

3.	Location:	Approximately 62 acres of waterfront property bounded by Fallon Street, Embarcadero Road, Tenth Avenue, and the Oakland Estuary. APNS 0430-001-02, 0430-001-04 (por), 0460-003, 004, 0465-002, 0470-002 (por)
	Proposal:	Scoping Session for a Draft Environmental Impact Report to receive comments regarding potential impacts related to a residential, commercial and open space mixed use development. The site would be redeveloped with up to 3,100 residential units, up to 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area.
	Applicant:	Oakland Harbor Partners, LLC
	Contact Person/Phone Number:	Patrick Van Ness (925) 463-1122
	Owner:	Port of Oakland
	Case File Number:	ER 04-0009
	Planning Permits Required:	Estuary Policy Plan amendment, zoning amendment, planned unit development, subdivision, design review, development agreement
	General Plan:	Estuary Policy Plan, Planned Waterfront District (PWD-1)
	Zoning:	Primarily M-40, Heavy Industrial and a small portion zoned S-2/S-4 Civic Center/Design Review
	Environmental Determination:	An environmental review application has been filed. A determination has been made that an EIR will be prepared.
	Historic Status:	Ninth Street Terminal – Oakland Cultural Heritage Survey Rating A; City of Oakland Landmark Status Pending
	Service Delivery Districts:	Downtown Metro and San Antonio 3
	City Council Districts:	District 2 (Wan), District 3 (Nadel)
	Status:	The Notice of Preparation was published and distributed on 5/28/2004
	Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the Environmental Impact Report.
	Finality of Decision:	Request for Information Only
	For Further Information:	Contact project planner Margaret Stanzione at (510) 238-4932 or by email at mstanzione@oaklandnet.com

SUMMARY

Oakland Harbor Partners has filed an environmental review application to begin review and consideration of the redevelopment of an area referred to as “Oak-to-Ninth.” The 62-acre proposed project includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area. The project site is located on the estuary side of the Embarcadero between Fallon Street and Tenth Avenue and southwest of Interstate 880. The applicant proposes to redevelop an industrial area with a mixed-use residential, commercial and open space project. As part of the project, the applicant has requested a General Plan Amendment, Rezoning, Planned Unit Development (PUD), Subdivision, and Development Agreement (DA) be considered by the City.

The City will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and the land use and project approvals. As such, the City has the responsibility to prepare an Environmental Impact Report (EIR) for the project. An Initial Study was prepared and the Notice of Preparation (NOP) was published on May 28, 2004 (see Attachment A). This scoping session is being held to solicit public and Commission comments on what information and analysis should be contained in the EIR. In addition to these comments, written comments will be accepted until June 30, 2004. Written comments are encouraged in order to provide an accurate record of public comments.

PROJECT DESCRIPTION AND BACKGROUND

Existing Land Uses - Oak-to-Ninth, the proposed project area, is located on the estuary side of the Embarcadero and extends from Fallon Street to Tenth Avenue. The 62-acre area consists of the City’s Estuary Park, the Jack London Aquatic Center, and the Cash and Carry wholesale food store to the northwest of the Lake Merritt channel, and several smaller industrial businesses, a sand and gravel batch plant, and the Ninth Avenue Terminal southeast of the channel. Surrounding the site to the northeast is the I-880 freeway, Union Pacific Railroad tracks, and several major utilities clustered at the channel crossing (a 24-inch diameter gas line, a 54-inch diameter sanitary effluent force main, and an 84-inch diameter gravity sanitary sewer line). The development along Fifth Avenue, and on the parcel across the street, are not part of this project will remain under the ownership of the current property owners (see Attachment A).

Proposed Project - The illustrative site plan shows public open space along the shoreline with housing development set back from the open space. The waterfront trail will be included within the open space areas and will be designed to follow the contours of the shoreline and link to adjacent parcels to the north and south of the project site. Residential development will include up to 3,100 attached residential units in multi-level structures. Up to 200,000 square feet of commercial retail uses will be developed on the ground floor of the residential structures which are closest to the marinas. The two existing marinas will be improved. There may be excavation and new fill in the marinas to bring them up to modern standards and improve boat access.

In addition to Estuary Park, four areas of open space are proposed. Channel Park (5.16 acres) is proposed along the southeast shore of the Lake Merritt Channel across from the Aquatic Center and Estuary Park on the opposite side of the channel. Surrounding Clinton Basin is Channel Park South (2.59 acres), the Village Green and Quay (2.97 acres), and Shoreline Park (9.05 acres). Adjacent to Channel Park South will be a wetland enhancement project on 0.68 acres. The Village Green and Quay will be designed as a gathering place which will be able to accommodate large events. And much of Shoreline Park will be constructed on top of piers. This area currently houses the Ninth Avenue Terminal. The plan shows that most of the terminal will be demolished and be replaced with park space. A summary of the land uses shown in the illustrative plan are estimated as follows:

Land Designation	Area (acres)	Per cent
Open Space	26.86	43.0%
Developed Area	25.35	40.6%

Public Right of Way	10.26	16.4%
TOTAL	62.47	100.0%

Land Ownership

The property, owned by the Port of Oakland, was considered unnecessary for port operations for various reasons. The designation of "Port Priority Use" was approved for removal from the Bay Conservation and Development Commission's *San Francisco Bay Plan* in 2003 allowing the Port to sell the land to the project sponsors for development.

Project Phasing

Oakland Harbor Partners propose to develop the project in several phases over a ten year period. The development will start at the southern end of the project site and proceed north. An attempt will be made to complete the open space areas early in the development phases.

Project Review Process and Entitlements

The proposed project will require amendments to the *Estuary Policy Plan*, a rezoning, a Planned Unit Development permit, subdivision approval, design review approval and a development agreement. In addition, approvals or permits may also be required from other agencies for activities such as modifications to the shoreline, demolition of structures, site remediation, wetlands restoration, local and regional access, and possible other activities.

Environmental Review Process

The environmental impact report will address potential environmental impacts associated with construction and operation of the proposed project including construction of the project and obtainment of all necessary general plan amendments, zoning, grading and building permits, and any other discretionary actions required by the City of Oakland and other governmental agencies.

PURPOSE OF THIS SCOPING SESSION

The main purpose of this scoping session is to solicit comments from both the Commission and the public on what types of information and analysis should be considered in the EIR. Comments about the issues that should be considered, the types of information that should be included and the range of alternatives to the project that should be assessed are all appropriate comments. This scoping session is not a review or consideration of the merits of the project. There will be full public process to consider the project itself at a later date. Staff is presently working with the project sponsor to establish an overall framework for review and consideration of this project given the large scale of the project, the major amendments to current city policies, and the multiple jurisdictions involved (Alameda County Environmental Health Services, San Francisco Bay Regional Water Quality, Bay Conservation and Development Commission [BCDC], U.S. Army Corps of Engineers, U.S. fish and Wildlife Service, State Fish and Game, State Dept. of Toxic and Substance Control, State Lands Commission and others).

KEY ENVIRONMENTAL AND PROJECT ISSUES IDENTIFIED TO DATE

Staff has identified the following preliminary list of environmental and project issues that the City will evaluate in the EIR and during the review of the project:

AESTHETICS:

- Relationship of site development to the water
- Scenic vistas
- Mass and bulk of proposed buildings
- Height of proposed structures
- Height variety within the project
- Open space within the project
- Incorporation of open, public gathering places
- Integration of new development with existing development [Estuary Park and the JLAC]
- Light and glare impacts
- Public access to the water and shoreline
- Shadow impacts on public spaces

AIR QUALITY:

- Potential dust impacts from demolition and construction activities
- Potential air quality impacts due to future increase in vehicular activity

BIOLOGICAL RESOURCES:

- Potential impacts to existing aquatic habitats
- Potential impacts to federally protected wetlands

CULTURAL/HISTORIC RESOURCES:

- Impact on Ninth Avenue Terminal
- Potential impacts of grading activities on cultural or historical resources
- Proximity of project site to known Native American archaeological resources

GEOLOGY AND SOILS:

- Soil stability and adequacy for safe development of the site
- Potential effects of earthquakes on site development

HAZARDS AND HAZARDOUS MATERIALS:

- Historic use of the project site
- Site contamination
- Hazardous materials and/or emissions on site
- Emergency response and evacuation

HYDROLOGY/WATER QUALITY:

- Capacity of stormwater drainage system
- Water quality of on-site drainage
- Adequacy of on-site drainage improvements to serve the site
- Water quality impacts to the Estuary

- Flooding hazards and future residents

LAND USE AND PLANNING:

- Conformance with General Plan and Estuary Policy Plan (Historic Preservation Element; Open Space, Conservation, and Recreation Element)
- Conformance with the Central City East Redevelopment Plan
- Conformance with City ordinances, including the Zoning Ordinance

NOISE:

- Potential noise impacts from demolition and construction activities
- Impacts of future residential development and proximity to railroad tracks
- Impacts of future residential development and proximity to the freeway
- Impacts of project-related noise on the surrounding area

POPULATION/HOUSING:

- New residential population in this location

PUBLIC SERVICES:

- Adequacy of fire protection services, police protection services, and emergency access
- Sufficient school capacity for children who live in the project

RECREATION:

- Park land and open space

TRANSPORTATION AND TRAFFIC:

- Existing congestion and other operations problems at the intersections in and surrounding the project area
- Through traffic on the Embarcadero
- Freeway access
- Congestion and operational problems on streets in and near the project area
- Congestion and operations problems on regional freeway facilities
- Impacts on pedestrian access and safety in nearby areas resulting from project-generated traffic
- Pedestrian circulation to and through the project site
- Potential vehicular and pedestrian conflicts
- Truck traffic from the site preparation and grading activities
- Public access to the shoreline
- Multi-modal transportation links (public transportation access)

UTILITIES AND SERVICE SYSTEMS:

- Adequacy of sewer infrastructure, water capacity, and energy to serve the mixed use development

GENERAL PLAN AND ZONING CONSISTENCY

The site area and the proposed land uses are discussed in several City policy documents. Many of the policies and actions are related to the waterfront area, in general, and to the Oak-to-Ninth area, specifically. Other policies and actions related to the activities and land uses proposed in the site plan. The policies from the individual documents are listed in Attachments B through E. This policy summary identifies most policies, but is not an exhaustive list of all policies and actions.

The project site is currently designated Mixed Use Waterfront/Estuary Plan Area in the *Land Use and Transportation Element* and “Planned Waterfront District (PWD-1)” and “Parks” in the *Estuary Policy Plan*. The project site is zoned M-40, Heavy Industrial and S-2/S-4, Civic Center/Design Review. The current zoning designation of M-40 is not consistent with the description of the PWD-1 and Parks districts described in the *Estuary Policy Plan* (see below).

A General Plan Amendment will be required for the proposed project because the current land use designation for the project site does not include residential uses. Furthermore, the residential density for this land use category permits a maximum of 30 units/gross acre and the proposed project yields 50 units/gross acre. A rezoning will be needed for consistency with the General Plan designation.

Land Use and Transportation Element (LUTE)

The General Plan *Land Use and Transportation Element* includes Mixed Use Waterfront objectives and policies. Those pertaining to the waterfront, in general, and the proposed Oak-to-Ninth area, in particular, are listed in Appendix B.

Estuary Policy Plan (EPP)

The *Estuary Policy Plan* includes specific Goals, Policies and Actions for the Oak-to-Ninth area. The Plan designates Estuary Park as “Parks” and the remaining area as “Planned Waterfront District (PWD-1).” The **intent** of the district is to “Provide for the transformation of maritime and marine industrial uses into a public-oriented waterfront district that encourages significant public access and open space opportunities. Encourage a unique mix of light industrial, manufacturing, artist lofts and workshops, hotel, commercial-recreation, cultural uses, and water-oriented uses that complement the recreational and open space character of the waterfront.”

The **desired character** is stated as follows, “Future development in this area should be primarily public recreational uses including boating clubs, community and cultural uses, parks and public open spaces; with primary uses including light industrial, manufacturing, assembly, artist workshops, cultural, work/live studios, offices, neighborhood commercial, and restaurants; and including hotel, conference, restaurant, commercial-recreational, and cultural uses. Water uses also included.”

The maximum intensity specified in the plan is a Floor Area Ratio (FAR) of 1.0 and 30 units per gross acre for privately owned parcels. These standards may be averaged over the entire site (e.g., some parcels may have FARs higher than 1.0; others may have FARs lower than 1.0; however, the calculation for the entire site may not exceed an average FAR of 1.0 and 30 units per gross acre) over the entire project site.

The following excerpt is taken from page 84 of the EPP and describes what is **envisioned** for the area:

With ambitious plans to change land use, this area of the shoreline could be converted into a large-scale network of open spaces and economic development that extend for over 60 acres from Estuary Park to Ninth Avenue. The assemblage of parkland would create the major open space resource in Oakland and, at the same time, establish a recreation asset of regional significance. In areas adjacent to the open spaces, additional development of hotels, cultural activities, and other attractions that take advantage of the unique setting, could help to energize the entire district. And, the artisan community that currently exists in the area can continue to play a valuable role in the life of the area, and the City.

See Attachment C for a complete list of policies for the Oak-to-Ninth District.

Historic Preservation Element

There are several policies and actions in the Historic Preservation Element that will need to be considered in relation to the Ninth Avenue Terminal. These have been discussed in detail in staff reports prepared for the Landmarks Preservation Advisory Board and the Planning Commission. See Attachment D for a list of these policies.

Open Space, Conservation, and Recreation

The OSCAR contains several waterfront policies and actions pertaining to the shoreline. These are listed in Appendix E.

Central City East Redevelopment Plan

The portion of the project site southeast of the Channel falls within the Central City East Redevelopment Area.

Oakland Waterfront Trail/Bay Trail Feasibility Study and Design Guidelines

Figure 2.9 of the plan shows the project segments for the trail, and Chapter Three discusses the segments in more detail. Figure 2.9 on Page 2-18 shows both a short-term alignment of the trail along the Embarcadero, and a long-term alignment of the trail following the shoreline. The plan further discusses the Oak to Ninth segment on page 3-6.

“The Oak to Ninth area is not part of this study and is a separate master plan. However, based on the Open Space Diagram of the adopted Estuary Policy Plan, there will be a continuous trail along the waterfront. Development of this site will also include public open spaces along the waterfront. One of the open spaces will anchor the connection between the Lake Merritt channel and the Oakland Estuary and reflect the proposed design aesthetic of the Estuary Park on the other side of the channel.

The plan recommends retaining at least a portion of the historical Ninth Avenue terminal building and pier and incorporating these historical remnants into the trail experience. Retaining the façade of the terminal

building and the serpentine railroad pier would add excitement and a meaningful remembrance of the estuary's role in the industrial and commercial vitality of Oakland historically. The elegant sweeping railroad pier would become a dramatic over-water linkage from the remnant pier to the shoreline trail."

Zoning Amendment

The project site is zoned M-40, Heavy Industrial and S-2/S-4, Civic Center/Design Review with a band of designated open space along the shoreline. The zoning is not consistent with the Estuary Policy Plan's Planned Waterfront District (PWD-1) as the M-40 does not allow all the uses envisioned in the plans for this area. The zoning would need to be changed to be consistent with the existing Estuary Policy Plan, or with any amendments to the Estuary Policy Plan.

OTHER APPROVALS

The project sponsor will need the approvals from other agencies as well as from the City of Oakland. Approvals or permits may also be required from other agencies for state land boundary changes, construction within 100-feet of the shoreline, activities such as modifications to the shoreline, demolition of structures, site remediation, wetlands restoration, local and regional access, and possibly other activities.

COMMUNITY OUTREACH

Over 700 notices announcing the release of the Notice of Preparation, a community meeting, and the Planning Commission public hearing were sent out on May 28, 2004. A community meeting/scoping session was held on June 9, 2004 at the Jack London Aquatic Center. Additionally, the Landmarks Preservation Advisory Board conducted an EIR scoping session on June 14, 2004. Staff will present a verbal summary of those meetings at the Planning Commission scoping session.

STAFF RECOMMENDATION

Take testimony and provide comments to staff regarding issues to be addressed in the draft Environmental Impact Report.

Prepared by:

Margaret Stanzione, Planner IV
Project Manager

Approved for forwarding to the
City Planning Commission:

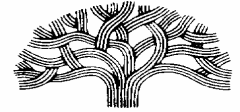
CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

- A. Notice of Preparation (including vicinity map and site plan)
- B. Land Use and Transportation Element Objectives and Policies for the Mixed Use Waterfront
- C. Estuary Policy Plan Policies for the Oak-to-Ninth District
- D. Historic Preservation Policies
- E. Open Space, Conservation and Recreation Element Policies

ATTACHMENT A

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3330

OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
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NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

The City of Oakland, Community and Economic Development Agency, Planning Division, is preparing a Draft Environmental Impact Report (EIR) for the project identified below. Your comments on the scope and content of the EIR are requested. An Initial Study (IS) has been prepared that identifies areas of probable environmental effects. These probable environmental effects are summarized below. The IS is available at the Planning Division office or at <http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/environmentaldocuments.html>. The City of Oakland is the Lead Agency for this project and is the public agency with the greatest responsibility for either approving or carrying out the project. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the project. Responsible Agencies will need to use the EIR that the City prepares when considering approvals related to the project. When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this Notice of Preparation or who otherwise indicate that they would like to receive a copy.

Written comments on the Notice of Preparation must be received by **5:00 p.m. on June 30, 2004**. Your response and any questions or comments should be directed to Margaret Stanzione, Project Planner, at the address listed below.

The Planning Commission will hold a Scoping Session on Wednesday, June 16, 2004 at 6:30 pm at City Hall, Hearing Room 1, One City Hall Plaza, Oakland.

PROJECT TITLE: Oak to 9th Mixed Use Development (Residential/Commercial/Open Space) Project

PROJECT LOCATION: Approximately Sixty-two acres bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10th Avenue (see attached location map).

PROJECT SPONSOR: Oakland Harbor Partners, LLC

PROJECT DESCRIPTION: The entire project site is approximately 62 acres of waterfront property owned by the Port of Oakland. The proposed project includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area. The project is proposed to be constructed in phases over approximately ten years. The site is currently occupied by a combination of commercial, warehouse and light industrial services. The existing buildings on the site will be demolished, with the exception of a portion of the Ninth Avenue Terminal shed building, Estuary Park, and the Jack London Aquatic Center. The site is primarily zoned M-40 Heavy Industrial with a small portion zoned S-2/S-4 Civic Center/Design Review. The General Plan land use designation is the Estuary Policy Plan's Planned Waterfront District (PWD-1). As it pertains to the project area, construction of the proposed project will require consideration of amendments to the City of Oakland Estuary Policy Plan, a rezoning of the property because it is not currently designated for residential or

commercial uses, approval of a subdivision map, design review approval, a development agreement, and possibly other City approvals/actions. In addition, approvals or permits may also be required from other agencies for activities such as modifications to the shoreline, demolition of structures, site remediation, wetlands restoration, local and regional access, and possibly other activities. One or more parcels in the project area may be listed on the "Cortese List" of hazardous waste sites (Government Code Section 65962.5).

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may result in the following potentially significant environmental impacts which will be analyzed in the EIR: aesthetics, air quality, cultural/historic resources, hazards/hazardous materials, noise, transportation/traffic, biological resources, geology/soils, hydrology/water quality, land use/planning population/housing, public services, recreation, and utilities/service systems. The following environmental effects were analyzed in the IS and determined to result in less-than-significant impacts and thus will not be further studied in the EIR: agricultural resources and mineral resources.

CONTACT INFORMATION: Margaret Stanzione, Project Planner, City of Oakland, Community and Economic Development Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612. Phone: (510) 238-4932, Fax: (510) 238-6538, email: mstanzione@oaklandnet.com

Date: May 28, 2004
Case File No.: ER 04-0009

CLAUDIA CAPPIO
Director of Development and Environmental Review Officer



Site Plan 061604.pdf

ATTACHMENT B

LAND USE AND TRANSPORTATION ELEMENT OBJECTIVES AND POLICIES FOR THE MIXED USE WATERFRONT

Objective W8 Further Detailed Plans for the Estuary

Provide a comprehensive planning framework for the Jack London Square, the Embarcadero Cove, and the Fruitvale Waterfront Area. In addition to these general objectives and policies, the Estuary Plan to be adopted as part of the General Plan will provide additional detail.

Objective W9 Mixed Use and the Waterfront's Unique Character

Develop and encourage mixed use areas along the estuary shoreline, while enhancing and promoting economic opportunities in Oakland which take advantage of the waterfront's unique character to attract public uses and activities.

Policy W9.1 Defining Mixed-use Along the Estuary

Mixed use areas are areas or developments where residential uses are integrated with other non-residential uses such as commercial, recreation, and industrial areas. Live/work units are appropriate mixed use developments and unique residential opportunities for the waterfront.

Policy W9.2 Encouraging Mixed Land Uses Along the Estuary

Mixed land uses should be encouraged in areas where the integration of housing with other compatible uses will add to the overall environmental, social, and economic vitality of the waterfront, and will create a safe environment.

Policy W9.3 Defining Development Characteristics Along the Estuary

Mixed use and residential developments should be sensitive to adjacent properties and designed to enhance the existing and unique characteristics of the waterfront and immediate surroundings. Individual properties should be designed to encourage and provide sufficient public access to the waterfront and designed to avoid the feeling of "gated" or private communities.

Policy W9.5 Defining Development Intensity Along the Estuary

Development along the estuary shore should reflect higher intensity mixed use activities and areas at Jack London Square. The balance of development along the estuary should be of lower intensity than at Jack London Square; however, higher density nodes of development may be appropriate at key locations. Access to transportation corridors and transit should be provided. The development intensity should significantly decrease adjacent to Martin Luther King Jr. Regional Shoreline.

Policy W9.6 Developing Housing Along the Estuary: Quality, Type, and Services.

Housing quality, type, and services should be developed in a manner that is consistent with the policies and requirements of future detailed plans created for the Waterfront; the Housing Element of the General Plan; the City's Building Code; and/or other appropriate codes or regulations.

Policy W9.7 Supporting Existing Residential Communities Along the Estuary

The existing residential communities within and adjacent to the waterfront should be supported and enhanced.

Policy W9.8 Taking Advantage of the Unique Waterfront Along the Estuary
Programmed events and activities that take advantage of the unique waterfront setting should be encouraged. Appropriately scaled conference and convention facilities, hotels, etc., and businesses that benefit from the close proximity to the seaport and airport should be encouraged and be consistent with City economic development strategies. These uses may include retail, restaurants, destination entertainment, waterfront related commercial, and recreations services (boat tours, water taxis, etc.)

Objective W11 Enhance and promote economic opportunities in Oakland which take advantage of the waterfront's unique character to attract public uses and activities

Policy W11.1 Defining Embarcadero Cove Boundaries
The area should be generally bounded by Channel Park, Interstate 880, Dennison Street, and the shoreline.

Policy W11.2 Defining Embarcadero Cove Land Uses
The area should reflect its current variety of uses in areas with distinct characteristics. The area around Inner Harbor and 9th Street [Avenue] Terminal has an artist community mixed with some industrial uses that should be supported. Other uses such as commercial/service uses (restaurants, retail, office, hotel/motel, etc.) may be appropriate as well as a marina with support services.

Policy W11.3 Defining Embarcadero Cove Development Intensity and Characteristics
The development intensity of the area should be moderate with lower use intensity and density than Jack London Square; however, nodes of higher intensity development may be appropriate. Access to transportation corridors and transit should be provided. Development intensity should be sensitive to the open feeling of the marina and view opportunities. Overall development of the area must be sensitive to the close proximity of the water's edge. Properties along the shoreline should be planned, developed and operated with particular sensitivity to public access.

Policy W11.4 Defining Embarcadero Cove Mixed Use Characteristics
The mixed use character for this area should incorporate a variety of uses throughout, including artist residential use, where appropriate.

Policy W11.5 Specifying Public Access and Linkages
Public access and linkages should be provided from the San Antonio neighborhoods to the Embarcadero Cove. Signage, landscaping, and gateways should be provided, where necessary, to access points and pathways.

Policy W11.6 Defining Embarcadero Cove Design Criteria

Development in this area should be designed to enhance direct access to and along the water's edge, to maximize the waterfront views and vistas, and to make the public pedestrian access and spaces inviting. Development and amenities must be sensitive to immediate surroundings.

ATTACHMENT C

ESTUARY POLICY PLAN POLICIES FOR THE OAK-TO-NINTH DISTRICT

- POLICY OAK-1: PROTECT AND ENHANCE THE NATURAL AND BUILT COMPONENTS THAT ESTABLISH THE WATERFRONT'S UNIQUE ENVIRONMENT.**
- OAK-1.1: Encourage the preservation and enhancement of wetland areas
- OAK-1.2: Provide for continuous pedestrian and bicycle movement along the water's edge
- OAK-1.3: Undertake remediation of contaminants in conjunction with development and/or improvement of relevant sites
- POLICY OAK-2: ESTABLISH A WELL-STRUCTURED, INTEGRATED SYSTEM OF MAJOR RECREATIONAL FACILITIES WHICH ACCOMMODATE A WIDE VARIETY OF ACTIVITIES AND WHICH TAKE ADVANTAGE OF THE UNIQUE WATERFRONT SETTING. PROMOTE A VARIETY OF RECREATIONAL EXPERIENCES.**
- OAK-2.1: Expand Estuary Park. Encourage aquatic sports within the mouth of Lake Merritt Channel
- OAK-2.2: Create a major new park on the east side of the mouth of the Lake Merritt Channel, at the Estuary
- OAK-2.3: Enhance Clinton Basin
- OAK-2.4: Establish a large park in the area of the existing Ninth Avenue Terminal to establish a location for large civic events and cultural activities
- OAK-2.5: Provide for mooring of the ARTSHIP
- POLICY OAK-3: LINK THE ESTUARY TO LAKE MERRITT BY ENHANCING THE LAKE MERRITT CHANNEL.**
- OAK-3.1: Create a system of public open spaces that connects Lake Merritt Channel to the Estuary
- OAK-3.2: Work with public agencies in the area to extend the open space system inland from the Channel
- POLICY OAK-4: PROVIDE FOR LIVELY, PUBLICLY ORIENTED ACTIVITIES THAT COMPLEMENT THE ADJACENT WATERFRONT PARKS AND OPEN SPACES**
- OAK-4.1: Preserve and expand the existing Fifth Avenue Point community as a neighborhood of artists and artisan studios, small businesses, and water-dependent activities
- OAK-4.2: Promote development of educational and cultural interpretive facilities

- OAK-4.3: Facilitate the relocation of break-bulk cargo operations from the Ninth Avenue Terminal
- OAK-4.4: Promote development of commercial-recreational uses in the vicinity of the Crescent Park and Clinton Basin
- OAK-4.5: North of the Embarcadero, encourage a mixed-use district while maintaining viable industrial uses
- POLICY OAK-5: INITIATE MORE SPECIFIC PLANNING OF THE ENTIRE OAK-TO-NINTH DISTRICT.**
- POLICY OAK-6: EXPLORE THE FUTURE POTENTIAL FOR A NEW BART STATION AND MAJOR PARKING FACILITY ON BARTT PROPERTY AT FIFTEH AVENUE AND EAST EIGHTH STREET.**
- POLICY OAK-7: COORDINATE WITH CALTRANS ON THE UPGRADE OF THE I-880 FREEWAY TO IMPROVE REGIONAL ACCESS TO THE WATERFRONT.**
- POLICY OAK-8: ENHANCE FIFTH AVENUE AS THE PRINCIPAL PEDESTRIAN AND VEHICULAR LINKAGE TO THE PUBLIC OPEN SPACE SURROUNDING THE MOUTH OF THE LAKE MERRITT CHANNEL.**
- POLICY OAK-9: IMPROVE THE EMBARCADERO EAST OF OAK STREET AS A MULTIMODAL LANDSCAPED PARKWAY WITH BICYCLE, PEDESTRIAN AND VEHICULAR FACILITIES.**
- POLICY OAK-10: CREATE A NETWORK OF PEDESTRIAN-FRIENDLY STREETS THAT OPENS UP VIEWS AND ACCESS TO THE WATER.**
- POLICY OAK-11: DESIGN PARKING TO BE CONVENIENT AND COMPLEMENTARY TO THE PUBLIC ORIENTATION OF USES WITHIN THE AREA.**
- POLICY OAK-12: ESTABLISH A MANAGEMENT PROGRAM FOR SPECIAL EVENTS ACCESS AND PARKING.**

ATTACHMENT D

HISTORIC PRESERVATION ELEMENT

[Although the Ninth Avenue Terminal is not landmarked, the following may apply]

OBJECTIVE 2: PRESERVATION INCENTIVES AND REGULATIONS

To develop a system of preservation incentives and regulations for specially designated significant older properties which (i) enhances economic feasibility for preservation; (ii) provides a predictable and appropriate level of protection, based on each property's importance; (iii) reasonably balances preservation with other concerns; and (iv) operates efficiently, avoiding unnecessary regulatory procedures and review periods.

Policy 2.4: Landmark and Preservation District Regulations

(a) Demolitions and removals involving landmarks or Preservation Districts will generally not be permitted or be subject to postponement unless certain findings are made. Demolition or removal of more important Landmarks and of most Preservation District properties will normally not be permitted without the required findings, while demolition or removal of less important Landmarks will be subject only to postponement.

(b) Alterations or New Construction involving Landmarks or Preservation Districts will normally be approved if they are found to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties or if certain other findings are made.

(c) Findings for approval of demolitions, removals, alterations or New Construction involving Landmarks or Preservation Districts will seek to balance preservation of these properties with other concerns.

(d) Specific regulatory provisions are set forth in the tables entitled "Demolition and Removal Regulations for Landmarks and Preservation Districts" and "Alteration and New Construction Regulations for Landmarks and Preservation Districts."

OBJECTIVE 3: HISTORIC PRESERVATION AND ONGOING CITY ACTIVITIES

To establish administrative procedures and criteria to promote preservation of significant older properties as a routine part of City-sponsored or assisted projects, programs, and regulatory activities

Policy 3.1: Avoid or minimize adverse historic preservation impacts related to discretionary City actions

The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.

Policy 3.3: Designated Historic Property Status for Certain City-Assisted Properties

To the extent consistent with other General Plan Goals, Policies and Objectives, as a condition for providing financial assistance to projects involving existing or Potential Designated Historic Properties, the City will require that complete application be made for such properties to receive the highest local designation for which they are eligible prior to issuance of a building permit for the project or transfer of title (for City-owned or controlled properties), whichever comes first.

However, Landmark or Preservation District applications will not be required for projects which are small-scale or do not change exterior appearance.

Action 3.3.1: City Assistance Contract Provisions for Designated Historic Property Status

Develop a standard condition for City assistance contracts involving existing or Potential Designated Historic Properties requiring that application be made prior to project funding for these properties to receive the highest Designated Historic Property classification for which they are eligible. This condition will not apply to Landmark or Preservation District designation for projects which are small-scale or do not change exterior appearance.

Policy 3.5: Historic Preservation and Discretionary Permit Approvals

For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal to quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits the City will make a finding that; (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Action 3.5.1: Design Guidelines for Discretionary Permit Approvals

Amend existing design guidelines for non-Landmark or non-Preservation District design review applications to reflect Policy 3.5. Develop and adopt design guidelines for design review situations where no such guidelines presently exist.

Action 3.5.2: Standard Conditions for Discretionary Permit Approvals

Develop standard conditions of approval that apply Policy 3.5 to projects requiring discretionary City permit approvals other than design review, and that require conformity with Action 3.5.1's design guidelines.

Policy 3.6: Historic Preservation and City-Sponsored or Assisted Projects

To the extent consistent with other Oakland General Plan provisions, City-sponsored or assisted projects involving an existing or Potential Designated Historic Property, except small-scale projects, will:

- (a) be selected and designed to avoid or minimize adverse effects on these properties and to promote their preservation and enhancement;
- (b) incorporate preservation efforts based in part on the importance of each property; and
- (c) be considered to have no adverse effects on these properties if they conform.

Action 3.6.1: Evaluation and Selection Procedures for City-Sponsored or Assisted Projects

Develop or modify evaluation and selection procedures for City-sponsored or assisted projects that appropriately balance historic preservation with other priorities.

ATTACHMENT E

OPEN SPACE, CONSERVATION AND RECREATION ELEMENT

GOAL OS-2: AN ATTRACTIVE, ACCESSIBLE SHORELINE AND CREEK SYSTEM WHICH COMPLEMENTS THE CITY'S PARKS AND OPEN SPACES

Objective OS-7: Shoreline Access

To increase physical and visual access to the Oakland shoreline and create new opportunities for shoreline recreation.

Policy OS-7.1: Promotion of Beneficial Waterfront Uses

Require land uses along the shoreline which promote the beneficial uses of the Estuary and Bay waters, including a balanced mix of commercial shipping facilities; water-dependent industry, commerce, and transportation; recreation; water-oriented services and housing; and resource conservation.

Policy OS-7.2: Dedication of Shoreline Public Access

Support the BCDC requirements which mandate that all new shoreline development designate the water's edge as publicly accessible open space where safety and security are not compromised, and where access can be achieved without interfering with waterfront industrial and maritime uses. Where such conflicts of hazards would result, support the provision of off-site access improvements in lieu of on-site improvements. In such cases, the extent of off-site improvements should be related to the scale of the development being proposed.

Policy OS-7.3: Waterfront Appreciation

Promote a greater appreciation of the Oakland waterfront by preserving and enhancing waterfront views, promoting its education value, and, exploring new and creative ways to provide public access to the shoreline without interfering with transportation and shipping operations or endangering public safety.

Action OS-7.3.3: Use of Plaques and Event Markers

Use plaques and historic markers, public art, and other measures to commemorate historical events on the waterfront.

Policy OS-7.4: Waterfront Park Enhancement

Expand and enhance the City's waterfront park areas. Signage and access provisions to existing waterfront parks should be improved. Opportunities for new shoreline parks as depicted in Figure 7 (Shoreline Access) should be pursued as redevelopment along the waterfront occurs. A variety of park environments should be created, including active recreations areas, fishing piers and boating facilities, natural areas, and small "pocket" parks with landscaping and benches, all linked by linear parks or pedestrian paths emphasizing shoreline views and access. *[Refer to page 2-51 for possible improvement suggestions for the Clinton Basin/Ninth Avenue Terminal section of the shoreline]*

Action OS-7.4.1: Potential New Park Areas

Work with the Port of Oakland and the East Bay Regional Park District (EBRPD) to explore the feasibility of establishing new parks, habitat protection areas, or recreational amenities along the Oakland shoreline, particularly at: (a) the Emeryville Crescent; (b) the Union Point Mole; (c) Harrison Street to Estuary Park; (d) the Pacific Drydock/Clinton Basin area; (e) the Fruitvale and Dennison Street Bridge areas; (f) the EBRPD acquisitions in the Tidewater Business Park; (g) the Curt Flood Field area; (h) Arrowhead Marsh; and (i) the Oyster Bay shoreline adjoining Galbraith Golf Course.

Policy OS-7.5: Lateral Access and Links to the Flatlands

Improve lateral access along the Oakland shoreline and linkages between the shoreline and nearby neighborhoods by creating a “Bay Trail” along the length of the Oakland waterfront. Where an alignment immediately along the waterfront is not possible, site the trail as close to the water as possible, with spur trails leading to the water’s edge. In the transitional areas between Jack London Square and High Street, interim alignments maybe designated along local streets but the ultimate goals should be an unbroken trail along the water’s edge between Jack London Square and Martin Luther King, Jr. Regional Shoreline.

Action OS-7.5.1: Bay Trail Construction

On an on-going basis, work with the Port, the EBRPD, the State Coastal Conservancy, and the Association of Bay Area Governments to coordinate construction of the Bay Trail on its adopted alignment through Oakland. Wherever feasible, the on-site segments of the Trail should be constructed pas part of site development.