

March 24, 2020

Wexford Science and Technology's initial proposal was to build a 188-foot office/laboratory building at 3440 Forbes Avenue. Oakland Planning and Development Corporation (OPDC) and residents of Oakland opposed that planned height; the city's Zoning Board of Adjustment (ZBA) denied the variance requests.

Wexford then appealed the ZBA decision to the Court of Common Pleas. OPDC is an intervener in the case. Pittsburgh's City Law Department is also a party in the case (position aligned with OPDC). The appeal process involves a meeting, known as a status conference, for the judge to meet with parties to determine if they can reach a settlement rather than proceeding with litigation. The court has held two status conferences on the case. The presiding judge requested that Wexford and OPDC discuss a settlement. Given the judge's strongly worded directive, OPDC agreed to discuss a possible settlement while also weighing the risk to the community of the various possible outcomes. If a settlement is not reached, each party will submit a brief to the court, who will then make a decision on the case. After the first status conference, Wexford adjusted their proposal to a 153-foot high building, along with a Community Benefits Agreement (CBA).

OPDC's and the City's legal teams have opined that there is a significant chance that the Court would reverse the ZBA's decision and allow Wexford to construct the building at least 153 feet (if an agreement is not settled upon and the parties proceed with litigation). There is a lack of clear case law concerning zoning questions at issue. If settlement cannot be reached, and the parties proceed to litigation, the CBA would no longer be available.

During discussions with Wexford, OPDC negotiated the strongest benefits possible. The CBA includes more resources than earlier offers. Our goal is to leverage development to address the needs of the Oakland community and generate resources to meet those needs. As a nonprofit organization, funds that OPDC would manage support our community-serving programs, not our staff or board. OPDC Board of Directors believe it is in the community's best interest at this time to agree to Wexford's revised height and proposed CBA, which includes the following provisions:

- **Up-front cash payment of \$400,000 to support community needs** such as economic empowerment for low-wealth residents, youth programs, public space improvements, and neighborhood amenities (including affected residents of Coltart). OPDC will utilize a transparent process to allocate funds with much community input.
- **\$100,000 (already committed) to OPDC senior homeowner program - bringing the total up-front cash to \$500,000.**
- **Annual contribution to support Oakland Community Land Trust** of \$0.20/square foot of leasable space, equaling approximately \$36,000 per year, with a commitment of 20 years. **Present value calculation of this figure is roughly \$500,000.**
- **Alleviate traffic and parking concerns** through a Transportation Demand Management strategy - this includes encouraging/incentivizing the use of public transportation, bicycling, walking, ride sharing, car and van pooling, and supporting residential parking permit enforcement. Includes setting targets for reducing single occupancy vehicle trips and regular reporting on measurable outcomes/results.

- **Local hiring commitment** – Wexford proposes to work with OPDC to establish a hiring collaboration in partnership with local workforce development organizations.
- **Minority/Women Business Enterprise (MBE/WBE)** – Wexford will use an MBE and WBE design and construction hiring strategy in collaboration with consultants and subcontractors.
- **Complimentary community use of meeting space** – recognized Oakland community groups can use the District Hall meeting space, up to four times per month.

OPDC has weighed the risks (especially the very real risk of not receiving any community benefits if an agreement is not settled out of court), and believes accepting Wexford's CBA is the most advantageous decision to receive the highest amount of benefits made available to the community. We also appreciate that they increased their proposed benefits to the residents of Oakland.

As always, OPDC values the public's opinion and will discuss this further with community members who would like to reach out. Please utilize the response form and/or contact Jarrett Crowell at jcrowell@opdc.org or Wanda Wilson at wwilson@opdc.org. We will schedule a phone call to discuss this with you further.