

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA - REVISED

June 11, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 11, 2020.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-877-853-5257 and entering access code 790-512-1598.

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be included in the record and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 3:00 p.m. on June 10 in order to be provided to the Board prior to the Meeting.
- 2) Call 1-877-853-5257, enter access code 790-512-1598, and dial *9 to raise your hand when you wish to speak. **Public comment is limited to three (3) minutes per person.**

Any action requiring more than a majority vote for passage will be so noted.

Items placed under "consent calendar" are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>).

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Jacqueline R. Edwards
Assistant District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.

2. PUBLIC HEARING
 - A. Fiscal Year 2021 Annual Budget.*

3. CONSENT CALENDAR
 - A. Approval of Minutes of the Meeting of May 28, 2020.*
Board requested to authorize.

 - B. Extension of Software License Agreement with TriTech Software Systems for BART's Regional Anti-Terrorism and Integrated Law Enforcement System (RAILS) (Agreement No. 79HP-120).* Board requested to authorize.

4. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

5. ADMINISTRATION ITEMS

Director McPartland, Chairperson

 - A. Fiscal Year 2021 Annual Budget. For information.

 - B. COVID-19 Update: Impact of and Responses to COVID-19.* For information.

6. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

 - A. Update on Fare Gates.* For information.

7. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

- Property: Property Located at the West Oakland BART Station, bounded by 7th Street to the north, Mandela Parkway to the east, 5th Street to the south, and Chester Street to the west (APN's 004-0071-003, 004-0077-003 and portion of Center Street vacated by Ordinance No. 8225 recorded October 20, 1970, in Reel 2715 Image 89 of Alameda County Official Records).
- District Negotiators: Carl Holmes, Assistant General Manager, Design and Construction; Val Menotti, Chief Planning and Development Officer; Sean Brooks, Director of Real Estate & Property Development; Paul Voix, Principal Property Development Officer; and Economic & Planning Systems.
- Negotiating Parties: China Harbour Engineering Company (CHEC), Mandela Station Partners, LLC (MSP), and San Francisco Bay Area Rapid Transit District.
- Under Negotiation: Price and Terms
- Government Code Section: 54956.8

8. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Saltzman, Chairperson

A. West Oakland BART Station Transit-Oriented Development Project.*

- i. West Oakland Specific Plan EIR (WOSP EIR) and Addendum #1 to the WOSP EIR (Addendum #1). Board requested to certify that it reviewed and considered the WOSP EIR and Addendum #1 and adopt the City of Oakland's WOSP EIR and Addendum #1 Findings, Statement of Overriding Considerations and Standard Conditions of Approval Mitigation Monitoring and Reporting Program that apply to the West Oakland BART Transit-Oriented Development Project. Board requested to adopt.
- ii. Assignment of Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd. to Mandela Station Partners, LLC. Board requested to authorize.
- iii. West Oakland BART Station Transit-Oriented Development Project. Board requested to authorize.
- iv. That the General Manager or his designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion. Board requested to authorize.

B. Update on BART and Valley Transportation Authority Phase I.*
For information.

9. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

10. BOARD MATTERS

- A. Resolution in Support of the Establishment of a United States Commission on Truth, Racial Healing and Transformation.* (Directors Simon, Dufty, Allen, Ames, Foley, Li, McPartland, Raburn, and Saltzman requested)
Board requested to adopt.
- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

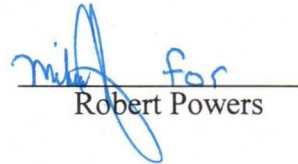
DATE: June 5, 2020

FROM: General Manager

RE: FY21 Budget Public Hearing presentation

Attached is a "FY21 Budget Public Hearing" presentation that will be presented to the Board at the June 11, 2020 meeting as an information item.

If you have any questions about the document, please contact Pamela Herhold, Assistant General Manager, Performance and Budget, at 510-464-6168.


Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,864th Meeting
May 28, 2020

A regular meeting of the Board of Directors was held on May 28, 2020, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

Directors Present: Directors Ames, Dufty, Foley Li, McPartland, Raburn, Saltzman and Simon.

Absent: None. Director Allen entered the Meeting later.

President Simon gave opening remarks and instructions on the virtual meeting, accessing presentation materials online, and Public Comment.

Director Allen entered the Meeting.

President Simon announced that Item 6-A, BART Headquarters Office Building (2150 Webster St., Oakland, CA), had been removed from the Meeting agenda and that the Item would be discussed at a future meeting. She also gave instructions on Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of May 14, 2020.
2. Revision of the Selection of Underwriting Pool from which Senior Manager and Co-Managers Will Be Designated for the Issuance and Sale of the District's Bonds.
3. Approval of BART's Public Transportation Agency Safety Plan (PTASP).
4. Extension of Agreement No. 6M6122 with eLock Technologies, LLC to Provide On-Demand Bike Locker and Bike Station Kiosk Maintenance Services for BART's Program.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions.

1. That the Minutes of the Meeting of May 14, 2020 be approved.
2. That the revised list of Underwriters as shown on Exhibit A be approved. (Exhibit A is attached and hereby made a part of these Minutes).
3. That the BART Public Transportation Agency Safety Plan dated May 8, 2020 be approved and adopted. (The PTASP is attached and hereby made a part of these Minutes).

4. That the General Manager or his designee be authorized to negotiate a one-year extension of Agreement No. 6M6122 with eLock Technologies for a BikeLink locker and Bike Station kiosk maintenance agreement in an amount not-to-exceed \$207,250.00.

Director McPartland recognized System Safety Department staff for their work on the PTASP.

The motions brought by Director Raburn and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (Director Allen’s vote was received later due to audio/visual technical difficulties.)

President Simon called for general Public Comment.

Ms. Williams read written comments submitted by the following individuals into the record:

Kiara Evans
Michelle Voz
Alan Hogan
Jordan Miner
Amanda Delsid
Isaac S.
Jane
Andrew Klein

President Simon gave additional instructions regarding Public Comment.

Aleta Dupree and Daniel Golinski addressed the Board via telephone.

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board.

Ms. Tamar Allen, Assistant General Manager, Operations; Chief of Police Ed Alvarez; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Ms. Alicia Trost, Chief Communications Officer; Mr. Rodd Lee, Assistant General Manager, External Affairs; Ms. Gia Ilole, Assistant General Manager, Administration; and Mr. Robert Powers, General Manager, presented the item. The presentation contained sections on Front Line and Public Safety Efforts, Ridership, Advocacy, and Employee and Labor Partner Engagement.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director Saltzman thanked BART employees; commented on and/or inquired about employee testing, the 15 Step Welcome Back Plan (hereinafter referred to as “Plan”), publication and communication of the Plan, support for the new seat layout pilot, BART Police Department (BPD) enforcement efforts as outlined in the Plan, updating the BPD information in the Plan, increased BPD presence and fare checks, as outlined in the Plan; and requested the she be provided a full briefing on the Plan, that the BPD information in the Plan be re-written, and that the Plan be reviewed.

Director Raburn thanked BART employees; applauded Ms. Dupree's comments regarding protection of employees and passengers; and commented on and/or inquired about the communication of the Plan, recovery, the provision of masks to the public, increased BPD presence on trains, system hardening, public safety, accessibility and the proposed seat configuration, cap and trade uncertainty, and evaluating ultraviolet germicidal applications, particularly in the heating, ventilation, and air conditioning (HVAC) system.

Director McPartland commented on daily decontamination of trains, Ms. Dupree's comment regarding addressing additional surges of the COVID-19 virus, flexibility with increased ridership, the Plan, public safety and issuing personal hand straps, issuing masks and public confidence, the Plan and increasing ridership, and BART's flexibility with addressing the COVID-19 situation.

Director Li thanked BART employees and commented on BART's efforts to keep employees and riders safe, ridership, publication and communication of the Plan, mask availability and the face covering requirement, BPD presence and enforcement, riders' experiences with BPD enforcement of the face covering requirement, an education-first approach to law enforcement and distribution face coverings, disapproval of the enforcement-first approach language in the Plan, avoiding the use of the face covering requirement to enforce other policies and laws, and publishing information regarding distribution of masks instead of an enforcement-first approach.

Director Dufty thanked BART employees; commented on BART's 50th anniversary, publication of the Plan, the new seat configuration and soliciting riders' feedback, and issuing masks and safety; thanked Ms. Tamar Allen and staff for their communication with vendors; and requested that the Plan be discussed under the General Manager's report.

Director McPartland commented on issuing masks, the supply of masks, and increasing ridership.

Director Allen thanked BART employees and commented on BART's mission statement, the public's demand for the mission statement, enforcement and returning ridership, social distancing, ensuring that fares are paid, train capacity, controlling fare evasion, increased BPD enforcement, station hardening, enforcement of the face covering requirement, the Plan, and publication and communication of the Plan, and disapproval of the new seat configuration.

Director Ames commented on and/or inquired about ridership, appreciation for BART employees, ridership confidence, the COVID-19 virus vaccine, education about wearing masks, BPD presence, the new faregate pilot, station hardening, the Blue Ribbon Transit Task Force and obtaining infrastructure funding for new faregates and HVAC system upgrades, Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, capital funding, and station security; thanked Ms. Tamar Allen for evaluating High Efficiency Particulate Air (HEPA) filters and ultraviolet lighting in the HVAC systems; and requested a detailed assessment of controlling each station and information about the new faregate installation at the next Board Meeting.

Director Saltzman commented on her support for BART requiring masks.

Director Foley recognized BART employees; commented on and/or inquired about daily fogging of trains, rider confidence, the Plan regarding running longer trains and social distancing, the fee

for and distribution of personal hand straps, and business outreach and alternate work schedules; and requested information regarding systemwide ridership capacity and social distancing.

Director McPartland commented on providing county health officials with access to surveillance and the resurgence of the COVID-19 virus.

President Simon recognized BART employees; commented on Chief Alvarez's safety goal and achieving the goal, 21st Century policing policies and law enforcement, and accountability with regard to Chief Alvarez and BPD; and thanked Board Members' for their efforts to procure more resources.

Director McPartland brought the matter of Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget before the Board. Mr. Powers, Ms. Herhold, Ms. Tamar Allen, Mr. Christopher Simi, Director of Budgets, Chief Alvarez, and Ms. Ilole presented the item.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director McPartland thanked Ms. Dupree for her comment regarding the increased cost of power during summer.

Director Saltzman commented on and/or inquired about support of the budget proposal, capital project timeline information, the weekend service plan, weekend ridership, approving the budget with thirty-minute weekend headways; and requested that the history of capital allocations over the past ten years and detailed information about increasing service be addressed in the next budget presentation.

Director Raburn commented on and/or inquired about the working budget memo, engagement with the Board, shifting BART Police Officers from capital work to operations work, how classifications are converted from capital work to operations work, maintaining nineteen BART Police Officer positions, BART Police Officer staffing levels, discussion of BART Police Officer staffing with union leaders, and hardening the elevator at Coliseum Station.

Director McPartland commented on and/or inquired about flexibility regarding the Rail Service Strategy for September 2020 to February 2021, providing hand sanitizer and masks at 50% of BART stations, four months of lead time and hiring, and Operations Department staffing levels and increasing service.

Director Li commented on support for quarterly budget reports to the Board, ridership return, future federal funding allocations, rebuilding trust with riders, safety and cleanliness, new faregates, a later closing time on weekdays, using a data-driven approach to service, maintaining employment of BART workers and service scenarios, weekend headways, increasing weekend and weeknight ridership; and requested increased engagement with the Board.

Director Dufty thanked Director Raburn for recognizing staff's work, recognized Ms. Herhold, Ms. Tamar Allen, and staff for their efforts, and commented on and/or inquired about using a data-driven approach to service, BPD staffing and hiring, communicating information regarding BPD operations and staffing to riders, and assignment of new BART Police Officers to trains.

Director Allen commented on development of the Fiscal Year 2021 (FY 21) budget, total FY 21 budget reductions, increase between the Fiscal Year 2020 (FY 20) and FY 21 budgets, reduction in operating expenses, COVID-19 expenses, control over budget factors, ridership, labor costs, expansion of service into Santa Clara County, BART's purpose, stabilizing spending, Santa Clara Valley Transportation Authority's (SCVTA) payments to BART, BART's Real Estate Department, reducing overhead, Board Members' fiduciary obligation to taxpayers, and opposition to the presented budget.

Director Ames commented on and/or inquired about the FY 21 budget, ridership, social distancing, the COVID-19 virus vaccine, ventilation and safety concerns, reducing operating expenses, CARES Act Tranche 2 funding, FY 20 rail car allocation deferment, operating costs, cost-of-living increases for staff, across-the-board budget reductions, reductions in non-labor costs and operating expenses, communication with union leaders, funding for new faregates, lack of confidence in the presented budget, installation of faregates, and addressing ventilation issues; and requested that staff reduce operating expenses or non-labor costs.

Director Foley thanked Board Members for their feedback and commented on support for the presented budget and quarterly budget updates, openness to meeting more frequently, and ensuring that the extension into Santa Clara County is revenue-neutral, at a minimum.

President Simon commented on support for staff's consultation with experts, FY 21 budget Option B, weekly status assessments, decisions based on data, development of the proposed budget, efforts to utilize employees to avoid hiring contract workers, communication with union partners and staff, and support for the presented budget.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, before the Board. Mr. Kevin Reeg, Project Manager, Strategic Engineering, and Ms. Tamar Allen presented the item.

Director Dufty asked staff to address the review of the Engineer's Estimate and thanked Mr. Reeg, Mr. Laurence Farrell, Group Manager, Engineering, Civil/Structural/Construction Engineering, and staff for their review.

Director Raburn expressed appreciation for Ms. Tamar Allen's explanation and the new processes that have been implemented.

Director Raburn moved that the General Manager be authorized to award Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, to DMZ Builders of Concord, California for the Bid Price of \$6,435,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures. President Simon seconded the motion.

Director Ames applauded Ms. Tamar Allen for her explanation, asked whether future bids will be more detailed, and commented on the impact of more detailed bids.

The motion brought by Director Raburn and seconded by President Simon carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

The Board Meeting recessed at 12:25 p.m.

The Board Meeting reconvened at 12:37 p.m.

Director Dufty brought the matter of Quarterly Service Performance Review – Third Quarter Fiscal Year 2020 before the Board. Ms. Tamar Allen presented the item.

Director Dufty expressed that he was looking forward to the next report.

Director Raburn commented on and/or inquired about the collection of quality-of-life data, car reliability for Fleet of the Future (FOF) trains, opportunities for social distancing on FOF cars, increase in BART Police Officer presence, and BPD hiring.

Aleta Dupree addressed the Board via telephone.

President Simon noted that Item 6-A, BART Headquarters Office Building (2150 Webster St., Oakland, CA), would be heard at a future Board Meeting.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

The item was discussed, with the following highlights:

Director Li commented on the revenue service date, new stations, and train service.

Director Ames commented on and/or inquired about President Simon's speech on behalf of BART, SCVTA's efforts to secure stimulus funds for operating losses, and addressing potential deficits with stimulus funding.

Director Raburn thanked Mr. Holmes, Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction, for their work, and commented on the impact of expanding service into Santa Clara County and his request for the Operating and Maintenance Agreement to be posted on the BART and SCVTA websites.

Aleta Dupree addressed the Board via telephone.

Director Saltzman thanked staff for their work.

President Simon brought the matter of Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2020 before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, and Ms. Herhold presented the item.

Director Allen asked for information about the pension reserves.

President Simon called for the General Manager's Report. Mr. Powers reported that BART will issue a Call for Projects for the Safe Routes to BART program and that the first Blue Ribbon Transit Recovery Task Force meeting will be held on May 29, 2020 from 1:30 p.m. to 3:30 p.m.

Mr. Powers, Ms. Tamar Allen, Ms. Alicia Trost, Chief Alvarez, Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, and Mr. Holmes presented information about the 15 Step Welcome Back Plan.

The item was discussed, with the following highlights:

Director Ames commented on and/or inquired about soliciting feedback regarding riders' comfort with three-foot social distancing on trains.

President Simon commented on public health official's current six-foot social distancing requirement and reaching a three-foot social distancing standard and requested that staff address Director Ames' question.

Director Ames commented on planning and riders' nervousness.

President Simon requested that staff address the social distancing issue in a memo.

Director Ames commented on reducing the COVID-19 virus, maintaining a six-foot social distancing standard, implementing capital projects, and her confidence regarding three-foot social distancing.

President Simon commented on the Board directly addressing spacing concerns in the upcoming formal update.

Director Ames commented on consideration of whether three-foot social distancing is a realistic scenario for riders.

Director Li commented on the Rebuilding Ridership Task Force, the Board's involvement in policy decisions, soliciting feedback from riders, consultation with public health experts, face coverings, and social distancing.

President Simon commented on BART's consultation with epidemiologists.

Director Li commented on and/or inquired about including experts who have consulted with BART in future Board Meetings, support for contactless payment, issues with Clipper®-only payment and mitigation efforts to distribute free Clipper cards, Ms. Dupree's comment related to open payment methods, business community outreach, resuming survey work, the

Customer Satisfaction Survey (CSS), including COVID-19-related questions in the CSS, support for a BART store, and the personal hand strap fee.

President Simon indicated that Director Dufty needed to leave the Meeting early and requested that Director Dufty provide his Board Member Report. Director Dufty requested that the Meeting be adjourned in honor of the following individuals:

Larry Kramer, playwright of *The Normal Heart* and co-founder of Gay Men's Health Crisis and AIDS Coalition To Unleash Power (ACT UP).

Kendra Bell-Williams, member of the Lower Haight neighborhood community in San Francisco and former neighbor of Director Dufty.

Margot Antonetty, supportive housing leader for the City and County of San Francisco and colleague of Director Dufty.

Director Dufty exited the Meeting.

Director Raburn associated himself with the comments of Director Li, specifically regarding Clipper, and commented on customer confidence and health departments' approach to testing and tracing and the inclusion of requests for business' assistance with ensuring that testing and tracing are funded in BART's business outreach.

Director McPartland indicated that he needed to leave the Meeting early.

President Simon requested that Director McPartland offer his comments and provide his Board Member Report.

Director McPartland commented on focusing on epidemiology without waiting for a consensus from other counties in the future, BART's autonomy, social distancing, return of ridership, workers' decisions to work from home, reticence surrounding use of public transit, recovery, networking with other transit agencies, and making decision based on risks to patrons.

Director McPartland exited the Meeting.

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Ames reported that she had attended the Santa Clara Valley Transportation Authority Partnership Special Committee meeting on May 22, 2020.

Director Li thanked Mr. Powers and BART Communications staff for publishing "Portraits of women rail workers at BART, in their own words."

Director Raburn reported that he had attended the Santa Clara Valley Transportation Authority Partnership Special Committee meeting on May 22, 2020.

Director Saltzman expressed support for the publication of “Portraits of women rail workers at BART, in their own words” and reported that the first Audit Ad Hoc Committee meeting will be held on June 4, 2020 at 1:00 p.m.

Director Foley reported that a meeting of Labor Negotiations Review Special Committee will be held on May 29, 2020 at 9:00 a.m.

President Simon thanked Board Members for their participation in meetings with stakeholders and requested that the Meeting be adjourned in honor of Bay Area community members who have passed away due to the COVID-19 virus and George Floyd, who died after a Minneapolis, Minnesota police officer held his knee onto Floyd’s neck for several minutes.

The Meeting was adjourned at 1:52 p.m. in honor of Larry Kramer, Kendra Bell-Williams, Margot Antonetty, Bay Area community members who have passed away due to the COVID-19 virus, and George Floyd.

Patricia K. Williams
District Secretary

Exhibit A

Proposed Revised Underwriting Pool

Senior Manager Pool

Barclays Capital

Citigroup/Siebert Williams Shank Joint Venture (MBE/WBE)**

Goldman Sachs

JP Morgan

Morgan Stanley

Stifel Financial Corp.

Co-Manager Pool

Alamo Capital (WBE/SB)

Backstrom McCarley Berry & Co. LLC (MBE)

Bank of America

Blaylock Van, LLC (MBE/SB)

Raymond James

Wells Fargo

***Siebert Williams Shank is a MBE/WBE firm*

MBE Minority-Owned Business Enterprise

SB Certified Small Business

WBE Women-Owned Business Enterprise



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 6/4/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/21/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis Engstrom Dept: Office of the CIO Signature/Date: <i>[Signature]</i> 6/2/2020 <small>DocuSigned by: Travis Engstrom DA1FD220BBD5468...</small>	General Counsel <i>[Signature]</i> 6/3/20 []	Controller/Treasurer <i>[Signature]</i> 6/3/2020 []	District Secretary []	BARC <i>[Signature]</i> 4/3/20 []
Status: Approved		Date Created: 5/21/2020		

Authority to Extend Software License Agreement No. 79HP-120 with TriTech Software Systems for Police Public Safety Software Support

Purpose

To request that the Board authorize the General Manager to extend the software license support contract 79HP-120 for an additional three (3) years with TriTech in an amount not to exceed \$926,139.

Discussion

In 2009, the District initiated a project to upgrade the BART Police Department's 911 Computer Aided Dispatch (CAD) software suite under a series of projects funded primarily by the Department of Homeland Security and jointly referred to as BART's Critical Infrastructure Hardening Program.

The resulting platform of Computer Aided 911 Dispatch software, Police Records Management software, and Mobile Police Data Systems software has been in use since 2013 as the BART Police Department's primary tool for responding to calls for service, dispatching officers, and creating police reports.

In 2013, after a competitive procurement that included forty-nine firms, the Board authorized a multi-phased software implementation contract with TriTech Software Systems. This contract included two years of implementation and five years of software support that is scheduled to expire this year in 2020.

This multi-year software support agreement will provide the District with continued software support for the BART Police Department's existing Dispatch and Records Management Systems.

The District is now seeking Board authorization to extend our existing software support agreement for an additional three (3) years.

The Office of General Counsel will approve the Agreement as to form prior to execution.

Fiscal Impact

The proposed agreement is for a three (3) year contract at a total cost of \$926,139 from June 30, 2020-Jan 11, 2023.

Funds will be budgeted in the Office of the Chief Information Officer operating budget (Dept 0504463, Account 681355) as follows:

Proposed Funding	
FY20	\$293,779
FY21	\$308,468
FY22	\$323,892
Total	\$926,139
<i>*Funding is expected to begin 6/18/2020.</i>	

Funding for support in this Fiscal Year is included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on un-programmed District Reserves in the current Fiscal Year.

Alternative

1) Decline to extend the Agreement and seek alternative proposals. TriTech Software Systems is the sole developer and seller of the TriTech Public Safety software system. There are no other vendors, developers, or resellers capable of offering 24x7 software support, upgrades, patches or related services. Because of the proprietary nature of the software, it would be cost prohibitive for another service provider to be trained by TriTech. This would result in a much higher cost and have a negative impact on police response to calls for service;

2) Do not authorize to extend the Agreement. In this circumstance, the District would not be entitled to dispatch and records management system software upgrades, system patches, or 24x7 vendor-supplied technical support.

Recommendations

Approve the following motion:

Motion

The General Manager or his designee is authorized to extend the software license support contract 79HP-120 for an additional three (3) years with TriTech Software Systems in an amount not to exceed \$926,139 for dispatch and records management software support.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

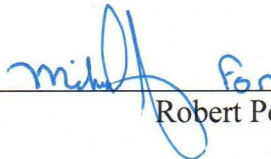
DATE: June 5, 2020

FROM: General Manager

SUBJECT: COVID-19 Agenda Item: Update on BART's COVID-19 Efforts and Impacts

At the Board of Directors meeting on June 11, 2020, BART's COVID-19 efforts and its impacts to the District will be presented for information.

If you have any questions, please contact Michael Jones at (510) 464-6126.



Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

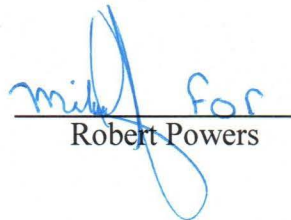
DATE: June 5, 2020

FROM: General Manager

RE: Next Generation Fare Gate Update presentation

Attached is a "Next Generation Fare Gate Update" presentation that will be presented to the Board at the June 11, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations, at 510-464-7513.


Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>M. J. [Signature]</i> 6/5/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 5/31/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate & Property Development <i>Paul [Signature]</i> Signature/Date: 6/5/20	General Counsel <i>[Signature]</i> 6/5/20 []	Controller/Treasurer for <i>[Signature]</i> 6.5.20 []	District Secretary []	BARC <i>[Signature]</i> 6/5/2020 []

Adoption of West Oakland Specific Plan EIR and project specific Addendum #1 and Approval of West Oakland BART Station Transit-Oriented Development Project

PURPOSE: To have the Board of Directors:

1-a. certify that it reviewed and considered the West Oakland Specific Plan Environmental Impact Report (WOSP EIR) and project specific West Oakland BART Transit-Oriented Development Project Addendum #1 to the WOSP EIR (Addendum #1) as they pertain to the West Oakland BART Transit-Oriented Development Project (TOD Project);

1-b. adopt the project related CEQA Findings, Statement of Overriding Considerations and Standard Conditions of Approval Mitigation Monitoring and Reporting Program set forth in the WOSP EIR and Addendum #1;

2. approve the proposed assignment of the Exclusive Negotiating Agreement (ENA) for development of property at the West Oakland BART Station (TOD Project) held by China Harbour Engineering Company, Ltd. (CHEC) to Mandela Station Partners, LLC (MSP);

3. approve the TOD Project; and

4. authorize the General Manager or his designee to execute agreements needed to effectuate the TOD Project.

DISCUSSION: On July 15, 2014 the City of Oakland (City) approved the West Oakland Specific Plan (Specific Plan) and Final Environmental Impact Report (WOSP EIR). The City's CEQA Findings and Statement of Overriding Consideration is attached hereto. The Specific Plan establishes "multi-faceted strategies for facilitating the development of selected

vacant and/or underutilized commercial and industrial properties within the West Oakland Community.” The Specific Plan identifies four opportunity areas, including the 7th Street Opportunity Area which is centered around the West Oakland BART Station.

On December 4, 2014, the Board of Directors authorized the General Manager or her designee to enter into an exclusive negotiating agreement (ENA) with CHEC, for development of the TOD Project at the West Oakland BART Station. The property that is the subject of the ENA is presently the site of 413 parking spaces serving the station. 407 of these parking spaces are used for BART patron parking.

On February 6, 2019, the CHEC development team was successful in securing City entitlements for the following Project Improvements:

- 762 high density residential units (240 classified as affordable)
- 382,460 square feet of office space
- 75,000 square feet of retail
- Up to 400 parking spaces for the development

The proposed TOD Project, now called Mandela Station at West Oakland BART, takes advantage of Planned Unit Development (PUD) and State Affordable Housing density bonuses. As a result, City entitlements allow the building heights to exceed those specified in the City's 2014 Specific Plan. While the Specific Plan had established a 100-foot height limit for development at the intersection of 7th Street and Mandela Parkway, the 2019 City entitlements permit construction of a 320-foot tall building at the intersection of 7th and Mandela.

On February 6, 2019, the City also approved Addendum #1 that specifically addressed the modified TOD Project for purposes of CEQA. The City's CEQA findings in Addendum #1 are the following:

California Public Resources Code section 21166 and CEQA Guidelines sections 15164 and 15162 state that an Addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a Subsequent EIR are met. The Environmental Checklist in Section VII of Addendum #1 provides substantial evidence that the project would not require preparation of a Supplemental EIR and that an Addendum is the appropriate CEQA document, per the following conclusions:

1. Although the proposed project adds project-level details to a site identified in the WOSP for development and leverages the State Affordable Housing Density Bonus Law (Government Code Section 65915 et seq., City of Oakland Municipal Code

Chapter 17.107) to allow for the increased density and heights proposed, these project changes would not result in new significant environmental effect or substantial increase in the severity of impacts identified in the WOSP EIR.

2. Although the Environmental Checklist was completed to take into account current conditions, including updated Plan Area development, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to changes in circumstances.

3. Although the Environmental Checklist was completed to take into account new information, including updated transportation and emissions assessments per current guidelines and implementation of current Standard Conditions of Approval, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to new information.

Therefore, in accordance with California Public Resources Code section 21166 and CEQA Guidelines section 15164, the WOSP EIR and Addendum #1 comprise the full and complete CEQA evaluation necessary for the proposed project and no further CEQA evaluation for the project is required. The Addendum #1 Environmental Checklist provides substantial evidence pursuant to CEQA Guidelines Section 15162 that with implementation of the applicable Standard Conditions of Approval, the proposed project would not result in a substantial increase in the severity of significant impacts previously identified in the WOSP EIR or any new significant impacts that were not previously identified in the WOSP EIR.

In February 2020, CHEC submitted a draft Preliminary Development Plan Amendment to the City that, if approved as drafted, would make adjustments to the TOD Project entitlements resulting in the following changes to the previous entitlements:

- 300,000 square feet of office space
- 52,625 square feet of retail

These program changes reflect modifications to the location of certain residential units, increasing the size of some residential units, reducing the total office and retail square footages, and increasing open space in the common area.

The TOD Project would achieve the goals of BART's Transit-Oriented Development Policy by creating a high-density, mixed-use development that includes both jobs and housing, to foster a complete community. The project will increase ridership, in part by making West Oakland a more balanced BART destination and origin station, and capture the real estate value of BART proximity. Over 30% of the residential units are affordable, supporting BART's affordable housing policy.

The development team has continued with their community engagement efforts and, with

BART's assistance has applied for a \$30 Million Affordable Housing and Sustainable Communities Program (AHSC) grant. Expected announcement of grant awards is late June 2020.

In order to complete negotiations under the ENA prior to its expiration on June 30, 2020, BART and the CHEC development team have negotiated ground lease transaction terms for the Board's consideration which, if approved by the Board, would result in execution of a Lease Option Agreement later this year.

In April, BART staff was asked to consider an assignment of CHEC's ENA rights to a single purpose entity consisting of Strategic Urban Development Alliance, LLC (SUDA) and MacFarlane Partners, LLC (MacFarlane) that is being established for development of the TOD Project. That single purpose entity is Mandela Station Partners, LLC (MSP), and would consist of SUDA and MacFarlane as managing partners. Under this proposal, it is anticipated that CHEC may remain involved in the TOD Project as an investor in one or more of the TOD Project's three subprojects.

SUDA and other entities have been working with CHEC on the TOD Project since 2015. SUDA has led the TOD Project's community outreach effort and has facilitated its Community Advisory Committee. Past SUDA projects include the mixed-use Thomas L. Berkley Square Project, one of the first large scale developments in the Uptown area of Oakland in decades and home to the Alameda County Social Services Department headquarters. SUDA's current development projects include a museum in Ghana and, in partnership with Lane Partners, the Eastline (2100 Telegraph) Project also in Uptown Oakland. More recently, MacFarlane has also been involved with the TOD Project. MacFarlane is a national real estate development/investment management firm specializing in mixed-use high-density urban projects. MacFarlane has previously been a development partner/investor for Bay Street Emeryville, Uptown Oakland, Wilshire Vermont Station (Los Angeles), Hotel & Residences at LA Live (Los Angeles) and several developments in California, New York, D.C, and throughout the United States.

A non-binding term sheet has been prepared as a result of discussions and negotiations between CHEC, SUDA, MacFarlane (Development Team) representatives and BART.

The office of the General Counsel will approve as to form any lease option and ground leases that may result from implementation of the motions presented below for approval.

FISCAL IMPACT: There is no fiscal impact from the CEQA adoption and assignment approval actions.

ALTERNATIVES: (i) Do not adopt the City's CEQA findings. (ii) Do not approve the proposed ENA assignment from CHEC to MSP and risk jeopardizing the TOD Project. (iii) do not authorize the completion of negotiations for the TOD Project, which would

jeopardize the TOD Project as currently proposed.

RECOMMENDATION: Adoption of the following.

MOTION: The BART Board:

1. After review and consideration of the environmental effects of the West Oakland BART Transit-Oriented Development Project as shown in the West Oakland Specific Plan Final Environmental Impact Report (WOSP EIR) and Addendum #1 adopted by the City of Oakland, the lead agency, on February 6, 2019, adopts the City's CEQA WOSP EIR Findings and Statement of Overriding Considerations that apply to this project, and the City's CEQA Findings in Addendum #1 (set forth above) and Standard Conditions of Approval Mitigation Monitoring and Reporting Program set forth in Addendum #1.
2. Approves China Harbour Engineering Company, Ltd.'s assignment of their Exclusive Negotiating Agreement with BART to Mandela Station Partners, LLC.
3. Approves the West Oakland Transit-Oriented Development (TOD) Project.
4. Authorizes the General Manager or his designee to execute any and all agreements and other documents in order to effectuate the preceding motion.

CEQA FINDINGS:

Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations for the West Oakland Specific Plan

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the West Oakland Specific Plan (WOSP or Project), a 25-year planning document that provides goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The West Oakland Specific Plan encompasses the West Oakland district generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south and west. A small portion of the plan area is above I-880 in the East Bay Bridge Shopping Center and below I-880 near Linden Street. The Plan Area comprises approximately 1,900 acres, subdivided into 6,340 parcels. The WOSP provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The WOSP facilitates new development on sites that are identified in the Draft Plan as "Opportunity Sites." The identified "Opportunity Sites" are primarily longstanding dormant and /or underutilized properties, development sites available as a result of the relocated I-880 freeway, and additional sites expected to be vacated as their current uses relocate to the former Oakland Army Base. The WOSP groups similar "Opportunity Sites" concentrated in a compact location into larger geographic units termed "Opportunity Areas." The WOSP identifies four distinct Opportunity Areas where the majority of growth and development is expected to occur (the Mandela/West Grand Opportunity Area, the 7th Street Opportunity Area, the 3rd Street Opportunity Area, and the San Pablo Avenue Opportunity Area). Each of the Opportunity Areas has a different land use focus that responds to specific site conditions and development contexts in order to promote various revitalization objectives and provide variety to development within the West Oakland district. The WOSP would promote projects that generate significant job generation in the Mandela/West Grand Opportunity Area; Transit-Oriented Development (TOD) at the West Oakland BART Station in the 7th Street Opportunity Area; commercial and industrial uses that benefit from adjacent Port of Oakland in the 3rd Street Opportunity Area; and mixed use residential and commercial developments along major corridors of San Pablo Avenue and West Grand Avenue. The WOSP would preserve and enhance the existing West Oakland Residential Areas. In order to achieve this vision, the WOSP proposes a series of

space, affordable housing, and equitable economic development. These recommended plan improvements are summarized in Chapter 11, Implementation Matrix of the WOSP.

Concurrent, but separately, the project also includes changes to the General Plan (text and map changes); Planning Code amendments; Zoning Maps and Height Maps; and new design guidelines (collectively called "Related Actions") to help implement the WOSP vision and goals.

General Plan Changes: With respect to the General Plan, proposed General Plan Amendments include actions which:

- Clarify the industrial/residential interface of developments where land use conflicts exist
- Emphasize commercial development patterns along important West Oakland corridors
- Better define the boundaries of Housing and Business Mix areas
- Adjust the land use designations as appropriate for existing parks to ensure these parcels continue to serve as urban open space
- Make ministerial General Plan corrections that were inadvertently omitted from past General Plan amendment efforts.

Planning Code and Map Changes: The WOSP proposes four new CIX base zones that would replace the existing CIX-1 Zone designation in selected West Oakland areas:

- a) CIX-1A (Business Enhancement) Zone, intended to create, preserve and enhance industrial areas in West Oakland that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small space for start-up businesses.
- b) CIX-1B (Low Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.
- c) CIX-1C (High Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of higher intensity commercial, retail, office and advanced manufacturing -type uses. This zone will be applied to areas with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.
- d) CIX-1D (Retail Commercial Mix) Zone, intended to create, preserve, and enhance industrial areas in West Oakland that are appropriate for a broad range of large-scale retail and commercial uses. This district will be applied to certain areas with a prominent street location.

In order to improve air quality and decrease truck traffic in the neighborhoods, the WOSP proposes a new "T" Combining Zone Overlay that can be combined with any of the new CIX-1A, CIX-1B, CIX-1C, or CIX-1D base zones above in order to designate the allowed areas for heavy impact land uses (e.g., 'CIX-1C/T). The "T" Overlay will primarily be applied within the 3rd Street Opportunity Area below the I-880 freeway.

The creation and mapping of the new "T" (for 'Trucks') Combining Zone Overlay is intended to indicate areas where significant truck traffic would not be problematic, since the new CIX-1A, CIX-1B, CIX-1C, or CIX-1D base zones would restrict the allowed location of certain heavy impact land uses such as freight/truck terminals, truck yards, and primary waste collection centers, to designated areas outside of

the West Oakland "freeway ring" (defined as I-980 to the east, I-880 to the south and west, and I-580 to the north).

Additional new Plan Area-wide designations would be created and mapped: a 'Home Craft Production District, a '7th Street Cultural District,' and an 'Arts and Culture District.

Revisions to the existing S-15 Transit-Oriented Development (TOD) Zone regulations are recommended to create a new mixed use TOD Zone exclusively for the West Oakland BART Station area within the WOSP Plan Area. Relatedly, the Heights Map is proposed to be revised for parcels within the TOD Area to allow for lower TOD building heights for developments nearest the adjacent the South Prescott neighborhood.

A new type of Housing and Business Mix (HBX) zone is recommended to be created and mapped on selected parcels: Housing and Business Mix Zone-4, intended to provide standards that allow live/work, work/live, and housing to compatibly co-exist in areas with a strong presence of industrial and heavy commercial activities. 'Live/work' and 'Work/Live' developments would be outright permitted, but 'Residential' developments would only be conditionally permit

In addition, the Floor Area Ratio is proposed to be reduced from 4.0 to 2.0 throughout the Plan Area.

Design Guidelines: The WOSP includes detailed design guidelines for future development in the Plan Area. In general, these design guidelines aim to influence the pattern, scale, character and quality of future development. The WOSP includes guidelines for each of the Opportunity Areas in particular, the residential Enhancement Areas, and for commercial and industrial developments in general. The WOSP Design Guidelines provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the new WOSP zoning districts. The WOSP Design Guidelines are one component of a full menu of implementation mechanisms (described in more detail in Chapter 11 of the Final Specific Plan) that together will help achieve the WOSP goals and policies. They will complement other regulatory mechanisms to give residents, building designers, property owners, and business owners a clear guide to achieving high quality development.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

4. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **October 30, 2012**. The NOP, which included notice of the EIR scoping sessions mentioned below, was distributed to state and local agencies, published in the Oakland Tribune, mailed and emailed to individuals and neighborhood and community organizations that have requested to specifically be notified of official City action on the project, posted at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street) and posted on the City of Oakland's website. On **November 5, 2012**, the Landmarks Preservation Advisory Board conducted a duly noticed EIR scoping session concerning the scope of the EIR. On, **November 14, 2012**, the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. The public comment period on the NOP ended on **November 21, 2012**.

5. A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft EIR was published on **January 29, 2014**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies, published in the Oakland Tribune, mailed and e-mailed to individuals and neighborhood and community organizations that who have requested to specifically be notified of official City actions on the project, and posted on the City of Oakland's website. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning

Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street), and on the City's website. A duly noticed Public Hearing on the Draft EIR was held at the February 10 2014 meeting of the Landmarks Preservation Advisory Board, at the **February 24, 2014** meeting of the Planning Commission, and at the March 12, 2014 meeting of the Oakland Parks and Recreation Advisory Commission. The Draft EIR was properly circulated for the required 45-day public review period. The public comment period on the Draft EIR closed on **March 17, 2014**.

6. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR/Response to Comment document on **May 30, 2014**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on **May 30, 2014**, eleven (11) days prior to the duly noticed **June 11, 2014**, Planning Commission public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed on **May 30, 2014** to those state and local agencies who commented on the Draft EIR, mailed and e-mailed to individuals and neighborhood and community organizations that have requested to specifically be notified of official City actions on the project, and posted on the City of Oakland's website. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission and Landmarks Preservation Advisory Board, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies-- through notice, publication and distribution of the Final EIR/Response to comments Document -- at least 10 days prior to the public hearing considering certification of the EIR and the Project. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

7. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the Planning Commission and Landmarks Preservation Advisory Board relating to the EIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the Planning Commission and Landmarks Preservation Advisory Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Landmarks Preservation Advisory Board.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- g. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.

h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

8. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of the Planning and Building Department, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

9. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

10. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

11. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the **June 11, 2014**, Planning Commission staff report and exhibits/attachments. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

12. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the DEIR was completed, and that the Final EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

13. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

14. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the

Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the June 11, 2014 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

15. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

16. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

17. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

18. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.

19. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

20. As a separate and independent basis from the other CEQA findings, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan (EIR certified in March 1998); (b) the Housing Element of the General Plan (EIR certified in January 2011); (c) the Estuary Policy Plan (EIR certified in November 1998); and (d) the Historic Preservation Element of the General Plan (EIR certified in May 1998); (e) feasible mitigation measures identified in the foregoing were adopted and have been, or will be, undertaken; (f) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (g) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (h) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate project and cumulative impacts.

IX. SIGNIFICANT BUT MITIGABLE IMPACTS

21. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP).

22. Aesthetics AESTH-4: Implementation of the Specific Plan and Related Actions proposed as part of the project would create new sources of light and glare, but these new sources would be consistent with typical light and glare conditions. Subsequent individual projects would not substantially and adversely affect day or nighttime views in the area. However, application of SCA 39, Lighting Plan would reduce the project's potential impacts to a less than significant level. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA 40 which requires new light to meet the lighting power allowances for the applicable lighting zone for newly installed outdoor lighting equipment required by Title 24, Parts 1 and 6, Building Energy Efficiency Standards.

23. Air Quality AIR-4: Implementation of the Specific Plan and Related Actions proposed as part of the project would, during construction, cause individual development projects to generate fugitive dust from demolition, grading, hauling and construction activities. However, application of Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions would reduce the project's potential impacts to a less than significant level.

24. Air Quality AIR-6: Implementation of the Specific Plan and Related Actions proposed as part of the project would, during construction, cause individual development projects to generate construction-related toxic air contaminant (TAC) emissions from fuel combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM_{2.5} concentration levels. However, application of SCA 40 Asbestos Removal in Structures and Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions would reduce the project's potential impacts to a less than significant level.

25. Air Quality AIR-10: Implementation of the Specific Plan and Related Actions proposed as part of the project would cause certain future development projects to result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM_{2.5} that could result

in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers. However, application of SCA Supplemental SCA B Exposure to Air Pollution (Toxics Air Contaminates would reduce the project's potential impacts to a less than significant level.

26. Hazardous Materials HAZ-1: The Planning Area contains numerous sites which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Implementation of the Specific Plan and Related Actions proposed as part of the project could create a significant hazard to the public or environment. However, application of the following SCAs and required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater would reduce the project's potential impacts to a less than significant level:

- o SCA 61: Site Review by the Fire Services Division Fire Prevention Bureau Hazardous Materials Unit
- o SCA 62: Phase I and/or Phase II Reports
- o SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment
- o SCA 64: Environmental Site Assessment Reports Remediation
- o SCA 65: Lead-Based Paint Remediation
- o SCA 66: Other Materials Classified as Hazardous Waste
- o SCA 67: Health and Safety Plan per Assessment
- o SCA 68: Best Management Practices for Soil and Groundwater Hazards
- o SCA 69: Radon or Vapor Intrusion from Soil or Groundwater Sources

27. Hazardous Materials HAZ-2: Implementation of the Specific Plan and Related Actions proposed as part of the project would result in asbestos or lead based pint present within older structures in the Planning Area being released into the environment during demolition or construction activities, which could result in soil contamination or pose a health risk to construction workers or future occupants. However, application of the following SCAs and required compliance with local, state and federal regulations would reduce the project's potential impacts to a less than significant level:

- o SCA 41: Asbestos Removal in Structures
- o SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment
- o SCA 65: Lead-Based Paint Remediation

28. Hazardous Materials HAZ-3: Implementation of the Specific Plan and Related Actions proposed as part of the project would create a significant hazard to the public or the environment through transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, application of the following SCAs and required compliance with local, state and federal regulations would reduce the project's potential impacts to a less than significant level:

- o SCA 35: Best Management Practices
- o SCA 67: Health and Safety Plan per Assessment
- o SCA 68: Best Management Practices for Soil and Groundwater Contamination
- o SCA 74: Hazardous Materials Business Plan

29. Hazardous Materials HAZ-4: All schools within the Planning Area are located within ¼ mile of an existing permitted hazardous materials use or an identified environmental case. Implementation of the Specific Plan and Related Actions proposed as part of the project would facilitate the addition of new businesses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances

or waste within one-quarter mile of a school. However, application of SCA 74 Hazardous Materials Business Plan and required compliance with local, state and federal regulations would reduce the project's potential impact to a less than significant level.

30. Hazardous Materials HAZ-6: Many of the development Opportunity Sites are located along streets identified as Emergency Evacuation Routes. Implementation of the Specific Plan and Related Actions proposed as part of the project could potentially interfere with an emergency response plan or emergency evacuation plan. However, application of SCA 33 Construction Traffic and would reduce the project's potential impact to a less than significant level.

31. Noise NOISE-1: Implementation of the Specific Plan and Related Actions proposed could result in construction activities, including pile drilling and other extreme noise generating construction activities temporarily increasing noise levels in the vicinity of individual project sites. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- o SCA 28: Days/Hours of Construction Operation
- o SCA 29: Noise Control
- o SCA 30: Noise Complaint Procedures, and
- o SCA 39: Pile Driving and Other Extreme Noise Generators

32. Noise NOISE-2: Implementation of the Specific Plan and Related Actions proposed could result in ongoing operational noise by stationary sources generating noise in violation of the City of Oakland Noise Ordinance regarding operational noise. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- o SCA 32: Operational Noise – General (Ongoing)
- o Section 17.120 of the Oakland Planning Code
- o Section 8.18 of the Oakland Municipal Code.

33. Noise NOISE-4: Implementation of the Specific Plan and Related Actions proposed could result construction activities that generate excessive ground-borne vibration during the construction period. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- o SCA 38: Vibration
- o SCA 57: Vibrations Adjacent to Historic Structures
- o SCA 28: Days/Hours of Construction Operation
- o SCA 29: Noise Control
- o SCA 30: Noise Complaint Procedures, and
- o SCA 39: Pile Driving and Other Extreme Noise Generators

34. Noise NOISE-5: Implementation of the Specific Plan and Related Actions proposed could generate operational ground-borne vibration at levels that would be perceptible beyond the property boundary, which would violate City of Oakland standards for operational vibration. However, application of Section 17.120.060 of the Planning Code relating to City of Oakland Performance Standards would reduce the project's potential impacts to a less than significant level.

35. Public Services and Recreation PSR-1: Implementation of the Specific Plan and Related Actions proposed could result in an increase in OFD service calls and a commensurate need for additional staffing, equipment and facilities to maintain the City's response time goals and staffing ratios. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 4, Conformance with other Requirements, requires building plans for development projects to be submitted to the OFD for review and approval.
- SCA 61, Site Review by the Fire Services Division,
- SCA 71, Fire Safety Phasing Plan,
- SCA 73, Fire Safety

36. Public Services and Recreation PSR-3: Implementation of the Specific Plan and Related Actions proposed could generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. Therefore, the impact of the Specific Plan would be less than significant with the following action: The OUSD collects school impact fees from residential and non-residential development. Under California Government Code Sections 65995, 65996(a) and 65996(b), payment of these fees is deemed to be full and complete mitigation.

37. Traffic TRANS-6: Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS E to LOS F at the signalized intersection of Broadway and West Grand Avenue (#13) located within the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

- Implement the following measure at Broadway and West Grand Avenue (#13):
 - a) Modify the traffic signal to provide protected/permitted signal phasing for the northbound left-turn movement

To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, the individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

38. Traffic TRANS-7: Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS B to LOS E at the intersection of Adeline Street and 18th Street (#15) located outside the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

Implement the following measures at the Adeline Street and 18th Street (#15) intersection:

- a) Retain the existing traffic signal control at the intersection and upgrade it to an actuated signal rather than converting to a single-lane roundabout as proposed as a part of the project

To implement this measure, the individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval.

All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards

and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

39. Traffic TRANS-8: Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS D to LOS F at the signalized intersection of Adeline Street and 5th Street (#24) located outside the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

Implement the following measure at Adeline Street and 5th Street (#24):

- a) Modify the traffic signal to remove split phasing and provide protected permitted left turn phasing for the northbound and southbound left-turn movements

To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

40. Utilities and Service Systems UTIL-1: Future development in accordance with the Specific Plan would consist of redevelopment of previously developed properties so there would be limited change in impervious surface area stormwater runoff. Development facilitated by the Specific Plan would not result in an increase in stormwater runoff. However, application of the following SCAs and recommendations would reduce the project's potential impacts to a less than significant level:

- o SCA 75: Stormwater Pollution Prevention Plan
- o SCA 80: Post-construction Stormwater Pollution Prevention Plan
- o SCA 91: Stormwater and Sewer
- o **Recommendation Util-1a**: As the area improves, underground storm drain lines should be added to several of the Opportunity Areas' street sections where such lines do not exist. Additional storm drainage structures, including conduit, would be a way to address both ponding and adequate conveyance of storm runoff.

41. Utilities and Service Systems UTIL-3: With the City's sub-basin allocation system, construction of needed sewer improvements pursuant to SCA 91, Stormwater and Sewer, payment of improvement and hook-up fees, the wastewater collection and treatment system would have adequate capacity to serve future development in accordance with the Specific Plan. However, application of the following SCA and recommendations would reduce the project's potential impacts to a less than significant level:

- o SCA 91: Stormwater and Sewer
- o **Recommendation Util-3a:** Underground utility improvements should be installed prior to final streetscape improvements to prevent damage and the need for patching such improvements during trenching operations.
- o **Recommendation Util-3b:** Properties to be redeveloped and/or reused should abandon existing sewer laterals and install new laterals, and verify that there are no cross-connections from the downspouts to the sewer lateral. This would result in much lower I/I flow into the main sewer lines.

42. **Utilities and Service Systems UTIL-4:** The Altamont Landfill and Vasco Road Landfill have sufficient permitted capacity to accommodate the solid waste disposal needs of future development under the Specific Plan. The Specific Plan would not violate applicable federal, state, and local statutes and regulations related to solid waste. However, application of SCA 36 Waste Reduction and Recycling would reduce the project's potential impacts to a less than significant level.

43. **Biology BIO-1:** Implementation of the Specific Plan and Related Actions proposed would not have a substantial direct adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.W. Fish and Wildlife Service. However, tree removal, building demolition and other construction activities can cause disturbance, noise, or loss of habitat for resident or migratory birds and mammals, including special-status species potentially occurring within the Planning area. However, application of SCA 44 Tree Removal During Breeding Season, and SCA D Bird Collision Reduction would reduce the project's potential impacts to a less than significant level.

44. **Biology BIO-4:** Implementation of the Specific Plan and Related Actions proposed relating to construction activities would not have substantially interfere with the fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, but could temporarily reduce nesting opportunities for resident and migratory bird species that are protected by the federal Migratory Bird Treaty Act or California Fish and Game Code Sections 3503, 3505.5, and 3800, could also eliminate bat roosts and, if construction were to occur during the maternal roosting season, young bats incapable of flight could be destroyed. However, application of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3800 would reduce the project's potential impacts to a less than significant level.

45. **Biology BIO-5:** Implementation of the Specific Plan and Related Actions proposed may require the removal of trees that are protected by the City of Oakland tree Protection Ordinance. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- o SCA 45, Tree Removal Permit
- o SCA 46, Tree Replacement Plantings, and
- o SCA 47, Tree Protection During Construction

46. **Geology GEO-2:** Implementation of the Specific Plan and Related Actions proposed could expose people or structures to substantial adverse effects, including the risk of loss, injury or death, due to strong seismic ground shaking and seismic-related ground failure, including liquefaction. However, application of SCA 60 Geotechnical Report would reduce the project's potential impacts to a less than significant level.

47. **Geology GEO-4:** Implementation of the Specific Plan and Related Actions proposed could result in the loss of topsoil through erosion. However, application of the following would reduce the project's potential impacts to a less than significant level:

- o SCA 34: Erosion and Sedimentation Control
- o SCA 55: Erosion and Sedimentation Control Plan
- o SCA 75/76: Erosion, Sedimentation, and Debris Control Measures

48. Geology GEO-5: Portions of the Planning Area are underlain by unstable geologic conditions and soils, and potentially wells, pits, tank vaults or unmarked sewer lines, creating substantial risks to life or property. Implementation of the Specific Plan and Related Actions proposed could expose people or structures to substantial adverse effects. However, application of SCA 58 Soils Report and SCA 60 Geotechnical Report would reduce the project's potential impacts to a less than significant level.

49. Hydrology HYDRO-1: Implementation of the Specific Plan and Related Actions proposed would not be subject to waste discharge requirements and would not violate any water quality standards or waste discharge requirements. However, application of the following actions would reduce the project's potential impacts to a less than significant level:

- o Required compliance with applicable NPDES permits, which also serve as Waste Discharge Requirements (WDRs), including:
 - o the Municipal NPDES permit for stormwater discharges (Alameda Countywide NPDES Municipal Stormwater Permit Water Quality Order No.R2-2003-0021, NPDES No. CAS0029831);
 - o the Construction General Permit for construction activities associated with land disturbance of more than one acre (WDRs) for Discharges of Storm Water Associated with Construction Activity Water Quality (Order No.99-08-DWQ, NPDES No. CAS000002);
 - o individual NPDES permits/WDRs for discharges that do not fall under the above categories;
 - o discharges from the municipal wastewater treatment facilities (e.g., Waste Discharge Requirements for the East Bay Municipal Utility District, Special District No. 1 Wet Weather Facilities (Alameda and Contra Costa Counties Water Quality Order No.R2-2009-0004, NPDES NO. CA0038440); US HUD/Oakland City of Housing Authority NPDES No. CA0038512);
 - o as well as Industrial General Permits.

50. Hydrology HYDRO-3: Grading and excavations associated with future development pursuant to or consistent with the Specific Plan could expose underlying soils to erosion or siltation, leading to downstream sedimentation in stormwater runoff. However, application of SCA 75 Stormwater Pollution Prevention Plan would reduce the project's potential impacts to a less than significant level.

51. Hydrology HYDRO-4: Operational activities such as increase vehicular use, landscaping maintenance and industrial operations could potentially introduce pollutants into stormwater runoff, resulting in degradation of downstream water quality. Implementation of the Specific Plan and Related Actions proposed could create or contribute to substantial runoff which would exceed the capacity or existing or planned stormwater drainage systems, create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality. However, application of SCA 80 Post-Construction Stormwater Management Plan and SCA 81 Maintenance Agreement for Stormwater Treatment Measures would reduce the project's potential impacts to a less than significant level.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

52. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning

Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures as set forth below.

53. Air Quality AIR-3: ODOR IMPACTS: The development under the Specific Plan could result in exposing a substantial number of new people to existing and new objectionable odors. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. This EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing and potential new odor sources) in order to provide information to the public and decision-makers. Therefore, the impact conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
54. Air Quality AIR-5: The development under the Specific Plan could result in, during construction, individual development projects generating regional ozone precursor emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects could generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
55. Air Quality AIR-7: The development under the Specific Plan could result in emissions of criteria pollutants (ROG, NO_x, PM₁₀ and PM_{2.5}) as a result of increased motor vehicle traffic and area source emissions. Traffic emissions combined with anticipated area source emissions would generate levels of criteria air pollutants that would exceed the City's project-level thresholds of significance. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
56. Air Quality AIR-9: The development under the Specific Plan could result in new light industrial, custom manufacturing and other similar land uses, as well as the introduction of new diesel generators that could emit toxic emissions resulting in (a) a cancer risk level greater than 10 in one million, (b) a chronic or acute hazard index greater than 1.0, or (c) an increase of annual average PM_{2.5} concentration of greater than 0.3 micrograms per cubic meter, or under cumulative conditions, resulting in a) a cancer risk level greater than 100 in a million, b) a chronic or acute hazard index greater than 10.0, or c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
57. Air Quality AIR-10: The development under the Specific Plan could result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM_{2.5} that could result in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
58. Greenhouse Gas Emissions GHG-3: The development under the Specific Plan could result in exceeding, on an individual and project-by-project basis, the project-level GHG threshold. Under the

City's required SCAs, individual development projects exceeding project-level screening criteria are required to undergo project-specific GHG emissions forecasts and, as appropriate, implement project-specific GHG reduction plans with the goal of increasing energy efficiency and reducing GHG emissions to the greatest extent feasible below both applicable numeric City of Oakland CEQA Thresholds. However, not until these tiered projects are proposed and evaluated can the efficacy of each individual project's design characteristics, applicable SCAs and other City policies (particularly SCA F) in reducing GHG emissions to below relevant thresholds be determined. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

59. Traffic and Transportation TRANS-1 (Existing plus Project) and TRANS-3 (Cumulative plus Project) at Hollis and 40th Street: The development under the Specific Plan could result in both Existing conditions and Cumulative 2035 conditions in causing PM peak hour southbound left turn 95th percentile queue length at the signalized intersection of Hollis and 40th Street (#1) located in Emeryville to exceed the available queue storage. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. Therefore, these impacts are conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
60. Traffic and Transportation TRANS-2 (Existing plus Project) and TRANS-4 (Cumulative plus Project) at San Pablo Avenue and 40th Street: The development under the Specific Plan could result in both Existing Conditions and Cumulative 2035 Conditions in causing PM peak hour traffic operations at the signalized intersection of San Pablo Avenue and 40th Street (#2) located in Emeryville to degrade from LOS D to LOS E under Existing plus Project conditions. Additionally, the eastbound left and northbound left turn 95th percentile queue length would exceed the available queue storage in the AM peak hour. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. Therefore, these impacts are conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
61. Traffic and Transportation TRANS-5 (Cumulative plus Project) at Mandela Parkway and West Grand Avenue: The development under the Specific Plan could result in under Cumulative 2035 conditions that would degrade operation from LOS D to LOS F in the AM peak hour, and from LOS E to LOS F in the PM peak hour at the signalized intersection at *Mandela Parkway and West Grand Avenue* (#7) located outside the Downtown Area and would increase the volume-to-capacity ratio beyond the threshold of significance. The recommended mitigation measures would encroach into Memorial Park and the street medians, and the provision of four westbound lanes would preclude planned installation of a bicycle facility on West Grand Avenue which is a City priority (Resolution 84197, Nov 2012). Therefore, these additional improvements are not recommended. Therefore, this impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

XI. FINDINGS REGARDING ALTERNATIVES

62. The Planning Commission finds that specific economic, social, environmental, technological, legal and/or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below. And that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.

63. The EIR evaluated a reasonable range of alternatives to the project that was described in the Draft EIR. Of the six alternatives considered, two were not analyzed in detail as explained in the Draft EIR. The two alternatives that were not analyzed in detail in the Draft EIR include a) Alternative Site Alternative and b) Fully Mitigated Alternative. The Planning Commission adopts the EIR's analysis and conclusions eliminating these two alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible. The four potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project or provide decision makers with additional information. These alternatives include: Alternative 1: the No Project Alternative, Alternative 2: the Reduced Project Alternative, Alternative 3: the Scenario with Commercial and Jobs Emphasis Alternative, and Alternative 4: the Maximum Theoretical Buildout Alternative. . As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. After the No Project Alternative (1), the Reduced Project Alternative (2) was identified as the environmentally superior alternative.
64. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the City's goals and objectives and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The four potentially feasible alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.
65. Alternative 1: No Project: Under the No Project Alternative, the Specific Plan would not be adopted, the West Oakland Development Program would not occur, and no changes in current General Plan land use designations, zoning or other regulatory measures would occur (i.e., no conversions of industrial lands to residential use and no new land use overlays). However, the No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Specific Plan. This includes certain already approved but not built projects in the Plan Area , as well as development that would reasonably be expected to occur in the Plan Area in accordance with existing plans, zoning, and regulatory framework. The pace of new development within West Oakland would be expected to occur at a rate commensurate with development and building permit activity which has occurred over the past 10 to 15 years. The No Project Alternative was rejected as infeasible because it does not meet most of the basic project objectives including:
- a. Providing for the revitalization of existing land uses and enhancing the West Oakland district.
 - b. Recommending design standards and guidelines to allow a diverse range of land uses in the West Oakland area to continue to co-exist and thrive, including existing and new higher density residential developments, commercial and industrial developments and live-work developments.
 - c. Further, the No Project Alternative would not increase the variety of development, ignoring the needs of area residents and businesses; it would not update the zoning to create harmonious transitions in land uses and streamline the installation of development amenities.
 - d. Facilitating the transformation of the Plan Area into an attractive, area for existing residences and businesses and destination for future retailers, shoppers, employers and visitors that

serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;

- f. Recommending design standards and guidelines to promote a well-designed areas that integrates high quality design of the public and private realms to establish a socially and economically vibrant, and visually and aesthetically distinctive identity for the West Oakland District;
- e. Providing a framework and identifying potential funding mechanisms to realize needed transportation, streetscape and infrastructure improvements in the West Oakland area to achieve a balanced and complete circulation network of "complete streets" that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and transit while continuing to serve automobile traffic, and remove barriers to community and economic development;
- g. It would result in a reduced development program thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance.

66. Alternative 2: Reduced Project Alternative: Under the Reduced Project Alternative, the Plan Area would be developed at a reduced intensity. Buildout of new non-residential space under the Reduce Alternative would be substantially less than produced under the Project. New residential and live/work development would occur generally at the same selected sites as proposed pursuant to the Project. The Reduced Project Alternative was rejected as infeasible because:

- a. The reduction in commercial and industrial development would defeat the primary objectives of facilitating the transformation of the Plan Area into an attractive, destination for existing residents and businesses as well as future retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- b. It would result in a reduced development program as described above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance; and/or
- c. Even with the reduced development, a number of air and transportation impacts still remain significant and unavoidable.

67. Alternative 3: The Scenario with Commercial and Jobs Emphasis Alternative. Under the Scenario with Commercial and Jobs Emphasis Alternative, development would occur similar to that indicated for the project, this alternative would result in a reduction of between 533 residential units and up to 950 residential units due to developing a substantial component of commercial office space rather than housing at the west Oakland BART Station. The Scenario with Commercial and Jobs Emphasis Alternative. Under the Scenario with Commercial and Jobs Emphasis Alternative was rejected as infeasible because:

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68. Alternative 4: Maximum Theoretical Buildout: The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Specific Plan. Under this alternative, the overall development program would be substantially greater than the Project's land use development program (roughly 3.3 times as much non-residential development and an approximately 8 percent increase in residential development as compared to the Project. Most of the Project's significant and unavoidable impacts would be substantially increased in

intensity under this Alternative when compared to the Project The Maximum Theoretical Buildout Alternative 4 is rejected as infeasible because:

- a. All environmental impacts were significantly more severe than the Project under Alternative 4;
- b. Build-out of each site to the maximum intensity is unrealistic given historical and projected development patterns; and/or
- c. The infrastructure necessary to support development would be cost prohibitive and have secondary impacts themselves.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

69. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X, and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.
70. The WOSP updates the goals and policies of the General Plan, and provides more detailed guidance for specific areas within the West Oakland area.
71. The WOSP builds upon existing Redevelopment Plan efforts as well as supports development of prospective desirable developments at the West Oakland BART Station, the 16th Street Train Station and the Global Logistics Center (former Oakland Army Base).
72. The WOSP provides for the revitalization of existing land uses and incentivizes prospective developments to enhance the amenities in the West Oakland area. The WOSP contains vision statements for each Opportunity Area and the recommended General Plan and Zoning amendments provide a contemporary regulatory framework to facilitate continued development of the area into an attractive location for traditional and modern commercial and industrial businesses.
73. The WOSP provides a policy and regulatory framework to achieve one of the primary objectives to enhance the Plan Area for both existing and future residents and businesses.
74. The WOSP would create employment opportunities (both short-term construction jobs as well as permanent jobs), increase revenues (sales, property and other taxes), and promote spin off activities (as Plan workers spend some of their income on goods in the Plan area).
75. The WOSP Development Program promotes increased densities housing in close proximity to employment generating land uses supports the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.
76. The WOSP design guidelines will ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place.
77. The WOSP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and

utility infrastructure and regulatory tools, policies and potential funding mechanisms to realize those improvements.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

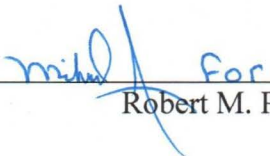
DATE: June 5, 2020

FROM: General Manager

SUBJECT: PPAAL Agenda: BART-VTA Phase 1 Extension - For Information

At the Board of Directors meeting on June 11, 2020, the Silicon Valley BART Extension (SVBX) Phase I, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 5, 2020

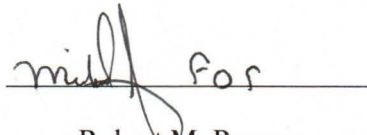
FROM: General Manager

SUBJECT: Board Matters: Resolution in Support of the Establishment of a United States Commission on Truth, Racial Healing, and Transformation

At the request of Board President Lateefah Simon and Director Bevan Dufty, attached is a proposed resolution supporting the establishment of the first United States Commission on Truth, Racial Healing, and Transformation to be presented for adoption by the Board at the June 11, 2020 meeting.

The federal legislation introduced by United States Representative Barbara Lee (attached) is supported by a broad coalition of members of Congress, the Congressional Black Caucus, and community partners.

If you have any questions, please contact Rodd Lee, Assistant General Manager, External Affairs at (510) 464-6235.

A handwritten signature in black ink, appearing to read "R. M. Powers", is written over a horizontal line.

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Support of
the Establishment of a United States Commission
on Truth, Racial Healing, and Transformation

Resolution No. _____

WHEREAS, in the wake of the COVID-19 public health crisis and killing of George Floyd in Minneapolis, United States Representative Barbara Lee calls for the formation of the nation's first Truth, Racial Healing, and Transformation Commission; and

WHEREAS, the proposed House Concurrent Resolution establishes a United States Commission on Truth, Racial Healing, and Transformation to examine the effects of slavery, institutional racism, and discrimination against people of color, and how history impacts laws and policies today; and

WHEREAS, the purpose of the Commission is to properly acknowledge, memorialize, and be a catalyst for progress toward jettisoning the belief in a hierarchy of human value based on race, embracing our common humanity, and permanently eliminating persistent racial inequities; and

WHEREAS, the roots of racism, bias, and centuries of socio-economic inequality are deep and require a thoughtful, inclusive, and comprehensive effort; and

WHEREAS, all levels of government play a critical role in establishing a model and process to explore, expose, confront, and reconcile the truths of our past to create a more just and equitable future for all, not just a select few; and

WHEREAS, as public transit rebuilds in the midst of a pandemic to the benefit of all riders, we must also recognize that, together, we wield tremendous power to specifically improve Black lives and the lives of other communities of color; and

WHEREAS, the San Francisco Bay Area Rapid Transit District Board of Directors, as elected representatives of the people, and its management, have a special responsibility not to stay silent in the face of hate, discrimination, and racism against any of our customers, employees or contractors; and

WHEREAS, the San Francisco Bay Area Rapid Transit District, through its Safe Transit Policy, is committed to making the San Bay Area Rapid Transit District an inviting, equitable, and safe community for everyone who uses the system or works for the District; and

WHEREAS, the San Francisco Bay Area Transit District has a history of engaging in work to restore public confidence, promote healing, call for systemic change; and

THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it supports the establishment of a United States Commission on Truth, Racial Healing, and Transformation

BE IT FURTHER RESOLVED, that the Board of Directors of the San Francisco Bay Area Rapid Transit District stand with its Police Department, the Office of the Independent Police Auditor and the General Manager in denouncing the killing of George Floyd while in police custody in Minneapolis.

BE IT FURTHER RESOLVED, that the Board of Directors of the San Francisco Bay Area Rapid Transit District reaffirms its commitment to stand together with the people of the Bay Area in opposing hate, violence, and acts of racism while strengthening our relationship with our community, to increase trust, and to maintaining an open dialogue.

###

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. CON. RES. _____

Urging the establishment of a United States Commission on Truth, Racial
Healing, and Transformation.

IN THE HOUSE OF REPRESENTATIVES

Ms. LEE of California submitted the following concurrent resolution; which
was referred to the Committee on _____

CONCURRENT RESOLUTION

Urging the establishment of a United States Commission
on Truth, Racial Healing, and Transformation.

Whereas the first ship carrying enslaved Africans to what is
now known as the United States of America arrived in
1619;

Whereas this event 400 years ago was significant not only be-
cause it ushered in the institution of chattel slavery of
African Americans, but also because it facilitated the sys-
tematic oppression of all people of color that has been a
devastating and insufficiently understood and acknowl-
edged aspect of our history over these past 400 years,
and that has left a legacy of this oppression that haunts
us to this day;

Whereas the institution of American chattel slavery subjugated African Americans for nearly 250 years, fractured our Nation, and made a mockery of its founding principle that “all men are created equal”;

Whereas our Constitution failed to end slavery and oppressions against African Americans and other people of color, thus embedding in our society the belief in the myth of a hierarchy of human value based on superficial physical characteristics such as skin color and facial features, and resulting in purposeful and persistent racial and gender inequities in education, health care, employment, Social Security and veteran benefits, land ownership, financial assistance, food security, wages, voting rights, and the justice system;

Whereas these oppressions denied opportunity and mobility to African Americans and other people of color within the United States, resulting in stolen labor worth billions of dollars while ultimately forestalling landmark contributions that African Americans and other people of color would make in science, arts, commerce, and public service;

Whereas Reconstruction represented a significant but constrained moment of advances for Black rights as epitomized by the Freedman’s Bureau, which negotiated labor contracts for ex-enslaved people but failed to secure them their own land;

Whereas the brutal overthrow of Reconstruction failed all Americans by failing to ensure the safety and security of African Americans and by emboldening States and municipalities in both the North and South to enact numerous laws and policies to stymie the socioeconomic mobility

and political voice of freed Blacks, thus maintaining their subservience to Whites;

Whereas Reconstruction, the civil rights movement, and other efforts to redress the grievances of marginalized people were sabotaged, both intentionally and unintentionally, by those in power, thus rendering the accomplishments of these efforts transitory and unsustainable, and further embedding the racial hierarchy in our society;

Whereas examples of government actions directed against populations of color include—

(1) the creation of the Federal Housing Administration, which adopted specific policies designed to incentivize residential segregation;

(2) the enactment of legislation creating the Social Security program, for which most African Americans were purposely rendered ineligible during its first two decades;

(3) the GI bill, which left administration of its programs to the States, thus enabling blatant discrimination against African American GIs;

(4) the Fair Labor Standards Act of 1938, which allowed labor unions to discriminate based on race;

(5) subprime lending aimed purposefully at families of color;

(6) disenfranchisement of Native Americans, who, until 1924, were denied citizenship on land they had occupied for millennia;

(7) Federal Indian Boarding School policy during the 19th and 20th centuries, the purpose of which was to “civilize” Native children through methods intended to eradicate Native cultures, traditions, and languages;

(8) land policies toward Indian Tribes, such as the allotment policy, which caused the loss of over 90 million acres of Tribal lands, two-thirds of which were guaranteed to Tribes by treaties and other Federal laws, and similar unjustified land grabs from Tribes that occurred regionally throughout the late 1800s and into the Termination Era in the 1950s and 1960s;

(9) the involuntary removal of Mexicans and United States citizens of Mexican descent through large-scale discriminatory deportation programs in the 1930s and 1950s;

(10) the United States annexation of Puerto Rico, which made Puerto Ricans citizens of the United States without affording them voting rights;

(11) racial discrimination against Latino Americans, which has forced them to fight continuously for equal access to employment, housing, health, financial services, and education;

(12) the Chinese Exclusion Act of 1882, which effectively halted immigration from China and barred Chinese immigrants from becoming citizens of the United States, and which was the first instance of xenophobic legislation signed into law specifically targeting a specific group of people based on ethnicity;

(13) the treatment of Japanese Americans, despite no evidence of disloyalty, as suspect and traitorous in the very country they helped to build, leading most notably to the mass internment of Japanese Americans beginning in 1942;

(14) the conspiracy to overthrow the Kingdom of Hawaii and annex the land of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii; and

(15) the United States history of colonialism in the Pacific, which has resulted in economic, health, and educational disparities among other inequities, for people in United States territories, as well as independent nations with which it has treaty obligations;

Whereas these governmental actions, among other government policies that have had racially disparate impacts, have disproportionately barred African Americans and other people of color from building wealth, thus limiting potential capital and exacerbating the racial wealth gap;

Whereas research has shown that this persistent wealth gap has had a significant negative impact on other racial disparities, such as the achievement gap, school dropout rates, income gaps, home ownership rates, health outcome disparities, and incarceration rates;

Whereas American civic leaders and foundations have spearheaded critical efforts to advance racial healing, understanding, and transformation within the United States, recognizing that it is in our collective national interest to urgently address the unhealed, entrenched divisions that will severely undermine our democracy if they are allowed to continue to exist;

Whereas many of the most far-reaching victories for racial healing in the United States have been greatly enhanced by the involvement, support, and dedication of individuals from any and all racial groups;

Whereas at the same time, much of the progress toward racial healing and racial equity in the United States has been limited or reversed by our failure to address the root cause of racism, the belief in the myth of a hierarchy

of human value based on superficial physical characteristics such as skin color and facial features;

Whereas the American institution of slavery, as well as other examples enumerated in this resolution, represents intentional and blatant violations of every American's most basic right to a free and decent life;

Whereas the consequences of these oppressions have cascaded for centuries, across generations, beyond the era of active enslavement, imperiling for descendants of slaves and other targets of oppression what should have otherwise been every American's right to life, liberty, and the pursuit of happiness;

Whereas more than 40 countries have reckoned with historical injustice and its aftermath through forming Truth and Reconciliation Commissions to move toward restorative justice and to return dignity to its citizens; and

Whereas contemporary social science, medical science, and the rapidly expanding use of artificial intelligence and social media reveal the costs and potential threats to our democracy if we continue to allow unhealed, entrenched divisions to be ignored and exploited: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) affirms on the 400th anniversary of the ar-
4 rival of the first slave ship, the United States long-
5 overdue debt of remembrance to not only those who
6 lived through the egregious injustices enumerated
7 above, but also to their descendants; and

1 (2) proposes a United States Commission on
2 Truth, Racial Healing, and Transformation to prop-
3 erly acknowledge, memorialize, and be a catalyst for
4 progress toward jettisoning the belief in a hierarchy
5 of human value, embracing our common humanity,
6 and permanently eliminating persistent racial inequi-
7 ties.