

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: December 14, 2004

RE: **A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$41,080 IN-LIEU OPEN SPACE FEE IN COMPLIANCE WITH THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE PRESERVATION PARK PROJECT, AND APPROPRIATION OF THE REVENUE TO FUND 1010, ORG. 92270, PROJECT NO. P252710 FOR PUBLIC IMPROVEMENTS AT LAFAYETTE PARK**

SUMMARY

The planning approvals for the 92-unit Preservation Park residential project (now known as Landmark Place Homes) included a variance because the project did not meet the open space requirements in the Zoning Regulations at the time the project was approved in July, 2000. As required by the Conditions of Approval and Mitigation Measures adopted for the project, the project sponsor submitted \$41,080 as payment of an in-lieu open space fee. Because the City does not have an adopted open space impact fee, the City Council must formally accept this payment and appropriate its expenditure. The in-lieu fee must be spent on public improvements at Lafayette Park in order to mitigate potential impacts of the project on recreational facilities.

FISCAL IMPACT

Acceptance of the \$41,080 open space in-lieu fee for the Preservation Park Project and the allocation of the revenue to general fund (Fund 1010), Public Works Agency, capital improvement (Organization 92270), Lafayette Square (Project Number P252710) for public improvements at Lafayette Park would defray the City's total capital improvement costs.

BACKGROUND

The Preservation Park Project (also known as Landmark Place Homes) entails the construction of 92 multi-family residential units, an approximately 450 square-foot café, and 90 off-street parking spaces. The project site is located on the half-block bounded by 11th, 12th, and Martin Luther King, Jr. Streets. The planning permits for the project were approved by the Planning Commission on July 5, 2000, and the Disposition and Development Agreement was approved by the City Council on July 25, 2000. Building permits were issued for the project in 2002 and the project is complete and occupied.

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KEY ISSUES

The project approvals (Case No. DV00-198) included a variance because the open space requirements of the Zoning Regulations were not met at the time the project was approved. Condition of Approval 17 and Mitigation Measures XIVa and XIVb for the project required the project sponsor to submit an in-lieu fee to the City of Oakland to mitigate potential impacts on recreational facilities at Lafayette Park due to the deficit of open space provided on the project site. Calculation of the \$41,080 in-lieu fee was based on the cost of the land (\$65 per square foot) and the amount of the open space deficit (632 square feet).

Payment of the in-lieu fee has been submitted to the City but has not been allocated for a specific use. Because the City does not have an adopted open space impact fee, formal acceptance of the in-lieu open space fee payment is now required. In compliance with the project approvals, the revenue must be allocated to Lafayette Park in order to mitigate potential impacts of the project.

Several phased improvements have been made to Lafayette Park in the past few years, including landscaping, a new tot lot, restrooms, and lighting. The in-lieu fee would provide funding for other public improvements at the park which may include repairing the plumbing and lighting for the existing fountain, fixing the existing tree supports, and/or providing crosswalk enhancements. Public Works Agency staff will determine how the funds should best be spent based on the cost of providing the improvements.

SUSTAINABLE OPPORTUNITIES

Economic: Acceptance of the \$41,080 in-lieu open space fee and appropriation of the revenue toward public improvements at Lafayette Park would defray the City's costs.

Environmental: Acceptance of the in-lieu fee and appropriation of the revenue toward public improvements at Lafayette Park would meet the mitigation measures in the adopted Mitigation and Monitoring Reporting Program for the project.

Social Equity: The funding would help to improve facilities at the park and would ensure that it is an amenity to the entire community.

DISABILITY AND SENIOR CITIZEN ACCESS

The in-lieu open space payment would be allocated to public improvements at Lafayette Park, which is accessible to the disabled and senior citizens.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council approve the resolution accepting the \$41,080 in-lieu open space fee for the Preservation Park Project. Staff further recommends that the in-lieu fee payment be allocated to general fund (Fund 1010), Public Works Agency, capital improvement (Organization 92270), Lafayette Square (Project Number P252710) for public improvements at

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Lafayette Park. This will mitigate the potential impacts of the Preservation Park project on Lafayette Park by improving the existing facilities at the park.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report, and approve the resolution accepting the \$41,080 in-lieu open space fee from the Preservation Park Project and appropriating the revenue to general fund (Fund 1010), Public Works Agency, capital improvement (Organization 92270), Lafayette Square (Project Number P252710) for public improvements at Lafayette Park.

Respectfully submitted,

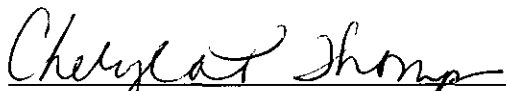


CLAUDIA CAPPIO

Development Director, Community and
Economic Development Agency

Prepared by:
Lynn Warner, Planner IV
Planning and Zoning

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENTS:

- A. Condition of Approval 17
- B. Mitigation Measures XIVa and XIVb

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**ATTACHMENT A:
CONDITION OF APPROVAL 17**

16. Transportation and Circulation

a. Prior to issuance of building permit

The entrance to the parking garage on 11th Street shall provide adequate sight distance and shall be designed to the satisfaction of the Public Works Agency, Traffic Engineering Division.

b. Prior to issuance of building permit

The parking layout and circulation (including but not limited to the stall dimensions and percentage of compact spaces proposed), and temporary vehicle loading areas shall be designed to the satisfaction of the Public Works Agency, Traffic Engineering Division.

c. Prior to issuance of certificate of occupancy

The project sponsor shall provide two additional offsite parking spaces for use by residents of the proposed project to the satisfaction of the Community and Economic Development Agency, Planning Division.

17. Open Space Requirements

Prior to issuance of certificate of occupancy

The project sponsor shall submit an in-kind open space contribution in an amount based on the actual costs of providing a total amount of open space on site to be determined by a final calculation approved by the Planning Director. The basis for this fee shall be submitted for review and approval by the Planning Director and may include a variety of means to demonstrate the total costs required to meet the open space including construction costs for balconies and decks, the actual land price, and other improvements.

APPROVED BY: City Planning Commission: July 5, 2000 (date) 6 ayes, 0 noes (vote)

City Council: _____ (date) _____ (vote)

**ATTACHMENT B:
MITIGATION MEASURES XIV_a AND XIV_b**

- Notify neighbors within 1000 feet of project construction area of construction schedules in writing.

Although the proposed project may result in short-term noise impacts related to construction even with implementation of the above measures, they would be of limited duration and are therefore considered less-than-significant.

Monitoring Responsibility: Community and Economic Development Agency Building Services Division

Monitoring Timeframe: Implementation will occur throughout grading and construction activities.

RECREATION (XIVa and XIVb)

Impacts XIVa and XIVb: Because the proposed project would not provide the amount of required open space onsite, it may result in significant adverse impacts to existing recreational facilities at Lafayette Park.

Mitigation Measure XIVa and XIVb: The project sponsor shall implement the following measure:

- Make an in-kind contribution toward the planned improvement of existing facilities at Lafayette Park in an amount based on the actual costs of providing a total of 7,430 square feet of open space on site.

Compliance with the above measure would reduce the potential impact of the proposed project on recreation to less-than-significant levels.

Monitoring Responsibility: Community and Economic Development Agency, Planning Division

Monitoring Timeframe: Prior to issuance of building permits.

TRANSPORTATION/TRAFFIC (XVa)

Impact XVa: The proposed project may result in significant short-term traffic impacts related to construction.

Mitigation Measure XVa: The project sponsor shall implement the following mitigation measures:

- The project sponsor shall submit a construction management plan that shall include the following items:
 - Identifying routes for the movements of construction vehicles which would minimize the impacts on vehicular traffic circulation in the area; and
 - Staging the movements of construction materials and equipment so as not to hinder the general traffic movements in the immediate vicinity of the project site; and
 - Accommodating on-site placement of construction equipment and construction vehicles.

With implementation of the above mitigation measures, the potential short-term construction impacts of the proposed project on traffic would be reduced to less-than-significant levels.

MITIGATION MONITORING PROGRAM

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

Mark P. Wald

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$41,080 IN-LIEU OPEN SPACE FEE IN COMPLIANCE WITH THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES FOR THE PRESERVATION PARK PROJECT, AND THE APPROPRIATION OF THE REVENUE TO FUND 1010, ORG. 92270, PROJECT NO. P252710 FOR PUBLIC IMPROVEMENTS AT LAFAYETTE PARK

WHEREAS, the Preservation Park Project (now known as Landmark Place Homes) entails the construction of 92 residential units, a 450 square-foot café, and 90 off-street parking spaces; and

WHEREAS, the Oakland City Council approved the Development and Disposition Agreement for the Preservation Park Project on July 25, 2000; and

WHEREAS, the Oakland City Planning Commission certified the Mitigated Negative Declaration and approved the planning entitlements for the Preservation Park Project on July 5, 2000; and

WHEREAS, the Preservation Park Project required approval of a variance because the open space requirements of the Zoning Regulations were not met; and

WHEREAS, the project approvals included Condition of Approval 17 and Mitigation Measures XIVA and XIVB, which required the project sponsor to mitigate the potential impact of the project's open space deficit on recreational facilities at Lafayette Park by paying an in-lieu fee; and

WHEREAS, the calculation for the \$41,080 in-lieu open space fee was based on the cost of the land and the amount of the open space deficit; and

WHEREAS, the fee must be formally accepted by the City Council because there is not an adopted open space impact fee;

NOW, THEREFORE, BE IT

RESOLVED: That any agreements executed pursuant to this Resolution shall be approved as to form and legality by the City Attorney and a copy shall be filed with the City Clerk.

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his/her designee to act as an agent of the City Council to accept the \$41,080 in-lieu open space fee for the Preservation Park Project and to appropriate the revenue to general fund (Fund 1010), Public Works Agency, capital improvement (Organization 92270), Lafayette Square (Project Number P252710) for public improvements at Lafayette Park, which may include repairing the plumbing and lighting for the existing fountain, fixing the existing tree supports, and/or providing crosswalk enhancements.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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