

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 DEC 29 PM 12:44

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: January 11, 2005

**RE: RESOLUTION AUTHORIZING THE CITY TO ACCEPT AND APPROPRIATE FUNDS FROM UNION PACIFIC RAILROAD IN THE AMOUNT OF \$579,000 AND FROM THE OAKLAND ARMY BASE IN THE AMOUNT OF \$70,000 FOR THE IMPLEMENTATION OF THE LION CREEK RESTORATION PROJECT AT COLISEUM GARDENS PARK**

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**SUMMARY**

A resolution has been prepared authorizing the City Administrator to accept and appropriate \$579,000 in mitigation funds from Union Pacific Railroad (UPRR) and to accept and appropriate \$70,000 in mitigation funds from the Oakland Army Base for the implementation of the Lion Creek Restoration Project at Coliseum Gardens Park. This project will restore a 1,000 linear-foot section of concrete flood control channel to natural creek and tidal wetland habitat. The City Council directed staff to pursue this project as follows:

- Council Resolution No. 78750 on July 20, 2004 authorizing the expenditure of \$500,000 in Measure DD funds
- Council Resolution No. 78816 on September 21, 2004 authorizing staff to apply for \$500,000 in grant funds from the Habitat Conservation Grants Program of the California State Department of Parks and Recreation.

The mitigation funds will allow for the implementation of the Lion Creek restoration project and will assist the City in furthering the goals of the Watershed Improvement Program, the Open Space, Conservation and Recreation Element (OSCAR) of the General Plan, and the City's Creek Protection and Stormwater Management and Discharge Ordinance, and meet Mayor and City Council goals of Developing a Sustainable City, Improving Oakland's Neighborhoods, and Maintaining and Enhancing Oakland's Physical Assets. These goals will be met by restoring the creek and creek banks, providing educational and recreational opportunities and improving water quality and habitat. The project is located in Council District 6.

**FISCAL IMPACT**

Approval of this resolution will authorize the City Administrator to accept and appropriate \$579,000 in mitigation funds from Union Pacific Railroad and \$70,000 in mitigation funds from the Oakland Army Base for the creek restoration project on Lion Creek at Coliseum Gardens. The combined \$649,000 will be used for the cost of construction of the tidal wetlands portion of the project. These funds are to mitigate for tidal wetland habitat that was filled as part of two UPRR Capitol Corridor projects, the Newark Mainline Extension and the Oakland Coliseum Rail Station and Track Improvement Project, and for filling of a wetlands area on the Oakland Army

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Base property. The permitting agencies, the Regional Water Quality Control Board and the Army Corps of Engineers, who require this mitigation dictate that these funds must be used to recreate like habitat. Lion Creek is the only tidal environment on City property where a restoration project could be implemented within the permitting agencies timeline of implementation within the next two years. The \$70,000 from the Oakland Army Base is from a source independent of the City of Oakland.

The total cost of the Lion Creek restoration project will be between \$1.2 million and \$2 million depending on the final scope of the project. In addition to already authorized Measure DD funds, the Alameda County Flood Control and Water Conservation District (County) has agreed to demolish the concrete channel and remove the concrete. This in-kind contribution accounts for approximately \$300,000 of the total project cost.

With the approval of this Resolution, the total amount available in funding and services will be \$1,449,000, enough to fully implement a creek restoration project. If the City is ultimately awarded the \$ 500,000 grant from the State Department of Parks and Recreation, the City will be able to incorporate additional habitat, water quality and landscaping amenities to enhance the project. The Contract Compliance and Public Art assessments will be made at the time staff returns to Council to award the construction contract. The appropriation will be set up in Watershed Program Organization 30685 and Miscellaneous Grant Fund 2999.

The estimated timeline for the project is January 2005 through January 2007. This includes design, permitting, and construction activities. Funding sources include funds for maintenance of the project during the initial three to five year establishment of the project.

## **BACKGROUND**

In 2003 and 2004, the City of Oakland along with the Oakland Housing Authority (OHA) conducted a series of public meetings to obtain community input on plans to reconfigure Coliseum Gardens Park as part of the Coliseum Gardens housing redevelopment project. The Coliseum Gardens project is a mixed-use affordable housing project at San Leandro Street between 66<sup>th</sup> and 69<sup>th</sup> Avenues. The community expressed a strong desire to include creek restoration as part of the City park reconfiguration project. On July 20, 2004, Oakland City Council directed staff to pursue this project through Council Resolution No. 78750, authorizing the expenditure of \$500,000 in Measure DD creek restoration funds and then on September 21, 2004, through Council Resolution No. 78816, authorizing staff to apply for \$500,000 in grant funds from the Habitat Conservation Grants Program of the California State Department of Parks and Recreation. Staff submitted the application to the California State Department of Parks and Recreation on September 30, 2004. The results of the grant application are expected in February 2005. To date, a conceptual plan, hydrology studies, and preliminary project design have been completed. Additionally an agreement for in-kind funding for concrete demolition has been obtained from Alameda County Flood Control and Water Conservation District.

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## **KEY ISSUES AND IMPACTS**

The ability to implement the Lion Creek Restoration Project hinges on accepting and appropriating the \$649,000 in combined mitigation funds from Union Pacific Railroad and the Oakland Army Base. These funds not only serve as vital design and construction funding for the project but also serve as matching funds for the grant application the Watershed Program has submitted to the State Department of Parks and Recreation to obtain additional project funding. Implementation of the Project is critical to achieving the goals of the Watershed/Creeks Program, meeting State and Federal Clean Water permitting regulations and related initiatives of the City Council and Open Space, Conservation, and Recreation Element (OSCAR).

Accepting these mitigation funds legally obligates the City to recreate .8 acres (.7 acres for UPRR and .1 acre for the Oakland Army Base) of seasonal wetland habitat to compensate for wetland fill. Because the Lion Creek project was the only ready to go restoration project in Oakland that met the permitting agencies criteria for mitigation, including location, habitat type, and timeline, it was the site chosen for mitigation and the funds may only be spent on the Lion Creek Restoration Project.

## **PROJECT DESCRIPTION**

The Lion Creek Restoration Project site is located in Coliseum Gardens Park on San Leandro Street between 66<sup>th</sup> and 69<sup>th</sup> Avenues (See Attachment A). The restoration will involve removing the concrete channel from a 1,000-foot linear section of Lion Creek and recreating a natural stream channel. In the upper two-thirds of the project reach the creekside habitat will be riparian (freshwater creekside habitat), however because tidal influence pushes estuary water up into the lower one-third of the project area, the project will transition into a tidal wetland environment (See Attachment B). The project will incorporate a diverse group of native tidal marsh plant species to adapt to the saline environment. In addition to enhancing the plant and animal habitat, the project will provide flood protection and improve water quality while serving as an attractive neighborhood amenity with access points for educational opportunities.

The goals for the project are: 1) Create ecologically diverse native riparian (creekside) and tidal wetland habitat for improved wildlife habitat and foraging; 2) Improve the water quality of the creek to reduce pollutants flowing into the Oakland Estuary and the San Francisco Bay; 3) Improve hydrological function and provide natural flood control protection to the surrounding housing equal or greater to that currently provided by the concrete channel; 4) Create a safe and attractive public amenity for improving the aesthetic of the neighborhood; and 5) Provide an outdoor classroom opportunity for local schools and environmental programs.

In addition to OHA, other partners on this project include the County and the East Bay Asian Local Development Corporation (EBALDC). The City is the lead on the creek restoration component of this project.

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## **SUSTAINABLE OPPORTUNITIES**

### **Economic:**

Accepting and appropriating the \$579,000 in mitigation funds from Union Pacific Railroad, and \$70,000 in mitigation funds from the Oakland Army Base will bring funds into the City that will allow for the implementation of the Lion Creek Restoration Project and help meet the goals of the Watershed Improvement Program, State and Federal Clean Water regulations, OSCAR as adopted by the City Council, the goals of the City's Creek Protection and Stormwater Management and Discharge Ordinance, and Mayor and City Council goals of Developing a Sustainable City, Improving Oakland's Neighborhoods, and Maintaining and Enhancing Oakland's Physical Assets. Staff will abide by City of Oakland regulations and hire locally for contractors to implement the project.

### **Environmental:**

The Lion Creek Restoration Project will allow Public Works Agency Environmental Services Division (PWA/ESD) to continue to implement the goals of the Watershed Improvement Program, OSCAR of the General Plan, the City's Creek Protection and Stormwater Management and Discharge Ordinance, and Mayor and City Council goals of Developing a Sustainable City, Improving Oakland's Neighborhoods, and Maintaining and Enhancing Oakland's Physical Assets. These goals will be met by restoring a natural stream channel where currently only a concrete channel exists, improving water quality and native plant and wildlife habitat, and providing educational and recreational opportunities for the community.

### **Social Equity:**

Implementation of the Lion Creek Restoration Project at Coliseum Gardens will provide an attractive public amenity to a neighborhood of low and middle income housing near the Coliseum in Oakland and also provide recreational opportunities for the residents. The project will also provide educational opportunities for neighborhood schools by providing access to a healthy, functioning creek and wetland environment.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

State and Federal disability regulations will be considered in the design and development of the Lion Creek Restoration Project.

## **RECOMMENDATIONS AND RATIONALE**

Staff recommends that City Council approve the resolution authorizing the City Administrator to accept and appropriate \$579,000 in mitigation funds from Union Pacific Railroad and \$70,000 in mitigation funds from the Oakland Army Base for the implementation of the Lion Creek Restoration Project.

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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



**RAUL GODINEZ II, P.E.**

Director, Public Works Agency

Reviewed by:

Brooke A. Levin

Assistant Director, Public Works Agency

Department of Facilities & Environment

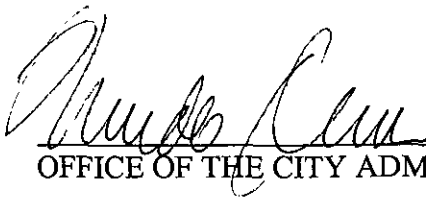
Prepared by:

Lesley Estes

Watershed Program Supervisor

Environmental Services Division

**APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:**



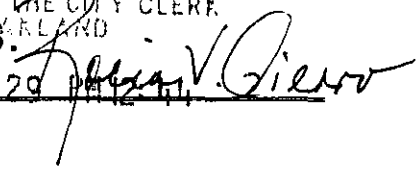
OFFICE OF THE CITY ADMINISTRATOR

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# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
C.M.S.  
2004 DEC 29 PM 12:11



**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE FUNDS FROM UNION PACIFIC RAILROAD IN THE AMOUNT OF \$579,000 AND FROM THE OAKLAND ARMY BASE IN THE AMOUNT OF \$70,000 FOR THE IMPLEMENTATION OF THE LION CREEK RESTORATION PROJECT AT COLISEUM GARDENS PARK**

**WHEREAS**, the Public Works Agency, Watershed Improvement Program has agreed to undertake the Lion Creek Restoration Project at Coliseum Gardens Park in coordination with the Oakland Housing Authority's housing redevelopment project at Coliseum Gardens; and

**WHEREAS**, the City Council has directed staff to implement the Lion Creek Restoration Project per Council Resolution No. 78750 on July 20, 2004 authorizing the expenditure of \$500,000 in Measure DD funds on the implementation of this project and Council Resolution No. 78816 on September 21, 2004 authorizing staff to apply for \$500,000 in grant funds from the Habitat Conservation Grants Program of the California State Department of Parks and Recreation for the implementation of this project; and

**WHEREAS**, Alameda County Flood Control and Water Conservation District has agreed to contribute in-kind services to the project in the form of demolition of the existing culvert, a service which is valued at approximately \$300,000; and

**WHEREAS**, Watershed Improvement Program staff have identified and negotiated to receive \$579,000 in mitigation funding from Union Pacific Railroad and \$70,000 in mitigation funding from the Oakland Army Base for construction costs of the Lion Creek Restoration Project; and

**WHEREAS**, these mitigation funds were generated from projects, independent of the City, that destroyed seasonal wetland areas; and

**WHEREAS**, regulations governing the expenditure of these mitigation funds stipulate the funds must be used to recreate habitat type similar to that which was destroyed; and

**WHEREAS**, the Lion Creek Restoration Project is located in an appropriate environment to create the required habitat; and

**WHEREAS**, these mitigation funds are needed in order to guarantee adequate funding for the implementation of the Lion Creek Restoration Project; and

**WHEREAS**, these mitigation funds serve as matching funds for a grant application Watershed Program staff have submitted to the California Department of Parks and Recreation for \$500,000; and

**WHEREAS**, the implementation of the Lion Creek Restoration Project will advance Mayor/City Council goals and objectives: #2 (Develop a Sustainable City), #3 (Improve Oakland Neighborhoods), #6 (Maintain and Enhance Oakland's Physical Assets), and #7 (Inspire Creativity and Civic Engagement); now, therefore be it

**RESOLVED**: that the City Council authorizes the City Administrator or her designee to accept and appropriate \$579,000 in mitigation funding, to be set up in Watershed Program Organization 30685 and Miscellaneous Grant Fund 2999, from Union Pacific Railroad for the implementation of the Lion Creek Restoration Project; and be it

**FURTHER RESOLVED**: that the City Council authorizes the City Administrator or her designee to accept and appropriate \$70,000 in mitigation funding from the Oakland Army Base for the implementation of the Lion Creek Restoration Project.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

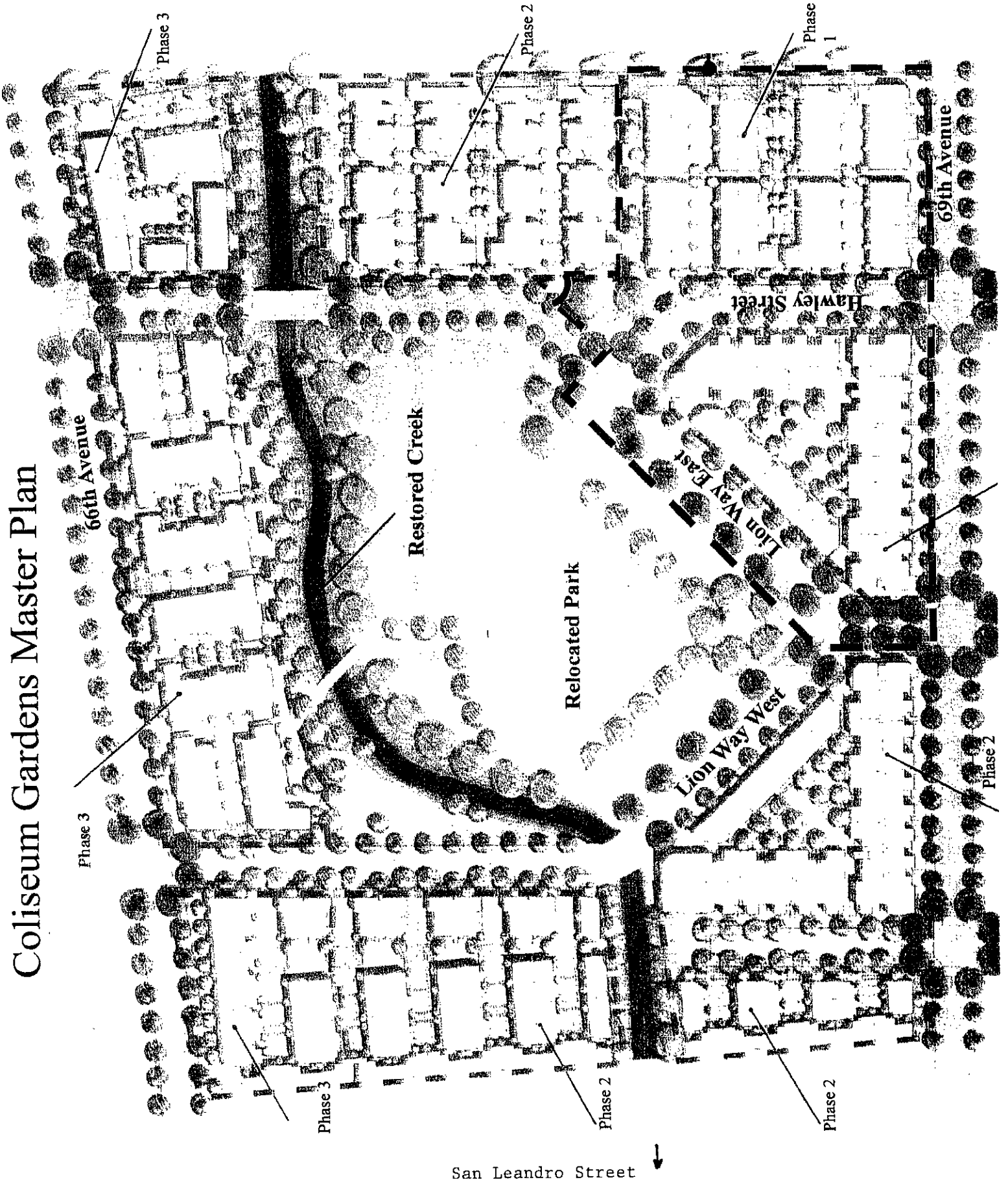
NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

# Coliseum Gardens Master Plan





Lion Creek Promenade  
with 'Firefly' Lights

Restored Tidal Zone  
(by others)

Pedestrian Bridge

Observation Deck

Outdoor Classroom  
with: creek ecology displays  
observation areas  
science tables  
terraced seating

Multi-Purpose Field

Game Tables and  
Horseshoe Pits

Skateboard Ramps

Vegetated Swales and  
Infiltration Gardens

Entry Plaza  
with trellis and seating

Restored Fluvial Zone  
(by others)

Community  
Fluvial Gardens

Picnic Area  
with BBQ pits

Play Area  
with swings

Promenade

Vegetated Swales and  
Infiltration Gardens

Bosque Plaza

Tables and Seating

# Coliseum Gardens Park

