

PARKS AND RECREATION ADVISORY COMMISSION
Wednesday, February 8, 2006 - 4:30 p.m.
Lakeside Park Garden Center, Oakland, CA

MINUTES

1. CALL TO ORDER:

A regular meeting of the Parks and Recreation Advisory Commission was held on Wednesday, February 8, 2006 at the Lakeside Park Garden Center, 666 Bellevue Avenue, Oakland, California. Chairperson Webb convened the meeting at 4:40 p.m. Ms. Audree V. Jones-Taylor, Secretary to the Commission, conducted roll call. A quorum was present.

2. ROLL CALL:

Present: Valerie Abad, Holly McClure, Theresa Nelson, Brad Ricards, Jeffrey Taylor, Matthew Webb
Absent: Rosa Linda Armendariz
Staff Present: Audree V. Jones-Taylor, Gail McMillon, Mary Perisic, Claudia Cappio, Marge Stanzione, Bill Wilkins, Diane Lewis, Farimah Faiz
Guests: Chris Weahunt, Michael Ghielmetti, Tammy Borichevsky, John Sutter, Jennie Gerard, Darrel Carey, Sandy Threlfall, Judi Bank, Joel Kushing, Doug Kola-Vari, Emily Rosenburg, Joyce Roy, Robert Kidd, Sean Sullivan, Naomi Schiff, Olivia and Shay Harting, Dana Sack

3. DISPOSITION OF MINUTES:

A. Minutes of January 11, 2006 meeting:

MOTION: Commissioner Nelson moved approval of the minutes of the meeting of January 11, 2006. Commissioner McClure seconded the motion, which passed unanimously.

4. SPECIAL ORDERS:

5. DETERMINATION OF SCHEDULE—OUTSTANDING AGENDA ITEMS:

A. PRAC Pending List

- Lakeside Park Tree Appeals tentatively scheduled for March 8, 2006

6. MODIFICATIONS TO THE AGENDA:

Item12 moved up.

7. COMMUNICATIONS:

- Letter dated February 1, 2006 from Alex Hahn, resigning from PRAC.

8. PRAC COMMITTEE REPORTS:

9. ADVISORY COUNCIL REPORTS:

- Commissioner Ricards attended the Bushrod Advisory Council meeting on 1/18/06. They are interested in getting a greater variety of recreation programs there. They have about 6-7 people on the Advisory Council and Commissioner Richards will work with them.

10. **CONDITIONAL USE PERMITS:**

11. **UNFINISHED BUSINESS:**

12. **NEW BUSINESS:**

- A. Request from the Native American Health Center, Inc. (NAHC), for permission to collect registration fees for a walk/run at Lakeside Park on Saturday, March 11, 2006: Ms. Gail McMillon gave the staff recommendation that the Commission grant approval for the NAHC to collect fees at the walk/run. Ms. Chris Weahunt, representing the NAHC, spoke. This is their 5th annual event to celebrate wellness in the Native American community.

Motion: Commissioner Taylor moved approval. Commissioner McClure seconded the motion, which passed unanimously.

- B. 4683-4689 Benevides Avenue easement/license agreement: Director Jones-Taylor gave a report. City staff (Parks and Recreation, Real Estate, City Planning and the City Attorney's Office) have been working on this item for over 5 years and need to move forward so that the property owners can make a decision on what they can do with the property. Commissioner Ricards asked whether the City would have access to the driveway when necessary. Bill Wilkins of the City's Real Estate Division explained that the driveway crosses the park property to get to the garage, which is on private property. The license agreement will include City access. The driveway would be the responsibility of the licensee. There will be a monthly license fee subject to negotiation. Bill Wilkins advised that the Real Estate Division is recommending an annual license fee of \$4,200, as per the property appraisal that was done by staff, which was based on residential use and a rate of 7.5%.

Mr. Dana Sak, Attorney for the property owner, provided historical information. The prior owner wanted to divide the lot to sell separately, but the encroachment issue had not been worked out. Mr. Sak's client bought both houses, and they would like to be able to have the property divided. As a condition to getting the lot split, the City Planning requires that there be a permanent access to the garage.

The Office of Parks and Recreation requests that PRAC endorse the recommendation of City staff to pursue negotiations for a long-term license agreement for the property that encroaches on Dimond Park. During the negotiation process, the issues of City access, property rights and the license fee will be addressed. Due to lack of a quorum, the Commission will vote on this item at the next meeting on March 8, 2006.

- C. Oak to Ninth Avenue Project – Recommendations to the Planning Commission: Ms. Claudia Cappio, Director of Development with the City's Community and Economic Development Agency (CEDA), gave a report. This item was heard at the October 12, 2005 PRAC meeting as a non-action item. The purpose of this public hearing is to review the Oak to Ninth Mixed Use development project and provide a recommendation to the Planning Commission. The Commission is requested to address: 1) the park and open space configuration, 2) the proposed Shoreline Park and the Ninth Avenue Terminal, 3) the Open Space zoning designation proposed for the parks and open spaces, 4) the operation of these spaces, 5) Tidelands Trust constraints, 6) and the proposal for the Preliminary Development Plan to serve as the Special Conditional Use Permit for the park program. All comments and

recommendations will be forwarded to the Planning Commission in March and then to City Council in late April or early May for final action.

Mr. Michael Ghielmetti, Signature Properties, gave a presentation of the project plan. The 64 acre site is separated from the rest of the city by Hwy 880 and the railway, and it is the developer's intent to bring in enough people to create a critical mass to make the area and the parks more vibrant. Some highlights of the presentation include:

- All of the streets from Embarcadero Road will provide a view to the parkland.
- There will be more parkland around the Jack London Aquatic Center.
- Approximately 29.9 acres of public open space, of which 21.21 acres are new parks.
- Four major parks are proposed along the waterfront: an expansion of Estuary Park, new Channel Park, new South Park and new Shoreline Park.
- Parks will be "unprogrammed" except for a bocce ball court in Channel Park and a children's play area in South Park. A dog park section is being considered in Channel Park.
- A portion of the Ninth Avenue Terminal Building will be saved.
- The project will be divided into five phases.
- A transportation management plan is being developed and AC transit has agreed to service the area. There will be dedicated bike paths and pedestrian walkways. Embarcadero Road will have improved traffic flow, bike lanes and sidewalks.

Questions and Comments from the Commission:

- What mitigation factors will be undertaken for the amount of new traffic on Embarcadero Road?
- What does the General Plan say about the need for open space on the waterfront?
- There are few remaining opportunities to gain access to the waterfront.
- What about no net loss of park space?
- The people who worked on the Estuary Policy Plan had a vision. The EPP indicates that this is one of the major recreational centerpieces of the City with large open spaces.
- Wetlands are underserved. Wetlands preservation calls for building trails away from the waters edge. This project would bring a lot of people right up to the shoreline.
- The quality of recreation will become very urban and hardscape, but we are losing an opportunity for open spaces.
- What about tennis courts, space for basketball and organized recreational activities?
- What is the expected population?
- The standard for amount of acreage per 1,000 population is between 6.5-10 acres.
- Will the parks maintenance services be provided permanently?
- The idea of having large areas for festivals is appealing, but there will be parking issues.
- Move the Estuary Park section from Phase 5 to an earlier phase of the project.

Public Comments:

Doug Kolsa-Vari, Oakland citizen

- Supports the addition of a dog park.

Tammy Borichevsky, California Canoe and Kayak

- Business owner at Jack London Aquatic Center. Supports the project because it will bring more people to the area and provide a balance of waterfront access options.

Emily Rosenberg, Oakland Dog Owners Group

- Between 40-50% of Oakland households have dogs. Supports the developers on their vision to include a dog park.

John Sutter, Oakland citizen

- We have a tremendous asset that is publicly owned. Do we want to give it up for a private development? Once it is privatized it will never be public again.
- We want as much open space that was shown in the Estuary Policy Plan
- The citizens of Oakland voted for Measure DD because they wanted the Estuary Park to extend to the Embarcadero. The Measure DD money was to be designated for three park projects in Oak to Ninth area.
- It is important for this Commission to recommend to the Planning Commission that we want as much open space as designated in the Estuary Policy Plan.
- We are concerned about what will happen to the Ninth Avenue Terminal. We suggest that you concur with the Landmarks Board subcommittee recommendation that there be additional park space provided for the loss of the 9th Avenue Terminal.
- The Estuary Policy Plan text stated that Ninth Avenue Terminal should be studied further and that there should be a specific plan.

Joyce Roy, Oakland citizen

- I think the developer is not taking advantage of one of the unique virtues of the waterfront, that it is a working waterfront.
- The project would wipe out Ninth Avenue Terminal.
- No provisions for large public gatherings, i.e. no parking.
- Suggested constructing a very large parking garage near Hwy 880.
- This area is only connected to the City via 5th Avenue.
- Transportation will be a problem. Bus services will be minimal.

Robert Kidd, Oakland citizen and Jack London Aquatic Center Board President

- Jack London Aquatic Center is not taking a position on this project.
- As a citizen, likes the project because it reflects that it is an urban area. Has enjoyed other cities with similar waterfront developments.
- Supports dense development. The Aquatic Center would thrive with greater density.

Sandy Threlfall, Waterfront Action Group

- Thinks that development here is appropriate.
- Advocating for the footprint for the development to be consistent with Estuary Policy Plan, where the convention center would have been.
- This project can serve the new residents and all Oaklanders. The water's edge belongs to the public.
- The Ninth Avenue Terminal could become a community center.
- The importance of the green space cannot be undervalued.

Darrel Carey, resident of Portobello Condominiums and President of East Bay Small Business Council

- We need more people in the area.
- Oakland needs destination points and tourism revenue.

- We need people around after 5:00 p.m.
- The development is a prime opportunity.

Sean Sullivan, Covenant House

- Covenant House is a new neighbor of the Jack London Aquatic Center, serving the homeless and at-risk youth. One of their concerns is getting young people access to jobs, which this project will provide.
- There are very few opportunities and safe places for youth to use parks because of safety issues. This will be a safe place.

Naomi Schiff, Oakland Heritage Alliance

- Requests that PRAC take a good look at option #2 in the EIR and preserve the Ninth Avenue Terminal and reuse the building in a creative way.
- Putting a park on the Ninth Avenue structure may not be cheaper than saving the whole building, a big piece of maritime history. Saving 7% of the structure is not enough.
- The building is in use now. There is a boat building business that will have to relocate.
- We should put maritime uses in the Terminal, put small businesses in there and have internship opportunities.

Claudia Cappio addresses questions:

- Relationship to water with shoreline enhancement -- The plan includes a portion of the shoreline preserved for wetlands enhancement.
- Passive and Active Recreation – Channel Park will be more passive and Estuary and Shoreline Parks more active.
- Open space standard – The General Plan standard for open space is 4 acres per thousand and this project meets that.
- Compliance with Tidelands Trust – At this point there are issues with Tidelands Trust compliance and there needs to be an exchange of land out of the Trust so that residential construction can take place and that has to be replaced elsewhere. We have yet to get to that step, which involves the State Lands Commission. The Tidelands Trust does not allow for ballfields, basketball courts or tennis courts. Staff is currently investigating this issue with the State Lands Commission.
- Maintenance – Would not be through the homeowners association but through an independent entity such as a community facilities district. Maintenance would be provided in perpetuity.
- Phasing – This Commission can make recommendations on the phasing, but the Cash and Carry building on site of Estuary Park has a lease that is up in 2011. The phase for Estuary Park would be after the lease is up.
- Measure DD – The applicant is saying that they will develop the parks that were earmarked for DD. However, there is a broad range of projects that fall into the rubric of parkland development in the Estuary. The money will be used for trails or other purposes in the general program descriptions that were adopted as part of the bond measure.

PRAC Recommendations:

1. Recommend approval of the location and amount of new park and open space land as proposed on Sheet 3.1, Parks and Open Space Plan, in the Preliminary Development Plan

dated December 2005 (in essence, the Special Use Permit for the parks and activities;
provided that we increase the amount of open space to more than 29.9 acres.

Motion: Commissioner Ricards moved approval provided that more than 29.9 acres of open space be provided as part of the development. Commissioner Nelson seconded the motion, which passed unanimously.

2. That the conditional use permit criteria can be met to support the addition of over **21** acres of new parks and open space to the City's park inventory.

Motion: Commissioner Ricards moved to endorse that the amount of park and open space match the Estuary Park Plan. Commissioner Abad seconded the motion which failed with two in favor (Ricards, Abad), two oppose (McClure, Webb) and two abstentions (Nelson, Taylor).

Motion: Commissioner Nelson moved that we approve staff recommendation with the alteration that over 21 acres (instead of 20 acres) of new parks and open space be added. Commissioner Taylor seconded the motion, which passed unanimously.

3. Support for the proposed park programming activities, **with the addition of active recreational areas as permitted by the Tidelands Trust so that all Oakland residents are served.**

Motion: Commissioner Nelson moved to support staff recommendation of park programming activities (bocce ball, children's play area, dog park area) with the addition of active recreational areas (basketball, softball, etc.) as permitted by the Tidelands Trust so that all Oakland residents are served. Commissioner Taylor seconded the motion, which passed unanimously.

4. Rezone the park and open space areas as designated on Sheet 3.1 in the Preliminary Development Plan dated December 2005 from Heavy Industrial, M-40 to OS-RSP, Open Space-Region Serving Park adding over **21** acres of new parks to the City.

Motion: Commission Nelson moved to support staff recommendation with the alteration that over 21 acres (instead of 20 acres) of new parks be added. Commissioner Taylor seconded the motion, which passed unanimously.

5. Retain the S-2/S-4 zoning designation for the Jack London Aquatic Center and zone Estuary Park OS-RSP.

Motion: Commissioner Taylor moved approval. Commissioner Abad seconded the motion, which failed with five in favor and one abstention (Ricards).

Ms. Marge Stanzione, CEDA Planner, provided a brief explanation of the zoning designations.

Motion: Commissioner Nelson moved approval. Commissioner Taylor seconded the motion, which passed unanimously.

6. Support the project sponsor's proposal to **create a legal entity** to operate and maintain the parks, open space, and landscaping **in perpetuity**, concurrent with the terms of the Development Agreement, at least to the maintenance standards specified by the Public Works Agency.

Motion: Commissioner Nelson moved to support the creation of a legal entity to operation and maintain the parks, open space, and landscaping in perpetuity, concurrent with the terms of the Development at least to the maintenance standards specified by the Public Works Agency. Commissioner Taylor seconded the motion, which passed unanimously.

7. Support the amendments to the Estuary Policy Plan that allow residential uses in this location at a higher density than specified in the EPP.

Motion: Commissioner Ricards moved approval. Commissioner McClure seconded the motion, which failed with five in favor and one abstention (Abad).

8. Any other comments or recommendations that PRAC agrees to forward to the Planning Commission.
 - Commissioner Webb recommended that if more of the Terminal will be left then we may have less parkland. We do not want to have the Heritage Alliance pitted against advocates for open space. The increase in the Terminal should not come at the expense of open space.
 - Commissioner Webb recommended, given the need for parks, that Estuary Park be developed at an earlier phase, preferably phase one.

13. **COUNCIL REFERRALS:**

- A. PRAC Report to Council: Life Enrichment Committee on February 28 at 6:00 pm., and City Council meeting of March 7 at 6:00 pm.

14. **DIRECTOR'S REPORT:**

15. **OPEN FORUM:**

16. **ANNOUNCEMENTS:**

17. **ADJOURNMENT:** Meeting adjourned at 7:05 p.m.

Respectfully submitted,

Audree V. Jones-Taylor
Secretary

Mary Perisic
Recording Secretary