

City of Alameda
Alameda, CA 94501
2263 Santa Clara Avenue
Alameda, CA 94501

August 30, 2010

TO:

Mayor Beverly Johnson
Vice Mayor Doug deHaan
Councilmember Lena Tam
Council Member Marie Gilmore
Councilmember Frank Matarrese

RE:

Public hearing on September 21, 2010; Resolutions concerning the Boatworks Project

Dear Mayor Johnson and Councilmembers;

“PARKS are unique places where children can play, people can exercise, families can bond, seniors can socialize, youth can be mentored, cultures can share and celebrate their differences, and everyone can connect with nature”. (Quote from the California Statewide Park Program. See page 4 of the document at http://www.parks.ca.gov/pages/1008/files/spp_application_guide_2009.pdf)

For 10 years Estuary Park Action Committee (EPAC) has been advocating for the 10 acre Oak Street Estuary Park planned along the Estuary at Clement and Oak Street. This park was conceived as part of Alameda’s 1991 Master Plan and remains in the plan to this day. The park is now referred to by City Planning as the Northern Waterfront Park.

4.6 acres of the park would occupy a portion of land owned by Francis Collins. (The remainder of the 10 acres is land owned by Dutra Dredging). Mr. Collins proposes to build on his land a high density housing project called “Boatworks” containing 242 units, leaving only a green walkway along the waterfront.

The City Planning Department has held meetings regarding the 242 Home Boatworks proposal. At the Planning Board meeting on July 15, the Board formally denied the project as proposed by Francis Collins. Unfortunately the Staff recommended and the Planning Board accepted a plan that would not include the Oak Street Estuary Park (Northern Waterfront Park). Instead the Staff and the Board chose to recommend to the City Council a “Reduced Density” plan that would allow 175 homes, the extension of Blanding Avenue and Walnut Street through the project, and just 2 acres of open space. The open space would be approximately a 100 foot strip along the waterfront as required by the San Francisco Bay Conservation and Development Commission, not an active park in any way.

HISTORY OF THE OAK STREET ESTUARY PARK (now referred to as NORTHERN WATERFRONT PARK)

In 1991 the City of Alameda placed the Oak Street Estuary Park (Northern Waterfront Park) in the Master Plan for the very reason that it would serve a part of our city that is very deficient in active park space. The park was envisioned as an active park with sports fields and water recreational opportunities and as a wonderful asset for the citizens of Alameda to enjoy. This 10 acres of land on the Estuary is the only available land in this part of Alameda on which an active park can be developed.

According the 1991 Alameda City Master Plan:

Section 2.6.j says, "The park would serve the city sector with the greatest current shortage of parkland."

Section 3.2.i says, "Ensure that sections of the Estuary waterfront remain visually unobstructed. Most of the Estuary waterfront not devoted to industrial use is developed as marinas which block vistas. The proposed Estuary Park will be on the most prominent viewpoint."

Section 6.1.e, "This park will require a major funding commitment by the City, but will probably do more than any other single project to ensure Alameda's long-term quality. It could have the character of San Francisco's Marina Green and would attract all age groups to enjoy large and small boats on the Estuary, views of the Oakland skyline and hills, and active sports. The new park would serve a sector of the City that is short of park space, and would guarantee the high quality of housing proposed for the area."

One excuse that has always been used for not developing the park is that the city doesn't own the land. But most lands where parks are planned are or were owned by someone else. The Beltline was owned by a corporation and is now owned by the City. Alameda Point is also owned by another party and purchase is required. Actually, Mr. Collins' attorney has stated that Mr. Collins would sell the land for the park. But the city has never had the land appraised so a value of the land could be documented in grant requests, and put forth as an offer.

When Mr. Collins requested that all of the land he owned be rezoned from M1 to residential use, the City Council agreed to rezone only that portion that did not include the 4.5 acres that had been set aside for the Oak Street Estuary Park, which maintained the possibility of the park should the City obtain funds to purchase the land.

Task Force: History of City Council Directions to City Manager Kurita.

At the **October 3rd, 2006 City Council meeting**, during a conversation about the Beltline property, including monies for purchasing the land, Mayor Johnson talked about looking for grant money to purchase park land. A citizen suggested the public could assist with funding research and grant writing. The mayor then went on to suggest a task force be established to formalize community involvement. The Council agreed and ordered a task force be formed that would work with Recreation and Parks to look for funding and assist with grant writing. Dale Lillard, Recreation and Parks Director, was present at

the meeting. (See video of the meeting, at 1 hour and 10 minutes into the meeting, at http://alameda.granicus.com/MediaPlayer.php?view_id=2&clip_id=42&publish_id=&event_id=

EPAC was present at this meeting also and we believed that the task force was being created to assist with funding for both Oak Street Estuary Park (Northern Waterfront Park) and The Beltline.

At the **April 3, 2007 City Council meeting**, the Council unanimously voted to approve the Planning Board decision to deny Mr. Collins' plan at that time for the Boatworks Project. Councilmember Matarrese stated that the project didn't conform with the General Plan and was not consistent with rezoning enacted throughout the City to implement the City's General Plan. (See video of the meeting at http://alameda.granicus.com/MediaPlayer.php?view_id=2&clip_id=42&publish_id=&event_id=)

During that meeting, Councilmember Tam ask Andrew Thomas, Planning Manager, if the applicant (Francis Collins) was aware that the city had set aside a portion of his land for the park. EPAC has met with Mr. Collins' architects from Banta and Associates many times since 2002 so Mr. Collins was certainly aware of the General Plan designation for the park prior to submitting his design for a project of 242 units.

During the **April 3, 2007 City Council meeting**, Councilmember deHaan inquired about progress in implementing the task force previously ordered. City Manager Kurita responded, "We are in the process... I can get you an update on that." Councilmember deHaan also asked the City Manager if she was looking for funding. She replied, "always."

On **September 4, 2007**, EPAC heard that the City was delaying the task force for 2 years. We read in the paper that the City was hiring a consultant to assist with the Beltline Park planning. Dorothy Freeman, a member of EPAC, attended the City Council meeting to inquire about this decision. (See video at 51 minutes and 24 seconds into the meeting at http://alameda.granicus.com/MediaPlayer.php?view_id=2&clip_id=180&publish_id=&event_id=)

Mayor Johnson said she didn't believe the Council had discussed delaying the task force. She stated that funding for Oak Street Estuary Park (Northern Waterfront Park) was an urgent problem and Council should discuss it in the upcoming City Council meeting to establish funding priorities. The Mayor also stated that maybe a bond measure could be considered for park funding. Councilmember deHaan asked City Manager Kurita what the status of the task force was and suggested an agenda item be planned to discuss the park. City Manager Kurita replied she would provide an "off agenda item" report and that she would have to confer with Mr. Lillard, Director of the Recreation and Parks Department .

There is no record of the promised off agenda report ever being made by City Manager Kurita.

During 2009 Andrew Thomas, Planning Department Manager, worked with EPAC to research funding possibilities and he sought an agreement with Mr. Collins to provide acreage for the park, but was unsuccessful.

In March 2010, EPAC met with Interim City Manager Gallant, Dale Lillard, Recreation & Parks Director, and Andrew Thomas, Planning Department Manager regarding the task force and the lack of support by

staff for Oak Street Estuary Park (Northern Waterfront Park). Ms. Gallant stated that she had never heard that the City Council had ordered that a task force be formed for the parks. In fact, EPAC is not aware of any discussion between her and the City Council regarding Council's direction to form the task force.

Attempts by EPAC to Secure Funding and Support for the Park by the City of Alameda.

Approximately 10 years ago, EPAC presented the City with 300 signatures, gathered in our community, supporting the Oak Street Estuary Park (Northern waterfront Park). We have periodically gathered signatures and presented them to City Planning and City Council so they remain informed about the community support for the proposed park.

Since 2002, EPAC has been looking for monies available by grants and reported the opportunities to the City. Jean Sweeney, a member of EPAC, is the one who located the Proposition 40 state grant offering, so EPAC informed Recreation and Parks about it. A Proposition 40 grant request was prepared by Recreation and Parks to purchase the portion of the park that lies on Dutra property, but the grant request was not successful.

EPAC has attended numerous Planning Board meetings and Recreation and Parks Commission regarding the Oak Street Estuary Park (Northern Waterfront Park).

Jean Sweeney also identified Proposition 84 grants, for which 2nd round funding is still available. EPAC took this information to City Planning and to Recreation and Parks Department. The City staff failed to prepare a grant request for the first round funding. A second round funding for Proposition 84 will be held in 2011. The maximum grant for Proposition 84 is \$5 million.

President Obama has indicated a Federal funding source for public parks and open space preservation coming up for 2014 grants. EPAC has shared this information with the Recreation and Parks Commission.

EPAC contacted the Trust For Public Lands and facilitated contacts between that organization and the Alameda City Planning department. TPL was very interested in assisting with the Proposition 84 grant, but decided not to continue with the effort. City Planning informed EPAC that an application was not submitted since the likelihood of obtaining the grant was low, because - for one - Alameda does not have enough low income residents to qualify. But Proposition 84 (Summary of Requirements attached) states: "The community within PROXIMITY of the PROJECT SITE has a ratio of less than 3 acres of USABLE PARK SPACE per 1,000 residents. **OR** The median household income of census tracts in proximity to the PROJECT was lower than \$47,331 based on the *California State Parks Community Fact Finder* report". While Alameda may not have enough poor people to qualify for Proposition 84 grant money, it certainly doesn't have enough park land in the vicinity of Oak Street Estuary Park. This fact is verified by the *California State Parks Community Fact Finder*.

The proximity of a ½ mile radius around Oak Street Estuary Park (survey distance used in the *California State Parks Community Fact Finder*) reveals a total of 8.17 acres of park land, or just 1.56 acres of park land per 1000 people. The majority of the 8.17 acres are in Oakland's Union Point Park located across the Estuary from our island city! A grant application could certainly note that fact and indicate that

Alameda certainly qualifies for Proposition 84 grant money since Alamedans could not be expected to travel some distance to a park across a body of water via a very busy bridge. So the lack of available park space near Oak and Clement Streets is worse than the Fact Finder indicates. There are no active park areas close to this part of Alameda. Also, there are few passive park areas within this part of Alameda. The land for Oak Street Estuary Park is the only land available to provide our neighborhood and the Park Street business community with an open area to participate in active sports, waterfront activities, or an open air amphitheater that could draw visitors vital to business along Park Street. Alameda does not need a low income level of residents to qualify for this grant opportunity. The fact that a major area of Alameda is park poor is a very good starting point. EPAC believes the other requirements for qualifying for Proposition 84 funds are within reach if the City will just raise the priority of the project.

Part of the grant request for Proposition 84 required a park design. EPAC, using the outline in the General Plan indicating a need for an active park, created a visionary design of the park area so Alameda citizens could see what was possible within 10 acres of land on the Estuary. EPAC gave this design to the City Manager Gallant, Andrew Thomas, Planning Department Manager, the Recreation and Parks Commission and Dale Lillard, Recreation and Parks Manager, to use as a starting point for the community meetings required to develop a design Alameda citizens embrace.

EPAC volunteered to chair the public meetings required to create community involvement in the process of designing the requirements for the park.

EPAC spoke at the Alameda Mayors Conference, requesting that our neighboring cities share their expertise in funding and creating neighborhood parks. A couple of cities did share ideas with us.

EPAC contacted State Representative Swanson's office and arranged a meeting with his Alameda Aide. The meeting resulted in Rep. Swanson's interest in Oak Street Estuary Park (Northern Waterfront Park) and a promise of assistance with obtaining state grant monies.

EPAC contacted Federal Representative Pete Stark's office and obtained referrals to places that could secure Federal and private grant monies for purchasing park land. Rep. Stark's aides informed EPAC that his office would be available to assist in any way possible during searches for funding.

Alameda Recreation and Parks Commission included Oak Street Estuary Park (Northern Waterfront Park) in the original list of projects for Measure WW monies from East Bay Regional Parks.

EPAC attended a Bay Area Open Space Council meeting and learned there are 52 organizations within the greater Bay Area who are professionals at helping create parks and preserve open space. EPAC has kept the City staff aware of scheduled BAOSC meetings so a representative could attend and learn of the great resources this organizations can offer to our city's efforts to provide parks and open space.

EPAC provided a response to the Boatworks Draft Environmental Impact Report (DEIR) and presented it to the Planning Department and the Planning Board. A copy has also been attached to this letter. The final EIR has recommended removing any reference of the proposed park from the General Plan.

Planning Board and Staff Recommendation:

The Alameda Planning Board and Staff will recommend the Lower Density Option proposed in the EIR. This option recommends 175 homes, extending Blanding Avenue and Walnut Street through the project. Fifty of these homes would be on the land set aside for the park. The option also eliminates the Oak Street Estuary Park (Northern Waterfront Park) and replaces it with an approximately 100 foot wide strip of public open space along the waterfront. By narrowing the strip from 300 feet to just 100 feet, the potential use for anything except a path way along the waterfront has been eliminated. The recommendation from Staff also removes any mention of the park from the Master Plan so the possibility of any park space for this area of Alameda is eliminated for all time.

The staff recommendation also states that since Alameda will have the Beltline Park and future possibility of parks in Alameda Point, this park is no longer needed. EPAC agrees that the Beltline and Alameda Point are truly wonderful opportunities for Alameda and will be wonderful additions for the Webster Street business community. But the Beltline and Alameda Point will do little to provide our neighborhood, which includes the Park Street Business community and Alameda Civic Center, with an active park where sports events, fairs, waterfront activities, and many other unforeseeable events can be reasonably held. EPAC believes all of these park spaces are required as Alameda continues to increase the population of the Island. As the density of population is increased, the need for park space also increases. The people in our neighborhood require a place to go to play, to relax, to meet and greet, to celebrate each other communally. If not in Alameda, where? In some other city's park?

What EPAC Has Done:

EPAC has worked hard for many years to retain the idea of the Oak Street Estuary Park (Northern Waterfront Park) that was envisioned by our city planners in 1991. They had an idea that was so important to the City that they put it in the General Plan. The City of Alameda has missed many opportunities to bring the idea of park to fruition. Funding sources available during the plush times of the 1990's were not tapped. Available state funding sources for parks and open space have not been applied for so monies have gone to other cities. Available Federal funding sources have not been applied for. Private funding sources that are available to bring recreational resources to youth, to preserve waterfront property, and open space for the people have not been applied for. But many resources are still available. Professional organizations that specialize in helping cities save land for parks and open space have not been utilized. A task force of citizens and staff could be working on finding these resources and applying for them.

Alameda presently has planned for 1600 new residents in the near future. This does not include any new homes that may eventually be built in Alameda Point. EPAC supports responsible building of new homes, including the proposed very low, low, and moderately priced homes like those that will be provided by Boatworks. We also would like to see our neighborhood transform from a blighted industrial area into a beautiful residential community. But the loss of approximately 20 very low, low, and moderate housing units that would be provided in the 4.5 acres where Mr. Collins wants to build will not put Alameda's requirements for low income housing in jeopardy. Alameda will still be able to

provide housing for families that need assistance. But the city must also consider the quality of life for our citizens. Open space strips along the waterfront are not Parks where people can participate in recreational activities. Case in point: Bay Farm Island shoreline has only open space along the waterfront with just one small park space that can be used for family activities. Most of the 100 foot shoreline provides only a path where people can walk, jog, or ride their bikes. We can provide better resources for our citizens and we can protect our Estuary shoreline to be enjoyed by our citizens and as a beautiful space to invite visitors to enjoy with us.

Our Recommendation:

The staff report and Planning Board decision to allow a Boatworks project without an active park should be changed to retain the possibility of the park. A city has a responsibility to provide an environment that considers the quality of life for the residents by building a “neighborhood park, by size, program, and location, that provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' *out-of yard* and outdoor use area and is 5 to 25 acres in size”.

Mr. Collins’ land has been considered clean of toxic substance for several years. However, the Fox property that has been purchased by Mr. Collins will not be cleaned until 2011. Five A’s Storage property (now called Easy Storage) will not be cleaned until 2012. The Dutra property will not be cleaned until 2011. Many of the toxic substances on these lands are known to be carcinogenic.

EPAC believes construction should be delayed until ALL properties adjacent to the proposed project have been certified as clean for residential use by the California Department of Toxic Substances Control (DTSC). This cleanup is necessary to remove any possibility of contamination to construction workers and adjacent residents and businesses within the area. Pollutants are known to exist in the ground water. The Collins property should be recertified to verify that underground pollutants have not moved and re-contaminated his property since it was certified as cleaned.

EPAC recommends the City Council modify the Boatworks project , accordingly:

1. The project should be divided into 2 phases: Phase 1 would involve construction between the Blanding Street extension and Clement Avenue, and Phase 2 would involve construction from the Blanding Street extension to the waterfront.
2. The present zoning for the 4.5 acres on the Waterfront side should remain.
3. The Council should not eliminate the Oak Street Estuary park (Northern waterfront park) from the Master Plan.
4. The Council should allow Mr. Collins to build Phase 1 in the section between the Blanding Street extension and Clement Ave.
5. The Council should direct Staff to formally create the task force of involved citizens to locate monies for the parks. The City Council would monitor staff to verify it is working in good faith to locate funding for purchase and development of the park.
6. The Council should define a specific time period for the task force to locate funding for purchasing the land for the park.
7. The Council should direct the Recreation and Parks Department to apply for grants where the possibility of obtaining funds is likely.

8. The Council should permit Phase 2 building if funds to purchase the land are not obtained within the specific time period set in Item 6.
9. The Council could consider issuing a city bond measure (or appropriate tax), subject to ballot approval in 2011 or 2012, to provide ongoing maintenance revenues for **all** Alameda Parks. Mayor Johnson has suggested consideration of a bond measure. Funding will be necessary for the Beltline Park and any future parks at Alameda Point. Our parks are in need of funding for maintenance now. We should ask our citizens to assist with keeping Alameda parks and open spaces in good order. Parks are an important asset to our city. They actually have value. Parks help keep property values up and are needed to draw families who want to live in our city.

Alameda does not have the opportunity to increase land mass. Protecting undeveloped land for parks in ALL of the island neighborhoods is important. Please vote to retain the Oak Street Estuary Park (Northern Waterfront Park). EPAC believes it will be a sad day for Alameda if we fail to create this park because the city staff failed to follow City Council instructions.

Yours respectfully,

Dorothy Freeman