



# **WEST OAKLAND SPECIFIC PLAN Final Plan**

## **7. Obstacles to Community & Economic Development**

- 7.1 Blight Abatement**
- 7.2 Crime Prevention**
- 7.3 Brownfield Sites**
- 7.4 Educational Resources**

June 2014





## 7: Obstacles to Community & Economic Development

### The New Reality of “small-r” Redevelopment

On June 29, 2011, State legislation eliminated redevelopment agencies throughout California and directed the resolution of their activities. As of February 1, 2012, the City of Oakland Redevelopment Agency ceased to exist.

The blight that the former redevelopment agency attempted to address, however, still exists in West Oakland. The leading indicators of blight in West Oakland include underutilized and vacant land, deteriorated and dilapidated buildings, high rates of vandalism and crime, artificial commercial and industrial building vacancies due to land speculation, inadequate public improvements and lack of private investment.

Although the former Redevelopment Agency and its fiscal tools have been eliminated, the City of Oakland should continue to pursue former Redevelopment strategies, including efforts to:

- Renovate sub-standard housing, make landlords more accountable and address code enforcement infractions in buildings;
- Address truck issues, illegal dumping and land use incompatibilities;
- Develop higher design standards;

- Supply low-cost loans and grants to improve blighted structures and decrease commercial vacancies through programs such as the Façade Improvement Program and Tenant Improvement Program;
- Assist with the development of vacant and underutilized properties through marketing to developers and other available means; and
- Make public improvements to West Oakland infrastructure, including lighting, streetscape and public facility upgrades.

Without the former Redevelopment Agency’s powers and funding sources, new strategies and other programs will become more critical in fighting against the blighting influences that affect West Oakland. There is not yet a new, single overall plan, strategy or tool that can replace the powers and effectiveness that the former Redevelopment Agency once provided. City leaders and community groups have begun the process of re-envisioning how to bridge this gap.

While the West Oakland Specific Plan sets the stage and offers thoughts and insights, new ideas and programs will likely be necessary to achieve the goals once established for the former Oakland Redevelopment Agency.

### *West Oakland Business Alert Program*

One such effort, the West Oakland Business Alert (WOBA) program, an association of business leaders from the West Oakland Commerce Association (WOCA) working with the City of Oakland, has been especially involved in the mitigation of blight and unsafe conditions. WOBA convened a citywide Business Alert congress to more uniformly and consistently address the problems in industrial areas throughout Oakland, and delineated the following “Nine Barriers to Economic Development:”

1. An extremely substandard public infrastructure;
2. Abandoned rail lines in the middle of the streets (with large impassable potholes);
3. Excessive crime of all types, with a need for improved means of response, communication, reporting and prosecution;
4. Excessive amounts of illegal dumping;
5. Massive amounts of graffiti on public and private property;
6. Weeds and debris on public and private property;
7. Homeless encampments;
8. Excessive blight of all types, need improved means of response, communication, reporting and prosecution; and
9. Lack of immediate removal of hazardous material on public streets and sidewalks causing environmental damage.

The objectives and strategies outlined in this chapter of the Specific Plan address a number of these long-standing barriers to achieving the full revitalization potential of the West Oakland area.

### **Obstacles to Economic and Community Development**

Obstacles to economic and community development in West Oakland include physical conditions which currently hinder community

and economic development and investment, as well as economically-driven social conditions such as poverty and crime which result in both real and perceived negative images of West Oakland and thus adversely impact its population and development opportunities.

The Plan offers possible solutions to specific physical improvements needed to remove many of the other obstacles to growth, development and revitalization, including:

- elimination of the blighting influences of vacant, substandard and deteriorated public and private properties, and the removal and prevention of additional graffiti-tagging on walls and structures; and halting the practices of illegal dumping of garbage and refuse in public streets and vacant private properties;
- ensuring that new development incorporates design strategies that can be employed to reduce and prevent criminal activity, such as through Crime Prevention Through Environmental Design (CPTED);
- securing the basic public infrastructure needed to adequately support existing businesses and residents; and stimulate new commercial and industrial expansion, employment and growth; and
- addressing the assessment and remediation of contaminated sites through aggressive and proactive “Brownfield” financing and redevelopment programs and private clean-up of known toxic locations.

The following sections of this chapter of the Specific Plan address each of these issues individually.

## 7.1: Blight Abatement

In 2002, a Blight Study was completed for the West Oakland Redevelopment Plan<sup>1</sup>, which concluded that evidence collected clearly demonstrated a substantial combination of prevalent blighting conditions in West Oakland. Many of the blight factors noted in the Blight Study were determined based on a macro-scale assessment, and did not differentiate between neighborhoods or individual areas within West Oakland. The West Oakland Business Alert's "Nine Barriers to Economic Development" overtly tie in the many physical and social barriers which must be addressed on an interdisciplinary basis by city staff with private partnerships, to help abate such conditions.

While there are certainly many neighborhoods in West Oakland that are thriving, vibrant and beautiful, there are also many parts of West Oakland where blight remains a significant problem. The negative effects of blight in West Oakland are significant enough to strongly discourage private investment in new development and business start-ups.

### BLIGHT – DEFINED AND REGULATED

#### Definition of Blight

The Oakland Municipal Code (OMC) Title 8 (Health and Safety), Chapter 8.24, contains an official definition of the term "property blight". According to OMC Section 8.24.020, blighted property is generally defined as any property on which there exists any one or more of the following conditions or activities:

- abandoned buildings or structures which are not occupied, inhabited, used, or secured;
- attractive nuisance, constituting properties which are in an unsecured state so as to potentially constitute an attraction to

children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act;

- buildings or structures which are in a state of disrepair such as it has become dilapidated or deteriorated or which constitutes a hazardous condition;
- property inadequately maintained (i.e., property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rubbish, junk, garbage, and toxic or otherwise hazardous liquids and substances and material;
- property which creates a dangerous condition;
- outdoor parking, storage or maintenance of certain equipment (e.g., construction or commercial equipment, machinery, material, truck or tractor or trailer, motor vehicles which have been wrecked, dismantled or disassembled, household equipment or appliances) in areas zoned for residential use; and
- certain activities which are prohibited in areas zoned for residential uses (such as wrecking, dismantling, disassembling, manufacturing, etc.).

Based on these definitions, blight exists in many parts of West Oakland.

#### *Purpose and Responsibilities of the City's Blight Ordinance*

The purpose of the City's Blight Ordinance (as found in OMC Section 8.24.010 ) is to promote the health, safety, and general welfare of the citizens by requiring a level of maintenance of residential, commercial, and industrial property

<sup>1</sup> Hausrath Economics Group, February 27, 2002



which will protect and preserve the livability, appearance, and social and economic stability of the city, and which will also protect the public from the health and safety hazards and the impairment of property values which results from the neglect and deterioration of property.

The city's Building Official is responsible for enforcement of the Blight Ordinance, and is charged with making inspections and taking necessary actions to enforce the provisions of the ordinance. Any of the condition defined above may be abated by the Building Official. Actions taken to abate such conditions may include issuance of a public notice of violation, assessment of fees, causing the repair or removal of the condition, and/or installing physical barriers (such as fences) to the property.

Ultimately, the responsibility for keeping and maintaining a property free of blight rests with the property owner. However, if the property owner fails to act upon a blight notification and the Building Official is required to institute procedures for abatement of any conditions, then certain fees, charges, penalties and interest are assessed for the city's abatement actions. Expenses incurred by the city are then assessed against the property owner, and if the amount of city expense is not paid then the city may file a lien against the property.

### *Mitigating Heavy Hazard & Attractive Nuisance Uses*

The West Oakland Specific Plan builds on opportunities that encourage heavy hazard and attractive nuisance uses to relocate to areas further removed from residential neighborhoods in order to provide a safer, higher quality environment for both the residential and business community.

Electroplating is considered a high hazard land use that has a substantial detrimental effect on both employees and the community. New standards for the establishment or expansion of such facilities have been adopted. Such impacting users are not permitted in the Housing/Business Mix zone, and only under

strict conditions, permitted at all in West Oakland's primary industrial areas.

### *Illegal Dumping*

According to Oakland Municipal Code (OMC) Section 8.38.040, any person who dumps waste or garbage on a public road (including any portion of the right-of-way) or in a public park or other public property, is liable to the city for the costs of cleaning up such dumping if that person fails to perform such cleanup or pay to have such cleanup performed. City ordinances prohibit any non-certified waste "handler" to operate in the City; therefore anyone other than a certified waste contractor is an illegal operator in the City. Municipal Code Section 8.28.010 defines waste haulers as "collectors", meaning the solid waste and yard waste collector franchised by the City, therefore, anyone not on contract to the City is an illegal waste hauler.

### *Hazardous Material Dumping*

Due to legalities in its handling, Hazardous Materials are not able to be picked up by the City's Public Works crews. Instead, the crews may identify and mark off those materials with yellow caution tape and the City's Fire Prevention Department if alerted can then have such material hauled away by special outside consultants. The Department has considered amending this procedure, given its lack of efficiency resulting in health hazards as well as pollutants on the street. However, no new procedure has as yet been adopted as of the writing of this Specific Plan.

### *Graffiti*

Article IV, Section 8.10.300 of the OMC sets out the administrative, civil, and criminal liabilities and penalties for placing graffiti on City or other public property and private property. Under its "Graffiti Ordinance", the City has the authority to arrest or cite persons who violate the provisions of this ordinance, and the City may assess administration citations or civil penalties against a graffiti violator.

Application of graffiti on any public or private property is a misdemeanor. Anyone convicted of committing an act of graffiti who is granted probation, or any minor described in California Welfare and Institutions Code Section 602 as a result of committing an act of graffiti, must make restitution to the victim in addition to any other penalties.

A graffiti violator, or parent or guardian of a minor graffiti violator cited with an administrative citation or civil penalty, may request to participate in a restorative justice program; perform community service or attend parenting classes in lieu of payment of the administrative penalty. The decision to grant or deny a restorative justice request is at the discretion of the victim property owner and the graffiti violator. The restorative justice program holds offenders accountable to recognize harm and repair damages as much as possible, in lieu of civil or criminal penalties. To the extent a restorative justice program may seek to involve the victim as well as the offender, the City Administrator will encourage, but not require the victim to participate. Even if the graffiti violator participates in restorative justice, community service, or his/her parents attend parenting classes, the City may still pursue other recovery of fines or costs, taking into consideration graffiti violator's participation in one of the programs.

### Current Blight Abatement Practices

#### Current City Procedures

Blight enforcement is generally handled as follows:

- Upon notification by a concerned citizen or becoming aware of a blighted condition, a Code Enforcement Officer issues a courtesy notice, indicating to the property owner that the blight needs to be abated, and that there is a self-certification process to demonstrate compliance which must occur within a period of 3 weeks. The Code Enforcement Division's records indicate a compliance rate as high as 60% upon issuance of the courtesy notice.
- If, after expiration of the 3-week courtesy notice and a subsequent re-inspection of the property, the blighted conditions remain, then the Code Enforcement Officer escalates blight abatement by posting a Blight Posting poster, and advises the property owner to contact a Code Enforcement Inspector within 2 weeks to discuss the violations and the necessary steps to abate the violations. Notice is also provided to the property owner that fees and costs may be incurred, and that such fees and costs will substantially exceed the costs that the property owner would otherwise incur if the abatement were handled by the owner directly.
- If the Blight Posting period expires and there is no contact from the property owner, a re-inspection is conducted and a Notice of Violation is mailed to the property owner. Assessments of inspection and administrative fees begin at this level. The Officer procures bids from contractors certified to perform blight abatement, and begins to assess the property owner with fees and penalties to cover all City costs.
- If the property owner fails to make payment to the City for all fees and costs, a lien is placed against the property.

In those cases where properties are subsequently sold, the property agents involved in the sale are referred to the Code Enforcement Division to determine the amount of any outstanding liens against the property, which are then accounted for in the sale process.

Approximately 20% of the Code Enforcement Division's blight abatement cases in West Oakland deal with blighted commercial properties (most of those involving graffiti), and nearly 80% of the cases involve blighted residential properties.

In most cases of graffiti and illegal dumping, the offenders are not caught or identified. In those situations, the property owner is ultimately responsible for cleaning up the graffiti or the illegally dumped materials, or subject to the blight ordinance procedures.

In cases where illegal dumping occurs on public property (i.e., in the public right of way) and no offender is identified, the City Public Works Department is responsible for clean-up activities.

### *Advances in City Blight Response*

Some of the more recent efforts the City has undertaken to combat blight throughout the City, including West Oakland, include the following:

In July 2012, the City of Oakland awarded a more than \$3.5 million contract to *Accela Inc.*, to deploy new technology and software in the City's Department of Planning and Building (DPB) intended to increase transparency, improve public access, and streamline processes for planning and zoning, building permits, and code enforcement. This computer information system automates dozens of steps involved in permitting, inspections, and plan reviews. The new Geographic Information Systems (GIS) database tool included in this new computer system is expected to allow the limited number of Code Enforcement Officers to handle more blight cases, more efficiently.

The Code Enforcement Division accepts on-line complaint forms which can be submitted electronically via fax, or through an anonymous hot line. The complaint form can be used to report a blight violation, and the filer will be contacted and provided with a Case Number to be used when requesting follow-up information.

### **RECOMMENDED BLIGHT ABATEMENT STRATEGIES & PROCEDURES**

In addition to the current practices, the following additional blight abatement strategies and procedures are recommended

### **Code Enforcement**

---

**Intent: Establish a level of maintenance of residential, commercial, and industrial property which will protect and preserve the livability, appearance, and economic stability of West Oakland.**

---

Blight-1: Identify new sources of funds that can be used to increase the number and quality of Police and/or Code Enforcement efforts. Surveillance cameras should be modernized to capture essential details of illegal dumping and graffiti activities, and community volunteers should be recruited to scan the many hours of recorded tape to assist in identifying dumping incidents.

Blight-2: Consider modifications to Oakland Municipal Code (OMC) Section 8.38.040 to ensure that illegal dumpers not only bear the cost of cleanup, but also contribute to the cost of detection. Given the number of smart phones and capacity for citizens to record violations in action, more effort should be made to allow for prosecution of illegal dumping through such evidence.

Blight-3: Improve trash collection and cleanup of illegal dumping. Take steps to remove trash from the area, in coordination with Keep Oakland Beautiful.<sup>2</sup> Educate residents about the ways to report illegal dumping, offer regular free bulky- and hazardous-item drop off events, and organize neighborhood clean-up events.

Blight-4: Implement graffiti abatement programs and work to create visibility and media coverage for some initial successful prosecution examples.

---

<sup>2</sup> Keep Oakland Beautiful is an affiliate of Keep America Beautiful (KAB), a national nonprofit organization. KAB's mission is to engage citizens in taking personal responsibility for improving their community environments. KAB has established diverse, highly effective programs that instill community pride and produce tangible local benefits for years to come.



- Work with the Department of Public Works, Office of Parks and Recreation, and the Building Services Division, Code Enforcement to improve graffiti abatement on private and public property.
- Coordinate neighborhood businesses and residents to purchase anti-graffiti paint and coating in bulk.
- Large blank walls should be discouraged in new development, and/or landscaping with trellises may provide a barrier to deter graffiti. Encourage new vertical green walls (landscaping) on trellis to prevent and deter graffiti from occurring. Seek incentives for the latter.

### **Business Improvement District / Community Benefit District**

**Blight-5:** Consider establishment of a Business Improvement District (BID) or Community Benefit District (CBD) as an innovative, private alternative to Redevelopment financing for the removal of blight and the revitalization of West Oakland's commercial, business and industrial areas. BIDs/CBDs are public/private sector partnerships that can perform a variety of services to improve the community's image and promote individual businesses. They also carry out economic development services by working to attract, retain and expand businesses.

- Two separate California laws authorize the formation of a Business Improvement District (BID) or Community Benefit District (CBD): the Parking and Business Improvement Area Law of 1989 and the Property and Business Improvement District Law of 1994. Both laws enable the city to establish a BID or CBD, and to levy annual assessments on businesses within its boundaries. The 1994 Act also allows financing of streets, rehabilitation or removal of existing structures, and security facilities and equipment. The 1989 Act allows financing of marketing and economic development, and various

supplemental municipal services such as security and sanitation.

- To form a BID or CBD, the City would need to propose a new district by adopting a resolution of intention. Types of improvements and activities to be financed are specified at this time. Then, public notice must be provided and a public hearing will be held. If not protested by a majority of businesses, the BID/CBD is established and an advisory board is appointed.
- Once formed, the BID/CBD is limited to those types of improvements or activities that were specified during formation. The District assessments must be directly proportional to the estimated benefit being received by the businesses upon which they are levied. Normally these will be assessed annually on property tax bills. No assessments under this law can be levied on residential properties.<sup>3</sup>

In summary, there are many parts of West Oakland where blight remains a problem and the negative effects are significant enough to discourage private investment in new development and business start-ups. Some of the City's more recent efforts have focused on increasing the efficiency of existing blight abatement programs, and seeking to identify and place greater responsibility for clean-up on those who conduct illegal activities. However, it is likely that an innovative, public/private partnership approach which supplements blight abatement services could make a significant, positive improvement to the community's overall livability, appearance, and social and economic stability.

---

3

<http://www.californiataxdata.com/pdf/BusinessImprovement.pdf>

## 7.2: Crime Prevention

---

### ADDRESSING CRIME

West Oakland's high crime rate is a serious impediment to the quality of life for existing residents, and a barrier to attracting new businesses and housing to the area. It is unlikely that the visions of this Specific Plan can be realized without significant safety improvements to the area.

#### *Impact on Residents & Businesses*

West Oakland's residents have long endured high crime rates and the negative impact of crime on the neighborhood's quality of life. Although crime remains a significant issue in West Oakland, there are some examples of safety improvements from joint community and police enforcement efforts.

For instance, while officers noted that overall rate of crime has remained fairly steady over the last decade, residents of new developments have been much more vocal and persistent about reporting crime and have demanded that the City take an active role in addressing crime in West Oakland.

West Oakland businesses have been affected by violence, loitering, prostitution and drug activity, and the threat of robberies.

#### *Impact on Development Potential*

Crime is a significant deterrent to potential West Oakland residents who could afford housing priced at market rates.

New market-rate housing development has been primarily limited to the periphery of West Oakland, along Wood Street, West Grand Avenue, 7th Street and the Clawson neighborhood near the Emeryville border, and crime has impacted these new peripheral developments as well.

### Current Crime Deterrence Strategies

#### *Community Policing*

Oakland's community policing philosophy recognizes the interdependence and shared responsibility of the police and the community to make Oakland a safer city. This partnership is tasked with jointly identifying community safety issues, determining resources, and applying innovative strategies designed to create and sustain healthy, vital neighborhoods. Community policing is both an old and a new concept. It is a return to a more personal approach to law enforcement using new techniques in problem-solving and community involvement. The past decade has seen huge amounts of resources put into building more jails and increasing penalties for crimes with little effect on the actual crime rate. Community policing represents a viable alternative that has been shown to significantly reduce crime in cities across the country. The City has adopted the philosophy of community policing and is committed to its full integration.

The key elements of community policing philosophy include:

- **Community Involvement:** Local neighborhood crime problems are, in fact, community problems. They reflect a host of community-related issues, including education, economics, family life, neighborhood organization, and cultural values. A community policing philosophy moves away from using police as the last line of defense against crime, and toward total community involvement in reducing and preventing crime.
- **Problem-Solving Orientation:** Police officers have been historically utilized in a reactive mode; to respond to as many calls for service as possible. The community policing philosophy recognizes that reactive policing

leaves many of the issues that create chronic crime problems unaddressed. In community policing, the problem-solving capabilities of patrol officers, supervisors, commanders, and investigators is expanded in order to more successfully address the underlying causes of crime problems that plague some of our neighborhoods.

- **Community-Based Deployment Strategies:** Several of the key goals of community policing are to bring the police closer to the community, to increase accessibility, and to engender a sense of ownership by the community towards the Police Department and to create a stronger identification within the Police Department back toward the community.

Implementation of community policing strategies is being done in a variety of ways including creation of five district commands and smaller beats throughout the City of Oakland, emphasizing foot patrols, and using Neighborhood Crime Prevention Councils (NCPC) to identify crime problems, determine solutions, and increase the level of communication between members of the community and the police.

Community policing requires an increased involvement by the community to define the role of the police in their city. Under community policing, the public is part of the decision-making process for the development and implementation of programs designed to restore neighborhoods as strong components of safer cities.

### *Operation Ceasefire*

Over the past 15 years, numerous cities across the country have reduced relatively high rates of gang and youth gun violence through a strategy that brings together and assigns specific roles to criminal justice agencies, organizations that provide employment training and placement, social service agencies, community and faith leaders, and gang outreach programs. Operation Ceasefire was instituted in Boston, Chicago, Cincinnati, and Indianapolis and these cities achieved

reductions in gun homicide of 25 to over 60 percent. This strategy, based upon extensive research and experience, has evolved from a primary focus on deterring serious gang and youth gun violence, to a comprehensive approach that combines deterrence with workforce training, employment, and other services.

In October 2012, Oakland joined several other California cities under the Safe Community Partnership/Ceasefire program to work together to implement an evidence-based, data-driven approach designed to reduce serious gang violence in the near term and on a community-wide level. Oakland Ceasefire is a working partnership of the Mayor's office; the Oakland Police Department; clergy leaders; community organizations; Alameda County Probation; State Parole; federal law enforcement agencies; social service providers; Oakland Unite; and the California Partnership for Safe Communities.

Oakland's Operation Ceasefire Program involves several steps:

- Analyzing the dynamics of local gun violence;
- Organizing a working group to design and implement a local strategy that includes directly communicating a violence prevention message to gang members and youth most likely to commit gun violence, linking these gang members and youth to training and employment opportunities, and coordinating law enforcement efforts.
- Communicating directly with the gang members and youth most likely to commit gun violence;
- Connecting gang members and young people to employment opportunities;
- Building a strategic law enforcement partnership

The goals of Operation Ceasefire are to reduce homicides and shootings; reduce recidivism among participants; and improve police/community relationships.

### *Measure Y/ Oakland Unite*

*Measure Y, the Violence Prevention and Public Safety Act of 2004*, is helping to create a safer Oakland by dramatically reducing violence among youth and adults. Measure Y is a comprehensive and multifaceted effort weaving together social services, nonprofits, police, employment, schools, criminal justice, faith-based agencies and community members at the neighborhood level. The Measure Y network addresses the complex and multiple risk factors associated with violence: poverty, unemployment, discrimination, substance abuse, educational failure, fragmented families and domestic abuse.

As an outgrowth of Measure Y, *Oakland Unite* is a public safety collaboration of community-based organizations, public agencies, and residents using proven and effective means to create one City, one peace, and one future. All of *Oakland Unite's* programs target Oakland's highest risk community members and neighborhoods, with a particular focus on interrupting violence now as it occurs. Based in the Department of Human Services, *Oakland Unite* is funded by tax-payer dollars and has brought in over \$7 million in state and federal grants to support the local investment in violence intervention and prevention. *Oakland Unite* programs have provided intensive interventions to over 4,000 individuals per year and reached over 25,000 people in Oakland through outreach and community events.

### *Neighborhood Crime Prevention Councils (NCPC)*

Neighborhood Crime Prevention Councils (NCPC) bring community members together by Police Districts (or 'beats') to work in partnership with the Oakland Police Department to solve problems that lead to crime. The Councils emphasize leadership development, skill building, and strengthening relationships among residents. Neighborhood Crime Prevention Councils (NCPCs) have been established in each of the City's 57 community policing beats, so residents can get to know each other, identify problems and work

together with Problem Solving Officers, Neighborhood Services Coordinators and other agencies to solve those problems. The NCPCs are part of Oakland's community policing program. In West Oakland, they include beats 2, 5, 6 and 7. These beats fall within District 1 (beats 1 through 7), per the reorganization of the Oakland Police Department in June 2013.

Neighborhood Services Coordinators (NSCs) are assigned to each of the community policing beats in Oakland. They help residents work together and in partnership with the Police and other City departments.

### *Business Alert*

The City's Economic Development Department has operated the industrial based Business Alert program in West Oakland for 8 years. The mission of the Business Alert program is to encourage the retention, attraction and expansion of businesses in the area by helping companies address the issues of safety and security. The Business Alert Committee is committed to creating safer neighborhoods for businesses and to improve the image of commercial corridors. The main goals are to create a better environment for area residents and to help retain business as well as attract new business to the area through such actions. This meeting is a virtual NCPC for the commercial industrial business owners, and brings the local Police officers together with the City's Public Works, Building Services/Code Enforcement and other departments to problem solve with the private sector business community in an inter-disciplinary way.

## **RECOMMENDED CRIME DETERRENT STRATEGIES**

Based on interviews with West Oakland police officers, the following recommendations are proposed in this Specific Plan:

Crime Deterrent-1: Community Safety Planning.  
The Oakland Police Department and other City agencies should continue to support, and where necessary improve community policing programs in order to improve



perceptions of, and actual, community safety. Strategies may include:

- increasing police presence in the area with more foot, bicycle and patrol car presence;
- a Neighborhood Watch and similar programs, and
- providing neighborhood “guardians” that could help walk people home at night from transit stops, BART, or other destinations.

Crime Deterrent-2: Create a safety ambassador and/or peace officer program. Encourage the Oakland Police Department, other City agency, or a community group to develop and implement a safety ambassador and/or peace officer program. Safety ambassadors would patrol the area, on foot and on bicycles. They would act as extra eyes and ears for the police, build relationships with local businesses, and act as a positive presence in the community. Peace officer programs take the ambassador concept a step further. Officers can provide supplemental security, make arrests, and provide a more visible presence.

Crime Deterrent-3: Strongly discourage new liquor stores. The City should also consider increasing its enforcement actions against problematic existing liquor stores (e.g. those that have high rates of loitering or crime incidents, or that illegally sell alcohol and cigarettes to minors).

### Crime Prevention through Environmental Design (CPTED)

This Specific Plan represents an opportunity to formalize crime prevention tools along with the use of Crime Prevention through Environmental Design (CPTED) in the design of the built environment. Through these strategies, safety in West Oakland can be improved and enhanced through the reduction in crime and the provision of safe public spaces, such as streets, parks plazas, and community facilities and attractive new private development projects.

### History of Oakland CPTED

In March 1999, the Oakland City Council adopted the Crime Prevention Through Environmental Design (CPTED) process as a way to achieve and sustain substantial reduction in crime and to improve living conditions. In 2007, the Council also made available a week-long CPTED training session for police and other city staff. This training session was the catalyst for the formation of a small volunteer group of staff with representatives from Police, Neighborhood Services, Planning, and Public Works Departments that created a process for the review of planning applications that at that time included regular review of planning applications by police problem solving officers.

When the national economy shrank in 2009-2010, so did the city’s resources and the CPTED review group created a process that only relied in small measure on involvement from the Police Department. Planners took on most of the responsibility to do CPTED review of new development and use permit applications. This included the use of CPTED checklists for residential, commercial, and civic projects. Additionally, the City’s Corridor Design Guidelines adopted in July 2013 include specific CPTED guidelines. Two additional checklists exist -- one for residential properties and another for commercial properties -- to provide refined CPTED crime prevention tips and tools for these specific properties.

### CPTED Principles

Applying CPTED principles and good urban design can lead to a reduction in the incidence and fear of crime and to an improvement in the quality of life for the West Oakland community. CPTED uses the following principles:

- Natural Surveillance: “See and be seen” is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention through Environmental Design.
- Natural Access Control: Natural Access Control utilizes the use of walkways, fences, lighting, signage and landscape to clearly



guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

- Territorial Reinforcement: Creating or extending a “sphere of influence” by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle. Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.
- Maintenance: CPTED and the “Broken Window Theory” suggests that one “broken window” or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. The city can work with property owners and managers to develop a formal CPTED based maintenance plan to help preserve property values and make the property a safer place.

Although most projects can benefit from CPTED design, the following types of projects generally need CPTED review: Residential, alcohol-related, adult entertainment, commercial and mixed-use, convenience markets, gas stations, malls, parking garages/lots, parks, restaurants, schools, recreational and amusement businesses, transitional housing, and banks and ATM machines.

In designing buildings, architects, engineers, and designers should apply CPTED principles to lighting, both interior and exterior; stair and ramp designs; entries and lobbies; doors and windows; blind spots or ambush points; building circulation patterns; restrooms; and placement of reception areas and cashier stations. Furthermore, where beneficial and necessary, they should follow the direction in the CPTED checklists provided in the Design Preparation section of the Planning and Zoning website, as well as the Corridor Design Guidelines.

## Crime Prevention through Environmental Design (CPTED) Strategies

---

### Intent: to discourage criminal behavior through a more aggressive CPTED strategy

---

CPTED-1: Continue and strengthen the City’s Crime Prevention through Environmental Design (CPTED) review process. The City Planning Department should continue to work with the Police Department and other City departments and divisions to strengthen CPTED review of proposed development and property rehabilitation projects in order to maximize the safety of the built environment.

#### *In the Public Realm (e.g. streets):*

CPTED-2: Add Street Lighting. Energy efficient, pedestrian-scale street lighting in line with the neighborhood’s aesthetic preferences should be installed. The lighting should shine downward instead of upward for the sake of energy efficiency, effectiveness, and compliance with Dark Skies guidelines. Lighting fixtures could also support hanging flower baskets and/or community bulletin boards/information kiosks.

CPTED-3: Plant new street trees, using CPTED principles, with high tree canopies and lighting below to allow street lighting to reach the street and sidewalks. Spacing should be provided so that street trees do not interfere with street lighting of the area. The new street trees should be low-maintenance and drought resistant.

#### *Larger Development Projects*

CPTED-4: The following CPTED design strategies are recommended for all new, high-density residential and high intensity commercial/industrial developments:

- Streets should be designed to increase pedestrian and bicycle traffic.
- Lighting should not create blind-spots for potential observers. Pathways, stairs, entrances/exits, parking areas, mailboxes, recreation areas, laundry rooms, storage areas, dumpster and

recycling areas should be evenly and well-lit.

- Lighting along pathways and other pedestrian-use areas should be at proper heights for lighting the faces of the people in the space.
- Use security-focused lighting. High- or low-pressure sodium vapor lights can provide evenly distributed lighting.
- Windows should overlook sidewalks and parking lots.
- Landscape design should be low and avoid places for hiding.
- Fencing should be low (no more than three and a half feet high unless it maintains 60% openness) in front yards. In side- and rear-yards, fencing it should be open and made of durable material, preferably high quality solid metal and with sharp tips.
- Closed-circuit television (CCTV) cameras can be added in areas where window surveillance is unavailable.
- Seating in common areas in commercial or institutional settings should be placed to attract larger numbers of desired users.
- Entries should be clearly identifiable with special pavement treatments.

### *Residential Developments*

CPTED-5: All new residential development projects regardless of unit size should consider use of the following CPTED principles and design strategies:

- Thorny, low bushes beneath ground level windows should be planted.
- Rambling or climbing thorny plants should be planted next to fences to discourage intrusion.
- Design features that provide exterior access to roofs or upper levels should be discouraged.
- A locking gate should be provided between front and backyards.
- Open-type fencing along residential side property lines extending between back

yards should be considered to promote social interaction between neighbors.

- Premises and landscaping should be maintained so that it communicates an alert and active presence occupying the space.
- Trees should be provided in outdoor residential spaces as they are seen as being significantly more attractive, safer, and more likely to be used than similar spaces without trees.
- Balcony railings and patio enclosures should be no more than three and a half feet high and at least 60% open.
- Front stoops or porches in homes create a transitional area between the street and the home.
- Private areas should be distinguishable from public areas.
- Security system signage should be displayed at access points.
- Activities should be scheduled in common areas to attract people.
- Motion sensor lights should be provided at all entry points into residences.
- Windows should be installed on all sides of the building to provide full visibility of the property.
- Elevators and stairwells should be open and well-lighted, not enclosed behind solid walls.
- Dumpsters should be visible to avoid creating blind spots or hiding places, or be placed in secured corrals or garages.
- Doorways that open to the outside and sidewalks should be well lighted.

### *Commercial and Institutional Developments*

CPTED-6: New commercial and institutional development projects should consider use of the following CPTED principles and design strategies:

- Signs in the front windows of businesses and commercial storefronts should not cover the windows or block necessary views of the exterior or interior space.

- Trees and shrubs should be kept trimmed back from windows, doors and walkways. Keep shrubs trimmed to three (3) feet and prune lower branches of trees up to six (6) feet to maintain clear visibility.
- Use exterior lighting at night and keep it in working order.
- Maintain signs and fencing and remove graffiti promptly.
- Avoid large blank walls. Plant trellises with climbing vines or similar to prevent graffiti.
- Avoid shifts and situations where only one employee is present.
- Restrooms in office buildings should be visible from nearby offices.
- Fully illuminate interior spaces.
- Visitors should be required to pass through a "checkpoint" attended by a receptionist or guard in institutional settings.
- Check-out counters should be clearly visible from the outside.
- Signage should direct visitors or patrons to building entrances and parking.
- Paving treatments, plantings, and architectural design features, such as columned gateways, to direct visitors to the proper entrance and away from private areas should be installed.
- Employee parking should be separate from visitor parking and shipping and receiving areas.
- Active space and ground floor uses should face directly onto the street.
- Avoid recessed doorways.
- Business associations should work together to promote shopper and business safety and the appearance of safety.
- Encourage multi-use strategies to keep areas active during day and nighttime hours. If an area only has activity from 9 a.m. to 5 p.m. (daytime) activities, it may inadvertently create areas that are conducive to crime after 5 pm.

Oakland's current community policing philosophy is intended to recognize the interdependence and shared responsibility of the Police Department and the community to make Oakland a safer and more livable city, including an increased involvement by the community to define the role of the police in the community. The public decision-making process, involving Neighborhood Crime Prevention Councils, is intended to strengthen relationships and to develop and implement programs designed to restore neighborhoods as strong components of a safer city. Oakland Unite's network of programs are intended to address the complex and multiple risk factors associated with violence including poverty, unemployment, discrimination, substance abuse, educational failure, fragmented families and domestic abuse. Additionally, Oakland participation in the Safe Community Partnership/Ceasefire program is intended to implement an innovative approach to reduce serious gang violence in the near term and on a community-wide level. Working together across a broad spectrum of approaches, there is room for optimism that these programs will help reduce the incidences of crime in West Oakland and better address the underlying causes.

## 7.3: Brownfield Sites

### ADDRESSING BROWNFIELD SITES

*“Brownfields are defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off green spaces and working lands.”*

U.S. EPA, Brownfields Program

Some of the older, abandoned industrial properties in West Oakland have left behind a legacy of dilapidated structures with contamination or the perception thereof, also known as “brownfields”.

Potential sources of contaminated or hazardous materials within West Oakland include those previous land uses which involved the use of hazardous materials, older buildings which were constructed with materials now identified as being hazardous (i.e., asbestos, lead-based paint, etc.), as well as users of hazardous materials in cases where such uses result in leakage into the ground, including underground storage tanks (USTs) and permitted handling of hazardous wastes.

It’s important to note that not all users of hazardous materials result in contamination, as current laws and best practices employed by businesses which use hazardous materials as part of their operations are specifically intended to prevent such contamination. However, sites where soil or groundwater has been affected by a chemical release from past or present land uses (referred to as “environmental cases”) are identified on federal, state and local regulatory agency lists, known as the “Cortese List”. These lists are developed to document and record site disturbance activities such as removal or repair of an underground storage tank, a spill of hazardous substances, or excavation for

construction. The status of each environmental case varies and can be either active (with ongoing investigations or remediation), closed (remediation or clean-up completed and approved by the regulatory agency “No Further Action” documentation), or inactive/unknown (usually indicating that efforts toward remediation have stalled or been suspended). The status of each case changes with time, and new cases are periodically added or removed from the databases. There are also cases of suspected or identified contamination at sites that are not yet entered into regulatory agency lists.

According to current database lists, the majority of reported environmental cases within West Oakland are attributed to leaking underground storage tanks, most of which contain, or used to contain motor oil, gasoline or other similar petroleum products. However, there are cases of more complex and hazardous incidents where toxic chemicals have been spilled or otherwise released into the soils and groundwater, resulting in potential health and safety concerns for residents and employees of the area.

Soil and/or groundwater contamination poses a constraint to redevelopment of affected properties. Federal, state and local regulations prohibit activities such as grading or new development prior to cleanup or remediation at sites where contamination may present hazards to human health or the environment.

### Environmental Cases Overview

As a result of new development that has occurred on previously contaminated sites, together with regulatory agency intervention and the advocacy and activism of many West Oakland community members, well over one-half of the known contaminated sites that once existed in West Oakland have now been “closed” (i.e., remediation or clean-up has been completed to appropriate standards and

approved by the regulatory agency). However, on-going efforts still are needed to continue the clean-up of hazardous materials spills and contamination (see **Figure 7.3.1**).

### *Mandela/West Grand Opportunity Area*

There are a total of 123 reported environmental cases within the Mandela/West Grand Opportunity Area (see **Table 7.3-1**). Of that total, there are only 54 sites that currently remain open or unresolved, indicating that 69 sites (or nearly 60% of all reported environmental cases within this Opportunity Area) have been remediated and closed in a manner that meets regulatory agency standards for the protection of environmental health and safety. In many instances, more than one regulatory agency may have jurisdiction over an environmental case.

Of the 54 open or unresolved cases in the Mandela/West Grand Opportunity Area, there are only 8 sites identified on the California Department of Toxic Substances Control (DTSC) EnviroStor database as either “active” or inactive and in need of further investigation. These are sites that are either contaminated or believed to be contaminated with some level of toxic substances. The DTSC has issued closure certifications or no further action notice to 29 of 37 total cases within this Opportunity Area. There are also 4 sites closed by the DTSC which carry deed restrictions preventing future use of those sites for residential or other more sensitive uses without further remediation efforts.

In addition to the 8 DTSC sites, there are 30 other “open” sites identified on the State Water Resources Control Board’s (SWRCB) GeoTracker database, indicating sites that have had an unauthorized release of pollutants that may adversely affect groundwater and surface water. The majority of these sites are underground petroleum storage tanks suspected of a leak. The RWQCB has issued closure on 52 of 82 total cases within this Opportunity Area.

The Alameda County Department of Environmental Health (ACEH) works with the

RWQCB to ensure protection of human health and safety and the protection of the environment, and assumes jurisdiction on certain underground storage tank cases, as well as other spills, leaks, investigations and other cleanups. There are 15 total cases identified as being under current ACEH jurisdiction.

Of the 19 Opportunity Sites in the Mandela/West Grand Opportunity Area, 10 of these sites contain open environmental cases.

**Table 7.3-1: Mandela/Grand Opportunity Area – Environmental Cases**

	Open Cases	Closed Cases
Federal Environmental Cases	0	8
State and Local Database Cases:		
DTSC EnviroStor Database	8	29
SWRCB GeoTracker Database	30	52
ACEH Cases	15	
	54	88
<b>Total Environmental Cases</b>		<b>123</b>

Total cases does not equal the sum of database records due to multiple agency jurisdiction over certain sites

### *7th Street Opportunity Area*

There are a total of 52 reported environmental cases within the 7th Street Opportunity Area (see **Table 7.3-2**). Of that total, there are only 18 sites that currently remain open or unresolved, indicating that 34 sites (or nearly 65% of all reported environmental cases within this Opportunity Area) have been remediated and closed in a manner that meets regulatory agency standards for the protection of environmental health and safety.

One major environmental case, the former AMCO Chemical facility at 1414 3rd Street, remains “open” on the US EPA federal list, the DTSC list, the SWRCB list and the local ACEH list. It is a National Priorities List site, indicating that



its potential hazards to human health and the environment remain of national significance.

Of the other 17 open or unresolved cases in the 7th Street Opportunity Area, there are 7 active or on-going sites identified on the DTSC EnviroStor database that are either contaminated or believed to be contaminated with some level of toxic substances. The DTSC has issued closure certifications or no further action notice to 24 of 31 total cases within this Opportunity Area. There are 2 sites which carry deed restrictions preventing future use for residential or other more sensitive uses without further remediation efforts.

In addition to these 8 federal or DTSC sites, there are 9 other “open” sites identified on the SWRCB GeoTracker database, the majority of which are underground storage tanks suspected of a leak. The RWQCB has issued closure on 10 of 20 total cases within this Opportunity Area.

There are also 3 additional cases identified as being under current ACEH jurisdiction.

**Table 7.3-2: 7th Street Opportunity Area – Environmental Cases**

	Open Cases	Closed Cases
Federal Environmental Cases	1	5
State and Local Databases::		
DTSC EnviroStor Database	7	24
SWRCB GeoTracker Database	10	10
ACEH Cases	3	
	21	39
<b>Total Environmental Cases</b>		<b>52</b>

Total cases does not equal the sum of database records due to multiple agency jurisdiction over certain sites

Of the 11 Opportunity Sites in the 7<sup>th</sup> Street Opportunity Area, 6 Opportunity Sites have reported hazardous materials releases, and each of these 6 sites remains an open case.

### 3rd Street Opportunity Area

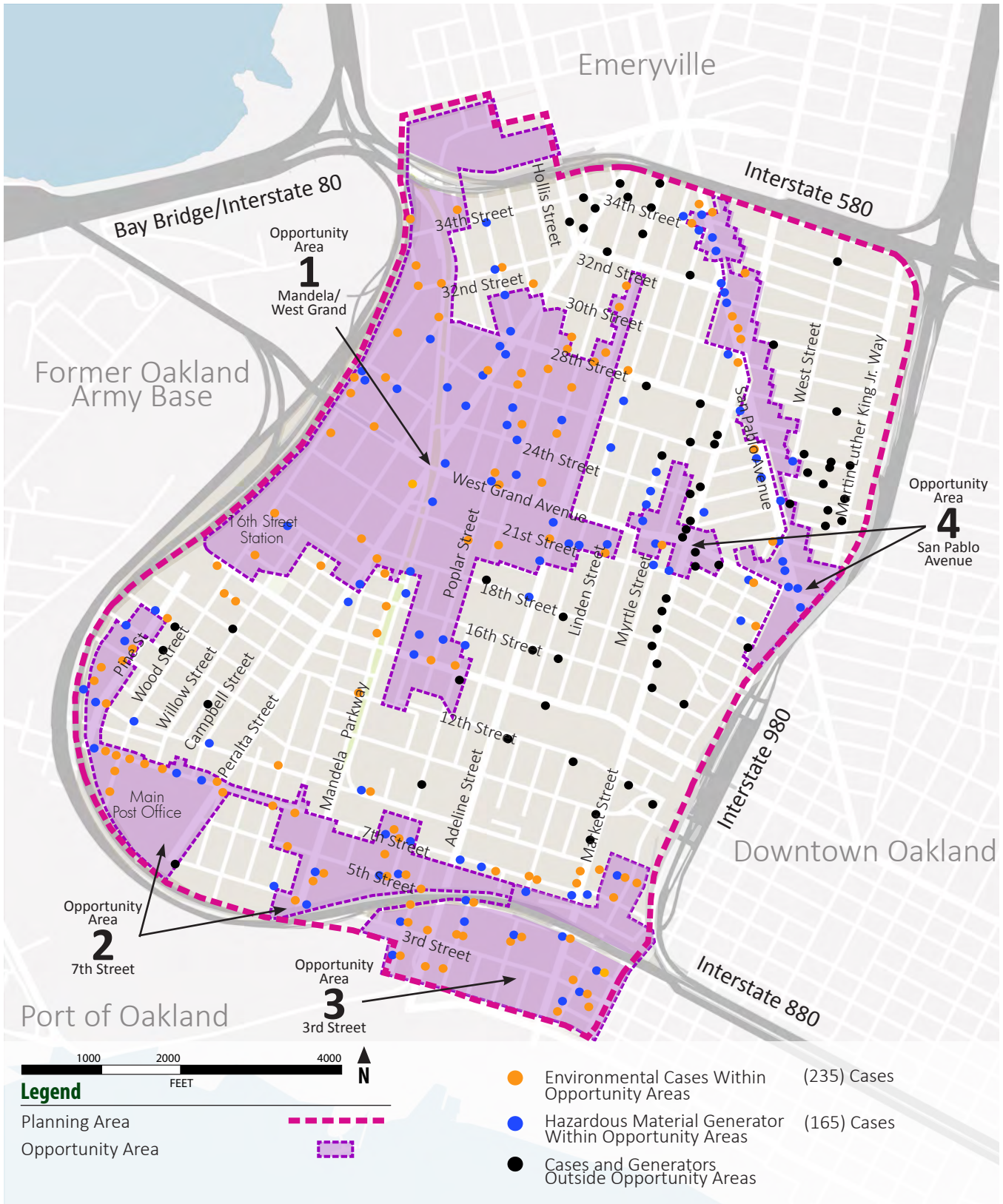
There are 31 reported environmental cases within the 3rd Street Opportunity Area (see **Table 7.3-3**). Of that total, there are only 12 sites that currently remain open or unresolved, indicating that 19 sites (or over 60% of all reported environmental cases within this Opportunity Area) have been remediated and closed in a manner that meets regulatory agency standards for the protection of environmental health and safety.

Of these 31 open or unresolved cases in the 7th Street Opportunity Area, there are only 2 active or on-going sites identified on the DTSC EnviroStor database that are either contaminated or believed to be contaminated with some level of toxic substances. The DTSC has issued closure certifications or no further action notice to 7 of 9 total cases within this Opportunity Area. There are 2 sites which carry deed restrictions preventing future use of those sites for residential or other more sensitive uses without further remediation efforts.

In addition to these 2 DTSC sites, there are 10 other “open” sites identified on the SWRCB GeoTracker database, the majority of which are underground storage tanks suspected of a leak. The RWQCB has issued closure on 14 of 25 total cases within this Opportunity Area.

There are no additional cases identified as being only under current ACEH jurisdiction.

Fig. 7.3.1: Environmental Cases



**Table 7.3-3: 3rd Street Opportunity Area – Environmental Cases**

	Open Cases	Closed Cases
Federal Environmental Cases	0	3
State and Local Databases:		
DTSC EnviroStor Database	2	7
SWRCB GeoTracker Database	11	14
ACEH Cases	0	
	13	24
<b>Total Environmental Cases</b>	<b>31</b>	

Total cases does not equal the sum of database records due to multiple agency jurisdiction over certain sites

Of the 2 Opportunity Sites in the 3<sup>rd</sup> Street Opportunity Area, 1 of these Opportunity Sites has a reported hazardous materials releases but its case has been closed.

### *San Pablo Avenue Opportunity Area*

There are 29 reported environmental cases within the San Pablo Avenue Opportunity Area (see **Table 7.3-4**). Of that total, there are 13 sites that currently remain open or unresolved, indicating that 16 sites (or over 55% of all reported environmental cases within this Opportunity Area) have been remediated and closed in a manner that meets regulatory agency standards for the protection of environmental health and safety.

Of these 29 cases, there are no sites reported on federal databases.

Of these 29 open or unresolved cases in the San Pablo Opportunity Area, there are only 4 active or on-going sites identified on the DTSC EnviroStor database that are either contaminated or believed to be contaminated with some level of toxic substances.

In addition to these 4 open DTSC sites, there are 7 other “open” sites identified on the SWRCB GeoTracker database, nearly all of

which are underground storage tanks suspected of a leak. The RWQCB has issued closure on 17 of 24 total cases within this Opportunity Area.

There are 2 additional current cases identified as being under current ACEH jurisdiction.

**Table 7.3-4: San Pablo Avenue Opportunity Area – Environmental Cases**

	Open Cases	Closed Cases
Federal Environmental Cases	0	0
State and Local Databases:		
DTSC EnviroStor Database	4	0
SWRCB GeoTracker Database	7	17
ACEH Cases	2	
	13	17
<b>Total Environmental Cases</b>	<b>29</b>	

Total cases does not equal the sum of database records due to multiple agency jurisdiction over certain sites

Of the 2 Opportunity Sites in the San Pablo Avenue Opportunity Area, 1 of these Opportunity Sites has a reported hazardous materials release, and this case is now closed.

In short, within the West Oakland Opportunity Areas there are a large number of reported environmental cases (a total of 235 cases). However, more than half (138 cases) have been closed by the respective oversight agencies. Of those cases that remain open, remediation efforts are still needed before new development can occur. Within those closed case sites, the level of prior clean-up efforts may vary and may be appropriate only for commercial or industrial use, may have deed restrictions preventing sensitive uses, or may stipulate additional agency oversight should development proposals be considered.

### Regulatory Framework

Federal, state and local laws and regulations, administered by numerous governmental agencies provide environmental investigation requirements and cleanup standards to assure that human health and environmental resources will be protected. The agencies most commonly involved in the oversight of environmental assessment and cleanup projects in the city of Oakland include:

- The California Department of Toxic Substances Control (DTSC), agencies.
- San Francisco Bay Regional Water Quality Control Board (SF RWQCB)
- Bay Area Air Quality Management District (BAAQMD),
- Alameda County Department of Environmental Health (ACDEH), and
- Oakland Fire Department, Hazardous Materials Unit (OFD)

Each of these agencies has prescribed jurisdiction and involvement in the management and remediation of hazardous contamination. The roles of the four key local and state agencies can generally be described as follows:

- The Alameda County Department of Environmental Health (ACEH) is generally the lead agency with respect to underground storage tank assessment and remediation cases.
- The San Francisco Regional Water Quality Control Board (RWQCB) also takes the lead on underground storage tank cases, but generally engages on a broader range of contamination cases, particularly when water quality is an issue.
- The Department of Toxic Substances Control (DTSC) generally engages in cases where there is a real or perceived threat to human health. While the DTSC does not oversee underground storage tank cleanups, their case-type jurisdiction does overlap with the County and the RWQCB.
- The Oakland OFD supports other City departments in the review of environmental conditions for certain sites, typically those

requiring some type of City approval for development. Project proponents should consult with City staff as early in a transaction or redevelopment undertaking as possible to determine review and approval requirements for their specific project.

### PUBLIC AGENCY BROWNFIELD REDEVELOPMENT EFFORTS

Brownfield programs empower all stakeholders to work together to prevent, assess, safely cleanup and sustainably reuse brownfields. Brownfield programs can leverage money and jobs for assessment, cleanup and revitalization of brownfields; can result in substantial environmental benefits generally having greater locational efficiency than alternative development scenarios at greenfield sites; can increase overall property values; and, according to anecdotal EPA surveys, can help reduce crime in recently revitalized brownfield areas.

Clean-up and remediation of contaminated sites is ultimately the responsibility of the property owner and/or the party who caused the contamination (known as the responsible entity). At times, it can be difficult to identify the responsible entity, involving (again, time consuming and expensive) litigation and court orders. However, several of those federal, state and local agencies involved in hazardous materials regulations have also established policy-based funding initiatives to facilitate clean-up of abandoned, idled, and underutilized properties and to promote reuse of brownfields. Unfortunately, most of the funding for the government-sponsored programs described below have shrunken dramatically compared to years past, but may still provide a viable source of assessment or cleanup funding. A short summary of public agency-sponsored brownfield initiatives includes:

#### Environmental Protection Agency's Brownfield Program

The U.S. Environmental Protection Agency's (EPA's) Brownfields Program is designed to



empower states, communities, and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. Brownfields grants serve as the foundation the Program, financially supporting environmental assessment, cleanup and job training activities.

- Brownfields Assessment Grants provide funding to local governments and non-profits for brownfield inventories, planning, environmental assessments, and community outreach.
- Brownfields Revolving Loan Fund Grants provide funding to capitalize loans that are used to clean up brownfields. The goal of the program is to put brownfield sites back to beneficial use, thereby regenerating sections of the city, creating jobs, and enhancing tax revenues. Allowable uses include removing, mitigating or preventing the release or threat of release of a hazardous substance, pollutant, or contaminant.
- Brownfields Job Training Grants provide environmental training for residents of brownfields communities.
- Brownfields Cleanup Grants provide direct funding to local governments and non-profits for cleanup activities at certain properties with planned green space, recreational or other non-profit uses.

The City's Brownfield Cleanup Loan Fund has been downsized in recent years, and is currently dormant for new lending. However the State DTSC or other California agency may have BCRLF funds available for large remediation projects in Oakland.

### Environmental Protection Agency's Superfund Program

The National Priority List, also known as the Superfund, allows the EPA to clean up contaminated sites and to compel responsible parties to perform clean-ups or reimburse the government for EPA cleanups. It involves the steps taken to assess sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. In

addition, the EPA has the authority to conduct removal actions where immediate action needs to be taken, to enforce against potentially responsible parties, to ensure community involvement, and to ensure long-term protectiveness.

### California Recycle Underutilized Sites (CALReUSE) Program

In November 2006, voters approved Proposition 1C, the Housing and Emergency Shelter Trust Act Fund Act, which set aside \$2.85 billion for housing in California. In 2007, the Legislature allocated \$60 million of these funds to CALReUSE for the purpose of brownfield cleanup that promotes infill residential and mix-used developments, consistent with regional and local land use plans. The California Pollution Control Financing Authority (CPCFA) administers the program, providing grants or loans for the clean-up of contaminated properties that result in development of housing which brings brownfield properties back into productive reuse.

- The CALReUSE Assessment Program provides forgivable loans to fund site assessment and characterization, technical assistance, remedial action plans, and site access. It prioritizes projects located in distressed communities, and requires that projects meet project readiness criteria, that applicants are a quality development entity with a proven track record, and that absent CALReUSE resources the project would most likely not move forward.
- The CALReUSE Remediation Program finances brownfield clean-ups that promote infill residential and mixed-use development, consistent with regional and local land use plans. Grants and loans are available up to \$5 million for eligible projects.

The CAL ReUSE remediation Program was a one-time roll out based on Prop 1C, and benefitted several Oakland projects including the Red Star Senior Housing project and Lampworks Loft project in West Oakland, but this program no longer has currently available



funds. The City of Oakland Economic Development Department has a small allocation of remaining CALReUSE Assessment Program funds for site assessment and characterization efforts.

### California Land Reuse and Revitalization Act

The California Land Reuse & Revitalization Act provides immunity from liability for response costs or damage claims to qualified innocent landowners, bona fide purchasers or contiguous property owners.

### DTSC's Voluntary Cleanup Program

Established in 1993, DTSC's Voluntary Cleanup Program allows motivated parties who are able to fund the assessment and/or cleanup and DTSC's oversight to move ahead at their own pace to investigate and remediate their sites.

### DTSC's Targeted Site Investigation (TSI) Program

The DTSC's TSI program is a grant program in which brownfields sites are selected to receive environmental investigation services through a competitive application process. For the selected sites, DTSC oversees the investigation and develops a report at no cost to the applicant.

### Brownfields Tax Incentives

The Brownfields Tax Incentive encourages the cleanup and reuse of brownfields. Under the Brownfields Tax Incentive, environmental cleanup costs are fully deductible in the year incurred, rather than capitalized and spread over time.

### AB 440

Prior to 2011, the Polanco Redevelopment Act authorized redevelopment agencies to take action to require the investigation and cleanup of an identified release of hazardous materials in accordance with applicable state and federal laws. Under this Act, the redevelopment agency could also perform the cleanup itself with the oversight of the DTSC, the San Francisco Bay Water Board or local agency if the

site owner or operator refused to do so. If the cleanup was completed in accordance with an approved cleanup plan and performed to the satisfaction of the responsible agency, redevelopment agencies, developers, subsequent land owners, and lenders received immunity from liability for the contamination. This Act also included cost recovery provisions to allow the redevelopment agency to pursue cost reimbursement from the responsible party for actions taken by the agency.

The loss of the Polanco Act was an unintended consequence of the elimination of redevelopment agencies throughout California in 2011. However, in October of 2013, the State legislature passed AB 440 giving cities, counties and some housing authority's similar tools and powers as provided under the previous Polanco Act.

## BROWNFIELD REDEVELOPMENT REMEDICATION & COMMUNITY PROTECTION STRATEGIES

Consistent with the West Oakland Specific Plan's intent to facilitate development, the following is a list of strategies recommended in this Plan to help redevelop brownfield sites, to protect neighborhoods from health risks associated with contaminated properties, and to facilitate the remediation process for contaminated sites in West Oakland.

### Leverage and Facilitate Private Investment

---

**Intent: Seek the means by which to facilitate private brownfield investments and to use new private development projects as a means to achieve remediation of remaining open environmental cases. Effectively partner public and private initiatives which seek to clean up sites that have been previously contaminated and where remediation efforts may be stalled or not yet initiated.**

---

The investigation and clean-up of contaminated sites in West Oakland is an issue that can be almost fully addressed through the single solution of additional funding. While

government grants and loans may provide needed stimulus, the catalytic land use changes envisioned under the West Oakland Specific Plan should increase property values of key Opportunity Sites and their surroundings, such that it will make greater economic sense for property owners and developers to invest private money into efforts needed to redevelop brownfield sites.

Once the economics of private brownfield remediation “pencil out”, additional steps are needed to overcome the obstacles associated with legal liability exposure and the perception of excessive time associated with regulatory reviews and approvals. The City can take active advocacy efforts to promote and motivate private investors to take advantage of these programs:

**Brownfield Investment-1:** Provide developers willing to conduct brownfield remediation efforts with immunity from liability, using the state Land Reuse and Revitalization Act.

**Brownfield Investment-2:** Speed up the regulatory oversight processes using such programs as DTSC’s Voluntary Cleanup Program.

**Brownfield Investment-3:** Provide assurance that human health and environmental resources will be protected without needlessly delaying future construction and development projects by implementing institutional controls such as through the City’s Permit Tracking System (PTS) and by considering reinstating the Urban Land Redevelopment (ULR) Program. The ULR Program is not active at this time, but had been operating through the Oakland Fire Department and was specifically intended to clarify environmental investigation requirements and establish Oakland-specific cleanup standards to be met.

## Grants & Loans

---

**Intent: The City of Oakland, together with private development entities, will continue to pursue all available federal and state brownfield grants, loans and other funding sources to help off-set the costs of site characterization and clean-up efforts, and to support related job training activities.**

---

Previous success stories of the use of brownfield grants in West Oakland include the restoration of Willow Park, a recreational area which fell into disrepair, became unusable and was discovered to have high concentrations of lead in the soil. The City used an EPA Revolving Loan Fund grant to remove the contamination and formed valuable federal and state partnerships that helped to fund the park’s restoration. Oakland has also used EPA Brownfield Assessment grants elsewhere in West Oakland to fund detailed site investigations.

**Grants and Loans-1:** Although the current EPA Revolving Loan Fund program is presently exhausted, the City should continue to monitor the availability of funds from this source over time, and remain poised to take advantages of this source of funds at such time as the Fund may be replenished.

**Grants and Loans-2:** Continue brownfield clean-up efforts through to completion, securing the necessary funds through to remediation and reuse.

**Grants and Loans-3:** Target future grant and loan applications for brownfield redevelopment efforts necessary to ready West Oakland Opportunity Sites for new development. Shorter-term remediation needs may be prioritized at the following locations:

- West Oakland BART Station TOD sites,
- Sites where current recycling operations are anticipated to relocate to the former Oakland Army Base, creating new development opportunities, and
- Contaminated sites in nearest proximity to residential neighborhoods, where

remediation and clean-up efforts may have the greatest beneficial effect on community health concerns.

#### AB 440 (successor to the Polanco Act)

---

**Intent: The City of Oakland should consider the potential benefits associated with utilizing the tools and powers of AB 440 to actively compel those responsible parties to clean-up contaminated sites.**

---

New state legislation (AB 440) makes the prior Polanco Act tools available to the City of Oakland, giving the City greater authority to compel landowners and responsible parties to implement remediation efforts. Advantages of invoking the powers of this new legislation include speeding up the cleanup process, providing immunity from liability to facilitate financing for the development projects, and shifting the cleanup costs to the responsible parties.

The City of Emeryville has been an example of rigorous use of similar tools under the previous Polanco Act, enabling that city to facilitate the clean-up and redevelopment of large portions of that city, making way for substantial redevelopment efforts at the nearby Bay Street retail and residential development and elsewhere in the immediate vicinity of West Oakland. Therefore, the following is recommended in this Specific Plan:

**AB 440-1:** Consider use of the tools and powers authorized under AB 440 more rigorously than the former Redevelopment Agency had used similar Polanco Act powers in the past.

#### Collaborate with EPA to Establish Appropriate Remediation of the Former AMCO Chemical Site

---

**Intent: Continue coordination efforts with the US EPA to provide input on re-use goals, site controls, reuse concerns and potential interim uses at the former AMCO Chemical facility site near South Prescott.**

---

Within the 7th Street Opportunity Area and approximately one block south of the West Oakland BART Station is the former AMCO Chemical facility located at 1414 3rd Street. This property has a long history of documented contamination, is listed on the National Priorities List (NPL) of federal Superfund sites, and is currently under site investigation and characterization efforts by the US EPA. Once these investigations are completed, the EPA will be identifying and selecting a remediation plan for the site. Important planning considerations for this site which need to be addressed and incorporated into EPA's remediation plan, as well as into this Specific Plan, include:

**AMCO Superfund Site-1:** Coordinate with the US EPA to ensure that remediation plans for this site anticipate and allow for adaptive redevelopment that can occur in as reasonable a time frame as possible. The former AMCO property is located on a block that is planned as a transition zone between the West Oakland BART Station TOD and the core residential area of the South Prescott neighborhood. Adaptive redevelopment should weigh costs and time frames for the variety of mitigation alternatives against the variety and desirability of future land use options.

**AMCO Superfund Site-2:** Recognize that cleanup activities at the site may influence how this site may ultimately be developed, and may potentially include targeted land use restrictions to ensure protection of human health and the clustering of long-term remedial features which may be needed on an on-going basis. Options may include restricting any residential uses on

the ground floor, while allowing upper story residential uses.

AMCO Superfund Site-3: Acknowledge and accommodate long term clean-up actions, which may require phased development of the AMCO property.

- Technical expertise should be applied to explore the potential benefits of a bamboo forest as a long-term or interim use at the AMCO site. Such use could facilitate groundwater cleanup, provide a cap for known lead present within the soil, help reduce air pollution from nearby I-880 freeway traffic, and provide an aesthetic screen around the site while cleanup is ongoing.
- Consider commercial-only alternatives as a viable development scenario, rather than residential, due to cost of contamination remediation and proximity of this site to the Amtrak Maintenance Facility and I-880.
- Provide an appropriate land use buffer to ensure compatibility with the adjacent South Prescott neighborhood.

### Reduce CEQA Delays

---

**Intent: The City should take all legal and appropriate steps to reduce CEQA-related delays, without increasing the risks to the public or the environment and without reducing public disclosure and transparency.**

---

The California Environmental Quality Act (CEQA) is a regulatory tool requiring full disclosure of potential environmental impacts of projects, and the identification of necessary and appropriate mitigation measures to reduce and avoid such impacts. CEQA provides for several types of such disclosure documents, the most rigorous and time-consuming of which is an Environmental Impact Report (EIR). However, under appropriate circumstances, CEQA provides for the use of less time intensive processes, including Negative Declarations and various types of exemptions..

The City should take all available steps to reduce unnecessary CEQA-related delays, without increasing the risks to the public or the environment and without reducing public disclosure and transparency. Such steps include:

Facilitate CEQA-1: Work with other federal and state agencies to remove from active databases those sites which have been fully remediated and closed such that they no longer automatically trigger the need for an EIR.

Facilitate CEQA-2: Rely on the EIR prepared for the West Oakland Specific Plan to the greatest extent legally appropriate for the CEQA review of hazardous materials sites within West Oakland.

Facilitate CEQA-3: Defer to existing regulations and the City of Oakland's Standard Conditions of Approval and Uniformly Applied Development Standards as necessary and appropriate mitigation as a means to streamline subsequent environmental reviews.

### Reduce and Minimize the Public's Exposure to Contamination

---

**Intent: Protect existing and future West Oakland residents and employees from potentially unhealthy effects of prior contamination.**

---

Even those sites in West Oakland that have already undergone extensive site investigations and clean-up efforts may continue to pose health hazards to sensitive land uses such as residences, schools, health care facilities, etc. This is because the clean-up standards established for certain sites may only be appropriate for future commercial or industrial uses. To protect sensitive uses, the Specific Plan includes the following land use recommendations:

Reduce Exposure-1: Retain commercial and/or industrial land use designations on those sites which have been remediated, but only to commercial/industrial standards, and

limit the exposure of sensitive land uses by restricting or limiting new residential development at those sites known to have been previously environmentally contaminated.

Reduce Exposure-2: Identify additional steps that may be necessary to further investigate and potentially remediate sites proposed for more sensitive uses

Reduce Exposure-3: Recognize that certain sites carry deed restrictions which prevent development of more sensitive (e.g., residential) land uses. Restrict development of more sensitive (e.g., residential) land uses on those sites which carry deed restrictions prohibiting such uses. If sensitive uses are proposed on such sites, additional remediation requirements will be required.

Reduce Exposure-4: Acknowledge the longer-term development phasing requirements associated with certain sites that have lengthy site characterization and remediation programs.

### Industrial/Residential Interface

---

**Intent: Retain those industrial and business uses that are important contributors to the West Oakland economy, but address the sensitive relationship between these uses and adjacent neighborhoods.**

---

West Oakland is home to many on-going industrial uses including warehousing, transportation related uses, food processors, various types of smaller manufacturers, building construction and related businesses, metal works and fabrication uses, various auto dismantling activities and junkyards, as well as a wide variety of commercial and auto-related uses.

Ind./Res. Interface-1: Encourage the relocation of those types of land use which are known to generate toxic hazard concerns (i.e., waste recycling operations, heavy truck-dependent uses, and large quantity generators of hazardous materials) to

alternative locations outside of and distant from residential neighborhoods.

Ind./Res. Interface-2: To ensure that new industrial and commercial development which may use or generate hazardous materials provides appropriate buffers between adjacent sensitive uses, the City should retain, modify as appropriate, and rigorously enforce the current S-19 Health and Safety Protection Combining Zone regulations. Among other requirements, these regulations:

- prohibit certain activities (such as manufacturing, storing or use of explosives, electroplating; hazardous waste management, industrial/transfer storage, and residuals repositories); and
- preclude the storage or use of hazardous materials and waste within 300 feet of a residential, institutional or open space zoning district without written approval or consent of the Fire Department.

Ind./Res. Interface-3: Continue to implement those regulatory mechanisms which seek to minimize the potential for spills and contamination of soils and groundwater. Under such regulations, any new use which handles or generates hazardous materials must submit a Hazardous Materials Business Plan for review and approval by the Fire Department, Hazardous Materials Unit. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials, provides information to the Fire Department should emergency response be required, and includes an emergency response plan including employee training information.

In summary, many properties in West Oakland have had historic industrial uses and as a consequence possess some degree of environmental contamination. As described, a large number of these sites have been addressed and the contamination cured, often in association with property redevelopment. Some properties where redevelopment has yet to occur still contain a known or suspected environmental condition in need of a cure.



This Specific Plan includes a list of strategies to help redevelop brownfield sites and to protect neighborhoods from health risks associated with contaminated properties. In almost all instances, continued economic investment in the conversion of remaining brownfield sites to new, economically productive land uses can remove both the real and the perceived environmental concerns associated with these sites. Despite the current shortage of available government funds, there is still strong potential to leverage private investment in clean-up efforts with the participation of other actively involved public agencies such as DTSC and the US EPA, (potentially using available grants and loan programs, more rigorous use of AB 440 powers, and reducing unnecessary CEQA delays in the process.

## 7.4: Educational Resources

Schools are an important resource within the West Oakland Specific Plan Area. It is important that adequate educational facilities and resources remain available to existing and future residents within the Planning Area. The Oakland Unified School District (OUSD) operates the public school system in the City of Oakland. The OUSD administers 77 elementary schools, 19 middle schools, one junior high school, 31 high schools, and two K-12 schools citywide. It is also responsible for three alternative schools, two special education schools, three continuation schools, three community day schools, and one opportunity schools.<sup>4</sup> The School District's overall enrollment peaked in 1999 at 55,000, dropped to 39,000 by 2007, and is continuing to decline. Declining enrollment is projected to continue.<sup>5</sup>

The OUSD divides the city into three regional zones to manage resources. The Plan Area is located within Region 1. There are 22 elementary schools, seven middle schools and one K-8 school within Region 1.<sup>6</sup> OUSD has four elementary schools, two middle schools and one high school in West Oakland. **Figure 7.4.1** illustrates the location of OUSD facilities within the Planning Area.

<sup>4</sup> Ed-data, 2010.

<sup>5</sup> Oakland Unified School District (OUSD), *Multi-Year Fiscal Recovery Plan*, 2005; Oakland Unified School District (OUSD), *Our Challenges and Goals*, available online at: <http://publicportal.ousd.k12.ca.us/199410102104342143/site/default.asp?>, 2012.

<sup>6</sup> Oakland Unified School District (OUSD), *School Sites by Region or Network w/Site Number*, available online at: [http://publicportal.ousd.k12.ca.us/ousd/lib/ousd/\\_shared/2010-11SchoolSitesbyRegionasof8.2.10-2.pdf](http://publicportal.ousd.k12.ca.us/ousd/lib/ousd/_shared/2010-11SchoolSitesbyRegionasof8.2.10-2.pdf), accessed July 18, 2012.

### *West Oakland OUSD High Schools*

- McClymonds High School at 2607 Myrtle Street has approximately 254 students. McClymonds is a highly valued resource in West Oakland since it is the only full-sized public high school in Region 1.

### *West Oakland OUSD Middle Schools*

- Ralph Bunche Middle School at 1240 18th Street has approximately 252 students.
- Lowell Middle School at 991 14th Street has approximately 265 students and houses the West Oakland Middle School and Kipp Bridge Charter Academy.

### *West Oakland OUSD Elementary Schools*

- Hoover Elementary School at 890 Brockhurst Street has approximately 328 students.
- Lafayette Elementary School at 1700 Market Street has approximately 300 students.
- Martin Luther King, Jr. Elementary School at 960 10th Street has approximately 350 students.
- Prescott Elementary School at 920 Campbell Street, now known as Preparatory Literary Academy of Cultural Excellence (PLACE) @ Prescott, had 208 students during the 2010-2011 school year.

OUSD also operates auxiliary services on former school sites: Cole Middle School at 1011 Union Street, originally an elementary school, is currently an administrative facility and the headquarters of the OUSD police unit. Foster Elementary School at 2850 West Street is not presently used as a school and contains OUSD administrative functions, and OUSD anticipates planning/design renovation to house a new central kitchen facility and small urban farm.

Fig. 7.4.1: OUSD Public Schools & Facilities



OUSD charter schools in West Oakland include: Oakland Charter High School (Grades 9-12) located at 345 12th Street, KIPP Bridge Charter School (Grades 5-8) located at 991 14th Street, Oakland School of the Arts (Grades 6-8) located at 530 18th Street, and the American Indian Public Charter School II (Grades 6-8) located at 171 12th Street.

West Oakland schools currently include some of the poorest performing schools in the city. Poor schools are a significant problem for existing families and a deterrent to potential new residents with children; they limit students' potential to develop academically and experience opportunities that often come with academic success and hinder student's ability to participate in future employment resources. The OUSD recently announced that it plans to close underutilized school sites based on factors that include performance and enrollment trends. Given the current fiscal dilemma of the OUSD, and the low enrollment and past performance of the West Oakland schools, there is a potential that one or more of the schools in West Oakland could be closed in the near future. West Oakland residents are working to improve area schools for current students, and prospective families with children are unlikely to view local schools as a motivation to move to the area.

As authorized by California Government Code Sections 65995, 65996(a) and 65996(b), the OUSD collects school impact fees from developers of new residential and non-residential building space. The City imposes this fee through building permits. The impact fee revenue is used together with other district funds (e.g., state grants, general obligation bonds) to complete capital improvements. The amount of the fee is established through the district's Developer Fee Justification Study.

The Specific Plan would provide for the development of up to an additional 5,090 net new housing units and 4,030,000 square feet of net new non-residential space within the Opportunity Areas. This additional development is expected to result in an estimated 11,136 new residents and 14,850 new jobs in the Plan Area by 2035. This

residential development would generate approximately 718 new elementary school students, 305 middle school students and 370 new high school students (a total of 1,395 students) attending the OUSD.

These new students would be added to district-wide enrollment through 2035 or longer. New students would be distributed among the schools serving OUSD Region 1, thereby reducing substantial enrollment impacts to any one school. Given the current declining student enrollment in OUSD schools, the District is likely to have capacity within its existing facilities to accommodate new students generated by projects constructed pursuant to the Specific Plan. If classroom capacity within the specific schools serving the Specific Plan Area were found to be unavailable at the time new students enter the school system, the OUSD could reopen closed school facilities, reassign students among other schools within the District, expand year-round schooling, add more portable classrooms, transport students to less crowded schools, or find opportunities to more efficiently use existing school facilities.

West Oakland's schools include several substantial and distinguished modern buildings. If campuses are closed in the short term, it would be prudent to maintain the facilities in good condition, perhaps with interim uses, to be ready for rising enrollments that may result from the Plan.