



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

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

SUBJECT: Accept and Appropriate Caltrans
Funds For the Courtland Creek
Restoration Project and the Mini
Parks Beautification Project

DATE: April 25, 2022

City Administrator Approval 

Date: May 12, 2022

RECOMMENDATION

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

- 1. A Resolution Authorizing The City Administrator To (1) Apply For, Accept, And Appropriate Grant Funds In An Amount Not-To-Exceed Two Million Thirty-Three Thousand Five Hundred Seventy-Five Dollars (\$2,033,575.00) From The California Department Of Transportation Clean California Local Grant Program (CCLGP) To Implement The Courtland Creek Restoration Project (Courtland Project), (2) Enter Into A Restricted CCLGP Grant Agreement With The California Department Of Transportation (Caltrans) To Implement The Courtland Project (No. 1005340), (3) Accept And Appropriate Caltrans Funds In An Amount Not-To-Exceed One Hundred Ninety Thousand Dollars (\$190,000.00) To Implement The Courtland Project As Mitigation For Its Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project), (4) Enter Into A Contractual Agreement With Caltrans To Implement The Courtland Project Utilizing Caltrans Project Mitigation Funds, And (5) Adopt Appropriate California Environmental Quality Act (CEQA) Findings.**
- 2. A Resolution Authorizing The City Administrator To (1) Apply For, Accept, And Appropriate Grant Funds In An Amount Not-To-Exceed Four Million Nine Hundred Ninety-Two Thousand Three Hundred Eighty Dollars (\$4,992,380.00) From The California Department Of Transportation Clean California Local Grant Program (CCLGP) To Implement The Oakland Mini Parks Beautification Project, (2) Enter Into A Restricted CCLGP Grant Agreement With The California Department of Transportation To Implement The Mini Parks Beautification Project, And (3) Adopt Appropriate California Environmental Quality Act (CEQA) Findings.**

EXECUTIVE SUMMARY

The Clean California Local Grant Program (CCLGP) awarded a total of \$296 million in competitive grant funds statewide to local beautification projects. Oakland submitted two grant applications: The Courtland Creek Restoration Project (Courtland Project) in Courtland Creek Park and the Mini Parks Beautification Project to restore nine mini parks. Both applications scored in the top one-third of applications and were awarded on March 1, 2022. Adoption of these two resolutions will authorize acceptance of these funds and allow for the projects to be constructed within the timeline required by the grant.

Additionally, on March 8, 2022, the City received a letter of intent (**Attachment A**) from the California Department of Transportation (Caltrans) to participate in the Courtland Project by contributing \$190,000.00 to satisfy Caltrans' mitigation requirements for its Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project). The off-site mitigation provided by the Courtland Project is authorized by the San Francisco Bay Regional Water Quality Control Board.

Approval of the proposed resolutions will authorize the City Administrator to apply for, accept, and appropriate \$2,033,575.00 in grant funds from Caltrans CCLGP for the Courtland Project and enter into a restricted grant agreement with Caltrans to implement the project; to accept and appropriate \$190,000.00 in Caltrans Project mitigation funds, and enter into a contractual agreement with Caltrans to implement the project utilizing the Caltrans Project mitigation funds; to apply for, accept, and appropriate \$4,992,380 in grant funds from Caltrans CCLGP for the Mini Parks Project and to enter into a restricted grant agreement with Caltrans to implement the project; and to adopt appropriate California Environmental Quality Act (CEQA) findings for both the Courtland Project and the Mini Parks Project. A template restricted grant agreement provided by Caltrans CCLGP is attached (**Attachment B**).

The goals of the Courtland Project are to improve water quality and habitat, stabilize creek banks, reduce flood risk, reduce illegal dumping, improve park safety, connect the neighboring community to the creek in a visually appealing way and provide enhanced nature-based recreation and educational opportunities.

The goals of the Mini Parks Project are to beautify nine parks and enhance outdoor public space, decrease blight, and improve recreation for children and families in Oakland's most underserved communities.

BACKGROUND / LEGISLATIVE HISTORY

The CCLGP is providing over one billion dollars to invest in beautification programs across the state. Funds are spread across five program areas: litter abatement; state beautification projects; local beautification projects; public education; and project design, construction, local support, and engagement.

Under local beautification projects, CCLGP is being administered by Caltrans. This program awarded a total of \$296 million in competitive grant funds.

Jurisdictions were authorized to submit multiple proposals with a \$5 million cap on each submission, and the grant applications were very competitive. Oakland submitted two proposals discussed below and was successful in both of its submissions, totaling \$7 million. Only the Cities of Los Angeles and Sacramento received more funding than Oakland.

A working group consisting of representatives from the City Administrator's Office, Oakland Public Works Department, Oakland Department of Transportation, Oakland Parks, Recreation and Youth Department, and Oakland Public Library was convened to develop project ideas to compete for this grant. The group coalesced around the following two proposals focused on improving parks in underserved communities:

1. Courtland Creek Restoration Project (Courtland Project): This project will restore 140,000 square feet of public parkland including 950 linear feet of urban stream and 1500 linear feet of recreational trail. This project is in Courtland Creek Park parallel to High Street between Brookdale Avenue and 45th Avenue (see **Attachment C – Courtland Project Location Map and Conceptual Designs**). The project will stabilize creek banks to protect properties, improve riparian habitat through native drought-tolerant plantings, abate litter and illegal dumping, and beautify the park to benefit an underserved community. In addition, the project will remove waste from the park and install anti-littering signage, additional waste disposal containers, physical features to deter future littering and dumping, and will provide accessible seating, trail surfacing, curb ramps, gathering places, a creek overlook, interpretative signage/art, and increased nature-based recreation and educational opportunities for the community through partnership with the Oakland Parks and Recreation Foundation. The project will improve access for people of all ages and abilities, improve safety, and enhance community connection.

The Courtland Project cost is \$5.8 million. With the acceptance of this \$2.03 million grant from CCLGP and \$190,000 in Caltrans Project mitigation funds, the project will be fully funded. The project's other funding sources include:

- \$530,000 allocated from the Oakland Trust for Clean Water and Safe Parks Bond (Measure DD). The Courtland Project is on the Council-adopted DD Prioritized Creek Restoration Project List that was authorized in Council Resolution No. 79649 C.M.S. (**Attachment D**).
- \$1,000,000 from a State Proposition 68 grant from the California Department of Water Resources Urban Streams Restoration Program (USRP). These grant funds have been accepted and appropriated in Council Resolution No. 88143 C.M.S. (**Attachment E**).
- \$1,500,000 from an Environmental Protection Agency San Francisco Bay Water Quality Improvement Fund. These grant funds have been accepted and appropriated in Council Resolution No. 88397 C.M.S. (**Attachment F**).

- \$240,000 from Alameda County Flood Control and Water Conservation District the Agreement Related to the Clean Creek Program and Collaborative Creek Improvement Program. These funds have been accepted and appropriated in Council Resolution No. 88565 C.M.S. (**Attachment G**).
 - \$355,000 from Sewer Service Fund (3100), Watershed and Stormwater Management Division Organization (30245), and Courtland Creek Restoration Project (1005340).
2. Mini Parks Beautification Project (Mini Parks Project): This project will beautify nine mini parks in Oakland's underserved communities. The goal is to invite recreation and promote healthy social gathering. The project will install BBQ pits and play structures. Play areas will be resurfaced and new park furniture and accessible seating will be installed. The project will also install nine hydration stations (drinking and water bottle filling fountains) to reduce consumption of sugary beverages and the use of disposable plastic bottles, 42 shade trees to reduce the urban heat island effect, and landscaping with new irrigation. Fourteen animal-proof trash receptacles and new lighting, fencing and gates will also be installed. These features will provide access for proper litter disposal and deter illegal dumping. These enhancements will significantly beautify and improve these public spaces and promote community connection and recreation in underserved neighborhoods with high concentrations of Black and Indigenous People of Color (BIPOC) residents. The original grant criteria required applicants to provide up to 50% matching funds for projects unless they met certain criteria based on underserved communities' income levels. Even though Oakland was only considering projects in communities that met the criteria, the City's wealthier neighborhoods skewed the data and disallowed an exemption from the matching requirement. Oakland staff lobbied the state and was successful in seeing the grant requirement modified statewide to only score the neighborhoods where the projects are located. This successful effort eliminated the matching requirement for the Mini Parks Project.

ANALYSIS AND POLICY ALTERNATIVES

On January 31, 2022, the City applied for:

- \$2,033,575.00 in Courtland Project funding through the CCLGP grant from Caltrans.
- \$4,992,380.00 in Mini Parks Project funding through the CCLGP grant from Caltrans.

On March 1, 2022, the City received notice of being selected as an awardee of the CCLGP for both the Courtland Project and the Mini Parks Project.

On March 8, 2022, the City received a letter of intent from Caltrans to participate in the City of Oakland's Courtland Project by contributing \$190,000 as off-site mitigation for the Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project).

Upon City Council approval, CCLGP restricted grant agreements with Caltrans can be fully executed, and a contractual agreement with Caltrans to accept Caltrans Project mitigation funds to implement the Courtland Project can be fully executed. This funding will provide critical funding needed for these projects.

With funding from the CCLGP, the Courtland Project is fully funded. Once constructed, it will improve water quality and habitat, stabilize creek banks, reduce flood risk, reduce illegal dumping, improve park safety, provide enhanced nature-based recreation and educational opportunities, and will connect the neighboring community to the creek in a visually appealing way.

The Courtland Project will serve underserved communities by increasing the quality of Courtland Creek and Courtland Creek Park through enhanced green space access, reduced trash levels and illegal dumping, expanded nature-based recreation, and hands-on educational opportunities for local students. These project elements will be designed in collaboration with the community to help reduce burdens for residents most impacted by racial disparities in the neighborhood, such as chronic illegal dumping and park safety concerns. The underserved community that is benefited by this project are the residents who make up Census Tract 4071.02 identified using the Adjusted Median Income compared to Median Household Income (ACS5 data).

The Courtland Project reflects community-based needs and desired goals identified by the Project team through early consultation with community stakeholders. Courtland Project neighbors expressed the need to remove waste and debris from the Park, deter illegal dumping, littering and crime in the area, improve American Disabilities Act (ADA) access, and add seating and gathering areas. School groups and Adopt a Spot volunteers expressed the need for: seating and gathering areas, improved safety and access to the park and creek for nature-based recreation, and expanded nature-based, hands-on educational opportunities for local students. The park and creek have served and will continue to serve as an outdoor classroom for Melrose Leadership Academy's hands-on creek restoration instruction for six graders, and for ARISE High School's service-learning collaboration with buildOn, an organization committed to "breaking the cycle of poverty, illiteracy, and low expectations through service and education, and building leaders".

With funding from the CCLGP, the Mini Parks Project is fully funded, and once constructed, it will invite recreation and promote healthy social gathering at nine mini parks located in underserved communities in Oakland.

In October 2021, Oakland Public Works conducted a survey of the City's mini parks to assess the current condition of various features and amenities and summarized the overall condition of each park with a rank and grade. This process identified the mini parks marred with graffiti, damaged by vandalism, overrun with weeds or illegal dumping and suffering from broken play equipment or absent features, like seating or drinking fountains. The poor condition of the lowest ranked parks fostered illegal activity and caused the community to avoid these areas.

From the subset of mini parks receiving the lowest grade, the working group identified nine mini parks that are geographically situated in areas identified in “2019 Oakland Stressors Map” as “the most stressed”, drawn from indicators across a range of domains, including Health and Environment, Housing, Education, Poverty and Crime. The nine selected parks are as follows:

Mini Park	Address	Council District
88 th Ave Park	1722 88 th Avenue	District 7
Cesar Chavez Park (Foothill Meadows Ext.)	1800 38 th Avenue	District 5
Eula Brinson Park	1712 85 th Avenue	District 6
Gwen Jackson Park	Coolidge & Nicol	District 5
Lazear Park	850 29 th Avenue	District 5
McClymonds Park	2528 Linden Street	District 3
Morgan Plaza Park	2601 Highland Avenue	District 2
Thomas Malero Park	1461 65 th Avenue	District 6
Vantage Point Park	1198 13 th Avenue	District 2

All nine parks are located in underserved communities, determined based on the local median household income (Census Tract Level Data from the 2019 American Community Survey 5-year Estimates).

Three of the nine mini parks included in the Mini Parks Project suffer from chronic illegal dumping, while littering is a serious issue in all nine. Several parks lack either basic trash containers or animal-proof trash containers. The project proposes to install 14 animal-proof trash receptacles and improve lighting at these parks. New fencing and gates will also be installed as needed. These features will provide access for proper litter disposal and deter illegal dumping. Enhancements to landscaping and play structures will also increase the parks’ overall aesthetics and invite community presence, further discouraging illegal activity.

Acceptance of the CCLGP grant funding and Caltrans mitigation funding supports the City’s goals of building **vibrant, sustainable infrastructure** and enhancing **holistic community safety**. Improvements made to these parks will enhance outdoor public space, improve public access and encourage community connection, decrease blight and improve safety, and improve recreation for children and families in Oakland’s most underserved communities.

FISCAL IMPACT

If approved, the Courtland Project Resolution will allow CCLGP funds and Caltrans Project mitigation funds to be deposited and appropriated as follows for the Courtland Project:

- CCLGP funds: \$2,033,575 into in a new Award (number to be determined), California Department of Transportation Fund (2140), Watershed and Stormwater Division Organization (30245), and Courtland Restoration Project (1005340). These grant funds require a 50% local match (\$1,016,788.00) that will be provided by Award 24130, Environmental Protection Agency Fund (2125), Watershed and Stormwater Division Organization (30245), and Courtland Restoration Project (1005340).
- Caltrans Project mitigation funds: \$190,000 into California Department of Transportation Fund (2140), Watershed and Stormwater Division Organization (30245), and Courtland Restoration Project (1005340).

If approved, the Mini Parks Project Resolution will allow CCLGP funds to be deposited and appropriated as follows for the Mini Parks Project:

- CCLGP funds: \$4,992,380 into California Department of Transportation Fund (2140), Project and Grant Management Division Organization (92270), Project number to be determined. These grant funds do not require match funding.

CCLGP grant funds and mitigation funds will be disbursed for costs incurred by the City to implement the Courtland Project and Mini Parks in accordance with the grant agreements.

PUBLIC OUTREACH / INTEREST

The projects were developed from the following policies, plans and reports:

- City of Oakland Open Space Conservation and Recreation (OSCAR): An Element of the Oakland General Plan, June 1996;
- 2019 Oakland Stressors Map;
- Parks and Equity: The Promise of Oakland's Parks, 2020;
- Oakland Fund for Children and Youth: Community Needs Assessment & Racial Equity Analysis, 2021 Report; and
- City of Oakland Capital Improvement Program (CIP) Fiscal Year 2021-23.

The Courtland Project is also consistent with the following plans:

- City of Oakland Department of Transportation Strategic Plan;
- City of Oakland Local Hazard Mitigation Plan; and
- Alameda County Flood Control and Water Conservation District Zone 12 Master Plan.

The Courtland Creek Restoration Project was identified and prioritized for restoration by the City of Oakland in 2005 through a community-driven process to identify and rank creek restoration projects to be funded by the local Oakland, Measure DD bond for Clean Water and Safe Parks (Measure DD). The Courtland Creek Restoration Project was ranked seventh on the list of prioritized projects.

The Courtland Project will incorporate design and scope input from Courtland Creek Park neighbors and other community members and stakeholders. The City's design consultant team, City staff, and Oakland Parks and Recreation Foundation are currently implementing a collaborative community engagement plan in accordance with the City's Department of Race and Equity Inclusive Public Engagement Planning Guide, which includes effective strategies for inclusive engagement and guides engagement and project objectives that will address disparities and increase opportunities and/or reduce burdens for the communities most impacted by racial disparities. Staff hosted community meetings in July 2021 and plan to host a second round of community meetings in May 2022. Meetings will be held using virtual engagement tools. The Courtland Project team will hold public meetings periodically throughout the design process to ensure responsiveness to community concerns, build engagement in the project, and foster long-term stakeholders and stewards.

The Mini Parks Project was identified by a working group consisting of representatives from the City Administrator's Office, Oakland Public Works Department, Oakland Department of Transportation, Oakland Parks, Recreation and Youth Department, and Oakland Public Library convened to develop project ideas. The resulting Mini Parks Project is supported by the Parks and Recreation Advisory Commission Measure Q ad hoc committee who reviewed the draft Mini Parks Assessment conducted by Oakland Public Works. The Oakland Parks and Recreation Foundation also supports the Mini Parks Project.

To promote ongoing public engagement in the Mini Parks Project, community members around the parks will be invited to design new park signs to not only publicize these enhancements but also rekindle community connection.

COORDINATION

A working group consisting of representatives from the City Administrator's Office, Oakland Public Works, Department of Transportation, Oakland Parks, Recreation and Youth Department, and Oakland Public Library was convened to develop project ideas to compete for this grant.

Implementation of the Courtland Project and the Mini Parks Beautification Projects will continue to be coordinated by Oakland Public Works with Oakland Parks, Recreation and Youth Department, Department of Workplace and Employment Standards, Department of Race and Equity.

This report and resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: The Courtland Project will repair a City asset by stabilizing creek banks on City property. This will reduce flood risk on City and adjacent private property and will reduce the potential cost of repairs in the future. Implementation of the Courtland Project 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 Courtland Project and will benefit directly.

The Mini Parks Project will beautify nine park assets in Oakland by resurfacing play areas and installing new infrastructure including play structures, seating, lighting and trash receptacles. The new trash receptacles will provide access for proper litter disposal and deter illegal dumping. The improvements will reduce the potential costs of repairs to park assets in the future, and the costs to remove trash and illegal dumping. Implementation of the Mini Parks Project will generate tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the Mini Parks Project and will benefit directly.

Environmental: Implementation of the Courtland Project will improve and enhance habitat, creek bank stability, water quality, flood protection, and climate change resilience. The project will also be designed in accordance with requirements set by applicable environmental regulatory agencies as well as by the City of Oakland Creek Protection Ordinance.

Implementation of the Mini Parks Project will reduce the urban heat island effect by planting forty-two shade trees and installing landscaping with new irrigation. Illegal dumping and litter in the mini parks will be reduced by installing fourteen animal-proof trash receptacles, new lighting, fencing and gates. The use of disposable plastic bottles will be reduced by installing nine hydration stations (drinking and water bottle filling fountains).

Race & Equity: Implementation of the Courtland Project will benefit the surrounding underserved and disadvantaged neighborhoods by increasing the quality of Courtland Creek and Courtland Creek Park through enhanced access to natural amenities, reduced trash levels and illegal dumping, and expanded nature-based, hands-on educational opportunities for local students. The resulting Courtland Project will also comply with the ADA and enhance the enjoyment of Courtland Creek Park for all ages and abilities.

Implementation of the Mini Parks Project will benefit underserved neighborhoods with high concentrations of Black and Brown residents by beautifying and improving nine public mini parks and promoting community connection and recreation. Mini Parks Project improvements will also comply with ADA and enhance the enjoyment of the nine mini parks for all ages and abilities.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Courtland Project has been reviewed by and is incorporated in the Measure DD programmatic EIR. The project will meet all mitigation requirements that are outlined for Creek Restoration Projects in the Mitigation, Monitoring, and Reporting Plan of the Measure DD EIR.

Mini Parks Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

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

1. A Resolution Authorizing The City Administrator To (1) Apply For, Accept, And Appropriate Grant Funds In An Amount Not-To-Exceed Two Million Thirty-Three Thousand Five Hundred Seventy-Five Dollars (\$2,033,575.00) From The California Department of Transportation Clean California Local Grant Program

(CCLGP) To Implement The Courtland Creek Restoration Project (Courtland Project), (2) Enter Into A Restricted Grant Agreement With The California Department of Transportation (Caltrans) To Implement The Courtland Project (No. 1005340), (3) Accept, And Appropriate Caltrans Funds In An Amount Not-To-Exceed One Hundred Ninety Thousand Dollars (\$190,000.00) To Implement The Courtland Project As Mitigation For Its Union Pacific Railroad Lake Merritt Channel Bridge Replacement Project (Caltrans Project), (4) Enter Into A Contractual Agreement With Caltrans To Implement The Courtland Project Utilizing Caltrans Project Mitigation Funds, And (5) Adopt Appropriate California Environmental Quality Act (CEQA) Findings;

2. A Resolution Authorizing The City Administrator To (1) Apply For, Accept, And Appropriate Grant Funds In An Amount Not-To-Exceed Four Million Nine Hundred Ninety-Two Thousand Three Hundred Eighty Dollars (\$4,992,380.00) From The California Department Of Transportation Clean California Local Grant Program (CCLGP) To Implement The Oakland Mini Parks Beautification Project, (2) Enter Into A Restricted CCLGP Grant Agreement With The California Department of Transportation To Implement The Mini Parks Beautification Project, And (3) Adopt Appropriate California Environmental Quality Act (CEQA) Findings.

Edward D. Reiskin, City Administrator

Subject: Accept and Appropriate Caltrans Funds For the Courtland Creek Restoration Project and Mini Parks Project

Date: April 25, 2022

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For questions regarding the Courtland Creek Project, please contact Terri Fashing, Acting Watershed and Stormwater Management Division and DD Program Manager, at (510) 238-7276. For questions regarding the Mini Parks Project, please contact Brian Carthan, Parks and Tree Services Division Manager, at (510) 615-5510.

Respectfully submitted,



G. HAROLD DUFFEY
Director, Oakland Public Works

Reviewed by:
Jimmy Mach, Acting Assistant Director
Bureau of Design & Construction

Prepared by:
Terri Fashing, Acting Watershed and Stormwater
Division and DD Program Manager
Watershed and Stormwater Management
Division

Prepared by:
Brian Carthan, Parks and Tree Services Division
Manager
Parks and Tree Services Division

Attachments (6):

- A: Letter of Intent from Caltrans
- B: CCLGP Restricted Grant Agreement Template
- C: Courtland Project Location Map and Conceptual Designs
- D. Resolution No. 79649 C.M.S.
- E. Resolution No. 88143 C.M.S.
- F. Resolution No. 88397 C.M.S.
- G. Resolution No. 88565 C.M.S.

