

CITY OF OAKLAND
CITY COUNCIL AGENDA REPORT 2004 JAN 15 PM 6: 37

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Office of Parks and Recreation
DATE: January 27, 2004

RE: AN ORDINANCE APPROVING THE RECONFIGURATION AND RECONSTRUCTION OF THE EXISTING COLISEUM GARDENS PARK AND RESTORATION OF A PORTION OF LION CREEK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL PROPERTY EXCHANGE AGREEMENT WITH THE OAKLAND HOUSING AUTHORITY TO TRANSFER FEE TITLE FOR 3.60 ACRES OF CITY-OWNED PARK LAND IN EXCHANGE FOR TRANSFER OF FEE TITLE FOR 3.60 ACRES OF LAND OWNED BY THE OAKLAND HOUSING AUTHORITY, FOR THE PURPOSE OF RECONFIGURING COLISEUM GARDENS PARK AND RESTORING A PORTION OF LION CREEK IN SUPPORT OF THE COLISEUM/OAKLAND AIRPORT BART STATION AREA CONCEPT PLAN

SUMMARY

Staff recommends City Council approve an ordinance authorizing the City Manager to enter into a real property exchange agreement with the Oakland Housing Authority (OHA) to transfer fee title for 3.60 acres of City owned property for 3.60 acres of OHA owned property for the reconfiguration of Coliseum Gardens Park and the restoration of a portion of Lion Creek. Reconfiguration of the park and restoration of the creek in conjunction with the construction of up to 382 units of mixed-income affordable housing is included in the Coliseum/Oakland Airport BART Station Area Concept Plan, which was accepted by City Council on July 15, 2003. If approved, the land, upon which are currently located a City ball field, 2 basketball courts, an unstructured playing field, playground, picnic area and a tot lot, will be exchanged for adjacent OHA property. Construction of the new housing by non-profit partnerships including OHA, the East Bay Asian Local Development Corporation and The Related Companies of California could start in late-2004 on the site occupied by the ball field. The City will gain open space between 66th Avenue and 69th Avenue on land that was formerly occupied by OHA public housing units and on an underutilized industrial parcel acquired by OHA. The exchange is necessary in order for the partnerships to apply for "tax credits" for construction that must start later this year.

The proposed reconfigured and renovated park will function as a neighborhood park. Consistent with the description of a neighborhood park included in the Open Space, Conservation, and Recreation (OSCAR) Element of the General Plan (page 4-6), the park will contain improvements requested by neighbors and stakeholders in a planning process with the City. The proposed park reconfiguration is proposed as a part of the overall strategy for redeveloping and improving site planning and neighborhood connections for the residential complex, increasing

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safety and accessibility of the park and creek and providing a more aesthetically pleasing urban and neighborhood setting. The park reconfiguration will accommodate the Lion Creek bank restoration and provision of improved park facilities and amenities. The size of the reconfigured park and creek open space will remain the same as the existing park and creek open space.

A preliminary park design is currently being developed, and a conceptual plan of the park reconfiguration and creek restoration was presented to and approved by the Parks and Recreation Advisory Commission on December 10, 2003. Input from neighbors and stakeholders was gathered during a series of meetings in 2003, and such input will help guide the final design of the improvements proposed for the reconfigured park. Further development of the park design and preparation of construction cost estimates will be accomplished during 2004. The park and creek design is being funded by grants from the California Pollution Control Financing Authority and the City of Oakland Redevelopment Agency.

Funds for the restoration of Lion Creek are being sought by the Department of Public Works Environmental Services Division and are expected by staff to be available in time to undertake construction of the creek restoration during 2005.

Funds for the construction of the permanent park improvements are less certain and depend to some degree on the final plan for the park. It is expected that a combination of private and public grant funds will be the source for construction of the improvements, and that these funds will be sought once the plan and budget for the improvements are known. Thus it is not known at this time when the permanent park improvements will be built. Interim park improvements such as grading, hydro seeding and installation of a temporary irrigation system are proposed for interim use while permanent park development funds are being sought. Interim park improvements will be funded by OHA. It is unknown how long the interim park conditions will be in effect, which will depend on the funding and timing for permanent park construction.

The proposed park reconfiguration and creek restoration are important elements of the Coliseum/Oakland Airport BART Station Area Concept Plan and the overall success of the project will be enhanced by the park reconfiguration and creek restoration.

Adoption of this Ordinance satisfies Mayor and City Council Goals #2, #3 and #6 by providing opportunities to facilitate the development of new housing and by reducing blight and nuisance and well-maintained and accessible parks and recreation facilities.

FISCAL IMPACTS

There is no immediate fiscal impact to the City resulting from City Council approval of the proposed ordinance. Grant funds secured by OHA are covering the preliminary park and creek design costs. Fees associated with the real estate transaction, including title insurance and escrow expenses for both parties, will be the responsibility of OHA. The cost of the interim park improvements will also be the responsibility of OHA.

Costs estimates associated with permanent park improvements have not yet been determined. OPR staff estimates the park development costs at \$2.5 to \$3.0 million.

In addition, full funding for the construction of permanent park improvements and creek restoration are not yet secured. Funding options for the creek restoration include Measure DD – Oakland Trust for Clean Water and Safe Parks bond funds (approved by City of Oakland voters in November 2002) and possible funds through the Alameda County Flood Control District. Potential funding sources for the park improvements include State Proposition 40 - The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, the Integrated Waste Management Board, the California Department of Parks and Recreation, the National Park Service and the Trust for Public Land. If park funding is not obtained, there will not be sufficient resources to replace all the amenities that are currently available in the existing park. Therefore, the requested planning entitlements include conditions of approval that require the OHA to prepare detailed plans for both the interim and permanent parks, as well as to develop a plan to obtain funding for the park improvements.

With respect to on-going annual park maintenance costs, estimates cannot be developed until it is known what amenities will be installed. In the meantime, OPR's maintenance budget will not be significantly affected by adding the interim park improvements. Park maintenance is funded by the Landscaping and Lighting Assessment District.

ENVIRONMENTAL REVIEW

The potential environmental impacts of the Coliseum Gardens Master Plan, including the reconfiguration and renovation of Coliseum Gardens Park and the restoration of Lion Creek, were evaluated in the Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) prepared for the project. The MND/FONSI was certified by the Planning Commission on April 23, 2003 as part of Phase I of the project, which was approved separately. Applicable measures from the Mitigation Monitoring and Reporting Program for the Coliseum Gardens project will be implemented for the park reconfiguration and renovation, and for the restoration of Lion Creek.

BACKGROUND

Coliseum Gardens Master Plan - OHA is currently seeking entitlements to develop the Coliseum Gardens Master Plan. The Master Plan would replace the existing 170 vacant units of barracks-style public housing located in East Oakland on a site southeast of the intersection of 66th Avenue and San Leandro Street. The Master Plan includes a total of 382 affordable townhouse and apartment-style residential units, 15,000 square feet of new social services use, relocation and renovation of Coliseum Gardens Park, restoration of Lion Creek through the site, and the provision of new streets and other site planning improvements. Development of the Master Plan will involve reconfiguring approximately 19 acres of land, including the existing

5.6-acre Coliseum Gardens site to improve site planning in the area, create developable parcels, provide new streets and reconfigure and renovate the deteriorated Coliseum Gardens Park.

Phase I of the Master Plan involved a minor property exchange between the OHA and City that did not significantly affect the park. Approximately 5,000 square feet along 69th Avenue was exchanged in order to start the design for the new street configuration and 69th Avenue entrance into the proposed development complex.

Phases II and III are more complicated and will involve a significant portion of Coliseum Gardens Park property. The park areas including the ball field on 69th Avenue and the park on 66th Avenue (approximately 156,639 sq. ft.) will be exchanged for the immediately adjacent OHA (approximately 156,675 sq. ft.) property. The re-combined open space will be developed into a new park and restored creek surrounded by a new street alignment and housing.

On June 4, 2003 the Planning Commission approved Phase I including approval of discretionary variances and conditional use permits and design review.

Coliseum/Oakland Airport BART Station Area Concept Plan

The Master Plan has been developed in partnership with preparation of the Coliseum/Oakland Airport BART Station Area Concept Plan (Concept Plan). The Concept Plan is a long-term land use vision for the area surrounding the Coliseum BART station. The Concept Plan includes the affordable housing and open space on the Coliseum Gardens site, as well as a residential transit village and neighborhood-serving commercial uses on the BART patron parking lot site and regional commercial uses west of San Leandro Street between 66th and 73rd Avenues. The land use vision is intended to take advantage of close proximity to a major mass transportation node that includes BART, AC Transit bus stops on San Leandro Street, and the planned Oakland Airport Connector between BART and the Oakland International Airport and Amtrak Capitol Corridor train station providing connections between San Jose and Sacramento. The proposed land uses and urban design improvements will result in an urban neighborhood with activity on the street and transitions between large and small uses. The Concept Plan is designed to eliminate blight and encourage economic growth in this area of East Oakland in furtherance of General Plan and redevelopment policies for the area. The proposed project is entirely consistent with the Concept Plan.

On May 7, 2003, the Planning Commission unanimously voted to recommend acceptance of the Concept Plan to the City Council. The City Council considered acceptance of the Concept Plan at the Community and Economic Development Committee on June 10, 2003 and accepted the Concept Plan at full City Council on July 15, 2003.

KEY ISSUES AND IMPACTS

Open Space, Conservation and Recreation (OSCAR) - OSCAR is intended to protect and improve public recreation and open space opportunities in Oakland and the proposed agreement would affect Coliseum Gardens Park. OSCAR includes Policy REC-1.2, No Net Loss of Open Space that states the following:

Unless overriding considerations exist, allow no net loss of open space within Oakland's urban park system. In other words, the area covered by park buildings or other recreational facilities in the future should be offset in the long run by acquisition or improvement of an equivalent or larger area of open space. Replacement open space should be of comparable value to the space lost and should generally serve an area identified on Figure 18 (Park Deficient Areas) as having un-met needs.

There is "no net loss of open space" and in fact, the exchange will be of virtually identically sized parcels. Both exchange parcels are relatively flat with some tree cover and are thus of comparable value.

Park Replacement - The Coliseum Gardens Master Plan includes reconfiguration and renovation of Coliseum Gardens Park. The reconfiguration and renovation of the park will include improved site planning and amenities and will provide access to Lion Creek. The reconfigured park and open space will be the same size as the existing park and open space. The intent of the proposed park reconfiguration and renovation is to support OSCAR policies and improve open space and recreation opportunities for the community. However, OHA does not currently have an identified funding source for the construction of the new upgraded park and recreation facilities. While the planning is being completed and funding requirements are being identified, OHA will construct an interim park consisting of grading, hydro seeded turf and a temporary irrigation system. When completed, the interim park will allow informal field activities such as walking, jogging, and even limited soccer and other sports activities.

It should be noted that the park will serve as the "front yard" for the proposed residential development, and it is in the City's and OHA's best interests to complete the renovated park as soon as possible. Construction of the permanent park improvements will depend on OHA's ability to secure full funding.

Creek Restoration - The Coliseum Gardens Master Plan also includes restoration of a portion of Lion Creek that is currently enclosed in a concrete channel. The restored creek will resemble a "natural" creek and will function as an integral part of the new park. Design and construction of this portion of the overall plan is being undertaken by the City Department of Public Works, Environmental Services Division. Likely funding sources include Measure DD funds as well as

funds from Alameda County Flood Control District. Funding for the creek restoration is considered by staff to be more certain than for the permanent park improvements.

SUSTAINABLE OPPORTUNITIES

Economic - The proposed land exchange would support redevelopment of Coliseum Gardens, expand Oakland's housing inventory and provide high-quality affordable housing opportunities close to public transportation, employment and other opportunities.

Environmental - Development of the Coliseum Gardens Master Plan will provide a densely developed residential neighborhood within close proximity to mass transportation. Convenient access to mass transit will encourage use of transit by both residents and businesses in the area, as well as by visitors from throughout the region. Implementation of the Master Plan represents urban infill development that will improve the quality of life within an existing urbanized area and not contribute to urban sprawl. The proposed agreement would not result in a net loss of open space and will result in an improvement to Coliseum Gardens Park when the project is completed.

Social Equity - The proposed development will provide improved quality of life for residents seeking a range in affordable housing opportunities. The project will provide improved housing opportunities that, in the long term, will benefit from an improved city park; increased access to neighborhood-serving commercial uses; urban design and site planning improvements; and public safety improvements.

DISABILITY AND SENIOR CITIZEN ACCESS

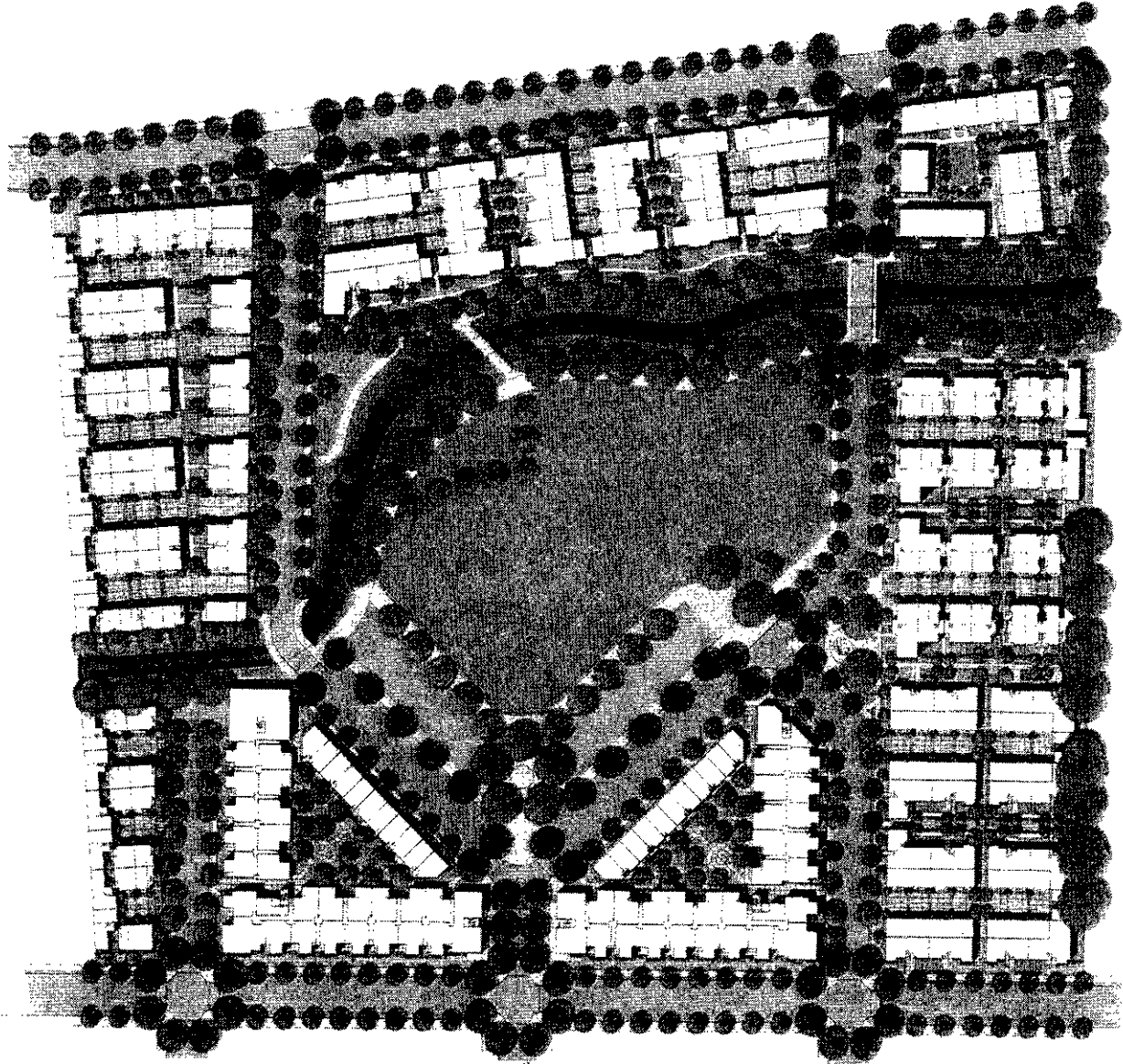
The proposed housing will provide convenient and increased housing opportunities for disabled and senior citizens.

RECOMMENDATION AND RATIONALE

The proposed real estate exchange agreement facilitates redevelopment of Coliseum Gardens and Coliseum Gardens Park and restoration of a portion of Lion Creek. It is consistent with the Coliseum/Oakland Airport BART Station Area Concept Plan. Staff acknowledges that the sequencing of these improvements is not standard or ideal. Nevertheless, the OHA and the City have sought a balance of interests over the short and long term in order to satisfy funding, City, and project requirements. The proposal essentially boils down to the OHA's commitment to a full park planning process, preparation of schematic plans and specifications, and implementation of an interim set of improvements that will assure the park land can be used by

ATTACHMENT A:
MASTER PLAN ILLUSTRATION

66th Avenue



69th Avenue

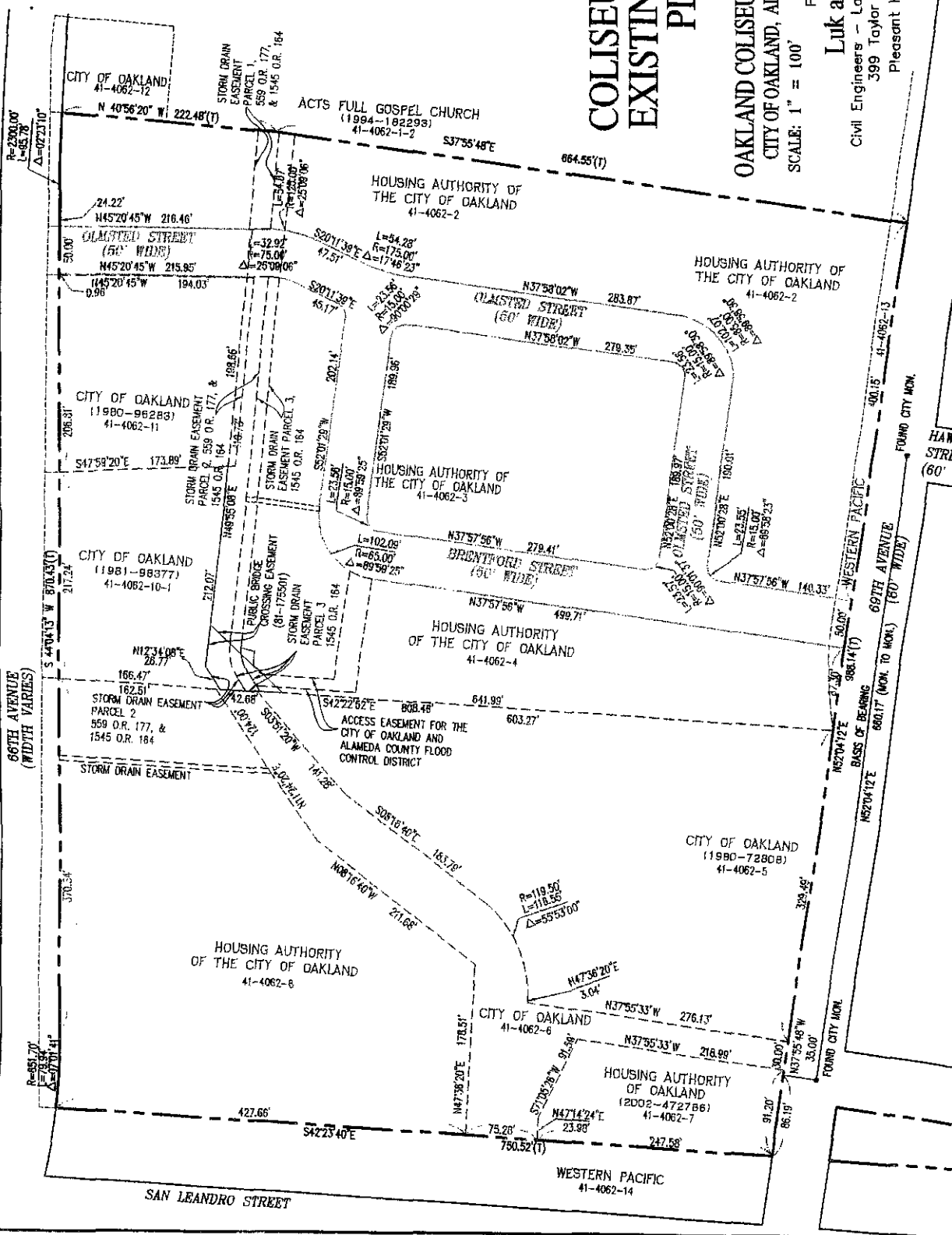
Attachment B

Existing Parcel Boundaries
Illustration

**COLISEUM GARDENS
EXISTING CONDITION
PLAT MAP**

FOR
OAKLAND COLISEUM HOUSING PARTNERS, L.P.
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
SCALE: 1" = 100'
Prepared By
Luk and Associates
Civil Engineers - Land Planners - Land Surveyors
399 Taylor Boulevard, Suite 288
Pleasant Hill, California 94523

SHEET 1 OF 1
PLOT DATE: JANUARY 8, 2004



FILE NO.: 23056-10 EXHIBIT AND EXHIBIT-EX.DWG

Attachment C

Parcel Boundary Adjustment Illustration



AREA SUMMARY

AREA	S.F.	ACRES
1	62,993	1.45
2	113,918	2.62
3	4,986	0.11
4	18,733	0.43
5	93,645	2.15

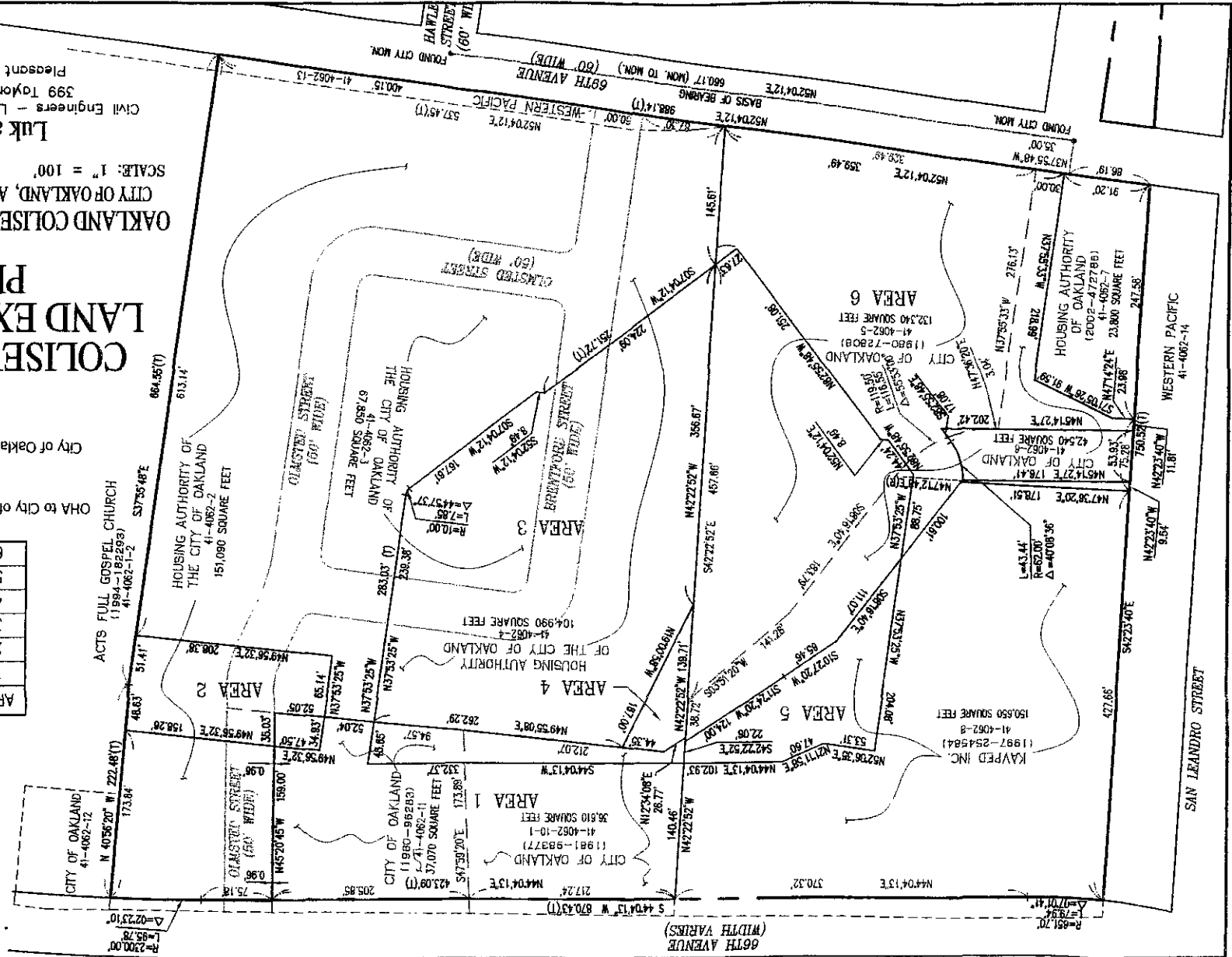
OHA to City of Oakland: Areas 2,3,4,5 156,672 sq. ft.
 City of Oakland to OHA: Areas 1 & 6 156,638 sq. ft.

**COLISEUM GARDENS
 LAND EXCHANGE AREA
 PLAT MAP**

FOR
OAKLAND COLISEUM HOUSING PARTNERS, L.P.
 CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
 SCALE: 1" = 100'
 Prepared By
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SHEET 1 OF 1

PLOT DATE: JANUARY 8, 2004



FILE NO.: 23056-10\EXHANGELAND\EXHIBIT-A.DWG

66TH AVENUE
(WIDTH VARIES)

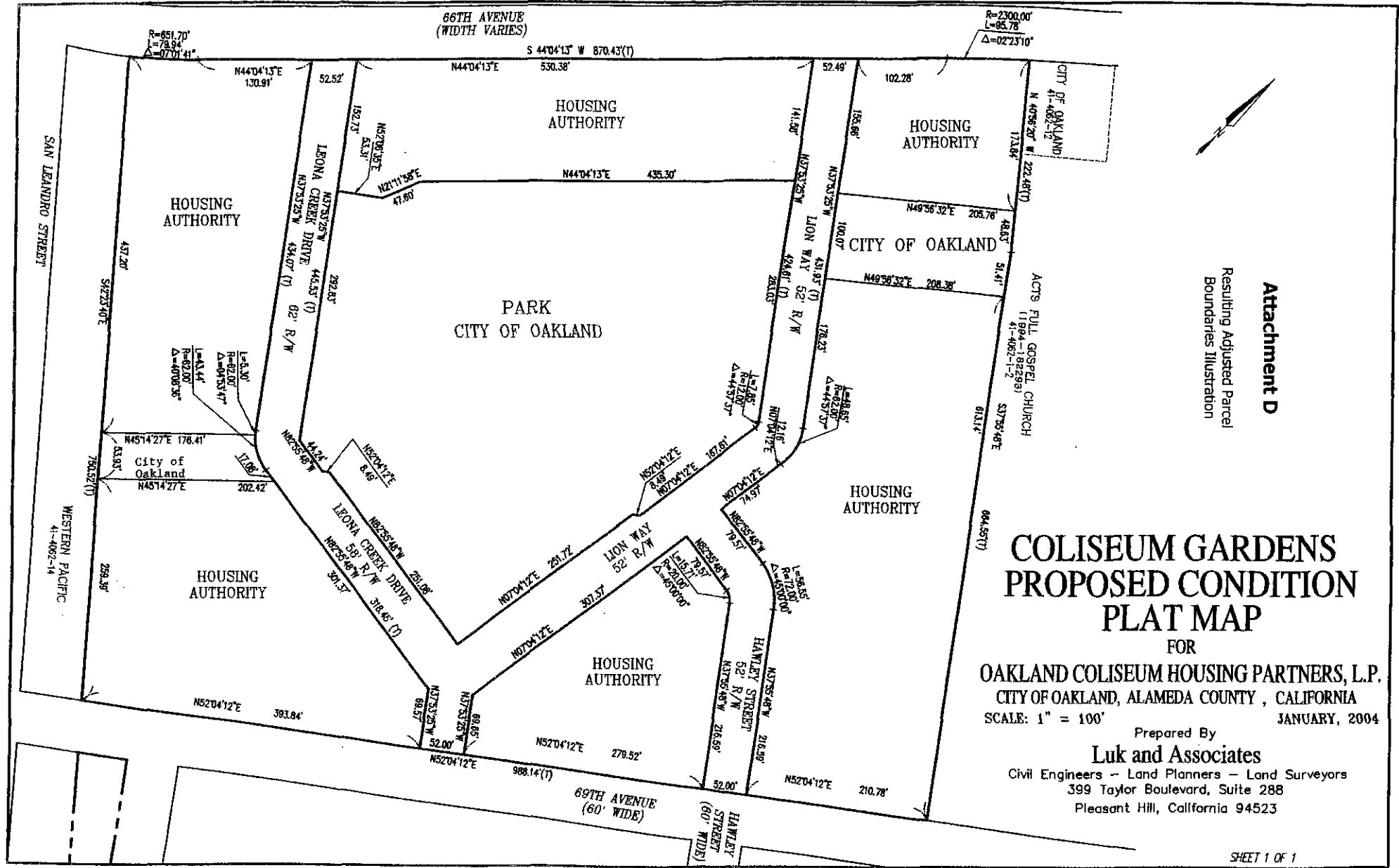
S 44°04'13" W 870.43'(T)

R=2300.00'
L=85.78'
Δ=02°23'10"



Resulting Adjusted Parcel
Boundaries Illustration

Attachment D



COLISEUM GARDENS PROPOSED CONDITION PLAT MAP

FOR

OAKLAND COLISEUM HOUSING PARTNERS, L.P.

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

SCALE: 1" = 100' JANUARY, 2004

Prepared By

Luk and Associates

Civil Engineers - Land Planners - Land Surveyors
399 Taylor Boulevard, Suite 288
Pleasant Hill, California 94523

SHEET 1 OF 1

PLOT DATE: JANUARY 8, 2004

FILED
OFFICE OF THE CITY CLERK APPROVED AS TO FORM AND LEGALITY:
2004 JAN 15 PM 6:57
[Signature]

INTRODUCED BY CONCILMEMBER _____

ORDINANCE NO. _____ C. M. S.

AN ORDINANCE APPROVING THE RECONFIGURATION AND RECONSTRUCTION OF THE EXISTING COLISEUM GARDENS PARK AND RESTORATION OF A PORTION OF LION CREEK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL PROPERTY EXCHANGE AGREEMENT WITH THE OAKLAND HOUSING AUTHORITY TO TRANSFER FEE TITLE FOR 3.60 ACRES OF CITY-OWNED PARK LAND IN EXCHANGE FOR TRANSFER OF FEE TITLE FOR 3.60 ACRES OF LAND OWNED BY THE OAKLAND HOUSING AUTHORITY, FOR THE PURPOSE OF RECONFIGURING COLISEUM GARDENS PARK AND RESTORING A PORTION OF LION CREEK IN SUPPORT OF THE COLISEUM/OAKLAND AIRPORT BART STATION AREA CONCEPT PLAN

WHEREAS, the City of Oakland (City) owns certain real property located at 811-69th Avenue (APN 41-4062-5 and APN 41-4062-6) and at 960 66th Avenue (APN 41-4062-10-1) and 996 66th Avenue (APN 41-4062-11) in the City of Oakland, County of Alameda, State of California; and

WHEREAS, the Oakland Housing Authority owns certain real property located at 6610, 6701, and 6733 Olmsted Street (APN 41-4062-2, APN 41-4062-3 and APN 41-4062-4) in the City of Oakland, County of Alameda, State of California all adjacent to the above described City owned land; and

WHEREAS, the Oakland Housing Authority is in the process of a redevelopment of its Coliseum Gardens housing project through a HUD HOPE VI Grant and in furtherance thereof wishes to transfer fee title to 3.60 acres of its land adjacent to the City land in exchange for the transfer of fee title to 3.60 acres of City owned land as described above; and

WHEREAS, the City Council accepted the Coliseum/Oakland Airport BART Station Area Concept Plan (the Concept Plan) at its meeting on July 15, 2003; and

WHEREAS, the Concept Plan envisions the reconfiguration of Coliseum Gardens Park and the restoration of portions of Lion Creek; and

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LIFE ENRICHMENT CMTE.
JAN 27 2004

WHEREAS, the reconfiguration of Coliseum Gardens Park and restoration of a portion of Lion Creek will improve the usefulness of the park and creek, provide better park accommodations and improve the integration of the park and creek into the living area for the residents of the area, and the people of the City of Oakland; and

WHEREAS, the land exchange would not result in a net loss of open space and would therefore comply with Policy REC-1.2, No Net Loss of Open Space, of the Open Space, Conservation and Recreation Element of the General Plan; and

WHEREAS, the City of Oakland had prepared an Initial Study/Environmental Assessment reviewing the potential environmental impacts resulting from development of the Coliseum Gardens, including exchange and development of real property, in order to comply with the California Environmental Quality Act and the National Environmental Protection Act; and

WHEREAS, the Coliseum Gardens Hope VI Revitalization Initial Study/Environmental Assessment identified no significant impacts related to any exchange of real property; and

WHEREAS, the City of Oakland Planning Commission certified the HOPE VI Revitalization Initial Study/Environmental Assessment as a Mitigated Negative Declaration and Finding of No Significant Impact on June 4, 2003; and

WHEREAS, the City Council finds that it is in the best interests of the City, due to the size, shape, utility and special or unique nature and use of the real property, to enter into the exchange of such interests in land with the Oakland Housing Authority through this negotiation and exchange process, NOW THEREFORE:

THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Council hereby adopts an Ordinance approving the reconfiguration and reconstruction of the existing Coliseum Gardens Park and the restoration of a portion of Lion Creek and authorizing the City Manager to enter into a Real Property Exchange Agreement with the Oakland Housing Authority for transfer of fee title for 3.60 acres of City-owned park land in exchange for transfer of fee title for 3.60 acres of land owned by the Oakland Housing Authority for the purpose of reconfiguring Coliseum Gardens Park and restoring a portion of Lion Creek and assisting in the future development of the Oakland Housing Authority's Coliseum Gardens Project.

SECTION 2. The City Manager, or his or her designee, is authorized and directed to execute any and all documents, easements, deeds, certificates of acceptance, or other writings, consistent with the terms and conditions of this Ordinance, which are necessary or convenient to carry out the purposes of this Ordinance.

SECTION 3. That this Council finds and determines that this action complies with the requirements of the California Environmental Quality Act and National Environmental Protection Act.

SECTION 4. All documents shall be approved as to form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

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

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JAN 27 2004

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NOTICE AND DIGEST

AN ORDINANCE APPROVING THE RECONFIGURATION AND RECONSTRUCTION OF THE EXISTING COLISEUM GARDENS PARK AND RESTORATION OF A PORTION OF LION CREEK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL PROPERTY EXCHANGE AGREEMENT WITH THE OAKLAND HOUSING AUTHORITY TO TRANSFER FEE TITLE FOR 3.60 ACRES OF CITY-OWNED PARK LAND IN EXCHANGE FOR TRANSFER OF FEE TITLE FOR 3.60 ACRES OF LAND OWNED BY THE OAKLAND HOUSING AUTHORITY, FOR THE PURPOSE OF RECONFIGURING COLISEUM GARDENS PARK AND RESTORING A PORTION OF LION CREEK IN SUPPORT OF THE COLISEUM/OAKLAND AIRPORT BART STATION AREA CONCEPT PLAN

This Ordinance authorized the City Manager to enter into a real property exchange agreement with the Oakland Housing Authority to transfer fee title for 3.60 acres of City-owned park land in exchange for transfer of fee title for 3.60 acres of land owned by the Oakland Housing Authority, for the purpose of reconfiguring Coliseum Gardens Park and restoring a portion of Lion Creek in support of the Coliseum/Oakland Airport BART Station Area Concept Plan and approves the reconfiguration and reconstruction of the existing Coliseum Gardens Park.

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