



# AGENDA REPORT

**TO:** Steven Falk,  
Interim City Administrator

**FROM:** Sofia Navarro  
Interim Director of  
Economic & Workforce  
Development

**SUBJECT:** License of 1911 Telegraph to Oakland  
School for the Arts

**DATE:** March 22, 2023

City Administrator Approval

Date:

Mar 29, 2023

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance (1) Authorizing A License Agreement Between the City of Oakland and the Oakland School for the Arts (OSA) For the Approximately 45,121 Square Foot Vacant City-Owned Property Located At 1911 Telegraph Avenue For Improvement And Use As An Outdoor Recreation Area For A 3-Year Term With Three 1-Year Options to Renew At A Rate Of Five Hundred Dollars (\$500) Per Month; (2) Making Findings That The License For Below Fair Market Value Is In The Best Interest of the City; And (3) Making Appropriate California Environmental Quality Act Findings**

## **EXECUTIVE SUMMARY**

The Oakland School for the Arts (OSA) is a public charter school housed in the historic, City-owned Fox Oakland Theater (Fox Theater) on Telegraph Avenue in the Uptown neighborhood of the City of Oakland (City). It serves more than 800 students in grades 6-12 through an immersive arts program, and is a critical contributor to both Oakland's arts and culture sector and the vitality and economic health of the Uptown neighborhood.

The proposed ordinance would authorize a license of the adjacent City-owned vacant lot at 1911 Telegraph to OSA for a three (3) year term with three (3) one-year options to renew at a rate of Five Hundred Dollars (\$500) per month. OSA will use the site for physical education classes, outdoor recreation, and gathering space for its students.

This action will help to retain OSA as an anchor tenant at the Fox Theater, provide needed outdoor space for its students, activate and secure an otherwise vacant City property, and enhance the vibrancy and sense of safety in the neighborhood.

## **BACKGROUND / LEGISLATIVE HISTORY**

The City owns an approximately 45,121 square foot (approximately 1 acre) vacant property (Assessor Parcel Number 8-716-58) located at 1911 Telegraph Avenue (Property) in Oakland's Uptown neighborhood, across the street from the historic, City-owned Fox Theater.

The Fox Theater was built in the 1920s and acquired and renovated by the Oakland Redevelopment Agency in the early 2000s. Since 2009 OSA has been an anchor tenant in the Fox Theater. It is a public charter school founded in 2002 serving more than 800 students in grades 6-12 tuition-free through an immersive arts program. Seventy two percent of OSA students are from Oakland.

On July 21, 2020, City Council adopted [Resolution No. 88233](#) declaring the 1911 Telegraph property as "surplus land" pursuant to the Surplus Land Act (SLA), Government Code Section 54220(b)(1), and authorized the City Administrator to issue a Notice of Availability (NOA) to solicit development proposals for the Property. On October 6, 2021, the City issued a NOA for the Property pursuant to the SLA and subsequently received five development proposals. Staff plans to bring a recommendation for an Exclusive Negotiating Agreement to City Council for consideration later this year. The Property is not expected to be ready for development any earlier than 2027 and absent an interim use, the Property would remain vacant until such time.

OSA is located in a dense urban area without any dedicated outdoor space. To remedy that, OSA has proposed to license the Property from the City and invest approximately \$722,000 in tenant improvements, including basketball courts and a stage, in order to create a safe, secure and supervised outdoor space for physical education classes, recreation, and outdoor performances. **Attachment A** provides more information on OSA's vision and proposed plan for the Property.

Staff have negotiated the terms of a license agreement with OSA to provide for this use. It would include a \$500 per month license fee paid to the City. The initial term would be for three years with three 1-year options to extend for a total of six years. The City would have the right to terminate the lease with thirty days' notice if and when the Property is ready for development.

## **ANALYSIS AND POLICY ALTERNATIVES**

The proposed ordinance would generate a number of benefits for the City, the neighborhood, and OSA. It would result in an estimated \$722,000 in capital improvement to an otherwise vacant City-owned parcel. OSA would activate the Property with daily uses and provide security and maintenance of the site, which is currently the responsibility of the City. OSA's use of the Property would activate the site, bringing an enhanced vibrancy and sense of safety to the neighborhood.

The proposed license would support OSA, which is a critical contributor to Oakland's arts and culture sector and serves a diverse student body, a majority of whom are Oakland residents. It would also help to support and retain OSA as an anchor tenant at the Fox Theater by providing dedicated outdoor space for OSA's more than 800 students. Outdoor space is essential to the operation of a school and to supporting the health and wellbeing of students but OSA currently has none.

The proposed license fee of \$500 per month is less than the fair market rental value for the Property. However, in addition to the benefits described above, the License would relieve the City of its current security and maintenance responsibility for the Property. In addition, the fee is consistent with the amount paid by non-profit organizations under other recent licenses of City land for community-serving uses (e.g., Black Cultural Zone's Akoma Market at 73<sup>rd</sup> Avenue & Foothill Boulevard, and Homies Empowerment's Freedom Farm at 10451 MacArthur Boulevard).

The City would have a 30-day termination right in order to ensure that the License would not delay future development of the Property, which remains subject to future City Council action.

Approval of the recommended action would advance the Citywide priority of **housing, economic, and cultural security** by allowing the Oakland School for the Arts to remain in Downtown Oakland, contributing to the economic health of the area, as well as supporting the City's arts and culture sector.

### **FISCAL IMPACT**

The proposed license would generate \$500 per month or \$6,000 per year in revenue, which would be deposited in General Purpose Fund (1010), Real Estate Organization (85231), Miscellaneous Land Rental Revenue Account (44219), DP850 Administrative Project (1000019), Real Estate Program (PS32). This would add up to \$36,000 if the Property is licensed to OSA for the entirety of the six-year term.

### **PUBLIC OUTREACH / INTEREST**

The proposed ordinance will be heard at public meetings of the City Council's Community and Economic Development Committee and the full City Council and will be publicly noticed consistent with standard City Council public noticing provisions. OSA has discussed its vision and proposed plan with area businesses and reports broad support.

### **COORDINATION**

This report was prepared by the Economic and Workforce Development Department's Real Estate Division and reviewed by the Office of the City Attorney and the Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The license would ensure that OSA is able to remain a tenant at the Fox Theater. The school's more than 800 students and additional staff are a visible, stabilizing presence in the Uptown neighborhood and serve as customers for area businesses, particularly during the lunch hour.

**Environmental:** The license would enable an improvement to the Property that would be subject to City permitting requirements that consider environment impacts. It would help to sustain a walkable, transit-rich neighborhood.

**Race & Equity:** The proposed license would preserve a visible, stabilizing presence in a neighborhood identified as “High Priority” according to Oakland Department of Transportation’s Geographic Equity Toolbox, where 72 percent of residents are people of color and 52 percent are low income. Nearly 65 percent of OSA’s student body identifies as Black, Indigenous or Person of Color.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Approval of this legislation will not result in any major changes to the space and therefore this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (existing facilities).

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt An Ordinance (1) Authorizing a License Agreement Between the City of Oakland and the Oakland School for the Arts (OSA) For the Approximately 45,121 Square Foot Vacant City-Owned Property Located At 1911 Telegraph Avenue For Improvement And Use As An Outdoor Recreation Area For A 3-Year Term With Three 1-Year Options to Renew At A Rate Of Five Hundred Dollars (\$500) Per Month; (2) Making Findings That The License For Below Fair Market Value Is In The Best Interest of the City; And (3) Making Appropriate California Environmental Quality Act Findings

For questions regarding this report, please contact Brendan Moriarty, Real Property Asset Manager, at (510) 238-6354.

Respectfully submitted,



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Sofia Navarro, Interim Director  
Economic & Workforce Development  
Department

Reviewed by:  
Kelley Kahn, Assistant Director, Real Estate &  
Strategic Partnerships  
Economic & Workforce Development  
Department

Attachments (1):

- A. OSA proposal for 1911 Telegraph

# CITY OF OAKLAND

## 1911 Telegraph Avenue Proposal



A vision to transform the City of Oakland's  
Lot 4 into an OSA and Uptown outdoor  
community resource.

**OSA**  
Oakland School *for the Arts*

CITY OF OAKLAND

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## 1911 Telegraph Avenue Proposal

### PROJECT ▶

Activate the 1 acre lot known as “Lot 4,” owned by the City of Oakland. The lot is located at 19th Street and Telegraph Avenue, across the street from the historic Fox Theater Building and home of Oakland School for the Arts (OSA).



## PURPOSE & GOALS

**OSA would lease the property, make tenant improvements, and utilize it for physical education classes, recreation, and outdoor performances temporarily.**

### **Goals Include:**

- Create a safe, secure place for OSA students to engage in planned physical education classes;
- Create a space for OSA students to go for recess and during lunch periods that is outdoors, safe, and supervised;
- Provide basketball courts for free play during class breaks;
- Build a stage to be used by OSA for outdoor performances (e.g. plays, concerts, recitals); and
- Revitalize a vacant lot in Uptown Oakland to beautify the area and enhance the Uptown experience for the community at large until which time the property is developed years from now.

# RESEARCH

In a 2020 *New York Times* article titled, “‘Nature Deficit Disorder’ Is Really a Thing,” Meg St-Esprit McKivigan writes about how children’s behavior may suffer from lack of access to outdoor space, a problem highlighted by the pandemic. She references numerous studies that have shown the mental and physical benefits of spending time outdoors. Spending time outdoors expands children’s senses both physiologically and psychologically.



► **Dr. Louise Chawla**, professor emerita at the University of Colorado Boulder, has shown that access to outdoor space is linked to a child’s well being. For example, **“adding greenery to school play yards has been shown to increase prosocial behavior in kids. They help, cooperate, comfort and share more; the loss of access to this space has the opposite effect.”** Dr. Chawla suggests that children are moving all the time, **“but they also show sustained fascination”** that is increased by time outdoors.

► **Dr. Ming Kua**, associate professor at the University of Illinois, who studies urban greening, has shown that **“access to green space decreases aggression and attention deficit hyperactivity disorder symptoms, and boosts the immune systems.”** Dr. Kuo also points out an unequal access to green spaces across socioeconomic and racial lines.

► **Dr. Rebecca Hershberg**, a psychologist who specializes in childhood social-emotional development and mental health, has indicated, **“We know, not just intellectually, but based on recent lived experience, that not all activities are created equal when it comes to enhancing our children’s moods and behavior. Prioritizing time in nature, exercise, and even some unstructured downtime is analogous to prioritizing our children’s mental health, which is more important now than ever.”**

# BENEFITS

## Benefits for our Students

After experiencing extended isolation and remote learning, students are very much recovering and need to engage in their community in ways that support their mental health. According to Child Trends' analysis of CDC data, since the pandemic, the percentage of California children who were experiencing anxiety or depression increased from 7% to 11.9%—a 70% increase. They noted that the impact has been most keenly felt in the BIPOC community, and among low-income students, adolescent girls, and LGBTQIA+ students. Given OSA's student demographics, ours is a school that is experiencing a significant increase in the need for student support.



In Fall 2021, members of OSA's Student Safety Committee voiced concerns about the need for a dedicated community space for students to access resources and support, such as tools for de-escalation, emotional support/counseling, and hotlines that connect them to services. As a result, OSA dedicated an indoor space as a Student Wellness Center. However, students also need an outside space that feels safe and welcoming. They need the option of going outside the OSA school building to exercise, engage socially with their peers, and get a change of scenery. And, though it's needed now more than ever, they do not have this option today.

Currently, OSA's physical education program takes place in the parks and open spaces of downtown Oakland / Lake Merritt. Chaperones must accompany students to these spaces due to safety and monitoring concerns and travel time to and from the spaces detracts from planned physical education time. Having access to a dedicated physical education space nearby would both increase the safety of our students and increase class time for physical education.

Likewise, children need free play outdoors. Having access to 1911 Telegraph Avenue as a place for recess and lunch periods will allow OSA students access to this valuable time in a safe, controlled, and supervised environment.

# BENEFITS

## Benefits for the Uptown Neighborhood

Activating 1911 Telegraph Avenue and improving it for outdoor space also increases the visibility of OSA in the neighborhood and contributes to the vibrancy of the Uptown neighborhood. As safety concerns in the neighborhood among OSA's families, faculty/staff, residents, and local businesses continue to rise, the visibility and added vibrancy of improved outdoor space will contribute to increased safety in the neighborhood.

The activated recreational space will also include a small stage with bleachers for outdoor performances that will benefit both OSA's arts programming and contribute to the vibrancy of the Uptown neighborhood surrounding OSA.



## Timeframe

**Q2 and Q3 2023**

Available for the start of the 2023-24 academic year.

## Costs

Soccer Field	\$250,000
Grade Lot	\$100,000
Two Basketball Courts	\$120,000
Open Turf Field	\$90,000
Stage, Bleachers, Electricity	\$60,000
Lot Fencing	\$22,000
Contingency	\$80,000
<b>Total</b>	<b>\$722,000</b>



## Project Lead



**Mike Oz**

*Executive Director*

Oakland School for the Arts

## Measurements of Success

- Improved mental and physical health for OSA students and other Oakland youth
- Daily use by OSA PE classes and arts classes
- Use agreements with other Oakland-based non-profits
- Expressed support by Uptown businesses
- Reduction in car break-ins in the surrounding area





## BACKGROUND ON OAKLAND SCHOOL FOR THE ARTS

OSA is a public charter school and 501(c)(3) non-profit founded in 2002 by Jerry Brown, Oakland's then Mayor and former CA Governor. Housed in Downtown Oakland's historic Fox Theater, OSA serves nearly 800 students in grades 6-12, who pay no tuition. We serve students across the Bay Area, but 72% of our students are from Oakland. Many students arrive at OSA from under-resourced schools and all are admitted 100% grade-blind. This means students who need academic and artistic support enroll alongside students who face fewer challenges to their educational success.

### 20 Years of Impact

This year marks OSA's 20th year as a top-performing secondary school. In 2021, OSA was one of only three California schools recognized as both a California Blue Ribbon Distinguished School and an Exemplary Arts School by the California Department of Education. OSA maintains a 97% graduation rate, and each year, about 90% of our students go on to attend 2- or 4-year colleges, universities or conservatories, including: San Francisco Conservatory, Columbia University, UC Berkeley, New York University, University of Arts London, Stanford University, Oberlin Conservatory, Berklee College of Music, Cornell University, Tisch School of the Arts at NYU and UCLA's renowned School of Film, Theater, and Television. This is a remarkable record for an Oakland public school, and speaks directly to the importance of OSA in the Bay Area community.



### Programming

During their years at OSA, students complete a challenging academic curriculum with an emphasis in one of nine arts sub-pathways:

- Visual Art
- Dance
- Theatre
- Literary Arts
- Media Arts
- Instrumental Music
- Vocal Music
- Production Design
- Fashion Design

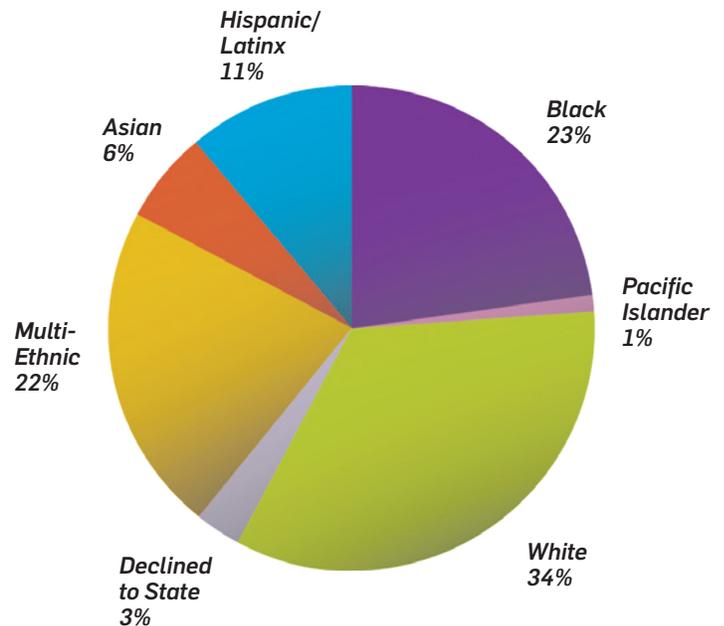
## Student Body

All middle and high school students have at least two hours of daily arts instruction. OSA's arts and academic programs build discipline and confidence, effectively preparing creative youth to achieve their potential both in and outside of the arts.

**We currently serve nearly 800 students and demographics are as follows. ►**

The student body is 65% female, 34% male, and 1% non-binary. Forty percent of students identify as LGBTQIA+.

In our most recent charter renewal, we included a phase-out plan for removal of the requirement for students to audition to attend OSA. Already, we have seen an increase in students from lower resourced areas of Oakland, as 52 percent of new OSA 6th grade students this year had previously attended a Title I school.



## Faculty

In line with the school's mission, all of OSA's arts teachers are successful, working artists who strive to create extraordinary opportunities for students, including internships, gallery and museum exhibitions, and high-visibility performances at notable venues like the Fox Theater, Yoshi's, and Freight and Salvage. Guest artists also frequent OSA to mentor and collaborate with students, and OSA continues to foster many community partnerships, including the Oakland Symphony, San Francisco Symphony, San Francisco Ballet, SFMOMA, Museum of the African Diaspora, Oakland Museum of California, Berkeley Repertory Theatre, Cal Performances, Yerba Buena Center for the Arts, Purple Silk Foundation, and many others.



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Oakland School *for the Arts*

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