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OFFICE OF THE CITY CLERK
OAKLAND

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND**

2009 MAR 11 PM 1:55

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: March 24, 2009

RE: **An Agency Resolution Allocating Redevelopment Funds in an Amount Not to Exceed \$100,000 for Improvements to Fitzgerald and Union Plaza Parks in West Oakland, and Authorizing a Contribution of Agency Funds to the City Under the Cooperation Agreement for This Purpose**

A City Resolution Accepting and Appropriating a Contribution of Redevelopment Agency Funds under the Cooperation Agreement in an Amount Not to Exceed \$100,000 for Improvements to Fitzgerald and Union Plaza Parks in West Oakland

SUMMARY

Staff has prepared two resolutions that will allocate Redevelopment Agency ("Agency") funds for improvements to two blighted parks, Fitzgerald and Union Plaza Parks, which will be developed for use as the future Fitzgerald Community Market Farm ("FCMF" or "Farm"). This project is located in the West Oakland Redevelopment Project Area. The first resolution authorizes the Agency to contribute West Oakland Redevelopment Project Area funds to the City under the Cooperation Agreement. The second resolution authorizes the City to accept and appropriate Agency funds for the FCMF.

The Office of Parks and Recreation ("OPR") will administer the construction of the Farm in conjunction with a local non-profit organization, City Slicker Farms ("CSF"). The Farm will raise organic fruits and vegetables which will be distributed to the surrounding community by a produce stand on Saturdays. It will also provide opportunities for volunteering, youth internships, and learning organic farming techniques. CSF intends to include all segments of the diverse surrounding community in Farm activities and has performed extensive community outreach for this project. The Farm will transform two blighted and neglected parks that generate many complaints into a productive urban farm and community gathering site. The West Oakland Project Area Committee ("WOPAC") has recommended the use of West Oakland Redevelopment funds for this project.

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FISCAL IMPACT

The \$100,000 funding for this project will be allocated from West Oakland Redevelopment Operations Fund and Project (Fund 9590, Org. 88679, Project S233510). The funds will be transferred to the Office of Parks and Recreation's Capital Improvement Projects (Org. 94500, Fund 7780, Project to be determined).

BACKGROUND

Fitzgerald and Union Plaza Parks are small, mostly undeveloped triangular mini-parks that are adjacent to each other. They are located at the intersections of Haven, Fitzgerald and Peralta Streets at 34th Street in the West Oakland Redevelopment Project Area. Their combined size is approximately one acre. A map of the project's location is attached as *Attachment A*. These two parks are located near a recycling facility and have been heavily frequented by transient people over the years. There have been numerous complaints of illegal activities such as drug use, prostitution, and trash and waste left by park users. City departments, including the Office of Parks and Recreation, Public Works Agency, Department of Human Services and the Police Department have made efforts to address issues at these parks by providing increased monitoring, regular park maintenance, mobile homeless outreach and increased police and park ranger patrols.

Councilmember Nancy Nadel approached CSF with the idea of converting the parks into a productive urban farm in 2006. She developed this idea in response to the surrounding community's desire to eliminate blight and to develop a better use for the parks. CSF met with the surrounding community, including the West Oakland Neighbors, and performed soil sampling to determine if contaminants were present. After receiving preliminary results indicating safe soil, CSF staff worked with the City's Community Gardening Program Coordinator and submitted a preliminary proposal, design and timeline for the urban farm.

The Parks and Recreation Advisory Commission endorsed the project concept on November 8, 2006 and authorized issuance of a conditional use permit for the project. The City Council approved Resolution No. 80752 C.M.S. on July 17, 2007, which authorized the Office of Parks and Recreation to discuss and develop an agreement with CSF for the alternative and nontraditional use of City property as a community farm.

CSF presented a funding request to the WOPAC recommending that the project receive \$100,000 of West Oakland Redevelopment Funds on August 8, 2007. Since that date, CSF has continued to perform extensive community outreach in order to refine the plan and obtain buy-in from all prospective park users. CSF continues to raise funds for the project and formed a community-based advisory council for the project in January 2009.

KEY ISSUES AND IMPACTS

City Slicker Farms

City Slicker Farms is a grassroots community based organization whose mission is to increase food self-sufficiency by creating organic, sustainable, high-yield urban farms and backyard gardens in West Oakland. CSF was founded in 2001 by local residents and has been led by dedicated volunteers and staff who live in West Oakland. CSF has a track record of success in developing and maintaining productive urban farms thanks to its focus on strong program and administrative development, which provides a stable structure for community residents to participate as volunteers and employees.

CSF presently operates three programs that serve the West Oakland community: The Community Market Farms Program, the Backyard Garden Program, and the Urban Farming Education Program. The Community Market Farms Program has converted six blighted vacant lots into productive organic urban market farms. They are staffed by experienced farmers who work with community volunteers. CSF operates a produce stand every Saturday outside of the Center Street Farm selling fresh greens, seasonal vegetables, eggs and honey on a sliding scale. CSF also gathers food scraps from residents and businesses for compost.

CSF's Backyard Garden Program helps low-income residents build their own food producing gardens and provides ongoing technical assistance. This program has built 86 backyard gardens to date. CSF collaborates with the Master Gardeners of Alameda County, Oakland Based Urban Gardens and the People's Grocery to provide outreach and volunteer labor. The Urban Farming Education Program hosts educational workshops, events and school tours for the West Oakland community including workshops on urban farming techniques, nutrition, cooking, medicinal herbs and animal husbandry. In addition, CSF has an Urban Farming Apprenticeship and Internship Program that provides the necessary training to pursue farming careers.

Eligibility For Redevelopment Funding

The proposed FCMF is eligible for Agency funding under redevelopment law, which requires that improvements to community facilities serve a redevelopment purpose. A redevelopment agency may, with the consent of the City, fund the design and construction of publicly-owned buildings and facilities, but only if it can make the following findings: (1) that the improvements are of benefit to the redevelopment project area or the immediate neighborhood in which the project is located; (2) that no other reasonable means of financing the improvements are available to the city other than redevelopment funding; (3) that the improvements will assist in the elimination of one or more blight conditions in the project area; and (4) that the improvements are consistent with the five-year implementation plan for the project area.

Redevelopment law prohibits the use of redevelopment funds to pay for normal maintenance or operations of publicly owned facilities. Blight conditions recognized by redevelopment law

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include, among other things, serious building code violations, serious dilapidation and deterioration caused by long-term neglect, conditions that prevent or substantially hinder the viable use or capacity of lots, adjacent or nearby incompatible land uses that prevent the development of parcels, lots whose physical development has been impaired by their irregular shapes and inadequate sizes, depreciated or stagnant property values, a serious lack of necessary neighborhood commercial facilities including grocery stores, and high crime rates.

The FCMF will benefit the West Oakland Project Area by eliminating two blighted and underutilized parks and developing a community farm that will contribute by providing organic food for low income residents, serve as an attractive open space gathering place for community events, provide a place for Project Area residents to learn about gardening and provide open green space in an area that presently lacks this amenity.

The project will also benefit the Project Area by eliminating blight conditions at the project site. These two parks, located at the intersections of Haven, Fitzgerald and Peralta Streets at 34th Street, presently suffer from several blighting conditions due to years of neglect and the lack of facilities. Both parks are too small and awkwardly shaped to be used as individual parks and have remained largely undeveloped. They suffer from the lack of regular park facilities. The parks' general neglect and blight, as well as their proximity to a recycling business that accepts materials from individuals, have led to them being heavily frequented by transient people over the years and there have been numerous complaints of illegal activities such as drug use, prostitution and trash and waste dumping.

No other reasonable means of financing these projects are available to the City other than Agency funding. There are no funds in the FY 2007-2012 Capital Improvement Budget that address this project. Although there is \$10,000 available from District Three PayGo, this is the last of District Threes's PayGo as the rest of these funds have been allocated for other projects throughout the council district.

This project is consistent with the Redevelopment Plan and supports several goals of the Five Year Implementation Plan ("Implementation Plan") for the West Oakland Project Area. The Implementation Plan includes the following goals.

- Preserve and enhance existing residential neighborhoods and core industrial and commercial areas.
- Provide streetscape improvements, utility undergrounding, open space, and community facilities to enhance neighborhood quality and foster economic and neighborhood vitality.
- Improve infrastructure, transportation, and public facilities throughout the Project Area.

- Improve street configurations on main arterials and how streets relate to the surrounding neighborhoods, utilizing quality urban design.
- Support recreation, education, and healthcare programs for all members of the Project Area community, including youth, seniors and disabled persons.
- Improve public safety for people living and working in the Project Area.
- Minimize and/or eliminate environmental hazards within the Project Area.
- Promote sustainable development and “green building” practices.
- Incorporate ongoing community participation in the redevelopment process so residents of all income and wealth levels, geographic areas, language groups, and ages have opportunities to learn about and participate in the redevelopment decision-making process.

The West Oakland Project Area

The FCMF is located at the intersections of Haven, Fitzgerald and Peralta Streets at 34th Street and lies within the West Oakland Redevelopment Project Area’s Clawson/McClymonds/Bunche subarea. *Attachment A* is a map of the West Oakland Redevelopment Project Area and shows the project’s location. The West Oakland Redevelopment Project Area covers 1,565 acres in West Oakland and is approximately bounded on the north by the Oakland/Emeryville city limits and 40th Street, on the east by I-980 and Mandela and Union Streets, on the south by 18th Street and Middle Harbor Road, and on the west by Pine and Wood Streets.

West Oakland Project Area Committee

The WOPAC is a publicly elected organization of volunteer community representatives who live, work, own property or represent a community organization active in the Project Area. The WOPAC serves as an advisory body to the Agency on policy matters which affect the residents and businesses of the Project Area. The WOPAC voted to recommend \$100,000 for this project on August 8, 2007.

PROJECT DESCRIPTION

The two parks will be developed into a community farm that will include the following components:

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- Attractive wood and 4 gauge wire mesh perimeter fencing that provides security and beauty while allowing for maximum visibility
- Raised planter boxes and garden beds with trellises constructed of durable materials
- Espalier-trained fruit trees along the perimeter fences¹
- Vermiculture worm composting bins for recycling neighborhood food scraps and producing fertilizer
- Outdoor community gathering space
- Disabled accessibility
- A covered outdoor classroom
- Bench seating throughout the sites for community use
- Secure tool shed

The project's construction phase will include removing the existing lawn and blacktop areas, installing the perimeter fencing and gates, constructing the garden beds, trellises, vermiculture beds, storage and work sheds and installing the irrigation system. The construction is estimated to take eight to ten months.

OPR will develop a Memorandum of Understanding ("MOU") or other contract with CSF for the project's development. Redevelopment funds will be used for the construction of the project's physical components. The total project budget is \$213,222. CSF has raised \$70,000 from the Stewardship Council and has committed to raising the remaining funds to finish the project. Ongoing operation and maintenance costs, with the exception of trimming trees, will be CSF's responsibility and will be included in the MOU or other contract.

The FCMF's mission is to provide access to organic produce for underserved neighborhood populations and to foster positive interactions among community members from all walks of life. CSF will continue to outreach to all local community members, target staff recruitment to ensure that staff are bilingual and representative of the community and will provide stipends for student interns, local homeless persons, and youth summer jobs. The community portion of the FCMF will be open seven days a week and will be un-gated. The farm portion of the site will be open to the public five days a week with CSF staff present at all times.

When finished, CSF will operate the FCMF as an urban market farm, producing organically grown fruits and vegetables, which will be distributed by a weekly produce stand where produce will be sold at sliding scale. No one will be turned away for lack of funds. Any donations received will support the farm's operations. In addition, surplus produce will be donated to emergency food kitchens and food distribution programs with the goal of specifically serving the local homeless population. CSF estimates that the FCMF will reach full production capacity on

¹ A plant trained to grow flat against a wall or framework. To train a tree or shrub with its branches growing in a two dimensional plane, flat against a building or fence.

produce and waste diversion in two years and fruit production in five years. In addition to producing organically grown food for the neighboring residents, the FCMF will host community events such as cookouts and workshops, and will provide volunteer opportunities and internships to local residents and students.

EVALUATION OF PAST PERFORMANCE

CSF has not previously entered into any contract or memorandum of understanding with the City of Oakland or the Redevelopment Agency of the City of Oakland.

SUSTAINABLE OPPORTUNITIES

Economic: CSF is a local nonprofit agency whose employees are primarily Oakland residents. The Fitzgerald Community Market Farm project will support a local small business and will provide meaningful employment opportunities.

Environmental: This project provides the City with an opportunity to implement green practices at two underutilized parks, increasing the efficiency with which the site uses energy, water and materials, as well as increasing positive impacts on human health and the environment through park design, construction, operation and maintenance. The food grown will be consumed locally, without wasting energy on transportation.

Social Equity: The FCMF will provide healthy organic produce to a West Oakland community that suffers from a lack of stores offering such goods. It will offer a space in which the diverse members of the surrounding community may participate together in a productive purpose. It also will develop sorely needed open park space for this area of West Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

Any improvements to Fitzgerald and Union Plaza Parks will conform to the requirements of the Americans with Disabilities Act, the Older American Act and other applicable laws.

RECOMMENDATION AND RATIONALE

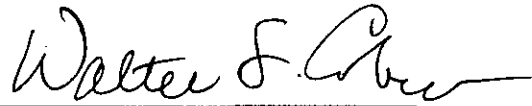
Staff recommend that the Agency and City Council adopt the Agency and City resolutions authorizing the contribution of \$100,000 of Agency funds to the City under the Cooperation Agreement and the acceptance of \$100,000 of Agency funds by the City for the development and construction of Fitzgerald and Union Plaza Parks for use as the future FCMF. This project will transform these two blighted parks into a productive urban farm that will furnish healthy organic produce to the West Oakland community and that will also provide educational opportunities for learning urban gardening and farming techniques.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff requests the City Council and Agency to adopt the City and Agency resolutions appropriating and allocating Redevelopment Agency funds in an amount not to exceed \$100,000 for the development and construction of Fitzgerald and Union Plaza Parks for use as the future FCMF.

Respectfully Submitted,

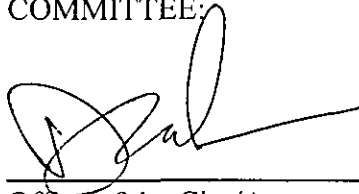


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: 
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Prepared by:
Wendy Simon
Urban Economic Analyst IV

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE:

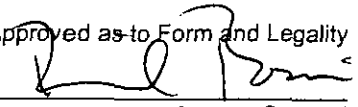


Office of the City/Agency Administrator

Attachment A: Map of project location and West Oakland Project Area

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Approved as to Form and Legality

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

AN AGENCY RESOLUTION ALLOCATING REDEVELOPMENT FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000 FOR IMPROVEMENTS TO FITZGERALD AND UNION PLAZA PARKS IN WEST OAKLAND, AND AUTHORIZING A CONTRIBUTION OF AGENCY FUNDS TO THE CITY UNDER THE COOPERATION AGREEMENT FOR THIS PURPOSE

WHEREAS, the Agency wishes to fund costs for improvements to Fitzgerald and Union Plaza Parks, now owned by the City, for use as the Fitzgerald Community Market Farm; and

WHEREAS, the City and Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the construction of publicly-owned facilities if the legislative body has consented to such findings and has made certain findings; and

WHEREAS, improvements to public facilities such as parks, open space, and recreational areas are redevelopment purposes under Section 33021 of the California Health and Safety Code; and

WHEREAS, the Agency will contribute and utilize Agency funds to reimburse the City's Oakland Redevelopment Agency Projects Fund (7780), Office of Parks and Recreation's Capital Improvement Projects (Org. 94500), City Project to be established for the Fitzgerald Community Market Farm; and

WHEREAS, the City Council is consenting to the use of Agency funding for the Fitzgerald Community Market Farm project pursuant to Section 33445 of the California Health and Safety Code; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to contribute an amount not to exceed \$100,000 under the Cooperation Agreement to the City of Oakland for the construction of the Fitzgerald Community Market Farm at Fitzgerald and Union Plaza Parks; and be it

FURTHER RESOLVED: That \$100,000 in Agency funding will be allocated from the West Oakland Operations Fund (Fund 9590, Organization 88679, Project S233510) for this purpose; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the Fitzgerald Community Market Farm will benefit the West Oakland Redevelopment Project Area by eliminating two blighted and underutilized parks and developing a community farm that will contribute by providing organic food for low income residents, serve as an attractive open space gathering place for community events, provide a place for Project Area residents to learn about gardening, provide open green space in an area that presently lacks this amenity, and improve the physical environment for residents, business and property owners in this Project Area;
2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the Fitzgerald Community Market Farm, and therefore no other reasonable means of financing the project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the West Oakland Project Area for the Fitzgerald Community Market Farm will assist in the elimination of blight in the West Oakland Project Area for the reasons set forth in the staff report accompanying this Resolution; and
4. That the renovation of Fitzgerald and Union Plaza Parks for use as the Fitzgerald Community Market Farm is consistent with the Implementation Plan adopted for the West Oakland Redevelopment Project Area; and be it

FURTHER RESOLVED: That the Agency Administrator or his or her designee is hereby authorized to take whatever action is necessary with respect to Agency funding of the improvements to Fitzgerald and Union Plaza Parks for use as the Fitzgerald Community Market Farm project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - DE LA FUENTE, KERNIGHAN, NADEL, QUAN, BROOKS, REID, KAPLAN, AND
CHAIRPERSON BRUNNER

NOES -

ABSENT -

ABSTENTION -

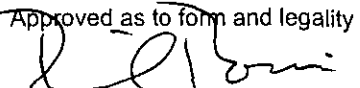
ATTEST:

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

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OAKLAND

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Approved as to form and legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION ACCEPTING AND APPROPRIATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$100,000 FOR IMPROVEMENTS TO FITZGERALD AND UNION PLAZA PARKS IN WEST OAKLAND

WHEREAS, the Redevelopment Agency wishes to fund costs for improvements to Fitzgerald and Union Plaza Parks, now owned by the City, for use as the Fitzgerald Community Market Farm; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$100,000 to the Fitzgerald Community Market Farm project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost of construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, improvements to public facilities such as parks, open space, and recreational areas are redevelopment purposes under Section 33021 of the California Health and Safety Code; now, therefore, be it

RESOLVED: That the City Council hereby consents to the use of up to \$100,000 in Agency funds for improvements to Fitzgerald and Union Plaza Parks, now owned by the City, for use as the Fitzgerald Community Market Farm to be located at the intersections of Haven, Fitzgerald and Peralta Streets at 34th Street in the West Oakland Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Council hereby accepts a contribution of \$100,000 from the Agency under the Cooperation Agreement and appropriates such funds to the City's Oakland City's Oakland Redevelopment Agency Projects Fund (7780), Office of Parks

and Recreation's Capital Improvement Projects (Org. 94500), City Project to be established for the Fitzgerald Community Market Farm; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the Fitzgerald Community Market Farm will benefit the West Oakland Redevelopment Project Area by eliminating two blighted and underutilized parks and developing a community farm that will contribute by providing organic food for low income residents, serve as an attractive open space gathering place for community events, provide a place for Project Area residents to learn about gardening, provide open green space in an area that presently lacks this amenity, and improve the physical environment for residents, business and property owners in this Project Area;
2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the Fitzgerald Community Market Farm, and therefore no other reasonable means of financing the project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the West Oakland Project Area for the Fitzgerald Community Market Farm will assist in the elimination of blight in the West Oakland Project Area for the reasons set forth in the staff report accompanying this Resolution; and
4. That the renovation of Fitzgerald and Union Plaza Parks for use as the Fitzgerald Community Market Farm is consistent with the Implementation Plan adopted for the West Oakland Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to take whatever action is necessary with respect to the Fitzgerald Community Market Farm project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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