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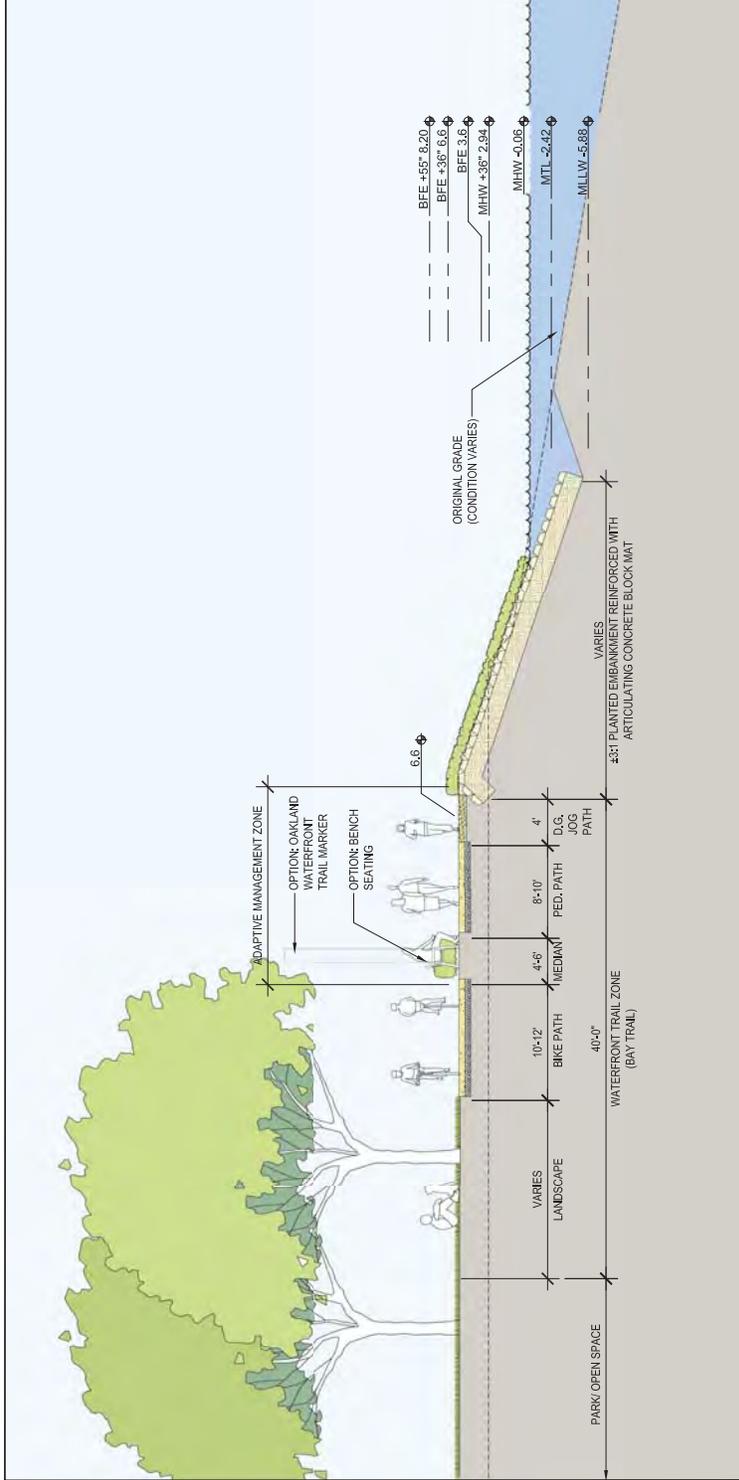
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ESTUARY AND CHANNEL PARKS ILLUSTRATIVE PLAN

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NOTE: BASE FLOOD ELEVATION (BFE) BASED ON US ARMY CORPS OF ENGINEERS SAN FRANCISCO DISTRICT SAN FRANCISCO BAY TIDAL STAGE VERSUS FREQUENCY STUDY OCTOBER 1984

SHORELINE SECTION: VEGETATED SHORELINE EMBANKMENT WITH WATERFRONT/BAY TRAIL

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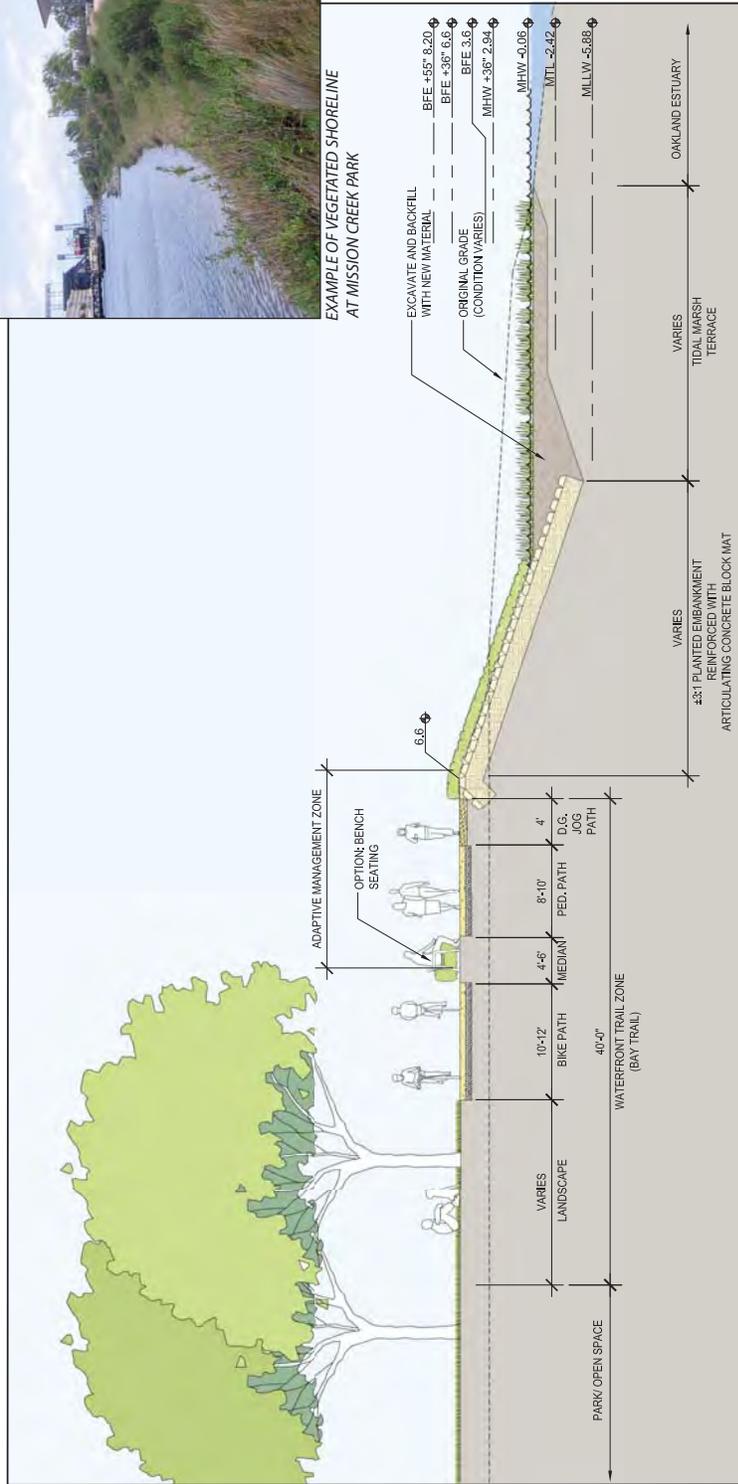
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SOUTH PARK ILLUSTRATIVE PLAN

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EXAMPLE OF VEGETATED SHORELINE AT MISSION CREEK PARK



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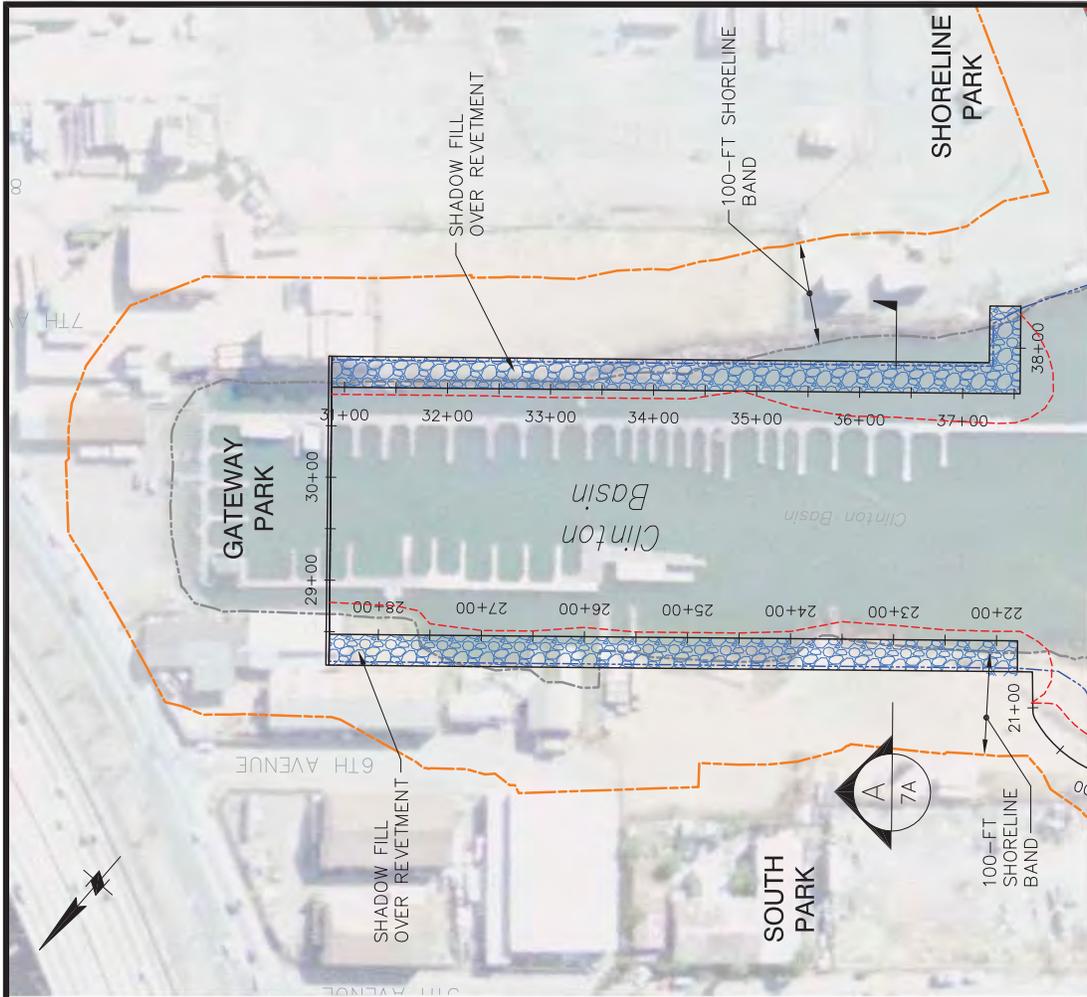
SHORELINE SECTION: VEGETATED SHORELINE EMBANKMENT WITH WATERFRONT/BAY TRAIL



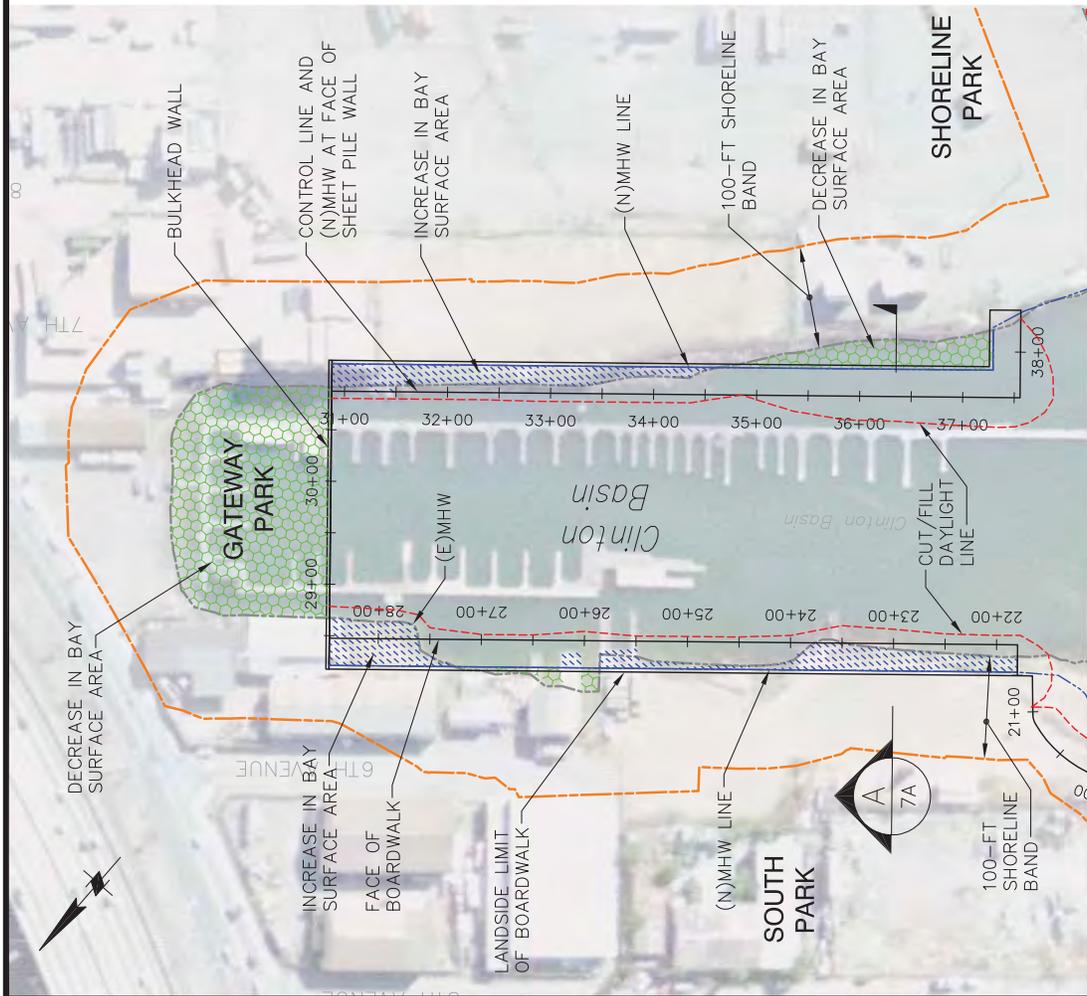
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GATEWAY PARK ILLUSTRATIVE PLAN

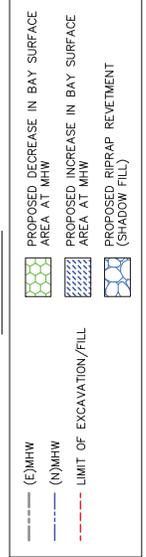
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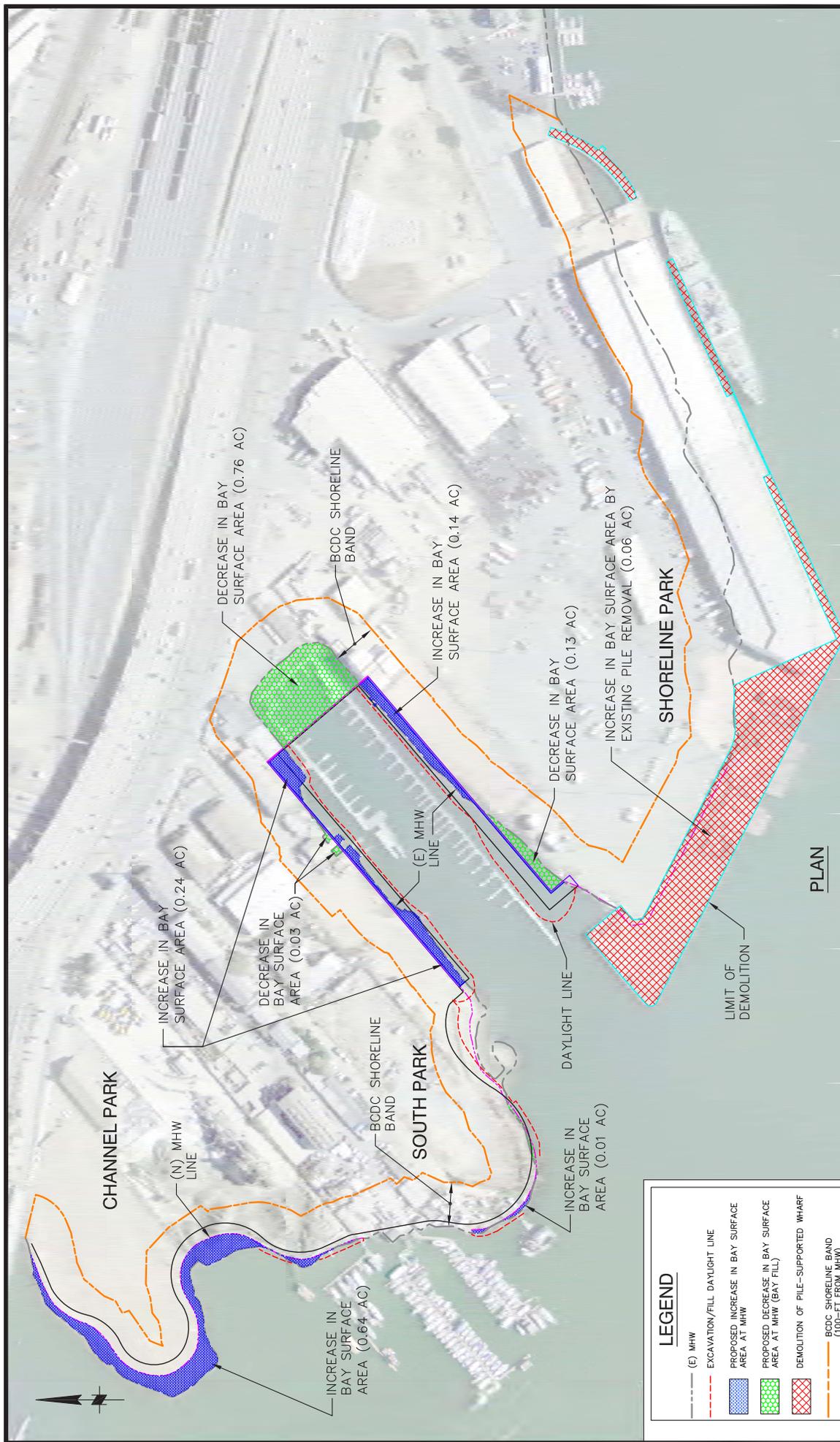
PLAN - SHADOW FILL



PLAN - BAY SURFACE AFFECTED (AT MHW)



	OAK TO NINTH DEVELOPMENT PROJECT	Box 2.v.10e Fig. 6A
	SHORELINE IMPROVEMENTS	
SOUTH PARK - CLINTON BASIN		
CHANGE IN BDC BAY SURFACE AREA (AT MHW)		



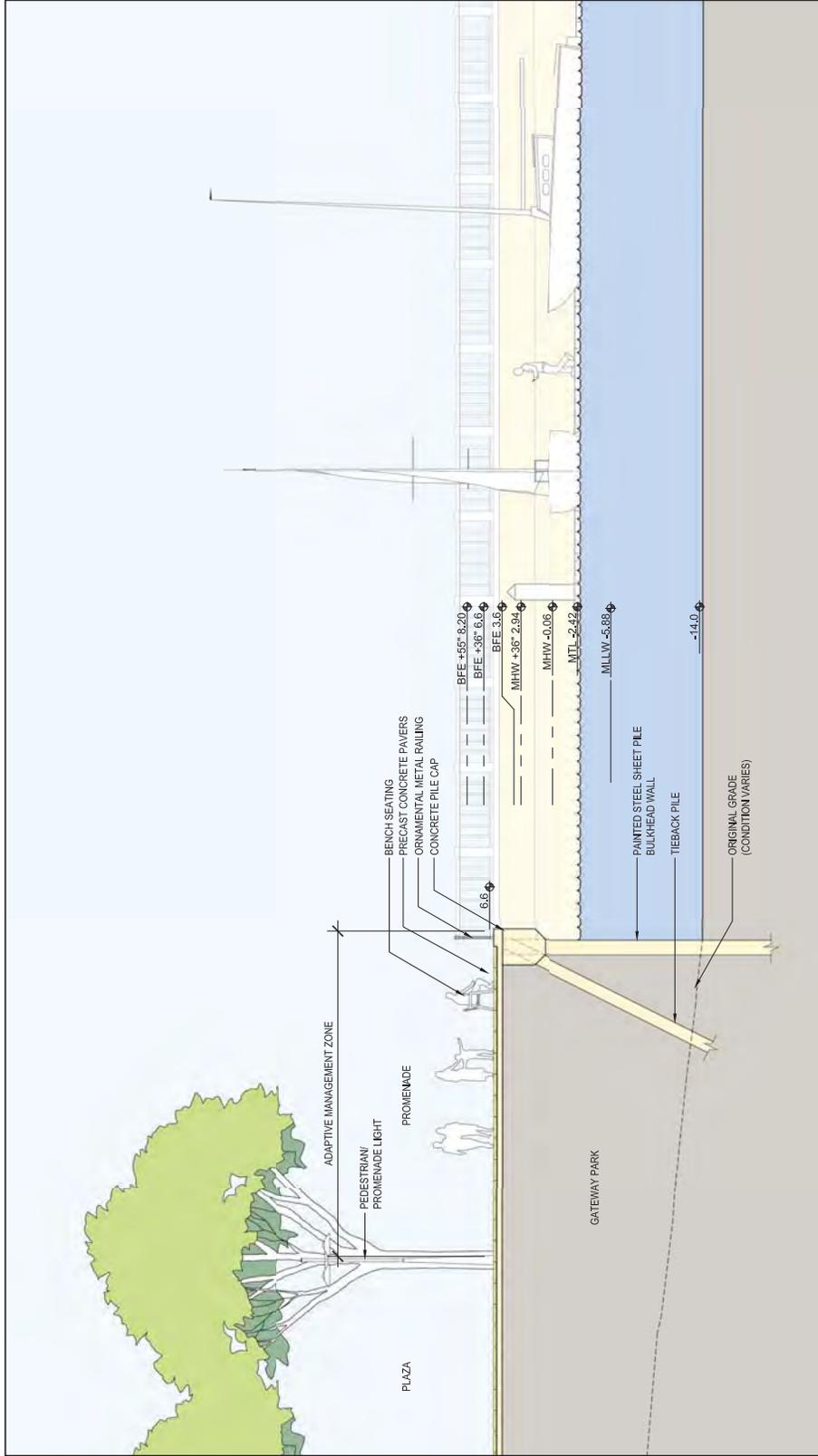
LEGEND

- (E) MHW
- EXCAVATION/FILL DAYLIGHT LINE
- PROPOSED INCREASE IN BAY SURFACE AREA AT MHW
- PROPOSED DECREASE IN BAY SURFACE AREA AT MHW (BAY FILL)
- DEMOLITION OF PILE-SUPPORTED WHARF
- BDC SHORELINE BAND (100-FT FROM MHW)



OAK TO NINTH DEVELOPMENT PROJECT		Box 2.v.10.e Fig. 1A
SHORELINE IMPROVEMENTS		
SOLID FILL (CHANGE IN BAY SURFACE AREA)		



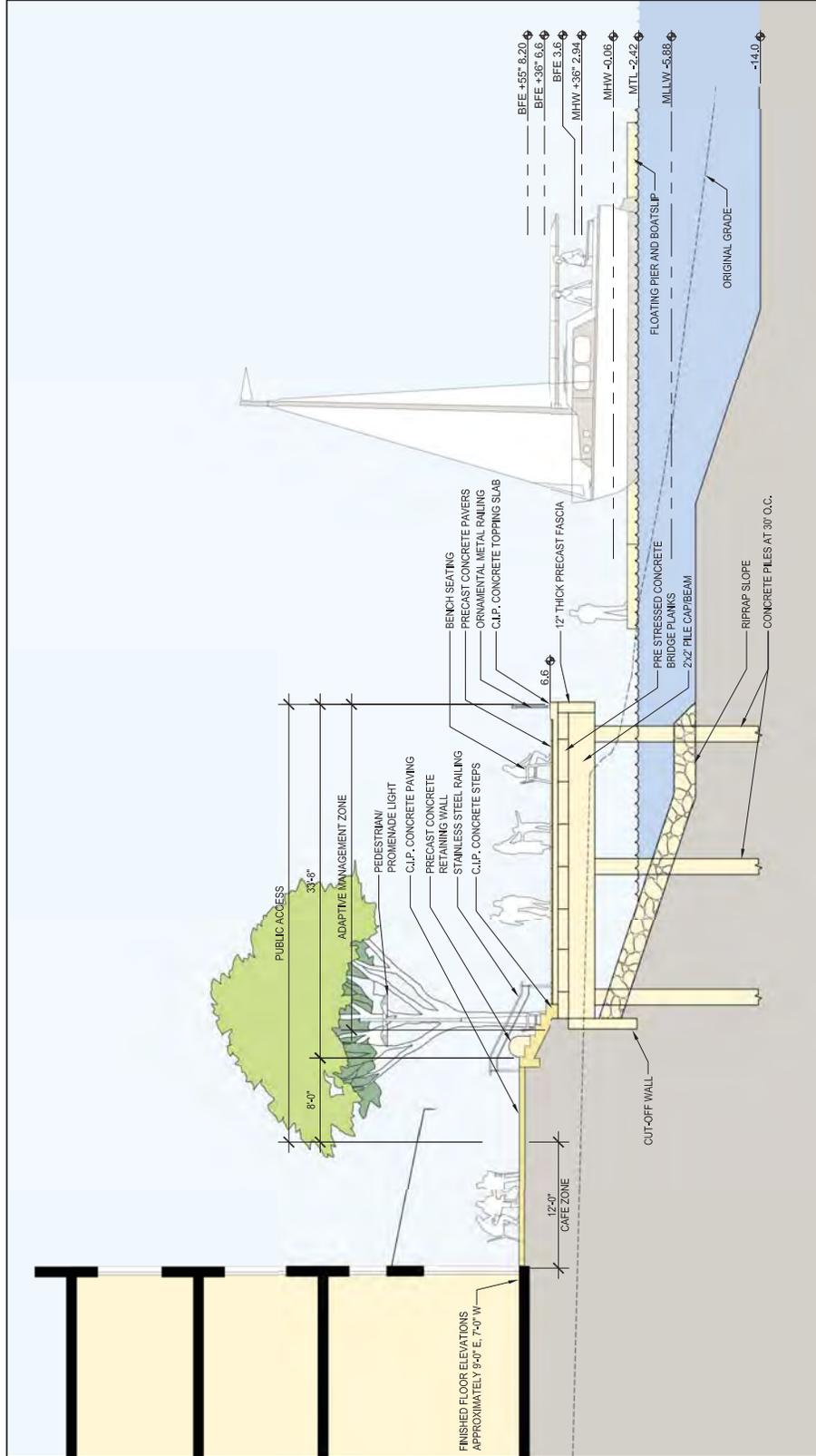


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SHORELINE SECTION: CLINTON BASIN AT GATEWAY PARK

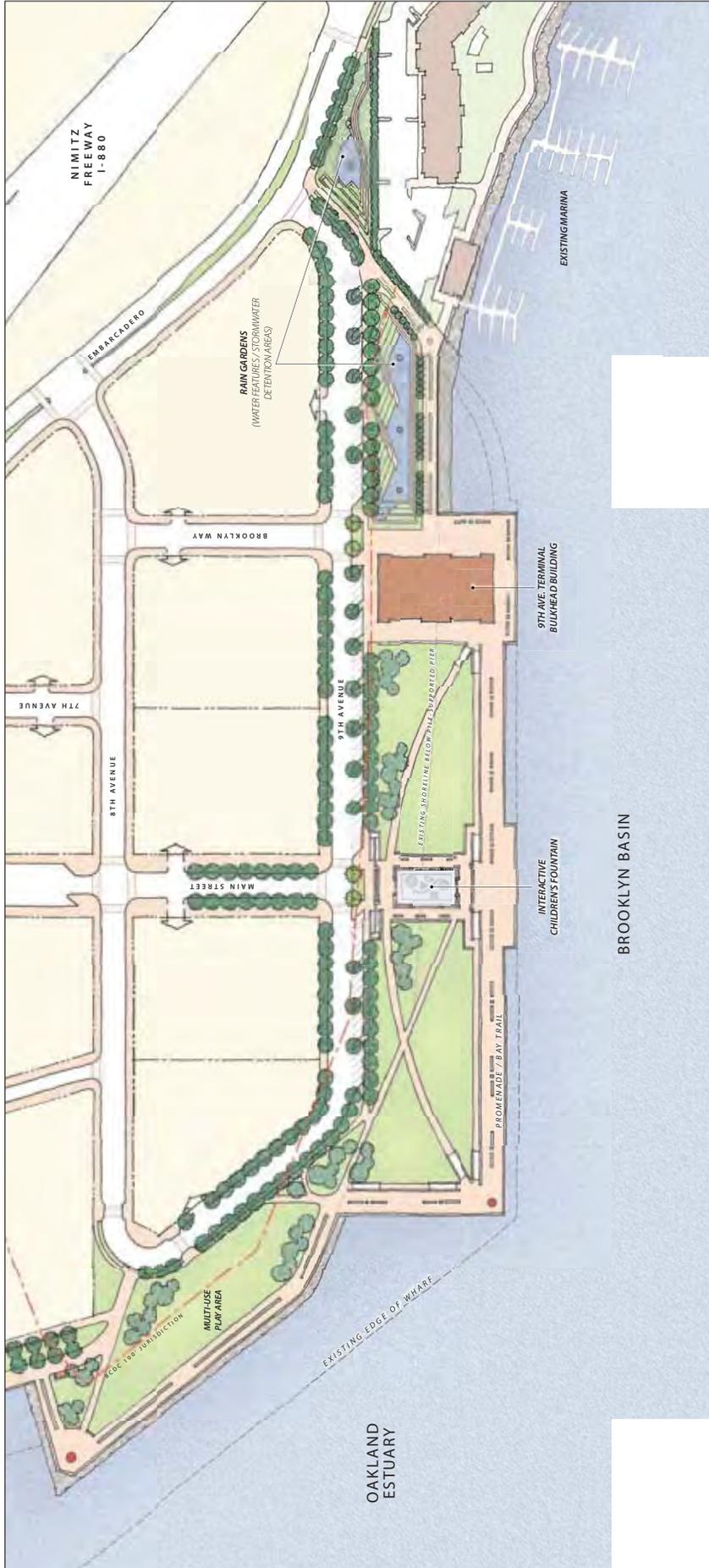
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SHORELINE SECTION: CLINTON BASIN QUAY

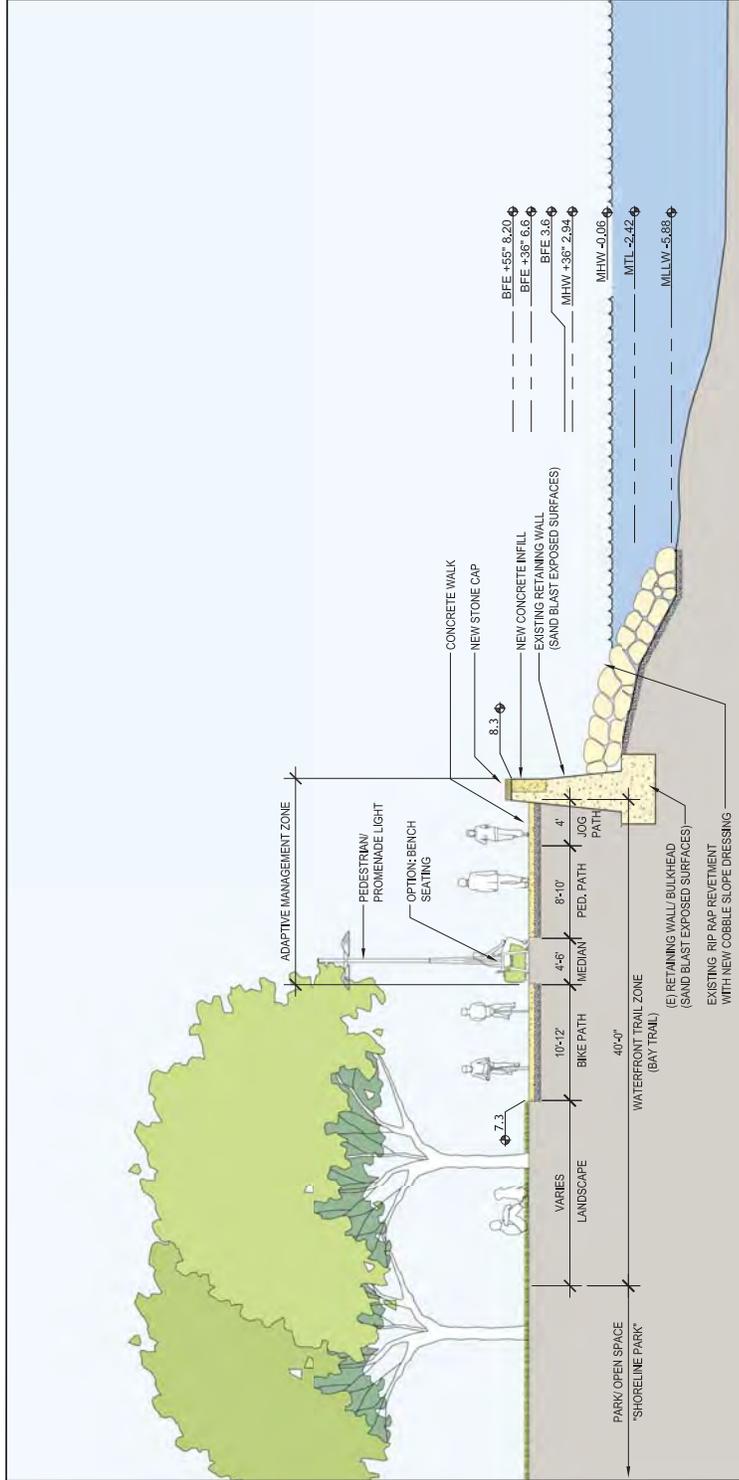
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SHORELINE PARK ILLUSTRATIVE PLAN

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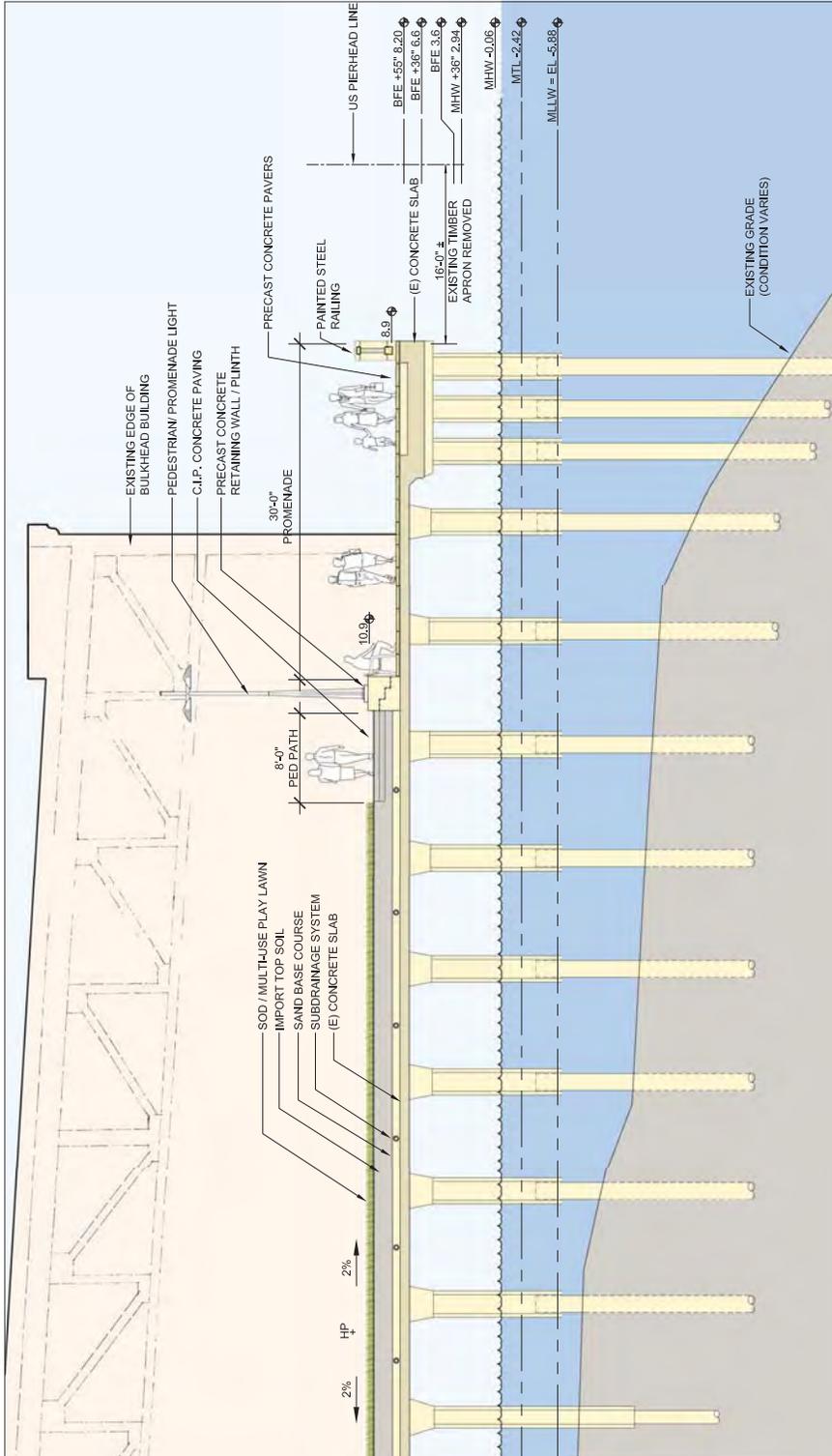


NOTE: BASE FLOOD ELEVATION (BFE) BASED ON US ARMY CORPS OF ENGINEERS SAN FRANCISCO DISTRICT SAN FRANCISCO BAY TIDAL STAGE VERSUS FREQUENCY STUDY OCTOBER 1984



SHORELINE SECTION: WATERFRONT TRAIL AT EXISTING RETAINING WALL

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SHORELINE SECTION: 9TH AVENUE TERMINAL WHARF RETROFIT

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RAIN GARDENS ILLUSTRATIVE PLAN

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CHAPTER II

Summary

A. Project Description

The project sponsor, Oakland Harbor Partners, LLC,¹ proposes to redevelop the 64.2-acre² project site located along the Oakland Estuary and the Embarcadero, east³ of Jack London Square, and south of Interstate 880 (I-880). Estuary Park, the southern portion of Lake Merritt Channel, Clinton Basin, and the Ninth Avenue Terminal are part of the project site, but approximately six acres of privately-held property on two sites along and east of 5th Avenue are not included.

The project would convert an underutilized, maritime and industrial area into a mixed-use neighborhood with residential, retail/commercial, open space, and marina uses. The majority of existing uses and structures on the project site would be removed or demolished. Approximately 28.4 acres (or 44 percent) of the site would be developed with parks and open spaces, including the existing Estuary Park and Jack London Aquatic Center.

The project would consist of approximately 3,100 residential dwelling units (a mix of flats, townhomes, and lofts) on 13 development parcels. Approximately 200,000 square feet of ground-floor retail/commercial space would be distributed throughout each of the 13 development parcels and would be designed to provide a variety of active retail, restaurant, service, and small office uses to support the new residential neighborhood and serve visitors to the site.

The project would demolish a maximum of 165,000 square feet of the existing 180,000 square-foot Ninth Avenue Terminal building and a portion of its existing wharf to create the largest (9.7 acres) of a series of interconnected parks and waterfront space. The project would retain a minimum of 15,000 square feet of the Terminal's Bulkhead Building envisioned to contain a variety of uses consistent with the Tidelands Trust. A continuous public pedestrian trail and Class I bicycle facility along the entirety of the project's waterfront would also be created as a segment of the Bay Trail.

Building heights would range from six to eight stories (up to 86 feet) in height, with highrise tower elements of up to 24 stories (240 feet) on certain parcels. A variant to the project allows

¹ Oakland Harbor Partners is a joint venture between Signature Properties, Inc., and Reynolds & Brown.

² The total land area of the project site after implementation would total 64.2 acres, including pile-supported pier areas and excluding approximately 11.4 acres of water surface for marina facilities.

³ For purposes of the EIR and following Oakland convention, the hills are to the north; therefore, the Estuary and the Embarcadero run east-west, and 5th Avenue and streets perpendicular to it run north-south.

consideration of increased maximum building heights from 86 feet to 120 feet on certain development parcels.

The project would rebuild and expand the existing Fifth Avenue Marina and Clinton Basin Marina, which would entail dredging activities and straightening the existing undulating and unprotected condition of Clinton Basin's shoreline. The project would improve the existing shoreline along the project site with varying treatments, including marsh habitats, and riprap, and bulkhead walls. Site remediation would also occur as part of the project.

The project would provide a total of approximately 3,534 onsite parking spaces to meet City Code parking requirements and parking demand.⁴

The "Planned Waterfront Development-1" Estuary Plan land use classification exists on nearly the entire project site, except Estuary Park and the Jack London Aquatic Center which is designated as Park, Open Space, and Promenades. East of Lake Merritt Channel, the project site is within the M-40 Heavy Industrial Zone. West of the channel, Estuary Park and the Jack London Aquatic Center are within the S-2 Civic Center Zone / S-4 Design Review Combining Zone. The project would not be consistent with the existing land use classification or the existing zoning and would require a General Plan Amendment and Rezoning to accommodate the proposed densities and residential uses.

The project would be remediated and developed in eight phases over a period of approximately 11 years: 2007 to 2018.

B. Environmental Impacts and Mitigation Measures

Potentially significant environmental impacts of the project are summarized in Table II-1 at the end of this chapter. This table lists impacts and mitigation measures in three major categories: significant impacts that would remain significant even with mitigation (significant and unavoidable); significant impacts that could be mitigated to a less than significant level (significant but mitigable); and impacts that would not be significant (less than significant). Beneficial effects that would result from the project are also listed. For each significant impact, the table includes a summary of mitigation measure(s) and an indication of level of significance after implementation of mitigation measures. A complete discussion of each impact and associated mitigation measure is provided in Chapter IV, Environmental Setting, Impacts, and Mitigation Measures.

⁴ An additional approximately 450 spaces would be available primarily for use by park and marina users: approximately 75 spaces in surface parking lots in the proposed open space areas, and approximately 375 on-street parking spaces. These spaces would not count toward satisfying parking demand or City Code-required parking.

C. Alternatives

Alternative 1A: No Project

With the No Project Alternative, redevelopment of the 64.2-acre Oak to Ninth project site as proposed by the project would not occur. Consistent with recent-year trends on the site, there would be no substantial change to existing Port of Oakland (property owner) tenant occupancies or existing facilities, infrastructure, or site conditions.

Alternative 1B: No Project / Estuary Policy Plan

The No Project / Estuary Policy Plan Alternative is included in the EIR to provide a comparison of the project to an alternative that further considers the objectives and policies of the Estuary Policy Plan and what could be reasonably developed on the site.⁵ Key elements of this alternative include:

- Demolition of the Ninth Avenue Terminal.
- Approximately 41.5 acres of parks and open space (66 percent of project site, adjusted for comparison with the proposed project).
- Approximately 102,900 square feet of existing space in Fifth Avenue Point retained with some intensification and infill expansion anticipated, including approximately 35,000 square feet of additional artisan studio space for work-live and work-only uses.
- About 5,500 square feet of new restaurant and marina-related uses on the west side Clinton Basin.
- New development is anticipated east of Clinton Basin and would include: 30,000 square feet of restaurant and retail uses, a smaller, 250-room hotel, a larger, 400-room hotel with a 50,000 square feet conference facility, and 70,000 square feet for educational, cultural, and recreational facilities/uses, such as a museum, community recreation center, gallery space, and/or other uses.

Alternative 2: Enhanced Open Space / Partial Ninth Avenue Terminal Preservation and Adaptive Reuse

The Enhanced Open Space / Partial Ninth Avenue Terminal Preservation Alternative is included in the EIR to allow a comparison of the project to a scenario with increased open space acreage on the site, and additional preservation of a portion of the Ninth Avenue Terminal building. Key elements of this alternative include:

⁵ The perspective portion of **Figure V-1** is referenced from page 89 of the Estuary Policy Plan, Figure III-11, Oak to 9th Bird's-eye Perspective.

- Approximately 40.6 acres of parks and open space (approximately 41.5 acres), with a new major park that is substantially larger than that proposed by the project and for each of the alternatives.
- Preservation and adaptive reuse of the 1920s portion of the Ninth Avenue Terminal building and partial removal of its associated wharf structure. The retained 1920s portion Terminal would contain approximately 88,000 square feet of community use –educational, cultural, and/or recreational activities. Most of the 1950s portion of the Terminal building would be demolished, except the alternative could include maintaining aspects of the 1950s roof trusses. Future uses in the retained Terminal would be consistent with the Tidelands Trust designation that currently exists on the project site.
- Approximately 1,800 residential units, 95,000 square feet of commercial retail/restaurant. New residential buildings with ground-floor retail/commercial uses would be developed adjacent to Fifth Avenue Point.
- Realigned Embarcadero to curve through the eastern part of the site, separating new park area from the clustered residential development parcels.

Alternative 3: Reduced Development / Ninth Avenue Terminal Preservation

The Reduced Development / Ninth Avenue Terminal Preservation Alternative is included in the EIR to allow consideration of a reduced development scenario that could be developed on the site, and comparison of this scenario to the project. Key elements of this alternative include:

- Preservation and adaptive reuse of the entire Ninth Avenue Terminal, except for partial removal of its associated wharf structure to accommodate new public open space.
- Uses in the retained Terminal building would contain a conference facility (about 50,000 sq. ft.), and a potential mix of educational, cultural, and/or recreational uses (70,000 sq. ft.), totaling 120,000 square feet of community use.⁶ Future uses in the retained Terminal would be consistent with the Tidelands Trust designation that currently exists on the project site.
- Approximately 39.9 total acres of parks and open space (63 percent of project site).
- Approximately 540 residential units, 10,000 square feet of retail/restaurant use.

Sub-Alternative: Full Ninth Avenue Terminal Preservation and Adaptive Reuse

The Ninth Avenue Terminal Preservation Full Preservation Sub-Alternative would retain and adaptively reuse the Ninth Avenue Terminal and related wharf structure to avoid the significant and unavoidable impacts (project and cumulative) that would occur with the project. This

⁶ Proposed uses are consistent with those envisioned in the Estuary Policy Plan and assumed in Alternative 1B.

alternative is considered a stand-alone alternative that could be combined with the proposed project and other alternatives. Full preservation of the Ninth Avenue Terminal is addressed in this Sub-Alternative only and is not addressed elsewhere in the EIR. Future uses in the retained Terminal would be consistent with the Tidelands Trust designation that currently exists on the project site.

Environmentally Superior Alternative

The No Project alternative (Alternative 1A) would avoid all significant unavoidable and significant impacts associated with the project and each of the other alternatives, and therefore would be the environmentally superior alternative. However, as required by CEQA, a second alternative shall be identified when the “no project” alternative emerges as the Environmentally Superior Alternative (CEQA *Guidelines*, Section 15126.6(e)). In this case, the Reduced Development / Preservation (Alternative 3) with the Full Preservation Sub-Alternative would therefore be considered environmentally superior since it would avoid (or reduce to the greatest extent) several significant and unavoidable impacts that would occur with the project. The No Project / Estuary Plan (Alternative 1B) is also considered a “no project” alternative, but is evaluated as a development alternative.)

The Environmentally Superior Reduced Development / Preservation Alternative would:

- Avoid two of the three significant and unavoidable project impacts at area intersections under Buildout (2025) (Impact B.2).
- Avoid four of the six significant and unavoidable project impacts resulting from the project’s contribution to cumulatively significant impacts at local intersections in 2025 (Impact B.3).
- Avoid the project’s significant and unavoidable impact on regional air emissions (PM-10) in cumulative conditions (2025) (Impact C.7).
- Reduce (or avoid with Full Preservation Sub-Alternative) the significant and unavoidable impacts that would occur with the project in terms of demolition of a historic resource (Impact E.3, Impact E.4, and Impact E.8).
- Have less adverse effect on Fifth Avenue Point in terms of new, incompatible land uses and change in environment (Impact A.1 and Impact A.3).

It is recognized, however, that Alternative 3 would meet to a much lesser degree the project objectives to 1) provide a range of needed housing opportunities, 2) help address the existing jobs/housing imbalance, and 3) provide housing with access to alternative modes of transportation, each of which is consistent with policies in the General Plan LUTE, the Estuary Policy Plan, and the Housing Element.

D. Areas of Controversy

Areas of controversy regarding the project that are known to the City of Oakland are listed below. These areas of controversy were identified based on comments received from public agencies and members of the public in response to the Notice of Preparation (NOP) of this EIR, as well as input received during a series of public meetings (conducted separate from the formal environmental review process) on the proposed project.⁷ All issues raised that pertain to potential environmental impacts of the project and that are appropriate for inclusion in the EIR pursuant to CEQA, are summarized in Appendix B.

Areas of controversy include, but are not limited to, the following:

- Consistency with the *Estuary Policy Plan*
- Preservation of the Ninth Avenue Terminal
- Amount of open space proposed by the project
- Appropriateness of scale and density of development
- Social and economic impacts
- Visual access of new open spaces and the Oakland Estuary
- Site accessibility and connections to surrounding areas
- Relationship to Fifth Avenue Point
- Wetland habitat impacts
- Consistency with the Public Trust

⁷ Copies of NOP comment letters and minutes of the Public Scoping Meeting held June 16, 2004, and copies of the *Oak Street to Ninth Avenue Waterfront Project Summary Report – Small Group Interviews and Public Meetings*, May 2005, are available for review at the City of Oakland Community and Economic Development Agency.