

#3	Location:	Oak Street to Ninth Avenue Approximately 64.2 acres bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10 th Avenue. Assessor Parcel Numbers: various
	Proposal:	This is the first Design Review Committee meeting to discuss the site planning and public improvements for a new mixed use development which includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, up to 3,950 parking spaces, 28.4 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration area. A second Design Review Committee meeting will be held to review the architecture, massing and other development issues.
Applicant:		Oakland Harbor Partners (Signature Properties & Reynolds and Brown)
Contact Person/Phone Number:		Michael Ghielmetti, Signature Properties (925) 463-1122 Dana Parry, Reynolds and Brown (925) 674-8400
Owner:		Port of Oakland
Case File Number:		ER 04-0009
Planning Permits Required:		General Plan Amendment (Estuary Policy Plan text and land use map); Central City East Redevelopment Plan Amendment; Central District Urban Renewal Plan Amendment; New Waterfront Planned Development Zoning District and Zoning Map Designation; Vesting Tentative Subdivision Map; Preliminary Development Plan; Design Review; Creek Protection Permit; Tree Removal Permit. OHP is also requesting a Development Agreement.
General Plan:		Estuary Policy Plan Designations: Planned Waterfront Development-1 and Park, Open Space, and Promenades
Zoning:		M-40, Heavy Industrial and S-2/S-4 Civic Center/Design Review Combining Zone
Environmental Determination:		Draft Environmental Impact Report published from September 1, 2005 to October 24, 2005. Responses to comments currently being prepared.
Historic Status:		Ninth Avenue Terminal – Oakland Cultural Heritage Survey (OCHS) Rating A; City of Oakland Landmark Status Pending Philbrick Boatworks – Notice of Intent to Landmark; No OCHS rating
Service Delivery District:		Downtown Metro and San Antonio 3
City Council District:		2 – Pat Kernighan, 3 – Nancy Nadel
Action to be Taken:		Receive public comments and provide direction to staff regarding site planning, access and circulation, public streets, parking, view corridors, gateways, parks, and the integration of the proposed development areas with the public realm.
For Further Information:		Contact project planner Margaret Stanzone at (510) 238-4932 or mstanzone@oaklandnet.com

SUMMARY

Oakland Harbor Partners (OHP), the project sponsor, has submitted a preliminary development application for a mixed use project on 64.2 acres of waterfront property from Oak Street to Ninth Avenue. The proposed project consists of 3,100 residential units, 200,000 square feet of ground-floor commercial space, up to 3,950 parking spaces, 28.4 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration area. The existing

buildings on the site will be demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center.

The project sponsor is seeking preliminary design review comments on the Preliminary Development Plan and the Vesting Tentative Subdivision Map. Staff has scheduled at least two meetings with the Design Review Committee because of the size and complexity of the proposed project.

This first meeting concentrates on site planning issues and will focus on public areas and how they integrate with each other and the developable portions of the project. This staff report will discuss the proposed layout of the site, circulation, public streets and access, mews, view corridors, gateways, parks and open space, bay trail alignment, surface parking and structured parking locations, streetscape treatments, among other issues.

The second meeting scheduled for January 25, 2006 will discuss the architectural design of the residential and commercial development. The focus will be on the building placement, massing, heights, setbacks, integration with the Fifth Avenue Point artist's community, building massing adjacent to major open spaces, and the Embarcadero frontage. Design guidelines and development standards are also being prepared for the proposed project and will be introduced for discussion at this meeting.

Ken Kay Associates, an Urban Planning, Landscape Architecture, and Urban Design firm was retained in October to assist staff with an urban design analysis of the proposed site plan. Several meetings were held over a 10-week period to discuss various aspects of the proposal. The urban design consultant process is discussed in more detail below. The information presented in this staff report is the culmination of that effort.

BACKGROUND

Development Application

Oakland Harbor Partners (OHP) has submitted a development application for the proposed project. The application consists of a request for a General Plan Amendment to the Estuary Policy Plan (EPP) text and land use map; an amendment to the land use maps for the Central City East Redevelopment Plan and the Central District Urban Renewal Plan; a new Planned Waterfront Zoning District and Zoning Map Designation (PWD-1); Vesting Tentative Subdivision Map; Preliminary Development Plan, Design Review; Creek Protection Permit; and Tree Removal Permit.

The proposed Planned Waterfront Zoning District (PWD-1) will include the land uses, development standards, and design guidelines for the entire project site according to the site plan proposed for the Preliminary Development Plan. This "master plan" zone will be similar to the Wood Street Zoning District. Development applications for proposals within the Planned Waterfront Zoning District will be processed similarly to the City's current PUD, Planned Unit Development permit requirements using the PWD-1 zoning district as the underlying zone. Final Development Plans (FDP) will be submitted for each development proposal and will be processed according to the requirements specified in PWD-1. All Final Development Plans will

need to be in “substantial compliance” with the approved PDP including design review, similar to the process approved for the Jack London District (JLD) project. According to the JLD process, future FDP project plans are submitted for administrative review for determination of compliance with the PDP. Those plans are then submitted to the Design Review Committee for confirmation of compliance.

OHP is also requesting a Development Agreement with the City. The development agreement would “lock in” the approvals for the proposed project including the Planned Waterfront Zoning District (including land uses, development standards, and design guidelines), Preliminary Development Plan, Vesting Subdivision Map, among other negotiated items. The Development Agreement can only be changed by mutual consent of both parties.

OHP is requesting preliminary comments from the Design Review Committee on the Preliminary Development Plan (PDP).

PROJECT SITE

The 64.2 acre project site adjoins the Oakland Estuary to the south, the Embarcadero and I-880 to the north, 10th Avenue to the east, and Fallon Street to the west. The project area does not include approximately six acres of privately-held property along and east of 5th Avenue that contain a mix of commercial and industrial uses, as well as a small community of work/live facilities. The eastern part of the project site contains commercial and industrial uses (the Ninth Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers). The central portion of the project site contains commercial and industrial uses, a concrete batch operation, and a mix of manufacturing and outdoor storage uses. The western part of the site contains public open space and industry (Estuary Park and Jack London Aquatic Center, and an East Bay Municipal Utility District dechlorination facility).

Access to the site is directly from The Embarcadero. In addition, 5th Avenue extends in a north-south direction from the waterfront to East 18th Street and also provides direct access to the site. The nearest southbound I-880 on-ramp is at 10th Avenue and the Embarcadero, and the nearest northbound I-880 on-ramp is at 6th and Jackson Streets. Southbound and northbound I-880 off-ramps nearest to the project site are located at Oak Street, on 5th and 6th Streets, respectively.

PROJECT DESCRIPTION

A detailed description of the project was presented in the Planning Commission staff report dated September 28, 2005 and is contained in Chapter 3, Project Description, pages III-1 to III-29 in the Draft Environmental Impact Report. Following is a summary of the project description.

OHP is proposing to redevelop 64.2 acres of waterfront property by converting 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 demolished. Approximately 28.4 acres (or 44%) 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 separate 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.

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 would be demolished 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 high rise tower elements of up to 24 stories (240 feet) on certain parcels. A variant to the project allows consideration of increased maximum building heights from 86 feet to 120 feet on certain development parcels (see DEIR, Figures III-5 and III-6).

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, the riprap, and bulkhead walls. Site remediation would also occur as part of the project.

The project would provide a total of approximately 3,950 onsite parking spaces: about 3,500 in enclosed parking structures, about 375 spaces along public streets within the project area, and about 75 spaces in surface lots in proximity to the proposed open space areas, primarily for use by park and marina users.

Project Phasing

The project sponsor has proposed that the project would be constructed in phases over a period of approximately 11 years: 2007 to 2018.

Phases 1 to 3 (2007 to 2010) Demolish approximately 88,000 square foot of manufacturing, storage, retail, and services uses. Construct approximately 1,139 units and 69,000 square feet of retail/commercial.

Phases 4 and 5 (2008 to 2014) Construct approximately 1,473 units and 79,000 square feet of retail/commercial, Clinton Basin Quay, and project streets. Shoreline Park would be developed by 2012, and Gateway Park would be developed by 2014, as would the Bay Trail segment from Brooklyn Basin to Clinton Basin.

Phases 6 and 7 (2009 to 2017) Approximately 798 units and 37,000 square feet of retail and project street rights-of-way. South Park would be developed by 2015, and Channel Park would

be developed by 2017, as would the Bay Trail segment east of Clinton Basin. Estimated demolition: Approximately 46,000 square feet of marine, storage, service, manufacturing, and industrial uses.

Phase 8 (2011 to 2018) Approximately 300 units and 15,000 square feet of retail/commercial and project street rights-of-way. Improvements (re-vegetation) of Estuary Park and the adjacent Bay trail segment would occur by 2018. Estimated demolition: approximately 78,400 square feet of wholesale grocery store.

URBAN DESIGN CONSULTATION

Ken Kay and Associates (KKA) was retained by the City to provide urban design review services and assist staff with review of the proposed project site plan. KKA met with staff to discuss issues and potential opportunities with the development plan, and both staff and KKA prepared their respective “top ten” lists of issues and opportunities about the proposed plan.

The major issues identified by staff in Attachment A were the quality of the public environment; design and character of street edges, with the residential designs and the commercial center around Clinton Basin; connection and integration with the surrounding area, including the Fifth Avenue Point community; the 5th Avenue/Embarcadero entrance to the site; maximization of the visibility of, and access to, the public open space areas; the treatment of the spaces between the buildings and the public spaces; the alignment of the Bay Trail; options for the Ninth Avenue Terminal; and the placement and size of the residential development behind Estuary Park. (Staff also identified other issues of concern regarding building design and placement; height, bulk and scale of buildings, etc. which will be discussed at the next Design Review Committee meeting scheduled for January 25, 2006.)

KKA then provided a list of broad questions to help identify the range of key considerations in the review of the development plan (please see Attachment B, Development Plan Questions, Urban Design Analysis). KKA and staff met with the project sponsor to review the issues raised by staff and the questions prepared by KKA and to review concepts about how to respond to these issues. Staff then identified specific areas of concern with the site plan. KKA prepared diagrams and summarized the major recommendations now before the DRC (please refer to Attachment C).

The next Design Review Committee meeting will focus on the architectural design elements of the site plan. KKA will be working with staff on those issues as well. Additionally, KKA will also be assisting with drafting design guidelines and development standards for the project. A draft of these documents will be presented at the second Design Review Committee meeting in January 2006.

KEY DESIGN ISSUES - SITE PLAN RECOMMENDATIONS

Staff has prepared a set of recommendations for changes to the preliminary development plan based on the design elements and considerations discussed in Attachments A and B. These specific recommendations are divided into six geographic areas and are supported by diagrams

noted as Attachment C. Each diagram includes the major issues of concern and offers suggestions for redesigning the areas.

Area A

Concern was expressed about the design of the residential development behind Estuary Park, specifically the placement of the vehicle circulation and parking. The proposed residential development, parking and access should be better integrated with Estuary Park and the Aquatic Center. The design and layout of the current proposal effectively separates the housing from the remainder of the site by surrounding it with parking and driveway access. As a result, opportunities for public access to the waterfront are diminished, and the potential for a strong pedestrian-oriented streetscape and access to a major park area are compromised by the predominance of perimeter surface parking and access to the site.

Another option for consideration is to remove all residential uses from Parcel N. While this would allow for expansion of Estuary Park and increased visibility to the waterfront, it also isolates the park more and includes no nearby activity. People living near a park usually make the park safer and enliven the area.

The area along the shoreline of Estuary Park needs to be improved to allow for expanded programmed areas for kayak and canoe activities, visitor drop-off, and aquatic center uses. Right now there are several activities that are “crammed” into a small area with limited maneuverability for kayaks, canoes and other equipment. This area should be redesigned to better accommodate these uses.

Staff Recommends:

- Estuary Park be accessed by public streets (not through parking lots)
- The parking area for the Estuary Park be located to the west of the proposed housing
- Residential units that face the park shall have entries directly from the street (where applicable)
- A reduction in the footprint of proposed housing may be required to accommodate design recommendations
- Redesign the building to take advantage of views from the Embarcadero to the waterfront
- Improve the area along the shoreline of Estuary Park and the Lake Merritt channel to accommodate the variety of uses and expanded program areas for water sports

Area B

Staff has concerns about the proposed residential development along the western boundary of the Fifth Avenue community property boundary. There is an opportunity for the proposed residential development to connect to and integrate with the Fifth Avenue community. The site plan appears to turn its back on the existing development by locating the building footprint, which is shown as long and flat, along the shared property line. With the difference in the height

of the proposed buildings and the existing adjacent structures, there could be the appearance of “towering” over the existing development. The plan makes minimal gestures to address the height, bulk and scale effects of the proposed development on the adjacent uses, including a long, linear landscape buffer facing the Fifth Avenue community. We recommend that the site plan be revised by increasing the building setback from the property line and creating more usable open space and pedestrian access to the waterfront. This area could be further activated by placing ground floor residential uses facing this open space area and requiring varied setbacks that provide more interest.

The intersection of the Embarcadero and Fifth Avenue needs to be better designed. This is the main entry to the project site. As presented, people entering the site are greeted with a building corner and a parking lot for the proposed commercial use. This area can include architectural design features that create a stronger sense of definition that draws people to the project site, Gateway Park, Clinton Basin and South Park.

The alignment of the Bay Trail (refer to Sheet I.2 of the PDP) is shown as crossing private property that is not under the control of the project sponsor. This trail segment will need to be realigned. Staff recommends a temporary solution for the continuation of the Bay Trail, such as a temporary floating pathway or bridge near the Fifth Avenue Marina as a means of providing more direct trail access through the site.

Staff Recommends:

- The intersection entrance to the site at Fifth Avenue shall be designed with architectural design features or community/civic uses recognizing the importance of this site as the prominent entry to the site
- Consider the visual connections from the intersection of the Embarcadero and Fifth Avenue to Gateway Park
- Provide additional open areas and space between the western edge of the Fifth Avenue community and the proposed development to create a compatible scale relationship between new and existing development
- Design and orient residential development to be in scale with the existing Fifth Avenue community
- Provide opportunities for future connections through the Fifth Avenue Point property to link both sides of the site by requiring easements
- Consider ground floor residential uses for properties along the western boundary of the Fifth Avenue property
- Establish a trailhead at Channel Park to link with the proposed trail leading to Lake Merritt (the Lake Merritt trail is to be developed by others)

- Provide a floating bridge or walkway across the west end of the Fifth Avenue Point property (not part of the project) to extend the waterfront trail along the edge of the proposed development

Area C

The issue of concern to staff in this area relates to the use and design of the promenade at the Clinton Basin. The design of this area should allow the integration of public use with private retail and commercial areas. In addition, the project should include a concept for Gateway Park that serves to strengthen the pedestrian and visual connection to the site from the Embarcadero. In short, this area is a major entryway to the site and should incorporate design features that reflect this arrival point. Recommendations to support the major gateway concept for this space are noted below.

Staff Recommends:

- Provide an active pedestrian and commercial zone (including restaurants and retail shopping space) along the Clinton Basin frontage by introducing a generous promenade with attractive pedestrian amenities that includes public and private space
- Design the Clinton Basin pedestrian promenade mainly on one level to integrate public space and private commercial/restaurant seating areas
- Consider relocate the proposed grocery store to activate Gateway Park and to help generate a vital pedestrian environment that will be visible from the Embarcadero
- Allocate places for public art and gathering space within the design for the Clinton Basin promenade

Area D

A key concern of the site plan is the location, identification, amount and accessibility of public parking for visitors and park users. Rather than add new parking lots and structures, it is suggested that parking for the general public be integrated within the proposed structures. The connections among these parking areas should be clear in the event that one becomes full. The need for a reasonable walking distance between the parking areas and destination points on the site should be determined in terms of access to residential, commercial and parks and open space.

Staff recommends:

- Design a sign program with a clear and attractive signage directing visitors and residents to parking areas and other major site locations (such as the Shoreline Park)
- Provide an appropriate level of parking for destination retail and commercial uses and open space; a parking/transportation consultant should be retained to evaluate this issue
- Establish reasonable walking distances from public parking to public uses within the site; again, rules of thumb should be followed to aid in determination of these connections

Area E

Several changes are recommended to this portion of the site plan. The project sponsor has indicated that the intersection of the Embarcadero and 8th Avenue will be realigned through Parcel A. Parcel A will be reduced in size and the building footprint will need to shift, while the size of Parcel F will be increased. The realignment of 8th Avenue will provide views of the estuary which are not currently available from this intersection.

One of the key issues of this project is the future of the Ninth Avenue Terminal. The project plans call for approximately 15,000 square feet of the east-facing façade of the Ninth Avenue Terminal to be retained. The extent of the building to be retained is still a matter of discussion (see “Key Issues” section later in this report). Incorporating ways to memorialize the historic character and use of the structure and activities on the site are other important elements. Incorporating physical elements of the Terminal, such as the truss system, or other structural elements or artifacts into the park and public areas of the site are some proposals that have been identified. Retention of the wooden bridge leading to the Brooklyn Basin has also been identified.

The Landmarks Preservation Advisory Board (LPAB) is in the process of considering options and formulating recommendations for the Ninth Avenue Terminal. Their findings will be submitted to the Planning Commission during the review process.

The proposed Shoreline Park is the largest public open space in the development. To reduce the perception of privatized open space, staff recommends that this space, particularly adjacent to the major access ways, be activated with ground floor commercial uses to provide more visible public access to the park and the waterfront.

Staff Recommends:

- Realign 8th Avenue at the intersection with Embarcadero to improve vehicular access and visibility of the estuary
- Provide retail and commercial uses along Main Street and, possibly, 9th Avenue along Shoreline Park
- Consider a major gathering space, square or plaza at the point where Main Street meets Shoreline Park
- Develop a park program and spatial layout for uses within and adjacent to Shoreline Park
- Review and consider at least the following options for the Ninth Avenue Terminal Building either alone or in combination:
 1. Adaptive reuse of a portion of the building;

2. Adaptive reuse of all of the building;
 3. Demolition of the building, dependent upon demonstration of infeasibility to retain it and making the findings of over-riding consideration required by CEQA; or
 4. Consider the use of steel trusses and other structural elements from the Ninth Avenue Terminal Building to creatively reflect the historic character of the site. The reuse of steel and structural elements from the terminal building can frame and define portions of new public space and/or plazas at strategic waterfront locations.
- Retain and rehabilitate the wooden bridge leading to Brooklyn Basin area

GENERAL PLAN ANALYSIS

Staff has identified the following specific policies from the *Estuary Policy Plan* (EPP) which relate to design issues and compared them to the EPP.

Policy OAK-1: Protect and enhance the natural and built components that establish the waterfront’s unique environment

OAK-1.2: Provide for continuous pedestrian and bicycle movement along the water’s edge

Staff Comment: The project includes the construction of the Bay Trail and other bicycle and pedestrian trails

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

Staff Comment: The project is creating approximately 20.7 acres of new, publicly-accessible open space in the series of new parks and open spaces along the shoreline, including a large park where the Ninth Avenue Terminal and wharf structure currently exist. The Fifth Avenue Marina and Clinton Basin will be renovated with 170 boat slips. A portion of the Ninth Avenue Terminal is proposed to remain and could be used for civic uses.

The series of parks that would be created by the project is generally consistent with those envisioned in the EPP (east shore of Lake Merritt Channel, around and at the entrance of Clinton Basin, Ninth Avenue Terminal area), except that the existing Estuary Park would not be expanded north towards the Embarcadero. The EPP does not prescribe a park and open space program by acreage, however, based on the EPP illustration and the acreages used to assess parks and recreation impacts in the EPP environmental impact report, the project would provide less overall open space than was envisioned in the EPP or analyzed in the EIR. However, the project is consistent with numerous EPP objectives and policies that call for new public open space to be created along the Oak-to-Ninth District waterfront.

The project would demolish the majority of the historic Ninth Avenue Terminal to accommodate the approximately 9.7-acre Shoreline Park and would retain a minimum of approximately 15,000 square feet of the terminal's original bulkhead building (the northernmost 1920s section). The bulkhead building would be reused for Tidelands Trust uses such as community, cultural, or recreational uses (i.e., public meeting rooms, banquet/festival space, or museum space focused on the cultural and maritime history of the Oak-to-Ninth Avenue area and the Ninth Avenue Terminal). The discussion of this policy in the EPP recognizes that all or portions of the terminal may be suitable for rehabilitation and adaptive reuse and that the structure currently impedes public access to and views of a key area of the estuary. The project aims to balance the value of retaining the historic resources with the value of maximizing public access and views of the estuary from the Oak-to-Ninth project site and beyond.

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-4.4: Promote development of commercial-recreational uses in the vicinity of the Crescent Park and Clinton Basin

Staff Comment: Staff has recommended that new development adjacent to the property boundaries of the Fifth Avenue Point community allow for future integration with the site. The project is proposing residential development with ground-floor retail and commercial uses adjacent to the waterfront parks and open spaces. The Fifth Avenue Marina and Clinton Basin will be restored with 170 boat slips. The existing Fifth Avenue Point community and the introduction of more people into the area, along with retail and commercial uses, civic uses, boating activities, and public open spaces are likely to make the area livelier and safer.

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

Staff Comment: The intersection of Fifth Avenue and the Embarcadero will be improved and designed as the main gateway to the site. Several new public streets will be constructed as part of the new development. All will provide public access to the public parks and open spaces along the waterfront.

Policy OAK-9: Improve the Embarcadero east of Oak Street as a multimodal landscaped parkway with bicycle, pedestrian and vehicular facilities

Staff Comment: The project would improve and widen segments of the Embarcadero into a landscaped parkway along the frontage of the project site. The 84-foot right-of-way will include 12-foot wide landscaped sidewalks on both sides of the street, 6-foot wide bicycle lanes on both sides of the street, a 14-foot wide median with turn pockets, a 14-foot wide travel lane on the north side of the median, and a 20-foot wide travel lane on the south side of the median.

Policy OAK-10: Create a network of pedestrian-friendly streets that opens up views and access to the water

Staff Comment: The project proposes a number of new public streets that contain view corridors and public access to the waterfront.

Policy OAK-11: Design parking to be convenient and complementary to the public orientation of uses within the area

Staff Comment: Parking for residential and commercial users will be within covered parking structures. Some public parking spaces will be available within these parking structures, but most spaces will be provided along new public streets and in surface parking lots within close proximity to new parks and open space areas. The project sponsor is also working with Caltrans to obtain a lease for extra parking under the freeway.

Illustrative Diagrams

The following discussion focuses on how the proposed site plan compares to the illustrative diagrams in the Oak to Ninth District chapter of the EPP.

Figure III-10: Oak to 9th District Illustrative Open Space Key map

Figure III-11: Oak to 9th Bird's-eye Perspective

These figures show the future locations for public open space and developable areas within the site area. The proposed site plan is similar in configuration with the exception of the expansion of Estuary Park. The Ninth Avenue Terminal is not shown and a larger space is designated for Shoreline Park. Also, the pier where the boat is moored in the illustration is proposed to be demolished. The areas designated for open space and development are in the same general locations as those proposed in the EPP.

Figure III-12: Clinton Basin Illustrative Cross Section

This figure is a cross section of the area surrounding Clinton Basin. One side shows a 40-foot wide open space area, a sidewalk, and a roadway; the other side shows a 20-foot pedestrian trail and what appear to be active ground-floor uses next to a building. In the proposed site plan (see Sheet 3.1), the area surrounding Clinton Basin is a minimum of 35-feet wide and will

accommodate a pedestrian and bicycle trail, as well as active ground-floor uses from the anticipated commercial and retail uses in the adjacent buildings.

Figure III-14: Oak to 9th District: Illustrative Circulation

Both Class I and Class II bikeways/pathways are proposed within and along the boundaries of the project site. The proposed project includes more pedestrian and bicycle trails (see Sheet 3.2). The Oakland Waterfront Trail, a segment of the Bay Trail, will be constructed along the shoreline. A Class I (off street) bikeway will be included within the Bay Trail as well as other areas within the site plan. A Class II (on street) bike lane will be provided along the Embarcadero; and a Class II (on street) bike route will be provided along the internal streets of the project. Several pedestrian ways are also included within the project.

ZONING ANALYSIS

The current zoning on the site (M-40) would not accommodate the mixed use project. A new zoning district is proposed for the 64.2 acre site. The proposed zoning district, the Planned Waterfront Zoning District (PWD-1), is a “master plan” zone that will be applied to the Oak-to-Ninth mixed use development project. The intent of the new zoning district is to encourage the creation of a mixed-use district that integrates a combination of residential, commercial, public parks and open space, marinas, and civic uses. Development standards and design guidelines are also being prepared for the new zone.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (DEIR) for the project was prepared and released for public comment from September 1, 2005 to October 24, 2005. Fifty comment letters were received and responses to these comment letters are currently being prepared. The Final Environmental Impact Report (FEIR) is expected to be released in January 2006. The DEIR analyzes the visual impacts of the proposed project (see DEIR pages IV.K-1 to IV.K-64). The analysis focuses on whether the project would substantially degrade the existing visual character of the site, nearby scenic vistas, as well as light and glare and shadow impacts. The analysis is supported by visual simulations of the project in its surroundings.

According to the DEIR, the project would replace existing and visual elements on the site that have neutral or low aesthetic value. These include expansive paving, vacant swaths of unkempt open land, some deteriorated buildings, debris on land and along the shoreline, and cyclone fencing. Replacement of these elements has the potential to enhance the visual quality of the project site and the surrounding estuary areas. New development and improvements would alter the site’s existing visual character from a predominantly industrialized waterfront to a mixed-use residential area with retail, marina and expansive open spaces.

While the proposed project would result in aesthetic changes within the estuary area, these changes are not necessarily adverse but would be considered a beneficial effect, particularly with implementation of design standards adopted as part of the project. (The discussion further analyzes the impacts of the proposed buildings, which are not the focus of this meeting and will be discussed in the next staff report.)

PROJECT ALTERNATIVES

CEQA requires that a range of reasonable alternatives to the proposed project, or to the location of the proposed project, be described in the DEIR. The discussion should focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. Chapter V of the Draft EIR discusses several alternatives to the proposed project including:

- Alternative 1A: No Project/No New Development
The project site would remain as it is currently.
- Alternative 1B: No Project/Estuary Policy Plan
The project site would be developed according to the *Estuary Policy Plan* (based on certain assumptions and the Bird's eye perspective diagram)
- Alternative 2: Enhanced Open Space/Partial Ninth Avenue Terminal Preservation and Adaptive Reuse
This alternative would increase the amount of open space to approximately 41.5 acres, retain the 1920s portion of the Ninth Avenue Terminal building, construct approximately 1,800 dwelling units and 95,000 square feet of commercial space.
- Alternative 3: Reduced Development/Ninth Avenue Terminal Preservation
This alternative would retain the entire Ninth Avenue Terminal building, partially remove the wharf structure, provide almost 40 acres of public open space, and construct approximately 540 residential units and 10,000 square feet of commercial space.
- Sub-Alternative: Full Ninth Avenue Terminal Preservation and Adaptive Reuse
This stand-alone sub-alternative would retain and reuse the entire Ninth Avenue Terminal building and related wharf structure. This sub-alternative could be combined with the proposed project or any other alternative.

A summary of Alternatives 2 and 3 are discussed below. Staff has selected these alternatives for your review because the site patterns are very similar to the proposed project, but include different amounts of open space and number of dwelling units. There are design features of these site plans which the Committee may want to explore.

Alternative 2: Enhanced Open Space/Partial Ninth Avenue Terminal Preservation and Adaptive Reuse (Figure V-2, DEIR)

The site layout of this alternative includes a new major park that is substantially larger than that proposed by the project. This alternative entails preservation and adaptive reuse of the bulkhead and 1920s portion of the Ninth Avenue Terminal building. Most of the 1950s portion of the Terminal building would be demolished, except the alternative could include maintaining aspects of the 1950s roof trusses to span an open space pavilion where that portion of the Terminal

building currently exists. The project would be a mixed use residential neighborhood that would be designed and configured similar to the project. New residential buildings with ground-floor retail/commercial uses would be developed adjacent to Fifth Avenue Point.

Approximately 1,800 residential units, 95,000 square feet of commercial retail/restaurant use and open space would result with this alternative. Approximately 88,000 square feet of community use (educational, cultural, and/or recreational activities) would occur in the retained 1920s portion of the Terminal building.

Development of this alternative is depicted in Table V-3 and Figure V-2 of the DEIR. New building development would occur in two areas: three development parcels around Fifth Avenue Point, and five development parcels in the northeast portion of the site, north of the Embarcadero which would be realigned to the south, between 6th and 9th Avenues. Together, the eight development parcels total approximately 18.7 acres of building area. New development would result in residential densities ranging from 40 to 150 units per net acre.

Buildings would vary in height with lower buildings of four to five stories (about 50 feet tall) located around Fifth Avenue Point on the west edge of Clinton Basin and fronting on the proposed Shoreline Park. Mid-rise buildings of six to nine stories (about 65 to 85 feet tall) and two high-rise towers (about 65 to 240 feet tall) would be concentrated in the northeast portion of the site.

This alternative would realign the Embarcadero to curve through the eastern part of the site (generally between Sixth and Ninth Avenues), separating the new, major park (east of and around Clinton Basin) from the clustered residential development parcels in the northeast area of the site. A connector street, generally within the existing right-of-way of the Embarcadero) and new street grid to serve the development area would be created north of the realigned Embarcadero and would have intersecting points along this new curved “parkway.”

A total of approximately 40.6 acres of parks and open spaces would be provided, including the expanded Estuary Park. Nearly 24 acres of new park and open space would be created east of Fifth Avenue, most of which would be in the new 18-acre Shoreline Park between Clinton Basin and Brooklyn Basin, created by the realigned Embarcadero (the park’s north boundary) and demolition of the 1950s portion of the Ninth Avenue Terminal building. The expanded Estuary Park and new Channel Park would create approximately 16.6 acres of open space along Lake Merritt Channel and the Embarcadero, west of Fifth Avenue. A continuous pedestrian and bicycle trail would occur along the shoreline of the site.

Alternative 3: Reduced Development/Ninth Avenue Terminal Preservation

This alternative involves preservation and adaptive reuse of the entire Ninth Avenue Terminal, except for partial removal of its associated wharf structure, which would accommodate new public open space. Approximately 540 residential units, 10,000 square feet of retail/restaurant use, and 39.9 total acres of parks and open space would result with this alternative. The Ninth Avenue Terminal building would contain a conference facility and a potential mix of educational, cultural, and/or recreational uses totaling approximately 120,000 square feet of community use. These uses are consistent with those described in the EPP.

Development of this alternative is depicted in Table V-4 and Figure V-3 of the DEIR. New building development would be located east of Fifth Avenue, concentrated around Clinton Basin and between the Basin and the retained Ninth Avenue Terminal. Seven development parcels configured in a square-block street layout would total 19 acres of building area. New buildings would be four to five stories (about 50 feet tall) at a density of approximately 28 units per net acre. A continuous pedestrian and bicycle trail would occur along the shoreline of the site.

Staff recommends:

Both alternatives include a site pattern similar to the proposed project with open space and parks along the shoreline and residential development pulled back further from the shoreline and closer to the freeway. There is more open space and fewer residential units than the proposed project. Portions or all of the Ninth Avenue Terminal are retained. In one alternative, the Embarcadero is realigned creating a large vehicular separation between the developable and open space portions of the site.

Staff recommends that the Design Review Committee examine these alternatives, plus variations of these alternatives, as presented in the DEIR, and decide whether any particular alternative should be studied further. It is very important to know now if there are going to be major changes to the project as proposed. The project sponsor needs this information to determine project feasibility before moving the project further along the review process.

KEY ISSUES

One of the major considerations of the project proposal is how much of the Ninth Avenue Terminal should be retained, if any, and how to balance the desire to provide more open space. The discrepancies in the General Plan Elements do not provide guidance on this issue.

Policy OAK-2.4 of the *Estuary Policy Plan* (EPP) states that a large park be established in the area of the Ninth Avenue Terminal. The policy goes on to say that the Ninth Avenue Terminal shed, or portions thereof, may be suitable for rehabilitation and adoptive reuse. Further, the illustrative diagrams for the site both show the Terminal as removed and Shoreline Park in its place.

The Historic Preservation Element (HPE) includes a number of goals and policies that support the preservation and protection of historic resources (see DEIR Appendix F). These policies generally *encourage* but do not mandate the preservation of Oakland's historic resources, within the context of and consistent with other General Plan goals, objectives, and policies. For example, HPE policies that discuss "the unnecessary destruction" of historic buildings and the direction to employ "all reasonable efforts to avoid or minimize adverse effects" on historic resources must be considered with competing policies, such as the proposed project's provision of substantial new housing in Oakland, which is encouraged by General Plan policies in the LUTE and the Housing Element, or the fulfillment of providing shoreline access and parkland as set forth in the EPP and OSCAR.

Open Space, Conservation and Recreation Element (OSCAR) Policy OS-7.4 (Waterfront Park Enhancement) includes a discussion of potential waterfront parks. Page 2-51 discusses the Clinton Basin/Ninth Avenue Terminal area and recommends this area for a shoreline park if large-scale redevelopment is proposed. It also states that “the Marine Terminal itself has historic value and should be preserved as part of any new development.”

As mentioned previously, the City’s adopted plans are themselves not clear on the future of the Ninth Avenue Terminal.

STAFF RECOMMENDATION:

Staff recommends that portions of the site plan be redesigned, as described in this staff report and as shown on the attached diagrams.

RECOMMENDATIONS:

Staff recommends that the Design Review Committee receives public testimony and provides direction to staff and the project sponsor regarding the proposed amendments to the site plan and on the other design issues discussed in this staff report.

Prepared by:

Margaret Stanzione, Planner IV
Project Planner

Approved for forwarding to the
Design Review Committee of the
Oakland City Planning Commission:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

- A. Oak to 9th Development Plan – Overarching Site Planning and Design Issues/Goals prepared by staff dated 10.19.05
- B. Development Plan Questions – Urban Design Analysis prepared by Ken Kay Associates dated October 19, 2005

C. Staff's recommended changes to the Preliminary Development Plans

Preliminary Development Plans