

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

13878

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH THE NONPROFIT OAKLAND PARKS & RECREATION FOUNDATION FOR THE TYRONE CARNEY PARK AT 10501 ACALANES DRIVE, OAKLAND, FOR A LICENSE FEE OF ZERO DOLLARS (\$0.00) FOR A TERM OF TWO (2) YEARS WITH FIVE (5) ONE-YEAR OPTIONS TO EXTEND FOR MAINTENANCE AND WORKFORCE TRAINING; (2) MAKING FINDINGS THAT THE BELOW MARKET LICENSE FEE IS IN THE CITY'S BEST INTEREST; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City owns real property located at 10501 Acalanes Drive, Oakland, CA 94603 (Assessor Parcel Number 45-5396-1), otherwise known as Tyrone Carney Park (Park); and

WHEREAS, the Oakland Parks Recreation & Foundation (Foundation) is a California nonprofit organization dedicated to providing financial and volunteer resources and advocacy for recreation programs and parks in Oakland and improving the quality of life for all Oakland residents and other users of these facilities; and

WHEREAS, the Foundation is a trusted community partner with a proven track record of stewarding community spaces, such as with the Lakeside Park Garden Center at 666 Bellevue Avenue, and serving as fiscal sponsor to more than thirty (30) community-based organizations supporting Oakland's parks system; and

WHEREAS, the Foundation is projected to grant up to Four Hundred Thousand Dollars (\$400,000) in the form of scholarships to subsidize youth to attend park and recreation and swim programs during FY2025-26; and

WHEREAS, the Foundation proposes to provide workforce training in the form of hands-on, onsite training for landscape and parks maintenance at the Park, as well as routine maintenance and repairs, installation of a tool shed, and at least one annual public meeting, in partnership with East Oakland Neighborhoods Initiative (EONI) and Sobrante Park Resident Action Council (SPRAC) for day-to-day onsite activities and planning at the Park, pursuant to a license agreement

(License Agreement) as part of the City's Transformative Climate Communities (TCC) program's Better Neighborhoods, Same Neighbors (BNSN) Program, funded by a \$28.2 million grant from the California Strategic Growth Council through the Governor's Office of Land Use and Climate Innovation by the Budget Act of 2019 (AB 74; Section 2), providing for a suite of projects in deep East Oakland (Zip Codes 94603 and 94621), which launched in 2020 with Resolution No. 88352 C.M.S.; and

WHEREAS, the License Agreement will be non-exclusive, and the Premises will remain available for public use; and

WHEREAS, on February 11, 2026, the Parks and Recreation Advisory Commission (PRAC) reviewed the draft Term Sheet and recommended that the City Council adopt this Ordinance authorizing the License Agreement; and

WHEREAS, pursuant to OMC Section 2.42.110, City-owned real property must be licensed or leased for a rent or fee, payable in cash or other consideration, equal to or exceeding the property's fair market value, unless the City Council determines that the license or lease of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, the Foundation's proposed community stewardship of the Park, including maintenance, repair, and workforce training provides valuable economic and wealth-building opportunities for a community that experiences high rates of poverty and marginalization, has lacked access to a local park for more than two decades, and identified community stewardship and oversight of this park as a critical community priority through the EONI process that established the BNSN program; and

WHEREAS, the Foundation's partnership with two local grassroots resident coalitions, EONI and SPRAC, empowers and benefits the community through on-site stewardship and maintenance; and

WHEREAS, the proposed temporary use of the Premises for maintenance and community workforce training, including mitigating stormwater and air pollution by maximizing vegetation and installation of a tool shed, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning); and

WHEREAS, the non-exclusive and temporary use of the Park by the Foundation for community benefitting uses, does not authorize development, and thus is not a disposition of surplus property under Government Code section 54220 et seq.; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Administrator is hereby authorized to negotiate and execute a license agreement with the Oakland Parks & Recreation Foundation for use of Tyrone Carney Park

for an initial term of two (2) years with five (5) one-year options to renew for a license fee of Zero Dollars (\$0.00) for maintenance and workforce training.

SECTION 2. The City Council finds and determines that the license of the Property for less than its fair market rental value is in the best interests of the City pursuant to OMC Section 2.42.110, because the Foundation will provide ongoing community stewardship of the Park, thereby alleviating the maintenance, repair, and security expenses of the City.

SECTION 3. The City Council has independently reviewed and considered this environmental determination, and the City Council, and the City Council finds and determines that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (operation, licensing, and minor alteration of existing public facility), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning), pending CEQA analysis. The City Administrator or designee is hereby directed to file a Notice of Exemption with the appropriate agencies.

SECTION 4. That the license agreements are subject to City Attorney review and approval for form and legality and a copy of this ordinance shall be filed with the City Clerk without returning to Council.

SECTION 5. The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 7. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: MAY - 5 2026

AYES - BROWN, FIFE, ~~GALLO~~, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 7 Ayes

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1; Gallo

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

Introduction Date

APR 14 2026

NOTICE AND DIGEST

AN ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT WITH THE NONPROFIT OAKLAND PARKS & RECREATION FOUNDATION FOR THE TYRONE CARNEY PARK AT 10501 ACALANES DRIVE, OAKLAND, FOR A LICENSE FEE OF ZERO DOLLARS (\$0.00) FOR A TERM OF TWO (2) YEARS WITH FIVE (5) ONE-YEAR OPTIONS TO EXTEND FOR MAINTENANCE AND WORKFORCE TRAINING; (2) MAKING FINDINGS THAT THE BELOW MARKET LICENSE FEE IS IN THE CITY'S BEST INTEREST; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance authorizes the City Administrator to negotiate and execute a license agreement with the nonprofit Oakland Parks & Recreation Foundation for use of the Tyrone Carney Park located at 1050 Acalanes Drive, Oakland, for a license fee of Zero Dollars (\$0.00) for an initial term of two (2) years with five (5) one-year options to renew; makes finding findings that the below market license fee is in the City's best interest; and makes appropriate California Environmental Quality Act (CEQA) findings.