government Alliance for Racial Equity (GARE).

The I-SEED team was selected for the following reasons:

1. The team has demonstrated ability with designing and implementing successful authentic community engagement strategies, including strong facilitation skills, building capacity in low-income communities and communities of color and social equity policy development and evaluation.
2. Members of the consultant team are Oakland-based and reflect the diversity of the City.
3. The team's innovative mobile mapping app, "Streetwyze," is designed to increase community engagement with vulnerable populations, and help make cities smarter, more just, and sustainable through culturally and community responsive participatory planning practices.
4. The I-SEED team's partners will each bring a unique lens to the work, from nationally recognized organizations such as Policy Link and the Center for Social Inclusion to newer start-up creative place-making partners such as Popuphood. The team's leaders will assist the City with a social equity strategy that is rooted in creative collaboration, shared leadership, informed decision-making and accountability.
5. Khepera Consulting, an Oakland-based firm specializing in racial equity training and coaching, with local, statewide, and national affiliations will design meetings that are culturally sensitive and use innovative facilitation techniques.
6. The team's leaders have long-standing ties to the community and have been selected for their ability to engage populations that may not feel welcome using traditional approaches. They will produce a variety of visual media that may be more readily accessible than traditional planning documents.
7. The team met the minimum 50 percent Local and Small Local Business Enterprise participation requirement.

The members of the I-SEED team blend innovative approaches to race and equity policy development, capacity building and leadership development, tools and measurement for implementation and effective communications strategies in an effort to develop recommendations, policies, and implementation measures that incorporate race and equity into place making. The team will develop a community-supported social equity policy framework, based on a racial equity impact assessment, for the Downtown Oakland Specific Plan.

What is a Racial Equity Impact Assessment?

A racial equity impact assessment is a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision. Similar to an environmental impact report, it provides a mechanism for disclosing potential impacts from various decisions to decision makers, as well as potential mitigation strategies. The racial equity impact assessment prepared for the Downtown Oakland Specific Plan will include the following steps:

- Step 1 Identify baseline conditions, including socio-economic data disaggregated by race, and acknowledge existing disparities
- Step 2 Identify under-represented communities (who might be most impacted) and engage stakeholders
- Step 3 Develop draft equity goals and outcomes
- Step 4 Examine the root causes of disparities, adverse impacts
- Step 5 Prepare for problem solving phase – review peer jurisdictions and analyze lessons learned, studying policy and investment practices that have shown promise in preventing displacement, maintaining community identity and advancing equity in the development process
- Step 6 Report back with policy recommendations and opportunities for advancing equitable impacts

This work will be folded into the revised draft plan development process outlined previously in this staff report (see page 4, Fundamental Shift in the Approach to the Development of the Specific Plan).

Benefits of Hiring a Social Equity Team

Hiring a social equity team for the Downtown Specific Plan aligns with the City's recent commitment to establish a Department of Race and Equity tasked with intentionally integrating the principle of "fair and just" in all the City does in order to achieve equitable opportunities for all people and communities. This contract will provide a careful evaluation of the City's standard community engagement practices, policies and programs, while simultaneously providing more predictability for developers and businesses wanting to locate in downtown. The social equity strategy will specifically respond to community concerns about the impact of change and development in downtown Oakland, particularly on vulnerable populations, so that the Specific

Plan can guide and mitigate change in a way that is beneficial to all people, including low-income communities of color.

FISCAL IMPACT

The following sections explain the costs associated with preparing the Downtown Specific Plan and EIR.

For the original contract amount of \$1,000,000, the City received \$750,000 from MTC funding under the PDA Planning grant program and \$100,000 from the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grant funding for the Downtown Specific Plan. Additionally, the Planning and Building Department contributed \$150,000 in contingency funding in the Development Services Fund (2415) for the development of the Specific Plan and EIR.

Several funding sources have been identified for the additional \$1,353,440 (for an overall contract amount of \$2,353,440) as follows:

- \$600,000 from the BART Federal Transit Administration Transit-Oriented Development Pilot Program Funds for additional analysis of the transportation, economic and environmental analysis to develop a comprehensive transit-oriented development strategy that enables BART to increase transit ridership by encouraging reverse commuting to Oakland.
- \$753,440 from the Planning and Building Department Development Services Fund (2415) for the social equity strategy contract with the I-SEED team of consultants (\$200,000), the enhanced contract with Dover Kohl & Partners (\$453,440) and a project contingency (\$100,000). These funds are restricted to planning-related purposes.

The cost to develop the Downtown Specific Plan and EIR is reflected in a revised not-to-exceed amount of the Professional Services Contract of \$2,353,440. This amount will cover enhanced services to address social equity, economic barriers to commercial and residential development Downtown and a streamlined permit approval timeline and environmental review process enabling future specific development projects to begin construction more quickly.

Sources of Funding

Original Contract Amount	
MTC PDA Planning Grant	\$750,000
Jack London Redevelopment Project community benefit funds	\$100,000
Planning and Building Department Development Services Fund	\$150,000
Subtotal	\$1,000,000
Enhanced Services Contract Amount	
BART Federal Transit Administration Transit-Oriented Development Pilot Program Funds	\$600,000
Planning and Building Department Development Services Fund	\$753,440
Subtotal	\$1,353,440
TOTAL	\$2,353,440

The MTC, Jack London District Association community benefit funds, and Planning and Building Department funds have been deposited and appropriated into the following city fund accounts: Fund 2163 (for MTC grant funds) and the Development Services Fund 2415 (Jack London District Association community benefit funds and Planning and Building Department funds).

MTC and ABAG grant funds have been deposited and appropriated into the following city fund accounts: Metro Transportation Com: Program Grant Fund (2163), Planning Organization (84211), Other Grant: From Other Agencies Account (46419), and Contract Contingencies Account (54011) P491710 - MTC-Downtown Specific Plan Project, General Plan, Zoning Update & Strategic Analysis Program (SC09) totaling \$750,000.

Jack London Community Benefits match funding totaling \$100,000 was transferred from Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), Jack London Community Benefits Project (P480510), General Plan, Zoning Update & Strategic Analysis Program (SC09) to Project P480520 - Jack London Community Benefit.

Planning and Building Department funds have been identified totaling \$150,000 in Development Services Fund (2415), Administration: Planning & Building Org (84111), Contract Contingencies Account (54011), Non-project (0000000), DPNPB Administration Program (IP49).

The BART FTA grant funds will be deposited and appropriated into the following city fund accounts: Miscellaneous Grant Fund (2999), Planning Organization (84211), Other Grant: From Other Agencies Account (46419) and Contract Contingencies Account (54011), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09).

Planning and Building Department funds have been identified totaling \$753,440 available in the Development Services Fund (2415) unrestricted fund balance, to be appropriated into Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09).

PUBLIC OUTREACH / INTEREST

The RFP the City issued for contracting services to develop a Downtown Specific Plan Social Equity Strategy was widely circulated in social justice, advocacy, planning consulting, think tank, and academic communities. Once the contract described in this report is negotiated and signed, the social equity strategy work for the Downtown Oakland Specific Plan will begin, including community engagement.

The Social Equity Strategy planning process will be built upon broad public involvement, and on creative methods for finding common ground among diverse groups: public agencies, community members, neighborhood groups and business organizations, business owners, property owners, developers, and historically marginalized low-income communities and communities of color.

COORDINATION

Staff from the Strategic Planning division prepared this report and the attendant resolution, in consultation with the Office of the City Attorney. Staff from the Mayor's Office and Economic & Workforce Development Department, including members of the City's team involved with the Government Alliance for Racial Equity (GARE), participated on the selection team during the RFP process and provided feedback on the approach to the social equity work.

City Planning staff will continue to manage the development of the Downtown Specific Plan, including the preparation of the Social Equity Strategy and coordination of the Plan development with various City Departments, including Race and Equity, Economic and Workforce Development, Housing and Community Development, Public Works, Parks and Recreation, Police, and Fire. This report has been reviewed by the City Attorney's Office and Controller's Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The following is an evaluation of the previous work of the I-SEED team of consultants for the City:

Prime Consultant:

- **I-SEED/Streetwyze** – has conducted interviews with stakeholders and trainings on using the mobile mapping app, Streetwyze, for both Planning and Building and the Resilient Oakland initiative, with favorable outcomes. Described as “community engagement 2.0,” Streetwyze is a mobile, mapping, and SMS platform that generates crowd-sourced data about what users like and don't like in the urban environment, and what needs fixing, and provides a mechanism for community-responsive participatory planning.

Sub-consultants:

- **Center for Social Inclusion** – leads the City's Governmental Alliance for Race and Equity cohort with favorable outcomes.
- **Popuphood** – developed a successful business incubation program in downtown Oakland with favorable outcomes.
- **Khepera Consulting** – facilitated various activities such as a City Council budgeting session with favorable outcomes.
- **Policy Link** – routinely provides strategic policy guidance to the City, most recently by co-writing the Housing Equity Roadmap with favorable outcomes.
- **Eric Arnold** – the City has no prior contracts with this artist-ethnographer.
- **Asian Health Services** – the City has no prior contracts with this organization.

- **Anisha Gade** - the City has no prior contracts with this artist-ethnographer.
- **Participatory Budgeting Project** - the City has no prior contracts with this organization.

SUSTAINABLE OPPORTUNITIES

Economic: The Downtown Oakland Specific Plan will examine strategies to promote economic development.

Environmental: The Downtown Oakland Specific Plan will examine strategies to protect environmental resources.

Social Equity: The Downtown Oakland Specific Plan will examine strategies related to affordable housing and equitable development to promote social equity.

CEQA

Planning and feasibility studies are exempt from the California Environmental Quality Act (CEQA) (*CEQA Guidelines Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 ("Projects consistent with a General Plan or Zoning")*).

However, actual adoption of the Specific Plan and/or general plan or zoning amendments is subject to CEQA review, which requires that an environmental impact report (EIR) be prepared to evaluate potential environmental impacts of the Downtown Specific Plan.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing the City Administrator To:

- A. Execute A Professional Services Contract With The I-SEED Team of Consultants, In An Amount Not To Exceed \$200,000, For Services Related To The Downtown Oakland Specific Plan Social Equity Strategy Without Returning To Council; and
- B. Amend The Professional Services Contract Between The City Of Oakland And Dover, Kohl & Partners In The Amount Of Four Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$453,440), Plus An Additional Project Contingency Amount of One Hundred Thousand Dollars (\$100,000) For An Overall Amount Not To Exceed The Amount Of Five Hundred Fifty Three Thousand Four Hundred Forty Dollars (\$553,440), For Enhanced Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council; and
- C. Apply For, Accept, And Appropriate Six Hundred Thousand Dollars (\$600,000) From the Federal Transit Administration (FTA) Transit-Oriented Development Pilot Program Funds For Enhanced Transportation, Economic, and Environmental Analysis To Develop A Comprehensive Transit-Oriented Development Strategy for Downtown Oakland That Will Help Increase Transit Ridership By Encouraging Reverse Commuting To Oakland Without Returning To Council; and
- D. Enter Into A Memorandum of Understanding With Bay Area Rapid Transit (BART) For The FTA Transit-Oriented Development Pilot Program Funds Without Returning To Council.

For questions regarding this report, please contact Alicia Parker, Planner III, (510) 238-3362.

Respectfully submitted,



DARIN RANELLETTI
Interim Director, Planning and Building Dept.

Reviewed by:
Ed Manasse, Strategic Planning Manager

Prepared by:
Alicia Parker, AICP, Planner III
Bureau of Planning

ATTACHMENT (1):

- A. Graphic of Original and Enhanced Specific Plan Development Process

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CED Committee
January 10, 2017

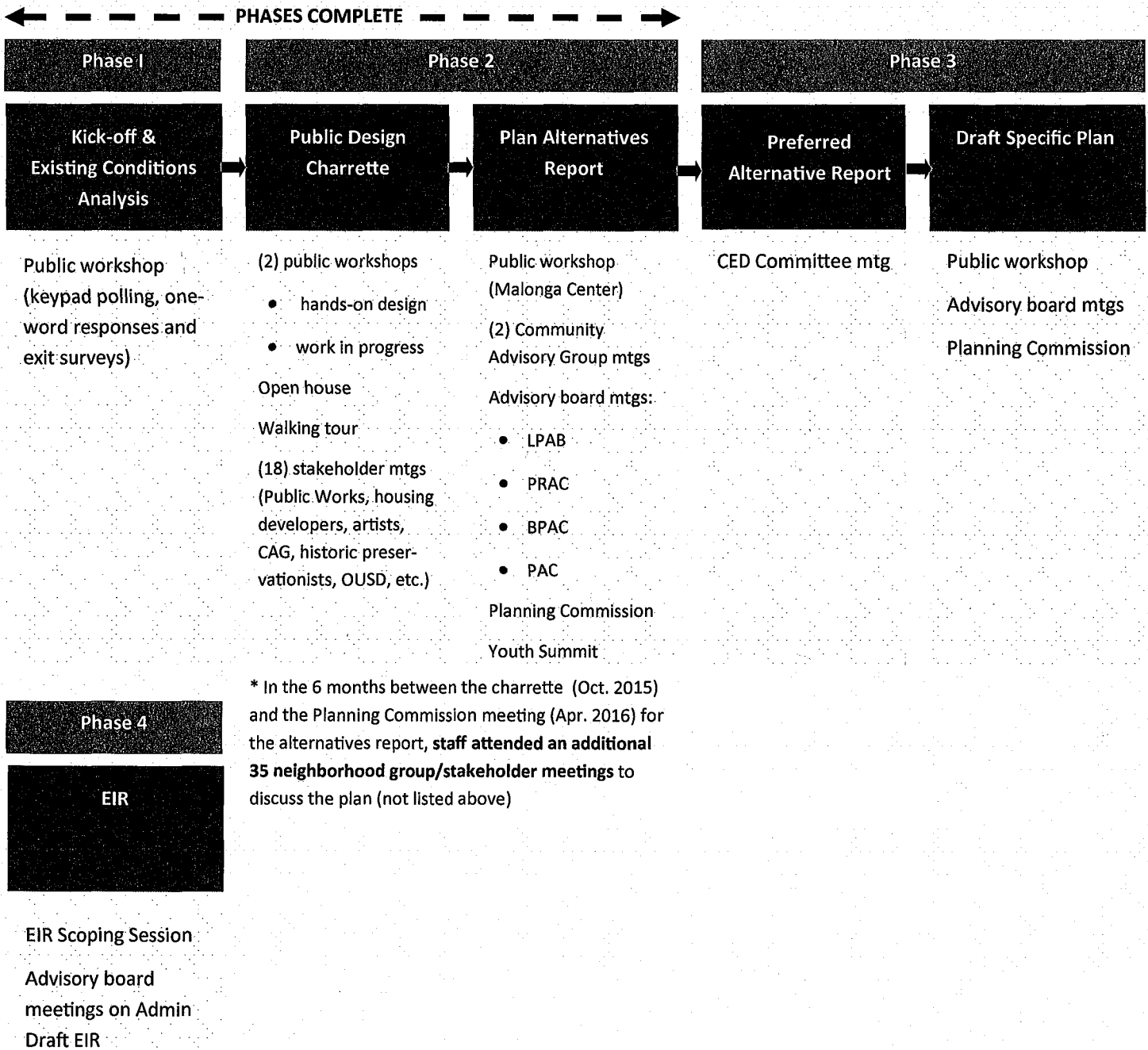
Staff is requesting City Council approval for a contract amendment to enhance the services from the originally envisioned process to develop the specific plan to:

- Respond to strong community feedback to incorporate social equity
- Provide a higher-level of transportation, economic and environmental analysis and recommendations

Council Action: Resolution authorizing:

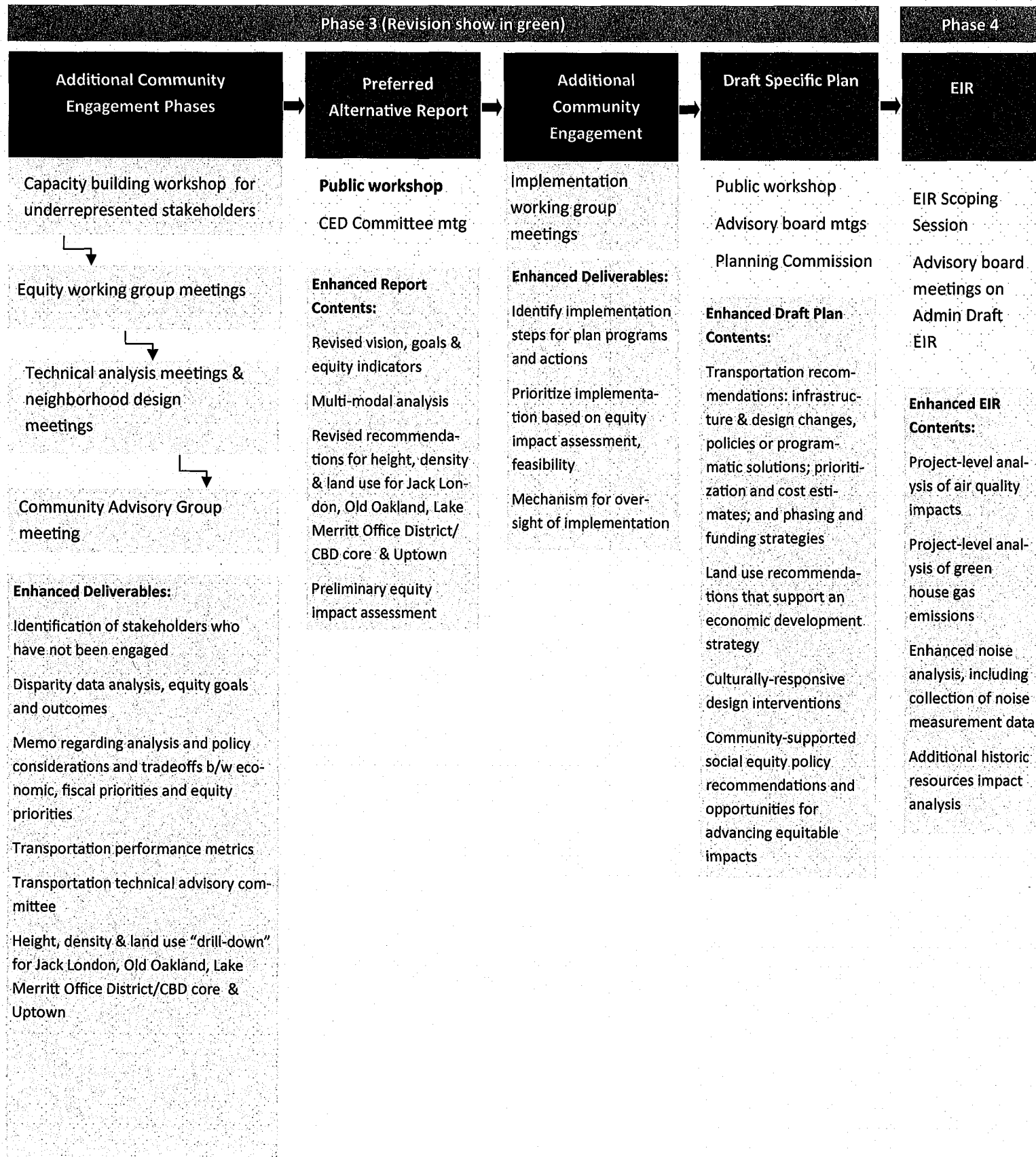
- \$200,000 for contract w/ I-SEED for social equity work (Planning Dept. restricted funds)
- \$453,440 for enhanced services from Dover Kohl for additional design sessions/collaboration w/ Equity team (Planning Dept. restricted funds)
- \$100,000 contingency fund (Planning Dept. restricted funds)
- Accept \$600,000 FTA grant for enhanced transportation, economic and environmental analysis

Original Downtown Specific Plan Development Process




Enhanced Downtown Specific Plan Development Process

The scope enhancements will enable a more robust process to develop the specific plan, as well as more transportation analysis, economic analysis and environmental analysis. In response to strong community feedback, an equity lens will be a through-line throughout the development of the plan. The green boxes (and text) below describe the enhanced services (for which we are seeking approval).



FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2016 DEC 29 AM 8:59 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- A. EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH I-SEED TEAM OF CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$200,000, FOR SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN SOCIAL EQUITY STRATEGY WITHOUT RETURNING TO COUNCIL; AND**
- B. AMEND THE PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OAKLAND AND DOVER, KOHL & PARTNERS IN THE AMOUNT OF FOUR HUNDRED FIFTY THREE THOUSAND FOUR HUNDRED FORTY DOLLARS (\$453,440), PLUS AN ADDITIONAL PROJECT CONTINGENCY AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR AN OVERALL AMOUNT NOT TO EXCEED THE AMOUNT OF FIVE HUNDRED FIFTY THREE THOUSAND FOUR HUNDRED FORTY DOLLARS (\$553,440), FOR ENHANCED SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT WITHOUT RETURNING TO COUNCIL; AND**
- C. APPLY FOR, ACCEPT, AND APPROPRIATE SIX HUNDRED THOUSAND DOLLARS (\$600,000) FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) TRANSIT-ORIENTED DEVELOPMENT PILOT PROGRAM FUNDS FOR ENHANCED TRANSPORTATION, ECONOMIC AND ENVIRONMENTAL ANALYSIS TO DEVELOP A COMPREHENSIVE TRANSIT-ORIENTED DEVELOPMENT STRATEGY FOR DOWNTOWN OAKLAND THAT WILL HELP INCREASE TRANSIT RIDERSHIP BY ENCOURAGING REVERSE COMMUTING TO OAKLAND WITHOUT RETURNING TO COUNCIL; AND**
- D. ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BAY AREA RAPID TRANSIT (BART) FOR THE FTA TRANSIT-ORIENTED DEVELOPMENT PILOT PROGRAM FUNDS WITHOUT RETURNING TO COUNCIL.**

WHEREAS, on November 18, 2014, the City Council adopted Resolution No. 85272 authorizing the City of Oakland (herein referred to as "City") to apply for, accept and appropriate \$750,000 in Metropolitan Transportation Commission ("MTC") funding under the Priority Development Area (PDA) Planning grant program and enter into a funding agreement with MTC for the PDA Planning grant funds, and appropriate \$750,000 in community benefit funds from the Jack London Redevelopment Project, and allocate \$100,000 of the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grants funding for the Downtown Specific Plan; and

WHEREAS, the City and MTC entered into a Funding Agreement for the “Downtown Oakland Specific Plan” on March 16, 2015, which required the City to engage a consultant to perform the project tasks as specified in the Funding Agreement’s Scope of Work; and

WHEREAS, Oakland City Council Resolution NO. 85584, filed on April 30, 2015, authorized the City Administrator to negotiate and execute a Professional Services Agreement with Dover Kohl & Partners for development of the Downtown Oakland Specific Plan and EIR in an amount not to exceed One Million Dollars (\$1,000,000); and

WHEREAS, the City and Dover Kohl & Partners entered into a Professional Service Agreement on July 1, 2015 for the provision of services related to preparation of the Downtown Oakland Specific Plan and Environmental Impact Report (EIR), as set forth in the Agreement, for an amount not to exceed \$1,000,000; and

WHEREAS, the City and the Bay Area Rapid Transit District (BART) were awarded a \$600,000 grant from the Federal Transit Administration (FTA) through the Federal Pilot Program for Transit-Oriented Development Planning Projects to conduct more in-depth circulation, economic and environmental analysis than was originally funded for Downtown Oakland Specific Plan. This work will bolster regional efforts to develop a comprehensive Transit-Oriented Development (TOD) strategy that accounts for transit capacity constraints in the Transbay Corridor. The grant activities are intended to help increase transit ridership by encouraging reverse commuting to Oakland. This set of activities will be complementary to the FTA Core Capacity funded improvements. The TOD strategy will be incorporated into the Downtown Oakland Specific Plan; and

WHEREAS, the majority of community feedback received to date during the community engagement process for the Downtown Specific Plan process has centered around issues of affordability, gentrification, displacement, and the perception that the Specific Plan outcomes will negatively affect historically marginalized communities of color. The City seeks to address these concerns by engaging in more community dialogue about these issues and developing social equity policy recommendations as part of the discussion. These conversations and the resulting policy recommendations will inform a social equity strategy for the Downtown Oakland Specific Plan; and

WHEREAS, the development of a social equity strategy for the Downtown Oakland Specific Plan will involve engaging a broad spectrum of the community to identify equitable outcomes and related policy recommendations, implementation priorities, accountability systems, and evaluation tools that address disparities related to race, ethnicity and socioeconomic status, and build capacity for positive social change. This will take the framework of short-term and long-term solutions to advance overall equitable development in the Downtown area; and

WHEREAS, the City issued and advertised a competitive Request for Proposals (RFP) for contracting services for the social equity strategy for the Downtown Oakland Specific Plan in January 2016, with a deadline for submission of February 25, 2016 and the City received one proposal and a letter of qualifications; and

WHEREAS, because of the low number of initial responses to the January 2016 Request for Proposals, the City re-issued and advertised a new RFP for contracting services for the social equity strategy in June 2016, with a deadline for submission of July 27, 2016; and

WHEREAS, four consultant teams responded by the deadline to the June 2016 RFP; and

WHEREAS, City staff from the Planning & Building Department, Economic Development,

Project Implementation, and the Mayor's Office, interviewed three of the responding consultant teams; and

WHEREAS, the interview panel identified the I-SEED team of consultants as the firm best suited and qualified to serve as the prime contractor to prepare the social equity strategy for the Downtown Oakland Specific Plan; and

WHEREAS, an additional \$200,000 is needed, above the original not-to-exceed amount of \$1,000,000, to enter into a contract with the I-SEED team of consultants to prepare a social equity strategy for the Downtown Oakland Specific Plan to address the issues of displacement, affordability, and loss of vulnerable communities of color and immigrants with limited English proficiency expressed during the first phase of community engagement; and

WHEREAS, an additional \$453,440 is needed, above the original not-to-exceed amount of \$1,000,000 for Dover Kohl & Partners to account for the additional community engagement required to develop the Downtown Oakland Specific Plan, coordinate among consultants preparing the technical analysis funded through the new BART FTA grant and the social equity strategy work, and for additional design work to develop the zoning development standards and design guidance to create a vibrant Downtown where Oakland's authenticity and varied cultural identities are reflected in the built environment; and

WHEREAS, the additional tasks for the BART FTA funded work (\$600,000), the social equity strategy work with the I-SEED team of consultants (\$200,000) and the enhanced contract with Dover Kohl & Partners (\$453,440) would increase the Professional Services Agreement contract amount by \$1,253,440, plus a contingency of \$100,000 for an overall increase of \$1,353,440; and

WHEREAS, funds to cover the increase of \$1,353,440 to the original contract amount are available from the following sources: the BART FTA grant (\$600,000), and the Planning & Building Department fund 2415: (\$453,440) for the enhanced contract with Dover Kohl & Partners; (\$200,000) for the Social Equity Strategy; and (\$100,000) for project contingency; and

WHEREAS, Planning and feasibility studies are exempt from CEQA (CEQA Guidelines Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 ("Projects consistent with a General Plan or Zoning")); and

WHEREAS, the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED, that the City Administrator, or her designee, is hereby authorized to award, negotiate, and enter into a professional services agreement with the I-SEED team of consultants, as needed, for the preparation of a social equity strategy for the Downtown Oakland Specific Plan, for an amount not to exceed \$200,000, and to execute any amendments or modifications of said professional services agreement within the limitations of the Project budget, without returning to the City Council; and be it

FURTHER RESOLVED, That the City Administrator, or her designee, is hereby authorized to amend the professional services agreement with Dover Kohl & Partners and sub-consultants, for the preparation of the Downtown Oakland Specific Plan and EIR, for an additional amount of \$453,440, plus a project contingency of \$100,000 for an overall project amendment of \$553,440 without returning to City Council; and

FURTHER RESOLVED, that the City Administrator, or her designee, is hereby authorized to enter into a memorandum of understanding (MOU) with BART for the FTA Transit-Oriented Development Pilot Program Funds, and to execute any modifications of said MOU within the limitations of the Project budget, without returning to City Council; and be it

FURTHER RESOLVED, request to apply for, accept and appropriate BART FTA grant in the amount of \$600,000 will be deposited and appropriated into Miscellaneous Grant Fund (2999), Planning Organization (84211), Other Grant: From Other Agencies Account (46419), and Contract Contingencies Account (54011), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED, that the Planning and Building Department funds have been identified totaling \$753,440 available in Development Services Fund (2415) unrestricted fund balance, to be appropriated into Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), in a projected to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED, that the total project not to exceed amount is \$2,353,440 which is an aggregate of funds described above without returning to City Council; and be it

FURTHER RESOLVED, that the City Council has independently reviewed and considered the environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 (“Projects consistent with a General Plan or Zoning”); and be it

FURTHER RESOLVED, that the professional services agreement shall be reviewed and approved by the City Attorney for form and legality, and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California