CITY OF OAKLAND

AGENDA REPORT

TO:	Elizabeth Lake Interim City Administrator	**FROM:**	Sofia Navarro Deputy City Administrator
SUBJECT:	San Leandro Creek Trail Cooperative Maintenance Agreement and Site License Agreement	**DATE:**	September 22, 2026

City Administrator Approval Betsy Lake (Sep 28, 2026 09:20:58 PDT) Date: Sep 28, 2026

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance (1) Authorizing The City Administrator To (A) Execute A License Agreement Between The Alameda County Flood Control And Water Conservation District (District) As Licensor And The City Of Oakland As Licensee To Provide Trail Maintenance And Stewardship Of A 0.7 Mile Portion Of The San Leandro Creek Trail For A License Fee Of Zero Dollars ($0.00) For A Term Of Twenty-Five (25) Years And (B) Negotiate and Execute A Sub-license Agreement With The Nonprofit Oakland Parks & Recreation Foundation (OPRF) To Provide Such Trail Maintenance And Stewardship For An Initial Term Of Five (5) Years With Four 5-year Options For A Total Term Not To Exceed Twenty-Five (25) Years; (2) Making Findings That The Below Market License Fee Is In The City's Best Interest; And (3) Making California Environmental Quality Act Findings

EXECUTIVE SUMMARY

The proposed ordinance includes authorization for two agreements: The first is finalization and execution of a license agreement or Cooperative Maintenance Agreement between the Alameda County Flood Control and Water Conservation District (District) and the City for the San Leandro Creek Urban Greenway, Phase 1 Project (Creek Trail), a 0.7 mile trail along the western side of the San Leandro Creek from Hegenberger Road to Columbia Gardens Park in Deep East Oakland that has long been a community priority.

The second would authorize the City of Oakland (City) to execute a sub-license agreement with Oakland Parks & Recreation Foundation (OPRF), a trusted and long-time City non-profit partner, to maintain and oversee programing along the San Leandro Creek Trail in East Oakland from Hegenberger Road to Columbia Gardens Park. The Agreement would reduce maintenance liabilities for the City; provide ongoing, community-led stewardship of one of the few nature access points in the community; and provide OPRF and their community partners with the certainty needed to continue fundraising and building partnerships to make further investments along the Creek Trail. Approval of this Agreement hinges on execution of the Cooperative Maintenance Agreement.

BACKGROUND / LEGISLATIVE HISTORY

Oakland City Council designated the San Leandro Creek corridor a Priority Conservation Area in 2015 via Resolution No. 85669 C.M.S.. In March 2017, City Council received an Informational Report on a feasibility study and master plan of the corridor, funded by CalTrans. Two months later, Council President Larry Reid wrote to the California Natural Resources Agency (CNRA) in support of a grant application to build out Phase I of the trail, pledging to work with City staff, East Bay Regional Parks District (EBRPD), and the District to develop a 25-year "maintenance, operation, and policing cooperative agreement… utilizing community partners where feasible."

On October 29, 2018, CNRA awarded the District a $4.1 million construction grant to construct the San Leandro Creek Urban Greenway, Phase 1 (Creek Trail). The segment is owned by the District but entirely within Oakland's boundaries. The CNRA grant agreement with the County stipulates that the trail must be accessible to the public and maintained for a minimum of 25 years as a condition of funding.

In 2019, the City, District, EBRPD, and others began developing an application for the Transformative Climate Communities / Better Neighborhoods, Same Neighbors (TCC/BNSN) project, which included funding for Creek Trail maintenance and community activation via partnership among EBRPD and multiple community organizations. On January 17, 2020, EBRPD staff indicated that EBRPD was committed to providing "Operations, Maintenance, and Public Safety Patrols" of the Creek Trail between Hegenberger Road and 98th Avenue.

Oakland was awarded the TCC funding and launched the BNSN project in 2020 (Resolution No. 88352 C.M.S.). The Creek Trail was subsequently removed from the project because:

1. Union Pacific Railroad was unable to support reconstruction of the trail where it crossed their Right-of-Way (which was to be included in a later phase of the project);
2. Construction of Creek Trail was delayed past the original TCC/BNSN end-date.

City BNSN project managers, community partners, and the project funder (California State Strategic Growth Council) replaced the Creek Trail project with the renovation and stewardship of Tyrone Carney Park.

On January 29, 2024, the City and District executed a Cooperative Agreement for a bike and pedestrian crossing at Hegenberger as part of the Creek Trail (Resolution No. 89993 C.M.S.). Per that Agreement, the City reimbursed ACFDC $75,000 for the traffic signals and civil plans for the crossings at Hegenberger, 98th Avenue, and Empire Road. The City owns and will maintain the traffic signal systems at Hegenberger and 98th Avenue. The signals are currently in place but have not been energized by PG&E.

In April 2024, the City and the District began negotiating a Cooperative Maintenance Agreement (County-City Agreement) for the 0.7-mile Creek Trail segment from Hegenberger Road to Columbia Gardens Park.

On May 5, 2026, via Resolution No. 13879 C.M.S., City Council authorized a Site License Agreement with Oakland Parks and Recreation Foundation (OPRF) for community-led stewardship of Tyrone Carney Park, in which two groups – the East Oakland Neighborhoods

Initiative (EONI) and Sobrante Park Resident Action Council (SPRAC) – will lead workforce training and community activities to maintain the park.

ANALYSIS AND POLICY ALTERNATIVES

Re-opening the San Leandro Creek to the public has been a Deep East Oakland community priority for over two decades. Neighborhood groups, including those listed below, had appealed to the City, former Redevelopment Agency, East Bay Regional Parks District, and Alameda County in efforts to get the trail rebuilt and accessible to the public before the 2017 CNRA grant was awarded. With the trail constructed but not officially open to the public, community groups have been removing litter, building and installing cultural signage, and planting and caring for native plants along the Creek Trail. Key groups and activities are as follows:

- ***Institute for Sustainable Policy Studies (ISPS):*** Affiliated with Merritt College, ISPS has worked with the City and former Redevelopment Agency, District, and EBRPD to advocate for reopening the Creek Trail since 2008. They received a $172,800 Coastal Commission grant for activation of the Creek Trail, including the addition of ADA and informational signage, which must be spent by December 31, 2026. Because the Creek Trail cannot officially be opened to the public until the Cooperative Maintenance Agreement is executed, this grant is in jeopardy. They also received a $450,000 grant from the Metropolitan Transit Commission / San Francisco Estuary Partnership to support community-led stewardship along the Creek Trail. ISPS conducts regular maintenance of the Creek Trail via the Alameda County Adopt A Spot (AAS) program. They are currently transitioning to work with the City's AAS program. ISPS is working with Castlemont High School and Peralta Community College District to train community stewards for maintenance work along the trail.

- ***EONI:*** EONI is one of the lead community partners for TCC/BNSN and was the grassroots organizer for the original TCC/BNSN application. They manage broad community engagement, project planning, and curriculum development for this project and Tyrone Carney Park, partnering closely with ISPS.

- ***Bay Area Air District:*** In the recently adopted *AB617 Right to Breathe: East Oakland Community Air Quality Justice Plan (2026)*, the Air District committed to creating a resource to help prioritize installation of vegetative buffers in East Oakland and to help identify opportunities to co-develop and oversee implementation of community greening projects, including their workforce and stewardship elements. The Air District has been one of the key local partners that initially supported the community engagement and development of the San Leandro Creek Trail. To the extent that this site is designated as a priority in a co-developed East Oakland community greening and stewardship project, there may be opportunities for coordination for targeted engagement.

As of June 1, 2026, the traffic signals have been installed, and PG&E is ready to energize them; concrete work and striping are expected to be completed in the Fall.

The trail has been functionally accessible to pedestrian traffic for more than a year, and there have been no encampments in that time. Chains block the walkways at all three entrances (Hegenberger, 98th Avenue, and Empire Road), but access is physically easy. Local organization Planting Justice provided native plantings along the trail and is maintaining them through Q1 2027.

Cooperative Maintenance Agreement (County-City)

The trail portion of the Project is complete and can be officially opened as soon as the Cooperative Maintenance Agreement is executed. That Agreement commits the City to performing or overseeing maintenance of the Creek Trail for 25 years, which is consistent with the term for the State grant received by the District for the Project. The City Administrator is delegated the full and complete authority to lease or license any real property if the rent, lease, payments, license fees, or other consideration for the lease or license does not exceed one hundred thousand ($100,000.00) over the term of the lease, including any extension periods authorized under the lease or license, pursuant to Section 2.41.050. Here, the District would provide the license at Zero Dollars ($0.00); however, the District requests a twenty-five (25) year term, and the City may only terminate its maintenance responsibilities once a substitute maintenance agreement has been secured. In the event a substitute maintenance agreement is not secured, the City would be financially liable for providing maintenance for the 0.7-mile trail portion through any combination of Adopt-a-Spot and OPW staffing.

Sub-License Agreement (City-OPRF)

OPW lacks resources to provide routine maintenance of the Creek Trail, and EBRPD has confirmed that their leadership of trail maintenance was dependent on TCC/BNSN funding. Community partners are willing to perform maintenance via a cooperative or sub-license agreement similar to the Site License Agreement for Tyrone Carney Park. The original Creek Trail project within TCC/BNSN included paid work for community stewards in maintaining the trail. Payment for community-led stewardship is a community priority; this is consistent with the project's origins and BNSN principles, as well as with the City's resilience and equity priorities. Key community partners and their roles are as follows:

The City Administrator’s Office (CAO), in partnership with the Real Estate Division of Economic and Workforce Development Department (EWDD), and Oakland Public Works (OPW), are negotiating a term sheet for the proposed no-cost License Agreement with OPRF for an initial term of five (5) years with four (4) five-year options to extend, for a total of 25 years to match the 25-year CNRA obligation. The proposed License Agreement would meet the citywide priorities of vibrant, sustainable infrastructure because it would allow immediate management of the newly reconstructed trail in accordance with the community plan.

Under the proposed License Agreement, OPRF would assume daily management and maintenance responsibilities, and programming oversight of the trail as appropriate. OPRF’s programing goals, in partnership with ISPS and EONI, include hands-on, onsite training for landscaping and maintenance; signage installation; routine maintenance and repairs; and periodic public programing. OPRF will develop and track evaluation metrics to assist the City in assessing the merit of the partnership.

Failure of the City to execute a Sub-License Agreement with OPRF for this trail will result in forfeiture by ISPS of the $172,800 Coastal Commission grant; continued uncertainty about whether the trail can be opened to the public; significant loss of trust in the City from community residents and leaders; and a damaged relationship between the City and Alameda County, which has acted on good faith in accepting the CNRA grant and constructing the Creek Trail with the understanding that the City would then ensure long-term maintenance of the site.

Expected outcomes and Racial Equity Impact

This action is driven by racial equity impact analysis, given its focus on ensuring access to nature and healthy exercise routes for an historically under-resourced, heavily-impacted, environmental justice community. Executing both the Cooperative Maintenance Agreement and Sub-License Agreement will maximize investments in beautification, infrastructure modernization, and nature access for a designated environmental justice community; prevent the County from having to return all or a portion of the CNRA grant to the State; preserve a productive working relationship with the County; increase community trust in the City's willingness and ability to follow through on community priorities; and support the development of trusted community organizations as true partners in community infrastructure maintenance and development.

RELATED PLANNING EFFORTS

Equitable Climate Action Plan

This effort is consistent with the ECAP's focus on improving physical and mental public health in disinvested parts of the city by expanding nature access in frontline communities. It explicitly advances ECAP Action A-6 (*Expand and protect green infrastructure and biodiversity*). The ECAP's Racial Equity Impact Assessment and Implementation Guide (REIA) calls on the City to implement projects with community health and equity benefits in frontline communities first. Columbia Gardens and Sobrante Park, the two neighborhoods that will directly benefit from this Creek Trail and OPRF's stewardship, have composite scores of 98 and 83, respectively, of cumulative burden according to the City's Environmental Justice Element Map.

General Plan – Environmental Justice Element

Establishing a Sub-License Agreement with OPRF for community-led stewardship of the San Leandro Creek Trail fulfills EJ Element Goal EJ-6, *Support a Network of Well-Maintained Community Facilities that are Easily Accessible, Culturally Supportive, and Responsive to Community Needs*. Specifically, EJ-6.4 (*Maintain and improve existing civic and public facilities to ensure safer, more attractive facilities that are responsive to community needs. Prioritize equitable capital improvements and maintenance projects and investments in public and community-driven social infrastructure in EJ Communities*) and EJ-6.5 (*Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City/County to ensure effective and efficient service delivery. Ensure strong coordination between agencies during climate emergencies, with in-language and culturally appropriate outreach targeted to the most vulnerable communities*).

It also advances Goal EJ-7, *Create Environments that Support Physical Activity, Recreation, and Healthy Lifestyles through Safe, Comfortable and ADA-Compliant Walkable, Bikeable Neighborhoods, with Access to Transit, Green Space, Trees, Paths, and Parks*. This has been a major impetus of the project for local residents, who have had limited access to nature and to safe outdoor recreation activities in their neighborhoods for decades.

FISCAL IMPACT

Sufficient funds were included in the Fiscal Year 2025-2027 Biennial Adopted Budget for execution and oversight of the Site License Agreement with OPRF for Stewardship of the Creek Trail. There will be no fiscal impact on operating funds, as all site operation and stewardship will be conducted by OPRF.

PUBLIC OUTREACH / INTEREST

This item reflects more than seven years of extensive community engagement via the East Oakland Neighborhoods Initiative and ongoing BNSN implementation.

COORDINATION

This item has been coordinated with the Office of the City Attorney, EWDD Real Estate Division, OPW, OPW, and the Sustainability and Resilience Division (SRD) of the City Administrator's Office. Employee Relations will notice Service Employee International Union 1021 regarding the community workforce training program when OPRF is ready to develop it.

RACE AND EQUITY

The community surrounding the San Leandro Creek Trail falls within the BNSN project area, which is in the "top five to 20 percent of environmental health risks statewide. Among the noted risks are diesel particulate matter (PM) and hazardous waste sites. Additionally, population characteristics of high concern are asthma, heart-related diseases, educational attainment, poverty, and high housing costs," per the EONI community plan. These risks are emblematic of structural racism due to the area's redlining history and current demographic makeup. The largest population group is Latina/o and second-largest is African American. The economic and health benefits from this project will benefit all Oakland residents, starting with the communities that need them most. These communities have consistently and vocally described access to this Creek Trail as a top priority.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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), Section 15304 (minor alterations of land; temporary uses), Section and 15183 (projects consistent with General Plan and Zoning).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance (1) Authorizing The City Administrator To (A) Execute A License Agreement Between The Alameda County Flood Control And Water Conservation District (District) As Licensor And The City Of Oakland As Licensee To Provide Trail Maintenance And Stewardship Of A 0.7 Mile Portion Of The San Leandro Creek Trail For A License Fee Of Zero Dollars ($0.00) For A Term Of Twenty-Five (25) Years And (B) Negotiate and Execute A Sub-license Agreement With The Nonprofit Oakland Parks & Recreation Foundation (OPRF) To Provide Such Trail Maintenance And Stewardship For An Initial Term Of Five (5) Years With Four 5-year Options For A Total Term Not To Exceed Twenty-Five (25) Years; (2) Making Findings That The Below Market License Fee Is In The City's Best Interest; And (3) Making California Environmental Quality Act Findings.

For questions regarding this report, please contact Shayna Hirshfield-Gold, Climate Program Manager, at 238-6954.

Respectfully submitted,

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