

<b>#3.</b>	<b>Location:</b>	<b>Oak Street to Ninth Avenue</b> Approximately 64.2 acres bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10 <sup>th</sup> Avenue. Assessor Parcel Numbers: various
	<b>Proposal:</b>	Public hearing to receive comments on the Draft Environmental Impact Report related to 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. 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.
	<b>Applicant:</b>	Oakland Harbor Partners (Signature Properties & Reynolds and Brown)
	<b>Contact Person/Phone Number:</b>	Michael Ghielmetti, Signature Properties (925) 463-1122 Dana Parry, Reynolds and Brown (925) 674-8400
	<b>Owner:</b>	Port of Oakland
	<b>Case File Number:</b>	<b>ER 04-0009</b>
	<b>Planning Permits Required:</b>	General Plan Amendment (Estuary Policy Plan), Central City East Redevelopment Plan Amendment, Rezoning and Zoning Code Amendment, Vesting Tentative and Final Subdivision Maps, Preliminary and Final Development Plans, Design Review, Creek Protection Permit, Tree Removal Permit. OHP is also requesting a Development Agreement.
	<b>General Plan:</b>	Estuary Policy Plan Designations: Planned Waterfront Development-1 and Park, Open Space, and Promenades
	<b>Zoning:</b>	M-40, Heavy Industrial and S-2/S-4 Civic Center/Design Review Combining Zone
	<b>Environmental Determination:</b>	Draft Environmental Impact Report was published for a 54-day review period (September 1, 2005 to October 24, 2005)
	<b>Historic Status:</b>	Ninth Avenue Terminal – Oakland Cultural Heritage Survey Rating A; City of Oakland Landmark Status Pending
	<b>Service Delivery District:</b>	Downtown Metro and San Antonio 3
	<b>City Council Districts:</b>	2 – Pat Kernighan, 3 – Nancy Nadel
	<b>Action to be Taken:</b>	Receive public and Board comments on the Draft Environmental Impact Report
	<b>For Further Information:</b>	Contact project planner <b>Margaret Stanzione</b> at (510) 238-4932 or by email at <a href="mailto:mstanzione@oaklandnet.com">mstanzione@oaklandnet.com</a>

## SUMMARY

The purpose of this hearing is to provide an opportunity for the Landmarks Preservation Advisory Board (LPAB) and the public to review the information in the Draft Environmental Impact Report (DEIR) and provide comments on the specific information, issues and analysis contained in the document. This report provides a summary of the potential impacts of the proposed project on cultural resources and proposed mitigation measures for those impacts.

An Environmental Impact Report is a public information document for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The information contained in the EIR is reviewed and considered by the City prior to the ultimate decision to approve, disapprove, or modify the proposed project.

The project proposes the redevelopment of an industrial area 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. 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 Draft Environmental Impact Report was released on September 1, 2005 for a 54-day public review period ending on October 24, 2005. After the DEIR public comment period closes, all comments received will be responded to in the Final EIR along with any clarifications, corrections and minor changes. Thereafter, the LPAB, Parks and Recreation Advisory Commission, Planning Commission and City Council will use the information contained in the EIR during their deliberations about the project.

This report will focus on the issues pertaining to cultural resources, specifically the Ninth Avenue Terminal, an historic resource. The project proposes to demolish approximately 165,000 square feet (s.f.) of the 180,000 s.f. Terminal and adaptively reuse the remaining 15,000 s.f. bulkhead building for Tidelands Trust uses.<sup>1</sup>

Many of the other issues pertaining to the project are discussed in the staff report prepared for the Planning Commission Public Hearing on September 28, 2005 which is attached to this report. It describes the Project Background, the Project Site and Surrounding Area, the Project Description, an Overview of Required Approvals necessary for the project, the Planning Process to Date, a brief discussion about the General Plan and Zoning, a summary of the Environmental Review and the Significant and Unavoidable Impacts (mainly Transportation, Circulation, and Parking; Noise; Cultural Resources; Air Quality and Meteorological Conditions); Project Alternatives, Key Project and Environmental Issues, and the Proposed Review Process.

The LPAB is requested to take public testimony and to comment on, or submit questions about, the DEIR or the project. Following this meeting and the end of the public comment period, all comments submitted about the DEIR will be compiled and responded to in the final EIR. The proposed project will be brought back before the LPAB in order for the Board to make recommendations to the Planning Commission and the City Council concerning the historic resource issues pertaining to the proposed project including the disposition of the Ninth Avenue Terminal Building, mitigation measures and other requirements to offset the proposed loss of the building and design review aspects of the project in relation to the Ninth Avenue Terminal Building.

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<sup>1</sup> Tidelands Trust lands are granted lands granted to the City pursuant to legislative grants from the State of California. The Port of Oakland manages the Tidelands Trust Lands. The State Lands Commission has oversight of all Tidelands Trust property in California.

**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 spaces. The project would retain a minimum of 15,000 square feet of the Terminal's original 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.

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, riprap, and bulkhead walls.

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.

**Site Access**

The Embarcadero along the project site would be improved and widened into a parkway that would be landscaped to provide a distinctive northern edge to the project and provide some level of screening of the adjacent above-grade portion of I-880. Eight intersections along the Embarcadero are proposed to be improved in order to allow for safe and efficient circulation to and from the project site. The continuation of 5<sup>th</sup> Avenue, currently the only through connection from north of the Embarcadero (due to the existence of the Union Pacific railroad tracks and I-

880) would be improved to become one of the main entrances to the central portion of the development.

The site would also be accessed from its estuary frontage from boats through the marinas, and by the Bay Trail. In addition, based on currently-adopted City plans and projects that will create new waterway and pedestrian connections between Lake Merritt and the Estuary, the project site would be accessible from the north via Lake Merritt Channel once such future projects are implemented. Existing waterfront pedestrian paths are available from the west and the east.

### Site Remediation

The site's soil and groundwater contain varying levels of contamination due to previous onsite and offsite manufacturing and industrial activities. Existing contaminants include volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), metals, petroleum hydrocarbons and gasoline, diesel, and motor oil. The project sponsor will be responsible for cleaning up the site to the thresholds established for residential occupancy in accordance with all applicable laws and regulations under the direction of the California Department of Toxic Substances Control (DTSC).

### Project Phasing

Generally, the site will be remediated and developed from east to west in up to eight phases from 2007 to 2018.

## **NINTH AVENUE TERMINAL**

The Ninth Avenue Terminal area, containing 15 structures, can be characterized as light industrial buildings and warehouses, large paved areas, open space along the shoreline, and numerous temporary structures. Other than the Ninth Avenue Terminal building, the other structures are not considered to have any historic value.

The Ninth Avenue Terminal is the last surviving maritime terminal building in Oakland. The building was constructed in two phases: the original section closest to the I-880 freeway and attached to the bulkhead building was constructed in 1930; an addition, located closer to the Estuary, was added to the building in 1951. The building is constructed in the Beaux Arts architectural style and is 1,004 feet long by 180 feet wide and 47 feet high (approximately 180,720 square feet or 4.14 acres of building footprint). It is described as an early example of an inter-modal transportation complex consisting of water, rail and land transportation capability in one facility and has been used as a break-bulk cargo facility from October 1930 to the present.

### Landmark Designation

The Oakland Cultural Heritage Survey (OCHS) designates the Ninth Avenue Terminal building an "A" – the highest rating. This rating is based on visual quality and design, including the importance of the designer; history and association with persons and events; context; and integrity and reversibility of any changes. Buildings designated "A" Highest Importance are

considered outstanding architectural examples or extreme historical importance. "A"-rated properties are considered eligible for individual listing on the National Register of Historic Places.

OCHS formally evaluated the Terminal in 2004 as part of the City's consideration to designate the Terminal a City Landmark. The remaining buildings on the project site were surveyed by OCHS, but not assigned letter ratings and were presumed to be of little or no historical value at the time of the survey. All buildings on the project site were resurveyed and reevaluated by Carey & Co., Inc., an historic preservation consultant, in April 2005, to evaluate their potential historic significance on national, state, and local levels (see DEIR, Appendix G). According to the Carey & Co. analysis, only the Ninth Avenue Terminal and Wharf were considered eligible for the National Register as an individual resource.

An application to designate the Ninth Avenue Terminal and Wharf as a City landmark was prepared in 2003, and accepted by the City's LPAB on May 10, 2004. The application is referred to as the "Oakland Landmarks and S-7 Preservation Combining Zone Application." The Carey & Co. report concurs with the argument for historical significance included in the application for the structure. In terms of integrity, Carey & Co. also concurs that the major additions to the structure on 1951 were in keeping with the original design and intent, and that the building retains an overall high level of integrity. Therefore, both the original portion of the building constructed in 1930, as well as the 1951 addition, qualify as an historic resource under federal, state, and local criteria. The LPAB recommended that the Ninth Avenue Terminal be designated as a City Landmark in 2004. This recommendation has not been forwarded to the Planning Commission and City Council pending review and consideration of the proposed project.

### Environmental Analysis

The Ninth Avenue Terminal is considered an "historical resource" as defined by CEQA. A cultural resource impact is considered significant if the project causes a "substantial adverse change in the significance of an historic resource, as defined in Public Resource Code, Section 15064.5." The DEIR identifies the following impacts as they relate to the Ninth Avenue Terminal:

**Project Impact E.3:** The project would result in the substantial demolition of the Ninth Avenue Terminal, which is an historic resource as defined in CEQA Guidelines Section 15064.5. (Significant)

**Project Impact E.4:** The project would substantially alter the wharf structure supporting the Ninth Avenue Terminal and surrounding areas, which is an historic resource, as defined in CEQA Guidelines Section 15064.5. (Significant)

**Project Impact E.5:** The project would construct a new mixed-use, multi-story development within approximately 100 feet of the remaining Bulkhead Building which may not be architecturally compatible with this structure as a potential future Oakland City Landmark. (Significant)

**Cumulative Impact E.8:** The substantial demolition of the Ninth Avenue Terminal, in combination with the previous loss of the other two Oakland Municipal Terminals, would result in cumulative impacts to historic resources. (Significant)

The mitigation measures listed in the DEIR cannot reduce the identified impacts to a less-than-significant level. Specifically, the DEIR concludes that by removing approximately 90% of the building, its ability to convey its historic significance would be permanently altered and materially impaired. Therefore, all the listed impacts would be deemed Significant and Unavoidable, meaning that no amount or type of mitigation would be sufficient to replace the loss of the building. In such cases, prior to approving a project, the Planning Commission and the City Council must make what is called a “Statement of Overriding Considerations.” This type of finding essentially presents a rationale for letting the impact stand if the City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

While the City is not obligated to mitigate the impacts because, in this case, they cannot be reduced to a less-than-significant level, it is important to review what other types of measures could be employed to offset the loss of the Ninth Avenue Terminal, should the decision be made to demolish a portion of it.

**Alternatives Considered in the Draft EIR**

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.

From the LPAB's perspective, Alternatives 2, 3 and the Sub-Alternative, which include full or partial preservation of the Ninth Avenue Terminal, may be of particular interest. In addition, recreational or other adaptive reuse ideas for the Ninth Avenue Terminal building may also be of interest.

Comparison of Impacts: Table V-5, "Summary of Impacts: Project and Alternatives" (DEIR, pages V-42 to V-67) summarizes the impacts between the various alternatives. In general, all alternatives would result in fewer traffic impacts to the local and regional roadway circulation in year 2025 and Alternative 3 would result in Less than Significant impacts for local intersections for traffic generated by Phase I construction. Cumulative regional air pollution would result in Less than Significant impacts with Alternatives 1B and 3. Population growth would be lower with Alternatives 1B and 3. The Sub-alternative would preserve the Ninth Avenue Terminal, thereby reducing any impacts associated with its full or partial removal. All other impacts shown in the summary table are similar to those identified for the project.

Environmentally Superior Alternative: The Draft EIR, as required by CEQA, determined that Alternative 1A is the environmentally superior project. As required by CEQA, however, a second alternative shall be identified when the "no project" alternative emerges as the Environmentally Superior Alternative. In this case, the Reduced Development/Preservation (Alternative 3) with the full Preservation Sub-Alternative would be considered environmentally superior since it would avoid (or reduce to the greatest extent) several significant and unavoidable impacts that would occur with the project. Refer to DEIR Table V-5, "Summary of Impacts: Project and Alternatives," (pages V-42 to V-67) for a comparison between the proposed project and the alternatives.

## **KEY PROJECT AND ENVIRONMENTAL ISSUES RELATING TO CULTURAL RESOURCES**

### ***Cultural Resources***

The project proposes to demolish 90% of the Ninth Avenue Terminal and replace it with a 9.74 acre shoreline park. The Ninth Avenue Terminal is rated "A" by the Oakland Cultural Historic Survey. Additionally, the building has been recommended eligible for listing in the National Register as an individual resource, and recommended eligible as a City of Oakland Landmark by the Oakland Landmarks Preservation Advisory Board. The City's historic preservation policies do not prohibit the alteration or demolition of historic properties, but do require that certain findings be made prior to alteration or removal (see below). Furthermore, listing a property on the National Register does not prohibit demolition or alteration of that property, but does denote that the property is a resource worthy of recognition and protection.

***Land Use, Plans and Policies***

Historic Preservation Element (HPE) - The Historic Preservation Element includes a number of goals and policies that support the preservation and protection of historic resources (see DEIR Appendix F). The two major policies relating to the demolition of the Ninth Avenue Terminal are HPE Policy 3.5 and Policy 3.8.

HPE Policy 3.5, *Historic Preservation and Discretionary Permit Approvals*, sets forth the findings that need to be made when altering or demolishing an historic resource. For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City must 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 structures; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

HPE Policy 3.8, *Definition of "Local Register of Historical Resources" and Historic Preservation "Significant Effects" for Environmental Review Purposes*, lists the types of properties that constitute the City of Oakland's Local Register of Historic Resources:

- 1) All Designated Historic Properties, and
- 2) Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.
- 3) Until complete implementation of Action 2.1.2 (Redesignation), the "Local Register" will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Estuary Policy Plan (EPP) - The *Estuary Policy Plan*, adopted in June 1999, delineates the Oakland Estuary into three districts: the Jack London District, the Oak-to-Ninth Avenue District, and the San Antonio/Fruitvale District. The proposed project is within the Oak-to-Ninth Avenue District (see DEIR, Appendix F), but does not include the entire 120-acre district described in the EPP.

The EPP provides a set of overall objectives to address Land Use, Shoreline Access and Public Space, and Regional Circulation and Local Street Network. These objectives apply to the entire Oakland Estuary. The EPP identifies specific policies and implementation measures to guide development within each of the three districts that makeup the Oakland Estuary.

The EPP acknowledges that the Oak to Ninth Avenue District is likely to be redeveloped as many of the port-related activities were relocating to other land areas under the jurisdiction of the Port. The EPP recognizes that with the changes of land use, there are opportunities for

“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 space, additional development of hotels, cultural activities, and other attractions that take advantage of the unique setting, could help to energize the entire district.”

The EPP also contains policies and action programs that are specific to the Ninth Avenue Terminal.

*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.* Maritime activities and support services that operate in and around the terminal shed should be relocated (see Policies OAK-4.3). Following is a description of what the park should be like and how it should be oriented to maximize access and views to the Estuary.

The EPP goes on to say, “Recognize that the Ninth Avenue Terminal shed, or portions thereof, may be suitable for rehabilitation and adaptive reuse. However, the terminal building impedes public access to and views of a key area of the Estuary.” Please note that the bird’s eye illustration in the EPP (page 89) shows the Ninth Avenue Terminal removed and the Crescent Park in its place.

*OAK-4.3: Facilitate the relocation of break bulk cargo operations from the Ninth Avenue Terminal.* East of Clinton Basin, a major existing use within the district is the Ninth Avenue marine terminal, which is owned and operated by the Port of Oakland. In order to achieve the vision for the waterfront in the Oak-to-Ninth area, it is necessary that the existing terminal operations and those related maritime and warehousing activities adjacent to the terminal be accommodated elsewhere; thus enabling reuse of the Ninth Avenue Terminal site.

Open Space, Conservation and Recreation (OSCAR) - Policy OS-7.4 (Waterfront Park Enhancement) of the OSCAR Element 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.”

It is obvious from the prior summary of policies that the City’s adopted plans present competing priorities among historic preservation objectives, open space objectives and view objectives, with no clear direction on what policies should prevail. The Historic Preservation Element contains preservation policies, but 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 avoiding “the unnecessary destruction” of historic buildings and the further directing that “all reasonable efforts to avoid or minimize adverse effects” on historic resources must be considered with competing policies. These competing policies include the open space and park objectives noted previously, along with provision of substantial new housing in Oakland, which is encouraged by General Plan policies in the General Plan LUTE and the Housing Element.

This is an issue of critical importance for the proposed project. It is likely, given the adopted waterfront open space, park and Bay Trail objectives, that the ultimate footprint of the Ninth Avenue Terminal Building will be greater than the applicant's current proposal and less than the entire building. A number of site planning, urban design and other elements are available to physically acknowledge the historic importance of the building and activities that occurred at the site while incorporating the adopted park open space, waterfront trail and other redevelopment objectives. Staff believes that in the end, the amount of the Ninth Avenue Terminal building that is preserved, the amount of open space and park that is developed and the number and type of new buildings that are constructed are less important than creating a comprehensive urban design scheme that physically connects the site's history to the current values of providing waterfront access and parklands, cleaning up contamination and redeveloping the area in a complimentary way that is financially feasible.

Stated another way, the Board's discussion could continue to focus on preserving all of the Ninth Avenue Terminal Building. While laudable, this approach would not result in many of the adopted visual access and park objectives being reached in the new development scheme. A four acre linear wall along the eastern edge of this site presents a major visual intrusion; the excision of the Ninth Avenue Terminal Building in the Estuary Policy Plan rendering (page 89) was not an oversight. As a way to shift the dialogue, staff recommends that the Board review and consider how to incorporate the site's most valuable historic elements into the new planning process.

Toward that objective, staff identified the following major issues and questions for the Board's consideration:

- What portion of the Ninth Avenue Terminal should be retained? For instance, the wharf, which is a key element of the historic use of the site, is slated for demolition. Is it feasible to reuse and rebuild this feature into a recreational element for the shoreline?
- What are the key elements of the historic characteristics of the site that must be retained in order to make the findings required by HPE Policy 3.5?
- How important is this site and whatever is retained of the building to designate as a City landmark?
- Are the proposed Mitigation Measures commensurate with the historic importance of the site and the demolition of a portion of the Ninth Avenue Terminal building?
- What other approaches can be used to strike the balance of open space and development, such as leaving a greater portion of the structural elements of the Ninth Avenue Terminal Building in place, but removing the walls to gain waterfront views. (Such an approach was used on a smaller scale at the Pyramid Brewery on Gilman Street in Berkeley.)

***Visual Quality and Shadow***

The project would demolish most of the existing buildings on the project site and involve site grading, construction of new buildings, shoreline improvements (both natural and constructed), and the addition of publicly accessible open spaces for active and passive recreation. The project would replace existing visual elements on the site that have neutral or low aesthetic value. These include expansive paving, vacant swaths of unkempt open land, some deteriorating 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 area.

The project would result in noticeable changes in visual character due to the construction of new buildings, adaptive reuse of the Ninth Avenue Terminal Bulkhead Building, creation of large open spaces, and an overall intensification of development. The project would improve the visual quality of the area by redeveloping unsightly vacant and underused areas and surface parking lots, providing new parks and publicly oriented recreation venues, and implementing a streetscaping program for new public streets throughout the project site and along the Embarcadero. The project would also further enhance existing, attractive facilities, such as the Jack London Aquatic Center and parking area.

Issue identified to date:

- Construction of new project buildings would result in changes to short- and medium-range views from the public access areas along the Oakland shoreline, estuary waters, I-880, and the Embarcadero, and would change long-range views from the city of Alameda shoreline and inland Oakland areas.

**LANDMARKS PRESERVATION ADVISORY BOARD SUBCOMMITTEE**

As for past major projects, the LPAB may consider forming a subcommittee to more thoroughly discuss the issues surrounding the Ninth Avenue Terminal and the project in anticipation of formulating recommendations to the Planning Commission and City Council.

**PROPOSED REVIEW PROCESS**

Staff has estimated a timeline for the development review process. An outline of the major steps of the process is presented below. Dates in parentheses are *estimates*.

- Draft Environmental Impact Report published for public comment, 54-day review period, September 1 – October 24, 2005
- Final Environmental Impact Report published (January 2006)
- Project Application Submittal, including response to public comments and information and analysis contained in the EIR (November, 2005 - January 2006)
- Community Meetings and Workshops on the Proposed Project (January - March 2006)
- Design Review Committee meeting (January - February 2006)
- Landmarks Preservation Advisory Board Public Hearing (February 2006)
- Parks and Recreation Advisory Commission Meeting re: new parks and open space for project (February 2006)
- Planning Commission Public Hearings (February - March 2006)

- City Council Meetings and Public Hearings on the Project, the proposed General Plan Amendment, Rezoning, Redevelopment Plan Amendment and Development Agreement (April - June 2006)

**STAFF RECOMMENDATION**

Staff recommends that the LPAB:

- 1) Hold a public hearing and receive public testimony on the Draft Environmental Impact Report;
- 2) Provide staff and the project sponsors any direction regarding issues to be addressed in the Final EIR or the project pertaining to cultural resources, specifically the Ninth Avenue Terminal;
- 3) Consider the manner in which the Board wishes to work in formulating recommendations to the Planning Commission and the City Council as the development review process proceeds (such as forming a subcommittee); and
- 4) Close the public hearing on the Draft EIR, but continue to accept written comments on the Draft EIR until 4:00 p.m. on October 24, 2005.

Prepared by:

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Margaret Stanzione, Planner IV  
Project Planner

Approved for forwarding to the  
Landmarks Preservation Advisory Board:

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CLAUDIA CAPPIO  
Director of Development

**ATTACHMENTS**

- A. Oakland City Planning Commission Staff Report, September 28, 2005.
- B. Draft Environmental Impact Report (previously distributed). Also available on-line at <http://www.oaklandnet.com/government/ceda/revise/planningzoning/MajorProjectsSection/oaktoninth.html>

