



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** Estuary Park Coastal Conservancy  
Proposition 68 Grant Application

**DATE:** June 20, 2022

City Administrator Approval 

Date: Jul 7, 2022

## RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Pieces of Legislation:

1. **A Resolution Waiving The Competitive Request For Proposal/Qualification (RFP/Q) Requirement And Authorizing The City Administrator To Increase The Landscape Architectural Services Agreement With WRT, LLC By An Amount Not To Exceed Thirty-Eight Thousand Dollars (\$38,000.00) For Grant Application Support, Bringing the Total Contract Amount From One Million Four Hundred Thousand Dollars (\$1,400,000.00) To One Million Four Hundred Thirty-Eight Thousand Dollars (\$1,438,000.00).**
2. **A Resolution Authorizing the City Administrator To Apply For, Accept, And Appropriate Funds From the State Coastal Conservancy Proposition 68 Climate Adaptation Grant Program For The Estuary Park Renovation And Expansion Project In An Amount Up To Five Hundred Thousand Dollars (\$500,000.00) For Resilient Living Shoreline Design (Design Grant) For The Estuary Park Project (No. 1000858).**
3. **Resolution Waiving The Competitive Request For Proposal/Qualification (RFP/Q) Requirement And Authorizing The City Administrator To Increase The Landscape Architectural Services Agreement With WRT, LLC By An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) For Resilient Living Shoreline Design Services, Should The Design Grant Be Awarded From the State Coastal Conservancy; And**
4. **A Resolution Authorizing the City Administrator to Apply For, Accept, And Appropriate Funds From Future State Coastal Conservancy Grant Cycles For Construction Of A Resilient Living Shoreline For An Amount Up To Three Million Dollars (\$3,000,000.00) (Construction Grant) For The Estuary Park Project (No. 1000858).**

## EXECUTIVE SUMMARY

Approval of the proposed resolutions will authorize the City Administrator to proceed with the renovation and expansion of Estuary Park by allowing the City to: (1) waive the Request for

City Council  
July 19, 2022

Proposals/Qualifications (RFP/Q) requirement to continue work with WRT, LLC for (a) additional grant application support (\$38,000) and (b) additional design services (\$500,000) should additional grants be awarded, and (2) to apply for, accept and appropriate \$500,000 in grant funds for design (Design Grant) and for \$3,000,000 in grant funds for construction (Construction Grant) from the State Coastal Conservancy Proposition 68 Climate Adaptation Grant Program to support the Estuary Park Renovation and Expansion Project.

The renovation and expansion of Estuary Park is a critical part of Oakland's mission to restore and enhance the ecological health of and improve public access to its shoreline. The existing site requires careful planning and design to develop a vision for shoreline improvements that accommodate future sea level rise. The current Estuary Park renovation project includes some funds for the design of shoreline improvements. The additional funds requested through the Design Grant would benefit the project by expanding the resources available to further develop the resilient shoreline approach and create a living shoreline that supports intertidal and subtidal habitats, while also encouraging public access to the waterfront. State Coastal Conservancy Proposition 68 San Francisco Bay Area Conservancy Program Climate Adaptation Funds current grant round will award competitive grants for projects that plan, develop, and implement climate adaption and resiliency projects. The Conservancy has approximately \$11.5M of Proposition 68 San Francisco Bay Climate Funds; \$5.7M is available now, with the remainder available in the coming three years. The project team has submitted a preproposal to the State grant agency for design and has been encouraged to submit a full proposal for the Design Grant. The proposed resilient living shoreline at Estuary Park has potential to serve as a model for other San Francisco Bay shoreline renovation projects, as it would serve as an on-the-ground demonstration of dynamic adaptation pathways that respond to sea level rise over time. If awarded, the Design Grant would provide the City an opportunity to design a resilient living shoreline for Estuary Park and be positioned to apply for a future round of the grant for construction funding.

## **BACKGROUND / LEGISLATIVE HISTORY**

The Estuary Park site is approximately 11 acres located at 5 Embarcadero along the waterfront area of Oakland in City Council District 3. Please see ***Attachment A – Project Location Map***. Estuary Park incorporates the Jack London Aquatic Center, a City facility that provides youth and adult rowing programs. It also includes a popular multi-use grass field frequently used for soccer and other impromptu team sports, a public boat launching ramp, a group picnic area, and the demolished adjacent Cash and Carry building site that is currently fenced off and not in use. The park site is adjacent to the Oakland Estuary and the opening to the Lake Merritt Channel.

Through a variety of planning processes in the mid 1990's the Estuary Park Renovation and Expansion Project was proposed and thereby incorporated into several local and regional plans over the last twenty years including the adopted General Plan Open Space, Conservation and Recreation (OSCAR) in 1996 and the Estuary Policy Plan in 1999. As stated in the Estuary Policy Plan:

“Estuary Park is a significant public asset which can and should be upgraded. It has a historic relationship with nearby Lake Merritt and the Lake Merritt Channel. If Estuary

Park is to fulfill its potential, it is important to make it more visible from the Embarcadero. It should be expanded and extended to the street, adding to the total amount of usable public space and improving park security. The entire park (including the expansion area) should be improved. Consideration should be given to providing places to observe major civic celebrations and water related festivals.”

As a result of this initial planning vision, the “Cash and Carry” site located at 105 Embarcadero West will be acquired by the City through the Brooklyn Basin Development Agreement, providing visual continuity from the Embarcadero to the water and expanding the total site area from seven to eleven acres. Upon completion and acceptance of remediation work by the developer, the site is to be transferred to the City.

The Estuary Park Project was listed in the Measure DD – Oakland Trust for Clean Water and Safe Parks Bond program (Measure DD) under the category for Estuary Waterfront Access, Parks and Cleanup Program, positioning the City to realize long-held community objectives for the creation of a major open space of citywide and regional significance, as described in the Estuary Policy Plan. Funding for the design of the Estuary Park project was approved on December 13, 2016 by Resolution No. 86516 C.M.S., which authorized the sale of the Measure DD Series C Bond. This positioned the City to realize long-held community objectives for the creation of a major open space of citywide and regional significance as described in the Estuary Policy Plan.

The WRT, LLC contract was competitively procured through a formal Request for Proposals (RFP) in 2020. WRT, LLC’s proposal met the City of Oakland’s Local/Small Local Business Enterprise (L/SLBE) program requirements for the RFP. On July 28, 2020, a professional landscape architectural services agreement for the Estuary Park project was awarded to WRT, LLC through City Council Resolution 88239 C.M.S. to develop a Park Master Plan and Phase 1 design for construction.

The Master Plan for the eleven-acre park site provides a vision to create a major open space of citywide and regional significance, expand recreational amenities for a diverse community, improve access to and enjoyment of the shoreline, and improve the San Francisco Bay Trail through the park. Please see ***Attachment B – Draft Estuary Park Master Plan***.

## **ANALYSIS AND POLICY ALTERNATIVES**

This significant park project will advance citywide priorities of **holistic community safety** and **vibrant, sustainable infrastructure** by addressing known contamination in areas adjacent to the park and develop a vision for shoreline improvements that accommodate future sea level rise. The renovation and expansion of Estuary Park is a critical part of Oakland’s mission to restore and enhance the ecological health of and improve public access to its shoreline and expand recreational opportunities.

The Downtown Oakland Specific Plan and Oakland’s Sea Level Rise Roadmap point to the urgent need to plan for rising tides along the shoreline. As part of the Estuary Park Renovation and Expansion Project, the park’s undeveloped area is proposed to be raised two feet above the current elevation which would address the Sea Level Rise effects beyond projected mid-

century levels. The current project includes some funding for the design of shoreline improvements to accommodate the raised park site elevation and replace the existing concrete rip rap along the park's southern shoreline.

The additional funds requested through the Design Grant would benefit the project by expanding the resources available to further develop the resilient shoreline approach and create a living shoreline that supports intertidal and subtidal habitats, while encouraging public access to and use of the waterfront, and celebrating the site's ecology and cultural history. WRT, LLC and their environmental consultant ESA, have supported the City in submitting a preproposal application to the State Coastal Conservancy and meeting with grant representatives to present and discuss the proposed resilient shoreline design concept. ESA is an ecological design firm based in Oakland, with expertise in the design and permitting of complex environmental restoration, climate change, resilience design, and biological resources. They are uniquely capable of supporting the City in the design and implementation of an innovative, nature-based, resilient and adaptive shoreline. The State Coastal Conservancy staff have expressed great enthusiasm for the pre-proposal and believe that it has potential to serve as a model for other San Francisco Bay shoreline restoration projects, as it would serve as an on-the-ground demonstration of dynamic adaptation pathways that respond to sea level rise over time. They have encouraged the City to submit a full grant proposal application. If awarded, the Design Grant would provide the opportunity to develop this more robust resilient living shoreline design.

State Coastal Conservancy Proposition 68 San Francisco Bay Area Conservancy Program Climate Adaptation Funds current grant round will award competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible project criteria relevant to the Estuary Park Resilient Living Shoreline proposal include: improve a community's ability to adapt to the unavoidable impacts of climate change; improve and protect coastal habitat; develop future recreational opportunities; and enhance landscape resilience; use natural infrastructure and provide multiple benefits. The Conservancy has approximately \$11.5M of Prop 68 SF Bay Climate Funds; \$5.7M is available now, with the remainder available in the coming three years. Grant applications are accepted on a rolling basis. State Coastal Conservancy staff have encouraged the team to apply for future rounds of funding that will provide funds to supplement construction of the shoreline improvements, once those funds become available.

Section 2.04.051B of the Oakland Municipal Code authorizes the City Council to waive RFP/Q selection requirement of Section 2.04.051A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so. Over the past year of community and stakeholder engagement for this project, WRT and ESA have developed a deep understanding of the site conditions, community and stakeholder needs for this project. It is essential that complex shoreline improvements design and construction are integrated with the overall park improvement project. The shoreline, the Bay Trail and the adjacent recreation spaces and amenities are all deeply interrelated and must be designed together. It is in the City's best interest to waive the RFP/Q process, without the knowledge WRT and ESA brings to this project, the City would not be able to secure a grant of this specific focus, intent and expertise.

A Racial Equity Impact Analysis developed in partnership with Oakland Parks Recreation and Youth Development (OPRYD) identifies opportunities for closing racial disparities and goals for

improving outcomes for the Oakland community through the park renovation in two key ‘themes’ highlighted by the 2018 Oakland Equity Indicators Report: Public Health and Neighborhood and Civic Life. Project goals and park program have been identified in the draft Estuary Park Master Plan to specifically target improvements and programs for improving disadvantaged community outcomes.

**FISCAL IMPACT**

Approval of this resolution authorizes the City Administrator to amend the professional services agreement contract to WRT, LLC: (a) in an amount not to exceed thirty-eight thousand dollars (\$38,000.00) to prepare the shoreline design grant application for the Estuary Park renovation and expansion project (No. 1000858); and (b) in an amount not to exceed five hundred thousand dollars (\$500,000.00) for additional resilient shoreline design services, should the grant for resilient shoreline design be awarded.

All funding to support the amendment to the existing professional services contract have already been allocated, budgeted, and funded by City Council through the Capital Improvement Program Budget process. Funding for the design of the Estuary Park project was approved on December 13, 2016, by Resolution No. 86516 C.M.S., which authorized the sale of the Measure DD, Series C, Bond. Funding to support the enhanced resilient shoreline design services would be provided by the State Coastal Conservancy Prop 68 Climate Adaptation Grant for Resilient Shoreline Design, if awarded.

**Table 1: Recommended Contract Increase**

<b>Contract Capacity Increase</b>	<b>Amount</b>
Grant Application Services – amount not to exceed	\$38,000.00
Enhanced Resilient Shoreline Design funded by State Coastal Conservancy Proposition 68 Climate Adaptation Grant Program (should the Design Grant be awarded)	\$500,000.00

**Table 2: Funding Sources**

<b>FUNDING SOURCE</b>	<b>Amount</b>
Measure DD, Series C, Fund (5322); Award (23145) Capital Projects Organization (92270); Consultant Contract Account (54411); Waterfront Trails – Estuary Park Project (1000858); Project Delivery Program (IN06)	\$38,000.00
State of California Grant, Fund (2159); Award (TBD) Capital Projects Organization (92270); Consultant Contract Account (54411); Waterfront Trails – Estuary Park Project (1000858); Project Delivery Program (IN06)	\$500,000.00

The design of the project will have no immediate operational fiscal impact. There is no impact on the General Purpose Fund, and no additional funding is requested.

### **PUBLIC OUTREACH / INTEREST**

The Estuary Park project is highly noted throughout various City and regional plans as listed in the Background/Legislative History section of this report. Public outreach and engagement were conducted throughout the development of those plans. Results of the feedback and participation deemed this project as a priority in the implementation of the Estuary Policy Plan and the Measure DD Estuary Waterfront Access, Parks and Cleanup Program.

From August 2018 through September 2021, a robust and thorough community engagement process was conducted for the Estuary Park Renovation and Expansion Project. During this period, four stakeholder and four public community meetings were held.

August 30, 2018	STAKEHOLDER MEETING #1
October 17, 2018	COMMUNITY MEETING #1
December 05, 2018	COMMUNITY MEETING #2
January 31, 2019	COMMUNITY MEETING #3
April 22, 2021	STAKEHOLDER MEETING #2
September 14, 2021	STAKEHOLDER MEETING #3
September 30, 2021	STAKEHOLDER MEETING #4
October 23, 2021	COMMUNITY MEETING #4

In addition to these meetings, the team has attended over fifteen events and regularly occurring meetings. An online project website hosts project information and updates. The website link is [here](#).

Two online surveys were conducted, one in 2018 and the second concluding November 2021. In the second survey conducted both online and at an in-person community workshop, participants were asked to prioritize proposed elements of the Preliminary Park Master Plan, which included Resilient Shoreline Improvements along with fifteen other potential program Shoreline improvements ranked second after the Bay Trail, which runs along the shoreline and is an integral aspect of its design.

## **COORDINATION**

The work to be done under this contract has been coordinated with OPRYD, Oakland Public Works – Bureau of the Environment, Environmental Services, Capital Contracts and Department of Workplace and Employment Standards- Contract Compliance Divisions.

The project team has worked closely with OPRYD to ensure that the park goals and program are in support of their mission to expand recreational opportunities for underserved communities of Oakland. OPRYD has provided key demographic data on existing program and rental users to support the project Racial Equity Impact Analysis and contributed their experience and expertise to identify opportunities for closing racial disparities and goals for improving outcomes for the Oakland community through the park renovation. The racial equity impact analysis and goals have informed the development of the draft Estuary Park Master Plan project goals and park program.

This report and the accompanying resolutions have been reviewed for form and legality by the Office of the City Attorney and have been reviewed by the Budget Bureau.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The consultant is verified L/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The projects will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the projects and will benefit directly

***Environmental:*** The consultant will be required to adhere to the City's Bay-Friendly Landscape Ordinance, consider the use of recycled materials in the products specified as well as integrate technology and design elements supporting environmental, waste reduction and energy conservation objectives. Additionally, the design of Estuary Park will be based on the most recent sea level rise data and will provide a plan for future adaptive steps to extend the resiliency of the park.

***Race & Equity:*** The renovated and expanded Estuary Park will provide new facilities to support increased recreational opportunities for Oaklanders citywide. The resulting project will comply with the Americans with Disabilities Act (ADA) and enhance the enjoyment of Estuary Park for all ages and abilities. The enhanced resilient shoreline design will provide improved waterfront access and enjoyment. In collaboration with OPRYD, the project's racial equity impact analysis and recommendations have been incorporated into the draft Estuary Park Master Plan.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

After consultation with City Planning, it has been determined that the Estuary Park Master Plan will prepare an Addendum to the existing 2009 Oak to Ninth Project Environmental Impact Report (EIR) for the proposed Estuary Park improvements. This work is currently underway, and the environmental consultants are targeting a draft for Planning review Summer 2022.

This action is to accept grant funds and to extend the design agreement to complete the design for the project. When the project is ready for construction award and the EIR addendum is complete, the Council will be asked to adopt appropriate CEQA at that time.

**ACTION REQUESTED OF THE CITY COUNCIL**

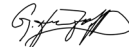
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For questions regarding this report, please contact Christine Reed, Capital Improvement Project Coordinator at (510) 238-6540.

Respectfully submitted,



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G. HAROLD DUFFEY  
Director, Public Works

Reviewed by:

Denise Louie, Acting Assistant Director  
Bureau of Design & Construction

Prepared by:

Christine Reed, CIP Coordinator  
Project and Grant Management Division

Attachments (2):

- A: Project Location Map
- B: Draft Estuary Park Master Plan



