



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director, Public
Works

SUBJECT: Transfer and Management Of The
Brooklyn Basin Project Parks and
Open Space from the Port of
Oakland- Supplemental Report

DATE: September 17, 2020

City Administrator Approval 

Date: Sep 23, 2020

RECOMMENDATION

Staff Recommends That The City Council:

**Adopt (1) An Ordinance To Approve And Authorize The Acceptance By The City Council
Of Jurisdictional Control Of A Port Area Permanently Relinquished By
The Port To Facilitate The Transfer And Long-Term Management By The City Of Public
Open Space And Improvements Developed In Phases As Waterfront Parks As Part Of The
Brooklyn Basin Project; And (2) Authorize The City Administrator To Effectuate Such
Acceptance For Each Phase Without Return To Council.**

REASON FOR SUPPLEMENTAL

The purpose of this supplemental report is to address questions raised by Councilmember Bas relating to the Community Facilities District in Brooklyn Basin, at the September 15, 2020 City Council meeting.

Councilmember Bas requested additional information concerning the Community Facilities District that was established to maintain parks and open spaces as well as other enhanced improvements to the development. This report will address that question and additional questions that were submitted to staff since the September 15, 2020 council meeting:

1. Describe the Community Facilities District ("CFD") that has been established to pay for the cost of maintenance for these parks.

State law authorizes Cities to form CFDs, which are special financing districts, as a means for obtaining additional public funding for public infrastructure and certain public services. Once formed, a special assessment is imposed on the real property located within the particular CFD, which is in addition to regular ad valorem tax. The assessment is based on a formula that is specific to the particular CFD, which was adopted as part of the CFD formation proceedings.

The CFD established for Brooklyn Basin is for funding the cost of providing public services and maintenance, operation, repair, or replacement of certain public infrastructure within Brooklyn

Basin, which includes (a) parks and landscaping in public areas and the public right of way, (b) street lights, street furniture, and sidewalks, (c) storm protection services, and (d) annual inspection and reporting services.

2. For Township Commons, what funds will be available each year from the CFD and what maintenance will it pay for?

The Master Developer is entering into a two-year maintenance agreement with the City for each park phase, effective as to the transfer of the waterfront parks in each particular phase. Therefore, for the first two years following the transfer of the park. For the first phase, there will be no funds assessed by the CFD as all maintenance costs will be paid directly by the Master Developer. After that each two-year period (per phase), the City will be responsible for maintaining the waterfront parks and will use CFD funds to maintain the parks and open spaces, streets and sidewalks, streetlights and other amenities of Brooklyn Basin. The CFD will also pay for 24-hour security patrols in the community.

3. Will the CFD also pay for program costs at the parks?

The CFD does **not** include funding for programming in the park.

4. Are there currently homeless encampments at any of the parks?

No, however, there is a homeless encampment at the City's Estuary Park, which is adjacent to Parcel N of the Brooklyn Basin development. Pursuant to the Development Agreement, the Master Developer is obligated to perform environmental remediation of Parcel N, and if following completion of such cleanup, the City accepts dedication of Parcel N (which it is not obligated to do), then it would be an expansion of Estuary Park.

5. Page 2 of the report mentions a BCDC permit for the project, what is this for?

The San Francisco Bay Conservation & Development Commission ("BCDC") has jurisdiction over San Francisco Bay and the first 100 feet in land from the shoreline around San Francisco Bay, which includes all the waterfront parks within Brooklyn Basin. New development within BCDC's jurisdiction, such as development of the Brooklyn Basin waterfront parks, requires a permit from BCDC. The BCDC permit was issued to the original Master Developer, the Port and the City, an assignment to the current Master Developer is in the works. As between the City and Master Developer, the Development Agreement obligates the Master Developer to develop the waterfront parks pursuant to the BCDC permit.

6. What are the required environmental remediation and installation of park improvements for each phase?

Environmental Remediation – The Brooklyn Basin project is located on a mixture of former industrial/commercial properties with different types of contamination on each due to the different historical uses. Both soil and groundwater contamination have been detected on the project. Types of contamination detected include metals, petroleum hydrocarbons, PAHs, PCBs, and volatile organic compounds. Work on the remediation of the parcels has been

proceeding in phases working from east to west across the parcels and will end at Estuary Park. Remediation activities have been performed on Phases I and II and other phases are preparing for remediation activities pending approval of the remediation plans by the Department of Toxic Substances Control (“DTSC”).

The Development Agreement requires completion of environmental remediation of each phase, as evidenced by DTSC approval, as a condition precedent to the transfer of each waterfront park.

Park Improvements - Similarly, the City requires completion of the improvements for each waterfront park as set forth in the final development plans prior to the opening of each phase.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council: 1) Adopt An Ordinance To Approve And Authorize The Acceptance By The City Council Of Jurisdictional Control Of A Portion Of The Port Area Permanently Relinquished By The Port To Facilitate The Transfer And Long-Term Management By The City Of Public Open Space And Improvements Developed In Phases As Waterfront Parks As Part Of The Brooklyn Basin Project; And,

2) Authorize The City Administrator To Effectuate Such Acceptance For Each Phase Without Return To Council.

For questions regarding this report, please contact Tom Morgan, Agency Administrative Manager, at 510-238-7953.

Respectfully submitted,


David Ferguson
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