

To: Wexford Science & Technology
From: Oakland Planning and Development Corporation
Re: Draft Community Benefits Agreement between Wexford Science and Technology and Oakland Planning and Development Corporation Re: **3440 Forbes Avenue Development, Pittsburgh PA**
Date: July 3, 2019

Wexford Science and Technology proposes commercial development at 3440 Forbes Avenue in the Oakland neighborhood of Pittsburgh that entails seeking substantial variances for height (60' 6" above as-of-right) and residential compatibility (138' 6" above as-of-right for frontage on Iroquois Way) and a special exception for floor area ratio (+50,681sf with a private parking garage, +133,450sf with public parking, above the 207,334sf or 7.2 FAR as-of-right). The building as proposed will be noticeably taller and more massive than adjacent and nearby buildings within the public realm, and will have enormous impact on the neighborhood:

- Dedicating 3 stories of frontage immediately above the ground floor to parking would have a deadening and oppressive effect on Forbes Avenue, increasing the "canyon effect" that minimizes light penetration and creates a hostile environment for pedestrians and street life;
- Building a 188'+ wall up against the medium-density residential neighborhood on Coltart where there's presently an open view to Forbes will dramatically alter the relationship between the two built environments; and
- Adding 145+ cars entering the building from Coltart every day, crossing BRT bus lanes off Forbes Avenue, will increase traffic congestion, noise and air pollution for Coltart and other residents.

Wexford has invited the community to suggest avenues through which the project might offer community benefits that would offset these negative impacts. At a stakeholder meeting on June 19 and in subsequent discussions between June 21 and July 2, community representatives have developed the following request:

1. **Support for youth programming in Oakland through [Educational Improvement Tax Credit](#) tax credit funding:** a total of three 2-year grants of \$150,000/year with 90% tax credit, for a total community benefit of (\$150,000 x 6 years =) **\$900,000** at a net cost to the project's investors of (\$15,000 x 6 years =) \$90,000. The net cost is tax-deductible as OPDC is a 501c3. This includes:
 - a. \$50,000/year for **6** years to support instruction, field trips, equipment, internet, food and instructional materials for South Oakland after-school programming for neighborhood youth
 - b. \$50,000/year for **6** years to support programming, tutoring, and STEAM enrichment opportunities for West Oakland neighborhood youth
 - c. \$50,000/year for **6** years to support Oakland youth participation in the School 2 Career program
2. **Support for neighborhood programming: \$125,000** flat grant to launch and support a farmer's market in Oakland that is accessible to and supportive of all of Oakland's residents and visitors, and to support community programming that creates a vibrant Oakland in which neighbors thrive
3. **Support for affordable housing in Oakland**
 - a. **\$250,000** one-time grant to the Oakland Community Land Trust to secure affordable homeownership in Oakland

- b. Neighborhood Assistance Program (NAP) funding support of \$150,000/year for 6 years to fund projects that will increase the availability of affordable housing, connect seniors with supports and services, support neighborhood quality improvement programs, and provide support for neighborhood outreach programs that connect residents with each other and promote sustainable communities. This would provide a total community benefit of (\$150,000 x 6 years =) **\$900,000** with a 75 - 80% tax credit for project investors, at a net cost of (\$37,500 x 6 years =) \$225,000. The net cost is tax-deductible as OPDC is a 501c3 charity
4. **Complimentary community access to the District Hall meeting space**, to be arranged on a first-come, first-served basis, no more than 4 times per month
5. **A transportation demand management strategy** that will limit the parking needs of the building's occupants and visitors to what is provided on-site, with annual reporting on the mode split and specific actions Wexford has taken to support alternative transportation options for the building
6. **Collaboration between Wexford and OPDC** to facilitate placement of qualified applicants in permanent full-time jobs with benefits in the on-going operations of the building
7. **An MBE and WBE design and construction hiring strategy**, in collaboration with Wexford's subcontractors and consultants

This represents a total benefit to the community of \$2,125,000 over six years, at a net cost to Wexford and its partners of \$690,000, exclusive of programmatic commitments like the transportation demand management and hiring strategies, and community access to the building.

Any community benefits agreement should include fallback clauses that would govern Wexford's responsibility in the unlikely event that tax credit programs currently available (such as the EITC and NAP programs) are unavailable at any point in the six-year program period.

With a signed CBA in place, OPDC would not oppose the variances requested for the building at 3440 Forbes; the CBA would be entered into the record at the Zoning Board of Adjustment hearing and both parties would request that zoning approvals be conditioned on the CBA. The community remains at liberty to voice opinions about specific design elements once the plans for the building are before the Planning Commission. Violation of the CBA would result in revocation of the building's occupancy permit.

The long-term nature of the commitment that the community is requesting through this CBA is integral to the community's commitment to accommodate the 3440 Forbes development into the Oakland neighborhood. Residents will be living with this building for the foreseeable future, and are asking for Wexford's assurances that their accommodations are reciprocated. We have confidence that given Wexford's stated interest in helping to create a positive sense of place in Oakland, to support the kind of built environment and economy that help businesses as well as residents thrive, these concessions serve everyone's interests.