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OFFICE OF THE CITY CLERK  
OAKLAND

2016 FEB -3 PM 4:30 **AGENDA REPORT**

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Rachel Flynn,  
Director, PBD

**SUBJECT:** Brooklyn Basin Shoreline Park Final  
Development Permit Appeal

**DATE:** January 25, 2016

City Administrator Approval

Date:

*[Handwritten signature]*  
*2/3/16*

**RECOMMENDATION**

**Planning Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal Case File PUD06010-PUDF02-A01 and Upholding the Decision by the Oakland City Planning Commission to Approve the Brooklyn Basin Shoreline Park Final Development Permit; Action Taken In Reliance on Previously Certified 2009 Environmental Impact Report (CEQA Guidelines 15162, 15183)**

**EXECUTIVE SUMMARY**

On December 16, 2015, the Planning Commission held a public hearing and approved an application submitted by Zarsion-OHP 1, LLC (ZOHP or Applicant) for a Final Development Permit (FDP) for Shoreline Park, related to the Brooklyn Basin Planned Unit Development (PUD). A park was approved for the location as part of the PUD in 2009. The purpose of the FDP is to determine that design development of the park is consistent with and a refinement of the original 2009 approval. On December 24, 2015, Mr. Leal Charonnat, on behalf of himself, Daniel Franco and Eve Tolmach (together, the "Appellants"), filed an Appeal of the Planning Commission's decision (case file PUD06010-PUDF02-A01), asserting inadequate public review, inadequacy of analysis of climate change as an environmental issue, and lack of support for the approved project (**Attachment A: Appeal**). The Council's action on the appeal is limited to the FDP approved by the Planning Commission for the schematic design of Shoreline Park, and does not extend to the previously approved land use entitlements for the project. Staff recommends that Council uphold the Planning Commission approval and deny the appeal.

**BACKGROUND / LEGISLATIVE HISTORY**

***Original Approvals***

The Brooklyn Basin Project, including Shoreline Park, is an entitled project subject to a Development Agreement (DA), a Planned Unit Development (PUD), and a Vesting Tentative Tract Map (VTTM). The City Council granted these (and other related) approvals on January 20, 2009. The existing approvals allow for the land uses, layout and land division, and

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conceptual design of the entire Brooklyn Basin project. These existing approvals establish the planned land uses and conceptual design of Brooklyn Basin and Shoreline Park and are not the subject of the current appeal. Now in project delivery phase, the project is subject to FDPs to review schematic design of approved land uses and conceptual design, as well as construction-related permits.

### ***Planning Commission Approval and Advisory Review***

The Shoreline Park FDP was approved unanimously by the Planning Commission on December 16, 2015 and was subject to extensive public review and revision prior to approval, described as follows:

#### ***1. Application and Community Meetings***

ZOHP submitted a complete application for the Shoreline Park FDP in February 2015. Consistent with PUD requirements, the FDP application included schematic design for the previously approved park (approved as part of the PUD in 2009). The schematic design reflected an evolution and refinement of the previously approved PUD.

Prior to submittal of the FDP application to the City of Oakland, ZOHP hosted two community meetings to introduce the Shoreline Park design to the interested parties. Each community meeting was noticed by the Applicant to an interested party distribution list for the Brooklyn Basin project (vetted by Bureau of Planning staff) and a list of property owners within 300 feet of the Brooklyn Basin site. Each community meeting was attended by over 40 individuals. At the meetings, the Applicant presented the original FDP design and answered questions.

#### ***2. Advisory Review***

The Shoreline Park FDP application was subject to eight public hearings, two community meetings hosted by the Applicant, and one public meeting hosted by the Bureau of Planning. Between April and October 2015, the Parks and Recreation Advisory Committee (PRAC), Landmarks Preservation Advisory Board (LPAB) and Design Review Committee of the Planning Commission (DRC) each reviewed the project twice. Each of the six public hearings was publicly noticed for 17 days. During hearings, members of the public and decision-makers expressed concern about and criticism of the design style, proposed features and responsiveness of the design to the location of the site, the historic land uses, and the creative energy and diversity that defines Oakland. Throughout this advisory review period, the Applicant periodically made changes to the design in an attempt to respond to public comments.

### 3. Planning Commission Review and Decision

The Planning Commission first reviewed the Shoreline Park FDP application at their regularly scheduled meeting on October 21, 2015. At that time, the Planning Commission moved to request the Applicant to respond to comments received to date, and directed staff to convene an ad hoc subcommittee to include members of the PRAC, LPAB and Planning Commission to participate in a public meeting to review revised Shoreline Park plans prior to the Planning Commission's further consideration of the application. .

Following Planning Commission direction, Bureau of Planning staff hosted a public subcommittee meeting on November 12, 2015 to review revised plans for Shoreline Park. Attendees included approximately 30 members of the public and a subcommittee consisting of six members of the Planning Commission, PRAC and LPAB. At that time, the Applicant introduced a new Landscape Architect, Einwiller Kuehl, and an extensive redesign of Shoreline Park. Attendees were supportive and complimentary of the redesign. In a straw poll, the subcommittee voted unanimously in support of the proposed design proceeding to Planning Commission for consideration of approval. This public subcommittee meeting was noticed on the City of Oakland website, by email to the Brooklyn Basin distribution list, and with a 10-day mailing notice to interested parties and owners of property located within 300 feet of the Brooklyn Basin site.

The Planning Commission unanimously approved the redesigned FDP at their regularly scheduled and publicly noticed meeting on December 16, 2015 (**Attachment B: Planning Commission Report**).

### **Project Description**

Key components of the approved Shoreline Park FDP design include:

- Layout - The park is organized along a curved central spine that follows the center line of the existing 9<sup>th</sup> Avenue Terminal and the edge of the Estuary shoreline at that location. Park entrances and activity areas are arranged in relationship to the primary axis, with grand entrances located at both the northwestern and southeastern edges of the park. In addition, the plans include activity areas (a grand gathering space, active water interaction, performance and contemplative viewing area) located along the primary axis. Finally, the 9<sup>th</sup> Avenue Terminal is integrated into the park design as a primary feature or activity along the central spine. Additional linear features and themes (retention of piers, lighting marking the railroad spur) add to the linear organization of the park layout. The layout preserves the center line of the to-be-demolished 9<sup>th</sup> Avenue Terminal as the organizing force of the planned park. The design centers the remaining portion of the 9<sup>th</sup> Avenue Terminal and the activity areas along the central spine, resulting in a clear and unified layout that will be easy to understand and use for future visitors. The features that mark the park axis change throughout the park (from a grand entry bridge to the 9<sup>th</sup> Avenue Terminal to the large gathering space, to the active water contact and Estuary inlet area to the sloped lawn plane) resulting in a dynamic and interesting experience moving through the park that informs visitors about activities and provides rich interpretive experiences for even the casual visitor.

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- Design Features - Key thematic design features of the planned Shoreline Park design include the 9<sup>th</sup> Avenue Terminal trusswork, porous park edges, grading changes, public art, and lighting. The design features work together to support the linear layout of the park while providing a rich and whimsical visual and experiential place. The features support the park layout while providing ample opportunities to access the water's edge, integrating the park into the surrounding neighborhood and building off of the history and physical nature of the shoreline and of the 9<sup>th</sup> Avenue Terminal.
  - Trusswork - The plans include locating trusswork trellises (using and/or referencing the 9<sup>th</sup> Avenue Terminal internal trusswork) throughout the park to serve a number of objectives: provide vertical visual cues to indicate the park location and activity areas within the large space occupied by the park, mark the location and mass of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished, and provide gathering spaces and shade in key activity areas within the park. The trusswork reiterates the central spine of the park, serves as a visual beacon, and provides a unique, unifying visual symbol of the park.
  - Porosity - The approved plans indicate porous edges along the linear sides of the park. Along the Estuary side of the park, the plans include numerous ways to access and interact with the water. Along the street-side edge of the park, the plan preserves the truck bay penetrations into the 9<sup>th</sup> Avenue Terminal as pedestrian entrances into the park. In addition, the stormwater retention basins are treated as integral park features that reach out beyond the formal edges of the park as gateway opportunities to include marsh and Estuary plantings as well as public art.
  - Grading - The existing Shoreline Park site is generally a flat, human-made structure located above the more natural slope of the Estuary shoreline. The plans break the existing wharf plane by introducing a variety of sloped pathways to access the water, as well as the stormwater retention basins as integral park features, and finally by including a sloped lawn plane in the western portion of the park that articulates the human-made quality of the existing wharf structure while referencing the natural grade of the shoreline below the structure.
  - Public Art: Although the plans do not include a commitment to any specific public art pieces, the plans include extensive images of whimsical, interactive art clearly intended to be viewed, touched (even climbed), and to frame views from the site. The proposal includes tactile art, as well as light art and landform art (earthworks).
  - Lighting - As noted above, the plans include lighting as art and as an interpretive feature. In addition to safety lighting, this more whimsical lighting allows for a different park experience at nighttime and an enhanced experience of interpretive features.
- Interpretive Features - The Shoreline Park plans include layers of interpretive features and opportunities, including simply revealing existing features in a meaningful manner. As mentioned above, the plans include elements that refer to the 9<sup>th</sup> Avenue Terminal while providing new use opportunities (the trusswork and truck bays, for example). The plans also integrate the required stormwater treatment facilities as opportunities to explore Estuary habitat and vegetation as well provide another opportunity for public art. In addition, the plans provide a variety of ways to see and interact with the Estuary as well as to understand movement and change in the Estuary. Finally, the plans reveal the underpinnings of the human-made wharf and railroad spur to allow exploration of

how Oakland has historically addressed its waterfront. The design reuses and reveals much of the site and the 9<sup>th</sup> Avenue Terminal in an honest yet creative manner. In addition, the park plans include interpretive opportunities for understanding the greater Oakland Estuary within the context of current profile of Oakland as an avant-garde, creative community.

### ***Responsiveness of Approved FDP to Public Comments Provided During Review Process***

The community and decision-makers commented extensively on the evolution of the Shoreline Park design throughout the public eight-month public review process. The final, approved design is responsive to many of these comments. Staff has identified key comments that are specific to FDP-level design and how the approved FDP responds to the comments (staff analysis provided below each comment in indented, italicized text):

- Incorporate materials from 9<sup>th</sup> Avenue Terminal in a meaningful way.
  - *Staff Analysis: The layout and features of the 9<sup>th</sup> Avenue Terminal are included in the approved plans in a meaningful way. The park plans rely on the center line of the building as the primary organizing element of the park, with trusswork marking the central spine, park entrances where truck bays were located, and exposure of the piers and piles that support the 9<sup>th</sup> Avenue Terminal structure. In addition, the plans maintain the supporting structure of the railroad spur that brought goods to and from the 9<sup>th</sup> Avenue Terminal break-bulk shipping facility.*
- Earlier design was banal and did not reflect Oakland's unique character.
  - *Staff Analysis: The approved design is specifically intended to directly resolve this issue. The plans include extensive interpretive opportunities, public art, and whimsical design features. The design is generally unique and thoughtful and reflective of the avant-garde design profile of Oakland's community at this time.*
- Applicant was not adequately responsive to DRC and other committee/board input during public review process.
  - *Staff Analysis: The approved design is intended to directly resolve this issue. The Applicant selected a new Landscape Architect, EinwillerKuehl, following the first Planning Commission hearing and invested in a wholesale redesign of the park with the key objective of delivering a regionally significant, dynamic and whimsical park reflecting the contemporary design aesthetic of the Oakland community. As noted throughout this report, the design achieves just that.*
- Need creatively designed shade and wind buffer devices.
  - *Staff Analysis: The approved plans incorporate trusswork that could be treated with vine plantings or otherwise be used as shade structures. In addition, the design does not preclude the use of temporary umbrellas or other shade devices. With regards to wind buffering, the design encourages interaction with the environment (e.g., providing extensive access to the water); although the trusswork could provide opportunities for wind buffers, wind may not be a perceived as a problem by visitors to this active park design. Finally, the sloped lawn plane will provide some wind buffer on the western side of the park.*
- Need more information about trestle design.
  - *Staff Analysis: The existing trestle, part of which is planned for retention, is not part of the San Francisco Bay Trail. It will have a walkable surface, possibly wood, but the surface will not be specifically designed for bicycles or other*

*modes of transportation. It should be noted that the plans include retaining the piers that support the portion of the trestle slated for removal (and possibly lighting them at night). This will reveal the history of the site as a multi-modal shipping center and the move away from industrial uses located along the San Francisco Bay in contemporary times.*

- In earlier design proposal, the western portion of park near Clinton Basin had an antiquated layout; should reflect more contemporary ideas about site planning and spatial organization.
  - *Staff Analysis: The approved design is intended to resolve this issue. The approved design for the western portion of the park includes extensive water access and a sloped lawn plane that, in addition to having interpretive value, is clearly designed as a lounging and performance space.*
- Need more information about interpretive markers.
  - *Staff Analysis: The approved plans do not include interpretive markers, but rather include an interpretive design approach that keeps many features and ideas of the existing site and reveals and reuses those features for new purposes (e.g., existing truck bays used for park access, reveal of piers supporting wharf structure, relying on remaining portion of 9<sup>th</sup> Avenue Terminal as central organizing feature of park). It should be noted that a FDP reflects Schematic Design and typically wouldn't include information as detailed as the design of any specific interpretive markers. Design evolution through Construction Documents would include that level of information and would not typically be subject to discretionary review.*
- Request more penetration from public ROW to deck.
  - *Staff Analysis: The approved park plans include extensive openings between the adjacent sidewalk and the park along the wharf. The openings are located where the truck bays for the 9<sup>th</sup> Avenue Terminal are currently located.*
- Need more detail regarding how pergola will be designed.
  - *Staff Analysis: Trellis features included in the approved design are intended to replicate the trusswork of the 9<sup>th</sup> Avenue Terminal (and actually reuse intact trusswork, where feasible) as a means of both memorializing the 9<sup>th</sup> Avenue Terminal and providing a historic and visual thematic layer to the park design. The trusswork trellises will be aligned with the historic trusswork in relationship to the centerline of the length of the 9<sup>th</sup> Avenue Terminal.*
- Need an overall concept for all of the parks.
  - *Staff Analysis: The overall concept for the parks is essentially to provide public open space and circulation along the Oakland Estuary, adjoining and building on the diversified open space that surrounds Lake Merritt. Shoreline Park is the most programmed of the Brooklyn Basin parks in terms of including extensive hardscape and opportunities for more crowd-intensive activities (such as performance space, water contact, public art, interpretation).*
- Where are the restrooms?
  - *Staff Analysis: The plans include restrooms located within the remaining portion of the 9<sup>th</sup> Avenue Terminal as well as public restrooms located in the western portion of the park (possibly within the sloped lawn plane).*
- Earlier design proposal was not family-friendly.

- *Staff Analysis: The approved plans include extensive activity areas and kinetic design features to engage children, including access to the water, grading changes, kinetic features (including public art), and interpretive features.*
- Require public art to be physically kid-friendly.
  - *Staff Analysis: The approved plans show images of public art that would allow physical contact (touch, climbing) and encourage physical responses (viewing, hide-and-seek). The FDP plans clearly set the tone and standard for the public art in terms of being physically engaging.*
- Provide a water feature for children to interact with.
  - *Staff Analysis: The approved Shoreline Park plans include extensive, varied ways to access the Estuary, which is treated as the water feature for this park.*
- Have kiosks and food carts in the park.
  - *Staff Analysis: The approved plans would accommodate food carts and kiosks.*
- Entrances need to be designed to provide gateways into park.
  - *Staff Analysis: The approved plans included a clear formal entry to the park from the east (a promenade centered on and leading to the 9<sup>th</sup> Avenue Terminal). The 9<sup>th</sup> Avenue Terminal and the sloped lawn plane to the west provide architectural monuments that act as visual beacons and set the organizational center line of the park. In addition, the retention basins are treated as opportunities to showcase Estuary habitat and public art and will draw the public into the park from both ends.*
- What makes this park unique to Oakland? That should be the focus of the design.
  - *Staff Analysis: The approved Shoreline Park plans take a unique approach to establishing the guiding themes: the plans peel back the layers of human interventions over the years to expose and celebrate the industrial, intermodal history of the site; the plans also include interventions, such as the sloped lawn plane and the grand promenade entrance to the 9<sup>th</sup> Avenue Terminal that are juxtaposed against the flat quality of the historic use, the sloping nature of the natural shoreline and the intermodal nature of the shipping facility. In addition, the plans include inventive ways to access the water, provide shade and wind buffers, as well as extensive kinetic public art. The design is creative, thoughtful, dynamic and whimsical and offers opportunities to show off Oakland's expanding arts community. The Shoreline Park design is a celebration of Oakland's history, perspective and thoughtfulness and our unique location on a working and changing regional waterfront.*

## **ANALYSIS AND POLICY ALTERNATIVES**

The Oakland Planning Code requires FDP appeal applications to “state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.” (OMC Section 17.140.070). In addition, the appellant may not submit any issues and/or oral, written and/or documentary evidence not previously submitted in the appeal for itself and presented prior to the close of the City Planning Commission’s public hearing for the underlying decision being appealed.

The Appeal raises three general issues, each of which is identified and addressed below.

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### ***Inadequate Public Review***

- **Appellant Complaint:** The Appellants state that, “The project presented has had inadequate exposure to the public, with only 34 people actually being given a chance to review the recent updated revised design...given the fact that the process to develop this area has been on the public agenda for more than 22 years...the revised design is barely two weeks old when presented to the PC and never properly given review by the general public...”.
- **Staff Response:** The Appellants are specifically arguing that there was not enough public review of the Shoreline Park design iteration that was approved by the Planning Commission. In fact, the project was subject to extensive public review throughout the design process and the number of public hearings far exceeded City of Oakland minimum requirements, as described below:
  - **Design Process:** The approved design is the result of an iterative process. As demonstrated throughout this report, the FDP application in its entirety has been available for public review and was subject to publicly noticed review and public hearing process that was initiated in April 2015 and included eight public hearings, two community meetings hosted by the Applicant and one public meeting hosted by the Bureau of Planning. During that time, the Shoreline Park design was revised multiple times in an attempt to address public and decision-maker comments. The approved design represents only the latest set of revisions to the design intended to fully respond to and satisfy public concerns. The last set of revisions reflects an extensive set of design changes and involves a change in Landscape Architects.

The change in the design professionals and changes to the park design were made in response to public comments received throughout the review process. In addition, that the approved Shoreline Park remains consistent with the previous design iterations in key aspects: The approved park continues to occupy the same space allocated in the Preliminary Development Permit (approved originally in 2006), includes retention and historic rehabilitation of ten percent (or 20,000 square feet) of the 9<sup>th</sup> Avenue Terminal, includes a large open wharf space where the remainder of the 9<sup>th</sup> Avenue Terminal is approved for demolition, and hosts a continuous section of the San Francisco Bay Trail located along the Oakland Estuary edge of the park. More importantly, all of the design iterations, including the approved design, are entirely consistent with the PUD. The vote to approve the design was unanimous at both the public meeting and Planning Commission hearing where the FDP was approved; there was no basis to require further public review once extensive support of the design was established and minimum public review requirements were met.

- **Required Public Review:** Regarding the specific Shoreline Park FDP design that was approved by the Planning Commission, all public notice and review requirements were fully satisfied or exceeded. The Planning Code requires FDP applications to be reviewed by the Planning Commission. In addition, the Planning Code requires seventeen-day notice of cases to be considered by the Planning Commission to owners of property within 300 feet of the affected



property. Staff provided seventeen-day notice of the Planning Commission meeting, including standard agenda noticing to owners of property within 300 feet of the Brooklyn Basin site and agenda subscribers, on the City of Oakland website and Brooklyn Basin webpage, and courtesy email and USPS notice for the Brooklyn Basin interested party distribution lists containing over 400 recipients each. In addition, under direction from the Planning Commission, Bureau of Planning staff held a special public meeting of members of the Landmarks Preservation Advisory Board, the Parks and Recreation Advisory Commission and Planning Commission to review the last design iteration for which a ten-day meeting notice was provided on the City of Oakland website and Brooklyn Basin webpage, and the Brooklyn Basin interested party USPS and email distribution lists. The public meeting, although held at the behest of the Planning Commission, is neither required by the Oakland Planning Code nor typical of how major projects are processed by the City. In summary, the public review process and notification provided ample opportunity for public review and comment and far exceeded minimum requirements.

- This comment mentions the 9<sup>th</sup> Avenue Terminal. It should be noted, the certified EIR fully evaluated the planned demolition of up to ninety percent of the facility, and that demolition was approved as part of the DA, the PUD and the VTTM approvals in 2009. The Shoreline Park FDP is consistent with the project evaluated in the EIR and there is no change that would require further environmental review, as discussed fully in other sections of this report.

### ***Inadequacy of Analysis of Climate Change in Relation to Project***

- **Appellant Complaint:** The Appellants state that “All previous studies, reports and environmental impact reports (EIR) have completely ignored the future and possible affects of global warming, including but not limited too rise in sea levels...”.
- **Staff Response:** The planned Brooklyn Basin Project, including Shoreline Park, approved in 2009, fully evaluated the environmental impacts of the project, in accordance with all applicable requirements. Specifically, the City of Oakland prepared and certified an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA). CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA.

It should be noted that the decision being appealed is a Final Development Permit (FDP). The intent of the FDP is to confirm consistency with and review design development of land uses and conceptual design (massing, height and site planning) for previously approved Planned Unit Developments (PUDs). The FDP is not an opportunity to reconsider previously approved land uses and conceptual design for a PUD. The Planning Code allows PUDs as a way for large, phased, multi-parcel projects to be considered in an iterative process: that is, the preliminary PUD approvals lock in land use and conceptual design for large, complex projects without requiring a level of design detail that would be prohibitive and risky for both the applicant and the City. FDP applications can be submitted after approval of a PUD: an FDP does not open up the PUD decision, it simply allows time between PUD approval and more detailed

(schematic) design in order to accommodate the large scope and lengthy timelines typical of PUDs. In the case of the Brooklyn Basin PUD, the land use and conceptual design of Shoreline Park were approved in 2009, and the current FDP application does not change the planned land use or conceptual design. As demonstrated above, since there is no change to the project, only refinement and evolution of the design consistent with Planning Code requirements for PUDs, there is no justification for preparing new analyses and/or studies of potential effects of or on the project (as the project is already approved). To be clear, the scope of the City's review of a FDP is limited to the schematic design of improvements and does not allow for discretion regarding the previously approved land use or conceptual design and related studies.

The City Council certified the EIR for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the City Council (Attachment C: EIR) and is available to the public at the Planning Department offices and on the web at: <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>. For the Planning Commission action on the Shoreline Park FDP, staff determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review. In accordance with CEQA, the City reviewed and analyzed the project and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Essentially, the FDP represents schematic design of the land use and conceptual design approved in the PUD; the FDP is a refinement and evolution of the PUD and not a change to the PUD. Since there is no change to the project as it was reviewed in the certified EIR, neither subsequent nor supplemental review is required.
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. To be clear, CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project, such as sea-level rise, are legally not required to be analyzed or mitigated under CEQA. The Appellant complaint about sea-level rise is with regards to the project potentially being inundated (an effect of climate change) and not due to the project potentially contributing to climate change and sea-level rise (a hypothetical effect of the project); and

- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects. Climate change was not expressly addressed in the EIR. However, since information on climate change was known, or could have been known at the time of EIR certification, it is not legally “new information” as specifically defined under CEQA and thus is not legally required to be analyzed at this time.

Here, based upon available information, none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review to address climate change is required under CEQA.

Moreover, the issues the appellant cites for further environmental review are not appropriate for evaluation under CEQA at this juncture. First, as articulated by the California Court of Appeal, where a discretionary approval is limited to issues such as aesthetics or design, there is no discretionary action triggering supplemental review of climate change impacts (*San Diego Navy Broadway Complex Coalition v. City of San Diego*, 185 Cal. App. 4<sup>th</sup> 924 (2010) (“*San Diego*”). In *San Diego*, the court held that such an analysis would not be required because CEQA establishes a presumption against additional environmental review, and such review is only authorized if the local agency undertakes a discretionary action that enables the agency with the ability to meaningfully address the environmental concerns that might be identified in the EIR. Here, the sole scope of the City’s determination concerns the design and aesthetic character of Shoreline Park. Questions of whether the entirety of the Brooklyn Basin project should have been approved (as it was in 2009), are not before the Council. Appellants have provided no evidence to suggest that the limited issues currently before the Council will have any effect on climate change, nor that the City Council currently has the authority to alter existing project approvals in a manner that would alter climate change.

Second, appellants’ arguments appear to focus substantially on the effects that climate change will have on sea level rise. To the extent that these arguments assert that CEQA review is needed to evaluate the effects of the environment on the project (i.e., that sea level rise or climate change may cause a threat to future project residents, the California Supreme Court recent held that CEQA does not require such an analysis. Other than bare assertions, the appellants have provided no evidence demonstrating that Shoreline Park, or the Brooklyn Basin project generally, would exacerbate climate change or sea level rise.

In summary, none of the circumstances authorizing preparation of a subsequent or supplemental EIR have been identified in the appeal or otherwise in the record.

***Lack of Support for the Approved Project***

- **Appellant Complaint:** The Appellants state a desire for a different project in place of the planned Brooklyn Basin project: The appeal expresses a desire for the construction of wetlands at Brooklyn Basin in lieu of Shoreline Park and other planned uses included in the approved PUD, as well as retention of the entirety of the 9<sup>th</sup> Avenue Terminal.
- **Staff Response:** As noted above, Shoreline Park is part of an approved Brooklyn Basin project, which includes an approved PUD, an executed Development Agreement, and vested tentative and final subdivision maps. The approvals, granted by the City of Oakland in 2009, permit development of the project, including the planned demolition of 90 percent of the Ninth Avenue Terminal and build-out of Shoreline Park. The Shoreline Park FDP does not change or otherwise invalidate the existing project approvals. As noted above, the purpose of a FDP is to demonstrate that the detailed, articulated schematic design phase (shown in the FDP) is consistent with and a refinement and evolution of the approved PDP (the conceptual design phase). In the case of Shoreline Park, the design is consistent with the approved use of the site as a park and the allowed demolition of ninety percent of the Ninth Avenue Terminal. It should also be noted that the Planning Commission approved the FDP unanimously, indicating public support for the project.

Regarding the desire expressed in the appeal for a different project (retention of the entire 9<sup>th</sup> Avenue Terminal or wetlands) than that which was approved under the PUD, it should be noted that the decision being appealed is a FDP. The intent of the FDP is to confirm consistency with and review design development of land uses and conceptual design (massing, height and site planning) for previously approved Planned Unit Developments (PUDs).

The Oakland Planning Code Section 17.140.040 Submission of final development plan, states (*italics added for emphasis*):

Within one (1) year after the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 17.140.030, for the first unit of the development. *The final plan shall conform in all major respects with the approved preliminary development plan.* The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall also be submitted. If the final plan, meeting the requirements stated in this section, is not submitted within one (1) year after the date of approval or modified approval of the preliminary development plan, whether approved

by operation of law or otherwise, the preliminary development plan shall be considered void.

The Planned Waterfront Zoning District-4 (PWD-4), which specifically applies to the Brooklyn Basin PUD and Shoreline Park, states (*italics added for emphasis*):

*The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement.*

The FDP is not an opportunity to reconsider previously approved land uses and conceptual design for a PUD. In the case of the Brooklyn Basin PUD, the land use and conceptual design of Shoreline Park were approved in 2009 under the PUD, and the current FDP application does not change the planned land use or conceptual design. As demonstrated above, since the FDP does not reflect a change to the project, only refinement and evolution of the design consistent with Planning Code requirements for PUDs, there is no discretion to change the approved land uses and conceptual design of the PUD.

Finally, as noted above, Brooklyn Basin and Shoreline Park are subject to a DA, PUD and VTTM. The City Council granted these (and other related) approvals on January 20, 2009. The existing approvals can no longer be appealed and allow for the land uses, layout and land division, and conceptual design of the entire Brooklyn Basin project. These existing approvals establish the planned land uses and conceptual design of Brooklyn Basin and Shoreline Park and are not the subject of the current appeal. The current appeal must be limited to the schematic design of Shoreline Park and cannot address the previously approved land use and conceptual design.

### ***Policy alternatives***

The City Council has the option of taking one of the following alternative actions instead of the action recommend in the draft Resolution that accompanies this staff report:

1. Grant the appeal and reverse the decision of the Planning Commission, thereby denying the Project. This option would require the City Council to continue the item to a future hearing so that staff could prepare appropriate draft findings and enable the City Council to review the draft findings and resolution to grant the appeal.
2. Deny the appeal and uphold the decision of the Planning Commission but impose additional and/or revised conditions on the Project and/or modify the Project, solely related to the appellate issues. Depending on the revisions, this option also may

Item: \_\_\_\_\_  
City Council  
February 16, 2016

require the Council to condition the item to a future hearing so that staff could prepare appropriate documentation and enable the City Council to review the same.

3. Continue the item to a future meeting for further information or clarification, solely related to the appellate issues.
4. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council, solely related to the appellate issues. Under this option, the appeal would be forwarded back to the City Council for decision after the Planning Commission's further consideration.

### **FISCAL IMPACT**

The Appeal has no fiscal impact on the City of Oakland.

### **PUBLIC OUTREACH / INTEREST**

The Appeal was publicly noticed to the Applicant and the Appellants pursuant to applicable state and local requirements. Notices were posted on the City website and the Public Notice Kiosk at City Hall. In addition, notices were mailed electronically and by USPS to the interested party distribution lists.

### **COORDINATION**

This agenda report and legislation have been reviewed by the Office of the City Attorney and by the Controller's Bureau.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Project would have no economic impact.

***Environmental:*** The Project would not have an adverse effect on the environment.

***Social Equity:*** The Project would not affect social equity.

**CEQA**

As stated in the Planning Commission staff report and throughout this report, the Brooklyn Basin project is subject to the Oak to Ninth Avenue Project Environmental Impact Report. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. See *Analysis and Policy Alternatives* section of this report for further information.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council deny the appeal and uphold the Planning Commission decision. The Appellants have not demonstrated that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Planning Commission, or that the Planning Commission's decision was not supported by evidence in the record.

For questions regarding this report, please contact Catherine Payne, Planner IV, at (510) 238-6168 or [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com).

Respectfully submitted,



Rachel Flynn, Director  
Planning and Building Department

Reviewed by:  
Robert Merkamp, Development Manager

Prepared by:  
Catherine Payne, Planner IV

Attachments:

- A. Appeal
- B. Planning Commission Staff Report with Attachments (dated December 16, 2015)
- C. Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] (provided under separate cover to the City Council and available to the public at the Planning Department offices and on the web at: <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>.)

Item: \_\_\_\_\_  
City Council  
February 16, 2016

**Brooklyn Basin Shoreline Park Final  
Development Permit Appeal**

**City Council, February 16, 2016**

**Attachment**

**A. Appeal**



Record ID: PUD06010-PUDF02-A01

Menu Save Reset Update View Log Reports Help

Record # PUD06010-PUDF02-A01 Opened Date 12/24/2015

Status Filed

Type Planning/Applications/Zoning/Appeal

Application Name Appeal: Brooklyn Basin/Shoreline Park FDP

Assigned to Department Office of Public Works Current Department Assigned to Staff PWDAILYUSER Current User

Description Appeal: Brooklyn Basin/Shoreline Park FDP (PUD06010-PUDF05 APPROVED BY PLANNING COMMISSION 12/16/15)

check spelling

Total Invoiced 1,891.08 Total Paid 0.00 Balance 1,891.08

System ID 15CAP-00000-40139



CITY OF OAKLAND

APPEAL FORM

FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PVD06010 - PVDFO2
Project Address of Appealed Project: 9TH AVE TERMINAL AKA "BROOKLYN BASIN"
Assigned Case Planner/City Staff: CATHERINE PAYNE

APPELLANT INFORMATION:

Printed Name: Leal Charonnat Phone Number: 510 436 3446
Mailing Address: 1-5th Ave #1-9 Alternate Contact Number:
City/Zip Code Oakland Representing:
Email: CHARONNATDESIGN@gmail.com

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
Denying an application for an Administrative Decision
Administrative Determination or Interpretation by the Zoning Administrator
Other (please specify)

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
Determination of General Plan Conformity (OPC Sec. 17.01.080)
Design Review (OPC Sec. 17.136.080)
Small Project Design Review (OPC Sec. 17.136.130)
Minor Conditional Use Permit (OPC Sec. 17.134.060)
Minor Variance (OPC Sec. 17.148.060)
Tentative Parcel Map (OMC Section 16.304.100)
Certain Environmental Determinations (OPC Sec. 17.158.220)
Creek Protection Permit (OMC Sec. 13.16.450)
Creek Determination (OMC Sec. 13.16.460)
City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
Other (please specify)

(Continued on reverse)

**A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**       Granting an application to:      **OR**       Denying an application to:

**YOU MUST INDICATE ALL THAT APPLY:**

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) \_\_\_\_\_

*Appeal  
Funding*

**FOR ANY APPEAL:** An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

**You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court.** However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

**The appeal is based on the following:** *(Attach additional sheets as needed.)*

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**Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.*

\_\_\_\_\_  
*Signature of Appellant or Representative of  
Appealing Organization*

\_\_\_\_\_  
*Date*

***TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE***

APPEAL FEE:           \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

**Date/Time Received Stamp Below:**

**Below For Staff Use Only**

**Cashier's Receipt Stamp Below:**

APPEAL TO OAKLAND CITY PLANNING COMMISSION DECISION

of their decision approving the FDP made at the December 16, 2015 Regular Meeting

**Regarding:** PUD06010 - PUDF02

**Location:** Brooklyn Basin (formerly known as "Oak to 9th Avenue"); specifically, Shoreline Park, located on the current site of the 9th Avenue Terminal.

**Proposal:** Final Development Permit (FDP) for Shoreline Park, including demolition and retention of portion of 9th Avenue Terminal.

**Applicant:** Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510) 251-9272.

**Owner:** ZOHP, Port of Oakland, City of Oakland

**General Plan:** EPP-Parks (Estuary Policy Plan-Parks)

**Zoning:** OS-RSP (Open Space-Region-Serving Park)

**Environmental Determination:** Final EIR certified on January 20, 2009

**Historic Status:** 9th Avenue Terminal, rated "A"

**Service Delivery District:** 3

**City Council District:** 2 - Abel Guillen

**Action to be Taken:** Consider PDP application and make CEQA determination.

**Finality of Decision:** FDP appealable to City Council.

**For further information** Contact case planner Catherine Payne at 510-238-6168 or by e-mail at [coavne@oaklandnet.com](mailto:coavne@oaklandnet.com)

APPEAL TO OAKLAND CITY PLANNING COMMISSION DECISION  
of their decision approving the FDP made at the December 16, 2015 Regular Meeting of the  
Final Development Permit (FDP) for Shoreline Park, including demolition and retention of  
portion of 9th Avenue Terminal.

**The decision by the Oakland City Planning Commission (PC)  
approving the Final Development Plan (FDP) for Shoreline Park,  
including demolition and retention of portion of 9<sup>th</sup> Avenue  
Terminal must be vacated for numerous and various reasons,  
including but not limited to the following facts and situations:**

*Not enough  
public  
reviews*

■ The project presented has had inadequate exposure to the public, with only 34 people actually being given a chance to review the recent updated revised design (as reported at the PC meeting, with only 6 members from the various city boards with oversight on this project) - given the fact that the process to develop this area has been on the public agenda for more than 22 years since the League of Women Voters Oakland publish their Waterfront Study (see attached) in 1993; that after so many years the revised design is barely two weeks old when presented to the PC and never properly given review by the general public - such brevity shows a distinct callousness by both the developer and the PC to make a final decision on a project that is to be a public resource for possibly centuries (or less, depending on the affects of global warming and climate change)

*EIR inadequate  
Global warming  
in sea-level  
rise*

■ All previous studies, reports and environmental impact reports (EIR) have completely ignored the future and possible affects of global warming, including but not limited too rise in sea levels (see attached documentation including maps, etc presenter by Dan Franco)

*GW*

■ At no time has the potential affects of climate change and global - both known and unknown - have been properly reviewed and addressed, including the words climate change, global warming, or sea level rise ever used once in any of the approved EIR for this project.

*GW*

*Projected  
Population  
increase  
need to  
condense  
populations -  
how are  
housis?*

■ In light of the vast and unheralded amount of new residential construction, most if not all of the basis for decisions made regarding this amenity to the city of Oakland has not been properly studied, including but not limited to distinct possibility that the city population may increase by a factor of 200% in very short order (considering that parks serve the citizens of a city for multiple centuries, and that the need to condense and increase city populations in order to address affects of global warming)

■ The previously prepared and approved EIR are proving wholly inadequate regarding their completely ignored the affects of global warming, to the point that the adjacent Embarcadero East street is now flooded during periods of storms and high tides.

*GW*

■ The consideration of the retention of the 9th avenue terminal - in light that the developer has chosen to present a completely different plan, with no public input on the design, has changed their own computation of the project with no previous disclosure to the public; that the developer has completely disregarded the public trust in handing this revision they way they have with just changing the design willy-nilly in the guise of 'responding' to public input. (see attached letter from Eve Tolmach)

*inadequate  
public  
input*

APPEAL TO OAKLAND CITY PLANNING COMMISSION DECISION  
of their decision approving the FDP made at the December 16, 2015 Regular Meeting of the  
Final Development Permit (FDP) for Shoreline Park, including demolition and retention of  
portion of 9th Avenue Terminal.

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The points (above) noted have been mentioned in various communications to the PC, and, in all due consideration have been ignored, dismissed, or even recognized as an issue.

The purpose of this appeal is not to thwart the potential development or use of the area and structures in consideration - but to bring to notice to the Oakland City Council (and they in turn to the various city departments and city boards), that the current times are not the same they were six, or ten, or even 22 years ago.

Climate change must be address. The CC will due the citizens of Oakland to act.

The climate has changed in this short time since the 2009 approval of the last revised EIR. The speed of climate changes throughout the globe is speeding up. California is in its fourth year of drought, and state planners are bracing for more drought-related actions this coming year.

Other countries around the world have been experiencing their own horrid droughts - Turkey has seen entire regions devastated by a decade of drought (a serious situation largely unreported in the United States press), driving its youthful citizens away to even become a source of members of terrorist groups.

The United States military annual reports now for more than a decade have identified climate change as the most dangerous situation this country will face.

The fact Mayor Libby Schaaf (along Governor Jerry Brown) specifically attended the global meeting on climate change - the COP-21 - to publicly speak to the affects climate change will have, and that the city of Oakland is 'responding' to climate change, all the while such affects are being ignore on this specific project shows just how out-of-sync PC approval of the FDP is.

*The FDP approved by the PC completely ignored and did not adequately and properly address the potential affects of climate change on this project.*

S.W.

APPEAL TO OAKLAND CITY PLANNING COMMISSION DECISION  
of their decision approving the FDP made at the December 16, 2015 Regular Meeting of the  
Final Development Permit (FDP) for Shoreline Park, including demolition and retention of  
portion of 9th Avenue Terminal.

**Therefore:** The appellant asks the Oakland City Council (CC) must direct both staff and the various public city boards to properly review this and any proposed project on the waterfront as to the actual real projections of both natural (global warming, climate change) and human (increase in the number of residents by orders of magnitude);

Further, in light of the fact the existing approvals of the project have not been fully acted on - including but not limited to approval for the demolition of the Ninth Avenue terminal, that all such approvals be put on hold until such time the city has a chance to properly review such approvals in light of the potential affects of global warming;

Further, the CC must put at least an 18 month moratorium on any further approvals until such time a proper evaluation of all aspects of the project be re-evaluated in light of the potential affects of global warming;

Further, the CC should direct staff and with coordination with the mayor's office, prepare a study of the affects of global warming on this project (or others at the CC discretion) with input from the public, other government authorities, and experts including scientist and issue such report along with recommendations and changes as would be appropriate;

That the CC should not 'take the easy road out' by ignoring the changes and challenges before all peoples on this planet concerning climate change and global warming and - in coordination with the mayor - direct city staff and the private foreign-financed developer of this property to include the public in decisions of how this city will address the affects climate change will have on the city, specifically this and the other parks of the Brooklyn Basin (formerly the Oak to Ninth) project.

In order to properly address the concerns and issues identified in this appeal, the CC must vacate the PC approval of the FDP.

*Demol of  
9th Ave  
Terminal  
not yet  
approved*

*Need  
new  
studies*

*include  
public  
in  
review*

x/ Leal Charonnat, et al for members of the Oakland 5<sup>th</sup> Avenue Community



12/22/15

To: Oakland City Council and Planning Commission  
Fr: Daniel Franco, Oakland Resident

Re: Shoreline Park appeal PUD06010-PUDF02 / SCH # 2004062013 EIR

Please note I'm joining this appeal to inform you that the CEQA 16-162 standards the commission used are factually incorrect, and therefore are legally invalid. Staff stated that "nothing of note has occurred since 2006 or 2009 that would alter the EIR or CEQA position that was approved at that time".

If you believe that, then you also believe that the Governor and Mayor just went to Paris France to get Baguettes, not attend COP-21.

Much has changed, in fact, and so this project must be stopped. Following attachments will show that all of downtown Oakland is at immediate risk, (and faces even more risk in the coming decades), from flooding. This includes even City Hall in some scenarios, per *Climate Central*, a website/database compiled by Yale scientists and others.

To preserve the downtown core, Wetlands (and ONLY wetlands) must be created in the acreage between 4th and 9th Avenues. Only Wetlands can help reduce/ameliorate the flooding risk that the city faces, and so the condo project should be relocated to higher ground. Failing to build wetlands here could expose the city to billions in expenses within the decade, wiping out any tax gains that one condo-complex would bring in. Note also that no bank will issue a mortgage on these albatrosses, nor will any insurer write a policy on them due to the obvious hazards.

The *Sierra Club* has made statements pointing this risk out. "*Our Bay On The Brink*" has as well. The City is part of the *Coastal Hazards Adaptation & Resiliency Group Workshop*, which is in it's infancy but is working hard to address this exact issue as well. Your own official, City of Oakland Sustainability Manager Daniel Hamilton, will confirm that the CEQA is inaccurate (and that wetlands will help storm-drainage).

Staff and the Commission have been duly notified of these positions by experts in-the-know, but they have chosen to utterly ignore the news in favor of enriching longtime political donor Mike Ghielmetti and his business partners.

Nature bats last. As Columbia SC and Los Angeles just learned, as the east coast cities learned when Hurricanes lashed their shores, as Miami FL is learning right now, we don't anymore have the luxury to ignore Climate Change. We must act NOW to protect the city as a whole, and the first best action is to preserve our waterfront as wetlands.

Further, Congresswoman Nancy Pelosi has a residence in Washington, DC. The

Wetlands are only way to address flooding risk

Project he wants

complex is called Washington Harbor, and was built next to the Potomac. She can affirm that it's flooded twice with devastating effects each time. Note also that warnings were given in advance, but it was built anyway.... and the DC government ended up on the hook for all the repairs and sea-wall construction. The developer managed to wriggle free of their obligations. Do you really wish to inflict such a fate on Oakland? We have all the warning we need already.

Please, for the long term health of the city as a whole, overturn this approval and stop the development. Preservation *IS* Development, the right kind of development that allows for a future. Anything else done on this site will be a form of slow, expensive, financial suicide for the city.

>>>Reference websites, scientific reports, and **interactive** maps:

<http://baylandsgoals.org/science-update-2015/>

[OurBayOnTheBrink.org](http://OurBayOnTheBrink.org)

[ClimateCentral.org](http://ClimateCentral.org)

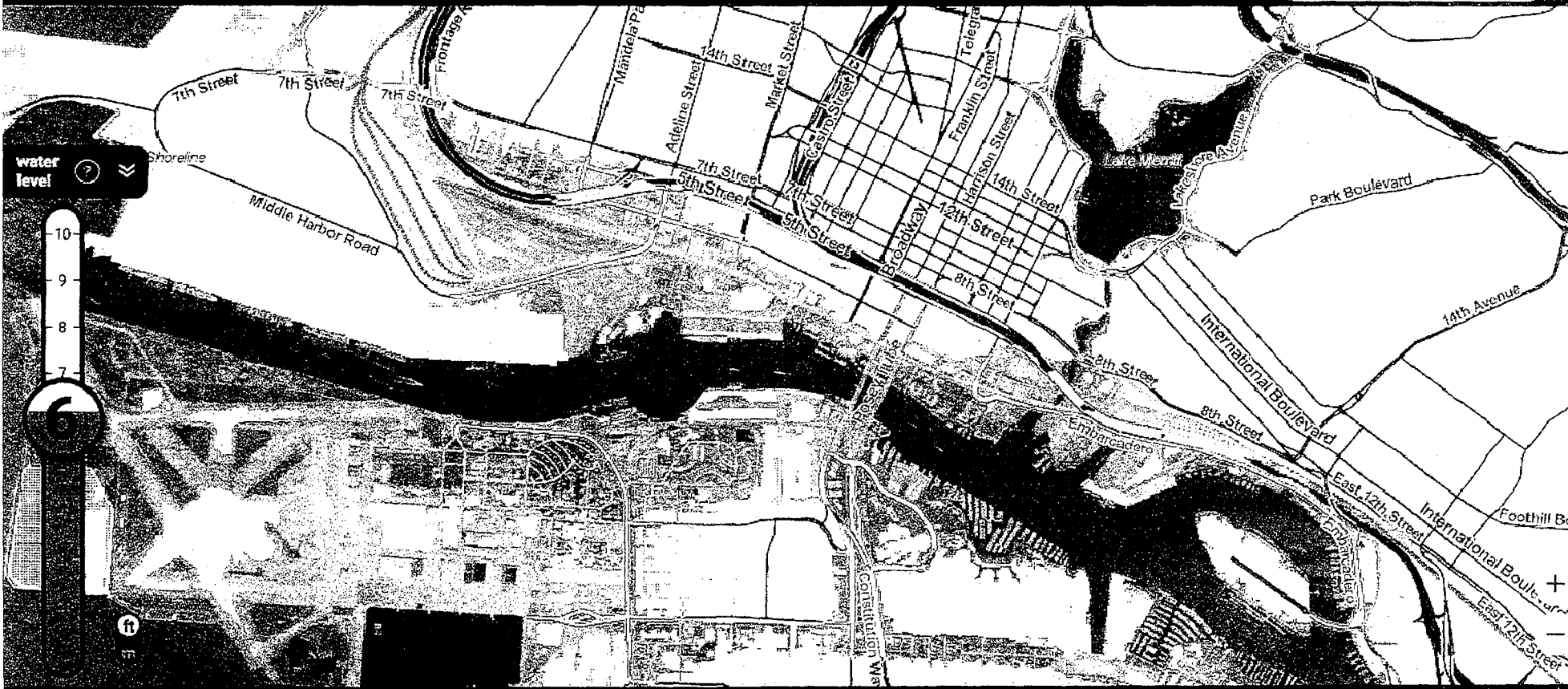
[SaveTheBay.org](http://SaveTheBay.org)

<http://thrivingearthexchange.org/oakland-california/>

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines.

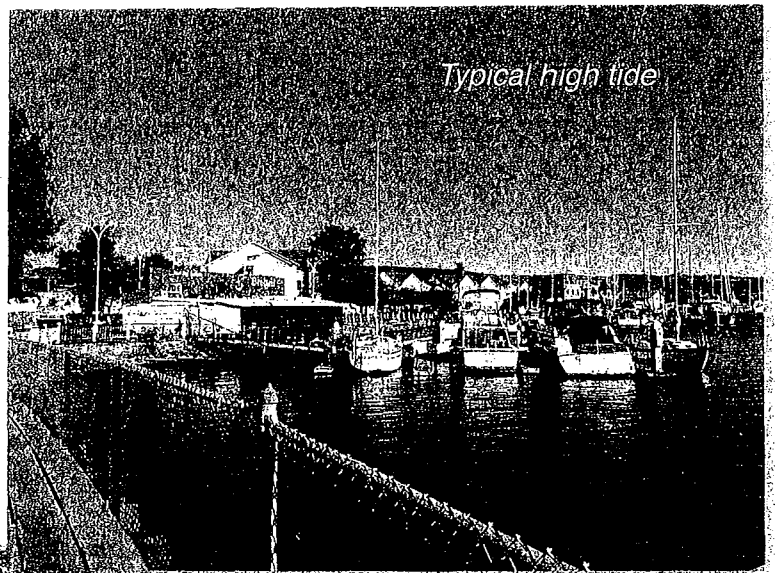
415 601 4842

# Surging Seas RISK ZONE MAP

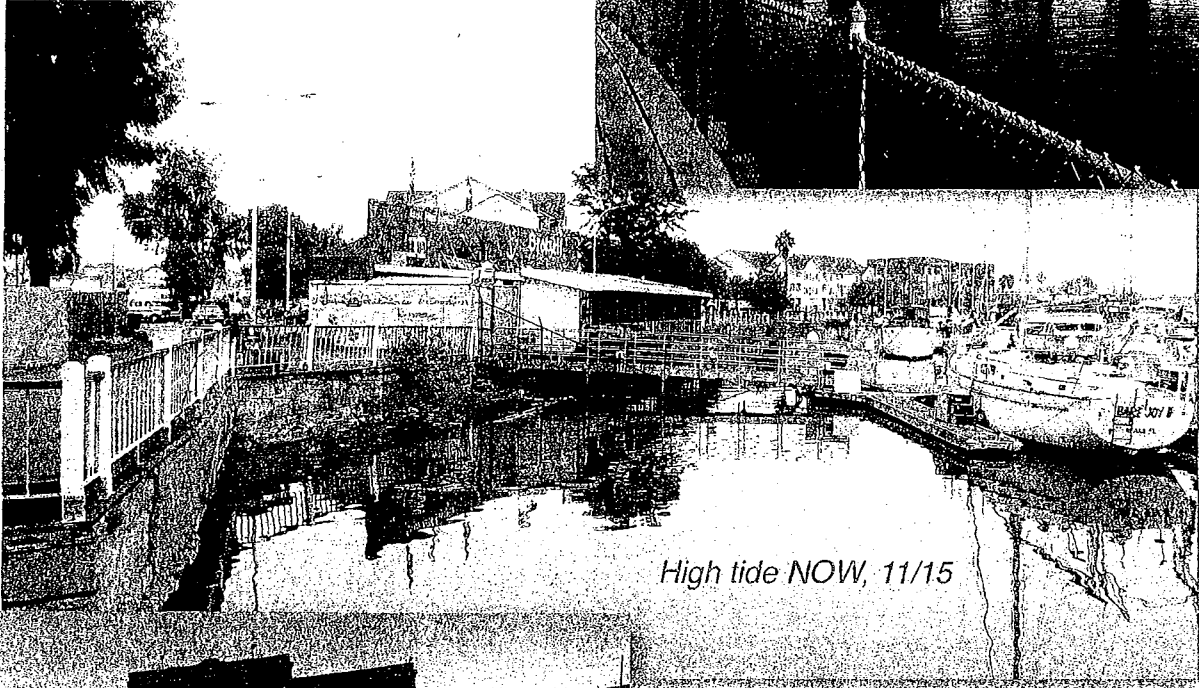


See projections | Legend | Social vulnerability | Population | Ethnicity | Income | Property | Landmarks | Elevation data courtesy of NOAA

...El Nino hasn't arrived yet...  
...Climate Change has barely begun...  
...Already we're at the edge of our  
banks! Yet somehow ZOHC gets to  
pretend a 10 y/o EIR is still relevant.  
6'-0" rise over 100 years is a myth!  
We've got an 18" rise already.



*Typical high tide*

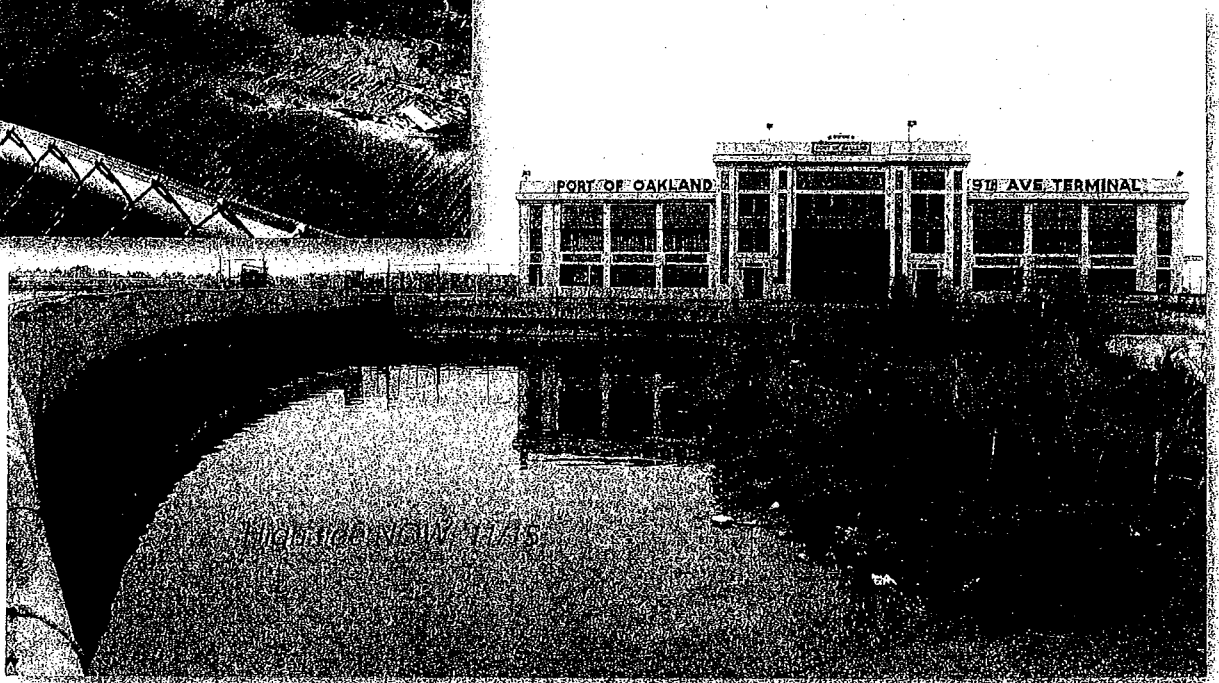


*High tide NOW, 11/15*



*Typical high tide*

**Preservation IS development!**  
Stop the construction, restore Wetlands instead at  
9th Ave.... Otherwise we'll see most of downtown  
flooded within a decade or two. That's bananas,  
and totally preventable if we act now.



*High tide NOW, 11/15*

# Sea Level Rise: Who Should Take Responsibility in Silicon Valley?

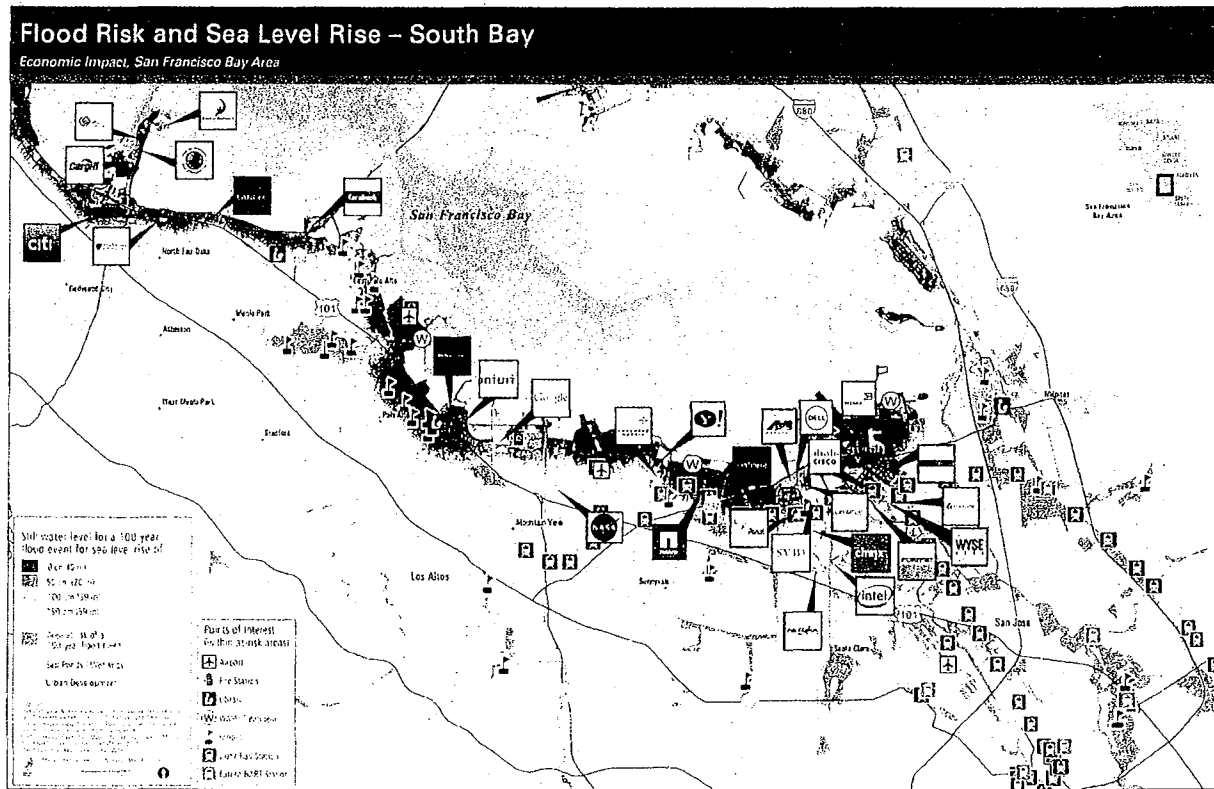
by Jan Lee (<http://www.triplepundit.com/author/jan-lee/>) on Monday, Nov 16th, 2015

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(<http://www.reddit.com/submit?url=http://www.triplepundit.com/author/jan-lee/>)  
(<http://www.gplus.com/shareArticle?mshare&/intent>)



(<http://www.triplepundit.com/series/tech-titans/>)



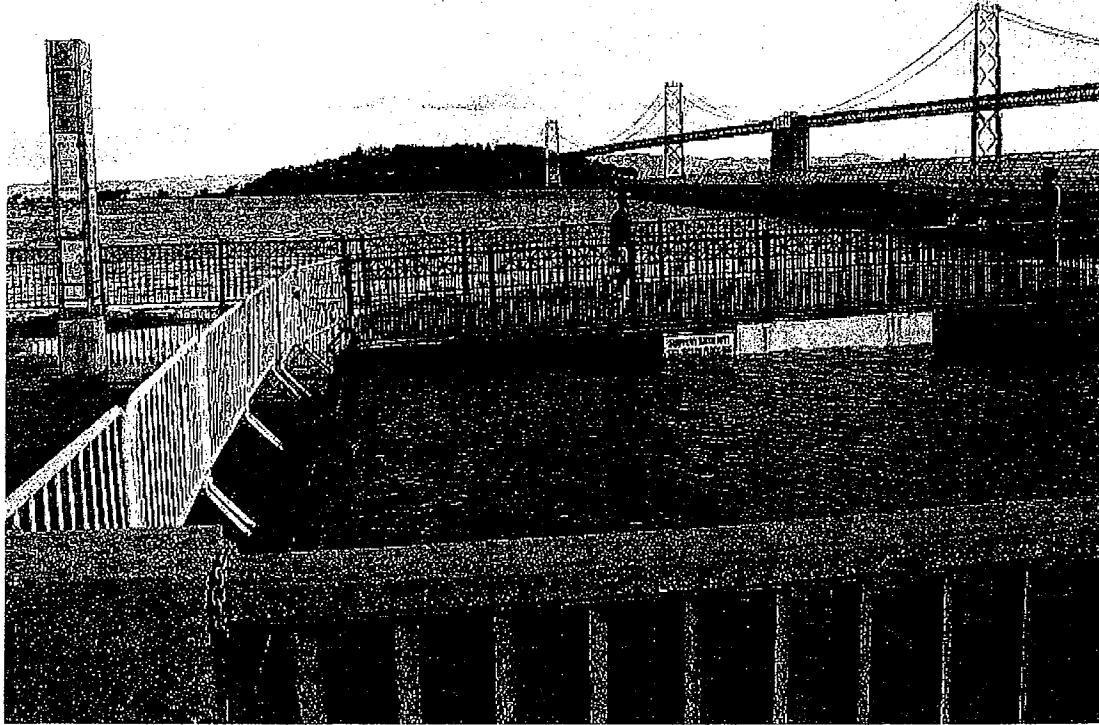
Projected sea level rise and the impacted companies in the San Francisco Bay Area

Sea level rise is becoming a dominant theme as communities plan for climate change. On the East Coast of the United States, the eroding shorelines of Miami (<http://www.triplepundit.com/2015/07/line-sidewalk-south-floridas-climate-change-dilemma/>) and the projected loss of billions of dollars of upscale homes has come to symbolize personal loss that is now at risk from global warming. For many of us, it is the storms and the catastrophic destruction that places like New Jersey (Hurricane Sandy, 2012) and South Florida have experienced that we think of when it comes to the implications of rising seas.

In the San Francisco Bay Area, however, sea level change presents a more insidious threat – one that isn't limited to the loss of select homes with million dollar views. Rising seas threaten the very land mass that houses the Bay Area's famed tech industry (<http://www.triplepundit.com/special/tech-titans/popular-tech-co-campus-layout-hurts-local-community-development/>) and the infrastructure that supports it. Dozens of companies like Yahoo, Google, Intuit, Dell, Cisco and Oracle sit either inside, or on the edge of the South Bay's most vulnerable, predominately flat coastline. Other companies, like Facebook, NASA, Citrix and Intel sit outside the immediate flood zones or have thoughtfully placed their facilities above the shoreline, but would still be affected by flooded streets, accessways and airport facilities. Sea level change is a risk that affects not just the South Bay, but larger metropolises north of the region like San Francisco and Oakland, also home to California's tech titans.

And flood zones (<http://cal-adapt.org/sealevel/>) aren't always limited to those strips of land that overlook the Bay. Palo Alto's San Franciscoquito Creek and other low-lying areas are subject to flooding from sea level rise as well, putting essential infrastructure like Highway 101, a key corridor that cuts through much of the Bay Area, at risk.

And then there are the king tides (<http://california.kingtides.net/resources/>), naturally occurring high tides that have prompted concerns as sea waters continue to rise. These long tidal waves that sweep into the mouth of the San Francisco Bay can add unpredictable conditions to dominating El Nino (<http://ww2.kqed.org/science/2015/08/26/nasa-rising-seas-about-to-catch-up-with-the-west-coast/>) weather patterns.



## Sea level change: No longer a distant problem

"The Silicon Valley has a number of coastal areas that are susceptible to sea level rise and have come to see more frequent flooding over time," Emilie Mazzacurati told TriplePundit. Mazzacurati is the CEO of Four Twenty Seven (<http://427mt.com>) (427), a climate consultancy company based in the San Francisco area. And that loss of land mass is not far off. "We are talking decades," she said.

Aleka Seville, 427's director of Advisory Services, added that businesses are often under the impression that sea level changes is a "far away problem." In fact, she said, a recent update of the Baylands Ecosystem Habitat Goals Science ([http://www.sfei.org/sites/default/files/biblio\\_files/Baylands\\_Complete\\_Report.pdf](http://www.sfei.org/sites/default/files/biblio_files/Baylands_Complete_Report.pdf)) suggests that the window to address sea level changes is much shorter than that. "They make it pretty clear that has to be done in the next 10 years."

That window isn't just based on what it will take to prevent irreversible changes to the area's diverse and rich habitat, but recent data (<http://ww2.kqed.org/science/2015/08>

/26/nasa-rising-seas-about-to-catch-up-with-the-west-coast/) that suggests that sea level changes aren't as slow and gradual as they were in the 20th century. The phenomenon is speeding up, owing in part, to rising temperature and associated phenomena like the Pacific Decadal Oscillation. That means that businesses sitting in projected yearly flood warning zones and even those at risk for the "100-year storm" need to factor climate risk into their business planning.

But how do businesses address sea level changes if state and local businesses have yet to define their role?

## Defining the local business role

Earlier this year, the Santa Clara Civil Grand Jury ([http://www.scscourt.org/court\\_divisions/civil/cgj/2015](http://www.scscourt.org/court_divisions/civil/cgj/2015)

[/Sea%20Level%20Rise%20FINAL%20REPORT.pdf](#)) conducted an investigation to determine whether local governments within Santa Clara county (home to Palo Alto, Mountain View, Sunnyvale and other tech titan cities) were taking steps to prepare for and mitigate against sea level change. Armed with a concise list of issues they felt defined what cities needed to do as a minimum in order to prepare for sea level change, jurors interviewed city administrators and compiled a list of the steps each municipality had (and had not) taken to prepare for rising tides. Wastewater treatment plants were reviewed, dikes were examined and municipal and county offices were interviewed in length to determine what steps could be taken to lessen the county's climate risk. Cities were also asked what they had done to "educate private landowners who were at risk of flooding from sea level rise."

Interestingly, one entity that wasn't addressed in the conversation was Santa Clara's vibrant business community. How were businesses going to address rising sea levels at their property edge? What steps, guidance and education were being offered to businesses to help them understand the implications of floods that might not reach their door, but could still eat into their business revenue?

Mike Mielke, senior vice president of energy and environment for the Silicon Valley Leadership Group (<http://svlg.org>), said this was an issue that his organization was working to address with its members.



"Folks will do certain things," he said. "They will put their facility up on a pad. And they will make sure that they are basically sort of hardened to deal with something like an acute event," such as a catastrophic storm or major road closures. But that mitigation effort would be short-lived, he said, if the business isn't able to open its doors. "It doesn't matter if your facility is up on a pad if all the public infrastructure around you is at risk. Because employees need to be able to figure out how to get to work. Everyone needs to be able to flush their toilet and have clean drinking water."

Mielke said he doesn't feel that there is enough information coming from local and state governments to guide businesses in how to address sea level change and ensure that their facilities were protected. But he also felt that public-private partnerships, such as projects that would help reconstruct and protect wetlands (vital in slowing coastal erosion and limiting infrastructure damage as well as habitat preservation) and funding arranged through ballot measures and other steps were valuable mechanisms for addressing sea level rise.

Judith Kleinberg, CEO and president of the Palo Alto Chamber of Commerce (<http://paloaltochamber.com/>), said that public-private partnerships were a vital way to for her members and organization to address environmental issues as well. She noted that most of their focus is on "energy issues rather than environmental," like a wastewater plant, subsidies for business adaptation strategies and transportation issues. She said the chamber "has not adopted a policy" on sea level risk, but is waiting for the city to finish a comprehensive plan that would in part, address those concerns.

## Framing the conversation around climate and responsibility

But obtaining enough information from government agencies about the real risk that Mielke said many likened to "a frog in a slow pot of boiling water" isn't the only challenge that businesses face.

"I think we still find both social and cultural barriers in talking about climate change in the business world in the US.," said Mazzacurati. She said 427's goal is in part, to help businesses deal with that very conversation in context with their business planning. "[There] are a lot of companies where it is hard for a sustainability director to go to the boss and say, 'Look: I think climate change is serious and I think we're going to have a

problem.' There are a lot of places where that conversation is not taking place because it is not OK to talk about climate change."



She said there were also "a lot of impacts over diverse geographies," that needed to be understood; "lots of time frames, lots of uncertainty and the pathways by which climate change might impact business processes is not always clear in peoples' minds." So it is often difficult for senior managers to make the business case that sea level risks need to be factored into business strategies.

"Right now, looking at climate change risk falls somewhere in the middle between sustainability and risk management," said Mazzacurati. "And I think when companies really start realizing the impact, it will more likely become a risk management issue," that can have huge implications for communities whose land values are ultimately affected by vulnerable coastlines.

Still, said Seville, the conversation defining what responsibility companies should

comprehensively take in addressing sea level risks “have not really happened yet.” She suggested that while businesses should still be expected to address climate change in their business planning, local governments, “do have a responsibility to say, hey, we need you, or we want you to do X, Y and Z” and to clarify expectations so companies can appropriately address risks.

Without that guidance said Seville, “it’s just a big question” for many businesses who are still wrestling with the concept of rising seas and the unforeseen economic costs of a changing climate.

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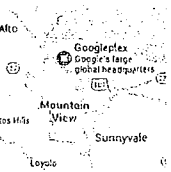
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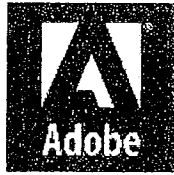
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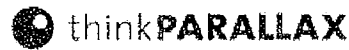
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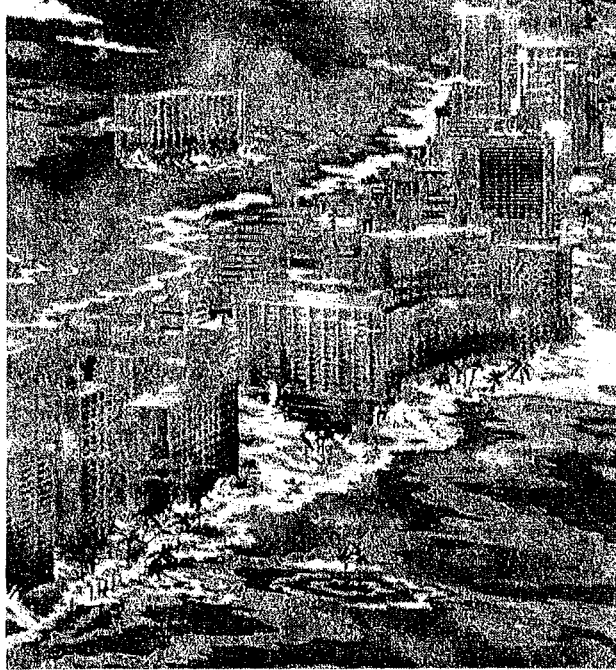
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## *The Siege of Miami*

*As temperatures climb, so, too, will sea levels.*

By Elizabeth Kolbert



In the Miami area, the daily high-water mark has been rising almost an inch a year. Credit Illustration by Jacob Escobedo

The city of Miami Beach floods on such a predictable basis that if, out of curiosity or sheer perversity, a person wants to she can plan a visit to coincide with an inundation. Knowing the tides would be high around the time of the “super blood moon,” in late September, I arranged to meet up with Hal Wanless, the chairman of the University of Miami’s geological-sciences department. Wanless, who is seventy-three, has spent nearly half a century studying how South Florida came into being. From this, he’s concluded that much of the region may have less than half a century more to go.

We had breakfast at a greasy spoon not far from Wanless’s office, then set off across the MacArthur Causeway. (Out-of-towners often assume that Miami Beach is part of Miami, but it’s situated on a separate island, a few miles off the coast.) It was a hot, breathless day, with a brilliant blue sky. Wanless turned onto a side street, and soon we were confronting a pond-sized puddle. Water gushed down the road and into an underground garage. We stopped in front of a four-story apartment building, which was surrounded by a groomed lawn. Water seemed to be bubbling out of the turf. Wanless took off his shoes and socks and pulled on a pair of polypropylene booties. As he stepped out of the car, a woman rushed over. She asked if he worked for the city. He said he did not, an answer that seemed to disappoint but not deter her. She gestured at a palm tree that was sticking out of the drowned grass.



"Look at our yard, at the landscaping," she said. "That palm tree was super-expensive." She went on, "It's crazy—this is saltwater."

"Welcome to rising sea levels," Wanless told her.

According to the Intergovernmental Panel on Climate Change, sea levels could rise by more than three feet by the end of this century. The United States Army Corps of Engineers projects that they could rise by as much as five feet; the National Oceanic and Atmospheric Administration predicts up to six and a half feet. According to Wanless, all these projections are probably low. In his office, Wanless keeps a jar of meltwater he collected from the Greenland ice sheet. He likes to point out that there is plenty more where that came from.

"Many geologists, we're looking at the possibility of a ten-to-thirty-foot range by the end of the century," he told me.

We got back into the car. Driving with one hand, Wanless shot pictures out the window with the other. "Look at that," he said. "Oh, my gosh!" We'd come to a neighborhood of multimillion-dollar homes where the water was creeping under the security gates and up the driveways. Porsches and Mercedeses sat flooded up to their chassis.

"This is today, you know," Wanless said. "This isn't with two feet of sea-level rise." He wanted to get better photos, and pulled over onto another side street. He handed me the camera so that I could take a picture of him standing in the middle of the submerged road. Wanless stretched out his arms, like a magician who'd just conjured a rabbit. Some workmen came bouncing along in the back of a pickup. Every few feet, they stuck a depth gauge into the water. A truck from the Miami Beach Public Works Department pulled up. The driver asked if we had called City Hall. Apparently, one of the residents of the street had mistaken the high tide for a water-main break. As we were chatting with him, an elderly woman leaning on a walker rounded the corner. She looked at the lake the street had become and wailed, "What am I supposed to do?" The men in the pickup truck agreed to take her home. They folded up her walker and hoisted her into the cab.

To cope with its recurrent flooding, Miami Beach has already spent something like a hundred million dollars. It is planning on spending several hundred million more. Such efforts are, in Wanless's view, so much money down the drain. Sooner or later—and probably sooner—the city will have too much water to deal with. Even before that happens, Wanless believes, insurers will stop selling policies on the luxury condos that line Biscayne Bay. Banks will stop writing mortgages.

"If we don't plan for this," he told me, once we were in the car again, driving toward the Fontainebleau hotel, "these are the new Okies." I tried to imagine Ma and Pa Joad heading north, their golf bags and espresso machine strapped to the Range Rover.

The amount of water on the planet is fixed (and has been for billions of years). Its distribution, however, is subject to all sorts of rearrangements. In the coldest part of the last ice age, about twenty thousand years ago, so much water was tied up in ice sheets that sea levels were almost four hundred feet lower than they are today. At that point, Miami Beach, instead of being an island, was fifteen miles from the Atlantic Coast. Sarasota was a hundred miles inland from the Gulf of Mexico, and the outline of the Sunshine State looked less like a skinny finger than like a plump heel.

As the ice age ended and the planet warmed, the world's coastlines assumed their present configuration. There's a good deal of evidence—much of it now submerged—that this process did not take place slowly and steadily but, rather, in fits and starts. Beginning around 12,500 B.C., during an event known as meltwater pulse 1A, sea levels rose by roughly fifty feet in three or four centuries, a rate of more than a foot per decade. Meltwater pulse 1A, along with pulses 1B, 1C, and 1D, was, most probably, the result of ice-sheet collapse. One after another, the enormous glaciers disintegrated and dumped their contents into the oceans. It's been speculated—though the evidence is sketchy—that a sudden flooding of the Black Sea toward the end of meltwater pulse 1C, around seventy-five hundred years ago, inspired the deluge story in Genesis.

As temperatures climb again, so, too, will sea levels. One reason for this is that water, as it heats up, expands. The process of thermal expansion follows well-known physical laws, and its impact is relatively easy to calculate. It is more difficult to predict how the earth's remaining ice sheets will behave, and this difficulty accounts for the wide range in projections.

Low-end forecasts, like the I.P.C.C.'s, assume that the contribution from the ice sheets will remain relatively stable through the end of the century. High-end projections, like NOAA's, assume that ice-melt will accelerate as the earth warms (as, under any remotely plausible scenario, the planet will continue to do at least through the end of this century, and probably beyond). Recent observations, meanwhile, tend to support the most worrisome scenarios.

The latest data from the Arctic, gathered by a pair of exquisitely sensitive satellites, show that in the past decade Greenland has been losing more ice each year. In August, NASA announced that, to supplement the satellites, it was launching a new monitoring program called—provocatively—Oceans Melting Greenland, or O.M.G. In November, researchers reported that, owing to the loss of an ice shelf off northeastern Greenland, a new “floodgate” on the ice sheet had opened. All told, Greenland's ice holds enough water to raise global sea levels by twenty feet.

At the opposite end of the earth, two groups of researchers—one from NASA's Jet Propulsion Lab and the other from the University of Washington—concluded last year that a segment of the West Antarctic ice sheet has gone into “irreversible decline.” The segment, known as the Amundsen Sea sector, contains enough water to raise global sea levels by four feet, and its melting could destabilize other parts of the ice sheet, which hold enough ice to add ten more feet. While the “decline” could take centuries, it's also possible that it could be accomplished a lot sooner. NASA is already planning for the day when parts of the Kennedy Space Center, on Florida's Cape Canaveral, will be underwater.

The day I toured Miami Beach with Hal Wanless, I also attended a panel discussion at the city's Convention Center titled “Eyes on the Rise.” The discussion was hosted by the French government, as part of the lead-up to the climate convention in Paris, at that point two months away. Among the members of the panel was a French scientist named Eric Rignot, a professor at the University of California, Irvine. Rignot is one of the researchers on O.M.G., and in a conference call with reporters during the summer he said he was “in awe” of how fast the Greenland ice sheet was changing. I ran into him just as he was about to go onstage.

“I'm going to scare people out of this room,” he told me. His fellow-panelists were a French geophysicist, a climate scientist from the University of Miami, and Miami Beach's mayor, Philip Levine. Levine was elected in 2013, after airing a commercial that tapped into voters' frustration with the continual flooding. It showed him preparing to paddle home from work in a kayak.

“Some people get swept into office,” Levine joked when it was his turn at the mike. “I always say I got floated in.” He described the steps his administration was taking to combat the effects of rising seas. These include installing enormous underground pumps that will suck water off the streets and dump it into Biscayne Bay. Six pumps have been completed, and fifty-four more are planned. “We had to raise people's storm-water fees to be able to pay for the first hundred-million-dollar tranche,” Levine said. “So picture this: you get elected to office and the first thing you tell people is ‘By the way, I'm going to raise your rates.’”

He went on, “When you are doing this, there's no textbooks, there's no ‘How to Protect Your City from Sea Level Rise,’ go to Chapter 4.” So the city would have to write its own. “We have a team that's going to get it done, that's going to protect this city,” the Mayor said. “We can't let investor confidence, resident confidence, confidence in our economy start to fall away.”

John Morales, the chief meteorologist at NBC's South Florida affiliate, was moderating the discussion. He challenged the Mayor, offering a version of the argument I'd heard from Wanless—that today's pumps will be submerged by the seas of tomorrow.

“Down the road, this is just a Band-Aid,” Morales said.

"I believe in human innovation," Levine responded. "If, thirty or forty years ago, I'd told you that you were going to be able to communicate with your friends around the world by looking at your watch or with an iPad or an iPhone, you would think I was out of my mind." Thirty or forty years from now, he said, "We're going to have innovative solutions to fight back against sea-level rise that we cannot even imagine today."

Many of the world's largest cities sit along a coast, and all of them are, to one degree or another, threatened by rising seas. Entire countries are endangered—the Maldives, for instance, and the Marshall Islands. Globally, it's estimated that a hundred million people live within three feet of mean high tide and another hundred million or so live within six feet of it. Hundreds of millions more live in areas likely to be affected by increasingly destructive storm surges.

Against this backdrop, South Florida still stands out. The region has been called "ground zero when it comes to sea-level rise." It has also been described as "the poster child for the impacts of climate change," the "epicenter for studying the effects of sea-level rise," a "disaster scenario," and "the New Atlantis." Of all the world's cities, Miami ranks second in terms of assets vulnerable to rising seas—No. 1 is Guangzhou—and in terms of population it ranks fourth, after Guangzhou, Mumbai, and Shanghai. A recent report on storm surges in the United States listed four Florida cities among the eight most at risk. (On that list, Tampa came in at No. 1.) For the past several years, the daily high-water mark in the Miami area has been racing up at the rate of almost an inch a year, nearly ten times the rate of average global sea-level rise. It's unclear exactly why this is happening, but it's been speculated that it has to do with changes in ocean currents which are causing water to pile up along the coast. Talking about climate change in the Everglades this past Earth Day, President Obama said, "Nowhere is it going to have a bigger impact than here in South Florida."

The region's troubles start with its topography. Driving across South Florida is like driving across central Kansas, except that South Florida is greener and a whole lot lower. In Miami-Dade County, the average elevation is just six feet above sea level. The county's highest point, aside from man-made structures, is only about twenty-five feet, and no one seems entirely sure where it is. (The humorist Dave Barry once set out to climb Miami-Dade's tallest mountain, and ended up atop a local garbage dump nicknamed Mt. Trashmore.) Broward County, which includes Fort Lauderdale, is equally flat and low, and Monroe County, which includes the Florida Keys, is even more so.

But South Florida's problems also run deeper. The whole region—indeed, most of the state—consists of limestone that was laid down over the millions of years Florida sat at the bottom of a shallow sea. The limestone is filled with holes, and the holes are, for the most part, filled with water. (Near the surface, this is generally freshwater, which has a lower density than saltwater.)

Until the eighteen-eighties, when the first channels were cut through the region by steam-powered dredges, South Florida was one continuous wetland—the Everglades. Early efforts to drain the area were only half successful; Northerners lured by turn-of-the-century real-estate scams found the supposedly rich farmland they'd purchased was more suitable for swimming.

"I have bought land by the acre, and I have bought land by the foot; but, by God, I have never before bought land by the gallon," one arrival from Iowa complained.

Even today, with the Everglades reduced to half its former size, water in the region is constantly being shunted around. The South Florida Water Management District, a state agency, claims that it operates the "world's largest water control system," which includes twenty-three hundred miles of canals, sixty-one pump stations, and more than two thousand "water control structures." Floridians south of Orlando depend on this system to prevent their lawns from drowning and their front steps from becoming docks. (Basement flooding isn't an issue in South Florida, because no one has a basement—the water table is too high.)

When the system was designed—redesigned, really—in the nineteen-fifties, the water level in the canals could be maintained at least a foot and a half higher than the level of high tide. Thanks to this difference in elevation, water flowed off the land toward the sea. At the same time, there was enough freshwater pushing out to prevent saltwater from pressing in. Owing in part to sea-level rise, the gap has since been cut by about eight inches, and the region faces the discomfiting prospect that, during storms, it will be inundated not just along the coasts but also inland, by

rainwater that has nowhere to go. Researchers at Florida Atlantic University have found that with just six more inches of sea-level rise the district will lose almost half its flood-control capacity. Meanwhile, what's known as the saltwater front is advancing. One city—Hallandale Beach, just north of Miami—has already had to close most of its drinking wells, because the water is too salty. Many other cities are worried that they will have to do the same.

Jayantha Obeysekera is the Water Management District's chief modeller, which means it's his job to foresee South Florida's future. One morning, I caught up with him at a flood-control structure known as S13, which sits on a canal known as C11, west of Fort Lauderdale.

"We have a triple whammy," he said. "One whammy is sea-level rise. Another whammy is the water table comes up higher, too. And in this area the higher the water table, the less space you have to absorb storm water. The third whammy is if the rainfall extremes change, and become more extreme. There are other whammies probably that I haven't mentioned. Someone said the other day, 'The water comes from six sides in Florida.'"

A month after the super blood moon, South Florida experienced another series of very high tides—"king tides," as Miamians call them. This time, I went out to see the effects with Nicole Hernandez Hammer, an environmental-studies researcher who works for the Union of Concerned Scientists. Hammer had looked over elevation maps and decided that Shorecrest, about five miles north of downtown Miami, was a neighborhood where we were likely to find flooding. It was another hot, blue morning, and as we drove along, in Hammer's Honda, at first it seemed that she'd miscalculated. Then, all of a sudden, we arrived at a major intersection that was submerged. We parked and made our way onto a side street, also submerged. We were standing in front of a low-slung apartment building, debating what to do next, when one of the residents came by.

"I've been trying to figure out: Where is the water coming from?" he said. "It'll be drying up and then it'll be just like this again." He had complained to the building's superintendent. "I told him, 'Something needs to be done about this water, man.' He says he'll try to do something." A cable-repair truck trailing a large wake rolled by and then stalled out.

The water on the street was so deep that it was, indeed, hard to tell where it was coming from. Hammer explained that it was emerging from the storm drains. Instead of funnelling rainwater into the bay, as they were designed to do, the drains were directing water from the bay onto the streets. "The infrastructure we have is built for a world that doesn't exist anymore," she said.

Neither of us was wearing boots, a fact that, as we picked our way along, we agreed we regretted. I couldn't help recalling stories I'd heard about Miami's antiquated sewer system, which leaks so much raw waste that it's the subject of frequent lawsuits. (To settle a suit brought by the federal government, the county recently agreed to spend \$1.6 billion to upgrade the system, though many question whether the planned repairs adequately account for sea-level rise.) Across the soaked intersection, in front of a single-family home, a middle-aged man was unloading groceries from his car. He, too, told us he didn't know where the water was coming from.

"I heard on the news it's because the moon turned red," he said. "I don't have that much detail about it." During the past month, he added, "it's happened very often." (In an ominous development, Miami this past fall experienced several very high tides at times of the month when, astronomically speaking, it shouldn't have.)

"Honestly, sometimes, when I'm talking to people, I think, Oh, I wish I had taken more psychology courses," Hammer told me. A lot of her job involves visiting low-lying neighborhoods like Shorecrest, helping people understand what they're seeing. She shows them elevation maps and climate-change projections, and explains that the situation is only going to get worse. Often, Hammer said, she feels like a doctor: "You hear that they're trying to teach these skills in medical schools, to encourage them to have a better bedside manner. I think I might try to get that kind of training, because it's really hard to break bad news."

It was garbage-collection day, and in front of one house county-issued trash bins bobbed in a stretch of water streaked with oil. Two young women were surveying the scene from the driveway, as if from a pier.

"It's horrible," one of them said to us. "Sometimes the water actually smells." They were sisters, originally from Colombia. They wanted to sell the house, but, as the other sister observed, "No one's going to want to buy it like this."

"I have called the city of Miami," the first sister said. "And they said it's just the moon. But I don't think it's the moon anymore."

After a couple of minutes, their mother came out. Hammer, who was born in Guatemala, began chatting with her in Spanish. "Oh," I heard the mother exclaim. "*Dios mío! El cambio climático!*"

Marco Rubio, Florida's junior senator, who has been running third in Republican primary polls, grew up not far from Shorecrest, in West Miami, which sounds like it's a neighborhood but is actually its own city. For several years, he served in Florida's House of Representatives, and his district included Miami's flood-vulnerable airport. Appearing this past spring on "Face the Nation," Rubio was asked to explain a statement he had made about climate change. He offered the following: "What I said is, humans are not responsible for climate change in the way some of these people out there are trying to make us believe, for the following reason: I believe that climate is changing because there's never been a moment where the climate is not changing."

Around the same time, it was revealed that aides to Florida's governor, Rick Scott, also a Republican, had instructed state workers not to discuss climate change, or even to use the term. The Scott administration, according to the Florida Center for Investigative Reporting, also tried to ban talk of sea-level rise; state employees were supposed to speak, instead, of "nuisance flooding." Scott denied having imposed any such Orwellian restrictions, but I met several people who told me they'd bumped up against them. One was Hammer, who, a few years ago, worked on a report to the state about threats to Florida's transportation system. She said that she was instructed to remove all climate-change references from it. "In some places, it was impossible," she recalled. "Like when we talked about the Intergovernmental Panel on Climate Change, which has 'climate change' in the title."

Scientists who study climate change (and the reporters who cover them) often speculate about when the partisan debate on the issue will end. If Florida is a guide, the answer seems to be never. During September's series of king tides, former Vice-President Al Gore spent a morning sloshing through the flooded streets of Miami Beach with Mayor Levine, a Democrat. I met up with Gore the following day, and he told me that the boots he'd worn had turned out to be too low; the water had poured in over the top.

"When the governor of the state is a full-out climate denier, the irony is just excruciatingly painful," Gore observed. He said that he thought Florida ought to "join with the Maldives and some of the small island states that are urging the world to adopt stronger restrictions on global-warming pollution."

Instead, the state is doing the opposite. In October, Florida filed suit against the Environmental Protection Agency, seeking to block new rules aimed at limiting warming by reducing power-plant emissions. (Two dozen states are participating in the lawsuit.)

"The level of disconnect from reality is pretty profound," Jeff Goodell, a journalist who's working on a book on the impacts of sea-level rise, told me. "We're sort of used to that in the climate world. But in Florida there are real consequences. The water is rising right now."

Meanwhile, people continue to flock to South Florida. Miami's metropolitan area, which includes Fort Lauderdale, has been one of the fastest growing in the country; from 2013 to 2014, in absolute terms it added more residents than San Francisco and, proportionally speaking, it outdid Los Angeles and New York. Currently, in downtown Miami there are more than twenty-five thousand new condominium units either proposed or under construction. Much of the boom is being financed by "flight capital" from countries like Argentina and Venezuela; something like half of recent home sales in Miami were paid for in cash.

And just about everyone who can afford to buy near the water. Not long ago, Kenneth Griffin, a hedge-fund billionaire, bought a penthouse in Miami Beach for sixty million dollars, the highest amount ever paid for a single-

family residence in Miami-Dade County (and ten million dollars more than the original asking price). The penthouse, in a new building called Faena House, offers eight bedrooms and a seventy-foot rooftop pool. When I read about the sale, I plugged the building's address into a handy program called the Sea Level Rise Toolbox, created by students and professors at Florida International University. According to the program, with a little more than one foot of rise the roads around the building will frequently flood. With two feet, most of the streets will be underwater, and with three it seems that, if Faena House is still habitable, it will be accessible only by boat.

I asked everyone I met in South Florida who seemed at all concerned about sea-level rise the same question: What could be done? More than a quarter of the Netherlands is below sea level and those areas are home to millions of people, so low-elevation living is certainly possible. But the geology of South Florida is peculiarly intractable. Building a dike on porous limestone is like putting a fence on top of a tunnel: it alters the route of travel, but not necessarily the amount.

"You can't build levees on the coast and stop the water" is the way Jayantha Obeysekera put it. "The water would just come underground."

Some people told me that they thought the only realistic response for South Florida was retreat.

"I live opposite a park," Philip Stoddard, the mayor of South Miami—also a city in its own right—told me. "And there's a low area in it that fills up when it rains. I was out there this morning walking my dog, and I saw fish in it. Where the heck did the fish come from? They came from underground. We have fish that travel underground!"

"What that means is, there's no keeping the water out," he went on. "So ultimately this area has to depopulate. What I want to work toward is a slow and graceful depopulation, rather than a sudden and catastrophic one."

More often, I heard echoes of Mayor Levine's Apple Watch line. Who knows what amazing breakthroughs the future will bring?

"I think people are underestimating the incredible innovative imagination in the world of adaptive design," Harvey Ruvin, the Clerk of the Courts of Miami-Dade County and the chairman of the county's Sea Level Rise Task Force, said when I went to visit him in his office. A quote from Buckminster Fuller hung on the wall: "We are all passengers on Spaceship Earth." Ruvin became friendly with Fuller in the nineteen-sixties, after reading about a plan Fuller had drawn up for a floating city in Tokyo Bay.

"I would agree that things can't continue exactly the way they are today," Ruvin told me. "But what we will evolve to may be better."

"I keep telling people, 'This is my patient,' " Bruce Mowry, Miami Beach's city engineer, was saying. "I can't lose my patient. If I don't do anything, Miami Beach may not be here." It was yet another day of bright-blue skies and "nuisance flooding," and I was walking with Mowry through one of Miami Beach's lowest neighborhoods, Sunset Harbour.

If Miami Beach is on a gurney, then Mowry might be said to be thumping its chest. It's his job to keep the city viable, and since no one has yet come up with a smart-watch-like breakthrough, he's been forced to rely on more primitive means, like pumps and asphalt. We rounded a corner and came to a set of stairs, which led down to some restaurants and shops. Until recently, Mowry explained, the shops and the street had been at the same level. But the street had recently been raised. It was now almost a yard higher than the sidewalk.

"I call this my five-step program," he said. "What are the five steps?" He counted off the stairs as we descended: "One, two, three, four, five." Some restaurants had set up tables at the bottom, next to what used to be a curb but now, with the elevation of the road, is a three-foot wall. Cars whizzed by at the diners' eye level. I found the arrangement disconcerting, as if I'd suddenly shrunk. Mowry told me that some of the business owners, who had

been unhappy when the street flooded, now were unhappy because they had no direct access to the road: "It's, like, can you win?"

Several nearby streets had also been raised, by about a foot. The elevated roadbeds were higher than the driveways, which now all sloped down. The parking lot of a car-rental agency sat in a kind of hollow.

I asked about the limestone problem. "That is the one that scares us more than anything," Mowry said. "New Orleans, the Netherlands—everybody understands putting in barriers, perimeter levees, pumps. Very few people understand: What do you do when the water's coming up through the ground?"

"What I'd really like to do is pick the whole city up, spray on a membrane, and drop it back down," he went on. I thought of Calvino's "Invisible Cities," where such fantastical engineering schemes are the norm.

Mowry said he was intrigued by the possibility of finding some kind of resin that could be injected into the limestone. The resin would fill the holes, then set to form a seal. Or, he suggested, perhaps one day the city would require that builders, before constructing a house, lay a waterproof shield underneath it, the way a camper spreads a tarp under a tent. Or maybe some sort of clay could be pumped into the ground that would ooze out and fill the interstices.

"Will it hold?" Mowry said of the clay. "I doubt it. But these are things we're exploring." It was hard to tell how seriously he took any of these ideas; even if one of them turned out to be workable, the effort required to, in effect, caulk the entire island seemed staggering. At one point, Mowry declared, "If we can put a man on the moon, then we can figure out a way to keep Miami Beach dry." At another, he mused about the city's reverting to "what it came from," which was largely mangrove swamp: "I'm sure if we had poets, they'd be writing about the swallowing of Miami Beach by the sea."

We headed back toward Mowry's office around the time of maximum high tide. The elevated streets were still dry, but on the way to City Hall we came to an unreconstructed stretch of road that was flooding. Evidently, this situation had been anticipated, because two mobile pumps, the size and shape of ice-cream trucks, were parked near the quickly expanding pool. Neither was operating. After making a couple of phone calls, Mowry decided that he would try to switch them on himself. As he fiddled with the controls, I realized that we were standing not far from the drowned palm tree I'd seen on my first day in Miami Beach, and that it was once again underwater.

About a dozen miles due west of Miami, the land gives out, and what's left of the Everglades begins. The best way to get around in this part of Florida is by airboat, and on a gray morning I set out in one with a hydrologist named Christopher McVoy. We rented the boat from a concession run by members of the Miccosukee tribe, which, before the Europeans arrived, occupied large swaths of Georgia and Tennessee. The colonists hounded the Miccosukee ever farther south, until, eventually, they ended up with a few hundred mostly flooded square miles between Miami and Naples. On a fence in front of the dock, a sign read, "Beware: Wild alligators are dangerous. Do not feed or tease." Our guide, Betty Osceola, handed out headsets to block the noise of the rotors, and we zipped off.

The Everglades is often referred to as a "river of grass," but it might just as accurately be described as a prairie of water. Where the airboats had made a track, the water was open, but mostly it was patchy—interrupted by clumps of sawgrass and an occasional tree island. We hadn't been out very long when it started to pour. As the boat sped into the rain, it felt as if we were driving through a sandstorm.

The same features that now make South Florida so vulnerable—its flatness, its high water table, its heavy rains—are the features that brought the Everglades into being. Before the drainage canals were dug, water flowed from Lake Okeechobee, about seventy miles north of Miami, to Florida Bay, about forty miles to the south of the city, in one wide, slow-moving sheet. Now much of the water is diverted, and the water that does make it to the wetlands gets impounded, so the once continuous "sheet flow" is no more. There's a comprehensive Everglades restoration plan, which goes by the acronym CERP, but this has got hung up on one political snag after another, and climate change adds yet one more obstacle. The Everglades is a freshwater ecosystem; already, at the southern margin of Everglades National Park, the water is becoming salty. The sawgrass is in retreat, and mangroves are moving in. In coming

decades, there's likely to be more and more demand for the freshwater that remains. As McVoy put it, "You've got a big chunk of agriculture, a big chunk of people, and a big chunk of nature reserve all competing for the same resources."

The best that can be hoped for with the restoration project is that it will prolong the life of the wetland and, with that, of Miami's drinking-water system. But you can't get around geophysics. Send the ice sheets into "irreversible decline," as it seems increasingly likely we have done, and there's no going back. Eventually, the Everglades, along with Shorecrest and Miami Beach and much of the rest of South Florida, will be inundated. And, if Hal Wanless is right, eventually isn't very far off.

To me, the gunmetal expanse of water and grass appeared utterly without markers, but Osceola, who could read the subtlest of ridges, knew exactly where we were at every moment. We stopped to have sandwiches on an island with enough dry land for a tiny farm, and stopped again at a research site that McVoy had set up in the muck. There was a box of electrical equipment on stilts, and a solar panel to provide power. McVoy dropped out of the boat to collect some samples in empty water-cooler bottles. The rain let up, and then started again. ♦



Contact the Office of the Mayor

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48 Fifth Ave  
Oakland CA 94608

Dec 21, 2015

Dear Mayor and city Council members:

I can't believe you are spending millions to destroy The classic Ninth Ave Terminal when it could easily be transformed into studios from heaven for hundreds of local aspiring artists and musicians. And the rents would create a constant source of revenue.

Please reconsider this mistaken plan for destruction!

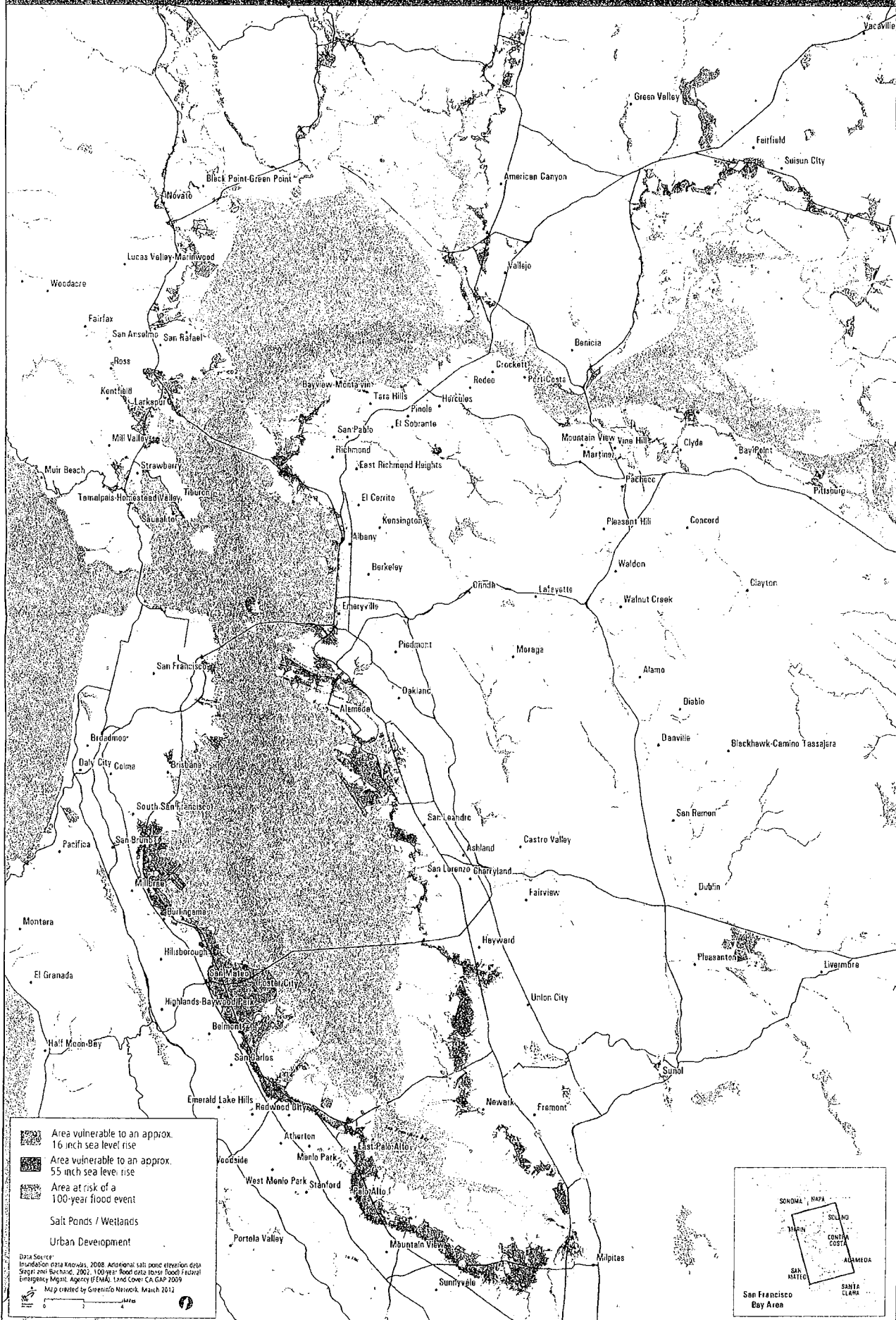
Thank you, Sincerely,  
Ewa Tolmud

PUD06010-PUDF02

(Shoreline Park Case File)

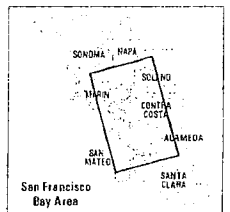
# Flood Risk and Sea Level Rise

San Francisco Bay Area



- Area vulnerable to an approx. 16 inch sea level rise
- Area vulnerable to an approx. 55 inch sea level rise
- Area at risk of a 100-year flood event
- Salt Ponds / Wetlands
- Urban Development

Data Source:  
Foundation data Knowledge, 2008. Additional salt pond elevation data  
Stage 2nd Beach, 2002. 100-year flood data from Federal  
Emergency Management Agency (FEMA), Land Cover, CA, CAP, 2009.  
Map created by GreenInfo Network, March, 2012



Contact the Office of the Mayor

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Ewa Tolmud

PUD06010-PUD F02

(Shoreline Park Case File)

**Brooklyn Basin Shoreline Park Final  
Development Permit Appeal**

**City Council, February 16, 2016**

**Attachment**

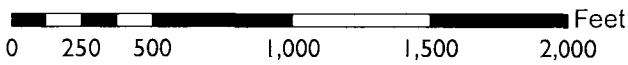
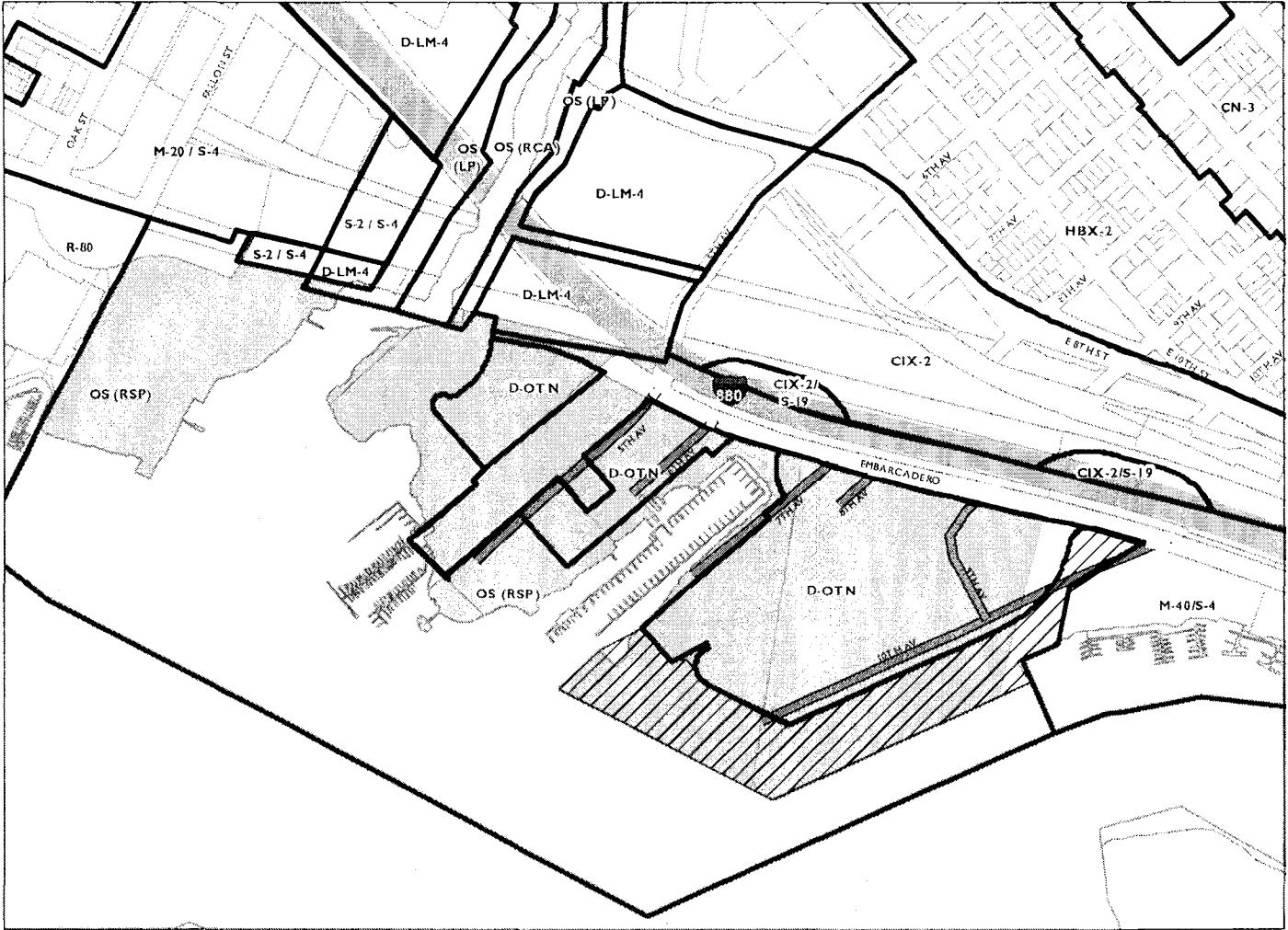
- B. Planning Commission Staff Report with Attachments (dated December 16, 2015)**

<b>Location:</b>	<b>Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Shoreline Park, located on the current site of the 9th Avenue Terminal.</b>
<b>Proposal:</b>	Final Development Permit (FDP) for Shoreline Park, including demolition and retention of portion of 9th Avenue Terminal.
<b>Applicant:</b>	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510) 251-9272.
<b>Owner:</b>	ZOHP, Port of Oakland, City of Oakland
<b>Planning Permits Required:</b>	FDP, compliance with CEQA.
<b>General Plan:</b>	EPP-Parks (Estuary Policy Plan-Parks).
<b>Zoning:</b>	OS-RSP (Open Space-Region-Serving Park)
<b>Environmental Determination:</b>	Final EIR certified on January 20, 2009
<b>Historic Status:</b>	9th Avenue Terminal, rated “A”
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	2 – Abel Guillen
<b>Action to be Taken:</b>	Consider FDP application and make CEQA determination.
<b>Finality of Decision:</b>	FDP appealable to City Council.
<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at <b>510-238-6168</b> or by e-mail at <b>cpayne@oaklandnet.com</b>

**SUMMARY**

The purpose of this supplemental report is to recommend approval of the Shoreline Park Final Development Permit application (FDP). The Planning Commission previously considered the project at their regular meeting on October 21, 2015. At that time, the Planning Commission moved to request the applicant (Zarsion-OHP 1, LLC, or ZOHP) to respond to comments received to date, and directed staff to form a subcommittee to include members of the Parks and Recreation Advisory Committee (PRAC), Landmarks Preservation Advisory Board (LPAB), and Planning Commission to participate in a public meeting to review revised Shoreline Park plans. At this time, Bureau of Planning staff has hosted a public meeting to review revised plans with the subcommittee, and recommends approval of the proposed project. This report is supplemental to the Planning Commission report dated October 21, 2015 included in Attachment A and included herein by reference.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: DA0611, PUD06010, PUD06010-PUDF02  
Applicant: Zarsion-OHP I, LLC (ZOHP), Patrick Van Ness  
Address: Brooklyn Basin; specifically, Shoreline Park  
on current site of 9th Avenue Terminal  
Zone: OS (RSP)

## PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10<sup>th</sup> Avenue to the east, and Fallon Street to the west. The project includes 29.9 acres of City parks located along the Oakland Estuary edge of the Brooklyn Basin Site. Shoreline Park is the southeastern-most park in Brooklyn Basin and is located on the water side of 10<sup>th</sup> Avenue, generally where the 9th Avenue Terminal is currently located.

The Shoreline Park site and surrounding area previously contained commercial and industrial uses (the 9th Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers). As of this writing, construction of Phase 1 infrastructure and Embarcadero improvements is underway adjacent to the Shoreline Park site.

## PROJECT BACKGROUND

*Planning Commission, October 21, 2015*

As noted above, the Planning Commission considered an earlier iteration of the proposed project at their regular meeting on October 21, 2015. At that time, the Planning Commission moved to request the applicant (Zarsion-OHP 1, LLC, or ZOHP) to respond to comments received to date, and directed staff to form a subcommittee to include members of the Parks and Recreation Advisory Committee (PRAC), Landmarks Preservation Advisory Board (LPAB), and Planning Commission to participate in a public meeting to review revised Shoreline Park plans.

The following is a summary of the Planning Commission comments from the October 21, 2015 hearing:

- Speakers:
  - Want additional features: shade and wind buffer devices, facilities for fishing, restrooms near Clinton Basin; Deck area is huge and barren.
  - Large deck area should remain simple to ensure flexibility of use for a variety of large events.
  - Incorporate materials from 9<sup>th</sup> Avenue Terminal in a meaningful way. What does pergola look like? Park elements (including shade and wind buffers) should reflect Oakland's creative design spirit. Need conveniences.
  - Need public subcommittee review.
  - Move project forward: creates jobs, enhances safety and livability; part of clearing path for provision of affordable housing; contributes to customer base for Chinatown.
  - Design will be further refined after FDP approval.
  - Plans should be more developed and detailed.
  - What is the process for building the park?

- This is the most important park project for Oakland in decades. Design should be outstanding and reflective of Oakland's unique spirit.
  - This is the City's last opportunity to review the park design prior to construction. Use this opportunity to control for high-quality design.
  - Design is banal and does not reflect Oakland's unique character.
  - Prioritize public access to site.
  - Ensure public review of public art pieces.
  - Address climate change and sea-level rise.
- Planning Commission Discussion:
    - Patillo:
      - Should strive for design excellence.
      - Applicant has not been responsive to DRC and other committee/board input.
      - Need a large quantity of comfortable benches (with backs and armrests) within close proximity of the water: 25-50, 6' or longer benches with backs and armrests).
      - Edge railing is a very important organizing and design feature for the park: should be a special railing design.
      - Consider more small trees in raised planter beds.
      - Need creatively designed shade devices.
      - Shade and wind buffer devices can be located in discrete areas.
      - Consider modular infrastructure for shade and wind devices.
      - Stormwater treatment facilities are poorly located in place where grand entry feature could be located.
      - Stormwater treatment facilities should look good all year.
      - Plans show stairs descending toward water; however, it appears they would end in rip-rap; drawings should reflect accurate conditions.
      - Need more information about trestle design.
      - Large deck is acceptable to serve purpose of large events.
      - Western portion of park near Clinton Basin has antiquated layout; should reflect more contemporary ideas about site planning and spatial organization.
      - Need more information about interpretive markers.
      - Detail steel skeleton of 9<sup>th</sup> Avenue Terminal structure to provide modular shade/wind buffer system.
      - Like street light fixture but not park fixture.
      - Have an outdoor café on east side of remaining portion of 9<sup>th</sup> Avenue Terminal.
      - What is the glass cube on the west side of the 9<sup>th</sup> Avenue Terminal?
      - Allow for boat docking.
      - More penetration from public ROW to deck.
      - Need more detail regarding how pergola will be designed.



- Pergola should relate to remaining portion of 9<sup>th</sup> Avenue Terminal (e.g., should have the same width or be on axis with the building).
- Weinstein:
  - Is this a destination or a pathway to something else?
  - Need an overall concept for all of the parks.
  - Ensure that the design responds to people's behavior (people don't stand around in groups at parks, as show in the illustratives).
  - The City should review any public art pieces.
  - Where are the restrooms?
  - Planning Commission should continue this item until PRAC and LPAB have had more opportunity for input.
- Myres:
  - Need more public review and process.
  - Design isn't family-friendly.
- Monchamp:
  - This should not be a predominantly soft-scaped park—it is an event space.
  - Need ample parking and public transit for an event space.
  - Need adequate ADA parking facilities.
  - Like the tiered seating for performances.
  - Need to enliven space.
  - Need shade.
  - Require public art to be physically kid-friendly.
  - Provide a water feature for children to interact with.
  - Require infrastructure for large events (appropriate electrical, water, waste disposal).
  - Need ample bike parking.
  - Relocate parking to entrance to park (stormwater retention basin area).
  - Have kiosks and food carts in the park.
  - Entrances need to be designed to provide gateways into park.
  - Detail how steps related to tide to ensure steps provide access during low tide.
- Nagraj:
  - Comments made so far could be addressed following approval of FDP.
  - What makes this park unique to Oakland? That should be the focus of the design.

*Public Subcommittee Meeting, November 12, 2015*

Bureau of Planning staff hosted a public subcommittee meeting on November 12, 2015 to review revised plans for Shoreline Park. Attendees included approximately 30 members of the public and a subcommittee consisting of six members of the Planning Commission, PRAC and LPAB. At that time, the applicant introduced a new Landscape Architect, EinwillerKuehl, and an extensive redesign of Shoreline Park. Attendees were generally supportive and complimentary of

the redesign. In a straw poll, the subcommittee voted unanimously in support of the proposed design proceeding to Planning Commission for consideration of approval.

The following is a summary of the public meeting comments from November 12, 2015:

- Public and Staff Comments:
  - Provide wind protection and shade.
  - Need more bike parking.
  - Ensure that Bay Trail surface accommodates bicycles.
  - Connect landscape design to building for holistic design.
  - The elements located at 9<sup>th</sup> Avenue Terminal entrances are welcoming and provide transition and threshold for building.
  - Like retention of truss elements in park.
  - Could truss elements be included at the original terminus of the 9<sup>th</sup> Avenue Terminal?
  - Like increased planting areas.
  - Like raised lawn area sloping toward water on western edge of park.
  - How will public art be maintained?
  - Design should be responsive to approved bulk of nearby buildings.
  
- Subcommittee Comments:
  - Like the gangplanks that refer to the loading bays and connect the large deck to the adjacent street.
  - Like the reuse of the trusswork.
  - Design reflects an understanding of likely park uses and programming.
  - It is clear how people will use spaces.
  - Design is humanized.
  - Like public art as interactive play structures.
  - Design is whimsical.
  - Like lighting concepts.
  - Like increased and varied access to water.
  - Hire local artists.
  - Study appropriate reuse of 9<sup>th</sup> Avenue Terminal wood—may not be appropriate as surface material.
  - Consider larger land area in front of 9<sup>th</sup> Avenue Terminal building façade to preserve views from that area.
  - Reuse of trusses should memorialize the scale of the building.
  - Ramp design is fussy.
  - 9<sup>th</sup> Avenue Terminal windows should be restored and rehabilitated.

## PROJECT DESCRIPTION

The currently proposed Shoreline Park plans have been extensively redesigned from the plans reviewed by the Planning Commission at their regular meeting on October 21, 2015.

### *Redesign*

The currently proposed Shoreline Park FDP application is an extensive redesign of the park from what was considered by the Planning Commission at their regular meeting on October 21, 2015.

The proposed Shoreline Park remains consistent with the previous design submittal in key aspects: The proposed park continues to occupy the same space allocated in the Preliminary Development Permit (approved originally in 2006), includes retention and historic rehabilitation of ten percent (or 20,000 square feet) of the 9<sup>th</sup> Avenue Terminal, includes a large open wharf space where the remainder of the 9<sup>th</sup> Avenue Terminal is approved for demolition, and hosts a continuous section of the San Francisco Bay Trail located along the Oakland Estuary edge of the park.

The proposed Shoreline Park has been redesigned in terms of the overall character, layout, design features and interpretive features. Key components of the current design proposal include (and staff analysis is shown below each component in indented, italicized text):

- Layout: The proposed park is organized along a curved central spine that follows the center line of the existing 9<sup>th</sup> Avenue Terminal and the edge of the Estuary shoreline at that location. Park entrances and activity areas are arranged in relationship to the primary axis, with grand entrances located at both the northwestern and southeastern edges of the park. In addition, the plans include activity areas (a grand gathering space, active water interaction, performance and contemplative viewing area) located along the primary axis. Finally, the 9<sup>th</sup> Avenue Terminal is integrated into the park design as a primary feature or activity along the central spine. Additional linear features and themes (retention of piers, lighting marking the railroad spur) add to the linear organization of the park layout.
  - *Staff Analysis: The proposed layout preserves the center line of the to-be-demolished 9<sup>th</sup> Avenue Terminal as the organizing force of the proposed park. The design centers the remaining portion of the 9<sup>th</sup> Avenue Terminal and the activity areas along the central spine, resulting in a clear and unified layout that will be easy to understand and use for future visitors. The features that mark the park axis change throughout the park (from a grand entry bridge to the 9<sup>th</sup> Avenue Terminal to the large gathering space, to the active water contact and Estuary inlet area to the sloped lawn plane) resulting in a dynamic and interesting experience moving through the park that informs visitors about activities and provides rich interpretive experiences for even the casual visitor. Staff supports the proposed Shoreline Park layout.*
- Design Features: Key thematic design features of the proposed Shoreline Park design include the 9<sup>th</sup> Avenue Terminal trusswork, porous park edges, grading changes, public art, and lighting.

- Trusswork: The proposed plans include locating trusswork trellises (using and/or referencing the 9<sup>th</sup> Avenue Terminal internal trusswork) throughout the park to serve a number of objectives: provide vertical visual cues to indicate the park location and activity areas within the large space occupied by the park, mark the location and mass of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished, and provide gathering spaces and shade in key activity areas within the park. The trusswork reiterates the central spine of the park, serves as a visual beacon, and provides a unique, unifying visual symbol of the park.
- Porosity: The proposed plans indicate porous edges along the linear sides of the park. Along the Estuary side of the park, the plans include numerous ways to access and interact with the water. Along the street-side edge of the park, the plan preserves the truck bay penetrations into the 9<sup>th</sup> Avenue Terminal as pedestrian entrances into the park. In addition, the stormwater retention basins are treated as integral park features that reach out beyond the formal edges of the park as gateway opportunities to include marsh and Estuary plantings as well as public art.
- Grading: The existing Shoreline Park site is generally a flat, human-made structure located above the more natural slope of the Estuary shoreline. The proposed plans break the existing wharf plane by introducing a variety of sloped pathways to access the water, as well as the stormwater retention basins as integral park features, and finally by including a sloped lawn plane in the western portion of the park that articulates the human-made quality of the existing wharf structure while referencing the natural grade of the shoreline below the structure.
- Public Art: Although the proposed plans do not include a commitment to any specific public art pieces, the plans include extensive images of whimsical, interactive art clearly intended to be viewed, touched (even climbed), and to frame views from the site. The proposal includes tactile art, as well as light art and landform art (earthworks).
- Lighting: As noted above, the plans include lighting as art and as an interpretive feature. In addition to safety lighting, this more whimsical lighting allows for a different park experience at nighttime and an enhanced experience of interpretive features.
  - *Staff Analysis: The proposed design features work together to support the linear layout of the park while providing a rich and whimsical visual and experiential place. The features support the park layout while providing ample opportunities to access the water's edge, integrating the park into the surrounding neighborhood and building off of the history and physical nature of the shoreline and of the 9<sup>th</sup> Avenue Terminal. Staff supports the proposed design features for Shoreline Park.*
- Interpretive Features: The currently proposed Shoreline Park plans include layers of interpretive features and opportunities, including simply revealing existing features in a meaningful manner. As mentioned above, the proposed plans include elements that refer to the 9<sup>th</sup> Avenue Terminal while providing new use opportunities (the trusswork and truck bays, for example). The plans also integrate the required stormwater treatment

facilities as opportunities to explore Estuary habitat and vegetation as well provide another opportunity for public art. In addition, the plans provide a variety of ways to see and interact with the Estuary as well as to understand movement and change in the Estuary. Finally, the proposed plans reveal the underpinnings of the human-made wharf and railroad spur to allow exploration of how Oakland has historically addressed its waterfront.

- *Staff Analysis: The proposed plans reuse and reveal much of the site and the 9<sup>th</sup> Avenue Terminal in an honest yet creative manner. In addition, the park plans include interpretive opportunities for understanding the greater Oakland Estuary within the context of current profile of Oakland as an avant-garde, creative community. Staff supports the extensive opportunities provided for a rich and varied interpretive experience of the site, the region and the community.*

#### Response to Previously Received Comments (Prior to Redesign)

The community and decision-makers commented extensively on the previous design proposal. The current design proposal is intended to be responsive to many of the previously received comments. Staff has identified key comments that are specific to FDP-level design and how the plans do or do not respond to the comments (staff analysis provided below each comment in indented, italicized text):

- Incorporate materials from 9<sup>th</sup> Avenue Terminal in a meaningful way.
  - *Staff Analysis: The layout and features of the 9<sup>th</sup> Avenue Terminal are included in the currently proposed plans in a meaningful way. The park plans rely on the center line of the building as the primary organizing element of the park, with trusswork marking the central spine, park entrances where truck bays were located, and exposure of the piers and piles that support the 9<sup>th</sup> Avenue Terminal structure. In addition, the plans maintain the supporting structure of the railroad spur that brought goods to and from the 9<sup>th</sup> Avenue Terminal break-bulk shipping facility.*
- Design will be further refined after FDP approval.
  - *Staff Analysis: It should be noted that the proposed plans will be subject to further review by the Bay Conservation and Development Commission and further design refinement typical of the schematic design level of development. In addition, public art will be subject to a separate process for consideration through the Public Arts Commission. That said, the plans indicate a very strong and clear direction regarding the creative style, concepts and features that will be carried through to project delivery.*
- Design is banal and does not reflect Oakland's unique character.
  - *Staff Analysis: The proposed design is intended to directly resolve this issue. The plans include extensive interpretive opportunities, public art, and whimsical design features. The design is generally unique and thoughtful and reflective the avant-garde design profile of Oakland's community at this time.*
- Applicant has not been responsive to DRC and other committee/board input.

- *Staff Analysis: The proposed design is intended to directly resolve this issue. The applicant selected a new Landscape Architect, EinwillerKuehl, and invested in a wholesale redesign of the park with the key objective of delivering a regionally significant, dynamic and whimsical park reflecting the contemporary design aesthetic of the Oakland community. As noted throughout this report, the design achieves just that.*
- Edge railing is a very important organizing and design feature for the park: should be a special railing design.
  - *Staff Analysis: The current design emphasizes direct access to the water in a variety of ways. In addition, the park is now organized along the center line of the 9<sup>th</sup> Avenue Terminal, thereby eliminating the importance of the waterfront railing design for the purpose of the FDP. There will be a railing along portions of the waterfront; it is clear from the intent of the design that the railing will be of a modern aesthetic and will be secondary to the water access features, activity areas and interpretive experiences.*
- Need creatively designed shade and wind buffer devices.
  - *Staff Analysis: The proposed plans incorporate trusswork that could be treated with vine plantings or otherwise be used as shade structures. In addition, the design does not preclude the use of temporary umbrellas or other shade devices. With regards to wind buffering, the design encourages interaction with the environment (e.g., providing extensive access to the water); although the trusswork could provide opportunities for wind buffers, wind may not be a perceived as a problem by visitors to this active park design. Finally, the sloped lawn plane will provide some wind buffer on the western side of the park.*
- Plans show stairs descending toward water; however, it appears they would end in rip-rap; drawings should reflect accurate conditions.
  - *Staff Analysis: The proposed plans now show a variety of ways to access the water from the wharf structure. The plans accurately reflect the different conditions that would be encountered when accessing the Estuary.*
- Need more information about trestle design.
  - *Staff Analysis: The existing trestle, part of which is planned for retention, is not part of the San Francisco Bay Trail. It will have a walkable surface, possibly wood, but the surface will not be specifically designed for bicycles or other modes of transportation. It should be noted that the plans include retaining the piers that support the portion of the trestle slated for removal (and possibly lighting them at night). This will reveal the history of the site as a multi-modal shipping center and the move away from industrial uses located along the San Francisco Bay in contemporary times.*
- Western portion of park near Clinton Basin has antiquated layout; should reflect more contemporary ideas about site planning and spatial organization.
  - *Staff Analysis: The proposed design is intended to resolve this issue. The applicant selected a new Landscape Architect, EinwillerKuehl, and invested in a wholesale redesign of the park with the key objective of delivering a regionally significant, dynamic and whimsical park reflecting the contemporary design*

*aesthetic of the Oakland community. As noted throughout this report, the design achieves just that. In particular, the western portion of the park includes extensive water access and a sloped lawn plane that, in addition to having interpretive value, is clearly designed as a lounging and performance space.*

- Need more information about interpretive markers.
  - *Staff Analysis: The current plans do not include interpretive markers, but rather include an interpretive design approach that keeps many features and ideas of the existing site and reveals and reuses those features for new purposes (e.g., existing truck bays used for park access, reveal of piers supporting wharf structure, relying on remaining portion of 9<sup>th</sup> Avenue Terminal as central organizing feature of park). It should be noted that a FDP reflects Schematic Design and typically wouldn't include information as detailed and refined as the design of any specific interpretive markers. Design evolution through Construction Documents would include that level of information and would not typically be subject to discretionary review.*
- Like street light fixture but not park fixture.
  - *Staff Analysis: The proposed park plans include new lighting standards and also include extensive enhanced lighting to creatively light park features. The pathway light standards are not a primary organizing element of the current park design and the design relies on a more compact, streamlined pole and fixture.*
- More penetration from public ROW to deck.
  - *Staff Analysis: The currently proposed park plans include extensive openings between the adjacent sidewalk and the park along the wharf. The openings are located where the truck bays for the 9<sup>th</sup> Avenue Terminal are currently located.*
- Need more detail regarding how pergola will be designed.
  - *Staff Analysis: Trellis features included in the current design are intended to replicate the trusswork of the 9<sup>th</sup> Avenue Terminal (and actually reuse intact trusswork, where feasible) as a means of both memorializing the 9<sup>th</sup> Avenue Terminal and providing a historic and visual thematic layer to the park design. The trusswork tellises will be aligned with the historic trusswork in relationship to the centerline of the length of the 9<sup>th</sup> Avenue Terminal.*
- Need an overall concept for all of the parks.
  - *Staff Analysis: The overall concept for the parks is essentially to provide public open space and circulation along the Oakland Estuary, adjoining and building on the diversified open space that surrounds Lake Merritt. Shoreline Park is the most programmed of the Brooklyn Basin parks in terms of including extensive hardscape and opportunities for more crowd-intensive activities (such as performance space, water contact, public art, interpretation).*
- Where are the restrooms?
  - *Staff Analysis: The proposed plans include restrooms located within the remaining portion of the 9<sup>th</sup> Avenue Terminal as well as public restrooms located in the western portion of the park (possibly within the sloped lawn plane).*
- Design isn't family-friendly.

- *Staff Analysis: The currently proposed plans include extensive activity areas and kinetic design features to engage children including access to the water, grading changes, kinetic features (including public art), and interpretive features.*
- Require public art to be physically kid-friendly.
  - *Staff Analysis: The proposed plans show images of public art that would allow physical contact (touch, climbing) and encourage physical responses (viewing, hide-and-seek). The FDP plans clearly set the tone and standard for the public art in terms of being physically engaging.*
- Provide a water feature for children to interact with.
  - *Staff Analysis: The proposed Shoreline Park plans include extensive, varied ways to access the Estuary, which is treated as the water feature for this park.*
- Have kiosks and food carts in the park.
  - *Staff Analysis: The proposed plans would accommodate food carts and kiosks. Staff also recommends including this requirement as part of any approval.*
- Entrances need to be designed to provide gateways into park.
  - *Staff Analysis: The proposed plans included a clear formal entry to the park from the east (a promenade centered on and leading to the 9<sup>th</sup> Avenue Terminal). The 9<sup>th</sup> Avenue Terminal and the sloped lawn plane to the west provide architectural monuments that act as visual beacons and set the organizational center line of the park. In addition, the retention basins are treated as opportunities to showcase Estuary habitat and public art and will draw the public into the park from both ends.*
- What makes this park unique to Oakland? That should be the focus of the design.
  - *Staff Analysis: The proposed Shoreline Park plans take a unique approach to establishing the guiding themes: the plans peel back the layers of human interventions over the years to expose and celebrate the industrial, intermodal history of the site; the plans also include interventions, such as the sloped lawn plane and the grand promenade entrance to the 9<sup>th</sup> Avenue Terminal that are juxtaposed against the flat quality of the historic use, the sloping nature of the natural shoreline and the intermodal nature of the shipping facility. In addition, the proposed plans include inventive ways to access the water, provide shade and wind buffers, as well as extensive kinetic public art. The design is creative, thoughtful, dynamic and whimsical and offers opportunities to show off Oakland's expanding arts community. The Shoreline Park design is a celebration of Oakland's history, perspective and thoughtfulness and our unique location on a working and changing regional waterfront.*

## RECOMMENDATION

Staff fully supports the redesigned Shoreline Park FDP application. The current plans are reflective of Oakland's creative identity, embrace the Estuary, provide truly engaging interpretive opportunities through design features, and respect the historic uses and facilities located at the site. At this time, staff recommends that Planning Commission approve the Shoreline Park FDP



with the following requirements (shown as revised from previous staff recommendation on October 21, 2015):

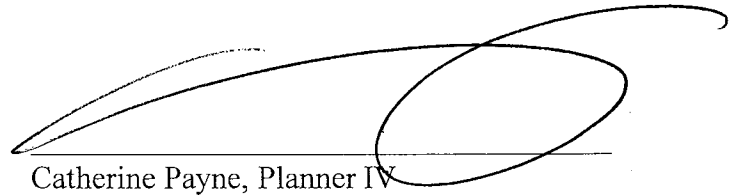
- Require Applicant to commit to the delivery of three public art pieces, **as defined in Oakland Municipal Code Section 15.70**, for Shoreline Park, consistent with the plans, to be approved by the Cultural Arts Commission, and installed prior to completion of park construction. In addition, require at least one of these pieces be expressly designed to allow and encourage children to interact with the piece physically and in a safe manner.
- ~~Establish and require the Applicant to work with a DRC subcommittee to confirm design consistency with the approved FDP through design development and construction documents for Shoreline Park. The DRC subcommittee would review a Design Development set of plans to confirm that materials and design details reflect Oakland's creative essence in this era, and that the design evolves to integrate public art, sustainability and reuse, and cultural interpretation in the design details. The DRC subcommittee would report their findings out to the full DRC.~~
- Require the Applicant to supplement OPR park programming until buildout of Brooklyn Basin Phase 1. The Planning Commission should ask the Applicant to develop a program of activities (including timing and frequency) to be reviewed and approved by the Bureau of Planning and Office of Parks and Recreation. The program should include, ~~consistent with the images in the current plans:~~ provision of food carts, equipment rentals and instruction (e.g., small boats, inline skates, bikes, kites), exercise classes (e.g., cross-fit, line dancing), monthly outdoor concert series in the dry season; monthly regional festivals in the summer (e.g., kite/bike/food/music/art);
- Provide moveable furniture near 9<sup>th</sup> Ave Terminal: The Applicant should provide 50 chairs and 15 small tables for park users that can be arranged by users; furnishings should be available throughout the Phase One build-out programming period during non-curfew hours (could be stored in 9<sup>th</sup> Avenue Terminal or in an enclosure to be approved by staff during park curfew hours);
- Direct Applicant to meet with community-based artists to receive input regarding how to incorporate public art in the design development of Shoreline Park, to be arranged in consultation with the Cultural Arts Division; and
- Direct staff to report the Planning Commission decision out to the PRAC, including analysis regarding how PRAC comments are or are not addressed in final decision for Shoreline Park FDP.

**CONCLUSION**

The proposed Shoreline Park FDP is consistent with and constitutes a design evolution and refinement of the previously approved PDP. Staff finds the proposed project to be well designed, responsive to Planning Commission comment, and recommends approval. Staff specifically recommends that the Planning Commission:

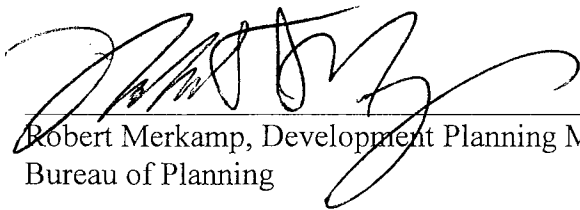
1. Pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference), rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the revision to the Shoreline Park FDP; and
2. Approve the Shoreline Park Final Development Permit, subject to the attached findings and staff recommendations included in this report and attachments (and incorporated herein by reference).

Prepared by:




Catherine Payne, Planner IV

Reviewed by:



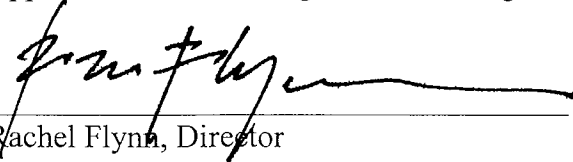
Robert Merkamp, Development Planning Manager  
Bureau of Planning

Reviewed by:



Darin Ranalletti, Deputy Director  
Bureau of Planning

Approved for forwarding to the Planning Commission:



Rachel Flynn, Director  
Department of Planning & Building

**Attachments:**

- A. Shoreline Park Plans, dated December 4, 2015
- B. Planning Commission Report, dated October 21, 2015 (including attachments)

**REQUIRED FINDINGS:  
BROOLYN BASIN SHORELINE PARK  
FINAL DEVELOPMENT PERMIT**

Required findings include:

- California Environmental Quality Act
- Planned Waterfront Zoning District-4(PWD-4)Findings for FDP
- Regular Design Review: Planning Code Section17.136.050

### California Environmental Quality Act

The City Council certified an Environmental Impact Report (EIR) for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment B) and is available to the public at the Planning Department offices and on the web at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Shoreline Park FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

**Planned Waterfront Zoning District-4(PWD-4)  
Findings for FDP**

**“The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement...”**

As demonstrated throughout this staff report, the Brooklyn Basin Shoreline Park Final Development Permit is consistent with the Preliminary Development Plan, the Oak to Ninth Design Guidelines, and the OS-RSP zoning regulations, the Conditions of Approval, the MMRP, and the Development Agreement. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to carry out the Oak to Ninth Design Guidelines and refine the design of Shoreline Park.

### City of Oakland Design Review Findings

The proposed Shoreline Park design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

#### **B. For Nonresidential Facilities and Signs.**

- 1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;**

*Shoreline Park will provide a buffer between the planned development in Brooklyn Basin and the Oakland Estuary. The park will be constructed upon an existing pile-supported wharf. The plan includes axis that connect to the streets and views in the neighborhood, providing visual connections between the waterfront and development.*

- 2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;**

*The proposed Shoreline Park plans emphasize access to, use of and the aesthetic beauty of the Oakland Estuary. In addition, the Shoreline Park plans provide ample open space opportunities for the public, including an area for large events that is unique along the Oakland waterfront. These improvements would make positive use of the site for the community in particular and the region as a whole.*

- 3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

*The proposed Shoreline Park plans would result in significant new public open space in Oakland, consistent with the Brooklyn Basin approvals to date and the underlying zoning regulations for the site.*

#### **C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:**

**1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.**

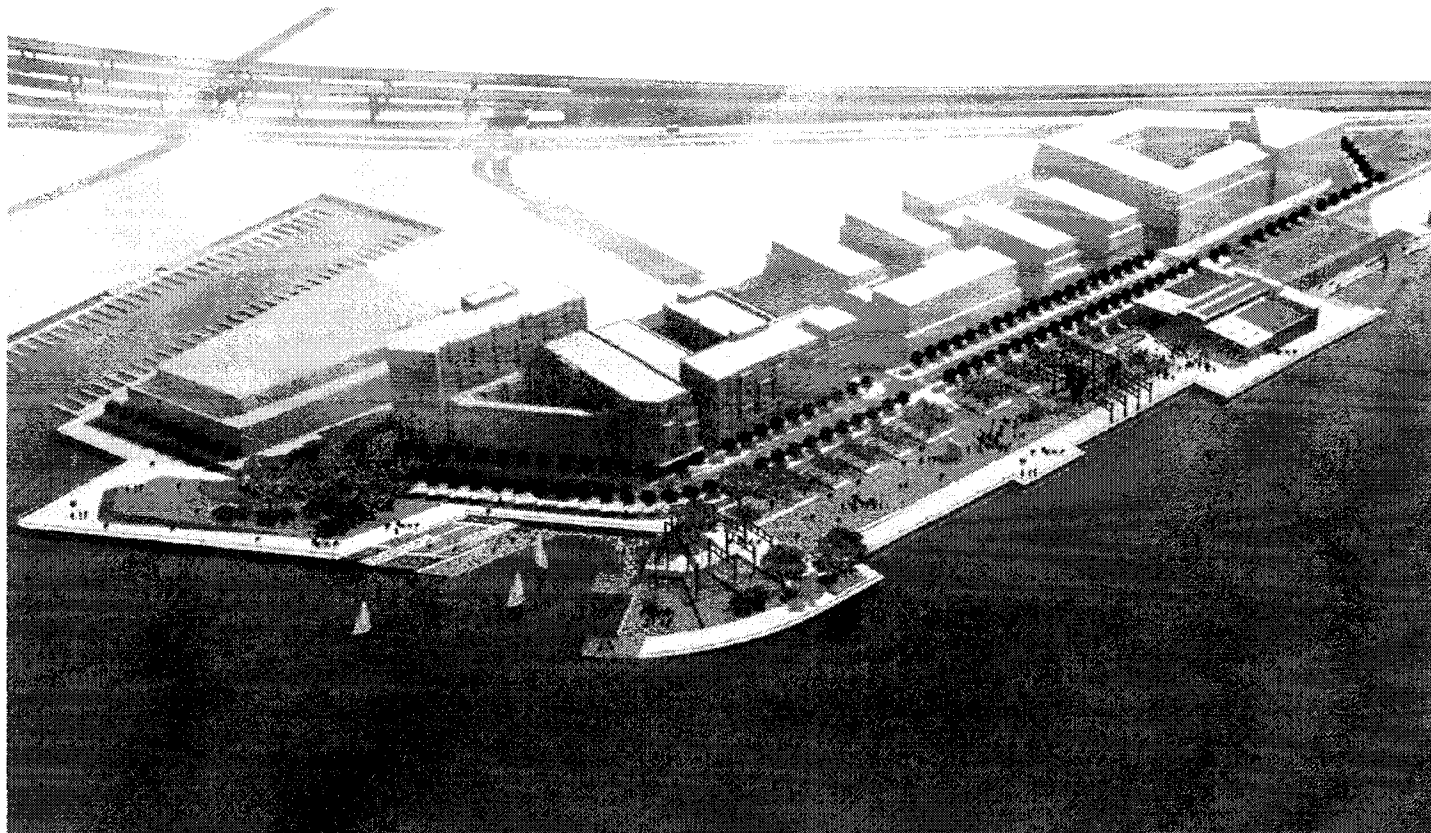
*The project would demolish ninety percent of the existing 9<sup>th</sup> Avenue Terminal. However, the proposed project includes rehabilitation of the remaining portion of the facility. Specifically, the project includes restoration of the eastern (front) façade, functional rehabilitation of the north and south facades, and opening up the western façade by apparently deconstructing the building to the west to reveal the existing truss structure as a transition to the openness of the park.*

*Typically, demolition of historic resources would need to comply with the current Planning Code Section 17.136.075 Regulations for demolition or removal of designated historic properties and potentially designated historic properties (Planning Code Section 17.136.075). However, in the case of the planned 9<sup>th</sup> Avenue Terminal demolition, the current Planning Code Section 17.136.075 findings are not applicable. The Brooklyn Basin project, as approved in 2006, included the demolition currently envisioned. At the time of project approval in 2006, the current demolition findings for historic properties were not required for design review approvals under the Oakland Planning Code. DA Section 3.5.1 specifically states that no new regulations shall be applied to the project, with the exception of provisions relating to regulations for health and safety (such as fire and building codes): "...City shall not impose or apply any City Regulations adopted or modified by City after the Adoption Date [of the DA]... or by initiative, referendum, ordinance, resolution, rule, regulations, standard, directive, condition, or other measure (i) which would be inconsistent or in conflict with the intent, purposes, terms, standards or conditions of this Agreement; (ii) which would change or modify the permitted uses of the Project Site..." Planning Code Section 17.136.075 is a modification to the Planning Code that was approved by Ordinance in 2010, after the 2006 Adoption Date of the DA. As such, the City of Oakland's current demolition findings, as well as the administratively adopted submittal requirements for demolition of the historic properties, that were adopted pursuant to the 2010 Planning Code amendments, do not apply to the Brooklyn Basin project with regards to planned demolition of the 9<sup>th</sup> Avenue Terminal. Design review for the Shoreline Park FDP must rely on the design review requirements in place at the time of the original project approval (2006), and the project is not subject to the more recently adopted demolition findings that are currently in the Planning Code. It should be noted, however, that the findings for approval adopted in 2006 do include specific reference to demolition of the 9<sup>th</sup> Avenue Terminal and rely on supporting studies prepared at that time (see Attachment D to this report for adopted project findings and supporting materials relating to the 9<sup>th</sup> Avenue Terminal).*



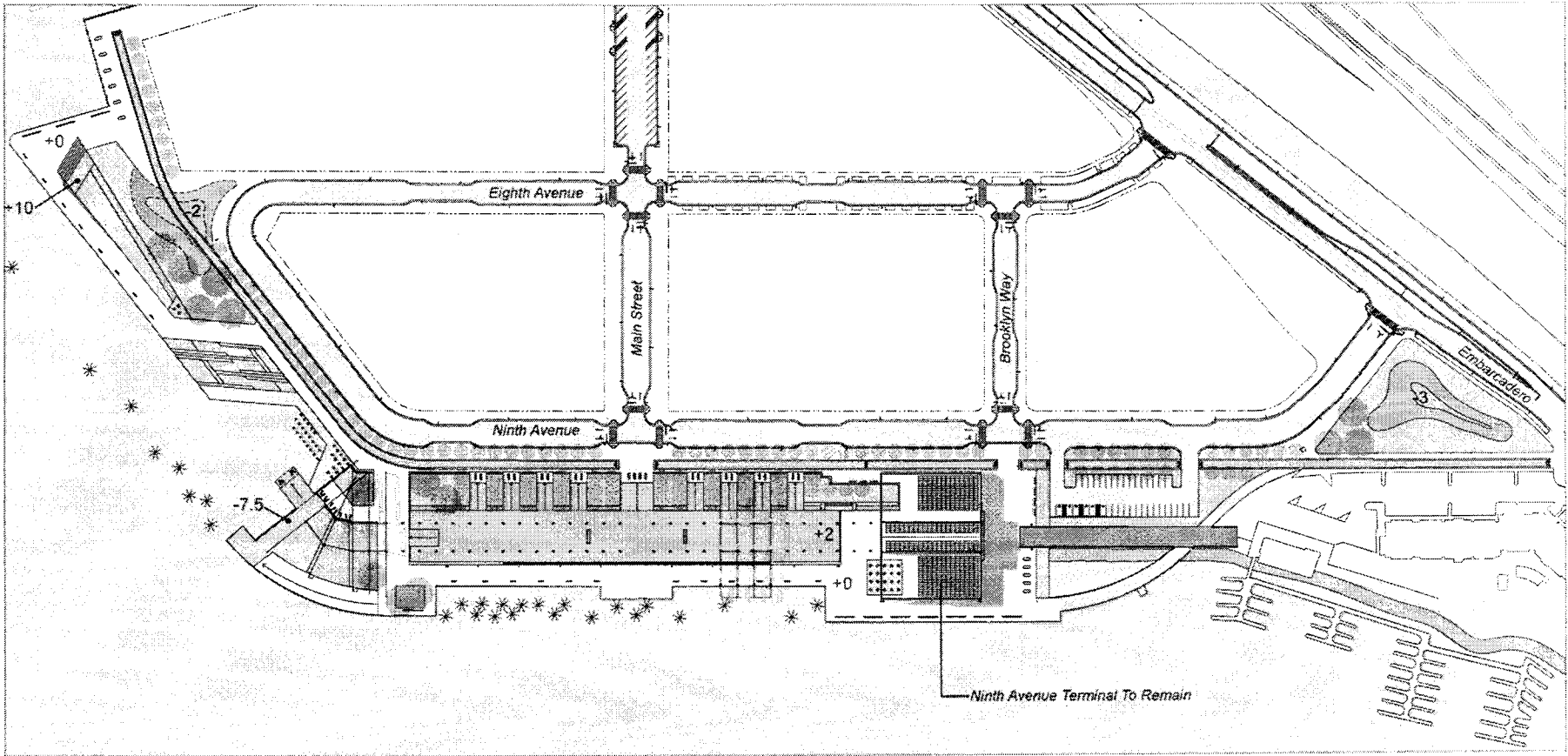
**ATTACHMENT A:**

**Proposed Shoreline Park FDP,  
dated December 4, 2015**



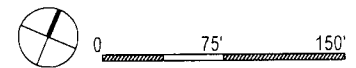
Birds Eye View of Shoreline Park

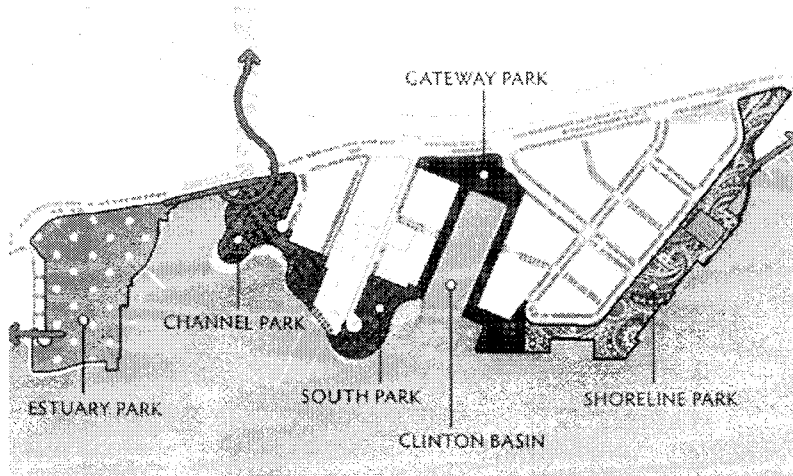
Number	Sheet List
Sheet	Title
L1.0	Cover
L2.0	Illustrative Site Plan
L3.0	Narrative
L3.1	Narrative
L4.0	Historic Interpretation
L4.1	Historic Interpretation
L5.0	Open Space Context
L6.0	Trails
L7.0	Project Areas
L8.0	Embarcadero Arrival
L8.1	Embarcadero Arrival
L9.0	9th Avenue Wharf
L9.1	9th Avenue Wharf
L9.2	9th Avenue Wharf
L10.0	The Deck
L10.1	The Deck
L10.2	The Deck
L10.3	The Deck
L10.4	The Deck
L11.0	The Cove
L11.1	The Cove
L11.2	The Cove
L11.3	The Cove
L11.4	The Cove
L12.0	The Incline
L12.1	The Incline
L12.2	The Incline
L13.0	Materials East
L13.2	Materials West
L14.0	Planting Wet
L14.1	Planting Dry
L14.2	Planting Trees and Vines
L15.0	Site Furniture East
L15.1	Site Furniture West
L16.0	Public Art
L17.0	Events Plan
<b>9th Avenue Terminal Architecture</b>	
A1.0	Design Approach
A2.0	Existing Photos
A3.0	Design Vocabulary
A4.0	Site Plan
A5.0	View From East
A6.0	View From West
A7.0	North and South Elevations
A8.0	Rear Elevation and Section C
A9.0	Sections A and B
A10.0	Roof Plan



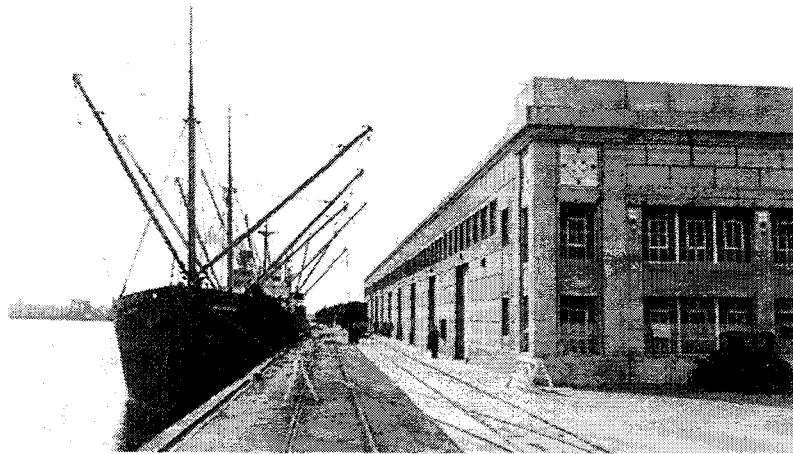
FDP Drawings	Oakland City Datum	MLLW Datum	NAVD Datum
Deck = +2	BFE+55"= 8.20	BFE+55"= +14.08	BFE+55"= +13.85
Existing Wharf = 0	BFE = 3.6	BFE = +9.5	BFE = +9.25
MHW = -9	MHW = -0.06	MHW = +5.82	MHW = +5.59
Near Water = -7.5	MTL= -2.42	MTL= +3.46	MTL= +3.23
MLLW = -14.82	MLLW = -5.88	MLLW = 0	MLLW = -0.23

The concept drawings show elevations relative to the existing finish surface of the wharf. The chart provides the MHW for the FDP drawings and its translation to 3 standard Datums.





Open Space Character for Brooklyn Basin: Continuous and Diverse



9th Avenue Terminal Historic Photo

## CONTEXT

Shoreline Park is approximately 9.74 acres stretched along the south and west edges of the Oakland Estuary at the Southern edge of Brooklyn Basin Development in Oakland, California. This park will be the first of four large open spaces within the Brooklyn Basin project, each of which will provide continuous open space built to highlight four very different characters. In compliance with the State Lands Commission, the park will be regional in program and will serve the entire Bay Area.

## HISTORY

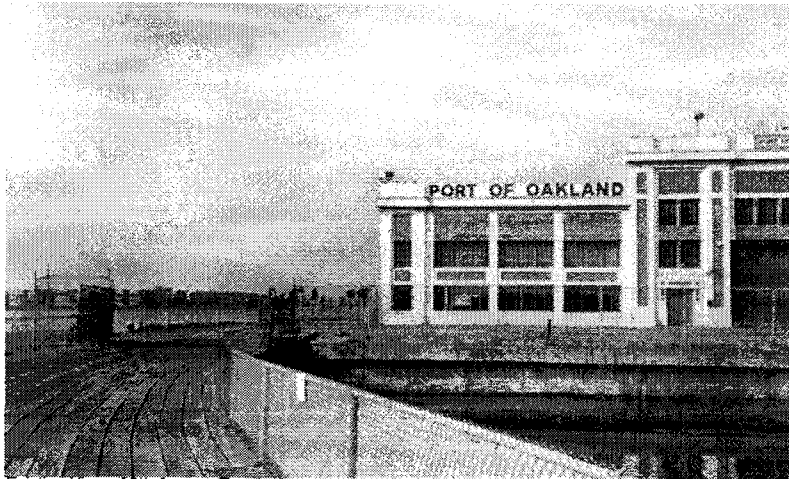
Approximately half the site was formerly the 9<sup>th</sup> Avenue terminal. Elements of the terminal building and its setting will be preserved to provide a memory of the industrial history in this location. These historic artifacts will be integrated and overlaid with new plantings, lighting, and other elements that combine with the artifacts to provide a unique infrastructure for a new park. The existing wharf was constructed over a number of years and the condition of the piers is extremely varied and requires upgrade to comply with current seismic codes. The park design considers the wharf condition and develops a new geometry based on repair and removal of existing piers as well as considering the below wharf area as an opportunity for landscape experiences that are closer to the water. Ultimately it is hoped that the water trail will seamlessly integrate with the overall Brooklyn Basin development in more than one location.

## ESTUARY

Water and land give way to one another all in the estuary landscape and the park design integrates this watery landscape throughout. Arrival at the park is designed to provide experiences that bridge over water—integrating both C-3 treatment areas, existing trestles, and new near water trails. Effort has been made to showcase the watery landscapes as elements of the park experience. Arriving by from the east at Embarcadero, the visitor passes through a marsh-like planting that may contain some large sculptures that reference imaginary large scale industrial sea life. Arriving from Clinton Basin, the trail crosses a marsh area and provides areas of elevation for better water views.

## 9TH AVENUE TERMINAL

In compliance with locating BCDC's Bay Trail at the edge of water, a new 30'-0" wide bridge has been added to the east end of the 9<sup>th</sup> Avenue Terminal to supplement the existing rail trestle—the trestle will remain as a "ruin", but cannot be made ADA compliant.) This bridge will serve as a significant wayfinding element that will direct people towards the 9<sup>th</sup> Avenue Terminal and provide a dramatic entry to the park. Parking for 38 cars is provided at the east end of the terminal in addition to large amounts of street parking and a new garage about 1 block away. It is imagined that many people will choose to arrive under their own powers by bike, kayak, and on foot and these arrival modalities are given primary location and thoughtful sequencing in the design. Bike parking will be provided at numerous locations within the park. Additional detail on the adaptive re-use of the terminal is provided in the architectural drawings at the end of this set.



Existing View of 9th Avenue Terminal



Aerial: Project Context on the Estuary

## THE DECK

At the heart of the park a large south facing deck is located in the footprint of the 9<sup>th</sup> Avenue Terminal. Oversized ramps evoke boat gang planks and are sited to mark the historic location of the loading dock doors. The terminal's interior trusses are repurposed as trellis armature for lights, plants, art, and possibly heat or shade devices. The west end of the terminal and its geometry are marked by the design of the cove terraces and the rail line that serviced the south edge has been re-inscribed as a large ramp and linear kinetic art—possibly light art in the water if it can be done with appropriate care for aquatic life. A large planter running east west breaks down the scale of the new deck and provides shade as well as large communal benches facing both 9th Avenue and the deck area. Numerous connections to the bike pedestrian path and the retail area north of the park are provided with oversized ramps. A contained space between the truss trellis and the 9<sup>th</sup> Avenue Terminal provides opportunities for programming inside the 9<sup>th</sup> Avenue Terminal and on the Deck at a variety of scales.

## THE COVE

At the west end the topography of the deck terraces down towards the water in 30 inch trays. These trays reveal the water, the sound of the water, lighting beneath the surface and culminate at the west end of the terminal in a small dock that is floating on the water surface. A curving ramp marks the path of the train and provides universal access to the terraces. From the lowest level some may choose to take a scramble over the rocks for a near water experience to the facing bank constructed of rocks, gravel, and grasses. Remnant piers are left to provide the experience of a ruin and to further explain the wharf structure. The 'official' BCDC trail is provided at the upper level overlooking this cove.

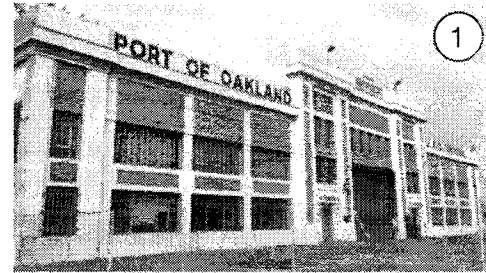
## THE INCLINE

As the estuary turns north, long views towards the East Span of the Bay Bridge and the port are dramatically featured at the end of a long grass ramp. The grass ramp covers a public restroom and ends in a stepped wooden stair facing north. Adjacent to this playful incline, a simple meadow with stormwater treatment, trees, and level picnic areas complete the park.

## PROGRAM

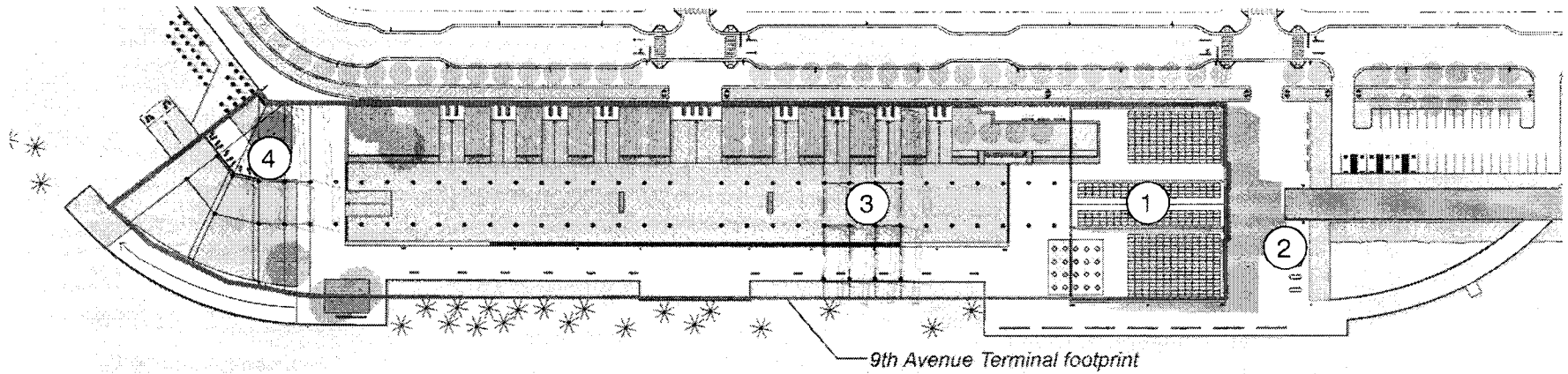
With the re-connection of Lake Merritt to the Estuary, the urban trail network has been strengthened for kayakers, runners, bikers, and many others. Both the Bay Trail and the Water Trail run at the water's edge of Shoreline Park and have the potential to provide wonderful experiences that combine more than one way to travel--bike there, kayak home for example. The development of Shorelink Park and eventually all of the open space at Brooklyn Basin will provide an a fantastic destination on the estuary and continuous open space linking Lake Merritt to the Estuary Open Spaces both north and south. Shoreline Park will function as a tasting menu of what is to come in the Brooklyn Basin open spaces--providing both industrial, formal, urban spaces as well as more natural passive spaces.

The items shown here represent physical artifacts that will be saved from the 9th Avenue Terminal and re-purposed within the park landscape.



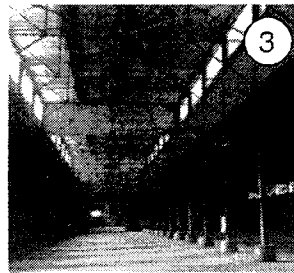
1

**9th Avenue Terminal**  
20,000 square feet of the original terminal structure will be saved for adaptive re-use and will feature the eastern facade which can be seen from the freeway and other points east.



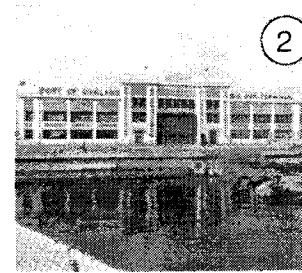
4

**9th Avenue Terminal Truss**  
Portions of the light steel truss at the West end of the 9th Avenue Terminal will be re-used for a park trellis armature.



3

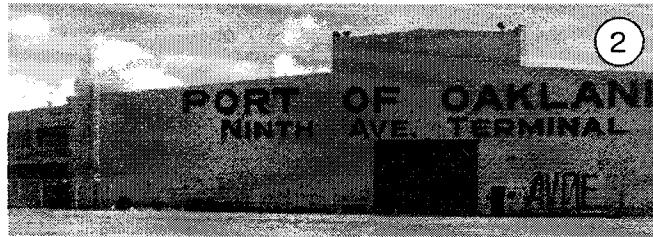
**9th Avenue Terminal Truss**  
Portions of the light steel truss on the interior of the 9th Avenue Terminal will be re-used for a park trellis armature.



2

**9th Avenue Terminal Setting**  
The unobstructed view to the 9th Avenue Terminal will be maintained through the use of low or flat interventions that transform the landscape into a park arrival.

The items shown here represent geometries and or locations that will be marked in the park landscape.



2

West End  
9th Avenue Terminal

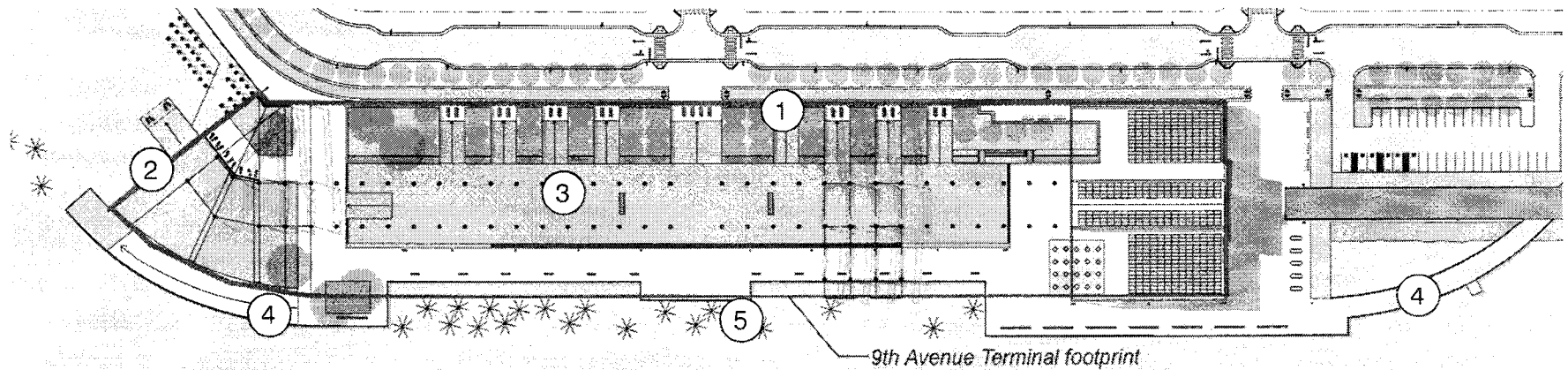
The west facade will be delineated with a seat wall and show the angled geometry and loading door entry.



1

North Loading Docks  
9th Avenue Terminal

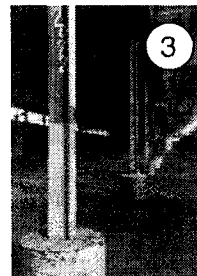
The loading dock doors will be marked by gang plank style over sized ramps onto the deck--now loading in people instead of goods.



4

Railroad Track Geometry

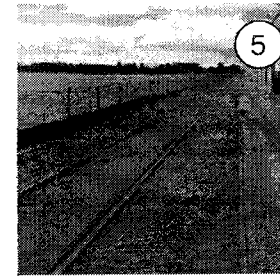
The curving track will be re-made into a long grand ramp down to the water for spectacular universal access.



3

Column Bases

The interior truss column rhythm will be marked in the surface of the deck and the surrounding pavements with steel markers.

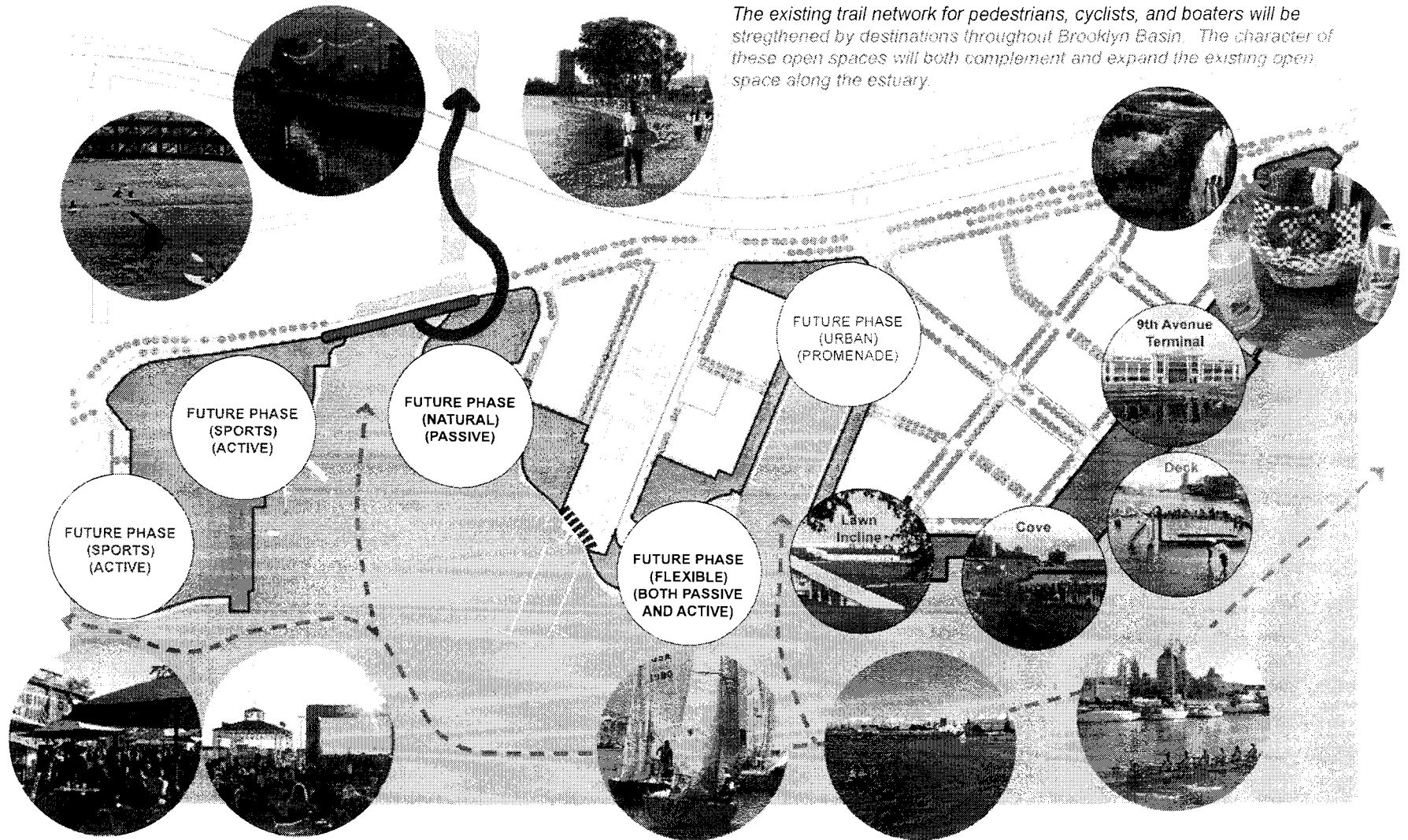


5

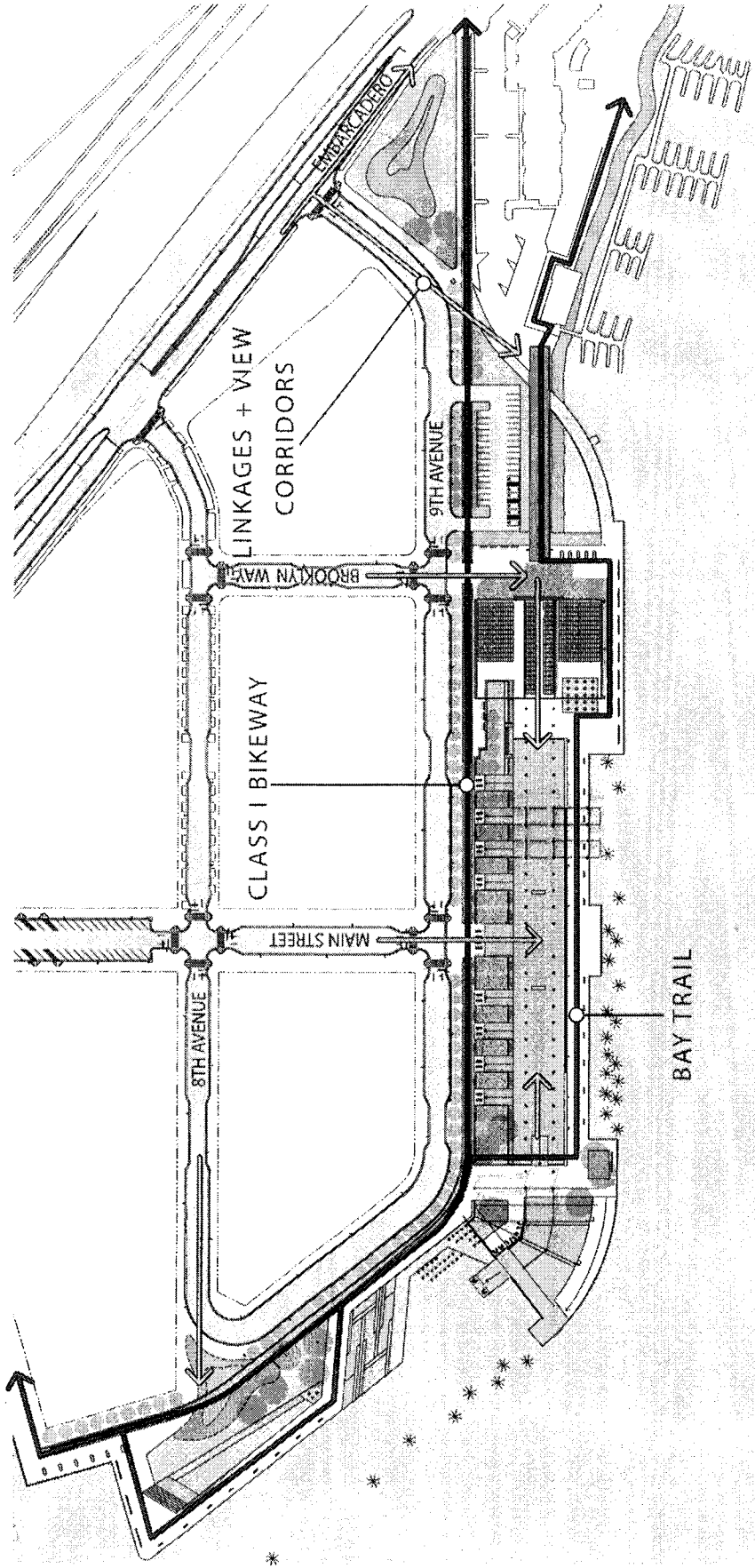
Railroad Track

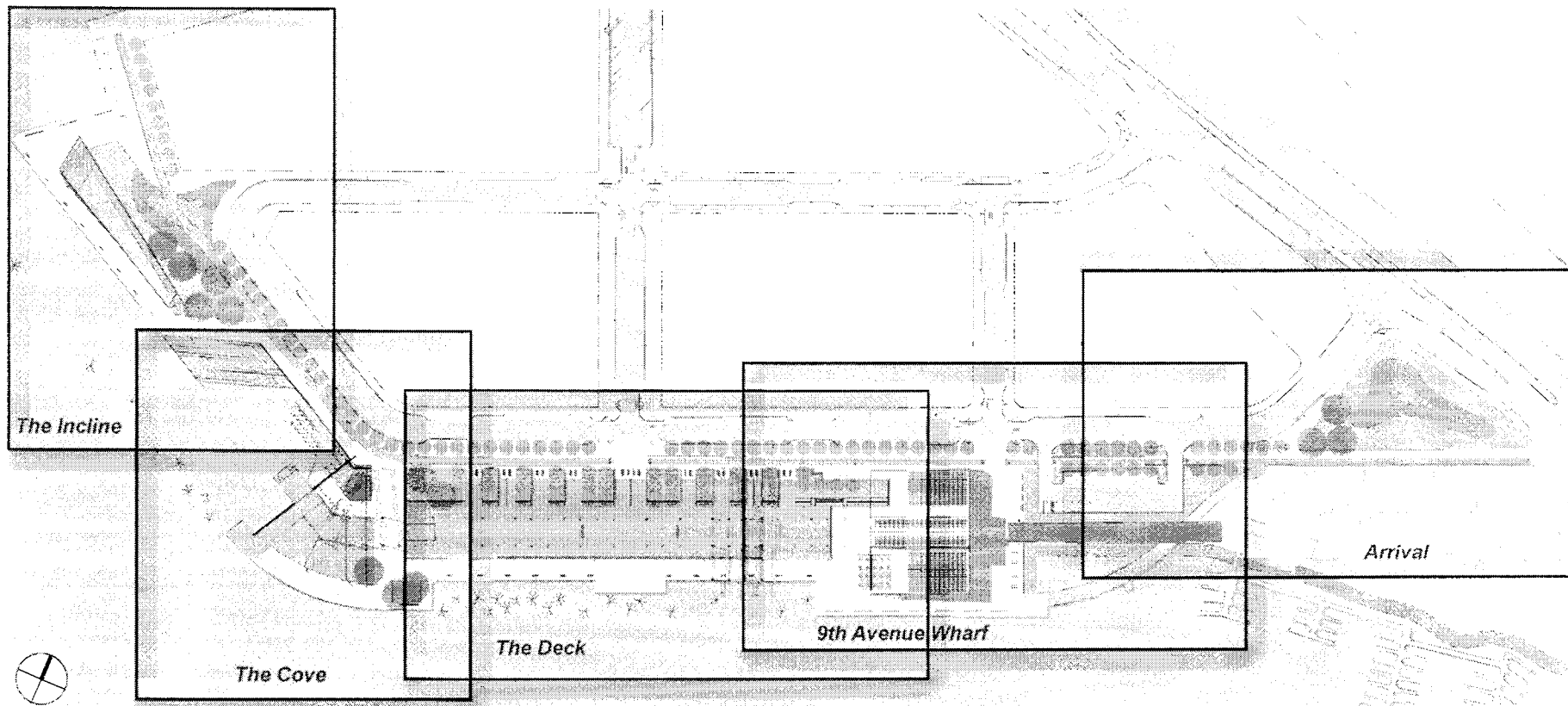
The railroad tracks will be marked in the water with public kinetic art--perhaps light art that describes movement suggesting the trains as well as aquatic life.

The existing trail network for pedestrians, cyclists, and boaters will be strengthened by destinations throughout Brooklyn Basin. The character of these open spaces will both complement and expand the existing open space along the estuary.









**The Incline**

*Belvedere and overlook of water and long view to Eastern Span of Bay Bridge. Hill for play and drama.*

**The Cove**

*Near water experience and reveal of existing wharf structure.*

**The Deck**

*Large South facing event space with simple elements to provide adequate shade, structure, and scale. Celebrates history of 9th Avenue Terminal.*

**9th Avenue Wharf**

*Visitor Center and Restaurant. Point of entry, historical interpretation, and anchor for large events and programming.*

**Arrival**

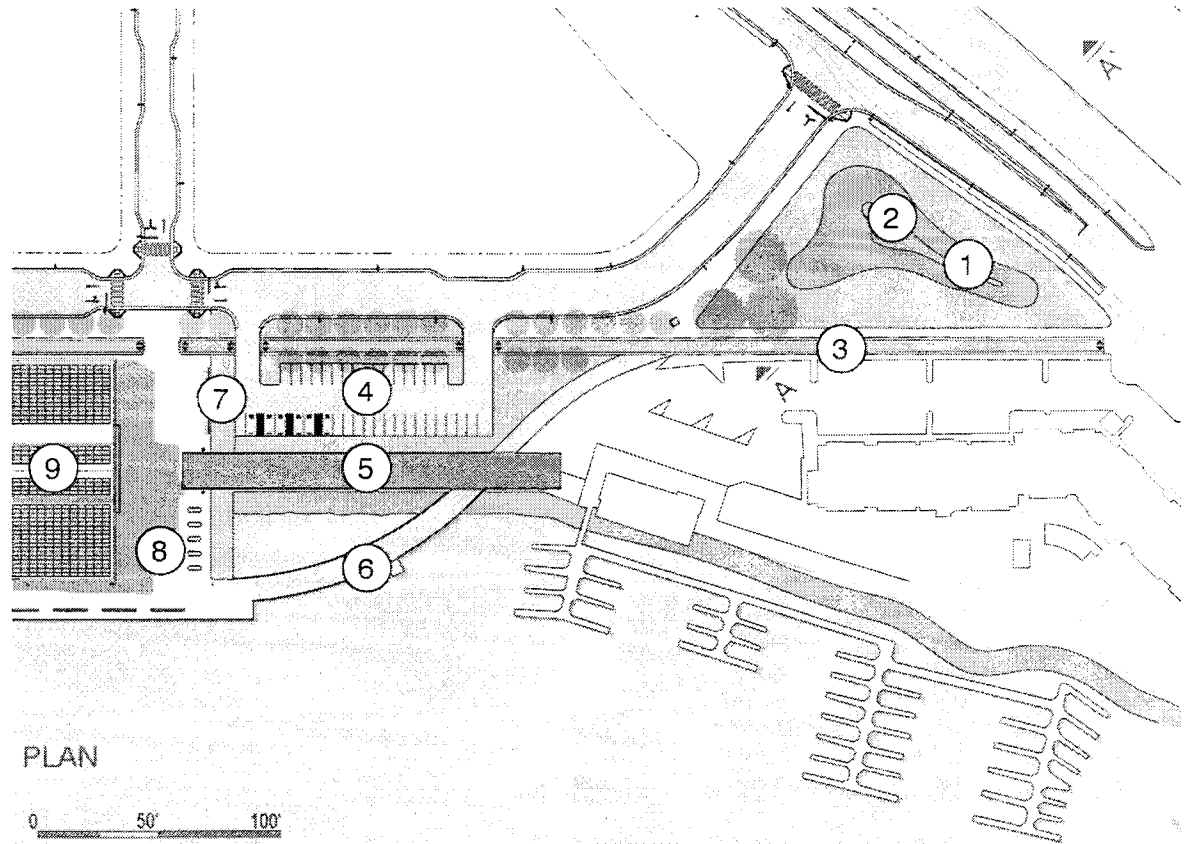
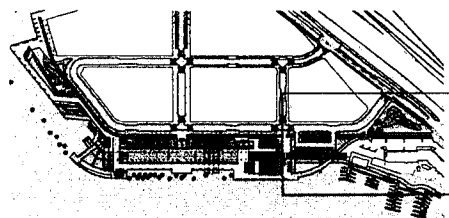
*Large scale wayfinding and establishment of estuary landscape experience*

Concept Image



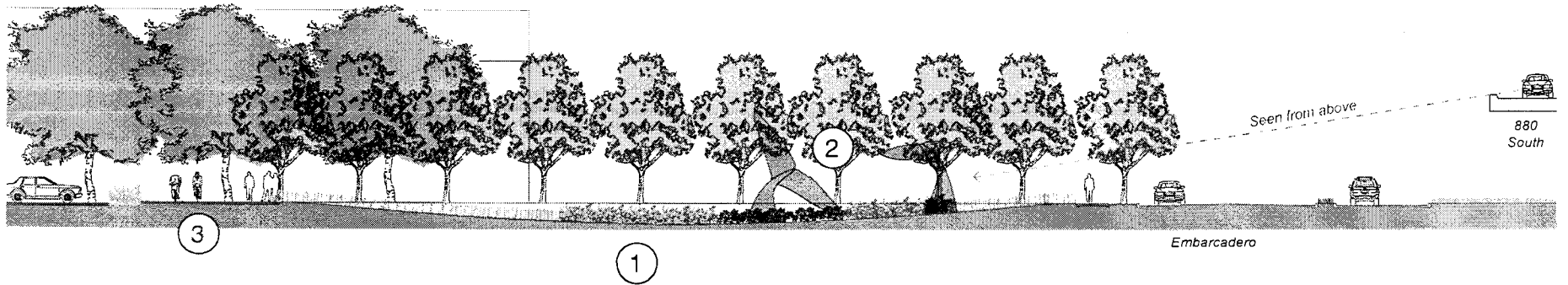
Arrival is designed to provide large scale wayfinding and to establish estuary landscape experience through the use of bridging, plants that grow in watery soils, and public art.

Key Plan



- 1. Stormwater treatment garden
- 2. Iconic Public Art
- 3. Class 1 Bike Path
- 4. Parking
- 5. Bridge Arrival (30'-0" Bay Trail)

- 6. Trestle walk "ruin"
- 7. Tall Grasses
- 8. Picnic Tables
- 9. 9th Avenue Terminal Building



SECTION A

0 20' 40'



**Bike Path**

A class I bike path will follow the northern edge of the park and link at times with the Bay Trail. It is anticipated that the water trail will also make connections to the Bike Path in the future.



**Public Art**

Iconic large scale public art guides arrival to the park and references the watery landscape of the estuary.



**Stormwater Treatment Garden**

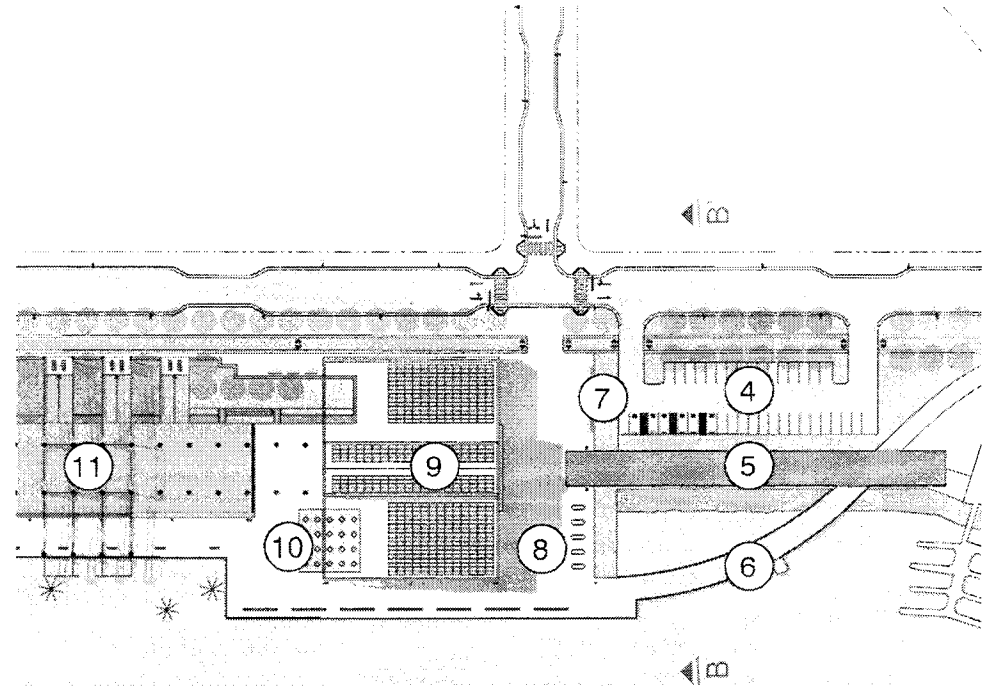
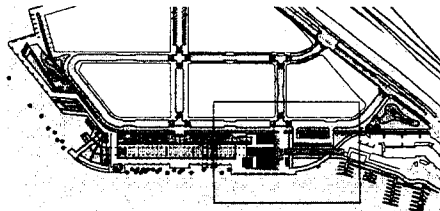
Large scale stormwater treatment is provided and celebrated for its unique plant palette and character.

Concept Image

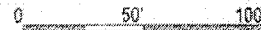


The 9th Avenue Wharf and remaining structure function as a visitor center. A restaurant, historic interpretation, and maps of the site are provided. Significant open space is available for events.

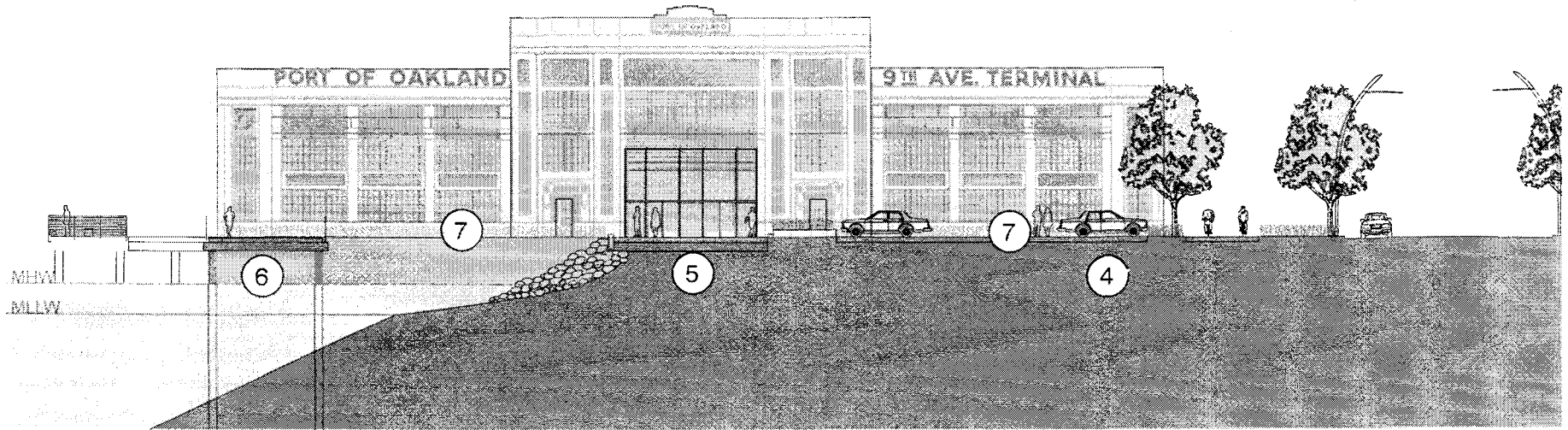
Key Plan



PLAN



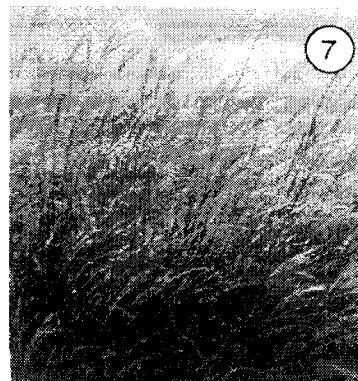
- 4. Parking
- 5. Bridge Arrival (30'-0" Bay Trail)
- 6. Trestle walk "ruin"
- 7. Tall Grasses
- 8. Picnic Tables
- 9. 9th Avenue Terminal Building
- 10. Cafe Seating
- 11. Truss Trellis



**SECTION B**

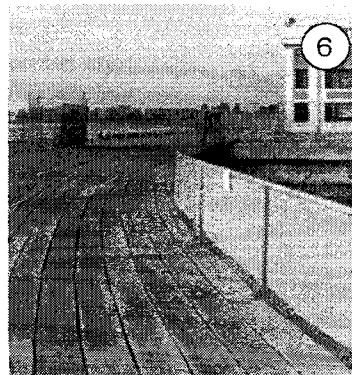
0 20' 40'

MHW = -0.06 MLLW = -5.88  
 All grades indicated are City of Oakland datum



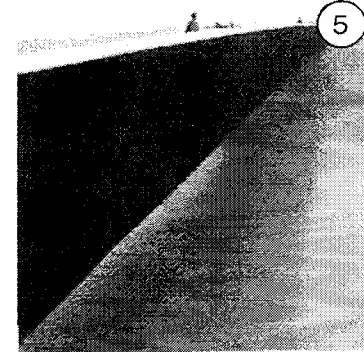
7

**Tall Grasses in Planters**  
 Wide plantings of large grasses provide enclosure when seated and blow in waterfront winds.



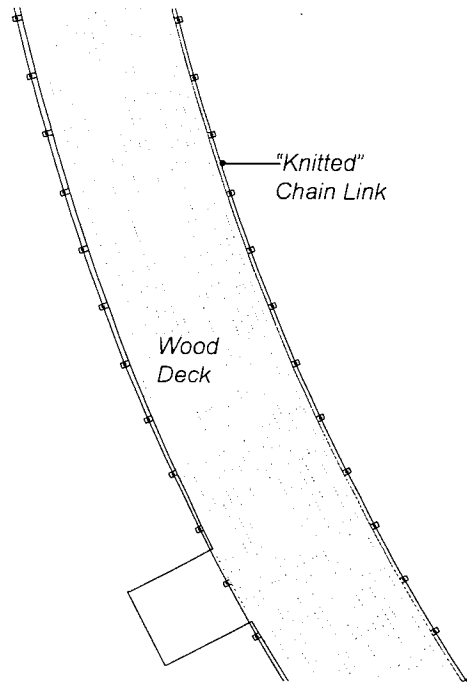
6

**Trestle "Ruin"**  
 The existing wood trestle will be minimally renovated. Guardrail to be re-made with "knitted chainlink" detail, see below on both sides with no infill.

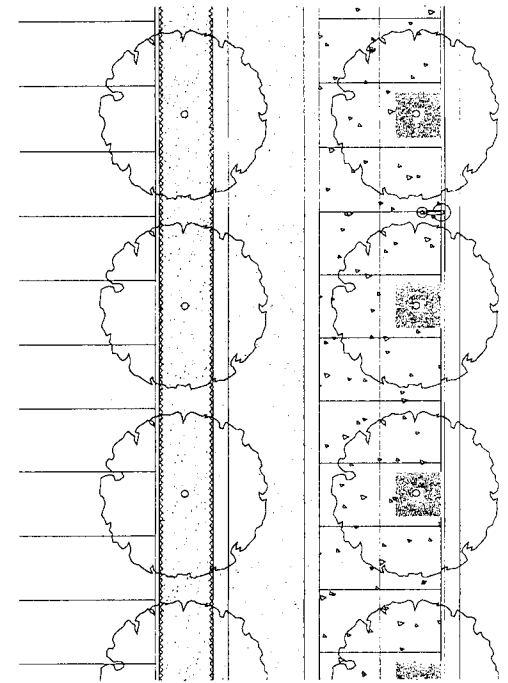
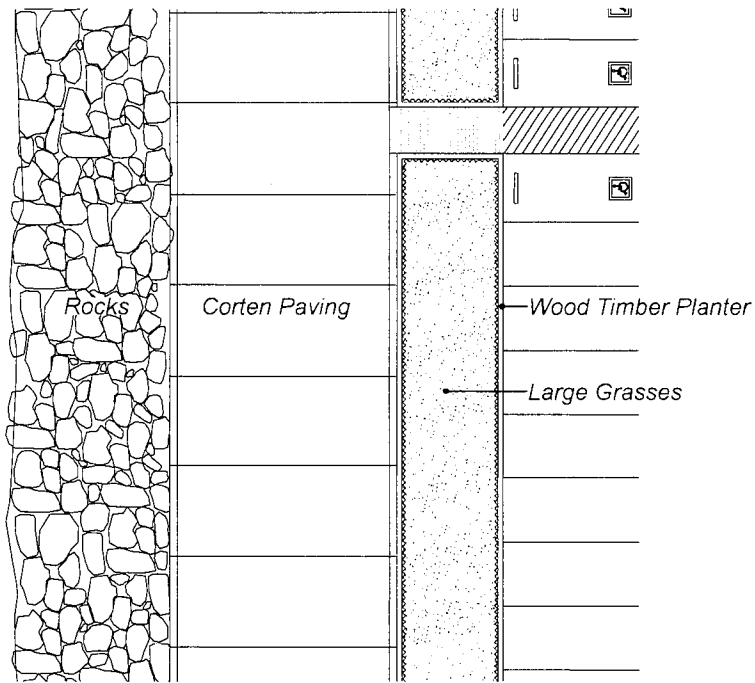


5

**Bridge Arrival**  
 Grand gesture towards 9th Avenue Terminal marks entry into park and introduces the Estuary. Actual bridge will not require handrails--so will be visually flat. See A5.0 for view from bridge.

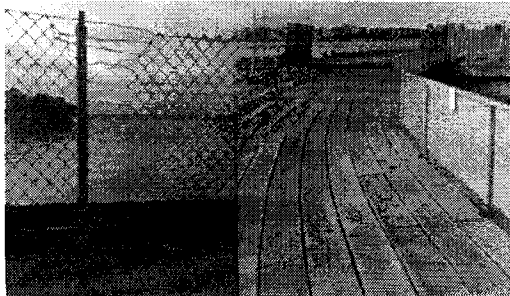


DETAIL PLAN



0 16' 32'

"Knitted" Chain Link Wood Deck



Rocks



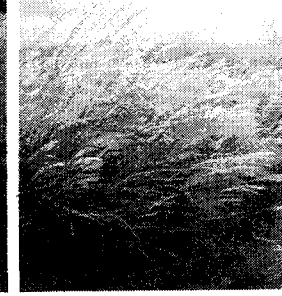
Corten Paving



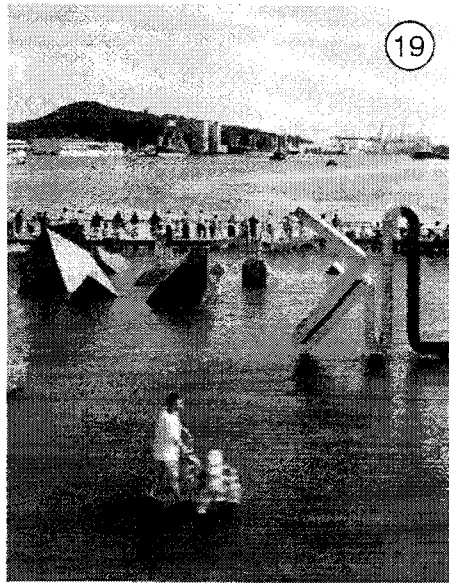
Wood Timber Planter



Large Grasses

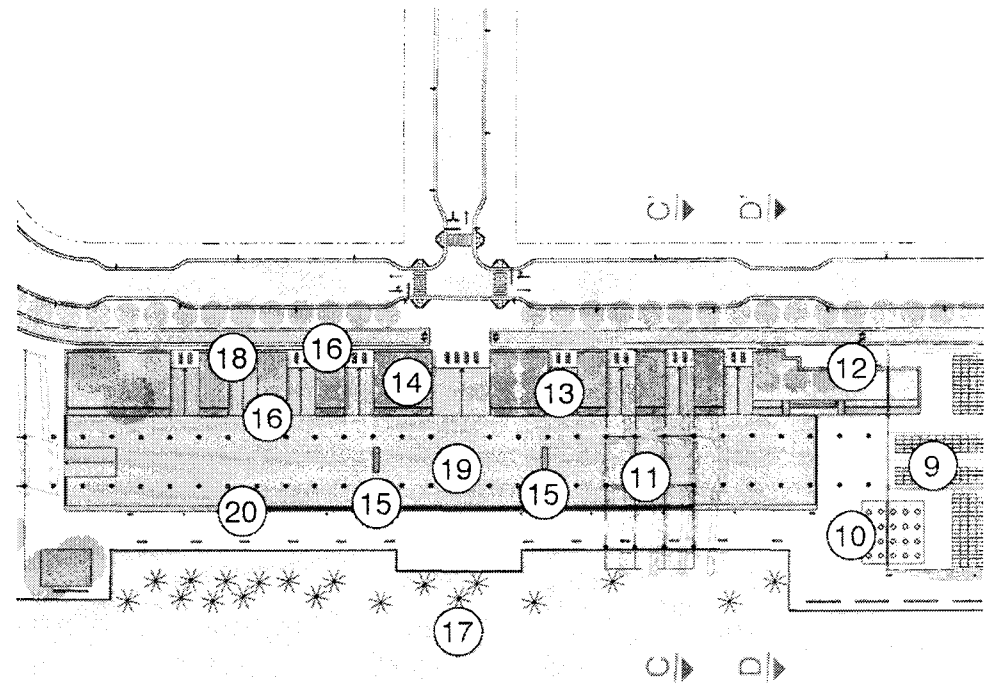
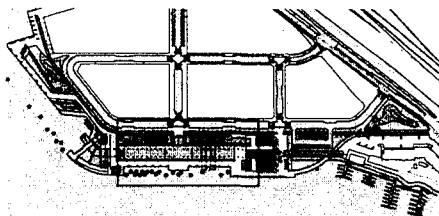


Concept Image



Large south facing deck provides event space with simple infrastructure for shade and scale.

Key Plan

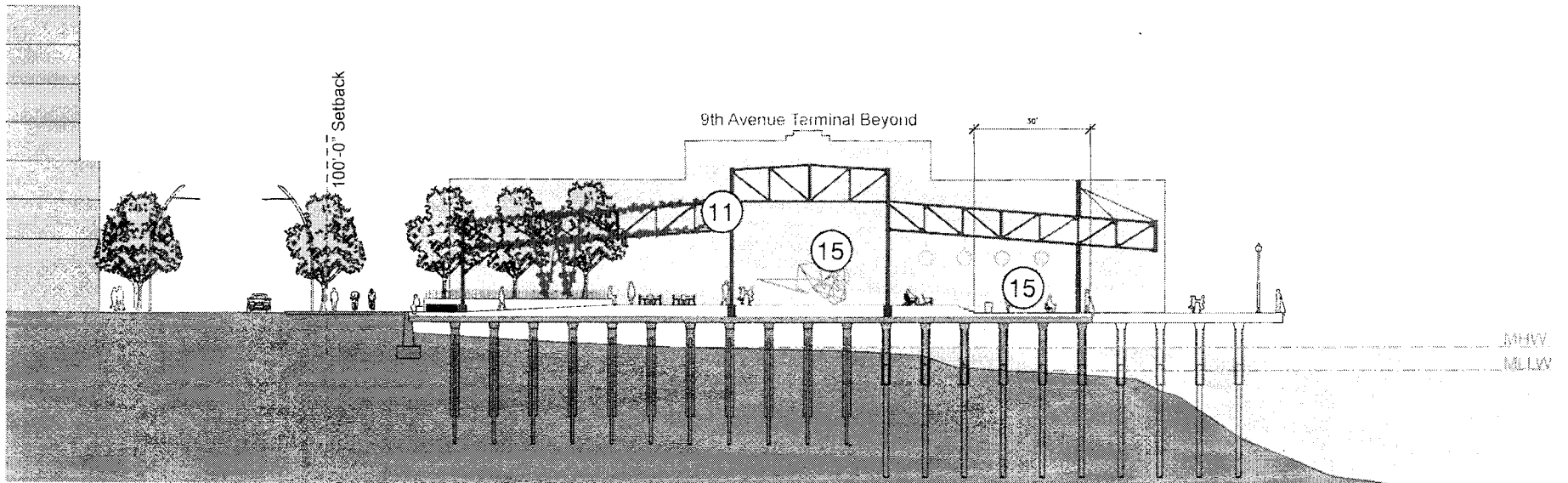


PLAN

0 50' 100'

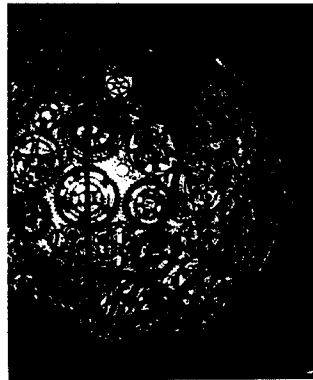
- |                                 |                       |
|---------------------------------|-----------------------|
| 9. 9th Avenue Terminal Building | 15. Public Art        |
| 10. Cafe Seating                | 16. Communal Bench    |
| 11. Truss Trellis               | 17. Linear Light Art  |
| 12. Bike Parking                | 18. Metal Bollard Box |
| 13. Gang Plank Ramp, TYP        | 19. Wooden Deck       |
| 14. Large Planter               | 20. Wood Steps        |





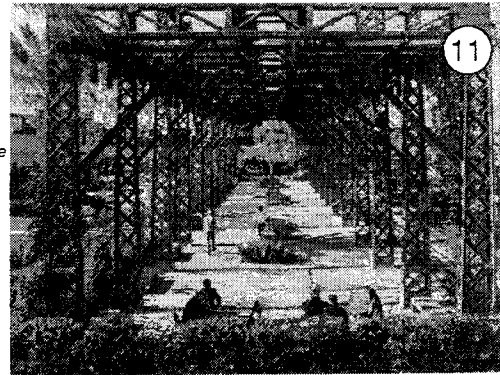
SECTION C

0 20' 40'



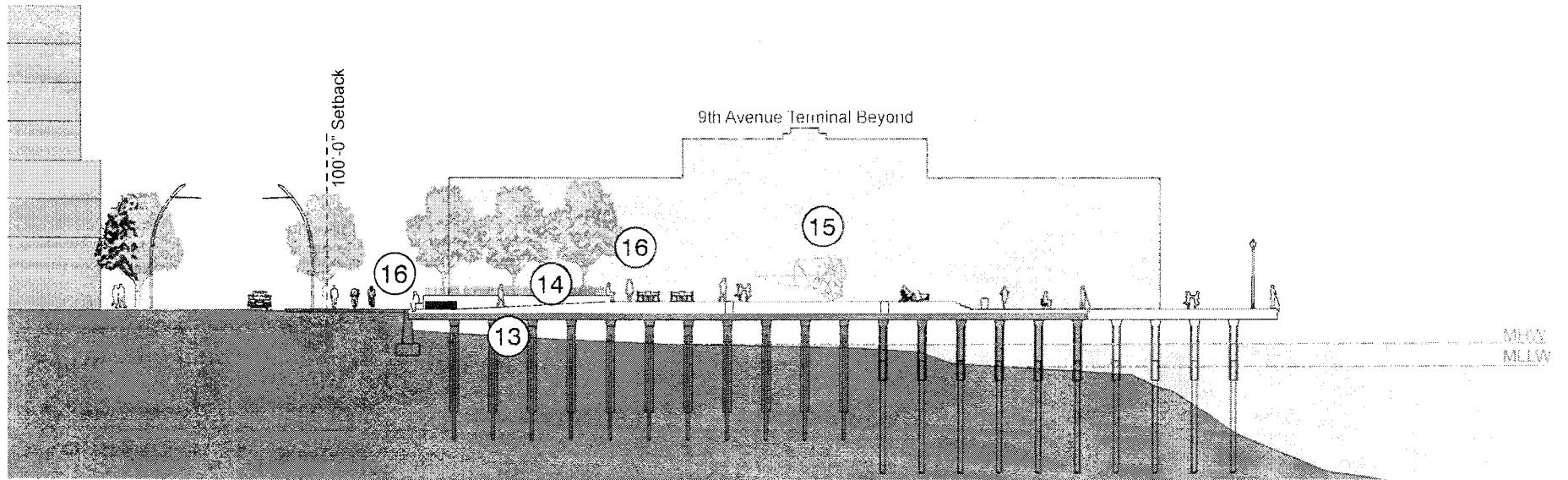
Public Art

Public Art elements that are interactive, provide transformative night lighting, and celebrate the industrial history of the 9th Ave. Terminal will be located on the deck to augment the use and experience.

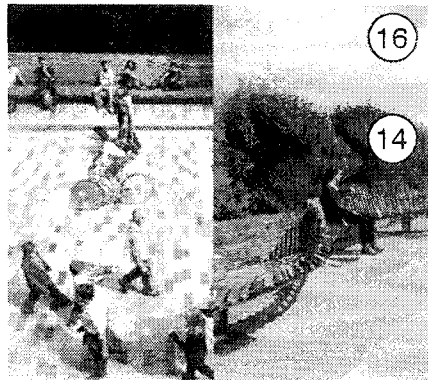
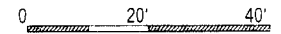


Truss Trellis

Interior Truss from the 9th Avenue Terminal is re-purposed for light, planting, art, and possibly heat and shade.



SECTION D



16

*Communal Bench + Large Planter*

14

*Civic scaled benches face both 9th Avenue and the Deck providing a comfortable edge for waiting and watching as well as plenty of room for enjoying the park.*

*Large planters form a green backdrop to provide intermediate scale to the buildings beyond, shade, and seasonal change.*



*Public Art*

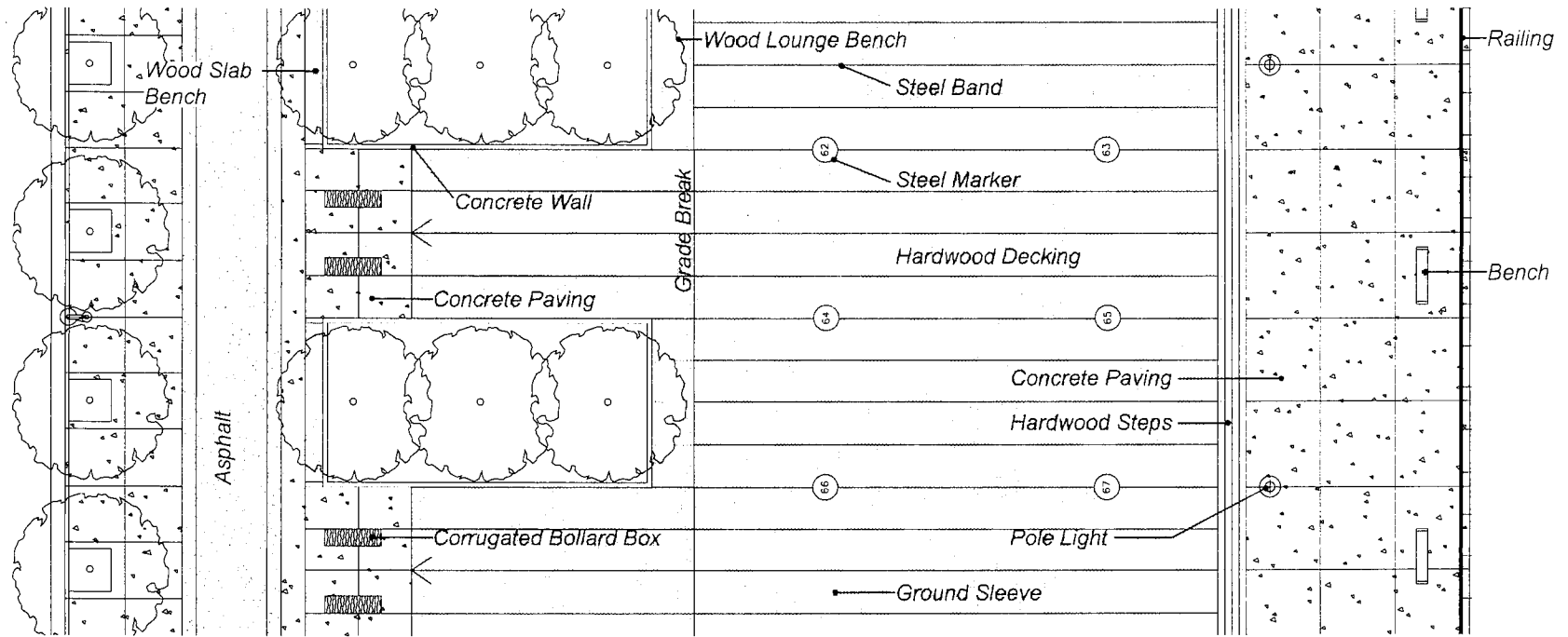
*Elements of public art that are both programmed and permanent will populate the deck and provide objects and experiences for playful interaction.*



*Gangplank Ramps*

*Oversized wooden ramps provide universal access from 9th Avenue and the Bike path at numerous locations. The decks are hollow below to emphasize the over water experience.*

*(Image shows concept, refer to section for actual profile.)*



DETAIL PLAN

Concrete Paving

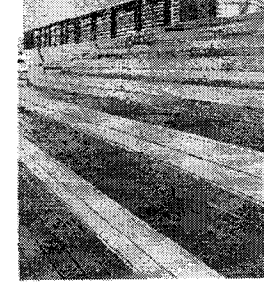
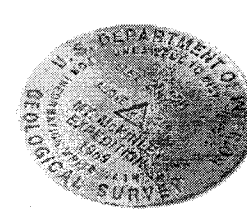
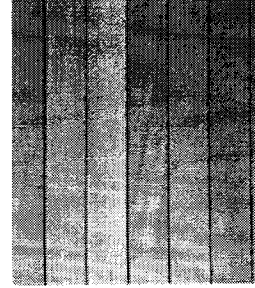
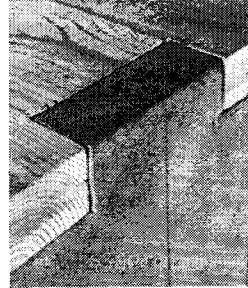
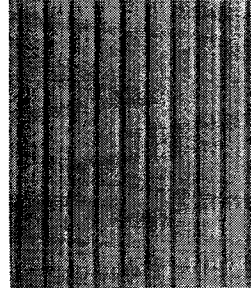
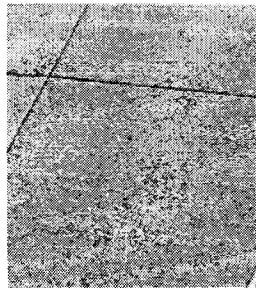
Corrugated Box

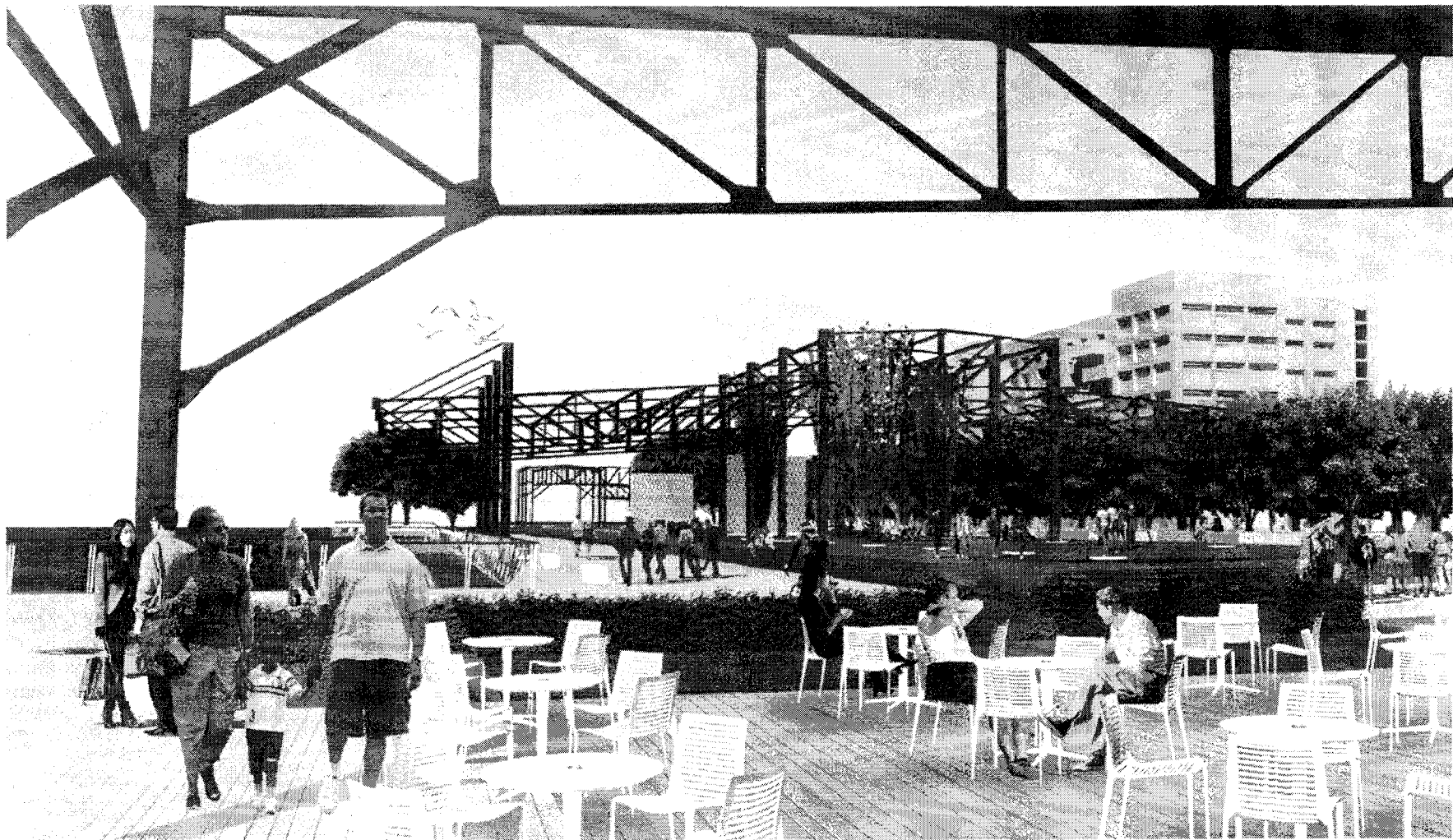
Wood Slab Bench

Hardwod Decking

Steel Marker

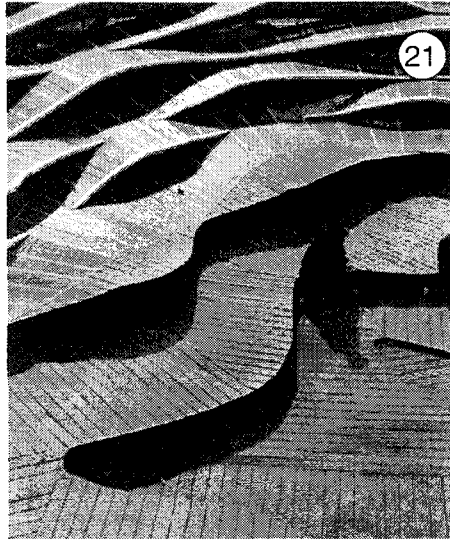
Hardwod Steps





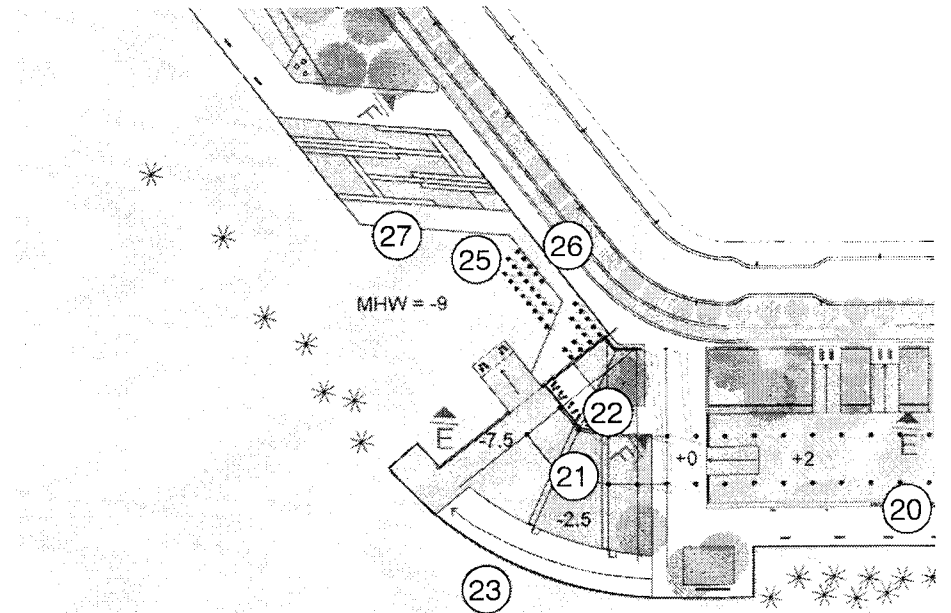
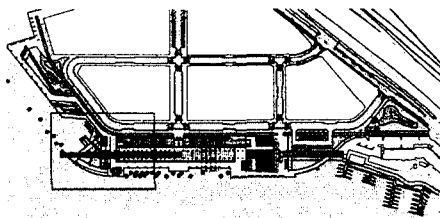
PERSPECTIVE VIEW FROM THE 9TH TERMINAL CAFE

Concept Image



The wharf structure is peeled back to reveal the water below and provide near water experiences through proximity, sound, light, and public art.

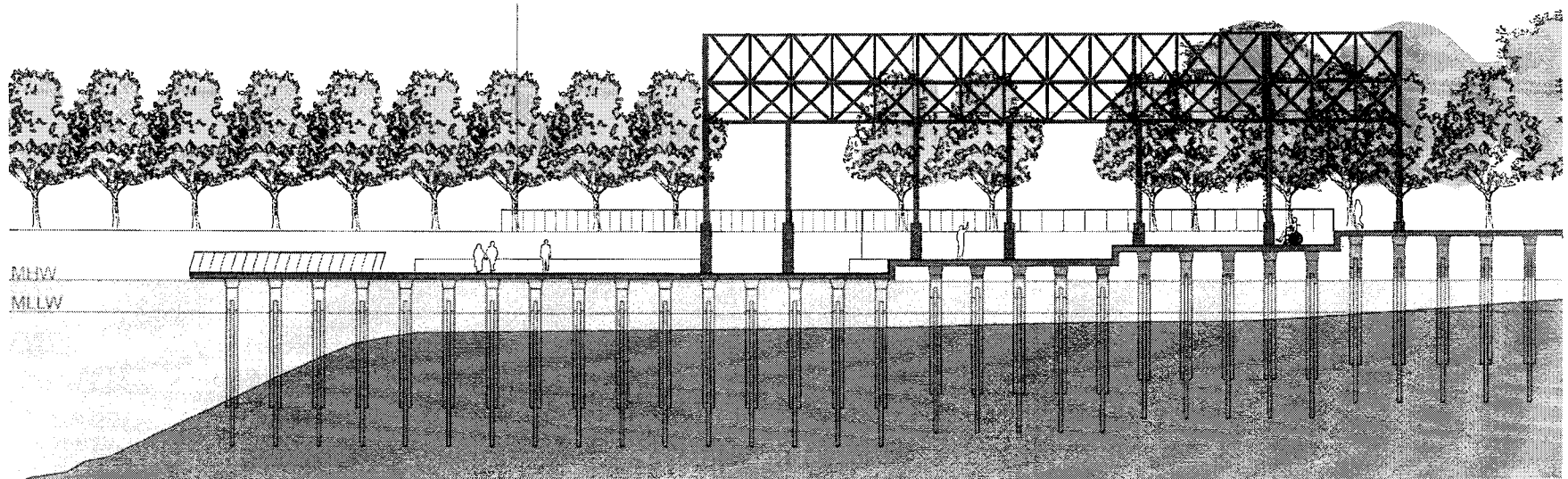
Key Plan



PLAN

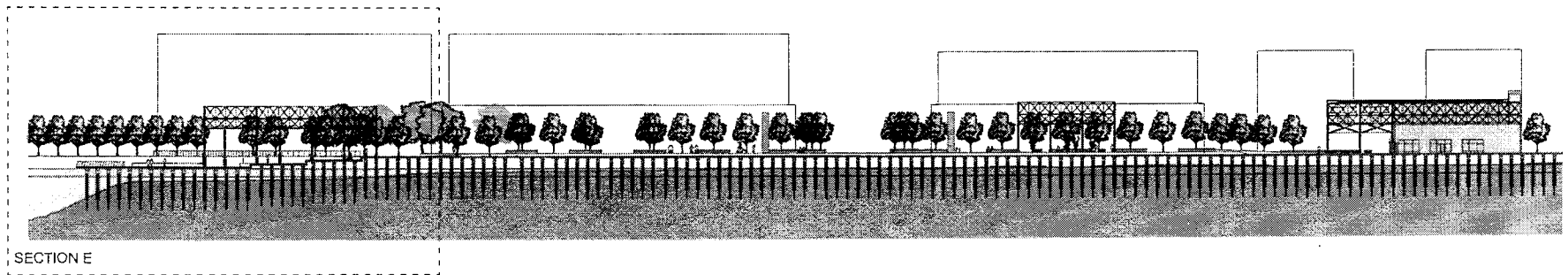


- 20. Wood Steps
- 21. 30 Inch Terraces
- 22. Truss Trellis
- 23. Grand Ramp
- 24. Dock
- 25. Lower 'Near Water' Trail
- 26. Upper Trail
- 27. Stone Terraces with wood ramp

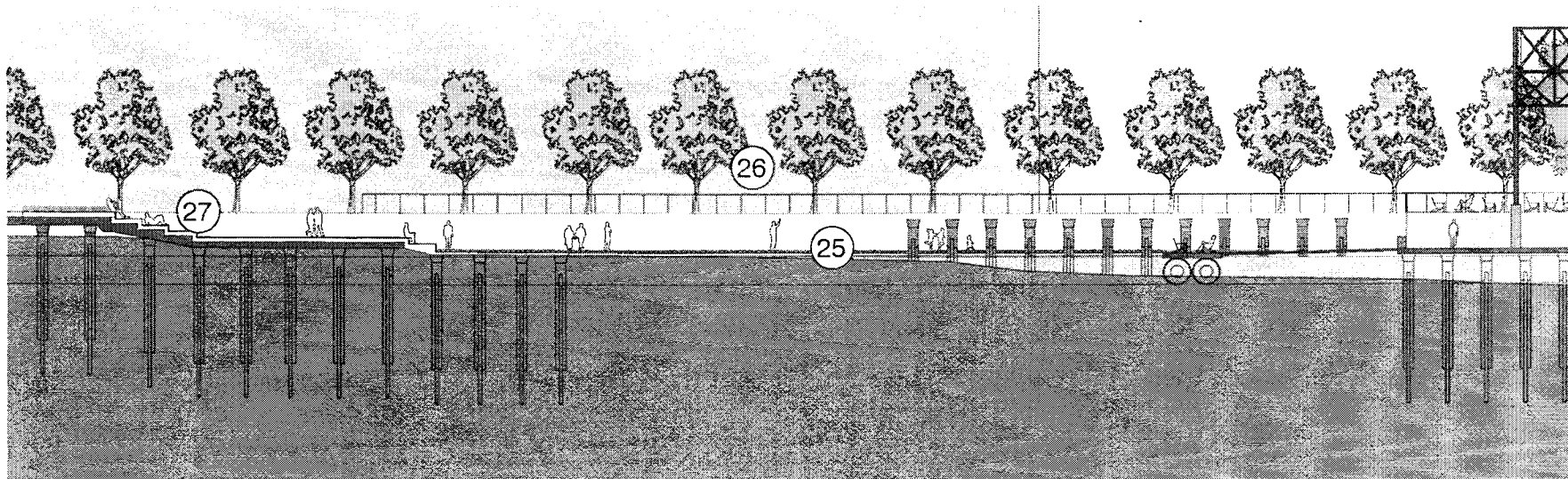


SECTION E

0 20' 40'

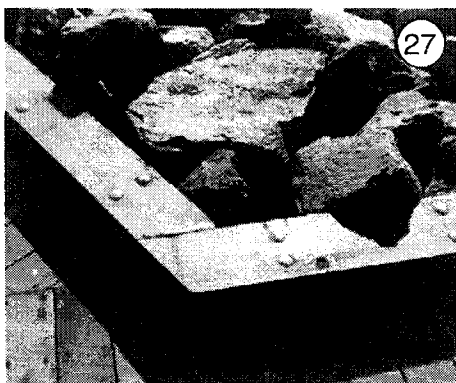


SECTION West to East Through Center of Deck



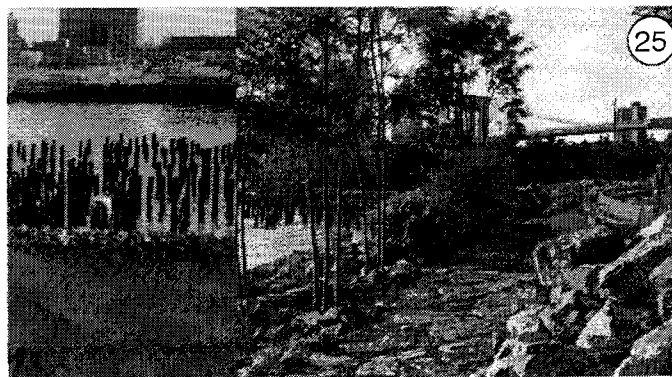
SECTION F

0 20' 40'



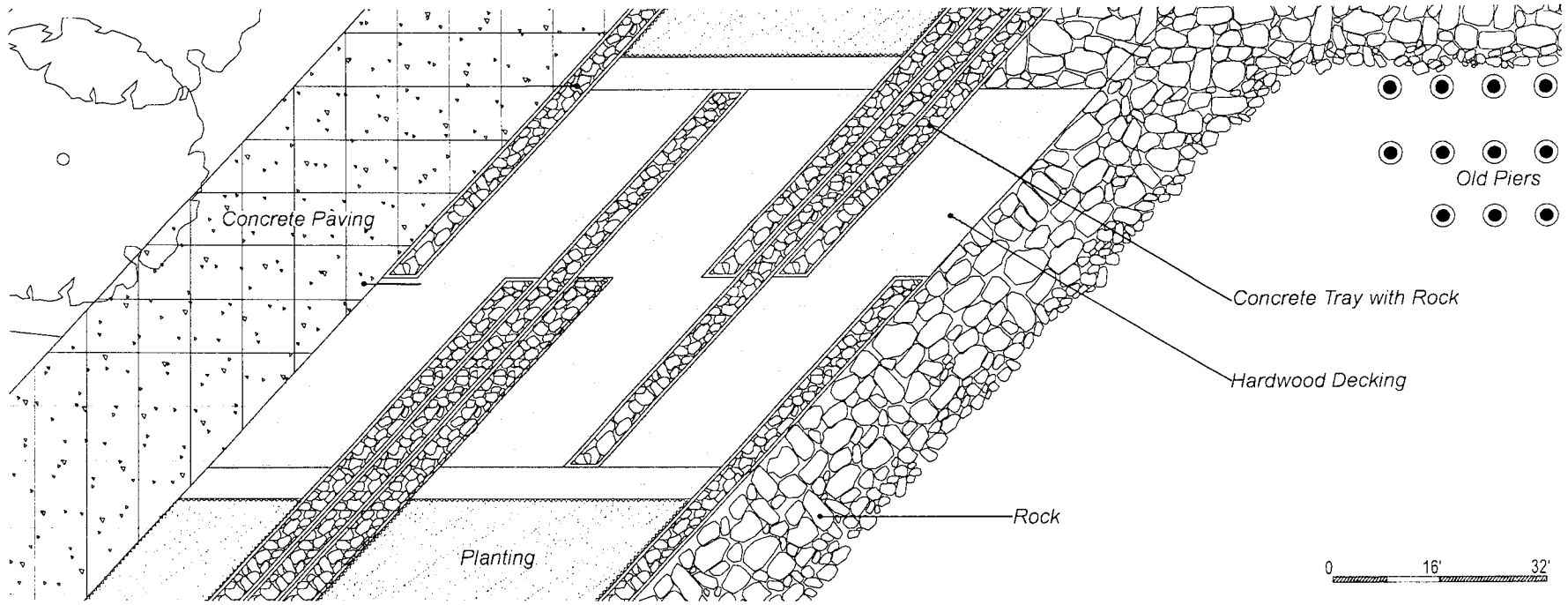
27

*Wood and Stone*  
Rocks and timbers are combined to create trays of landscape with a sloping ramp for access to the north



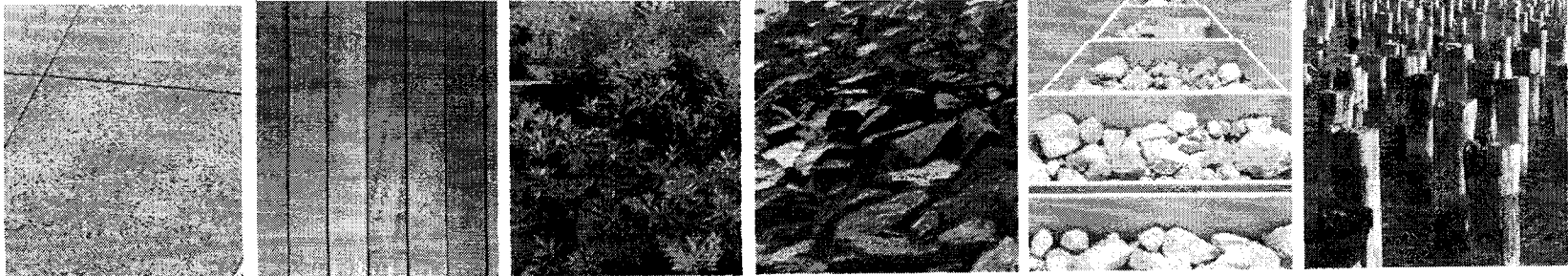
25

*Near Water Informal Trail*  
Rocks and gravel are used to make an informal walkable surface that approaches the Mean High Water. Remnant piers are left from old wharf structure.

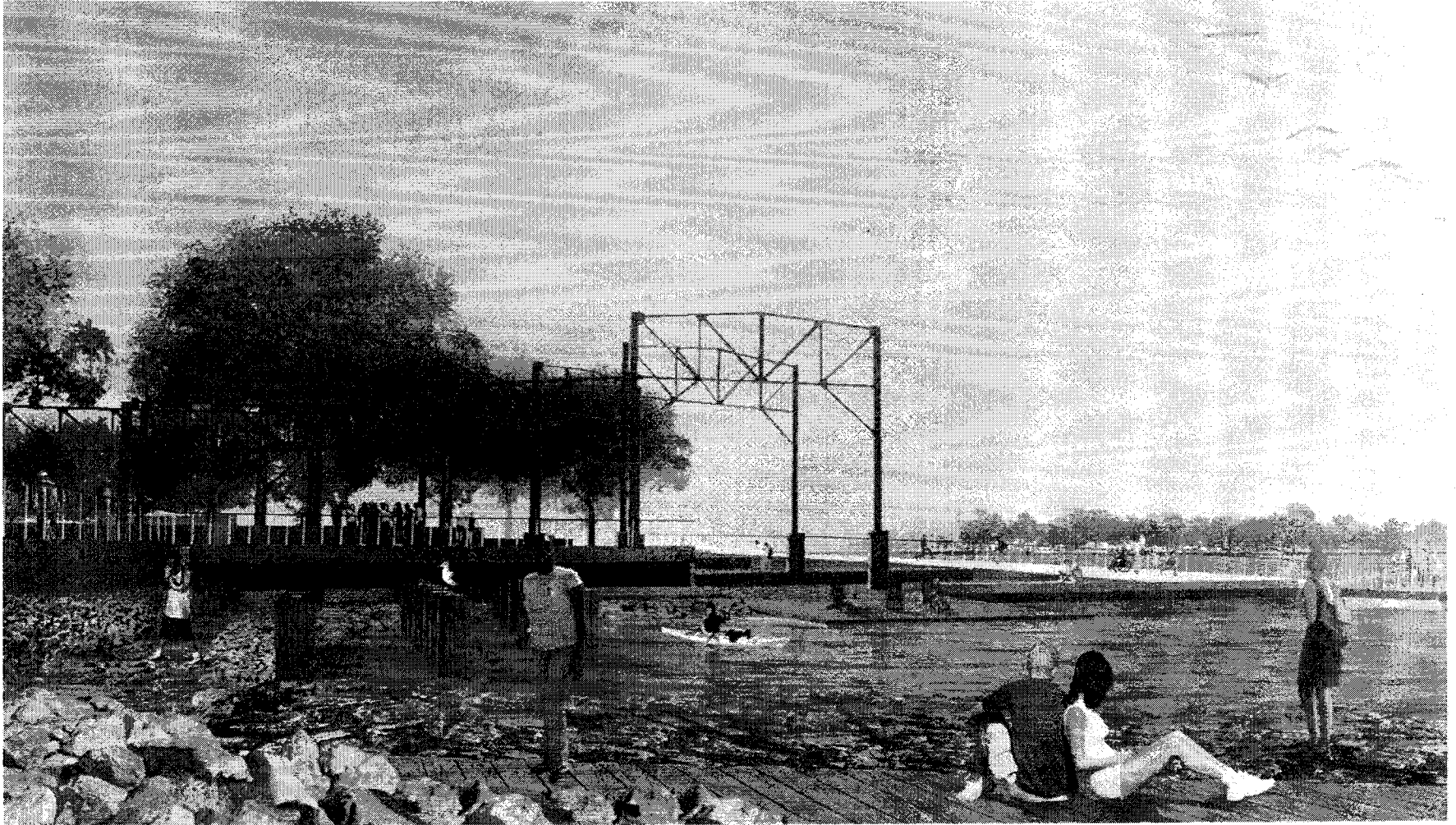


DETAIL PLAN

Concrete Paving    Hardwod Decking    Planting    Rocks    Concrete Tray with Rocks    Old Piers







PERSPECTIVE VIEW FROM THE COVE LOOKING SOUTHEAST

ARCHITECT  
**BROOKLYN**  
DESIGN  
**BASIN**

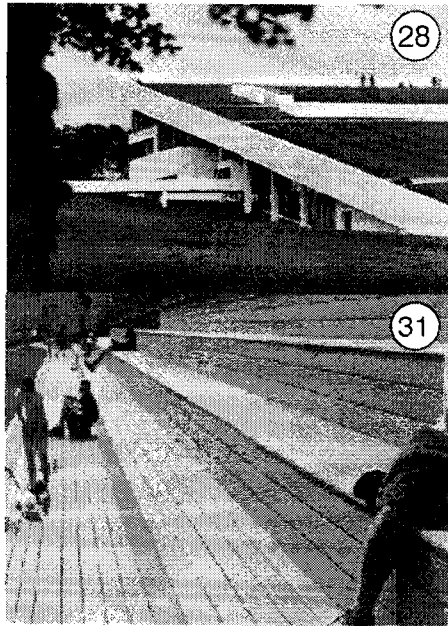
**SIGNATURE  
DEVELOPMENT  
GROUP**

EINWILLERKUEHL

**BROOKLYN BASIN**  
SHORELINE PARK FDP  
DECEMBER 4, 2015

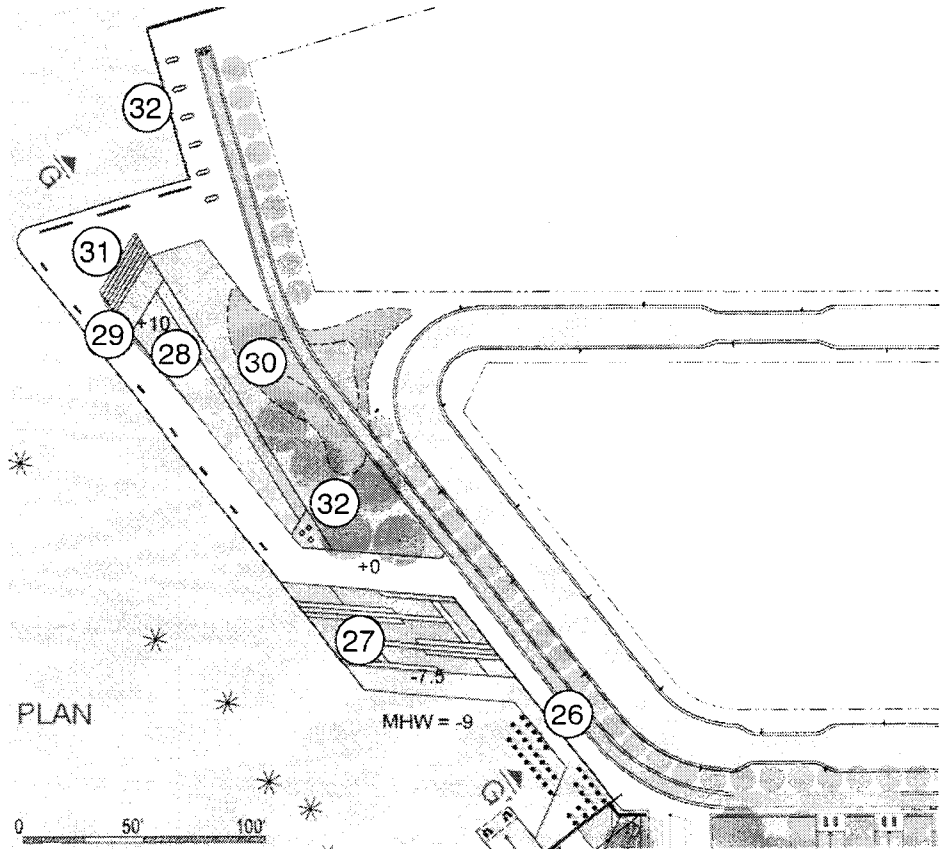
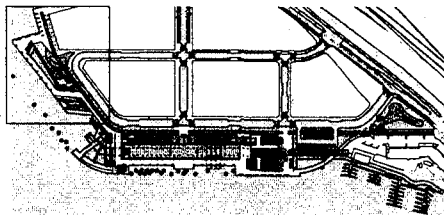
**THE COVE** L11.4

Concept Image



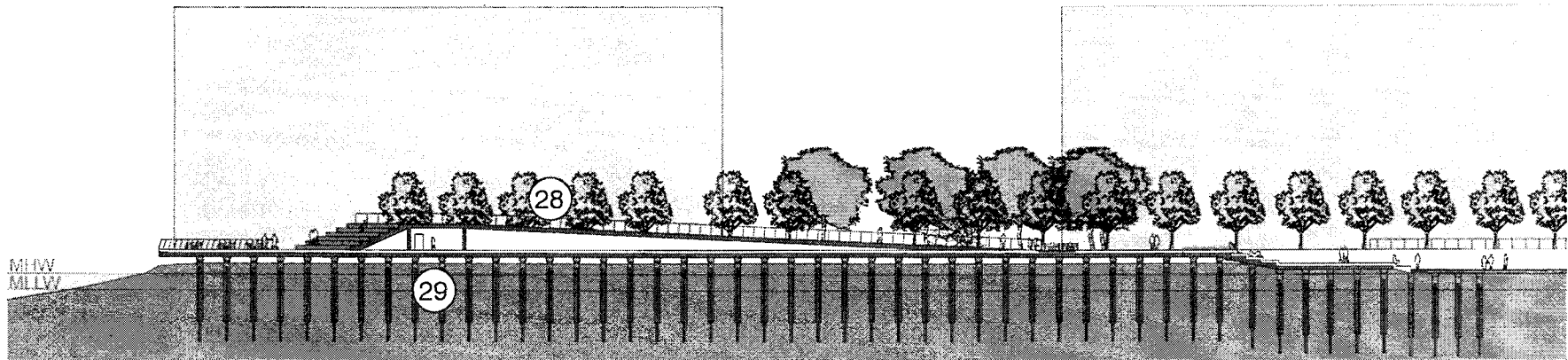
The incline is both a belvedere with bigger water views from higher elevations and an urban hill for play or lounging.

Key Plan



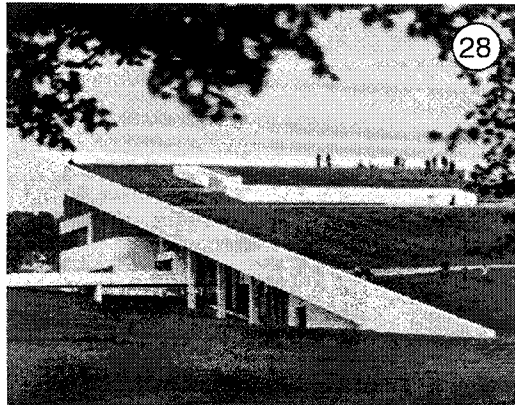
- 26. Upper Trail
- 27. Stone Terraces with Wood Ramp
- 28. Sloped Lawn Plane
- 29. Public Bathroom
- 30. Stormwater Treatment Garden

- 31. Stepped Seating
- 32. Picnic and BBQ Area



SECTION G

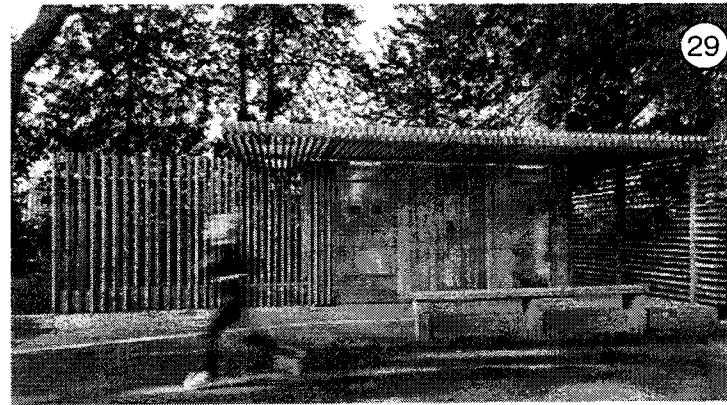
0 40' 80'



28

*Tilted Lawn Plane*

*Lawn at 5% maximum slope will face southward for maximum solar gain. Slope will provide a place to play and a raked surface for watching movies or other events while also providing better water views and a sense of prospect.*



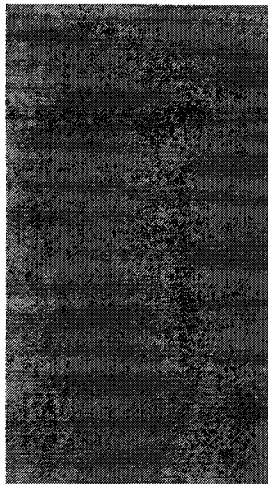
29

*Public Restrooms*

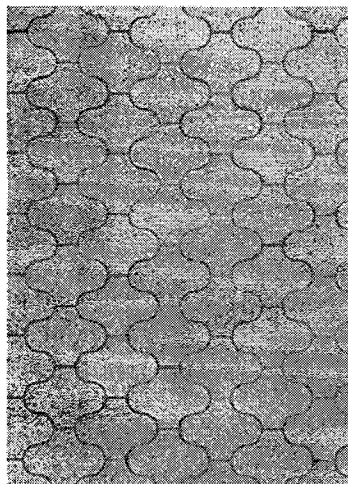
*Public restrooms shall be simple and well designed. Stalls shall be individually accessed from the exterior with outdoor washing stations. Materials should be easy to clean and resilient.*



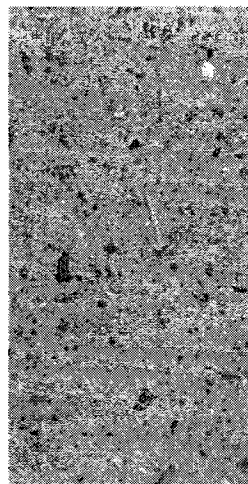
PERSPECTIVE VIEW FROM STORMWATER TREATMENT GARDEN BIKE PATH WITH INCLINE BEYOND



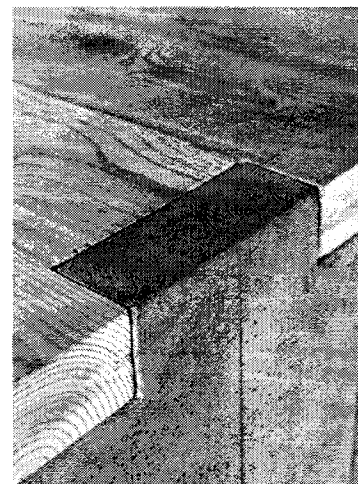
*Corten Steel*



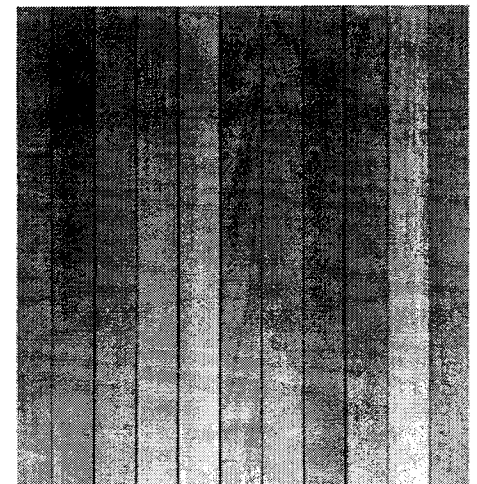
*Stamped and Colored Concrete*



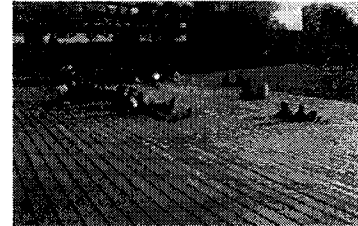
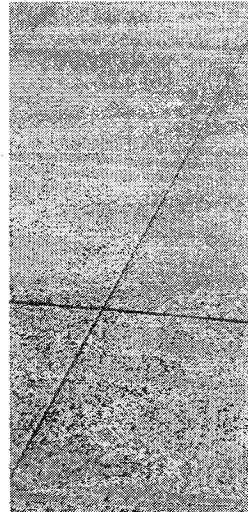
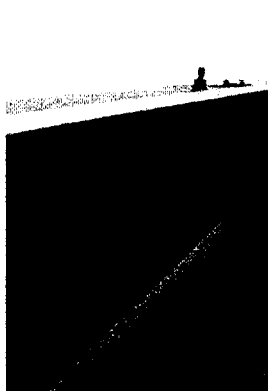
*Colored Concrete with Acid Etch*



*Colored Concrete with Wood\**



*Hardwood\*\**



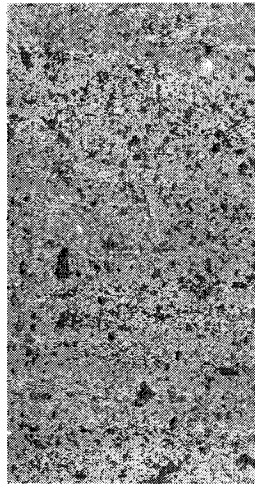
*\*Salvaged timbers from the 9th Avenue Terminal Roof will be re-used to the extent possible for site furniture*

*\*\*Salvaged timbers from the 9th Avenue Terminal Roof will be evaluated for use as the decking, but may likely be too soft and an FSC harvested deck board will be used if needed.*





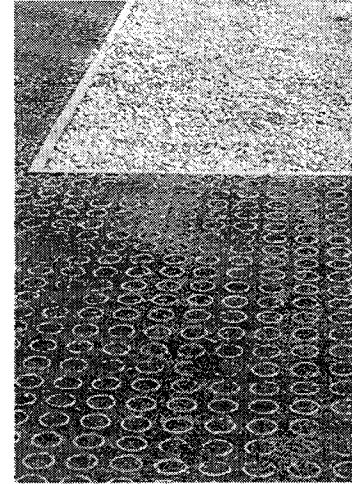
Wood Boardwalk and Rock



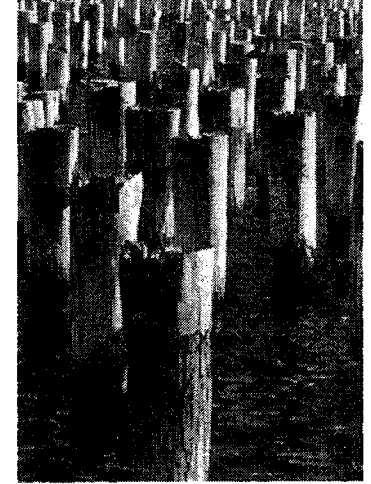
Colored Concrete with Acid Etch



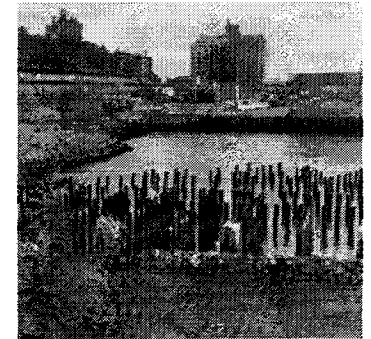
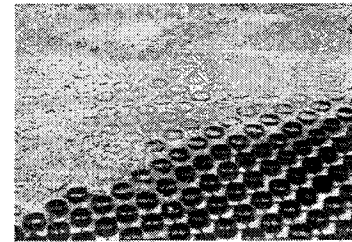
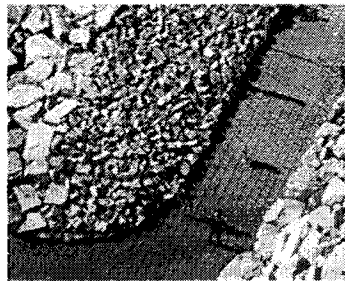
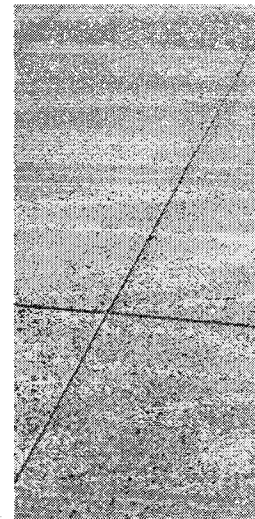
Rock and Gravel

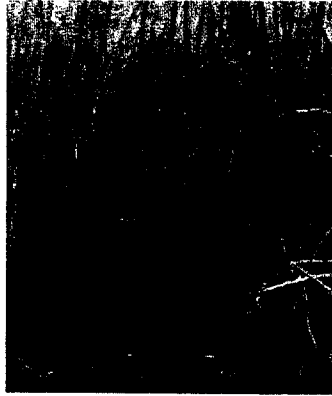


Gravel with Gravel Pave 2 Rings

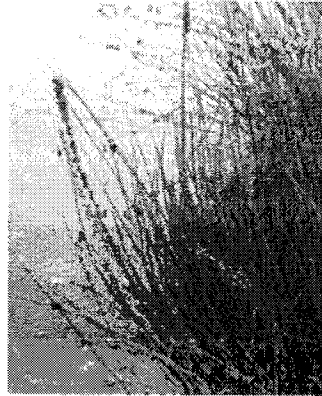


Wood Piles





*Eleocharis sp.* +  
Spike Rush



*Juncus balticus* + <>  
Baltic rush



*Juncus patens* + <>  
Juncus



*Juncus patens* 'Elk Blue' + <>  
Elk Blue Juncus



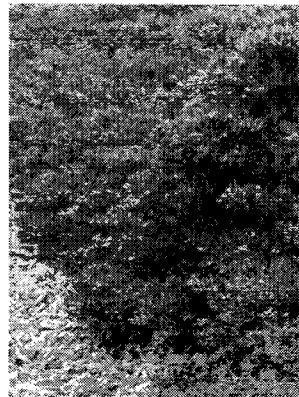
*Scirpus microcarpus* +  
Bulrush



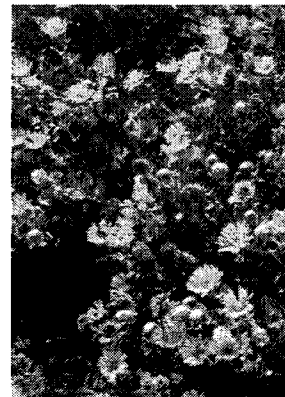
*Festuca rubra* 'Molate Blue' + <>  
Molate Blue Fescue



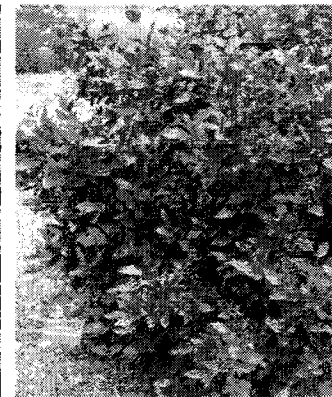
*Festuca rubra* + <>  
Red Fescue



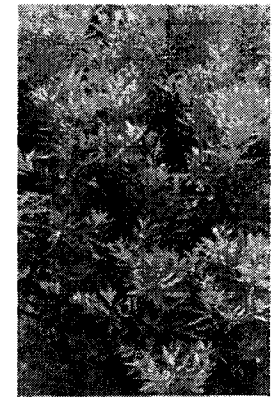
*Baccharis pilularis pilularis* + <>  
Coyote Bush



*Grindelia stricta* 'venulosa' + <>  
Gum Plant



*Calycanthus occidentalis* +  
Spice Bush



*Myrica californica* + <>  
Pacific Wax Myrtle

+ Native  
<> Low Water

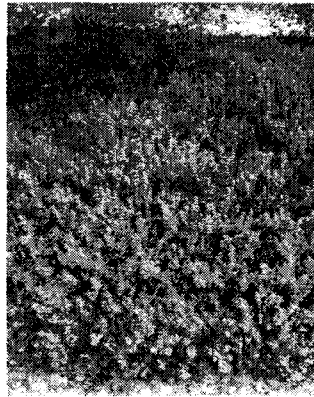
Plant material species shown are representative of concept and design goals for planting Water Efficient Landscaping and the use of native and endemic plants is a design criteria for our selections. Final selection of plants will be based on plant quality, availability, and season. Additional changes may be made to achieve a unified design following any required changes.



*Rhamnus (Frangula) Californica* +<>  
Coffeeberry



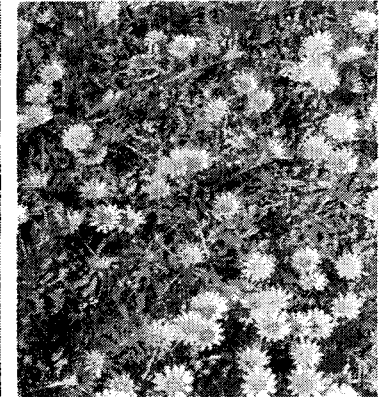
*Olea 'Montra'* <>  
Dwarf Olive



*Arctostaphylos sp.* +<>  
Manzanita



*Fragaria chiloensis* +  
Creeping Strawberry



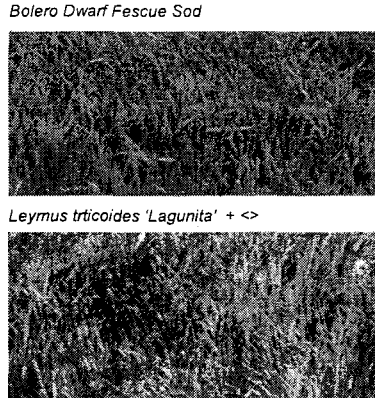
*Gazania sp.*  
Gazania



*Verbena bonariensis* <>  
Verbena



*Lomandra Longifolia 'Breeze'* <>  
Lomandra



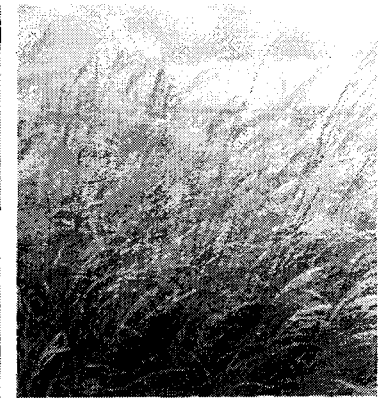
*Bolero Dwarf Fescue Sod*

*Leymus triticoides 'Lagunita'* + <>

Low Water Lawn



*Seslaria autumnalis 'Greenlee'* <>  
Seslaria Greenlee



*Miscanthus 'Little Kitten'*  
*Miscanthus 'Little Kitten'*

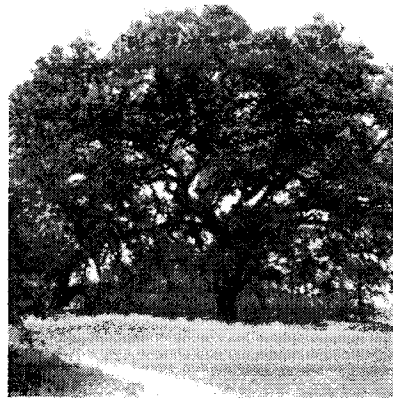
+ Native  
<> Low Water

Plant material species shown are representative of concept and design goals for planting. Water Efficient Landscaping and the use of native and endemic plants is a design criteria for our selections. Final selection of plants will be based on plant quality, availability, and season. Additional changes may be made to achieve a unified design following any required changes.





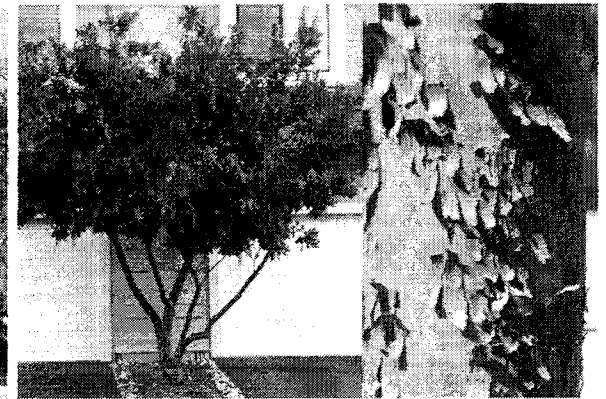
*Cupressus macrocarpa* + <>



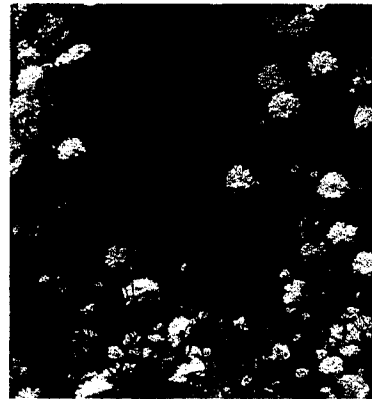
*Quercus species, natural form* + <>



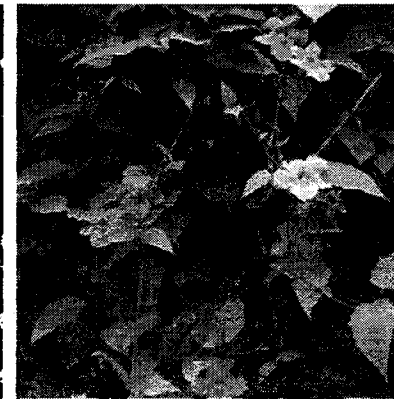
*Platanus racemosa, single trunk* + <>



*Arbutus marina, multistem* + <>



*Rosa 'Cecile Brunner'* <>



*Purple Trumpet Vine*



*Plumbago* <>

*Plant material species shown are representative of concept and design goals for planting. Water Efficient Landscaping and the use of native and endemic plants is a design criteria for our selections. Final selection of plants will be based on plant quality, availability, and season. Additional changes may be made to achieve a unified design following any required changes.*

+ Native  
<> Low Water



Trash, Recycling, Compost (Landscape Forms)



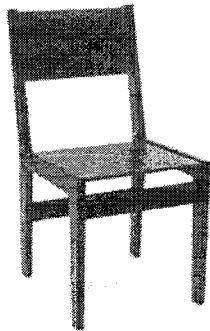
Bike Rack, Inverted U (Creative Pipe)



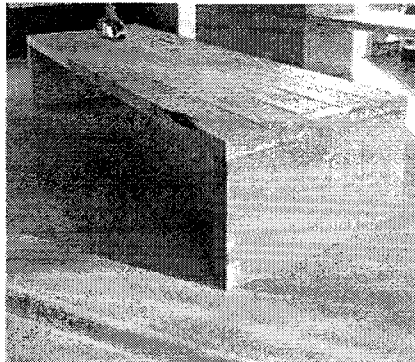
Concrete Slab Bench



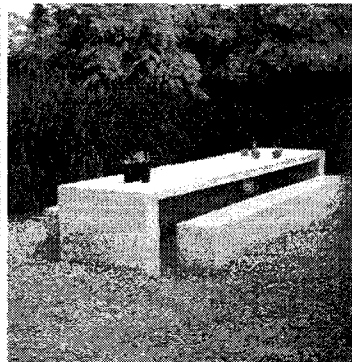
Pole Mounted "Theatre Lights"  
(Also mounted on trellis)  
Installed with downward facing "full cut off" condition



Movable Chairs (Loll)



Custom Large Table with Moveable Chairs

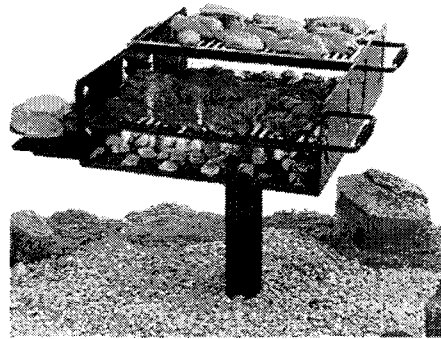


Custom Large Concrete Table with Benches

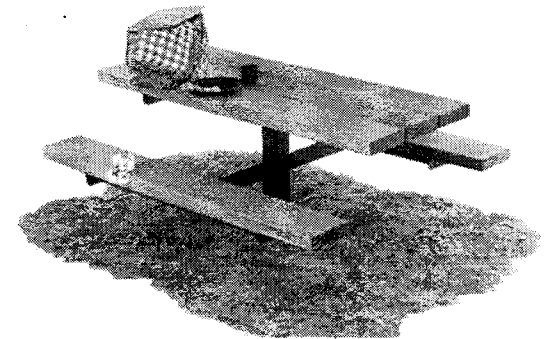


Cafe Tables and Chairs (Landscape Forms)

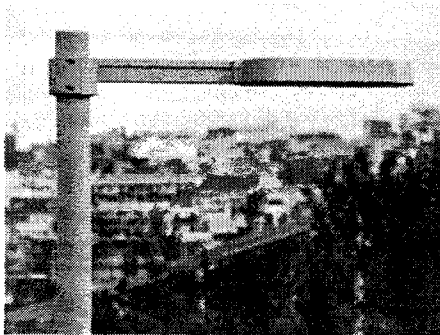
Site furniture selections describe character and quality of proposed elements.  
Final selections will be made within the same framework, but may vary from the pieces shown here.



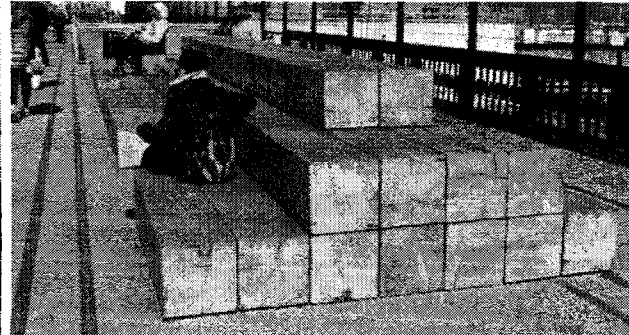
Metal BBQ



Wood and Metal Picnic Table (ADA)



Slim Profile LED pole Light, Trails Only

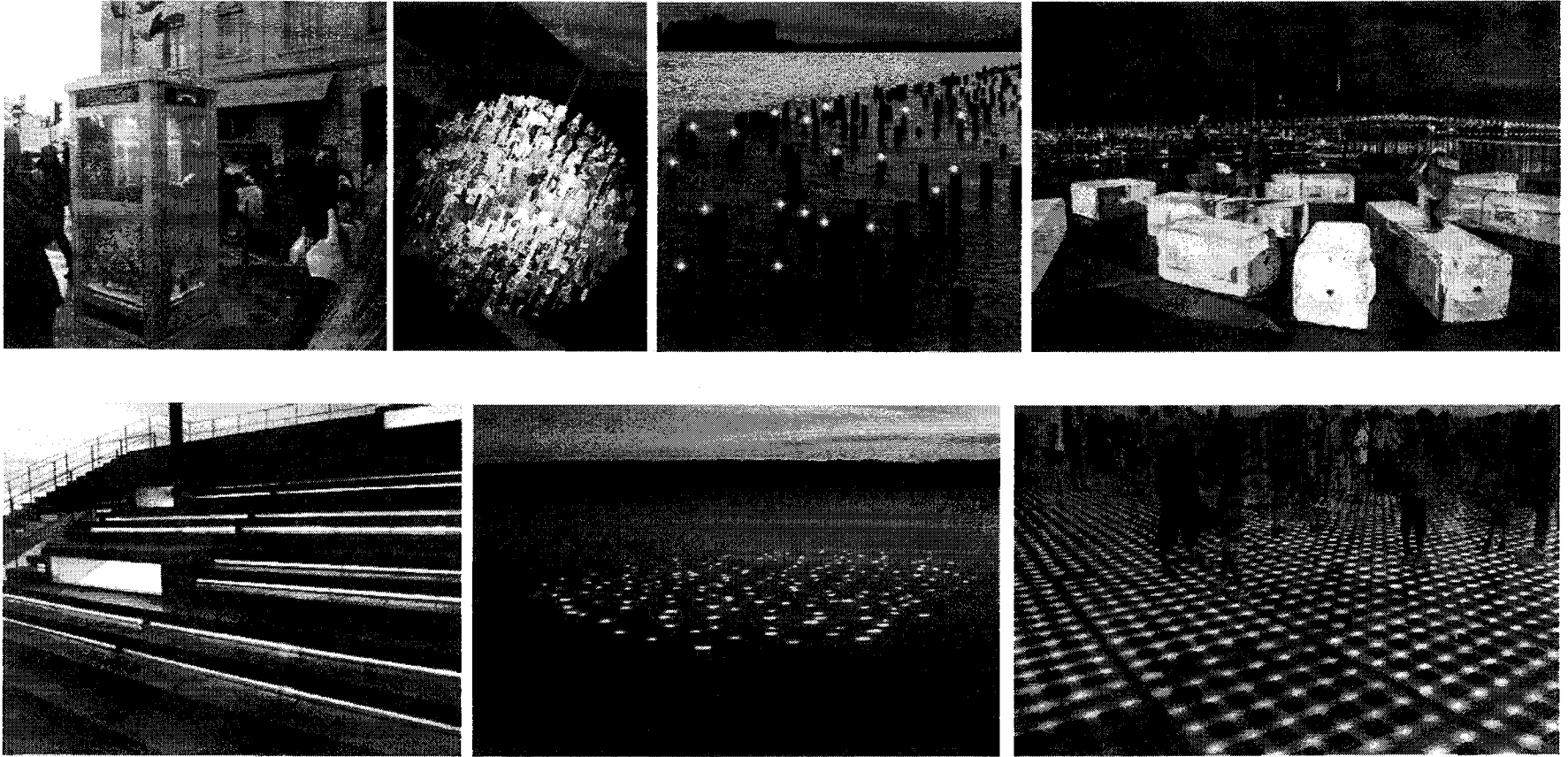


Custom Large Timber Bench



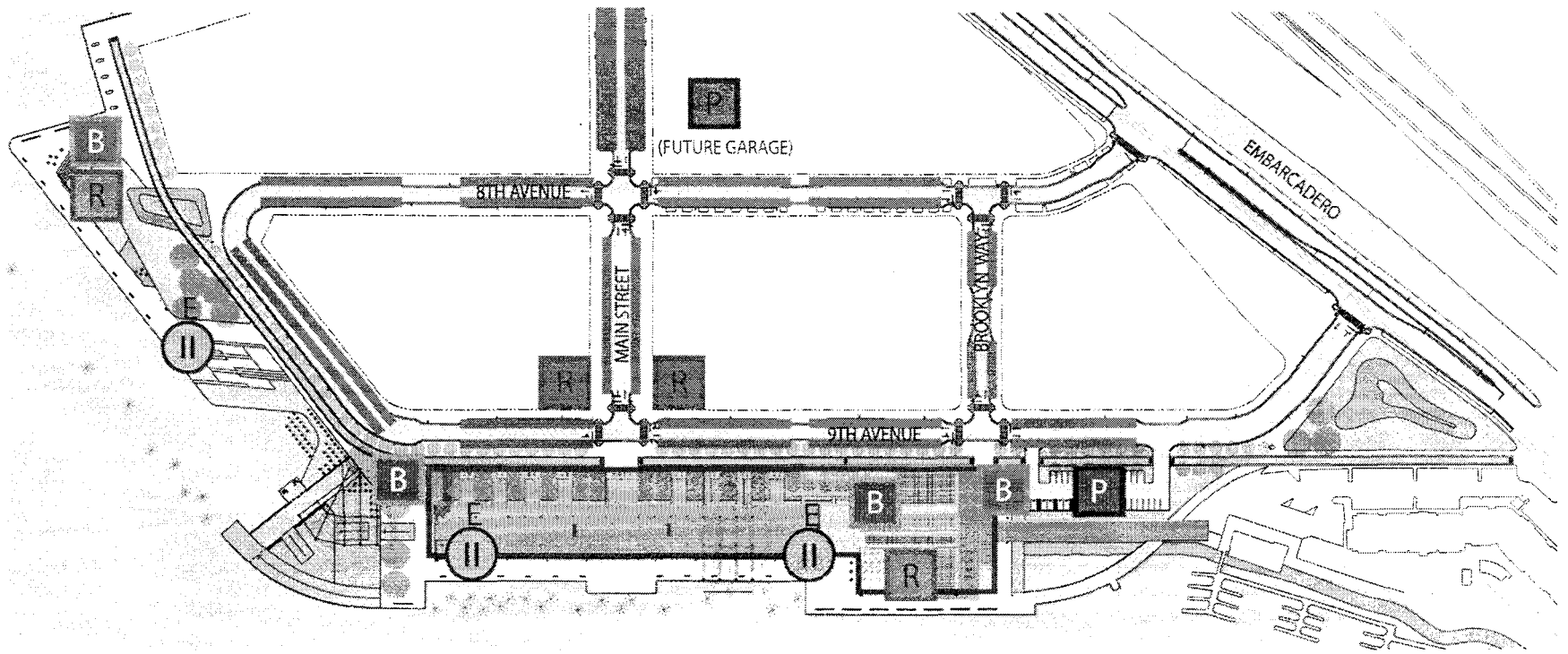
Lounge Bench








*Site furniture selections describe character and quality of proposed elements. Final selections will be made within the same framework, but may vary from the pieces shown here.*

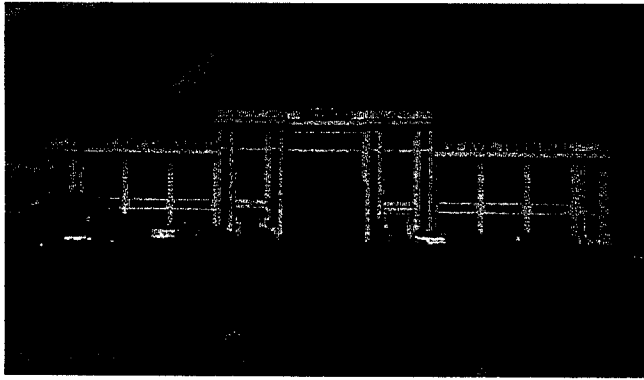


*All public art proposed at the site will use light as one design element. Priority will be given to interactive pieces that can be used both during the day and at night and allow children and adults chances for playing and wonder.*

*Public Art imagery above describes character and quality of proposed elements. Final selections will be made within the same framework, but will vary from the pieces shown here.*

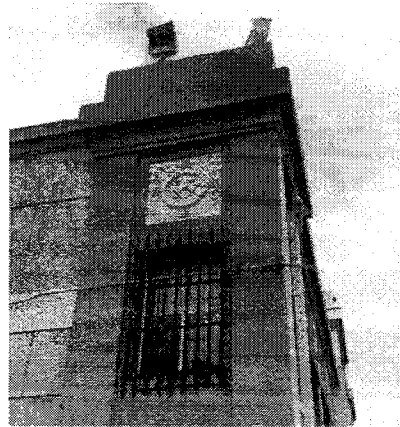


-  Street Parking
-  Parking Lot or Garage
-  Bike Parking
-  Public Restrooms
-  Retail Restrooms
-  Event Power
-  Event Area



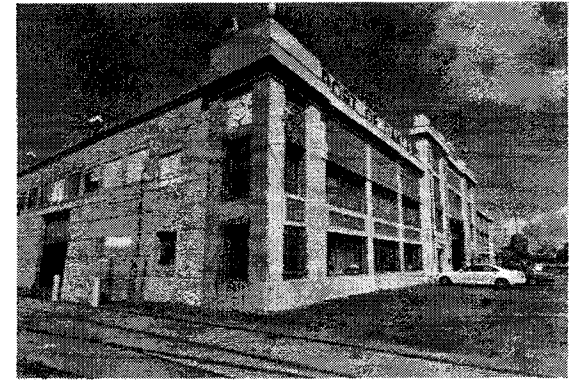
**FRONT OF BUILDING**

Restore signage  
Repair & paint cast concrete  
Restore glazing



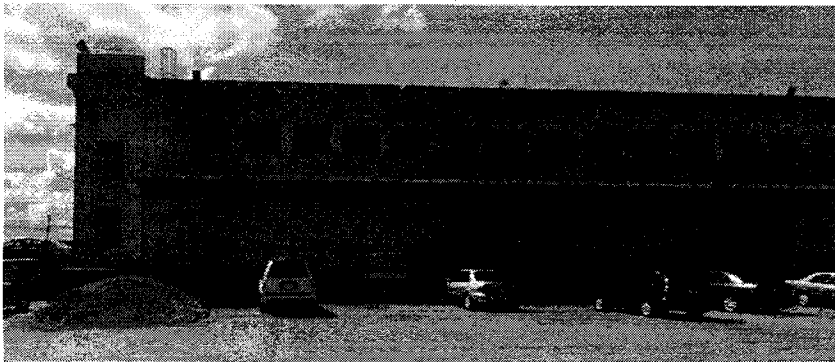
**TERRACOTTA DETAIL ON SIDE FAÇADE**

Restore tile ornamentation



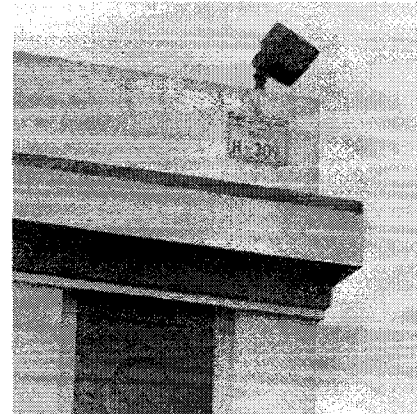
**FRONT CORNER - WATER SIDE**

Restore tile ornamentation  
Repair & paint cast concrete  
Restore glazing



**LAND SIDE**

Repair & paint cast concrete  
Restore glazing  
Replace canopy



**TERRA COTTA DETAIL ON FRONT FAÇADE**

Restore terra cotta tile ornamentation  
Repair & paint cast concrete



**FRONT DOOR DETAIL**

Restore terra cotta tile ornamentation  
Repair & paint cast concrete

## DESIGN APPROACH

Although the 9th Avenue Terminal is not designated a historic property, its essential landmark character will be maintained; the renovation will refer to its historic usage and highlight the warehouse's character-defining elements. Per the Secretary of the Interior's Standards for Rehabilitation, the 20,000 sf of the Terminal will be restored with a clear differentiation between new elements and repaired historic elements.

### RETAINING THE HISTORIC ELEMENTS OF THE TERMINAL: EXTERIOR

The iconic front façade will be renovated and repainted, and the original cast concrete facades on the water and docksides will be repaired and restored. Careful consideration will be given to the overall color scheme as old and new elements are combined.

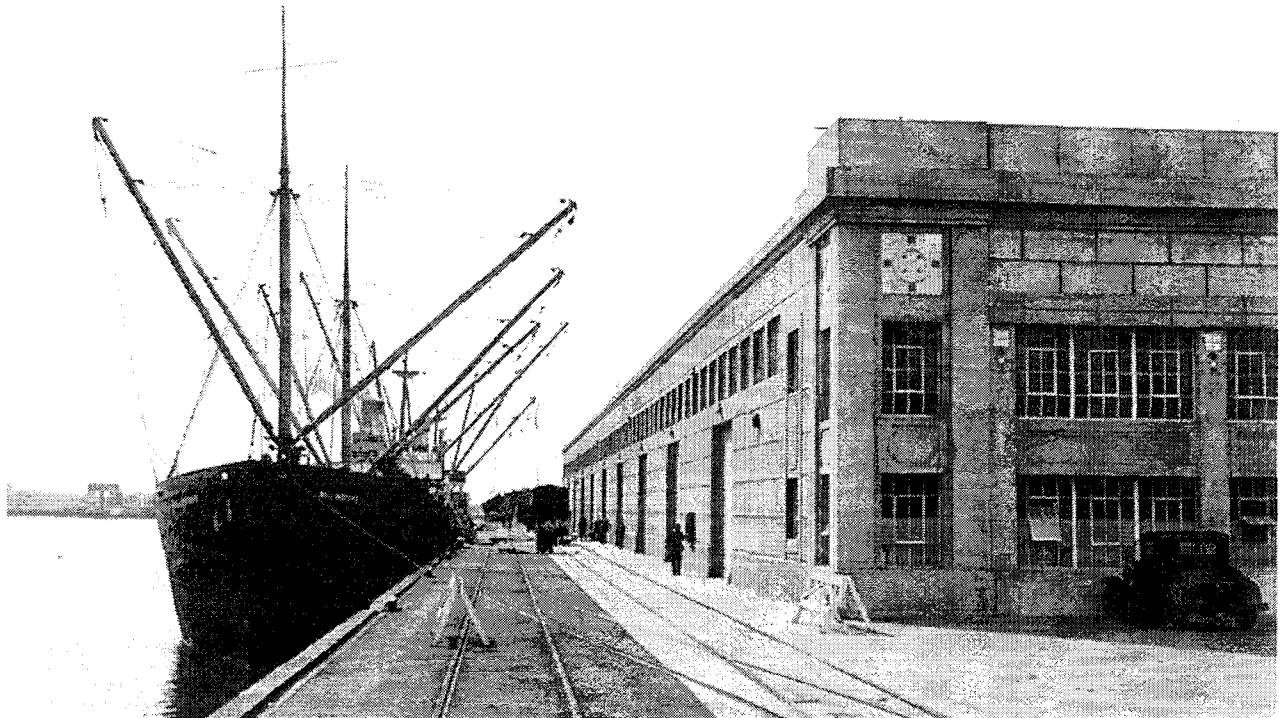
The terra cotta details on the lintels over the main doors and the corner elements will be restored, stripping the paint that has covered them from view. Some work has already been done on the south elevation to reveal the original color.

All the windows will be re-glazed to meet Title 24 energy requirements. Different ways of achieving energy goals will be evaluated to determine the best and most economical method; it is likely to include preserving and re-glazing the steel sash single-pane windows, adding weather stripping and glazing film or interior storm windows.

The new parkside entry wall that closes off the 20,000 sf of interior space will be contemporary, contrasting with the original cast concrete facades on the sides. The connection will be detailed to contrast and highlight the original shell of the exterior. The new wall will be cement plaster in finish, but glazed up to the bottom of the uppermost existing clerestory truss. There will be operable glazed walls for access to the deck.

The existing canopy over the former docks on the north side of the building will be replaced with a glass and steel canopy, and a similar new glass and steel canopy will be added at the front entry. It is important to note that this contemporary design is not meant to confuse what is historic and what is new; but rather to highlight the new stage in the building's history. The restored roof will show 12 skylights over the covered portion of the deck, with the ridgeline featuring two ventilators as in the original design.

The plan is to expose two bays of the existing steel structure to provide covered, but not enclosed, space over a deck. The open truss work will evoke the character of the space as warehouse. The only additions



to the steel trusses will be for structural stabilization. New sections will be added at the same height as the existing bracing elements, and will contrast with the existing truss in order to continue to differentiate between old and new.

The existing exposed columns have a concrete base, and we propose a similar treatment at each base. Populating the deck will be a moveable seating area and a portable kiosk.

### RETAINING THE HISTORIC ELEMENTS OF THE TERMINAL: INTERIOR

We will retain the historic harbor master's offices. The offices are proposed to be transformed into a café with access from the front of the entrance plaza as well as from the interior of the enclosed space.

The main interior 20,000 SF space is currently defined to include a water-side restaurant, and a maritime display. On both waterside and former dock locations, there will be operable walls that open up to the covered deck area.

CANOPY



ENTRY



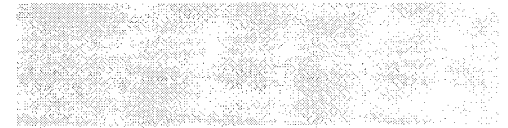
PROPOSED COLOR PALETTE



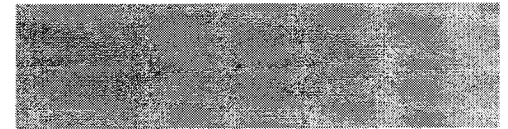
COLOR #1 - CAST CONCRETE ACCENT



COLOR #2 - STEEL SASH WINDOWS



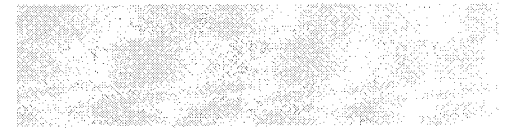
COLOR #3 - CAST CONCRETE



COLOR #4 - STOREFRONT ENTRIES & STEEL CANOPIES

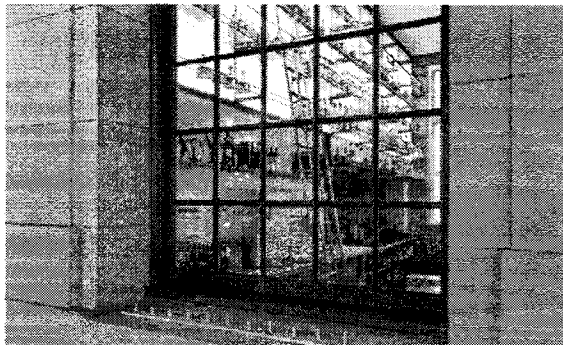


COLOR #5 - STEEL TRUSSES & COLUMNS



COLOR #6 - CEMENT PLASTER WALL

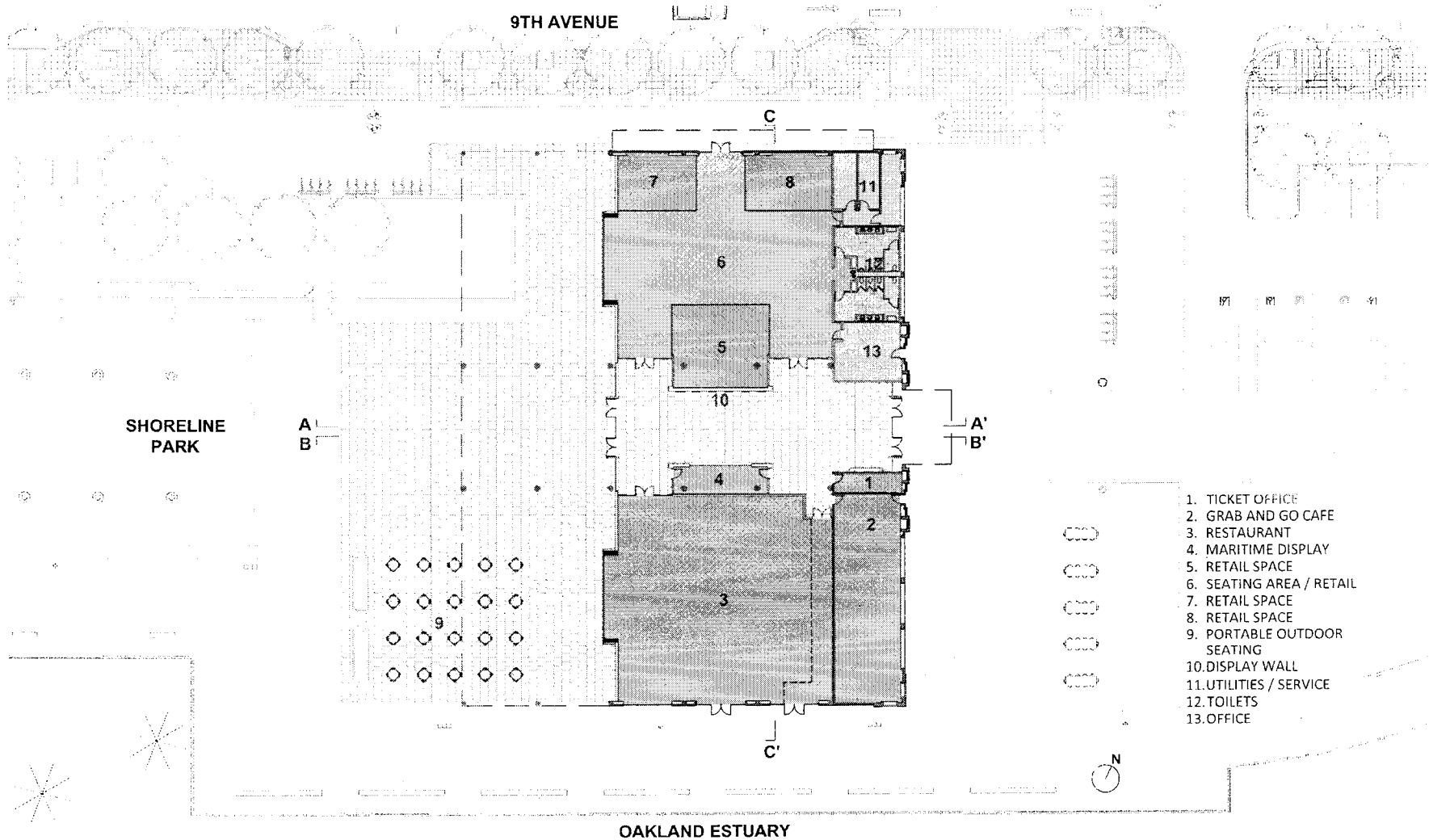
WINDOW



INTERIOR

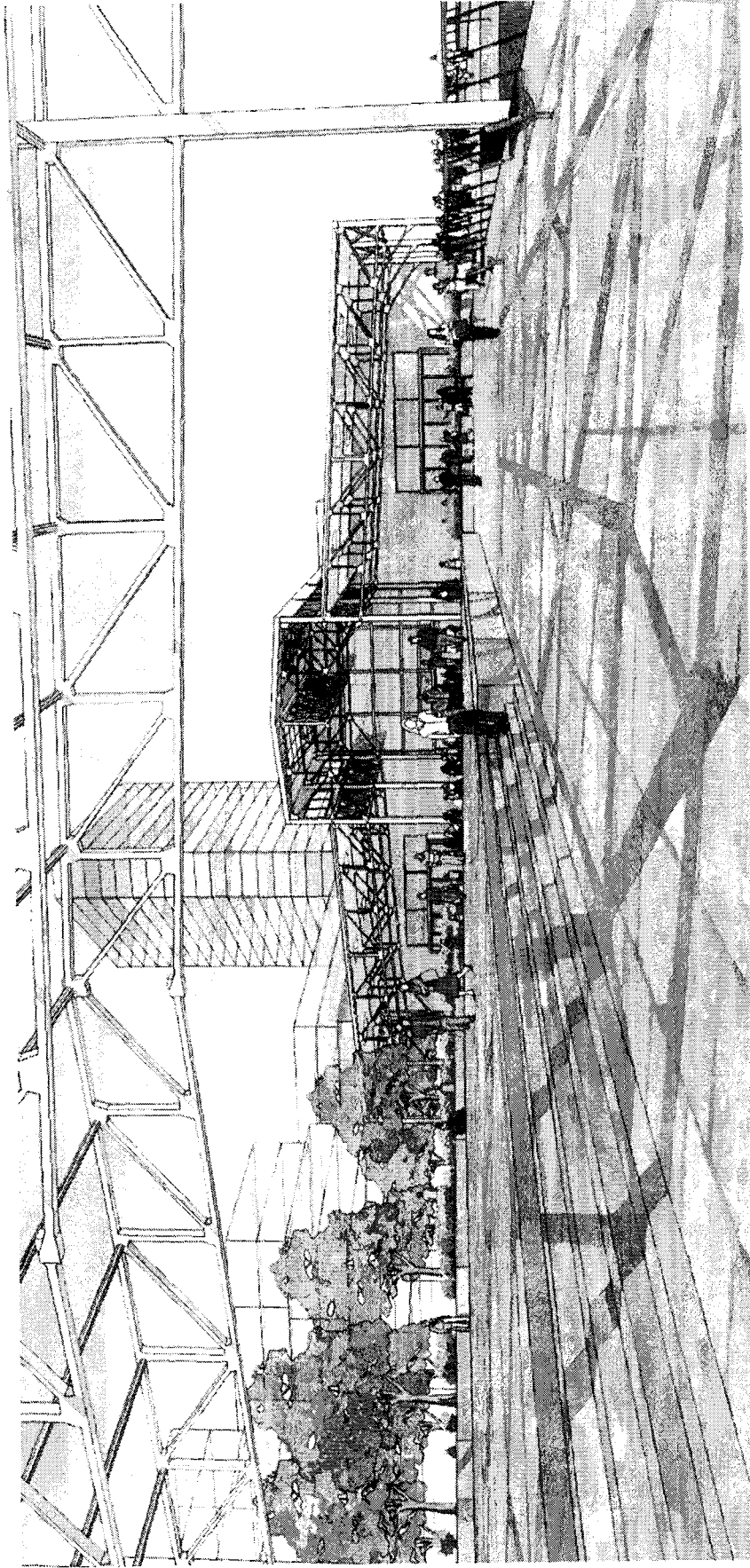






- 1. TICKET OFFICE
- 2. GRAB AND GO CAFE
- 3. RESTAURANT
- 4. MARITIME DISPLAY
- 5. RETAIL SPACE
- 6. SEATING AREA / RETAIL
- 7. RETAIL SPACE
- 8. RETAIL SPACE
- 9. PORTABLE OUTDOOR SEATING
- 10. DISPLAY WALL
- 11. UTILITIES / SERVICE
- 12. TOILETS
- 13. OFFICE



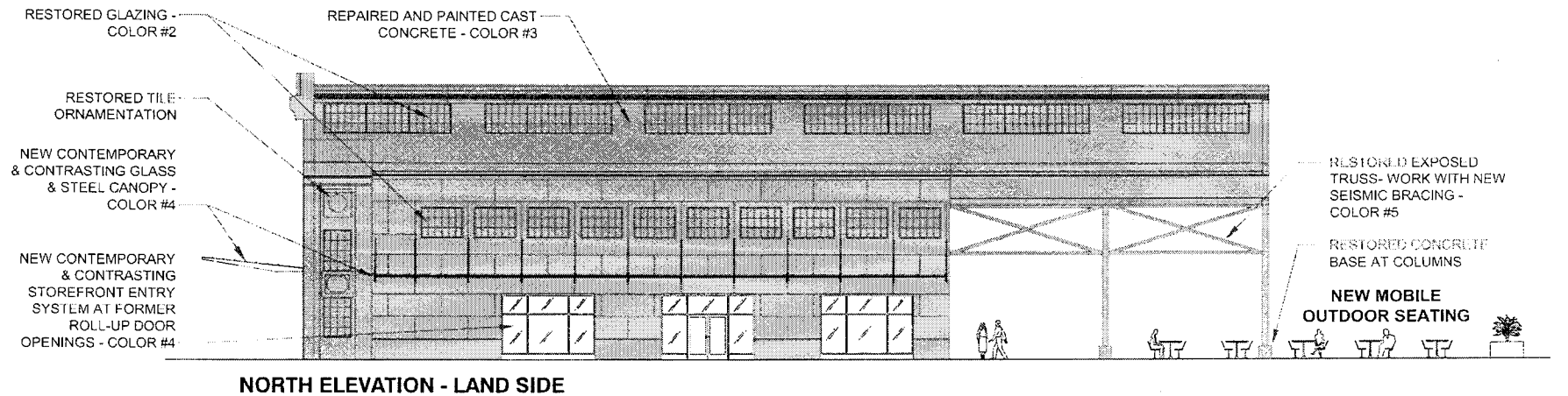
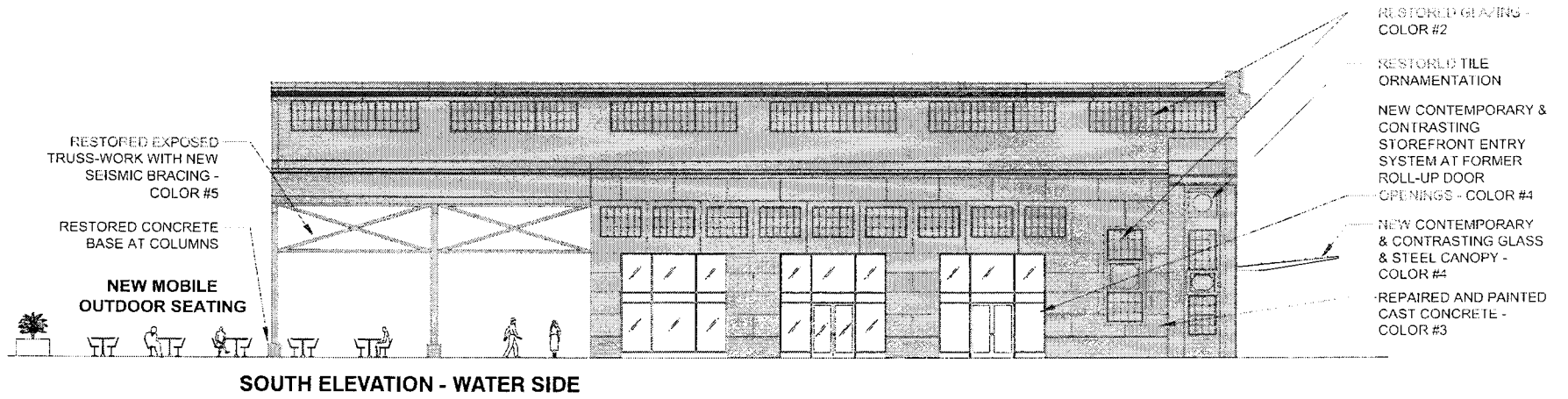


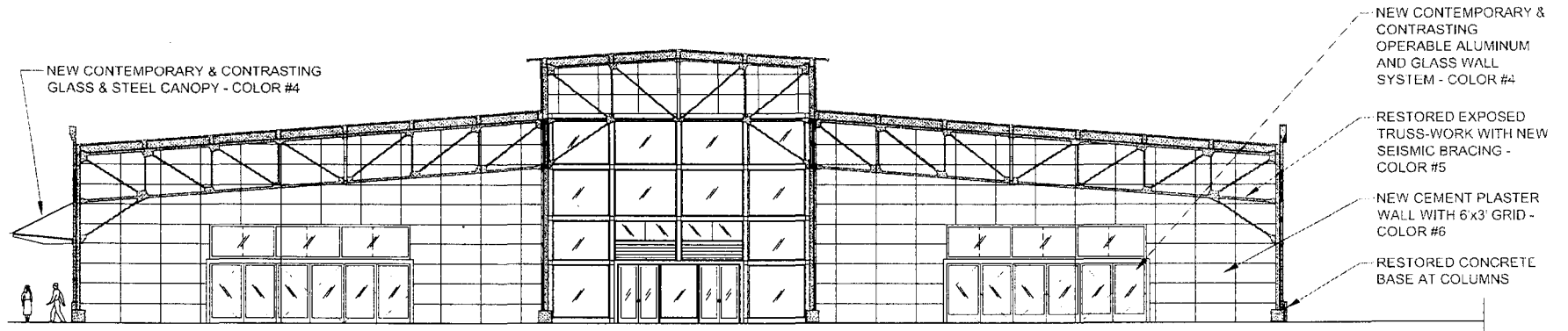
VIEW FROM PARK  
(WEST) / A0.10

SHORELINE PARK FDP  
December 4, 2015

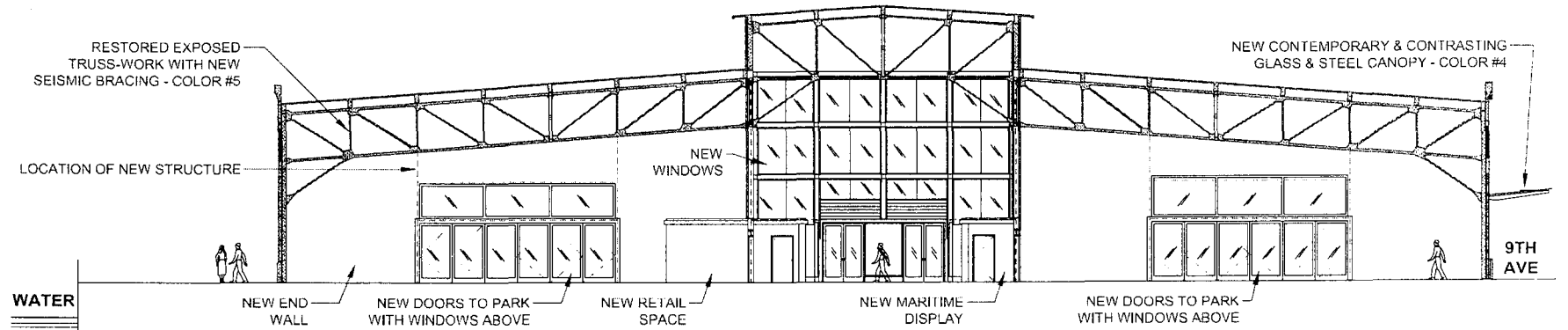


**SIGNATURE  
DEVELOPMENT  
GROUP**  
**BROOKLYN  
BASIN**

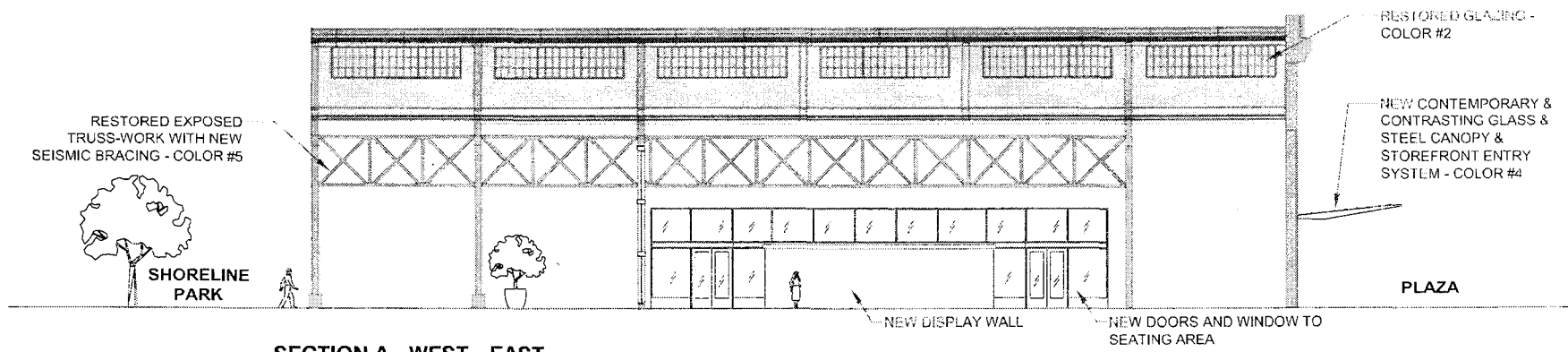




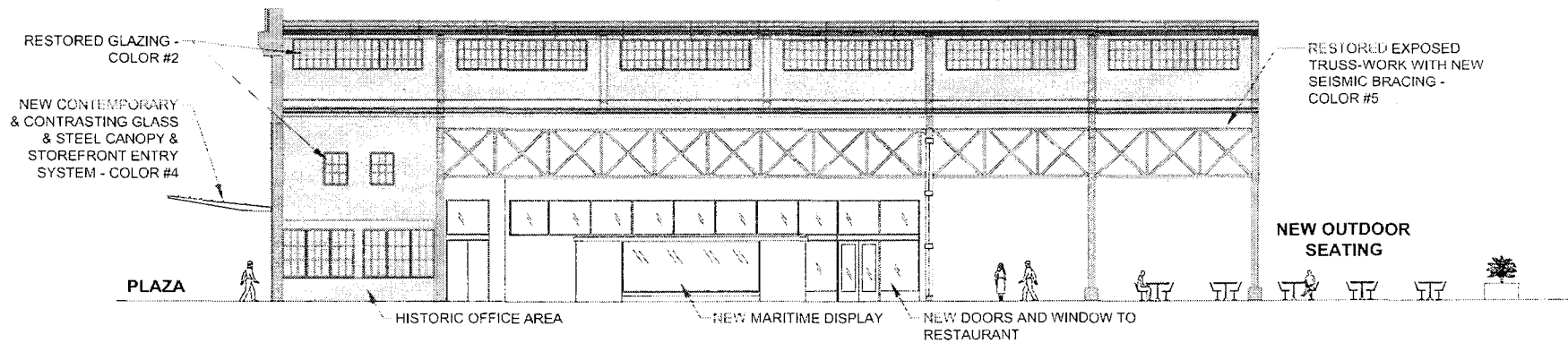
**WEST ELEVATION - PARK SIDE**



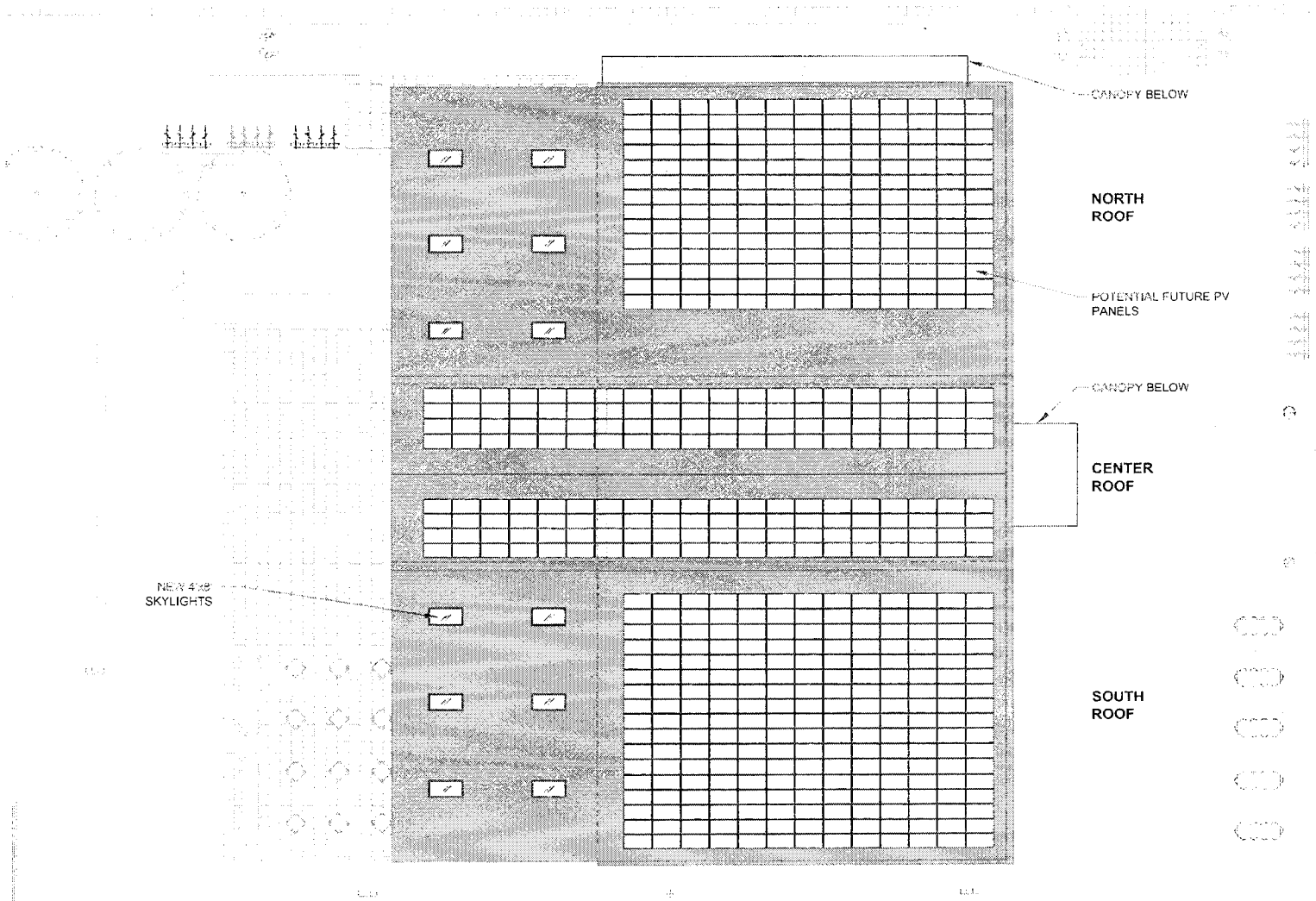
**SECTION C - SOUTH—NORTH**



**SECTION A - WEST—EAST**



**SECTION B - EAST—WEST**



**ATTACHMENT B:**

**Planning Commission Staff Report,  
dated October 21, 2015  
(including attachments)**



<b>Location:</b>	<b>Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Shoreline Park, located on the current site of the 9th Avenue Terminal.</b>
<b>Proposal:</b>	Final Development Permit (FDP) for Shoreline Park, including demolition and retention of portion of 9th Avenue Terminal.
<b>Applicant:</b>	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510) 251-9272.
<b>Owner:</b>	ZOHP, Port of Oakland, City of Oakland
<b>Planning Permits Required:</b>	FDP, compliance with CEQA.
<b>General Plan:</b>	EPP-Parks (Estuary Policy Plan-Parks).
<b>Zoning:</b>	OS-RSP (Open Space-Region-Serving Park)
<b>Environmental Determination:</b>	Final EIR certified on January 20, 2009
<b>Historic Status:</b>	9th Avenue Terminal, rated “A”
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	2 – Abel Guillen
<b>Action to be Taken:</b>	Consider FDP application and make CEQA determination.
<b>Finality of Decision:</b>	FDP appealable to City Council.
<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at <b>510-238-6168</b> or by e-mail at <b>cpayne@oaklandnet.com</b>

**SUMMARY**

The purpose of this report is to recommend approval of the Shoreline Park Final Development Permit application (FDP). The Brooklyn Basin Project land use entitlements were originally approved in 2006 and the Preliminary Development Permit approved at that time included conceptual design of Shoreline Park. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is seeking additional approvals required under the terms of the original land use entitlements and in order to initiate delivery of City parks. Specifically, ZOHP is seeking approval of a FDP, consistent with the applicable zoning regulations, for Shoreline Park, which is required to be completed and operational prior to Certificate of Occupancy of the 550<sup>th</sup> dwelling unit (or five years after the first construction-related permit) for the project. The development of Shoreline Park includes the demolition of 90 percent of the existing 9th Avenue Terminal, retention and historic preservation of the remaining portion of the building and the provision of a new 10-acre City park. The Design Review Committee (DRC), Parks and Recreation Advisory Committee (PRAC) and Landmark Preservation Advisory Board (LPAB) previously reviewed this proposal in late September and early October 2015.

Include site map here.

## PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10<sup>th</sup> Avenue to the east, and Fallon Street to the west. The project includes 29.9 acres of City parks located along the Oakland Estuary edge of the Brooklyn Basin Site. Shoreline Park is the southeastern-most park in Brooklyn Basin and is located on the water side of 10<sup>th</sup> Avenue, generally where the 9th Avenue Terminal is currently located.

The Shoreline Park site and surrounding area previously contained commercial and industrial uses (the 9th Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers). As of this writing, construction of Phase 1 infrastructure and Embarcadero improvements is underway adjacent to the Shoreline Park site.

## PROJECT BACKGROUND

### *Project History*

The planned Brooklyn Basin Project consists of a mix of residential, retail and commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (with a total of 170 boat slips), and an existing wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the 9th Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-held property along and east of 5th Avenue that contains a mix of commercial and industrial uses, as well as a small community of work/live facilities.

The Shoreline Park site is the current location of the 9th Avenue Terminal. The 9th Avenue Terminal is a historically significant facility, with an "A" rating on the Oakland Cultural Heritage Survey (OCHS). The facility is a break-bulk shipping facility, one of the last and largest on the West Coast. The approved PUD allows for demolition of approximately 90 percent of the building to make way for Shoreline Park. The remaining 10 percent of the building contains the head house, and the project includes historic restoration of that portion of the building.

*Public Review and Input to Date*

The proposed Shoreline Park FDP application has been extensively reviewed by the Parks and Recreation Advisory Committee (PRAC), Landmark Preservation Advisory Board (LPAB), and the Design Review Committee of the Planning Commission (DRC). The three bodies provided preliminary review in Spring 2015. As of this writing, the DRC, LPAB and PRAC are scheduled to review the revised Shoreline Park FDP application on September 30, 2015, October 12, 2015, and October 14, 2015, respectively (and staff will verbally report out comments to the Planning Commission). Key decision-makers and community members have identified concerns regarding the Shoreline Park proposal (see *Attachment C.a. DRC Staff Report, dated September 30, 2015* for a detailed list and analysis of comments). Key comments (and staff responses in indented italics below each comment) include:

- How does Shoreline Park relate to other Brooklyn Basin parks (and Jack London Square and Lake Merritt);
  - *Shoreline Park will include features that will carry through to other Brooklyn Basin parks, including lighting, furnishings and interface with the waterfront (including the continuous Bay Trail along the water's edge), plant palette and general focus on the waterfront and San Francisco Bay. However, Shoreline Park will be unique because it will occupy the most developed, constructed site within the Brooklyn Basin park system. Located on an existing wharf, Shoreline Park has the greatest opportunity to host festivals and organized events, as well as include intensive design treatment such as hardscape and furnishings. The plans indicate a large event space, gathering spaces, a waterfront promenade, as well as significant hardscape and site furnishings (including a variety of seating, art opportunities, and lighting).*
- What is the program for the park? How will spaces be used?
  - *The current plans indicate a variety of spaces: the large open space where the 9<sup>th</sup> Avenue Terminal is currently located, and medium and small gathering spaces to the west and along the shoreline. The range of gathering spaces will encourage use of the park at all times and allow users to engage in informal activities such as exercise, picnicking, informal group gatherings, and contemplation. The master developer has rights to occupy and program the remaining portion of the 9<sup>th</sup> Avenue Terminal. This will result in some synergistic use of the adjacent large area. In addition, the Office of Public Recreation (OPR) has committed to programming the park (sponsored activities could include exercise classes, naturalist tours, day camps, and larger events similar to "An Intimate Evening". In addition, staff recommends that the Applicant provide supplemental park programming during build-out of Phase One of the Brooklyn Basin development (see recommendation below).*
- Park design should reflect Oakland: hip, edgy, funky; this does not equal rustic;
  - *Staff believes that the first step to designing Shoreline Park is place-making. Staff is first focusing on developing park plans that include clearly usable and inviting spaces for a wide range of activities and clear separations and connections between those spaces. Following this process, staff will evaluate the plans in*

*terms of layering the uses with the themes that will provide the park with its identity. The appearance and ambiance sought by the community will be provided in large part by the themes (such as art, sustainability, reuse, interaction between historic and present-day facilities) and design details (benches, lighting, surface treatments, signage) that will overlay the uses. The current plans indicate solid place-making: a variety of areas that comfortably allow for intimate, small group and large group gatherings. In addition, the plans include public art and a strong design connection to the Estuary, key objectives of the park design. Staff recommends including staff and DRC subcommittee oversight over design development and park delivery to ensure high-quality design details, as noted below.*

- The deck over the pile-supported wharf is 1.5 football fields in size; this will feel barren, particularly once there is no institutional memory of size of 9<sup>th</sup> Avenue Terminal;
  - *The current plans include a large space framed by the remaining portion of the 9<sup>th</sup> Avenue Terminal on one end and a pergola structure (based on the steel frame of the 9<sup>th</sup> Avenue Terminal) on the opposite end of the open space, marking the approximate location of the terminus of the portion of the 9<sup>th</sup> Avenue Terminal to be removed. This design approach accomplishes key objectives: framing and enclosing the large space thereby containing it visually so it won't feel barren; and the design strategy more dramatically and accurately reflects the history of the 9<sup>th</sup> Avenue Terminal structure by maintaining the area as a kind of structural void where visitors can perceive the size of the previous use and facility at that location. The plans also include a range of gathering areas that will be attractive to a variety of users such that the large space will feel like a part of a well-used park, even if it is not fully occupied the majority of the time.*

## **PROJECT DESCRIPTION**

### *Shoreline Park*

The planned Shoreline Park is approximately 10 acres, much of which is located on an existing pile-supported wharf over the San Francisco Bay. The park was originally approved as part of the Preliminary Development Permit (PDP) in 2006. The approved design includes demolition of approximately 90 percent of the 9th Avenue Terminal, and historic preservation of the southeastern portion of the building. The park is envisioned to host periodic special events. There are 30 off-street parking spaces and up to 60 on-street parking spaces (public spaces located on 9th Avenue, adjacent to the park). The PDP included an open lawn area occupying up to four acres of the site; however, due to structural limitations of the wharf and interest in drought-resistant design, the FDP application includes wood decking in lieu of lawn. The following discussion provides details about the design and use of park facilities:

- *Shoreline Park Design:*
  - *Layout:* The proposed park is a linear-oriented park along the edge of the San Francisco Bay (Bay). The park is generally oriented toward the Bay, with the San Francisco Bay Trail (Bay Trail) located along the water's edge, and axis oriented toward views across the Bay. Off-street parking is located on the southeastern end of the park, adjacent to the remaining portion of the 9th Avenue Terminal (which is planned for commercial uses). The park design includes a range of spaces to accommodate a variety of users: large spaces that can accommodate both casual use and programmed events; smaller spaces for picnicking and smaller gatherings; contemplative opportunities, and pathways and connectors for active movement through and around the park.
  - *Circulation:* The proposed park design accommodates a wide range of access features, including the following:
    - *Vehicular Access:* The Shoreline Park design includes 90 parking spaces, including approximately 30 on-site parking spaces in a lot adjacent to the 9th Avenue Terminal, and 60 on-street parking spaces located immediately adjacent to the park on 9th Avenue and available to the public, including park visitors.
    - *Bicycle Circulation:* Bicycle circulation is provided on a Class 1 dedicated bike path adjacent to 9th Avenue, and on the shared use Bay Trail along the water's edge. The Class 1 dedicated path provides a regional linkage between East Oakland and downtown Oakland.
    - *San Francisco Bay Trail:* Shoreline Park incorporates a new section of the Bay Trail. The Bay Trail will be a minimum of 30 feet wide, surfaced with concrete and include standard Bay Trail signage for identification purposes. The Bay Trail will provide leisure access for bicyclists and pedestrians. This Bay Trail section is designed as a waterfront promenade with ample seating, lighting and limited access to the water for visitors.
    - *Park Entries:* Shoreline Park is generally accessible along the length of 9th Avenue. However, there are three main park entrances where 9th Avenue meets 8<sup>th</sup> Avenue, where Main Street ends at 9th Avenue and from the existing Bay Trail access (and Embarcadero) at the southeastern end of the park.
  - *Parking:* As noted above, there will be 30 on-site parking spaces exclusive to park use, as well as 60 on-street public parking spaces located immediately adjacent to the park along 9th Avenue.
  - *Hardscape Materials:* Shoreline Park is predominantly a hard-surface park. The park will be constructed on top of existing pile-supported wharf in the Bay. The Bay Trail and Class 1 bike trail portions of the park will be concrete. The applicant proposes that the remaining hardscape be recycled wood plank from the roof of the 9th Avenue Terminal.
  - *Park Furnishings:* The applicant proposes site furnishings including a wide range of seating (including lounge chairs, backless benches, backed benches, bar-stool

- seating and picnic tables), garbage receptacles, lighting and railings, planters, water fountains and signage.
- *Planting Materials*: Although the park will not include turf areas, there will be raised planting areas with a palette of drought-tolerant trees, shrubs, ground-covers and grasses.
  - *Special Features*: Special features include:
    - *Interpretive Features*: The plans include references to interpretive signage and the Development Agreement requires interpretive facilities within the remaining portion of the 9<sup>th</sup> Avenue Terminal.
    - *Public Art*: The plans indicate three locations for public art.
    - *Reuse of the 9th Avenue Terminal*: See discussion below.
    - *Sustainable Design*: The proposed surface for the part of the area where the 9<sup>th</sup> Avenue Terminal would be demolished includes recycled materials from the demolition.
  - *Relationship to Brooklyn Basin Park Network*: Shoreline Park is the first of five parks to be developed as part of the larger Brooklyn Basin project, and includes one-third of the overall project park acreage. Shoreline Park is unique amongst the five parks in that it will exist almost entirely on a human-built structure (the wharf on which the 9th Avenue Terminal currently sits). Whereas the other Brooklyn Basin parks are envisioned as places for more passive recreation, observation and experience of the natural world, and abundant softscape, Shoreline Park is intended to provide a more urban experience, including: extensive hardscape, large gathering areas for organized events, and opportunities for more programmed and commercial uses (in the 9th Avenue Terminal, as well as possible boat, skate and kite rentals).
  - *9th Avenue Terminal Design*: The 9th Avenue Terminal building will be reduced from 200,000 to 20,000 square feet, retaining the southeastern end of the building, including the harbor master's office. The changes to the building will retain four building bays, and an exposed roof section (no walls) continuing two bays to the northwest.
    - *Design Treatment*: The remaining portion of the building will be seismically engineered, and will include repair and preservation of historic exterior materials, inserting glazing into delivery bays and exposing and repairing existing clerestory windows. The renovation includes placing solar panels on the roof of the building, as well.
    - *Historic Preservation*: Historic preservation includes retaining 20,000 square feet of the building, revealing original siding materials and openings (to the degree feasible), as well as preserving and renovating details such as the decorative terra cotta medallions on the exterior of the building.
    - *Proposed Uses*: The project developer will be the building lessee and can use the building for commercial purposes. The project will retain the historic harbor master office (approximately 200 square feet) and provide a historic maritime interpretive experience for visitors. Primary building uses will be retail and restaurant space, as well as seating and restrooms for visitors.

## GENERAL PLAN ANALYSIS

### *General Plan Land Use Classification*

The Shoreline Park site is located in the Estuary Policy Plan-Parks (EPP-Parks) land use designation of the Estuary Policy Plan (the General Plan for the subject site). The Estuary Policy Plan states, "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." Shoreline Park would be the first of the planned parks to be developed in support of and consistent with this vision.

## ZONING ANALYSIS

The Shoreline Park site is located entirely within the Open Space-Region-Serving Park (OS-RSP) zoning district. The OS zone is intended to "create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment." The OS-RSP zoning allows for regional-serving uses, such as athletic fields and courts, concessions, temporary uses (fairs and carnivals), public art and restrooms. Although Shoreline Park is in the OS-RSP zoning district, it is subject to an approved PUD and PDP. Whereas conditional use permits are typically required for park improvements, in this case Shoreline Park improvements shall be processed under the PUD regulations and are subject to a Final Development Permit (FDP). In essence, the OS-RSP zoning regulations control the allowable park uses, whereas the PUD regulations control the process for considering approval of such uses.

### *Allowed Activities and Facilities in Shoreline Park*

Shoreline Park is subject to City of Oakland Open Space-Region Serving Park zoning regulations (OS-RSP), State Lands and Bay Conservation and Development Commission (BCDC) jurisdiction. In summary, park activities and facilities are limited by the regulatory framework and include the following:



**Shoreline Park Permitted Activities and Facilities**

<b>ACTIVITY/FACILITY TYPE (OS-RSP ACTIVITY AND FACILITY TYPES)</b>	<b>STATE LANDS JURISDICTION</b>	<b>OS-RSP ZONING REGULATIONS*</b>	<b>PERMITTED AT SHORELINE PARK?</b>	<b>PROVIDED AT SHORELINE PARK?</b>
Caretaker's Quarters	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Botanical Gardens</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Community Gardens	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Trails and Paths</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Electrical, gas, and Telephone lines</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Water, Storm Drain, Sewage Lines</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Athletic Fields	INCONSISTENT	EP (Parcel "N" only)	No	
Basketball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Boathouse</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Bocce Ball	INCONSISTENT	EP (Parcel "N" only)	No	
Carousel/Amusement Rides	INCONSISTENT	EP (Parcel "N" only)	No	
Dog Play Area Off Leash (fenced)	INCONSISTENT	EP (Parcel "N" only)	No	
Fishing Pond	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Food Service and Other Concessions</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Gymnasium	INCONSISTENT	EP (Parcel "N" only)	No	
Handball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
Horseback Riding	INCONSISTENT	EP (Parcel "N" only)	No	
Horseshoe Pit	INCONSISTENT	EP (Parcel "N" only)	No	
Lawn Bowling	INCONSISTENT	EP (Parcel "N" only)	No	
Miniature Golf	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Picnic Areas</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Play Grounds/Tot lots/Play Equipment	INCONSISTENT	EP (Parcel "N" only)	No	
Recreation Center	INCONSISTENT	EP (Parcel "N" only)	No	
Skate Park	INCONSISTENT	EP (Parcel "N" only)	No	
Swim Center	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Temporary Uses</b>	<b>CONSISTENT (may be limited)</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes (with limitations)</b>	<b>✓ (accommodated)</b>
Tennis Court	INCONSISTENT	EP (Parcel "N" only)	No	
Wading Pools	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Water Play Feature (Fountain)</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Museum	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Maritime Office (Harbor Master)</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Auditorium	INCONSISTENT	EP (Parcel "N" only)	No	

Bandstand	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	
Docks/Wharves/Piers	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	
Outdoor Performance Area/Stage/Amphitheater	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Stormwater Detention/Water Quality Facilities	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Full Service Restaurant, within a publicly owned building	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
General Food Sales	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Accessory Buildings	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Fences Walls, or Gates	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Benches and Street Furniture	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Irrigation Systems	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Kiosks/Maps/Historic Markers	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Interpretive Signage	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Lighting	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Lighting (Sports Facilities)	INCONSISTENT	EP (Parcel "N" only)	No	
Maintenance Sheds	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	
Parking for Park use	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Public Art	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
Scenic Overlooks and Pullouts	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	
Rest Room Facilities	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
San Francisco Bay Trail	CONSISTENT (Required)	SHP,GP,SP,CHP,EP	Yes (Required)	✓

\*SHP = Shoreline Park; GP = Gateway Park; SP = South Park; CHP = Channel Park; and EP = Estuary Park.

Shoreline Park has been designed to include only activities and facilities supported by the complex regulatory framework for the park. For example, in an effort to accommodate competing interests, the park design does not include a designated playground or tot lot (not a State Lands-compliant use); however, the park design does include public art and interpretive facilities which could feasibly engage children in much the same way as a playground facility might.

*Brooklyn Basin Planned Unit Development Applicable Regulations and Design Guidelines*

The following discussion outlines the park-related requirements of the project, as administered by the City of Oakland. Staff analysis of compliance is indicated in indented, italicized text below each requirement.

Oak to 9<sup>th</sup> Mixed Use Development Conditions of Approval

- 25.B.5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement (issuance of a certificate of occupancy for the 1,000th unit or 5 years from the issuance of the first building permit for Phase I.)
  - *The applicant has prepared and submitted the Shoreline Park FDP application prior to issuance of any construction-related permits for dwelling units in an effort to ensure delivery of Shoreline Park prior to delivery of the 1,000<sup>th</sup> residential unit or any other applicable milestone.*
- 38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions...
  - *As noted elsewhere in this report, staff is currently working with the applicant to prepare the CFD; in the meantime, the Phase 1 Final Map is subject to an estoppel certificate that ensures the applicant will comply with maintenance responsibilities otherwise provided under a CFD until such time as the CFD or other financial tool is in place. Specifically, park maintenance would be provided by the CFD (or by the applicant).*
- 40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:
  - a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils,

representative soils and water table tests confirming the suitability of the site for the plant materials selected.

b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.

c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9<sup>th</sup> Avenue and Shoreline Park.

d. Preservation of a significant portion of the 9th Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26 foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.

e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,

f. Plans and general specifications for other landscaping features and public art installations. Oak to 9th Mixed Use Development

g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.

h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the 9th Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.

i. All play surfaces and play structures throughout the development will comply with ADA standards.

j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:

- Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.
- Street trees shown on the site plan.
- Specifications for driveways, paving, entry and other surface treatments.
- A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other

information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.

- All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

- *The Shoreline FDP submittal reflects progress toward providing each of the components described above. Once a schematic design is approved by the Planning Commission, the applicant will prepare construction documents that indicate the soils information, as well as the specific features that would constitute historic and interpretive elements and irrigation.*
- 40.a. Refer to Exhibit N of the Development Agreement
  - *Exhibit N requires the delivery of the Temporary Bay Trail during the build-out of Brooklyn Basin. The Temporary Bay Trail has been constructed and is open to the public for use from dawn until dusk on a daily basis.*

#### Oak to 9<sup>th</sup> Brooklyn Basin Design Guidelines

- Urban Design Principles:
  1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.
  2. Configure and design the open space system to serve as a city-side and regional resource.
  3. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.
  4. Maintain and enhance public views to the waterfront.
    - *The proposed Shoreline Park plans indicate a range of spaces to accommodate activities from intimate gatherings to large events. The plans indicate opportunities for nature appreciation, exercise, play, dining and entertainment, and viewing of the San Francisco Bay. The park design maintains clear views of the San Francisco Bay along the entire waterfront and provides axial views and otherwise frames views of the waterfront from the major park entries and further inland.*
- “Shoreline Park along the southern and western edges of the community provides a grand civic space oriented to the open water of Brooklyn Basin. The park is designed to accommodate large celebrations, concerts, water festivals, as well as day-to-day activities, such as informal play and passive recreation. Much of the park is built on the existing

pile-supported pier structure of the 9<sup>th</sup> Avenue Terminal, the maritime history of which will be celebrated through interpretive elements and displays.” (p.7)

- *The Shoreline Park FDP application respects the adopted vision for the park by maintaining a space for large events and gatherings while also including pathways and smaller gathering spaces for contemplation, picnics and conversation. The park plans also include opportunities for interpretation of the history and prior use of the site.*
- “A refurbished section the 9th Avenue Terminal will provide an opportunity for historical and interpretive exhibits that celebrate the maritime heritage of the site, a cultural center, community-gathering place, restaurant and retail opportunities.” (p.9)
  - *The proposed plans for the 9th Avenue Terminal include demolition of 90 percent of the building (consistent with approvals) and retention and restoration of the remaining 20,000 square feet of the building for commercial and interpretive purposes. The space is designed to accommodate cultural interpretive opportunities, gathering space, a restaurant, restrooms, and possible small retail opportunities. In addition, the space is designed to maximize connections to the remaining outdoor wharf area that will be the site of Shoreline Park.*

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council certified an Environmental Impact Report (EIR) for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment B) and is available to the public at the Planning Department offices and on the web at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Shoreline Park FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

## ZONING AND RELATED ISSUES

### *Design*

In terms of site planning, the plans have been revised through the public review process to provide a range of gathering spaces and place an emphasis on the waterfront. The plans include small- and medium-size gathering spaces and ample seating and viewing platforms along the waterfront to allow for and accommodate formal gatherings, picnics, contemplation, exercise and large events. In addition, the plans indicate a strong focus on the water's edge with a clear promenade, including extensive seating opportunities, a strong railing design and continuous pole lighting along the railing to mark the linear experience of the water's edge along the Bay Trail and to provide an inviting and safe experience at all times of the day. Finally, the plans include a marker (a pergola that is reminiscent of the design of the steel structure of the 9<sup>th</sup> Avenue Terminal) near the end of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished. This design feature provides a gathering space and, along with the remaining portion of the 9<sup>th</sup> Avenue Terminal, frames the large open wharf area. This design reveals the size and scale of the 9<sup>th</sup> Avenue Terminal, provides a design response to the future demolition, and frames the area to limit the scale of the space so that it feels inviting rather than barren.

The project plans also indicate a wide range of site furnishings. Along the waterfront, there is stepped seating, broad backless seating for groups and picnics, traditional benches and bar-stool seating along the waterfront railing to accommodate a range of visitors and park uses. In addition, the plans indicate a railing and lighting system that will mark the length of the waterfront (with breaks for access to the water between Clinton and Brooklyn Basins). The lighting along the edge of the water, in particular, emphasizes the importance of the waterfront and enhances safety for users.

The schematic design plans for Shoreline Park reveal an emphasis on the water's edge, historic uses of the site and public art. The railing and lighting system along the water's edge, as well as the range of seating near and facing the water, create a promenade that will clearly draw visitors to the waterfront and provide opportunities for gatherings and activity along the waterfront. As noted above, the plans include a marker (a pergola that responds to the design of the steel structure of the 9<sup>th</sup> Avenue Terminal) near the terminus of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished. As noted above, the location and design of the pergola element reveals the size and scale of the 9<sup>th</sup> Avenue Terminal, provides a design reflection on the demolition, and frames the area of the demolition to limit the scale of the space so that it feels inviting rather than barren.

### *Appearance*

During earlier review of the proposed Shoreline Park FDP application, commenters expressed dissatisfaction with the design style of the park. In summary, commenters noted that the design does not reflect contemporary design trends in Oakland. In some ways, staff agrees. However, the current plans have a more compelling site planning approach than before resulting in both an inviting place to visit as well as a powerful statement about the place itself. In particular, the site plan includes a strong promenade and more outdoor rooms that include appropriate furnishings and edges to provide comfortable use of the park in a variety of ways (from small to large groups, from informal to formal gatherings, for exercise, picnics or concerts). In addition to a range of amply furnished gathering spaces, the design of the park places a clear emphasis on the water's edge and on the historic presence of the 9<sup>th</sup> Avenue Terminal. The park design includes the Bay Trail along the water's edge, a strong railing and light pole system (as well as a break in that system to provide direct access to the water between Clinton and Brooklyn Basins), and a wide range of furnishings (including stepped seating, seating slabs, traditional benches, and bar-stool style seating along the railing) facing the water and at the water's edge. This rich provision of improvements along the water's edge results in a waterfront promenade that is inviting to users. The current park design also responds to the importance of the 9<sup>th</sup> Avenue Terminal as a truly massive historic land use that will be demolished to make way for the park. Following approval of a FDP for Shoreline Park, design development and construction documents will provide more specificity regarding the way materials will be used and detailed in the delivery of the park. No matter the style of the park, though, the site plan now provides for a usable space that will be inviting to the community.

### *Previously Identified Issues*

Staff previously identified the following concerns for consideration by committees and boards (and current staff analysis and responses are indicated in indented, italicized text below each stated concern):

- What is the main vision for Shoreline Park?

Shoreline Park will be a major new park for the City of Oakland and will be a regional draw because of its proximity to the Bay. In addition, it is the first of



four new parks (and one expanded park) in Brooklyn Basin. The addition of 10 acres of park in the near future (and 30 acres when the Brooklyn Basin project is built out) is a very significant positive change for Oakland. Shoreline Park will have a distinct personality due its unique situation of being located on human-made structure (existing pile-supported wharf), and will set the tone for the entire park system at Brooklyn Basin. In addition, Shoreline Park has the unique distinction of being located at the site of a historic structure and use (the 9th Avenue Terminal break-bulk shipping facility). In addition to providing recreation opportunities expected of municipal and regional parks, Shoreline Park should carry out a unified vision (or multiple themes) in the design, details, and planned use for the site. Examples of possible themes include sustainable design and reuse, public art, and historic interpretation. A vision or themes could be carried out in the design details of the park plan. For example, sustainable design materials used throughout the park could benefit from interpretive materials and public art/displays that demonstrate how sustainable materials are made. Staff believes the park plans should state and demonstrate development of a clear vision and/or themes that will engage the public in a meaningful way.

*Staff has worked with the applicant to: 1) establish a well-designed site plan to accommodate a variety of uses and users at Shoreline Park; and 2) after finessing the site plan, develop the thematic components of Shoreline Park that will provide its personality and engaging qualities. The current park plans indicate a commitment to provide features and design details that will support a thematic approach to imbuing the park with meaning and whimsy for visitors, including:*

- *Focus on the Waterfront: The current plans include a clear, richly-designed promenade along the waterfront that includes a variety of gathering spaces and seating opportunities, different ways to access the water's edge, and inviting design details, such as the pole lighting along the water's edge to both draw visitors to the waterfront and provide visual safety.*
- *Historic Interpretation: The current plans include better resolution of the design of the large space where the portion of the 9<sup>th</sup> Avenue Terminal to be demolished is currently located. By including a pergola near the western terminus of the existing building that references the steel structure of the facility, the design frames the large space. The two "book-ends" of the existing building mark the location and scale of the structure to be demolished and define the space so that it feels inviting rather than vacant.*
- *Public Art: The current plans include three locations for public art pieces.*

*Staff recommends that the Planning Commission direct a DRC subcommittee and Bureau of Planning staff to review design development and construction plans to confirm that design progression imbues the park*

*with meaning and high quality details. In addition, staff recommends that the Planning Commission direct the Applicant to work with Cultural Arts staff to imbue the park with public art details, as well.*

- Fiscal Impact.

There will be no fiscal impact to the City of Oakland related to development and maintenance of Shoreline Park. The project is responsible for both development and maintenance of all Brooklyn Basin parks, including Shoreline Park.

Regarding development costs and responsibilities, the Development Agreement between City of Oakland, Redevelopment Agency of the City of Oakland, and Oakland Harbor Partners, LLC (Development Agreement) Section 4.4.2 states that:

*“Developer, at it[s] sole cost, shall be responsible for the construction of the Public Open Space improvements for that portion of the Public Open Space located east of the Lake Merritt Channel pursuant to plans approved by the City, which plans shall be substantially similar to the conceptual plans included within the Project Approvals... Notwithstanding the foregoing to the contrary, Developer shall have the right to fund all or a portion of the costs associated with the construction of the Public Open Space improvements through the CFD {Community Facilities District}.”*

In summary, the Development Agreement states that the developer, ZOHP, is responsible for construction and delivery of park improvements to the City of Oakland.

Regarding future ongoing park maintenance, the Development Agreement assumes maintenance to be undertaken by the project:

*“The City and Developer shall work together to form the CSD {Community Services District} (Section 4.4.4)... The CSD would be responsible for day to day maintenance of the following public improvements pursuant to the Minimum Maintenance Standards attached hereto as Exhibit F: (i) the improvements within the Public Open Space (including, without limitation, the pile supported deck underlying Shoreline Park) (Section 4.4.4.2)... Regardless of whether or when the CSD is formed, (i) the CFD shall be formed, and (ii) full funding established and authorized as necessary to fulfill in perpetuity (A) the maintenance and service obligations specified in this Section 4.4 or otherwise specified for inclusion in the CSD or CFD budget...” (Section 4.4.4.4)*

In summary, the DA states that a CSD and/or CFD or other separate financial tool, acceptable to the City will fund park maintenance and not the City of Oakland.

*Staff is currently working with the developer, ZOHP, to establish a Community Facilities District and other financial tools to provide park*

*maintenance that ensure no City of Oakland responsibility, consistent with the terms of the Development Agreement. In the meantime, Shoreline Park is subject to an Estoppel Certificate recognizing the Applicant's responsibility to maintain Shoreline Park.*

- City of Oakland Demolition Findings for Historic Properties

Typically, demolition of historic resources would need to comply with the current Planning Code Section 17.136.075 Regulations for demolition or removal of designated historic properties and potentially designated historic properties (Planning Code Section 17.136.075). However, in the case of the planned 9<sup>th</sup> Avenue Terminal demolition, the current Planning Code Section 17.136.075 findings are not applicable. The Brooklyn Basin project, as approved in 2006, included the demolition currently envisioned. At the time of project approval in 2006, the current demolition findings for historic properties were not required for design review approvals under the Oakland Planning Code. DA Section 3.5.1 specifically states that no new regulations shall be applied to the project, with the exception of provisions relating to regulations for health and safety (such as fire and building codes): "...City shall not impose or apply any City Regulations adopted or modified by City after the Adoption Date [of the DA]... or by initiative, referendum, ordinance, resolution, rule, regulations, standard, directive, condition, or other measure (i) which would be inconsistent or in conflict with the intent, purposes, terms, standards or conditions of this Agreement; (ii) which would change or modify the permitted uses of the Project Site..." Planning Code Section 17.136.075 is a modification to the Planning Code that was approved by Ordinance in 2010, after the 2006 Adoption Date of the DA. As such, the City of Oakland's current demolition findings, as well as the administratively adopted submittal requirements for demolition of the historic properties, that were adopted pursuant to the 2010 Planning Code amendments, do not apply to the Brooklyn Basin project with regards to planned demolition of the 9<sup>th</sup> Avenue Terminal. Design review for the Shoreline Park FDP must rely on the design review requirements in place at the time of the original project approval (2006), and the project is not subject to the more recently adopted demolition findings that are currently in the Planning Code. It should be noted, however, that the findings for approval adopted in 2006 do include specific reference to demolition of the 9<sup>th</sup> Avenue Terminal and rely on supporting studies prepared at that time (see Attachment D to this report for adopted project findings and supporting materials relating to the 9<sup>th</sup> Avenue Terminal).

*Recommendations:*

Staff generally supports the proposed Shoreline Park FDP. The current plans are responsive to earlier comments regarding providing inviting gathering areas, clarifying and supporting central design themes (e.g., the waterfront promenade, the scale of the to-be-demolished historic 9<sup>th</sup> Avenue Terminal), and providing more design detail information, especially with regards to the

waterfront promenade, furnishings and the prominent pergola feature. However, staff acknowledges that the proposed project will undergo further design development and refinement prior to construction and will be a City park for which the community is a primary stakeholder. In order to ensure procedural transparency and responsiveness of the evolving design process to the City's expectations, and in order to formalize the Applicant's commitment to the delivery of a successful park as shown in the current plans, particularly in the early years of use, staff recommends the Planning Commission direct the Applicant to undertake the following measures should the FDP be approved:

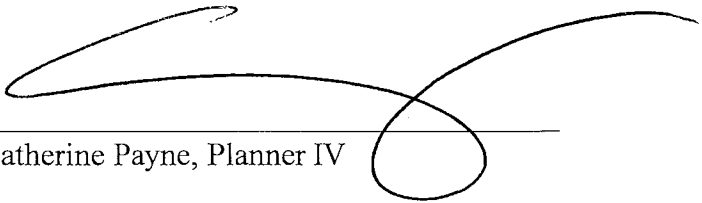
- Require Applicant to commit to the delivery of three public art pieces for Shoreline Park, consistent with the plans, to be approved by the Cultural Arts Commission, and installed prior to completion of park construction. In addition, require at least one of these pieces be expressly designed to allow and encourage children to interact with the piece physically and in a safe manner.
- Establish and require the Applicant to work with a DRC subcommittee to confirm design consistency with the approved FDP through design development and construction documents for Shoreline Park. The DRC subcommittee would review a Design Development set of plans to confirm that materials and design details reflect Oakland's creative essence in this era, and that the design evolves to integrate public art, sustainability and reuse, and cultural interpretation in the design details. The DRC subcommittee would report their findings out to the full DRC.
- Require the Applicant to supplement OPR park programming until buildout of Brooklyn Basin Phase 1. The Planning Commission should ask the Applicant to develop a program of activities (including timing and frequency) to be reviewed and approved by the Bureau of Planning and Office of Parks and Recreation. The program should include, consistent with the images in the current plans: provision of food carts, equipment rentals and instruction (e.g., small boats, inline skates, bikes, kites), exercise classes (e.g., cross-fit, line dancing), monthly outdoor concert series in the dry season; monthly regional festivals in the summer (e.g., kite/bike/food/music/art);
- Provide moveable furniture near 9<sup>th</sup> Ave Terminal: The Applicant should provide 50 chairs and 15 small tables for park users that can be arranged by users; furnishings should be available throughout the Phase One build-out programming period during non-curfew hours (could be stored in 9<sup>th</sup> Avenue Terminal or in an enclosure to be approved by staff during park curfew hours);
- Direct Applicant to meet with community-based artists to receive input regarding how to incorporate public art in the design development of Shoreline Park, to be arranged in consultation with the Cultural Arts Division; and
- Direct staff to report the Planning Commission decision out to the PRAC, including analysis regarding how PRAC comments are or are not addressed in final decision for Shoreline Park FDP.

**CONCLUSION**

The proposed Shoreline Park FDP is consistent with and constitutes a design evolution and refinement of the previously approved PDP. Staff finds the proposed project to be well designed and recommends approval. Staff specifically recommends that the Planning Commission:

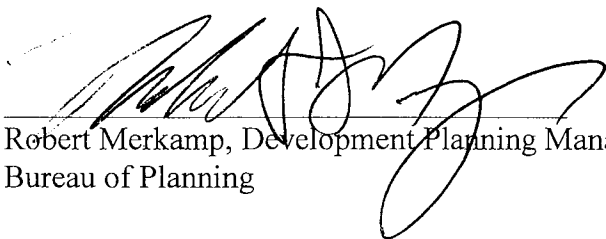
1. Pursuant to CEQA Guidelines Section 15162, and based on the attached findings, rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the revision to the Shoreline Park FDP; and
2. Approve the Shoreline Park Final Development Permit, subject to the attached findings and staff recommendations included in this report.

Prepared by:



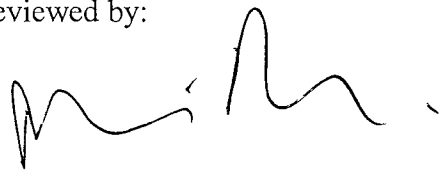
Catherine Payne, Planner IV

Reviewed by:



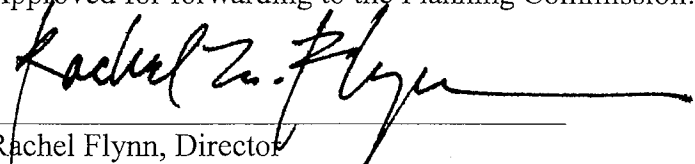
Robert Merkamp, Development Planning Manager  
Bureau of Planning

Reviewed by:



Darin Ranelletti, Deputy Director  
Bureau of Planning

Approved for forwarding to the Planning Commission:



Rachel Flynn, Director  
Department of Planning & Building

**Attachments:**

- A. Proposed Shoreline Park FDP, dated September 4, 2015
- B. Oak to Ninth Avenue Redevelopment Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409> ).
- C. DRC Staff Report, dated September 30, 2015
- D. Background Documents:
  - a. D-OTN Zoning District Regulations (formerly Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project)
  - b. Brooklyn Basin – Oak to 9<sup>th</sup> Preliminary Development Plan, October 2006, and Oak to 9<sup>th</sup> Brooklyn Basin Design Guidelines, November 2006
  - c. Conditions of Approval, 2006

**REQUIRED FINDINGS:  
BROOLYN BASIN SHORELINE PARK  
FINAL DEVELOPMENT PERMIT**

Required findings include:

- California Environmental Quality Act
- Planned Waterfront Zoning District-4(PWD-4)Findings for FDP
- Regular Design Review: Planning Code Section17.136.050

### California Environmental Quality Act

The City Council certified an Environmental Impact Report (EIR) for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment B) and is available to the public at the Planning Department offices and on the web at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Shoreline Park FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.



**Planned Waterfront Zoning District-4(PWD-4)  
Findings for FDP**

**“The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement...”**

As demonstrated throughout this staff report, the Brooklyn Basin Shoreline Park Final Development Permit is consistent with the Preliminary Development Plan, the Oak to Ninth Design Guidelines, and the OS-RSP zoning regulations, the Conditions of Approval, the MMRP, and the Development Agreement. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to carry out the Oak to Ninth Design Guidelines and refine the design of Shoreline Park.

### City of Oakland Design Review Findings

The proposed Shoreline Park design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

#### A. For Nonresidential Facilities and Signs.

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;**

*Shoreline Park will provide a buffer between the planned development in Brooklyn Basin and the Oakland Estuary. The park will be constructed upon an existing pile-supported wharf. The plan includes axis that connect to the streets and views in the neighborhood, providing visual connections between the waterfront and development.*

2. **That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;**

*The proposed Shoreline Park plans emphasize access to, use of and the aesthetic beauty of the Oakland Estuary. In addition, the Shoreline Park plans provide ample open space opportunities for the public, including an area for large events that is unique along the Oakland waterfront. These improvements would make positive use of the site for the community in particular and the region as a whole.*

3. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

*The proposed Shoreline Park plans would result in significant new public open space in Oakland, consistent with the Brooklyn Basin approvals to date and the underlying zoning regulations for the site.*

#### C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:

**1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.**

*The project would demolish ninety percent of the existing 9<sup>th</sup> Avenue Terminal. However, the proposed project includes rehabilitation of the remaining portion of the facility. Specifically, the project includes restoration of the eastern (front) façade, functional rehabilitation of the north and south facades, and opening up the western façade by apparently deconstructing the building to the west to reveal the existing truss structure as a transition to the openness of the park.*

*Typically, demolition of historic resources would need to comply with the current Planning Code Section 17.136.075 Regulations for demolition or removal of designated historic properties and potentially designated historic properties (Planning Code Section 17.136.075). However, in the case of the planned 9<sup>th</sup> Avenue Terminal demolition, the current Planning Code Section 17.136.075 findings are not applicable. The Brooklyn Basin project, as approved in 2006, included the demolition currently envisioned. At the time of project approval in 2006, the current demolition findings for historic properties were not required for design review approvals under the Oakland Planning Code. DA Section 3.5.1 specifically states that no new regulations shall be applied to the project, with the exception of provisions relating to regulations for health and safety (such as fire and building codes): "...City shall not impose or apply any City Regulations adopted or modified by City after the Adoption Date [of the DA]... or by initiative, referendum, ordinance, resolution, rule, regulations, standard, directive, condition, or other measure (i) which would be inconsistent or in conflict with the intent, purposes, terms, standards or conditions of this Agreement; (ii) which would change or modify the permitted uses of the Project Site..." Planning Code Section 17.136.075 is a modification to the Planning Code that was approved by Ordinance in 2010, after the 2006 Adoption Date of the DA. As such, the City of Oakland's current demolition findings, as well as the administratively adopted submittal requirements for demolition of the historic properties, that were adopted pursuant to the 2010 Planning Code amendments, do not apply to the Brooklyn Basin project with regards to planned demolition of the 9<sup>th</sup> Avenue Terminal. Design review for the Shoreline Park FDP must rely on the design review requirements in place at the time of the original project approval (2006), and the project is not subject to the more recently adopted demolition findings that are currently in the Planning Code. It should be noted, however, that the findings for approval adopted in 2006 do include specific reference to demolition of the 9<sup>th</sup> Avenue Terminal and rely on supporting studies prepared at that time (see Attachment D to this report for adopted project findings and supporting materials relating to the 9<sup>th</sup> Avenue Terminal).*

**ATTACHMENT A:**

**Proposed Shoreline Park FDP, dated September 4,  
2015**



OAKLAND PLANNING COMMISSION SUBMISSION

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# Shoreline Park Design Plan, Brooklyn Basin

*Prepared for Signature Development / Zarsion by ROMA Design Group, October 7, 2015*

## THE VISION FOR SHORELINE PARK

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### **Brooklyn Basin will create a variety of open space experiences that provide for public access and enjoyment of the Bay**



Urban Quay – Clinton Basin



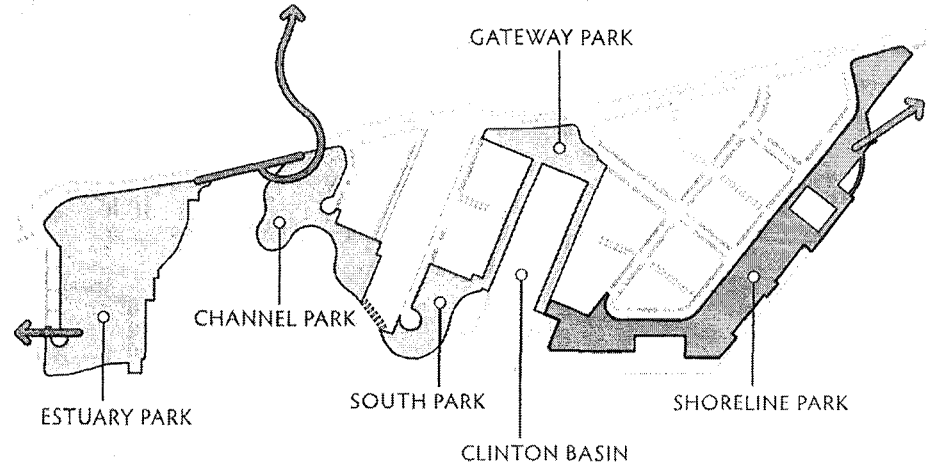
Play fields – Estuary Park

*Approximately 30 acres of open spaces are planned along the bayfront edges of Brooklyn Basin, creating a diverse network of parks, promenades, and plazas along the shoreline linked by a pedestrian and bicycle trail system that extends from Jack London Square on the west to Estuary Channel and along the entire perimeter of Brooklyn Basin to Shoreline Park.*

*On the west, Estuary Park will be improved and expanded for a variety of recreational opportunities; Channel Park will feature a meadow with vegetated edges for passive recreation and enjoyment of the bay; South Park provides a quiet setting with panoramic views up and down the Estuary; Gateway Park provides a dramatic vista to Clinton Basin and is connected to wide promenades and commercial recreational uses along its edge. At the far eastern end, Shoreline Park is located in a portion of the site that was extensively modified to accommodate break-bulk cargo handling activities.*



Place for Social Gathering – Gateway Park



Rendering of Brooklyn Basin



Greenway Trail – Channel Park and South Park



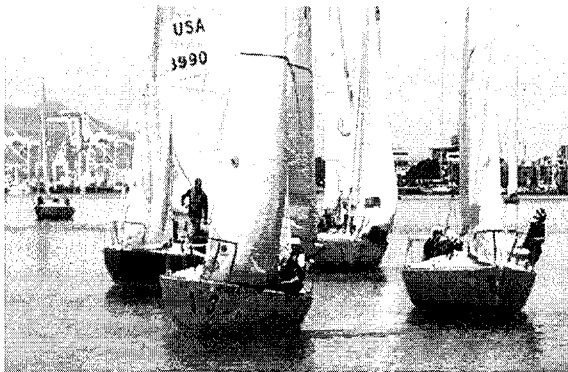
## THE VISION FOR SHORELINE PARK

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### Shoreline Park will engage the Estuary and heighten the opportunity for viewing and enjoying its diversity of activities



Sculling on the Estuary



Sailing on the Estuary

*The Estuary contributes significantly to Oakland's civic identity, creating continuity from the airport to the port and along the bay and into Lake Merritt. It provides an intimate stage of water activity, offering unique views to passing vessels and a direct connection to the opposite shore. The scale, beauty and ever-changing spectacle of the Estuary demand a restrained design approach that reveals its intrinsic qualities and builds upon the power of its setting. Rather than compete with the waterfront or mimic a pastoral park inland, Shoreline Park will heighten the sense of the waterfront and derive its identity by relation with it.*

*Broad waterfront promenades, view corridors extending from adjacent streets, axial vistas, changes in grade and stepped seating areas will open up to the Estuary in different ways, creating unobstructed and tiered places for viewing and experiencing everyday activities as well as seasonal pageants and special events, such as lighted boat parades and races.*



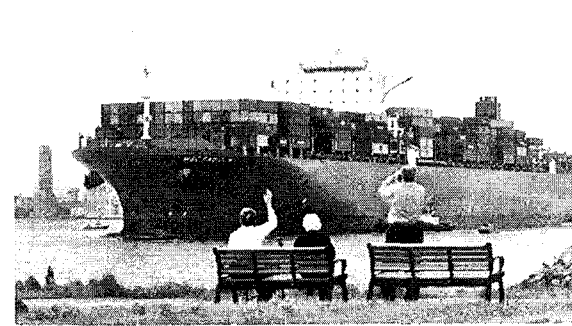
Oakland Urban Waterfront



Coast Guard Vessels



Paddle boarders



Container Ships at the Port of Oakland

## THE VISION FOR SHORELINE PARK

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### **Landscape elements and linear recreational activities will reinforce the shoreline edge and meeting place of land and water**



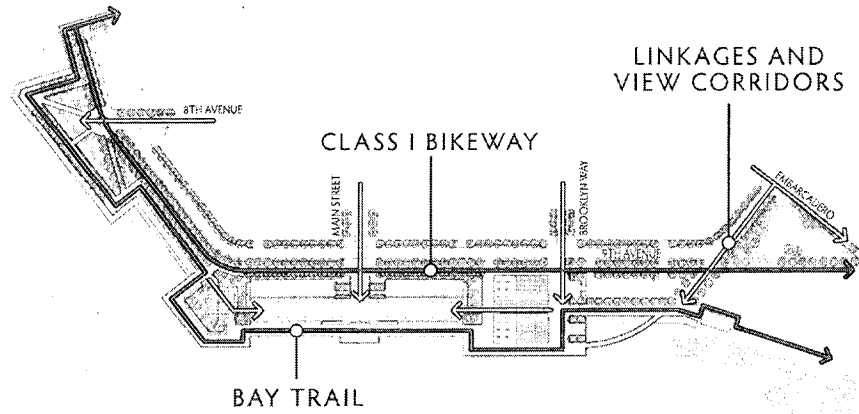
Tree-lined Promenade

*Shoreline Park extends over a half mile along the shoreline, connecting Clinton Basin with the Embarcadero. A variety of shoreline conditions will be created along its length, from an extended overlook, to a defined water basin, to a pile supported structure and wood trestle that recalls its maritime legacy. At the same time, the street pattern of the community creates not only visual corridors but also linkages to the activities, whether on Main Street, 8th Avenue, Brooklyn Way or the Embarcadero. Ninth Avenue reinforces the shoreline and the activities of the park.*

*The design approach is to strengthen the “line of force” of the water’s edge and make it more visible and perceptible, to enhance the opportunities for linear recreational activities, which are both fundamental to the waterfront setting and to provide for some of the most popular forms of recreation today, creating connections back into the community, reuniting the city and the bay.*



Waterfront Promenade



Class I Bikeway



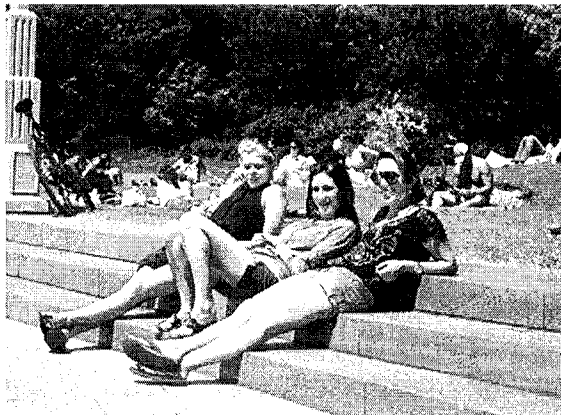
## THE VISION FOR SHORELINE PARK

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**The central plaza will become a civic gathering place that recalls its maritime heritage and creates opportunities for a variety of activities**



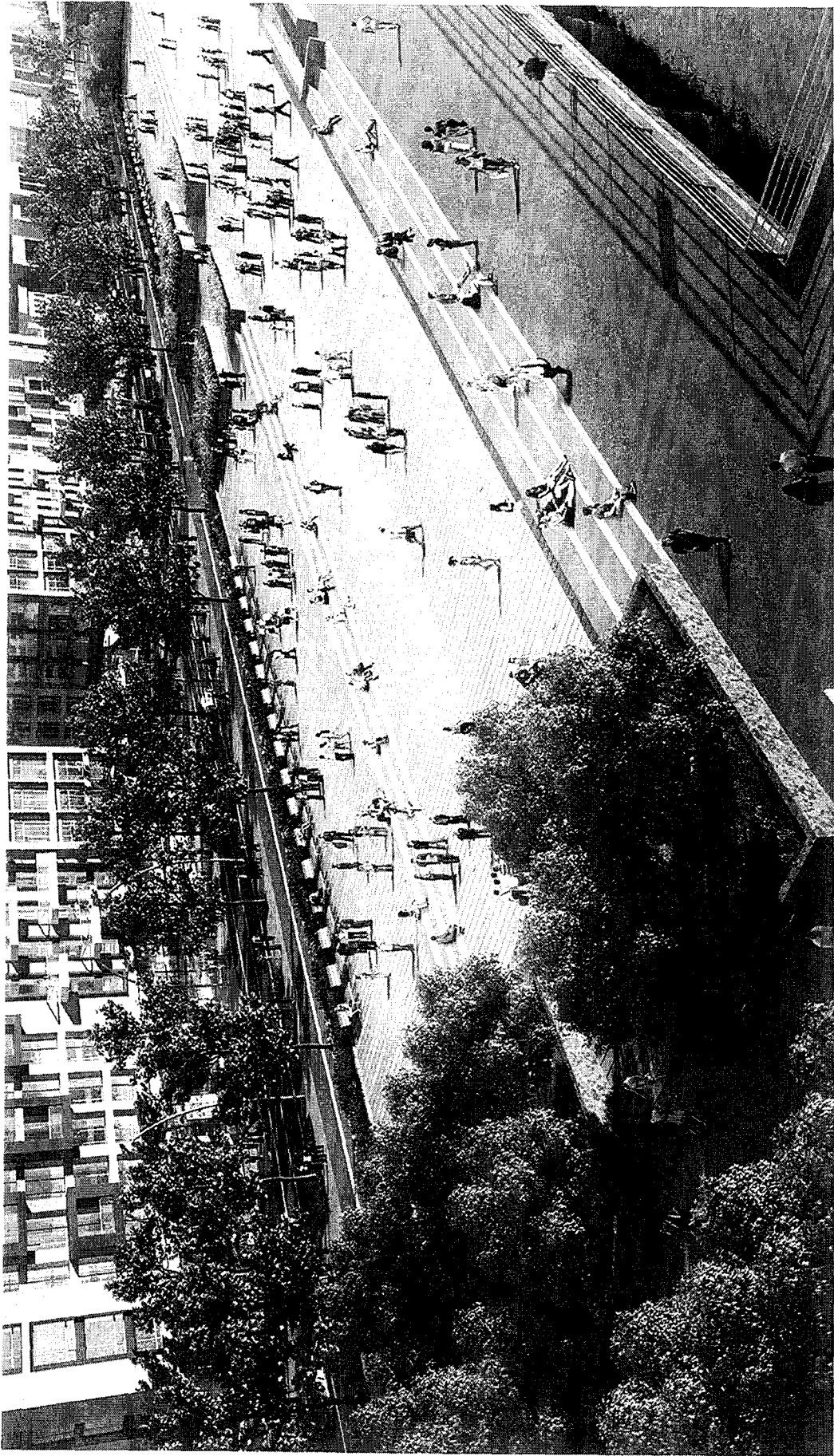
Lounge Chairs



Stepped Edges

*The design for Shoreline Park builds upon the nature of the pile-supported structure that underlies the central plaza and expresses its maritime heritage. It is intended to express its authentic identity as a deck over water rather than be treated as if part of land and it builds upon the maritime role of the Ninth Avenue terminal building.*

*The design references the building scale and form and incorporates an adaptive reuse of building materials, including recycled wood members for decking and remnant elements that speak to the essential qualities of the place. Within this context, changes in grade and stepped edges provide opportunities and suggestions for informal everyday activities while allowing for major special events, such as markets, fairs, theatrical performances, and dancing, that would happen on occasion. This kind of landscape approach brings together the industrial landscape in a modern way to create an attractive and engaging park setting.*



Rendering of Central Plaza

## THE VISION FOR SHORELINE PARK

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**A carefully conceived program of managed events and activities will establish a culture of use and lead to a vibrant, self-regulating place**



Outdoor Dining



Children's Event

*Shoreline Park is the first park to be built at Brooklyn Basin and it will involve a significant transformation of the existing industrial landscape. Critical to its success, particularly in the early years before the area is fully populated, will be the programming and management of a variety of activities that are welcoming to individuals and groups of all sizes throughout the year.*

*Shoreline Park is composed of a series of bold gestures with spatial variety that foster activity and reinforce the sense of place. Rather than being filled up with specific facilities, the park is intentionally designed to be more flexible and adaptable for a variety of activities and experiences that can change over time. Programming will be organized such activities as children's play, education and discovery tours, yoga, fishing, twilight dancing and concerts, weekend markets, community dining, and gathering for races and other events on the Estuary. Staffing of the park will further a sense of security and safety until it becomes a self-sustaining space.*



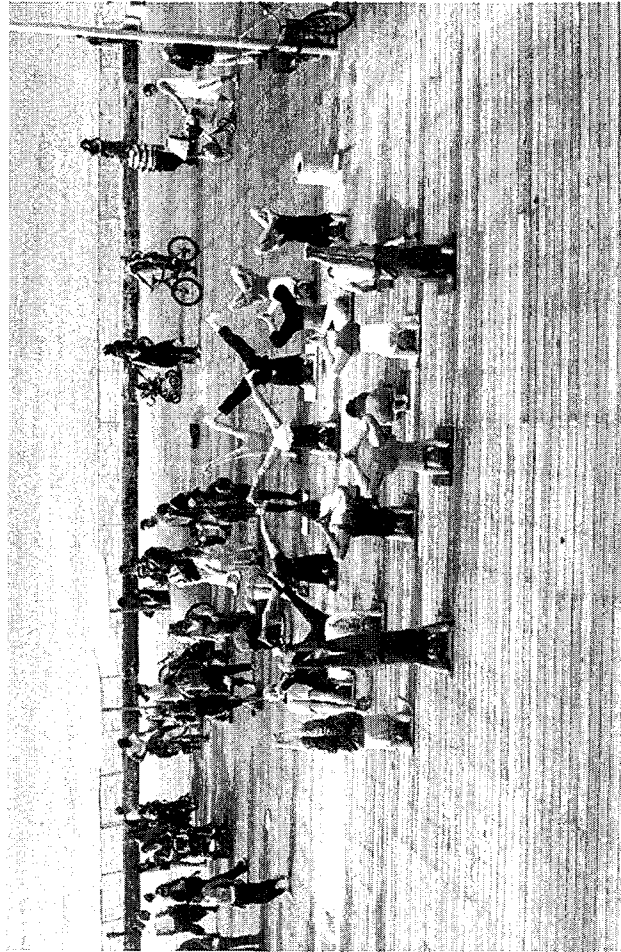
Informal Musical Performance



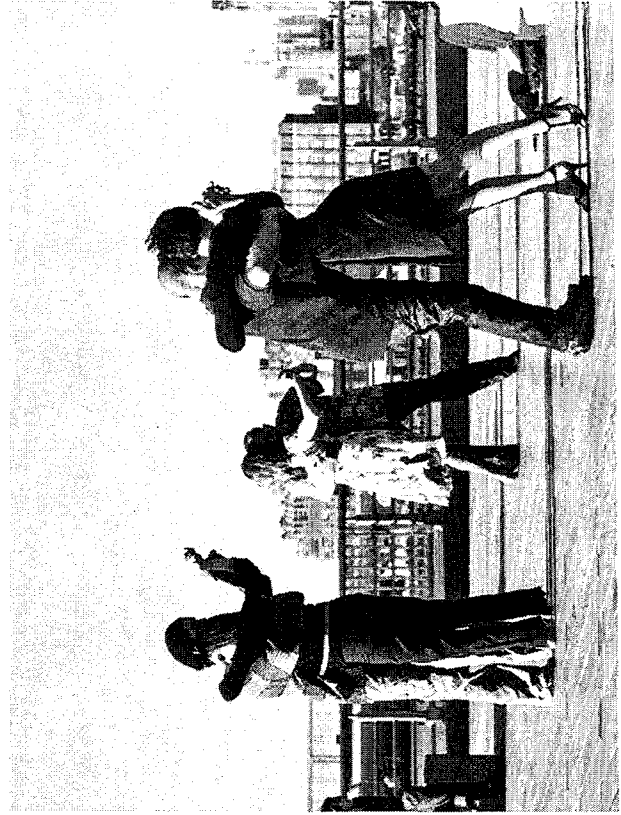
Farmer's Market



Carts



Yoga



Dancing



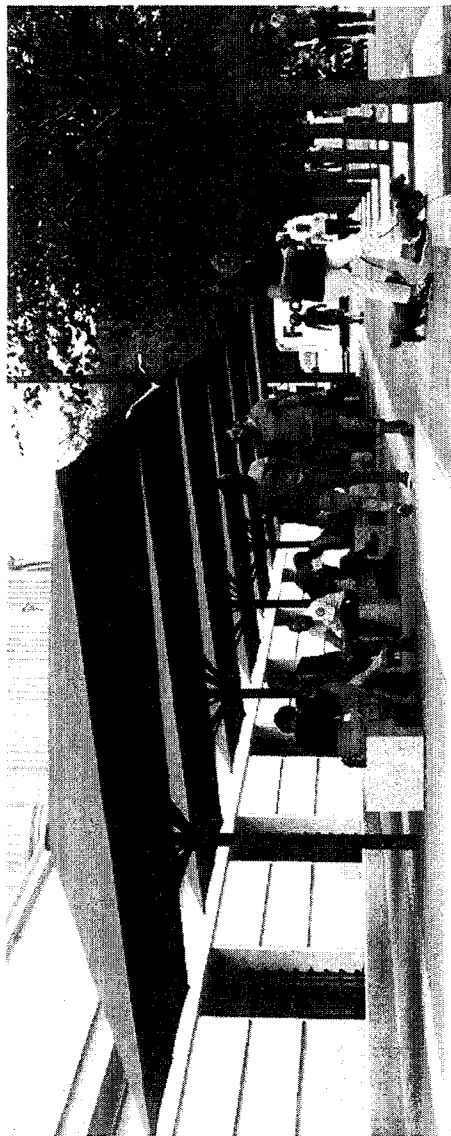
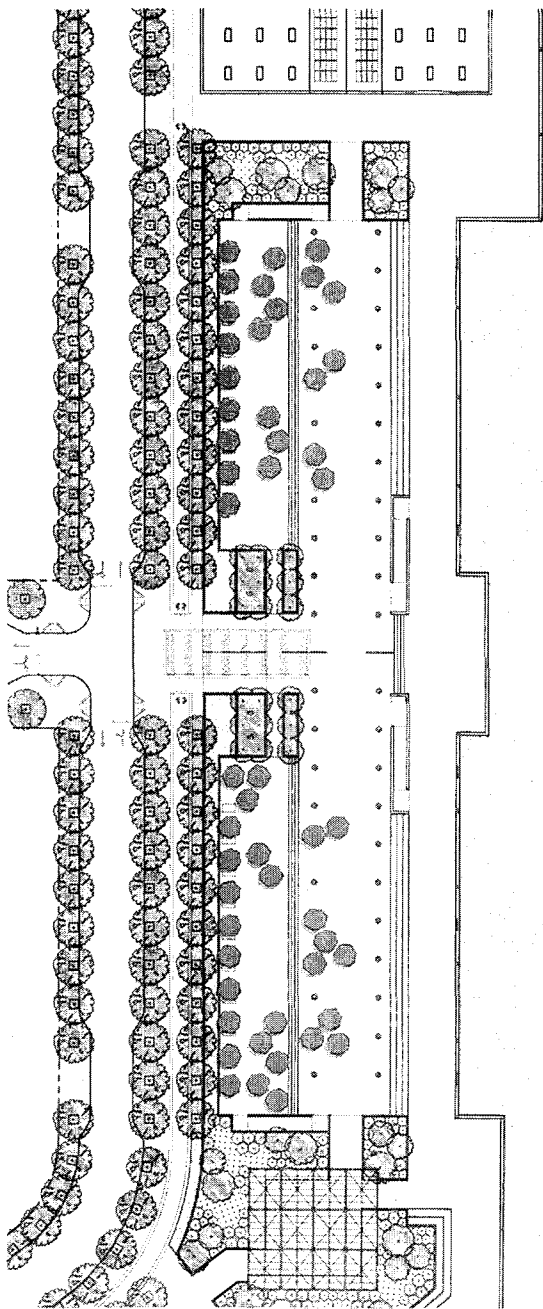
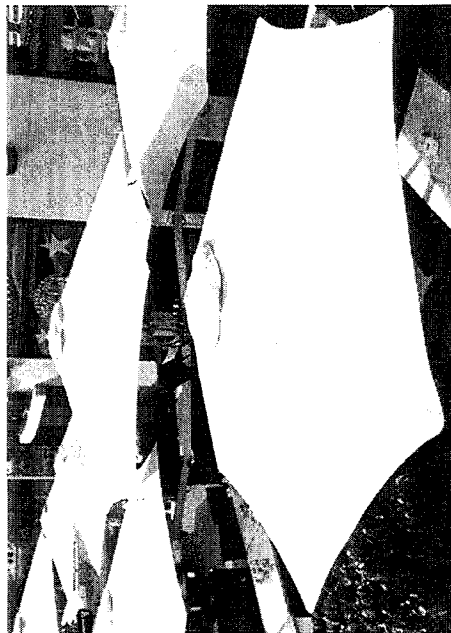
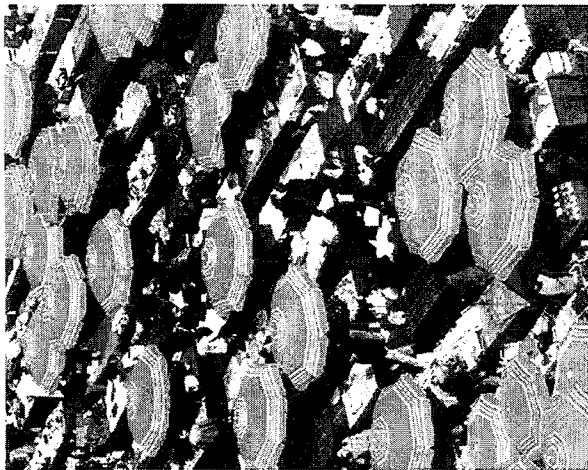
## THE VISION FOR SHORELINE PARK

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### **Umbrellas will create an ephemeral landscape with shade and color and will be a visually appealing and amenable setting for activities**



*The Central Plaza is envisioned as a flexible open space capable of adapting to a variety of recreational activities, civic gatherings and special events over time. Its flexibility and adaptability can be furthered by the placement of large scale umbrellas that create shade and shelter, thus fostering a more comfortable and attractive environment for visitors to linger and assemble, as individuals and in small groups as well as large crowds. They also create another layer of elements that can help structure activities within the plaza as well as special events. Stainless steel sleeves integrated within the wood decking will be used to support stanchions for umbrellas and other shade structures. When not in use, the umbrellas can be stored in the Terminal Building and the plaza remain open and unobstructed. Artfully composed and strategically placed within the plaza, the umbrellas will create an ephemeral landscape of ever-changing elements that add color, pattern, scale and amenity to the life of the plaza.*



Plaza Plan - example of potential locations for umbrellas

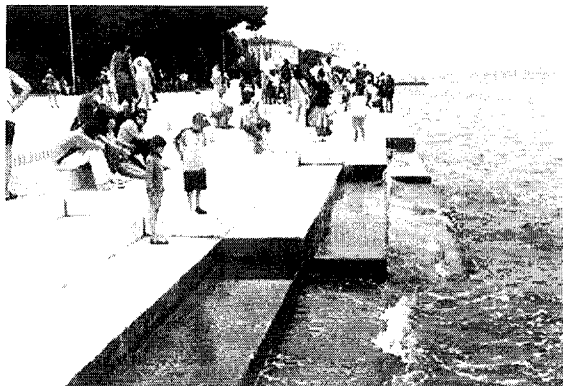
## THE VISION FOR SHORELINE PARK

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### The west extension from the plaza contributes to the episodic experience of place and enhances “staying activities”



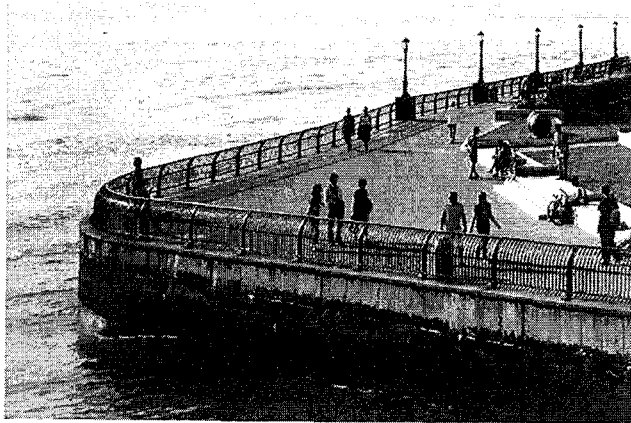
Counter top Seating



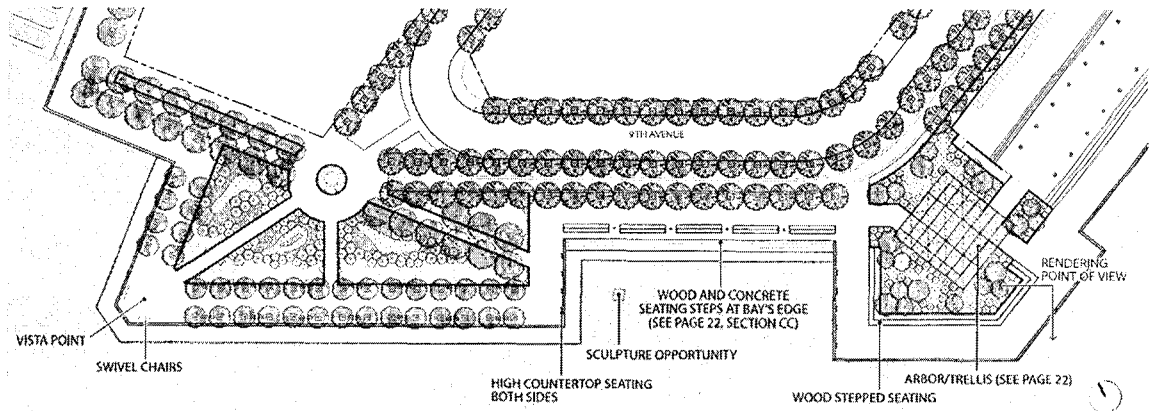
Concrete Steps to the Estuary

*Shoreline Park is composed of a number of special places that help punctuate the shoreline, create destinations within it, and provide for a variety of experiences. The west end of the park features a series of unique coves, outlooks, water’s edge relationships, and landscape treatments as well as numerous places to sit, stop and linger.*

*At the western end of the Central Plaza, the change in direction of the shoreline will be heightened by an arbor/trellis structure creating a defined space with landscaped planters and stepped seating. A water basin will be configured further to the west, with high seating overlooking it on either side and steps going directly into the water. On the opposite side of the basin, a double row allee planting of tall trees is proposed along the shoreline as well as diagonally connecting to Clinton Basin. At grade plantings adjoins this area, further adding amenity and biodiversity.*



Vista Point



Rendering of Bay Trail Edge, with views west down Estuary to San Francisco



Informal Gathering Space

## THE VISION FOR SHORELINE PARK

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### The Terminal Building provides a focus for adjacent open space activities and a distinctive gateway to Shoreline Park



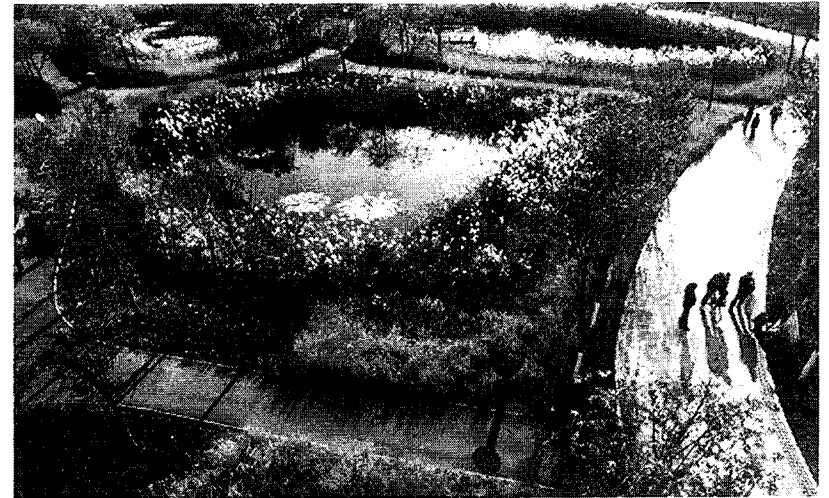
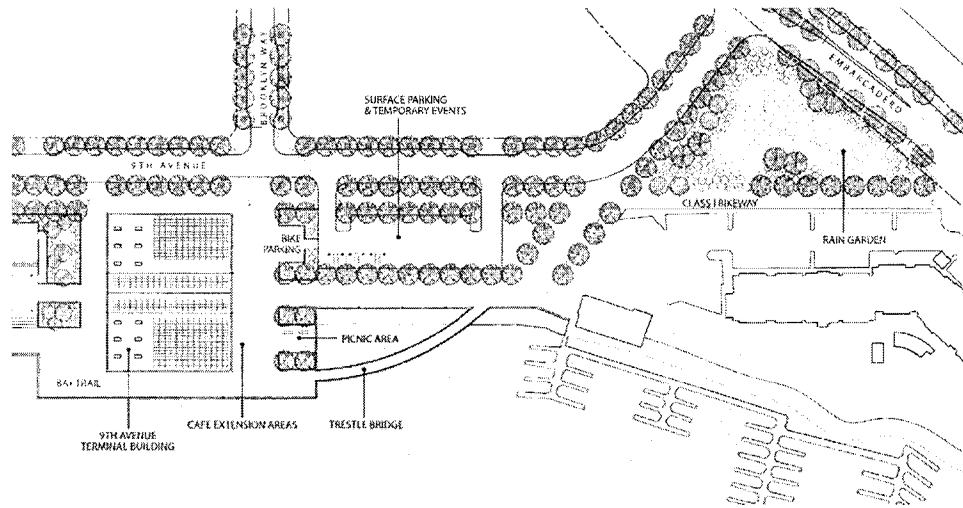
Cafes spill out from the building



Temporary food trucks in the parking lot

To the east of the Central Plaza, the 9th Avenue Terminal Building will become a major focus with activities that spill out around its edges and into the park. The trestle structure will provide for a unique walking experience separated from the shoreline with views back to it. A large landscaped area will create a strong entry element to Shoreline Park from the Embarcadero, providing views into a diversity of Bay Friendly plantings and rain gardens that will work to filter storm water and enhance overall environmental quality.

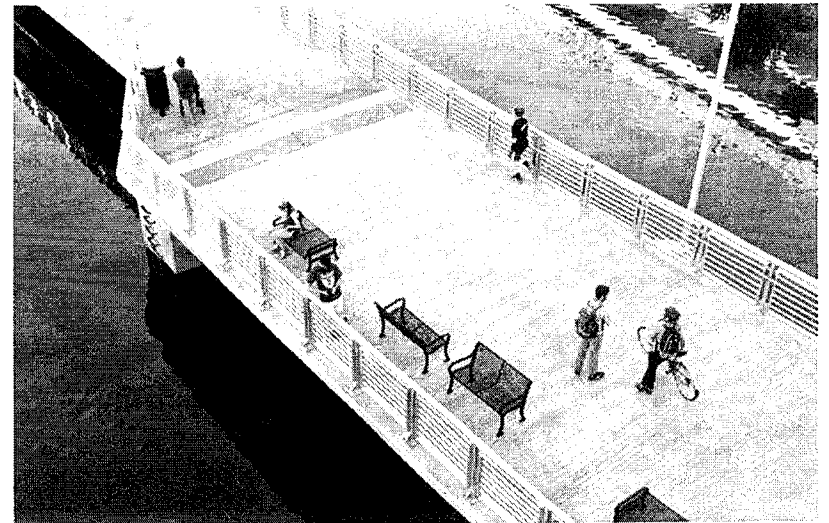
The spaces created within the eastern end of the park provide for a variety of experiences, from picnicking and café seating, to special activities and the flexible use of the parking lot for food trucks, markets and a number of other temporary activities. Multiple views and access points will be created to and along the Estuary as well as connections to the Bay Trail and shoreline to the east as well as directly to the Embarcadero.



Bay Friendly plants create gateway to the park



Rendering of Bay Trail and 9th Avenue Terminal Building, looking west

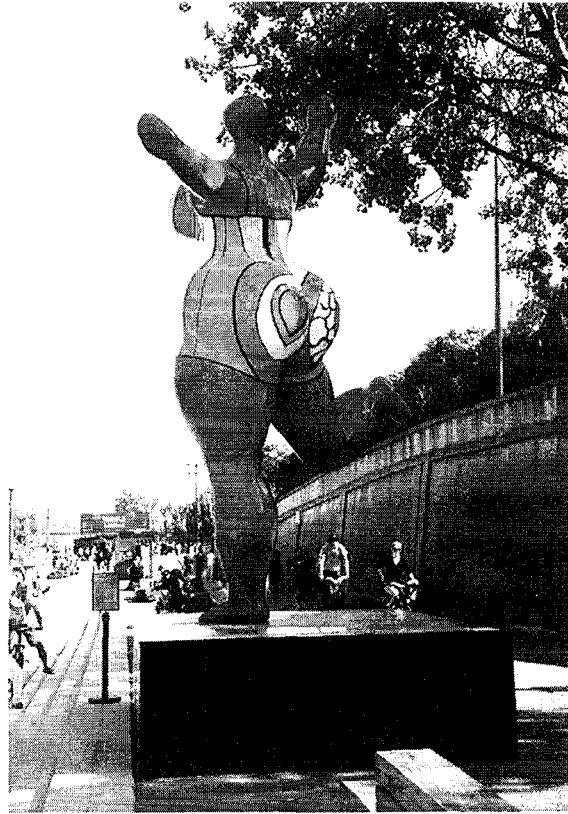


Example of public access on a trestle bridge

## THE VISION FOR SHORELINE PARK

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### Public art, interpretive elements and wayfinding can add to the experience and understanding of place



Major Public Art

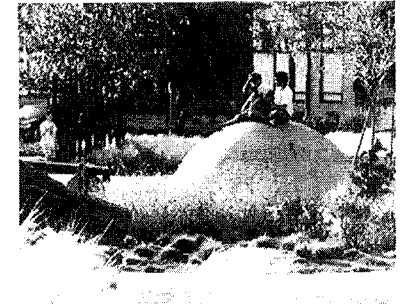
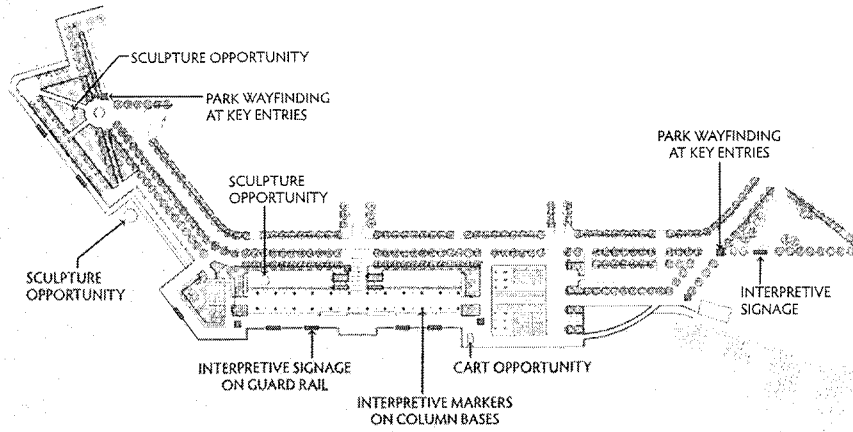
*All of Shoreline Park is intended to become an artful composition that is lasting, meaningful and appropriate to its environmental setting. Within the park, public art and interpretive elements will be incorporated to further add to the dimensionality and understanding of place.*

*Opportunities for public art will be created along the promenade and offshore to engage the visitor, reveal and heighten a sense of the landscape and add meaning to the perception of place.*

*Narrative opportunities include the historic location of the 9th Avenue building, expanding upon its maritime role as a break-bulk cargo terminal and its relevance to Oakland and the Bay Region. The rain gardens and other landscaped areas within the park will also provide an opportunity for interpretive signage that describes the plantings and their contributions to water quality, habitat and local landscape identity.*



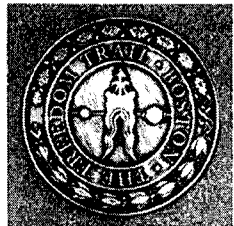
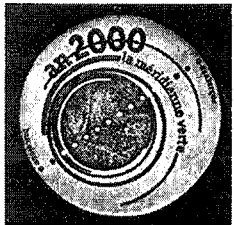
Wayfinding Signage



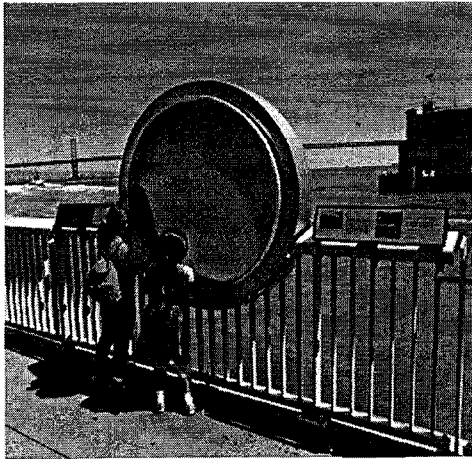
Interactive Elements



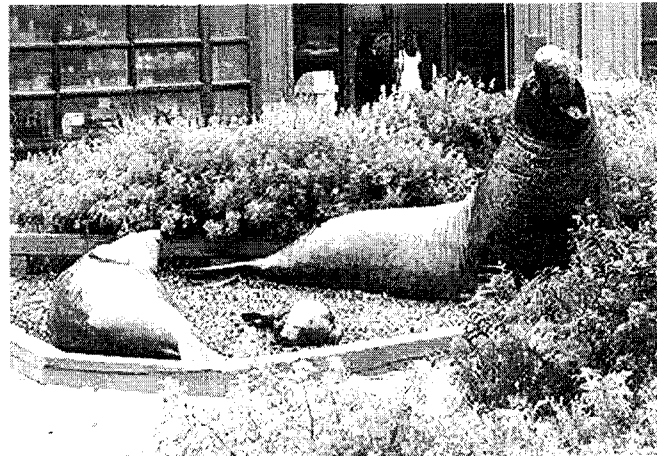
Interpretive Signage



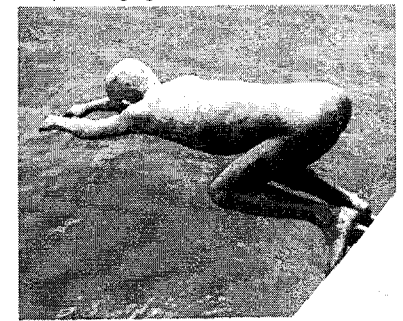
Column Marker Medallions



Bay Discovery



Marine Mammal Sculptures



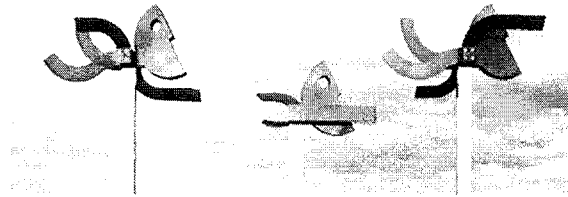
Public Art and Engagement



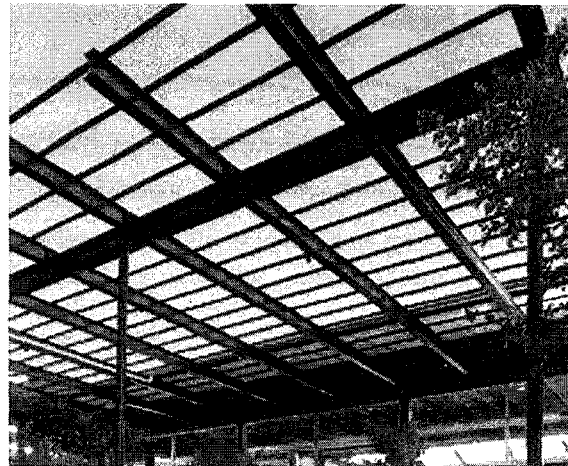
## THE VISION FOR SHORELINE PARK

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### Reclaiming and repurposing salvaged materials will advance sustainability and heighten the sense of continuity with the past



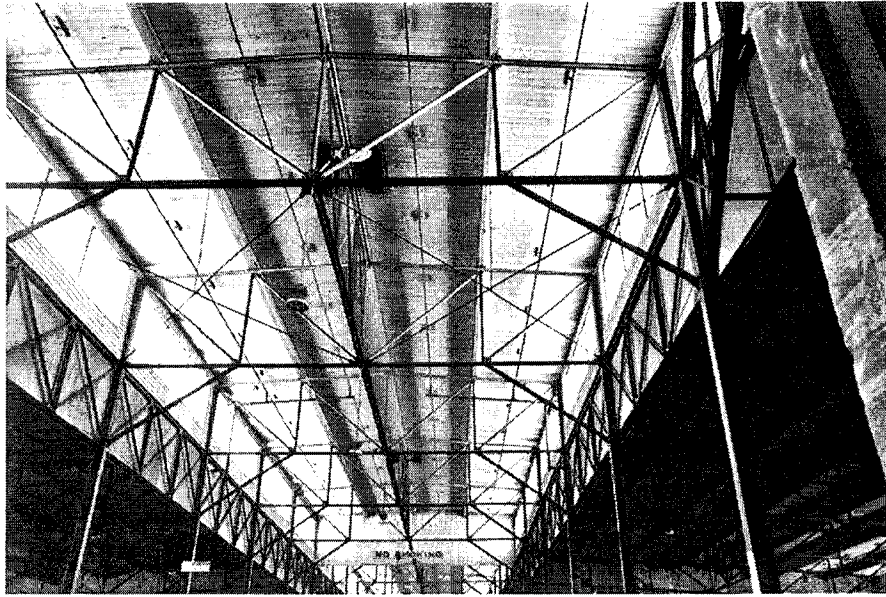
Example of the potential reuse of materials for an artistic work



Example of the potential reuse of materials to create a trellis structure

*The deconstruction of the 9th Avenue Terminal offers the opportunity to salvage and reuse many building materials in a sustainable manner. Wood decking and beams, steel trusses, iron castings, steel sash clerestory, cast drains and mooring cleats have potential reuse value to fulfill functional and recreational needs in an artistic and craftsman-like manner. The roof deck can be reclaimed and milled for use as the decking of the Central Plaza. Heavy timbers can be used to create grade changes. Wood and metal can be used to fabricate furnishings. Steel trusses can be reused for the trellis, for directional signage or sculptural elements.*

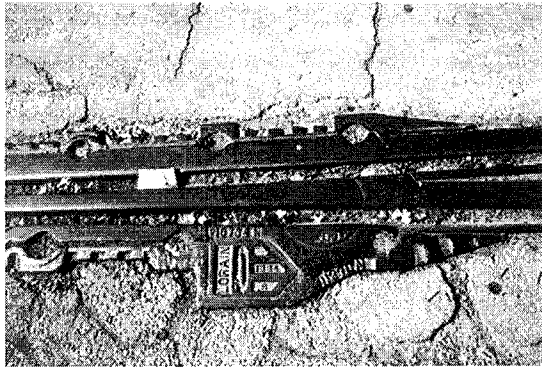
*Salvaged materials harken back to the former identity of the marine terminal, but should not trivialize or caricature it. Rather, they should be used in a simple and straightforward fashion to successfully realize the transformation of this place to its new recreational use and identity.*



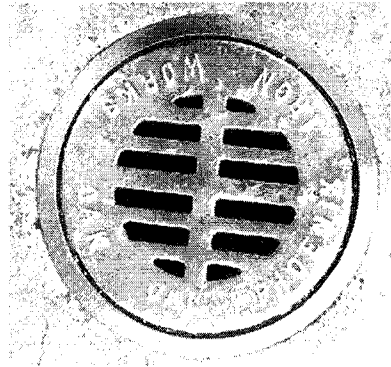
Wood decking and beams provide opportunities for paving in the Plaza



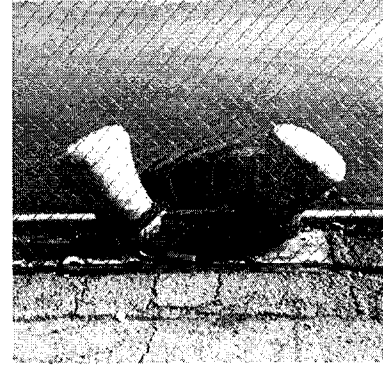
Metal trusses and columns offer reuse opportunities for artistic works and furnishings



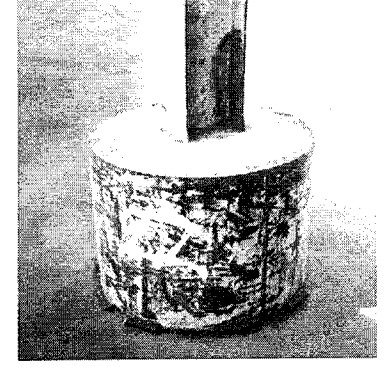
Unique rail elements can add interest to paved areas



Cast drains retained in place where feasible



Mooring cleats relocate & reuse along shoreline



Column locations for interpretive markers

## THE VISION FOR SHORELINE PARK

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### **Well crafted furnishings and sustainable, high quality materials will be used that are appropriate to the local waterfront setting**

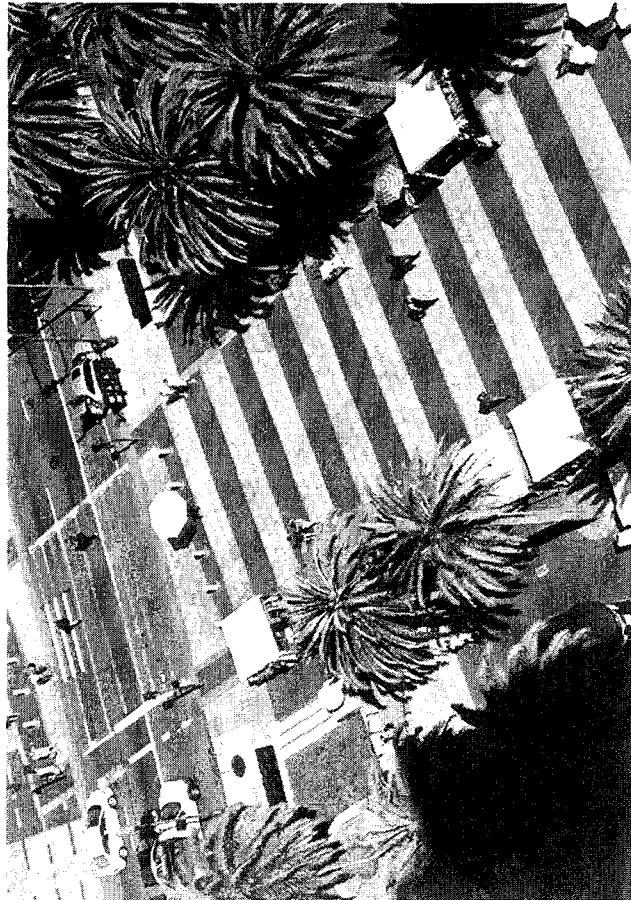
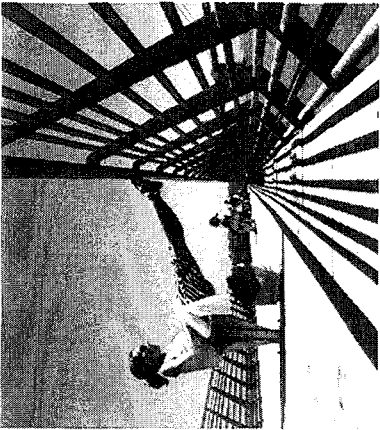
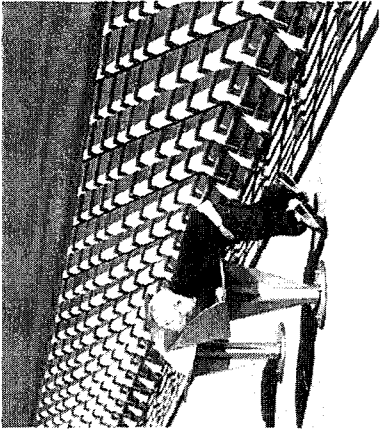
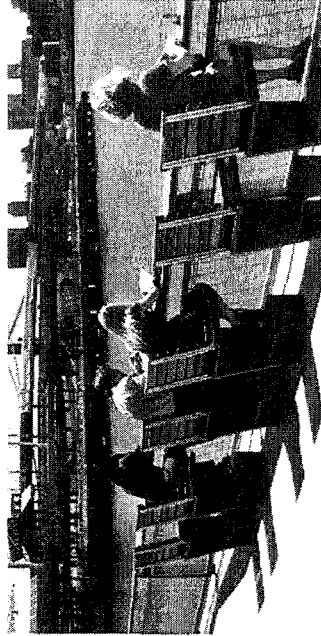
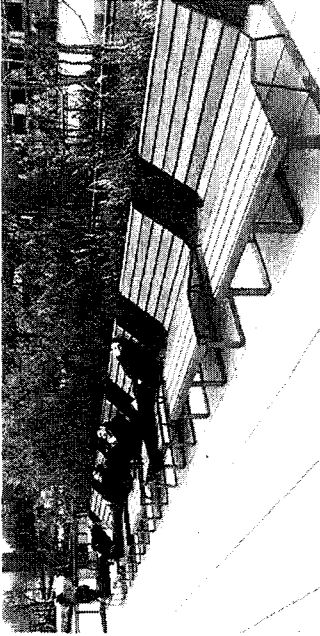


Arbor/Trellis with Vine Planting



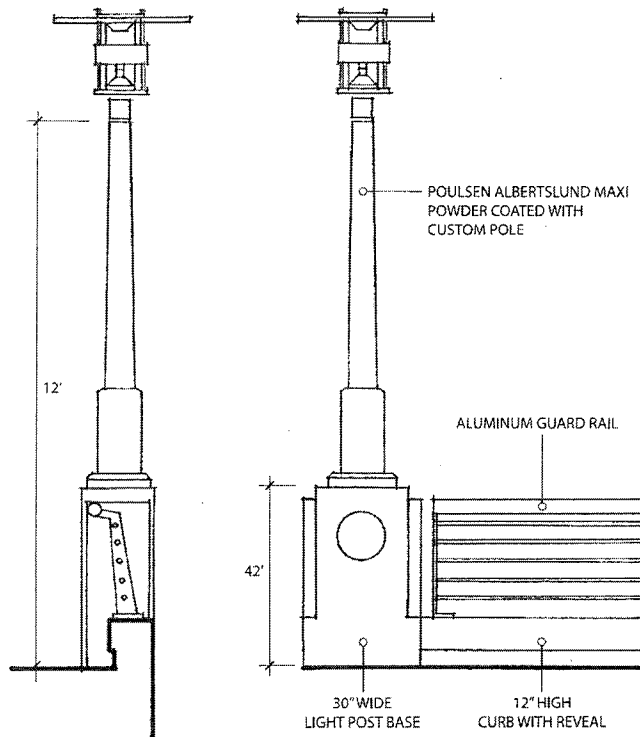
Seating Steps at Water's Edge

*A vocabulary of elements utilizing wood, timber, stone, concrete and steel, and in addition to those salvaged from the marine terminal, will add authenticity, integrity and identity to Shoreline Park. These materials will be of a robust nature, capable of withstanding heavy anticipated use as well as the specific demands of a marine environment. They will also be appropriately finished, detailed and executed to create a variety of furnishings, fixtures and elements that do not over-assert themselves into the park landscape, but rather create a timeless quality of understated simplicity and elegance. The park elements will reflect a high standard of quality that, at the same time, does not depend on extraordinary maintenance and upkeep and can carry through the rest of the open spaces in Brooklyn Basin. In this way, they will help to create a park identity that is unique, attractive and sustainable for use today and into the future.*



## THE VISION FOR SHORELINE PARK

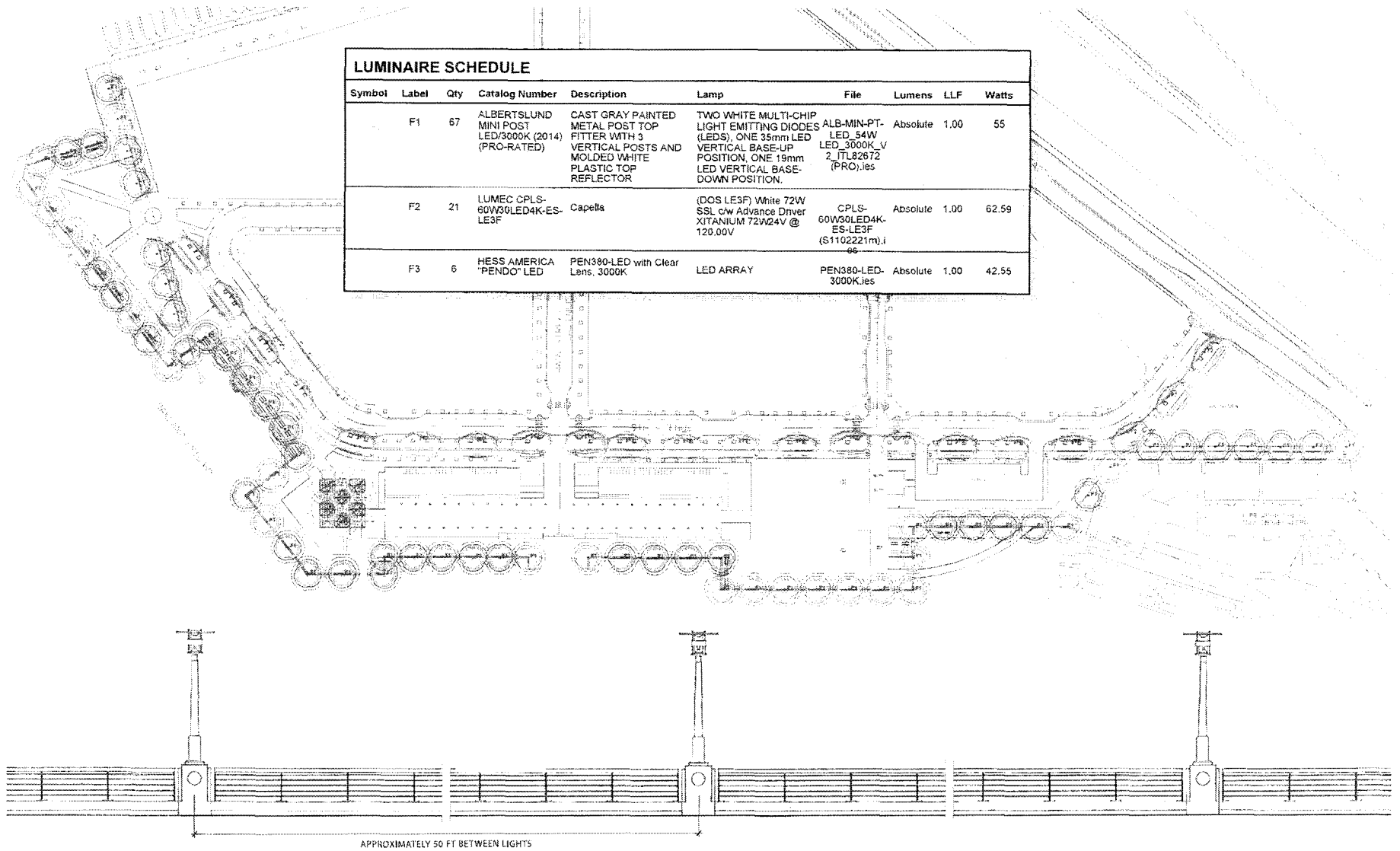
### Lighting will provide continuity to the park, unify the shoreline and create an attractive and sustainable night-time environment



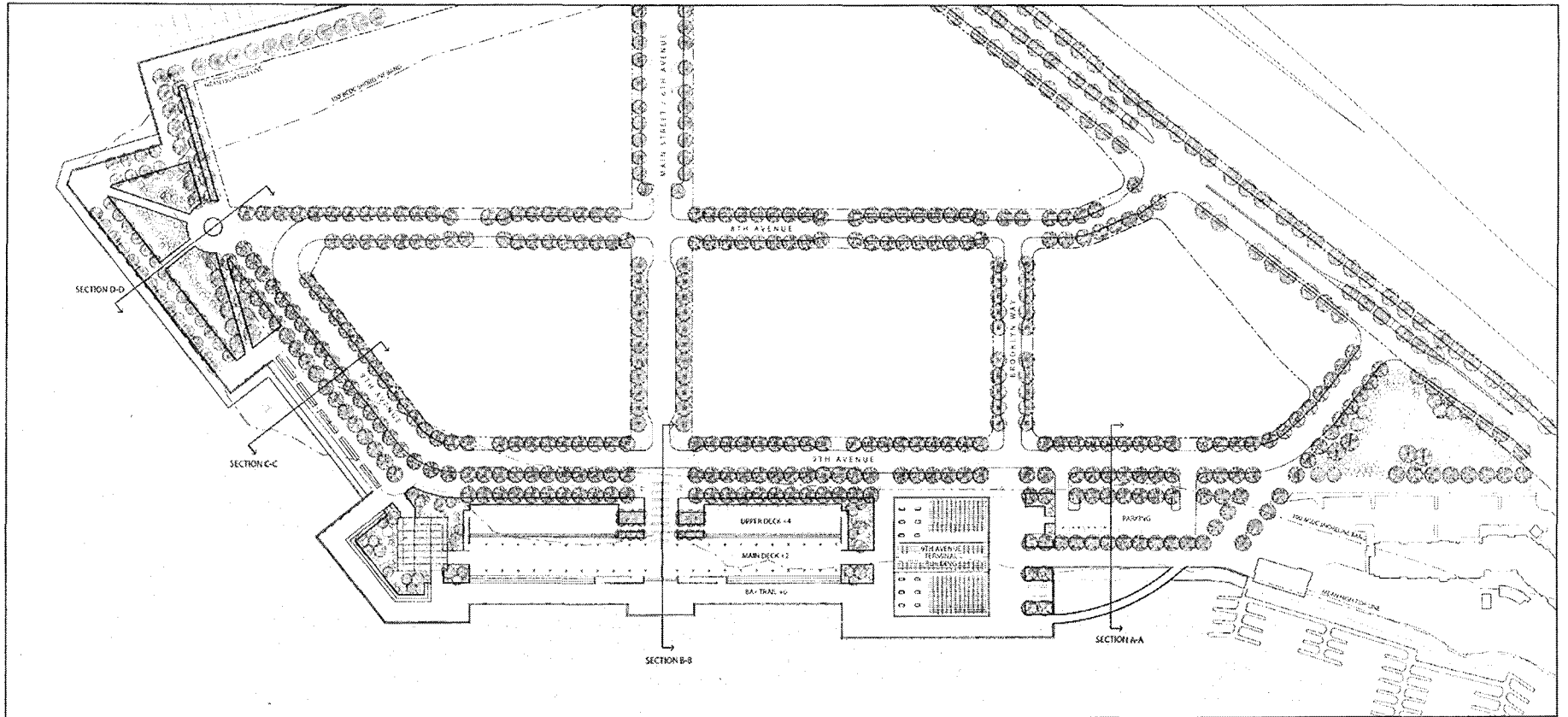
Lighting is carefully conceived to reinforce the relationship of the park to its most significant features and make them as evident at night-time as they are during the day. Lighting will be focused along the entire shoreline perimeter in a cadence and rhythm every approximately 50 feet. The lighting will help dramatize the natural setting of the water's edge and give it greater prominence in evening hours.

Within the park, the perimeter lighting will create a soft illuminated sparkle effect adjacent to the water, where it will heighten the continuity of the shoreline. Modern light fixtures are planned of a pedestrian scale and will be 12 feet in height. These will be integrated into the railing or in places where a railing is not needed, on independent poles. LED luminaires on dimmers will be used along with appropriate night sky protection with an even uniform lighting that is inviting, comfortable and distinctive.

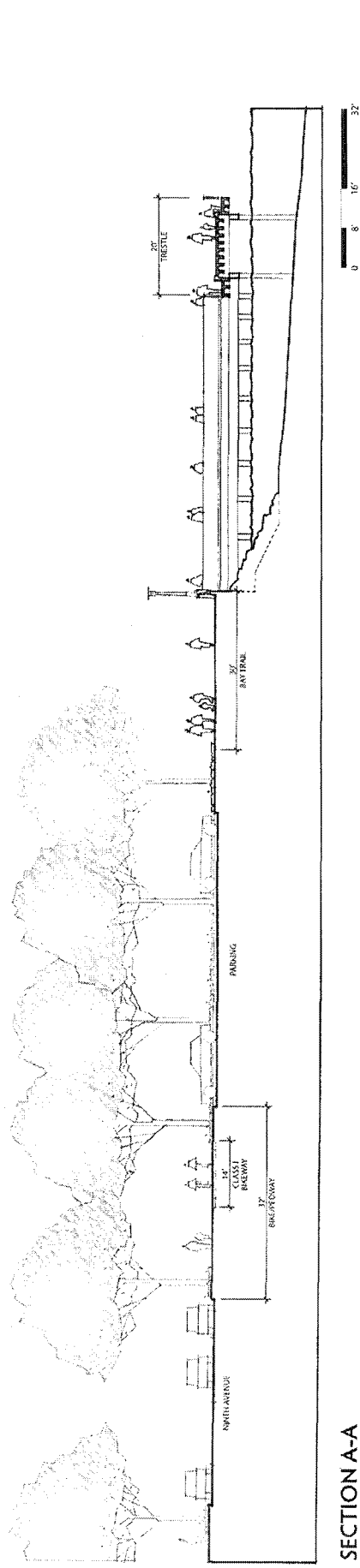
LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
F1	67	ALBERTSLUND MINI POST LED/3000K (2014) (PRO-RATED)	CAST GRAY PAINTED METAL POST TOP FITTER WITH 3 VERTICAL POSTS AND MOLDED WHITE PLASTIC TOP REFLECTOR	TWO WHITE MULTI-CHIP LIGHT EMITTING DIODES (LED'S), ONE 35mm LED LED_54W VERTICAL BASE-UP LED_3000K_V POSITION, ONE 19mm 2_ITL82672 LED VERTICAL BASE- (PRO).ies DOWN POSITION.	ALB-MIN-PT- LED_54W LED_3000K_V 2_ITL82672 (PRO).ies	Absolute	1.00	55	
F2	21	LUMEC CPLS- 60W30LED4K-ES- LE3F	Capella	(DOS LE3F) White 72W SSL, 0w Advance Driver XITANIUM 72V24V @ 120.00V	CPLS- 60W30LED4K- ES-LE3F (S1102221m).i 66	Absolute	1.00	62.59	
F3	6	HESS AMERICA "PENDO" LED	PEN380-LED with Clear Lens, 3000K	LED ARRAY	PEN380-LED- 3000K.ies	Absolute	1.00	42.55	



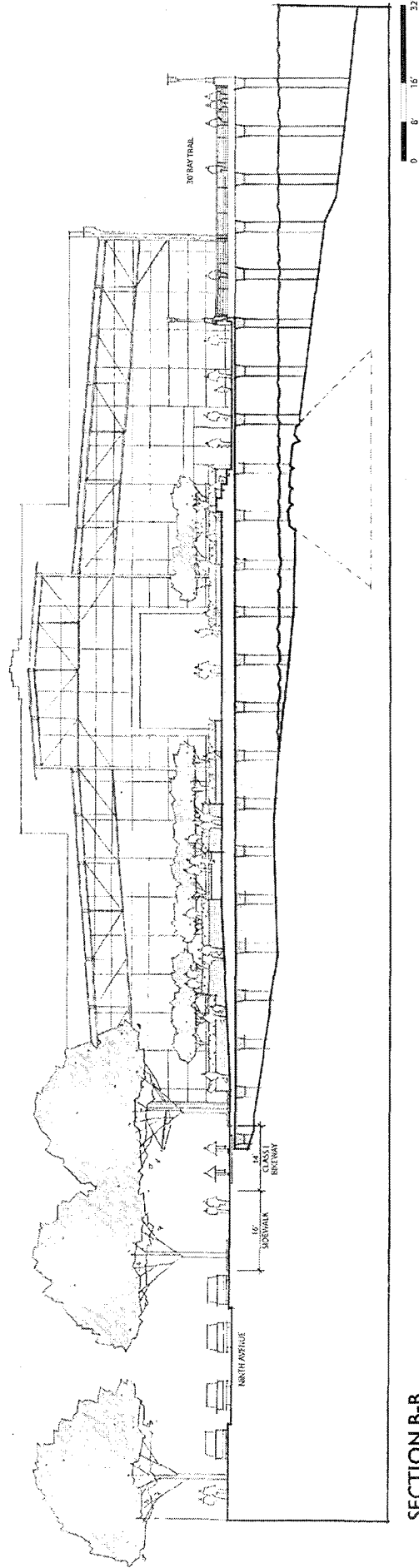
# THE DESIGN PLAN DRAWINGS



SHORELINE PARK DESIGN PLAN



SECTION A-A

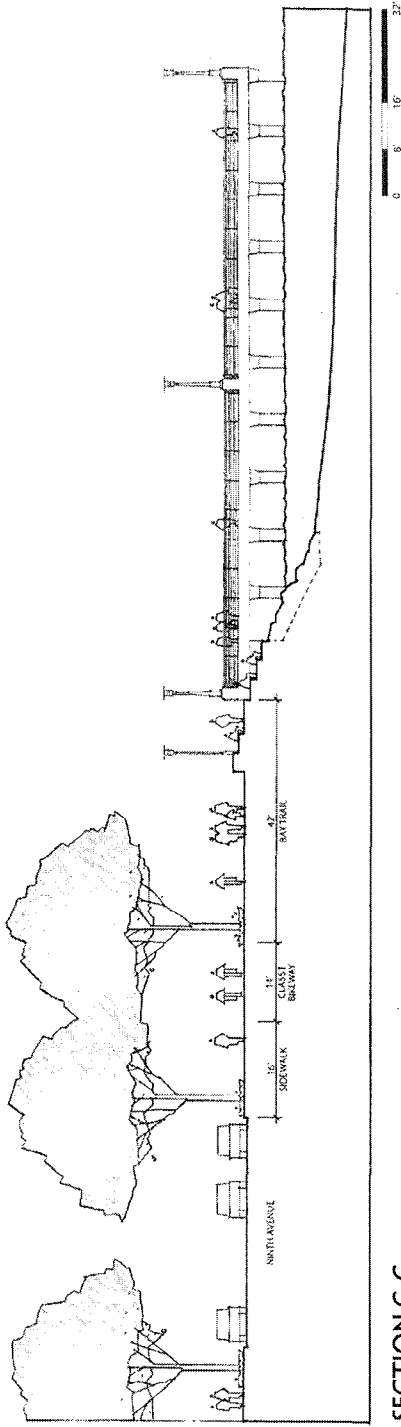


SECTION B-B

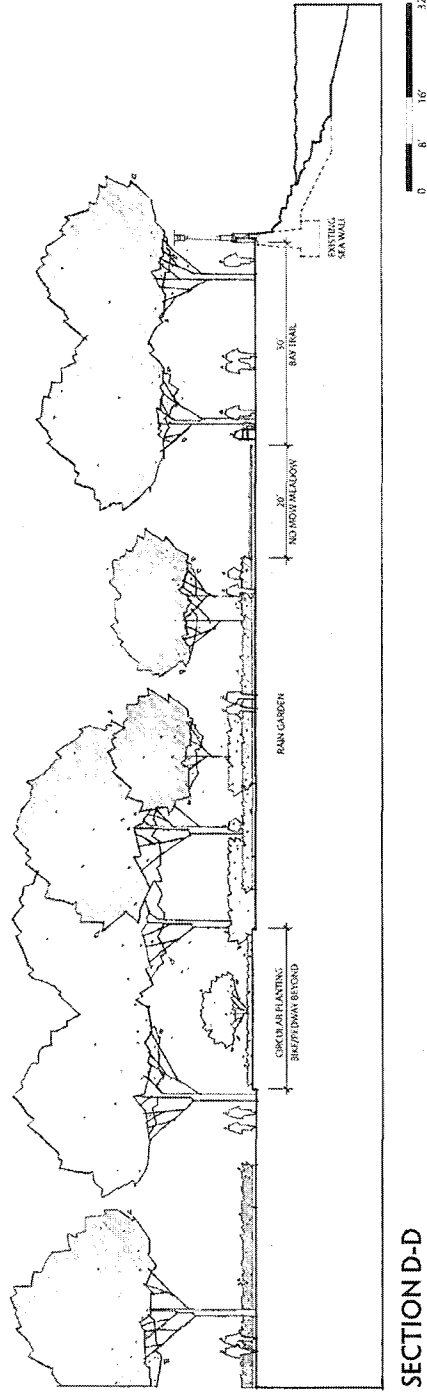
## CROSS SECTIONS

SHORELINE PARK DESIGN PLAN: THE DESIGN PLAN DRAWINGS



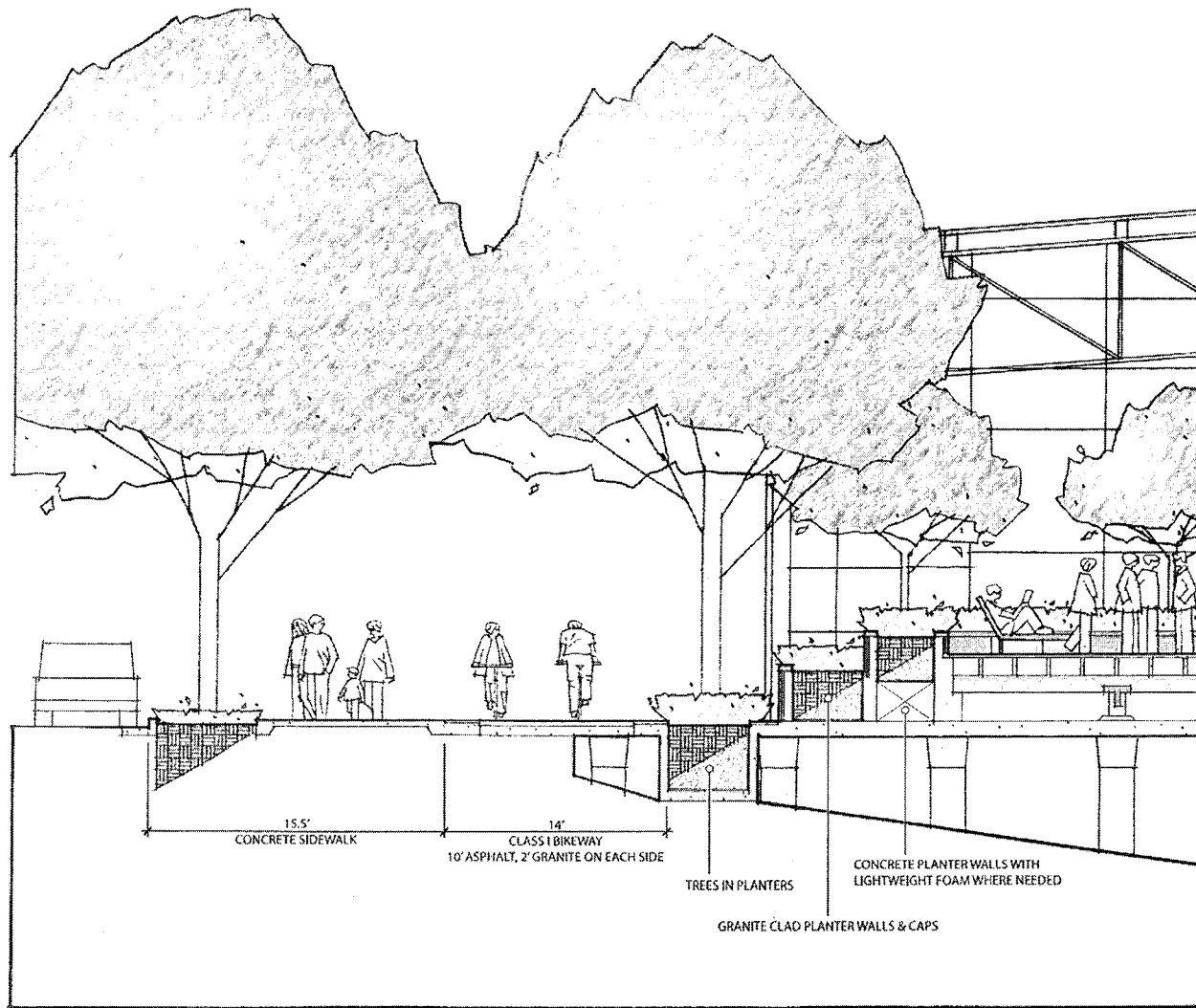


SECTION C-C

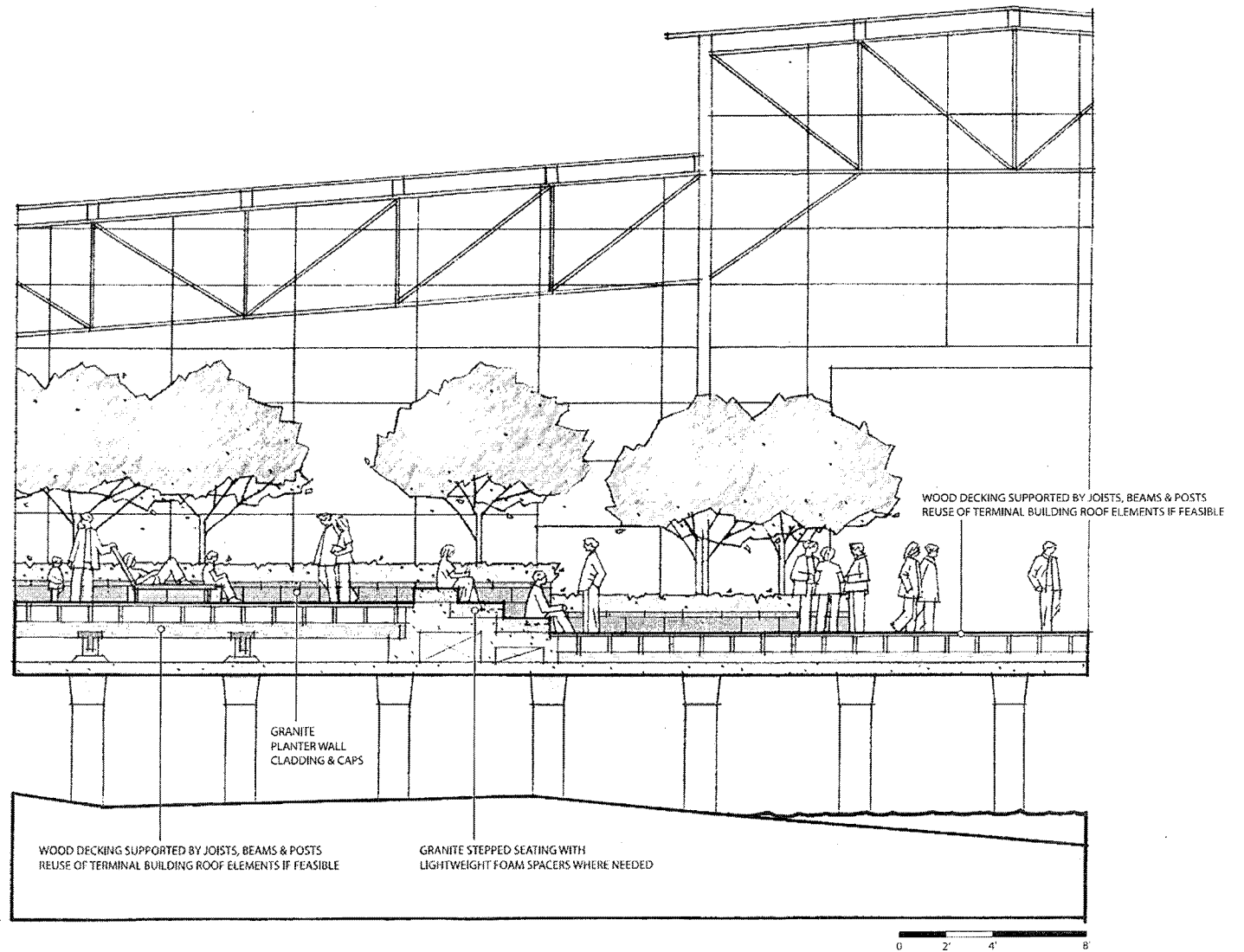


SECTION D-D

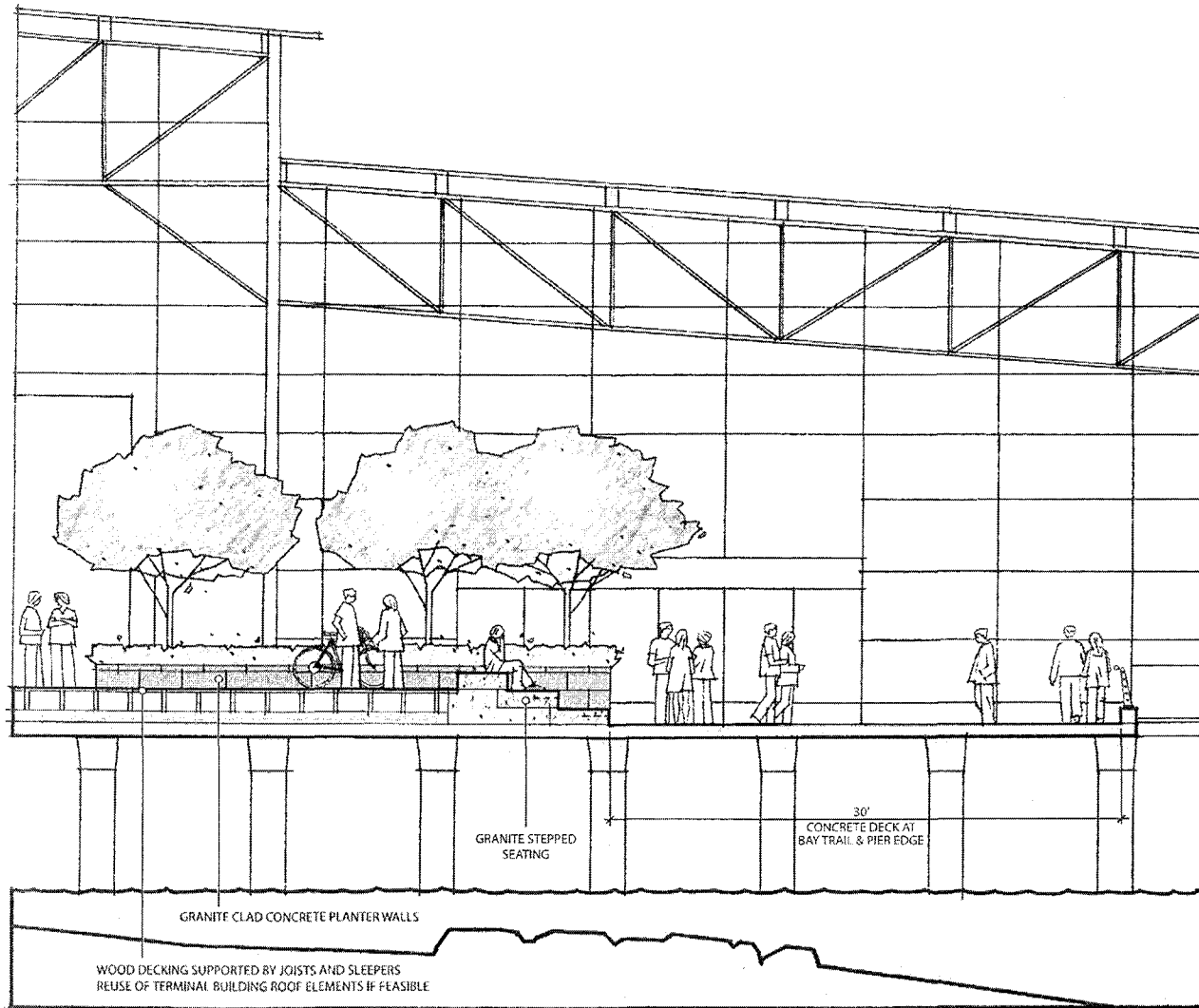
CROSS SECTIONS



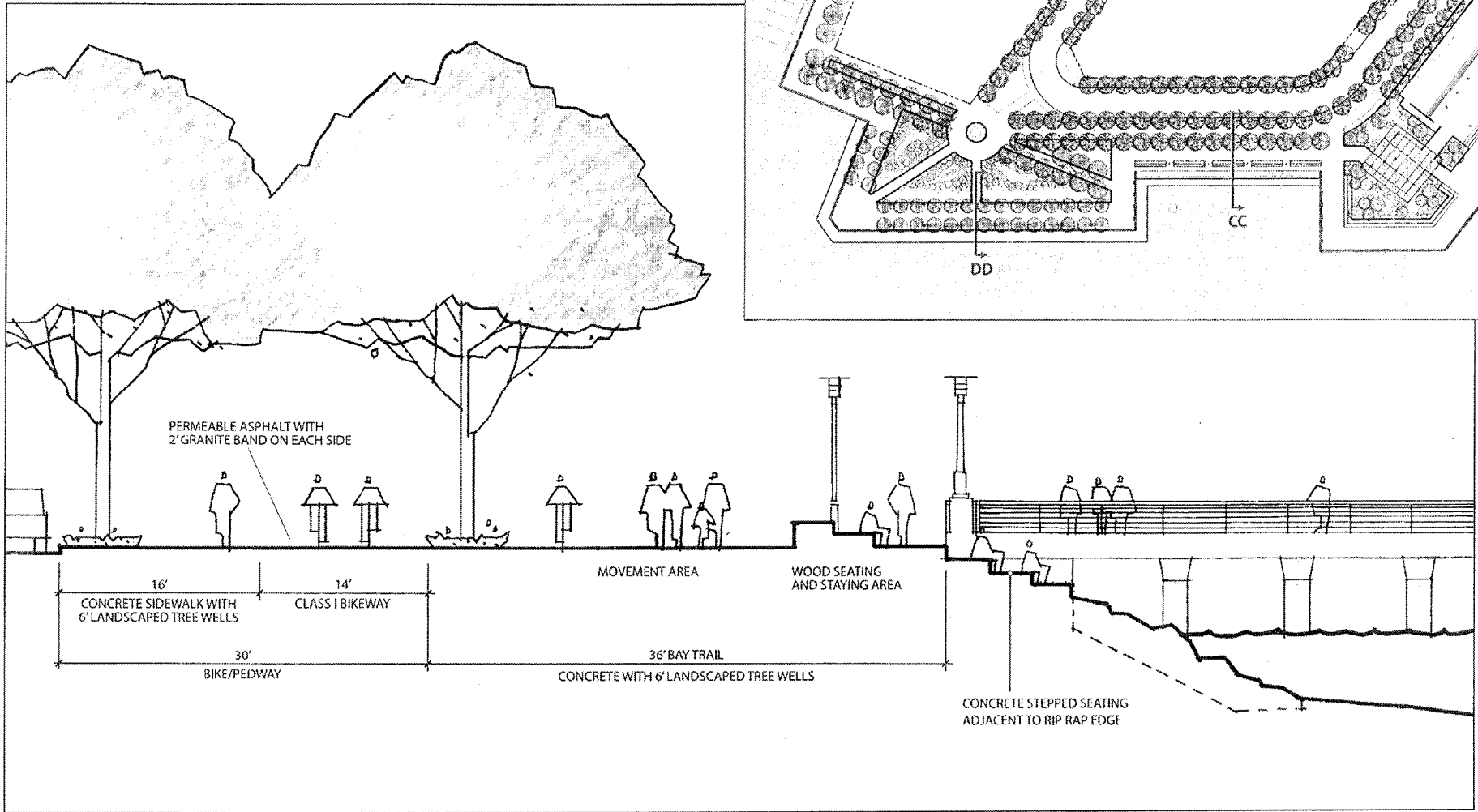
CROSS SECTION AT NINTH AVENUE EDGE OF CENTRAL SPACE



CROSS SECTION AT UPPER DECK EDGE OF CENTRAL SPACE

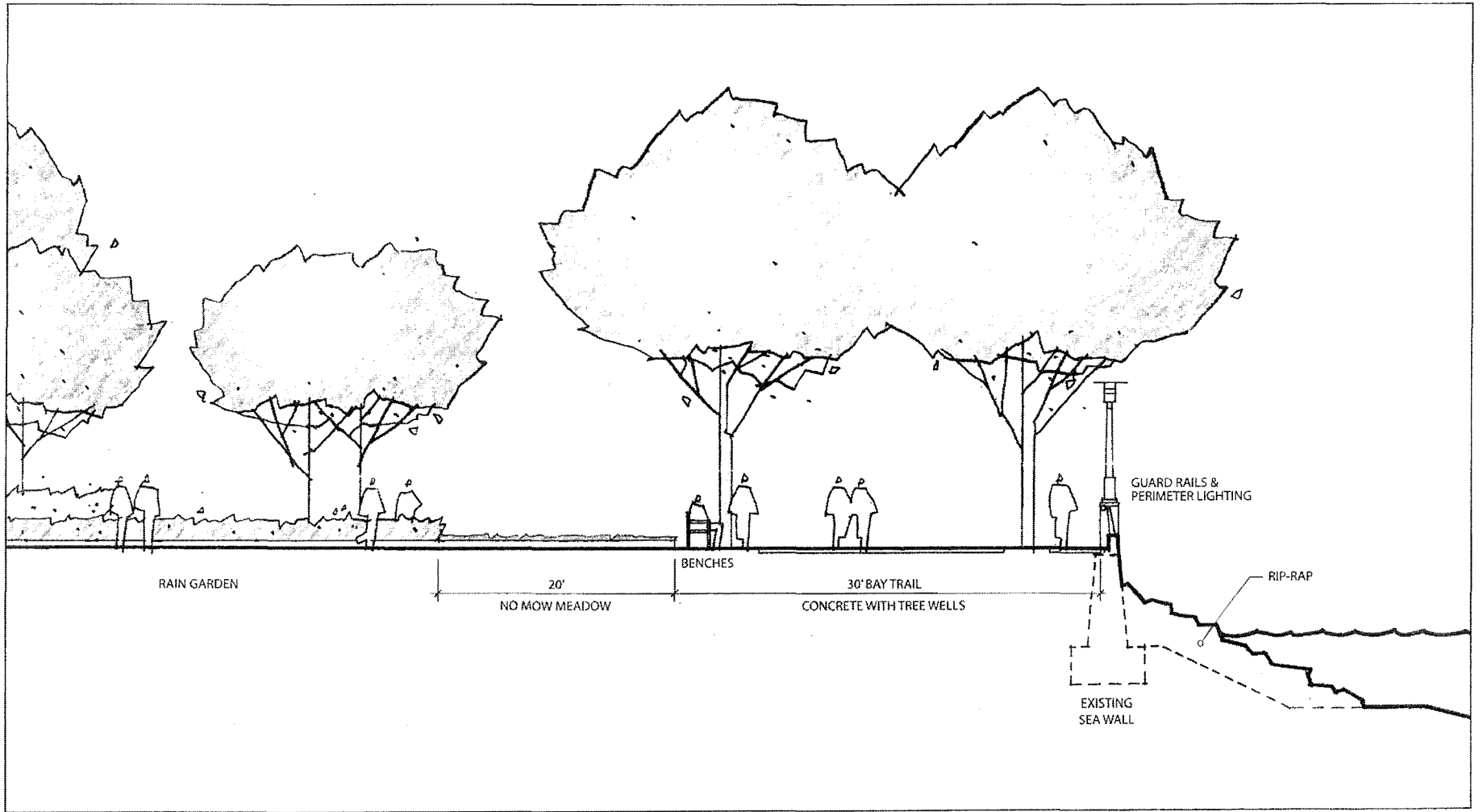


CROSS SECTION AT MAIN DECK EDGE OF CENTRAL SPACE

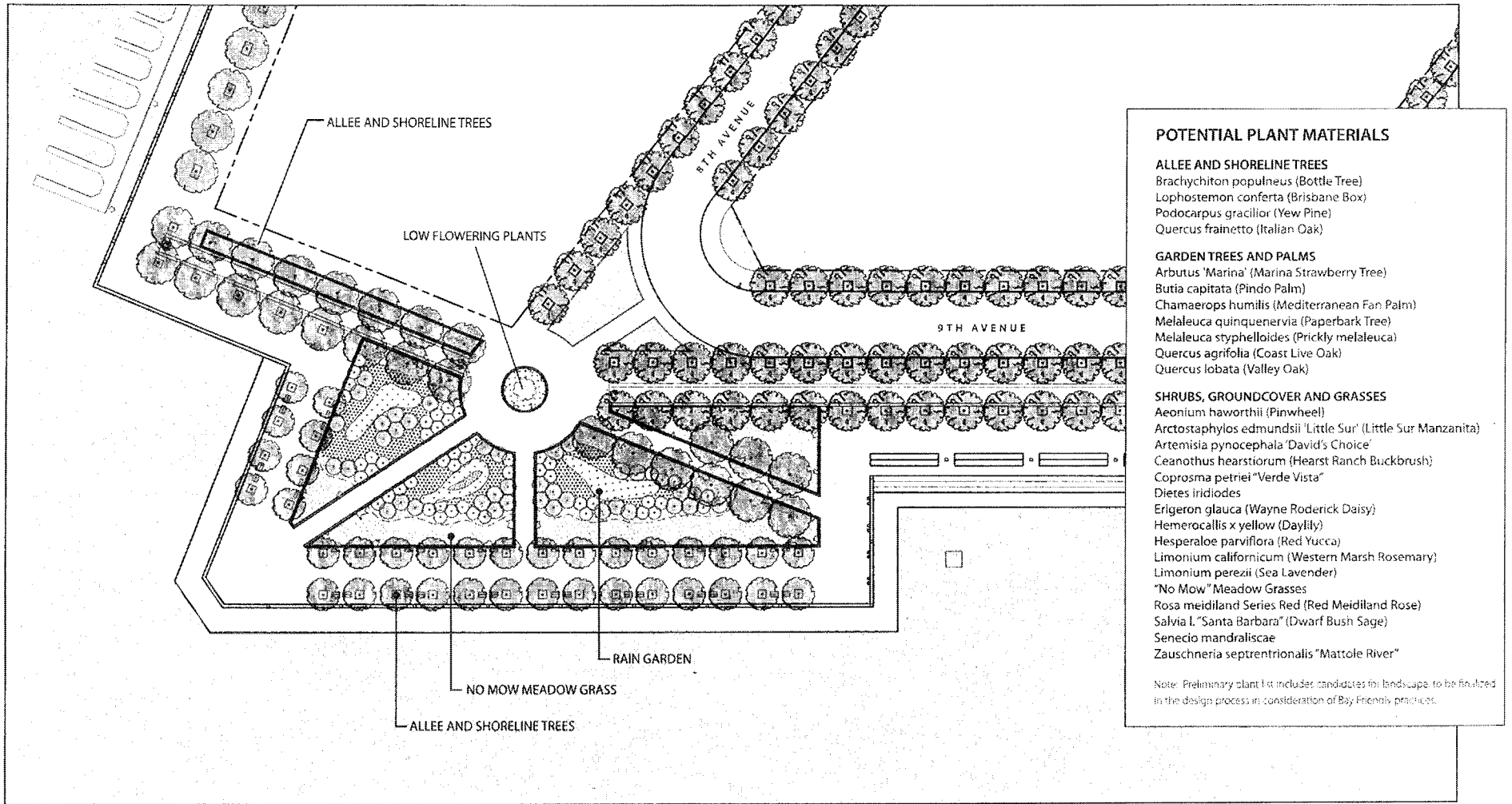


DETAIL SECTION CC



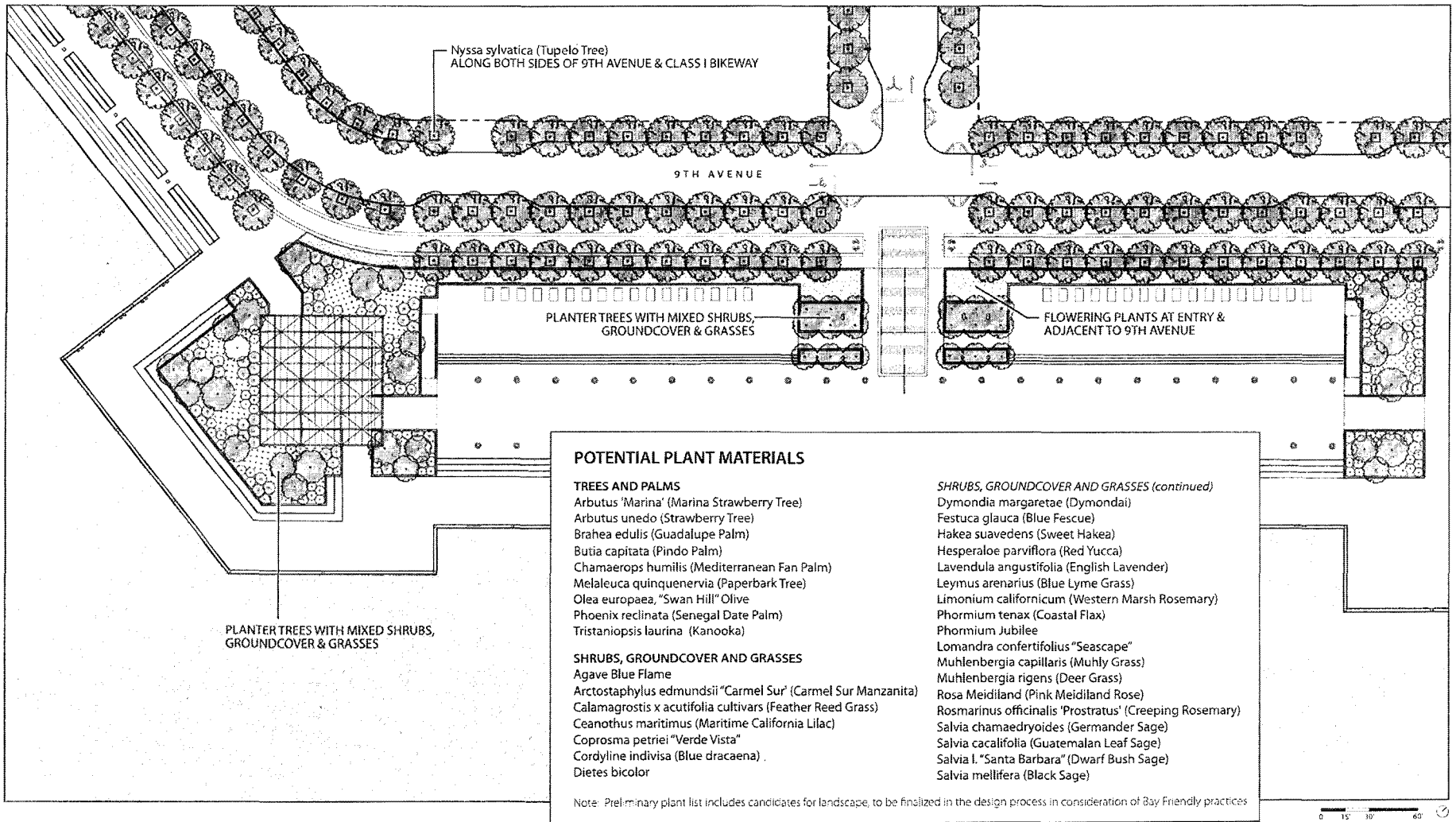


**DETAIL SECTION DD**



- POTENTIAL PLANT MATERIALS**
- ALLEE AND SHORELINE TREES**  
*Brachychiton populneus* (Bottle Tree)  
*Lophostemon conferta* (Brisbane Box)  
*Podocarpus gracillior* (Yew Pine)  
*Quercus frainetto* (Italian Oak)
- GARDEN TREES AND PALMS**  
*Arbutus 'Marina'* (Marina Strawberry Tree)  
*Butia capitata* (Pindo Palm)  
*Chamaerops humilis* (Mediterranean Fan Palm)  
*Melaleuca quinquenervia* (Paperbark Tree)  
*Melaleuca styphelloides* (Prickly melaleuca)  
*Quercus agrifolia* (Coast Live Oak)  
*Quercus lobata* (Valley Oak)
- SHRUBS, GROUNDCOVER AND GRASSES**  
*Aeonium haworthii* (Pinwheel)  
*Arctostaphylos edmundsii* 'Little Sur' (Little Sur Manzanita)  
*Artemisia pycnocephala* 'David's Choice'  
*Ceanothus hearstiorum* (Hearst Ranch Buckbrush)  
*Coprosma petriei* 'Verde Vista'  
*Dietes iridioides*  
*Erigeron glauca* (Wayne Roderick Daisy)  
*Hemerocallis x yellow* (Daylily)  
*Hesperaloe parviflora* (Red Yucca)  
*Limonium californicum* (Western Marsh Rosemary)  
*Limonium perezii* (Sea Lavender)  
 "No Mow" Meadow Grasses  
*Rosa meidiland Series Red* (Red Meidiland Rose)  
*Salvia L. "Santa Barbara"* (Dwarf Bush Sage)  
*Senecio mandraliscae*  
*Zauschneria septentrionalis* "Mattole River"
- Note: Preliminary plant list includes candidates for landscape to be finalized in the design process in consideration of Bay Friendly practices.

**ALLEE AND SHORELINE WEST GARDENS**



## CENTRAL PLAZA PLANTER LANDSCAPE



## POTENTIAL PLANT MATERIALS

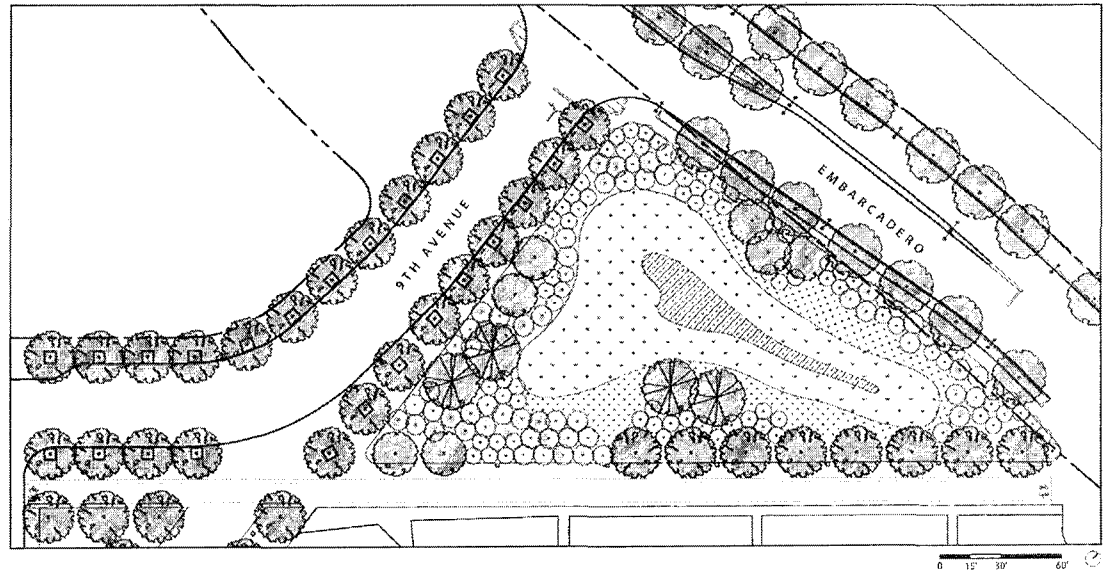
### RAIN GARDEN TREES

*Cercocarpus betuloides* (Mountain Mahogany)  
*Quercus agrifolia* (Coast Live Oak)  
*Quercus lobata* (Valley Oak)  
*Platanus X acerifolia* "Columbia" (London Plane Tree)

### SHRUBS, GROUNDCOVER AND GRASSES

*Arctostaphylos densiflora* 'Howard McMinn' (Howard McMinn Manzanita)  
*Arctostaphylos edmundsii* 'Little Sur' (Little Sur Manzanita)  
*Artemisia pycnocephala* "David's Choice" (David's Choice Artemisia)  
*Ceanothus x concha* (California Lilac)  
*Chondropetalum tectorum* (Cape Rush)  
*Cistus salvifolius* 'Prostratus' (Sageleaf Rockrose)  
*Dietes bicolor* (African Iris)  
*Festuca glauca* (Blue Fescue)  
*Frangula californica* 'Mound San Bruno' (California Coffeeberry)  
*Griselinia littoralis*  
*Hemerocallis x yellow* (Daylily)  
*Leymus arenarius*  
*Limonium californicum* (Western Marsh Rosemary)  
*Lomandra longifolia* "Breeze"  
*Lomandra confertifolius* "Seascape"  
*Muhlenbergia capillaris* 'Autumn Blush' (Pink Muhly)  
*Muhlenbergia rigens* (Deer Grass)  
*Loropetalum chinense*  
*Rosa californica* (California Wild Rose)  
*Salvia l.* "Santa Barbara" (Dwarf Bush Sage)  
*Salvia mellifera* (Black Sage)

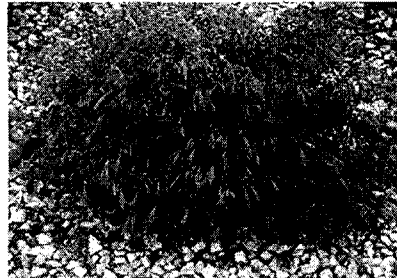
Note: Preliminary plant list includes candidates for landscape, to be finalized in the design process in consideration of Bay Friendly practices.



## EMBARCADERO GATEWAY



*Diets iridooides* (African Iris)



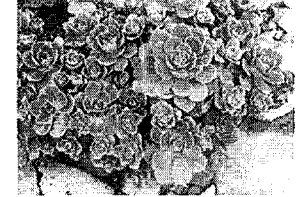
*Zauschneria septentrionalis* "Mattole River"



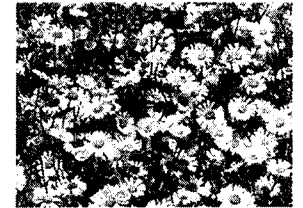
*Ceanothus hearstiorum* (Hearst Ranch Buckbrush)



*Anigozanthus* "Big Red" (Red Kangaroo Paw)



*Aeonium haworthii* (Pinwheel)



*Erigeron glauca* (Wayne Roderick Daisy)



*Nyssa sylvatica* (Tupelo Tree)



*Lophostemon conferta* (Brisbane Box)



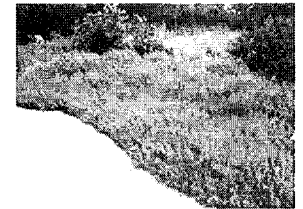
*Brachychiton populneus* (Bottle Tree)



*Quercus frainetto* (Italian Oak)



*Limonium perezii* (Sea Lavender)

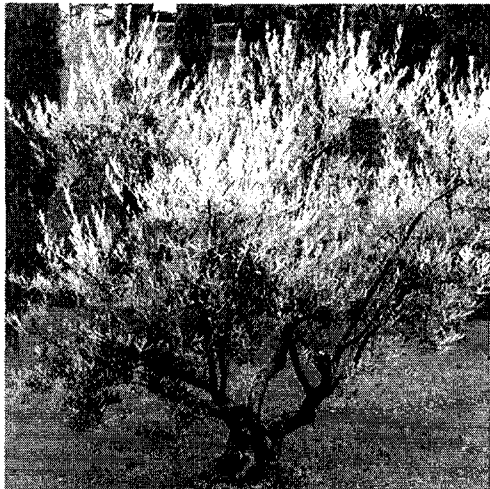


*Coprosma petriei* "Verde Vista"

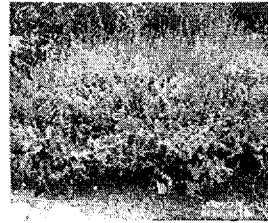
## PLANT PALETTE: ALLEE, SHORELINE AND OTHER LINKAGES



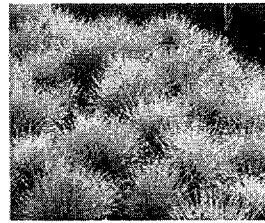
Arbutus 'Marina' (Marina Strawberry Tree)



Olea europaea, "Swan Hill" Olive



Salvia chamaedryoides (Germander Sage)



Festuca glauca (Blue Fescue)



Melaleuca quinquenervia (Paperbark Tree)



Arctostaphylos edmundsii "Little Sur"



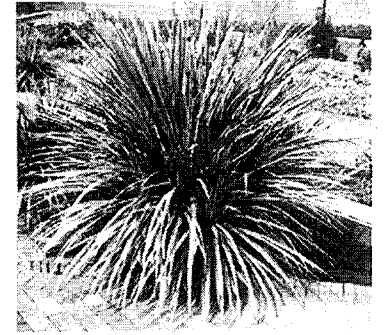
Ceanothus maritimus (Maritime California Lilac)



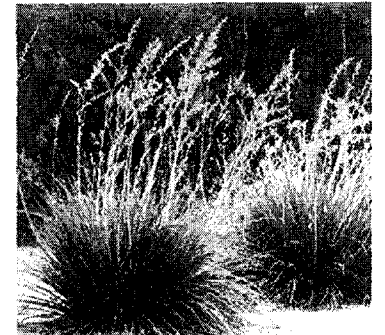
Rosmarinus officinalis 'Prostratus' (Creeping Rosemary)



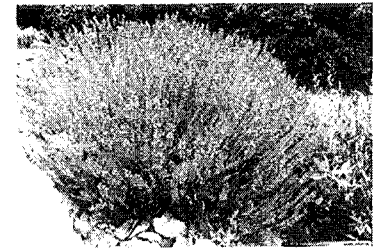
Phormium Jubilee



Cordyline indivisa (Blue dracaena)

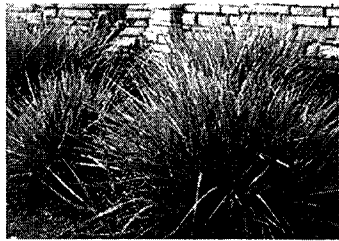


Hesperaloe parviflora (Red Yucca)

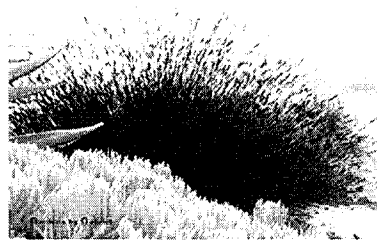


Lavendula angustifolia (Lavender)

## PLANT PALETTE: PLANTER LANDSCAPE



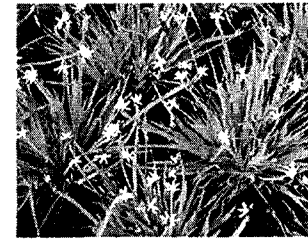
*Juncus patens*, Elk Blue



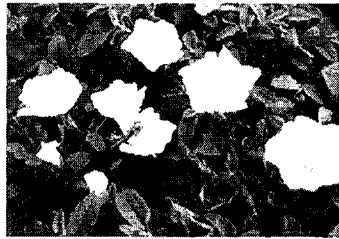
*Chondropetalum tectorum* (Thatching Reed)



*Frangula californica*, "Mound San Bruno"



*Sisyrinchium californicum* (Yellow Eyed Grass)



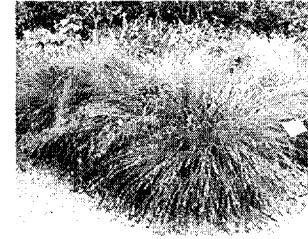
*Cistus salvifolius*, "Prostratus" (Sageleaf Rockrose)



*Cercocarpus betuloides* (Mountain Mahogany)



*Rosa californica* (California Wild Rose)



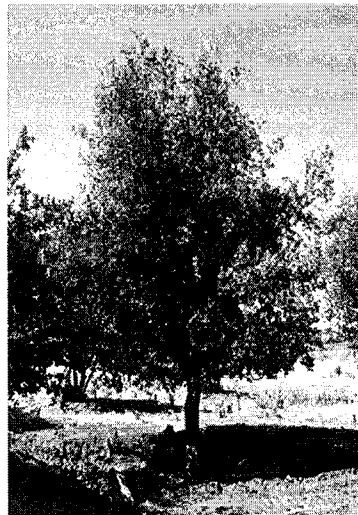
*Carex divulsa* (Berkeley Sedge)



*Quercus lobata* (Valley Oak)



*Platanus X acerifolia* "Columbia" (London Plane Tree)



*Quercus agrifolia* (Coastal Live Oak)



*Ceanothus x Concha*



*Muhlenbergia capillaris* (Pink Muhly Grass)

## RAIN GARDENS



VIEW FROM BAY TRAIL (EAST)

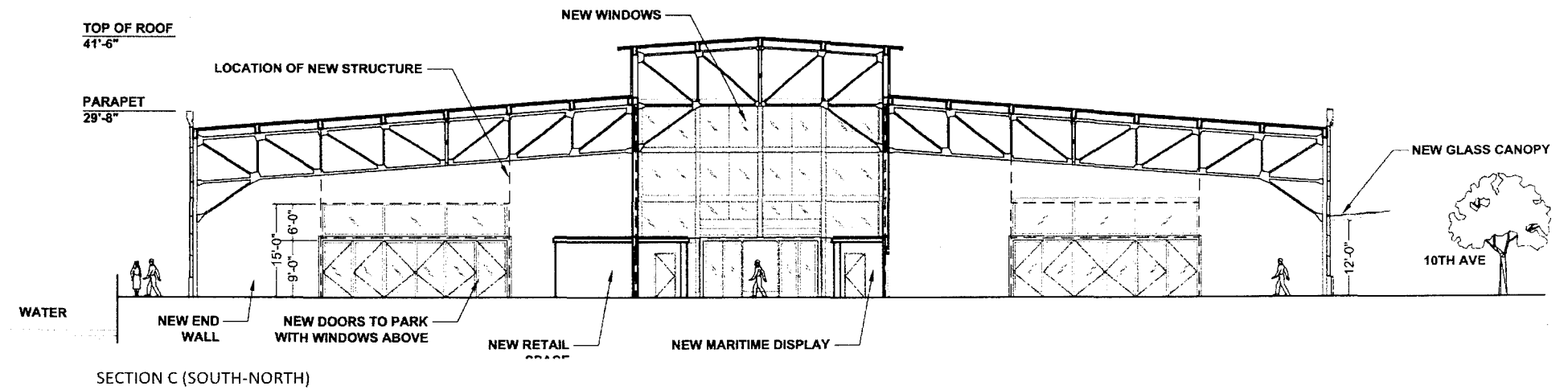
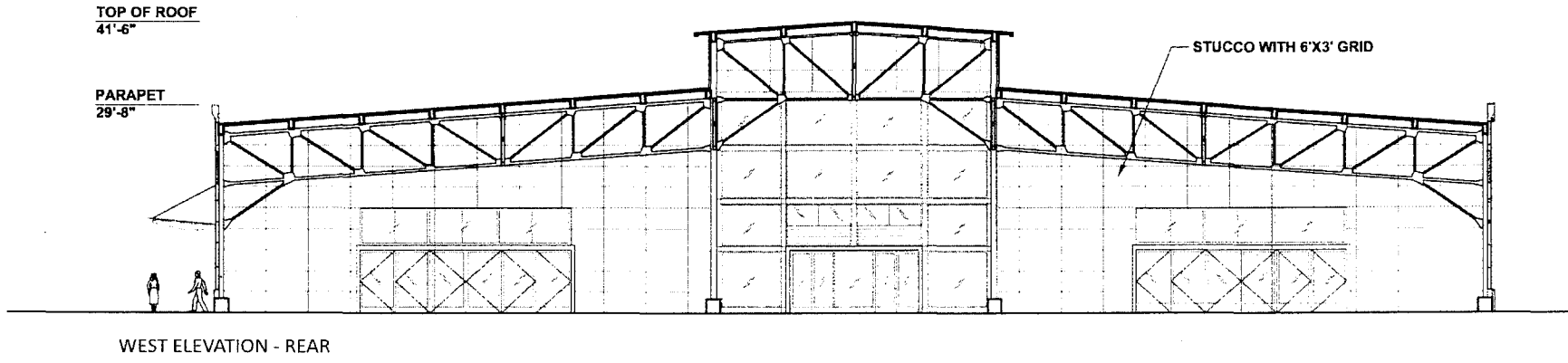
JUNE 20, 2017



miva architects

Ninth Avenue Terminal  
Oakland, California

SIGNATURE  
DEVELOPMENT  
GROUP



REAR ELEVATION & SECTION C (SOUTH-NORTH)

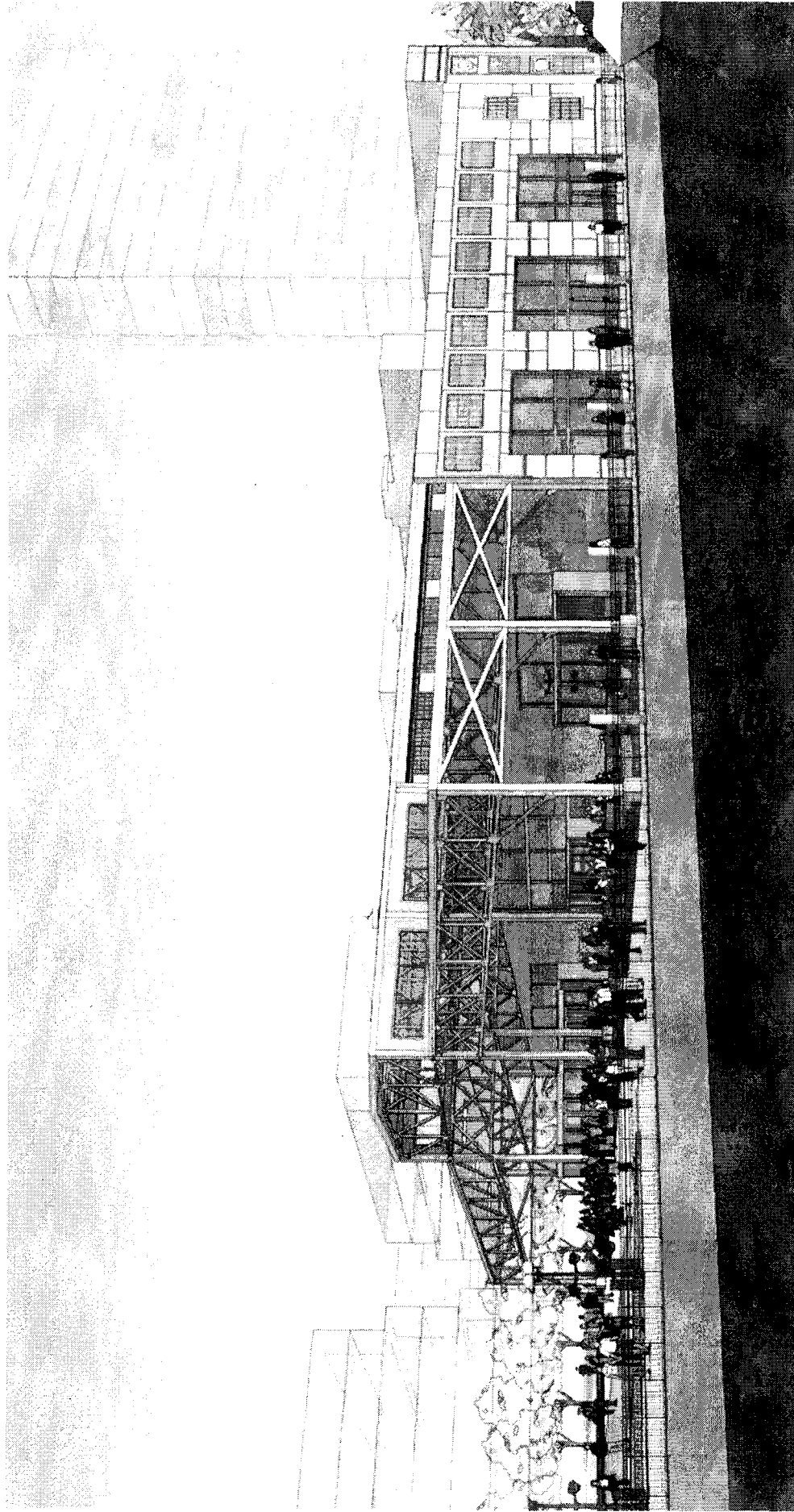
June 20, 2014



mwa architects

Ninth Avenue Terminal  
Oakland, California

SIGNATURE  
DEVELOPMENT  
GROUP



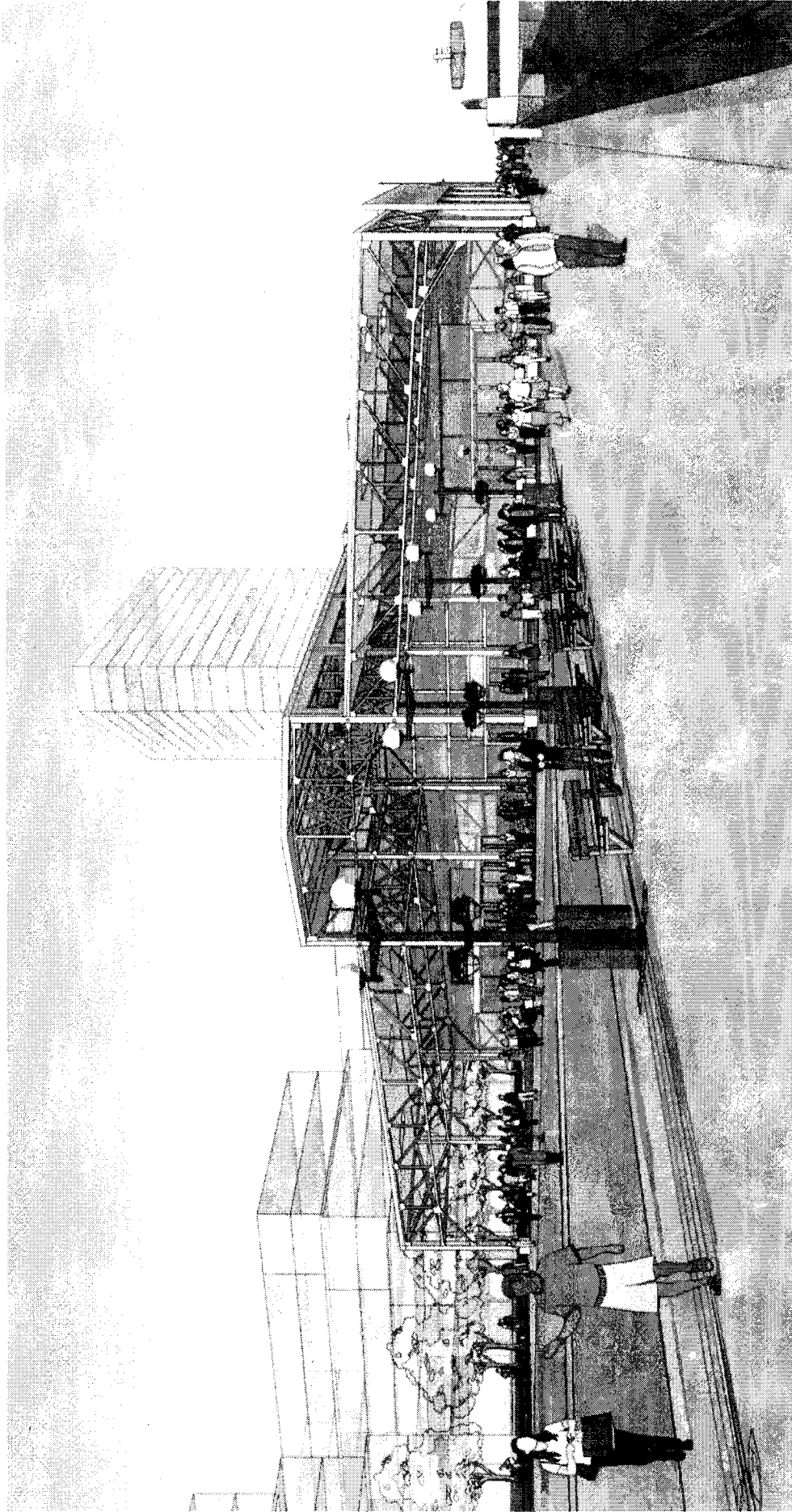
VIEW FROM OAKLAND ESTUARY (SOUTH)

JUNE 2005 2014



Ninth Avenue Terminal  
Oakland, California

SIGNATURE  
DEVELOPMENT  
GROUP



VIEW FROM SHORELINE PARK (WEST)



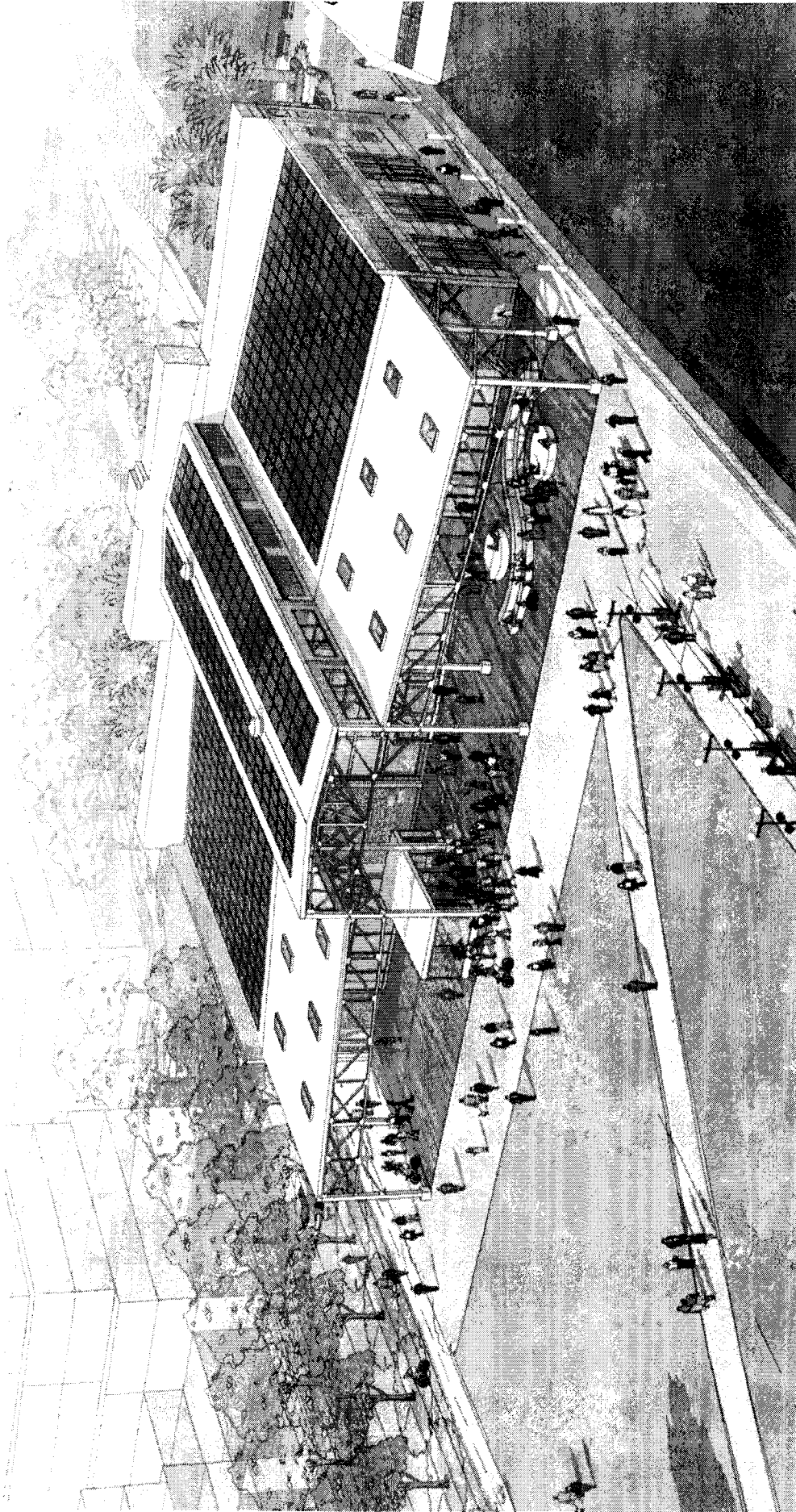
mwa architects

Ninth Avenue Terminal  
Oakland, California

June 20, 2014

SIGNATURE  
DEVELOPMENT  
GROUP





AERIAL VIEW FROM SOUTHWEST

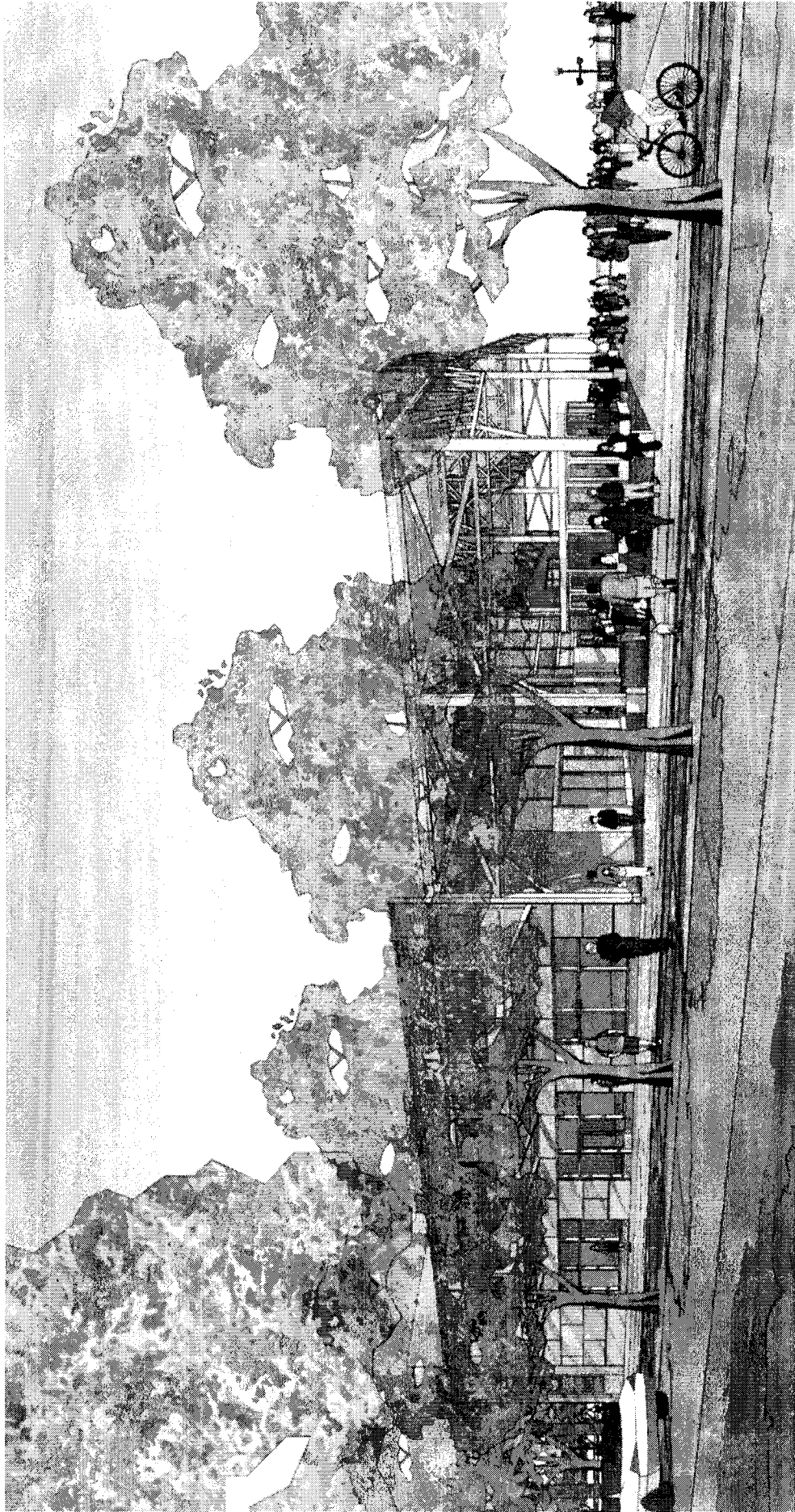


mlua architects

Ninth Avenue Terminal  
Oakland, California

JUNE 20 2016

SIGNATURE  
DEVELOPMENT  
GROUP



VIEW FROM 10<sup>TH</sup> AVENUE (NORTH)

June 20, 2014



mura architects

Ninth Avenue Terminal  
Oakland, California

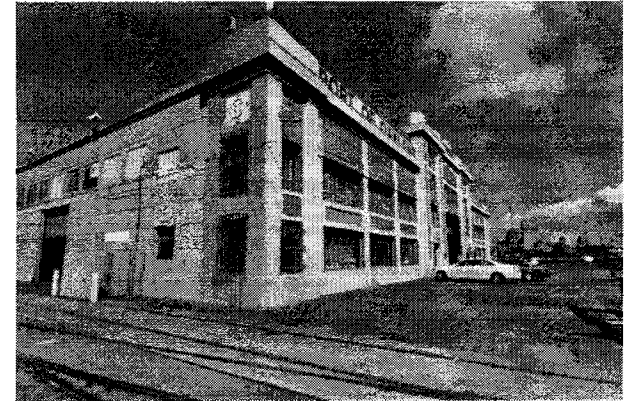
SIGNATURE  
DEVELOPMENT  
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FRONT OF BUILDING



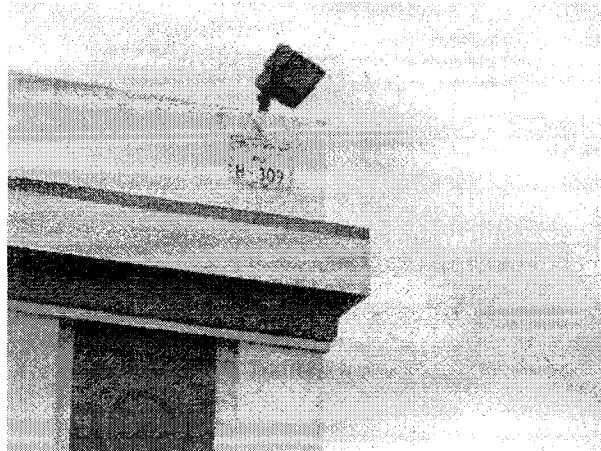
TERRACOTTA DETAIL ON SIDE FACADE



FRONT CORNER – WATER SIDE



LAND SIDE



TERRACOTTA DETAIL ON FRONT FACADE



FRONT DOOR DETAIL

EXISTING PHOTOS

June 20, 2014

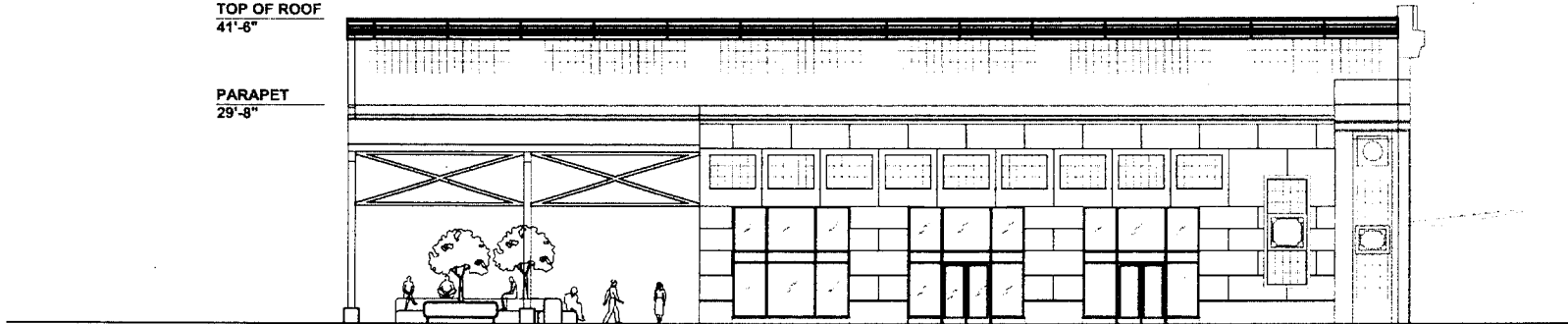


Ninth Avenue Terminal  
Oakland, California

SIGNATURE  
DEVELOPMENT  
GROUP

TOP OF ROOF  
41'-6"

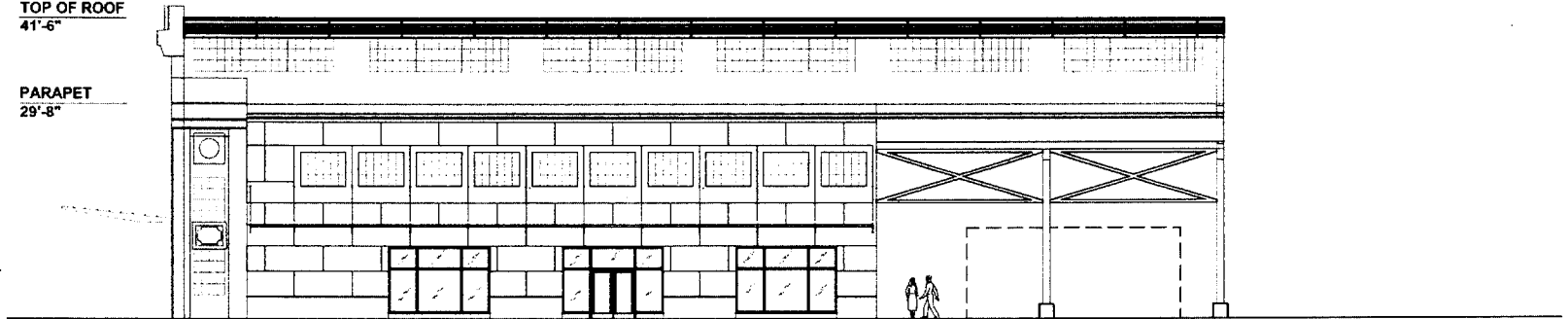
PARAPET  
29'-8"



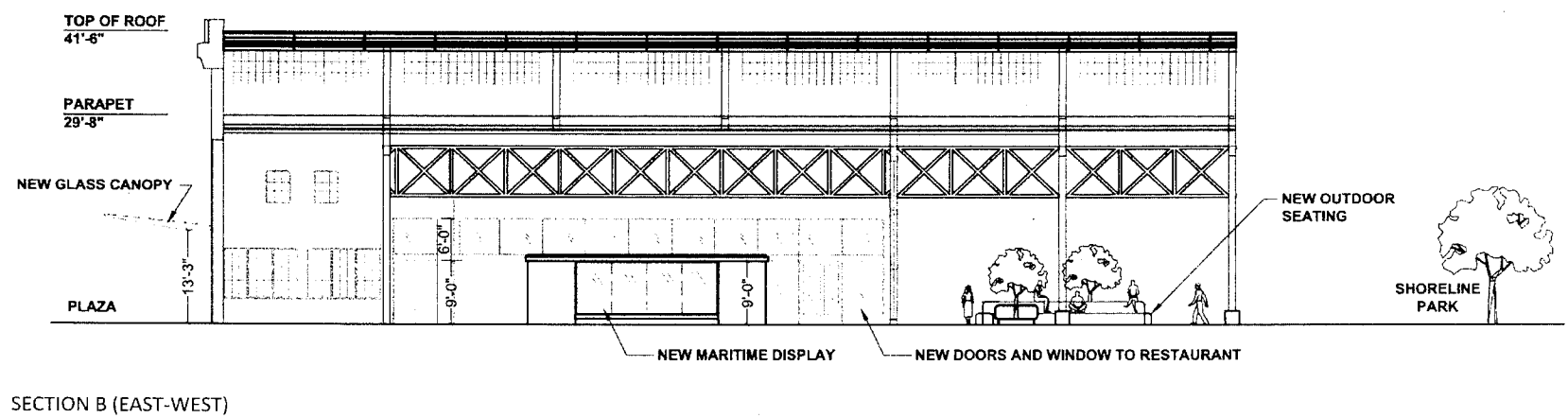
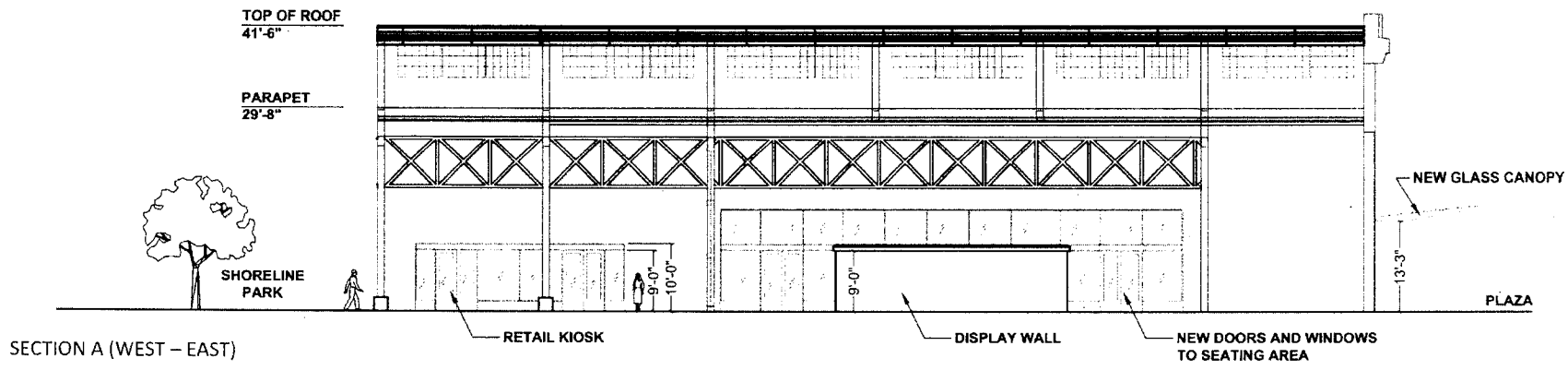
SOUTH ELEVATION – WATER SIDE

TOP OF ROOF  
41'-6"

PARAPET  
29'-8"



NORTH ELEVATION – LAND SIDE



**ATTACHMENT B:**

**Oak to Ninth Avenue Redevelopment Project EIR  
(provided under separate cover to the Planning  
Commission; available to the public at 250 Frank  
Ogawa Plaza, Suite 3315, Oakland CA, 94612  
during regular business hours, and at  
[http://www2.oaklandnet.com/Government/o/PBN/  
OurOrganization/PlanningZoning/DOWD008409](http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409) ).**

**ATTACHMENT C:**

**DRC Staff Report, dated September 30, 2015**

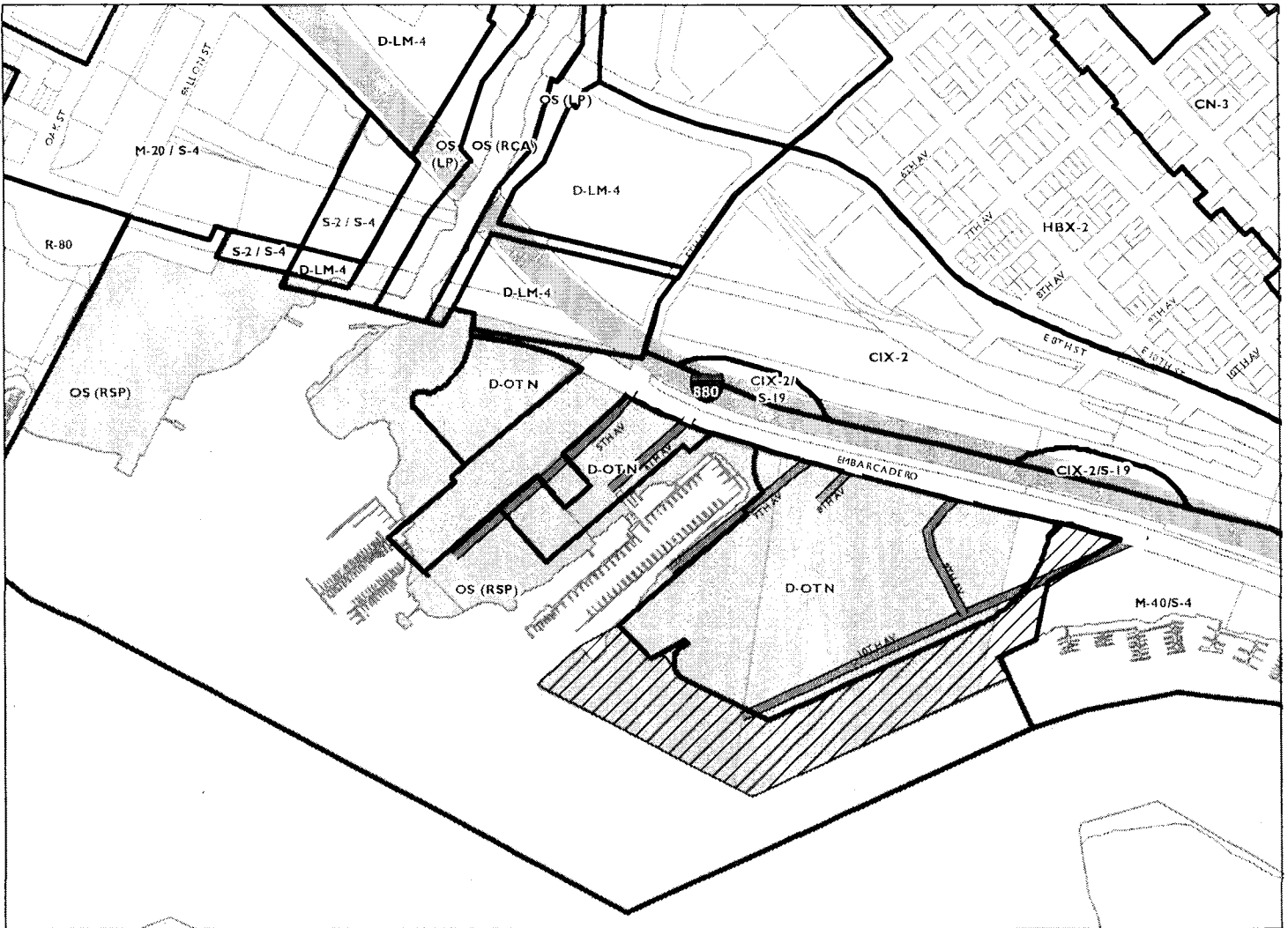
<b>Location:</b>	<b>Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Shoreline Park, located on the current site of the 9th Avenue Terminal.</b>
<b>Proposal:</b>	Final Development Permit (FDP) for Shoreline Park, including demolition and retention of portion of 9th Avenue Terminal.
<b>Applicant:</b>	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510) 251-9272.
<b>Owner:</b>	ZOHP, Port of Oakland, City of Oakland
<b>Planning Permits Required:</b>	FDP, compliance with CEQA.
<b>General Plan:</b>	EPP-Parks (Estuary Policy Plan-Parks).
<b>Zoning:</b>	OS-RSP (Open Space-Region-Serving Park)
<b>Environmental Determination:</b>	Final EIR certified on January 20, 2009
<b>Historic Status:</b>	9th Avenue Terminal, rated “A”
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	2 – Abel Guillen
<b>Action to be Taken:</b>	Conduct design review, consider recommendation to Planning Commission for FDP application
<b>Finality of Decision:</b>	NA
<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at <b>510-238-6168</b> or by e-mail at <b>cpayne@oaklandnet.com</b>

## SUMMARY

The purpose of this report is to provide design review analysis of the revised Shoreline Park design. The Brooklyn Basin Project land use entitlements were originally approved in 2006. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is seeking additional approvals in response to or required under the terms of the original land use entitlements, in order to initiate delivery of City parks. Specifically, ZOHP is seeking approval of a Final Development Permit (FDP), consistent with the applicable zoning regulations, for Shoreline Park, which is required to be completed and operational prior to Certificate of Occupancy of the 550<sup>th</sup> dwelling unit (or five years after the first construction-related permit) for the project. The development of Shoreline Park includes the demolition of 90 percent of the existing 9th Avenue Terminal, retention and historic preservation of the remaining portion of the building and the provision of a new 10-acre City park. The Design Review Committee (DRC) previously reviewed an earlier iteration of the Shoreline Park design at their regularly scheduled meeting on June 24, 2015.



# CITY OF OAKLAND PLANNING COMMISSION



0 250 500 1,000 1,500 2,000 Feet



Case File: DA06011, LMI5002

Applicant: Zarsion-OHP I, LLC (ZOHP), Patrick Van Ness

Address: Brooklyn Basin Phase I, Shoreline Park  
generally located south of Embarcadero,  
along 9th Avenue

Zone: OS-RSP

## PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10<sup>th</sup> Avenue to the east, and Fallon Street to the west. The project includes 29.9 acres of City parks located along the Oakland Estuary edge of the Brooklyn Basin Site. Shoreline Park is the southeastern-most park in Brooklyn Basin and is located on the water side of 10<sup>th</sup> Avenue, generally where the 9th Avenue Terminal is currently located.

The Shoreline Park site and surrounding area previously contained commercial and industrial uses (the 9th Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers). As of this writing, construction of Phase 1 infrastructure and Embarcadero improvements is underway adjacent to the Shoreline Park site.

## PROJECT BACKGROUND

### *Project History*

The planned Brooklyn Basin Project consists of a mix of residential, retail and commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (with a total of 170 boat slips), and an existing wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the 9th Avenue Terminal shed building and the Jack London Aquatic Center. The project 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 Shoreline Park site is the current location of the 9th Avenue Terminal. The 9th Avenue Terminal is a historically significant facility, with an "A" rating on the Oakland Cultural Heritage Survey (OCHS). The facility is a break-bulk shipping facility, one of the last and largest on the West Coast. The approved PUD allows for demolition of approximately 80 percent of the building to make way for Shoreline Park. The remaining 20 percent of the building contains the head house, and the project includes historic restoration.

### *Public Comments to Date*

Staff previously brought the incomplete Shoreline Park FDP application before the DRC to seek early input into the design process. In addition, staff previously introduced the project to the Landmark Preservation Advisory Committee and Parks and Recreation Advisory Commission—comments from those meetings are contained in *Attachment C: DRC Report, dated June 24,*

2015. The DRC made the following comments at their June 24, 2015 meeting (with Applicant and staff responses indicated in indented, italicized text below the applicable comment):

- DRC:
  - Moore:
    - Come back to DRC;
      - *The Applicant has revised the plans and provided a greater level of detail for DRC consideration. See complete discussion throughout this report.*
    - How does Shoreline Park relate to other Brooklyn Basin parks (and Jack London Square and Lake Merritt);
      - *Shoreline Park will include features that will carry through to other Brooklyn Basin parks, including lighting, furnishings and interface with the waterfront (including the continuous Bay Trail along the water's edge), plant palette and general focus on the waterfront and San Francisco Bay. See further discussion below. In addition, see Attachment A: Revised Shoreline Park Plans.*
    - Will there be community gardening opportunities for the residents?
      - *Shoreline Park is a regional-serving park and will not include facilities intended specifically for local use, consistent with State Lands jurisdiction. Community gardening may be considered for the residential development program.*
    - Will the park be accessible to pets?
      - *Currently, Shoreline Park is designated as a park where dogs will be allowed on-leash.*
    - Where is boat launch access?
      - *The approved PDP includes a new marina at Clinton Basin. The design for Shoreline Park does not specifically include boat launch access. However, the current plans indicate a variety of ways visitors can interact with the Estuary. Where the waterfront includes a significant grade difference between dry land and water (in particular, along the edge of the 9<sup>th</sup> Avenue Terminal wharf and near Clinton Basin), the plans indicate ample seating and gathering opportunities along a continuous railing. The plans now also include wood and concrete stairs down to the water between Clinton and Brooklyn Basins. This is an opportunity for park visitors without boats to access the water directly.*
    - Provide additional information and refinement requested by staff (and plans are progressing in that direction).
      - *The current plan set includes refinement and revisions, as requested by staff. The plans indicate a range of gathering spaces for different visitor experiences, a richly designed promenade that provides diverse experiences of the waterfront while providing a unified design theme to accentuate the edge of the waterfront as the most important thematic layer defining the importance of*

*Shoreline Park. In addition, the plans better incorporate a sense of history of the site, respecting the scale of the existing (but to be demolished) 9<sup>th</sup> Avenue Terminal building, and marking the terminus of the building, and providing smaller gathering spaces that allow the larger building to be meaningful.*

- Pattillo:
  - What is the program for the park? How will spaces be used?
    - *The current plans indicate a variety of spaces: the large open space where the 9<sup>th</sup> Avenue Terminal is currently located, and medium and small gathering spaces to the west and along the shoreline. The range of gathering spaces will encourage use of the park at all times and allow users to engage in unprogrammed activities such as exercise, picnicking, informal group gatherings, and contemplation. The master developer has rights to occupy and program the remaining portion of the 9<sup>th</sup> Avenue Terminal. This will result in some synergistic use of the adjacent large area. In addition, Office of Public Recreation (OPR) has committed to programming the park (sponsored activities could include exercise classes, naturalist tours, day camps, and larger events similar to "An Intimate Evening").*
  - Are there common themes between this and the other Brooklyn Basin parks?
    - *Shoreline Park is unique in that it is the most developed park site (as it is located almost entirely on a wharf structure) and will include a portion of the historic 9<sup>th</sup> Avenue Terminal building (and is the site of the ninety percent of the building that is planned for demolition). However, Shoreline Park will also be the southeastern terminus of a chain of parks in Brooklyn Basin (that then connect to Jack London Square and Lake Merritt) to the northwest. As the first Brooklyn Basin park to be developed, Shoreline Park will establish the themes and design strategies that will be carried through the other Brooklyn Basin parks. Shoreline Park will include features that will carry through to other Brooklyn Basin parks, including signage, waterfront treatment, including railing, lighting, furnishings, Bay Trail, plant palette and general focus on the waterfront and San Francisco Bay. See further discussion below.*
  - How will the Brooklyn Basin parks be different from one another?
    - *As noted above, Shoreline Park will occupy the most developed, constructed site within the Brooklyn Basin park system. Located on an existing wharf, Shoreline Park has the greatest opportunity to host festivals and organized events, as well as include intensive design treatment such as hardscape and furnishings. The current plans indicate large event space, as well as significant hardscape*

*and site furnishings (including a variety of seating, art opportunities, and lighting).*

- Park design should reflect Oakland: hip, edgy, funky; this does not equal rustic;
  - *Staff believes that the first step to designing Shoreline Park is place-making. Staff is first focusing on developing park plans that include clearly usable and inviting spaces for a wide range of activities and clear separations and connections between those spaces. Following this process, staff will evaluate the plans in terms of layering the uses with the themes that will provide the park with its identity. The appearance and ambiance sought by the community will be provided in large part by the themes (such as art, sustainability, reuse, interaction between historic and present-day facilities) and design details (benches, lighting, surface treatments, signage) that will overlay the uses. The current plans indicate solid place-making: a variety of areas that comfortably allow for intimate, small group and large group gatherings. In addition, the plans include public art and a strong design connection to the Estuary, key objectives of the park design.*
- The deck over the pile-supported wharf is 1.5 football fields in size; this will feel barren, particularly once there is no institutional memory of size of 9<sup>th</sup> Avenue Terminal;
  - *The current plans include a large space framed by the remaining portion of the 9<sup>th</sup> Avenue Terminal on one end and a pergola structure (based on the steel frame of the 9<sup>th</sup> Avenue Terminal) on the opposite end of the open space, marking the approximate location of the terminus of the portion of the 9<sup>th</sup> Avenue Terminal to be removed. This change to the plans accomplishes key objectives: framing and enclosing the large space which contains it visually so it won't feel barren; and it more dramatically and accurately reflects the history of the 9<sup>th</sup> Avenue Terminal structure by maintaining the area as a kind of structural void where visitors can sense the size of the previous use and facility at that location. The current plans also include a range of gathering areas that will be attractive to a variety of users such that the large space will feel like a part of a well-used park, even if it is not fully occupied the majority of the time.*
- Modulate park to create smaller gathering areas;
  - *The current plans show three small gathering spaces near the 9<sup>th</sup> Avenue Terminal (picnic area and outdoor dining); small and medium-sized gathering spaces in the western portion of the park, and small gathering opportunities all along the waterfront (including extensive lighting and a range of seating). In addition, the waterfront promenade will be a more dynamic, linear-oriented use area.*

- Retain building columns to support “hip, edgy, funky” feel and provide opportunities/structure for shade and wind buffers;
  - *As noted above, the current plans include a pergola at the western terminus of the existing 9<sup>th</sup> Avenue Terminal, the design of which is based on the steel structure of the 9<sup>th</sup> Avenue Terminal. This structure should provide some wind buffer and shade. The structure, in concert with the remaining portion of the 9<sup>th</sup> Avenue Terminal, will accentuate the grand space the marks the location of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished. One could argue that the appearance of the design is or is not aesthetically pleasing or appropriate; however, the grand space marked by the bookend structures creates a powerful experience of the historic use and structure, a meaningful experience in-and-of-itself.*
- Need at least 200 people in a space to feel inviting and populated: that requires significant and continuous programming;
  - *There are various departments in the City of Oakland that program large civic space for community activities. In terms of very large events (similar to Eat Real or Art & Soul), the site will be challenged by its decentralized location and limited parking (up to approximately 500 spaces in the future for events), and will be defined by the approximately 4,000 residents that will make up the neighborhood. With this in mind, the large gathering space lends itself to gatherings of up to 1,200 people. Examples of this size of event include local-serving movie nights, Off-the-Grid food truck events, and “An Intimate Evening” sponsored by the Office of Parks and Recreation (OPR). OPR has committed to whatever level of programming is desirable and appropriate for this space. OPR can provide: youth and adult play days; movie nights; nature education, interpretation and volunteer days; Zumba and outdoor exercise; recitals highlighting local youth talent; larger events similar to the Intimate Evening fundraiser that hosts 1,000 guests. In addition, private parties will be able to lease the space subject to current OPR regulations and requirements.*
- Occasional events are not enough programming for large space;
  - *Staff believes that, in addition to maximizing programming of the larger spaces, the spaces should be designed to be attractive and engaging when not occupied by large events. This would require the provision of a variety of gathering spaces (from contemplative to intimate to large gatherings) layered with the themes that define the distinctive character of the park. The current plan achieves this by providing a variety of inviting gathering spaces with ample lighting and furnishings, and opportunities to interact with the waterfront. In addition, as noted below, staff recommends that the*

*Applicant supplement OPR programming in the early life of the park.*

- Revise plant list with support of horticulturalist;
  - *According to the Applicant, the plant palette has been reviewed by HortScience.*
- Rain gardens need to be clearly interpreted: otherwise, unclear why they are there;
  - *The “rain gardens” are required storm retention basins that are part of the approved plans for compliance with the National Pollutant Discharge Elimination System permit for Oakland. That they are “rain gardens” is a design approach to integrating the features with the look and function of the park and its landscaping. Construction permits were previously issued for the “rain garden” adjacent to Embarcadero (May 2015) as part of the Phase One infrastructure construction permits (FDP approved in November 2014). However, the feature can be revised through the FDP review process.*
- The radial points (knuckles) where pathways meet (near Clinton Basin) should be designed to host smaller, more intimate events;
  - *The current plan is responsive to this comment: The radial point adjacent to the large gathering area has been redesigned to act as a somewhat formal, medium-sized gathering space with an inviting pergola structure and seating. In addition, the current plan includes many more opportunities for small gatherings along the water’s edge than were previously included.*
- Include a public art theme over the entire park;
  - *The current plan has a stronger site plan than previously reviewed by the DRC, and an improved site design regarding locations for public art. Following approval of a FDP, the Shoreline Park plans should be further detailed with a number of thematic layers that would inform the design details of the park, including: natural history interpretation; cultural interpretation; sustainability and reuse; and art. The construction documents would not simply indicate locations where art pieces could be located, but demonstrate how art will inform interaction between park visitors and the Estuary, how art can provide children’s play opportunities, how art will be incorporated in the design of park entrances and other park features (railings and planters, for example), and how art can be used to carry out design continuity between Shoreline Park and future Brooklyn Basin parks.*
- Work with Cultural Arts Division to include robust public art program;
  - *The Cultural Arts Division has discussed this with the applicant. At this time, the City of Oakland is not in a position to make a commitment to delivering public art for this project. However, the Cultural Arts Division has advised the applicant regarding: how to*

*incorporate art into the project; a list of local artists and examples of their work; and explained the various cultural arts funding opportunities and review procedures to facilitate the incorporation of art in the Shoreline Park design.*

- Need explanation of why softscape (lawn area, in particular) has been reduced from PDP;
  - *The expansive lawn area included in the PDP has been eliminated (and partially replaced with raised planting beds) for a number of reasons, including: lawn is a high-water landscaping material that is inconsistent with contemporary water conservation objectives; expansive lawn on a pile-supported structure requires substantial site preparation and engineering to support; lawn is not consistent with a sea-water and salt-air environment; and expansive lawn is not conducive to the high-impact uses envisioned for the pile-supported wharf portion of the site.*
- How would parking be accommodated for major events?
  - *In addition to the 90 parking spaces included in and/or immediately adjacent to Shoreline Park, the Brooklyn Basin project includes extensive on-street parking, as well as a 400-space auto-fee parking facility within two blocks of Shoreline Park. There is planned public transit access within the first phase of the project, as well.*
- See Walter Hood/Murakami/Nelson Oakland Waterfront Trail signage plan for ideas;
  - *The current plans do not include a specific signage program. A site-wide signage program would be considered at a different time. Comment noted and applicant advised, accordingly.*
- Public Comments:
  - Park plan is unimaginative and uninteresting;
    - *The primary goal of the FDP review process is to establish appropriate site planning for Shoreline Park and establish themes to provide the park with a unique and meaningful personality. The current plans indicate more varied types of spaces for park users, as well as development of thematic components that will provide visual and intellectual interest and an imaginative experience for visitors. Themes include: natural history interpretation; cultural interpretation; sustainability and reuse; and art.*
  - It is a rare opportunity to design a park in Oakland, particularly of this scale; process and results should be inspired and exciting;
    - *The current plans include more site planning and thematic development that, as noted above, should provide for a more inspired and exciting experience for visitors to Shoreline Park.*
  - Park plans should include more trees and grass;
    - *Shoreline Park is the first Brooklyn Basin Park to be developed and will be constructed on a man-made structure (a pile-supported wharf). This*



*park provides the most opportunity for high-impact, heavy-duty visitor traffic (such as programmed events). In addition, the park site does not include any existing soil. Staff finds this is the one park in Brooklyn Basin that need not incorporate expansive softscape. However, the ground plane should be designed in a way to provide the level of visual interest and complexity that would otherwise be provided by planting material.*

- Like 9<sup>th</sup> Avenue Terminal design;
  - *Comment noted.*
- Restaurant(s) should accommodate bicyclists (convenient bike racks, casual food);
  - *The FDP includes bicycle parking adjacent to the 9<sup>th</sup> Avenue Terminal, near the on-site parking lot.*
- Would it be difficult for bicyclists to navigate 90-degree angles along Bay Trail?
  - *The Bay Trail can include 90-degree angles, as traffic is expected to move at a leisurely pace compared to the Class I bicycle path. The Class 1 bicycle path includes less acute angles to allow for less restrictive bicycle movement.*
- Park will be exposed (windy, glare, no shade) and inhospitable without any buffers;
  - *The current Shoreline Park plan includes plant groupings of small trees and a pergola structure at the western edge of Brooklyn Basin, as well as single and double rows of trees within the park. These elements will provide some wind buffer and shade in the park.*
- Water fountains should be dog-friendly;
  - *The current plans for Shoreline Park include a water fountain specification that hosts a low spigot for filling water bowls for dogs.*
- Preserve views;
  - *The proposed plans for Shoreline Park include demolition of the 9<sup>th</sup> Avenue Terminal and large areas with no or limited plantings. Views from the park, and through the park, will be expansive.*
- Program activities through Office of Parks and Recreation, Master Developer;
  - *Office of Parks and Recreation (OPR) has identified a number of appropriate activities that they can program at Shoreline Park, including: movie nights, concert series, bicycle clubs and activities, boating activities and outdoor classes that don't require specialized courts or fields (like yoga or tai chi). In addition, the Master Developer will work with OPR to host farmers' markets, "Off-the-Grid"-style and other neighborhood-serving events.*
- Accommodate the "San Francisco Bay Area Water Trail" (Water Trail);
  - *The plan for Shoreline Park does include direct access to the water between Clinton and Brooklyn Basins, although no boat launch. Marina facilities are included in the approved Preliminary Development Plan (PDP) for Clinton Basin and will be provided as part of the overall Brooklyn Basin project.*
- State Lands is an elected body so City has some sway with them;

- *At this time, the applicant is not proposing any features that would not be compliant with State Lands jurisdiction. If at any time there is a proposal for a specifically local-serving use, such as a sports court or field, or a tot lot, then the City, along with the Master Developer, could communicate with the Tidelands Trust to propose such a use.*
- Should not build anything at Brooklyn Basin other than wetlands; The site will be underwater in 16 years; Any flooding will be City's responsibility (and cost);
  - *Comment noted.*
- Keep railroad trestle;
  - *The proposed plans retain the railroad trestle (and include a retrofit of the structure) as a bicycle and pedestrian pathway.*
- Highline is not an applicable example for this park; this is not a linear park;
  - *The currently proposed plans include a wide range of gathering spaces and opportunities, including the unique grand wharf area currently occupied by the 9<sup>th</sup> Avenue Terminal and a waterfront promenade. The proposed plans include an emphasis on the linear experience along the edge of the waterfront, as well as a focus on the site of the 9<sup>th</sup> Avenue Terminal and framing of views and axis points from the inland neighborhood to support connectivity to the surrounding area.*
- Any public art should be considered by the Public Arts Commission;
  - *Comment noted.*
- Park should include ample public restrooms convenient to park users throughout day;
  - *Current plans for Shoreline Park indicate restrooms in the 9<sup>th</sup> Avenue Terminal (5 stalls, total) that would be available to the public during park hours (presumably, dawn to dusk).*
- Need more robust community involvement in design;
  - *The City requires a public outreach process for any public art to be included in the park. The current plans include a commitment to three pieces of public art. There would be a public process to consider approval of those art pieces.*
- No century plants;
  - *Comment noted. The plans continue to include agave (century) plants, as part of a drought-tolerant, low-maintenance planting palette.*
- No tupelo trees;
  - *Comment noted.*
- Parks should be a unique and special place;
  - *As discussed above, the park plan now includes a variety of spaces and a strong waterfront edge that will provide opportunities for a broad range of experiences and gatherings, and a strong emphasis on the linear waterfront experience at this location. This approach will celebrate the Estuary waterfront in an area where it has not been broadly accessible to the public in the past. In addition, as part of the design refinement that will occur as part of design development and construction documents, the applicant will further develop the themes that will be layered on the park*

*site plan to provide unique character, excitement and imagination in the design details.*

- Bike East Bay supports park plans as presented for bicycling.
  - *Comment noted.*

## PROJECT DESCRIPTION

### *Shoreline Park*

The planned Shoreline Park is approximately 10 acres, much of which is located on an existing pile-supported wharf over the San Francisco Bay. The park was originally approved as part of the Preliminary Development Permit (PDP) in 2006. The approved design includes demolition of approximately 90 percent of the 9th Avenue Terminal, and historic preservation of the southeastern portion of the building. The park is envisioned to host periodic special events. There are 30 off-street parking spaces and up to 60 on-street parking spaces (public spaces located on 9th Avenue, adjacent to the park). The PDP included an open lawn area occupying up to four acres of the site; however, due to structural limitations of the wharf and interest in drought-resistant design, the FDP application includes wood decking in lieu of lawn. The following discussion provides details about the design and use of park facilities:

- *Shoreline Park Design:*
  - *Layout:* The proposed park is a linear-oriented park along the edge of the San Francisco Bay (Bay). The park is generally oriented toward the Bay, with the San Francisco Bay Trail (Bay Trail) located along the water's edge, and axis oriented toward views across the Bay. Off-street parking is located on the southeastern end of the park, adjacent to the remaining portion of the 9th Avenue Terminal (which is planned for commercial uses). The park design includes a range of spaces to accommodate a variety of users: large spaces that can accommodate both casual use and programmed events; smaller spaces for picnicking and smaller gatherings; contemplative opportunities, and pathways and connectors for active movement through and around the park.
  - *Circulation:* The proposed park design accommodates a wide range of access features, including the following:
    - *Vehicular Access:* The Shoreline Park design includes 90 parking spaces, including approximately 30 on-site parking spaces in a lot adjacent to the 9th Avenue Terminal, and 60 on-street parking spaces located immediately adjacent to the park on 9th Avenue and available to the public, including park visitors.
    - *Bicycle Circulation:* Bicycle circulation is provided on a Class 1 dedicated bike path adjacent to 9th Avenue, and on the shared use Bay Trail along the water's edge. The Class 1 dedicated path provides a regional linkage between East Oakland and downtown Oakland.
    - *San Francisco Bay Trail:* Shoreline Park incorporates a new section of the Bay Trail. The Bay Trail will be a minimum of 30 feet wide, surfaced

with concrete and include standard Bay Trail signage for identification purposes. The Bay Trail will provide leisure access for bicyclists and pedestrians. This Bay Trail section is designed as a waterfront promenade with ample seating, lighting and limited access to the water for visitors.

- *Park Entries:* Shoreline Park is generally accessible along the length of 9th Avenue. However, there are three main park entrances where 9th Avenue meets 8<sup>th</sup> Avenue, where Main Street ends at 9th Avenue and from the existing Bay Trail access (and Embarcadero) at the southeastern end of the park.
- *Parking:* As noted above, there will be 30 on-site parking spaces exclusive to park use, as well as 60 on-street public parking spaces located immediately adjacent to the park along 9th Avenue.
- *Hardscape Materials:* Shoreline Park is predominantly a hard-surface park. The park will be constructed on top of existing pile-supported wharf in the Bay. The Bay Trail and Class 1 bike trail portions of the park will be concrete. The applicant proposes that the remaining hardscape be recycled wood plank from the roof of the 9th Avenue Terminal.
- *Park Furnishings:* The applicant proposes site furnishings including seating, garbage receptacles, lighting and railings, planters, water fountains and signage.
- *Planting Materials:* Although the park will not include turf areas, there will be raised planting areas with a palate of drought-tolerant trees, shrubs, ground-covers and grasses.
- *Special Features:* Special features include:
  - *Interpretive Features:* The plans include references to interpretive signage and the Development Agreement requires interpretive facilities within the remaining portion of the 9<sup>th</sup> Avenue Terminal.
  - *Public Art:* The plans indicate three locations for public art.
  - *Reuse of the 9th Avenue Terminal:*
  - *Sustainable Design:* The proposed surface for the part of the area where the 9<sup>th</sup> Avenue Terminal would be demolished includes recycled materials from the demolition.
- *Relationship to Brooklyn Basin Park Network:* Shoreline Park is the first of five parks to be developed as part of the larger Brooklyn Basin project, and includes one-third of the overall project park acreage. Shoreline Park is unique amongst the five parks in that it will exist almost entirely on a human-built structure (the wharf on which the 9th Avenue Terminal currently sits). Whereas the other Brooklyn Basin parks are envisioned as places for more passive recreation, observation and experience of the natural world, and abundant softscape, Shoreline Park is intended to provide a more urban experience, including: extensive hardscape, large gathering areas for organized events, and opportunities for more programmed and commercial uses (in the 9th Avenue Terminal, as well as possible boat, skate and kite rentals).

- *9th Avenue Terminal Design:* The 9th Avenue Terminal building will be reduced from 200,000 to 20,000 square feet, retaining the southeastern end of the building, including the harbor master's office. The changes to the building will retain four building bays, and an exposed roof section (no walls) continuing two bays to the northwest.
  - *Design Treatment:* The remaining portion of the building will be seismically engineered, and will include repair and preservation of historic exterior materials, inserting glazing into delivery bays and exposing and repairing existing clerestory windows. The renovation includes placing solar panels on the roof of the building, as well.
  - *Historic Preservation:* Historic preservation includes retaining 20,000 square feet of the building, revealing original siding materials and openings (to the degree feasible), as well as preserving and renovating details such as the decorative terra cotta medallions on the exterior of the building.
  - *Proposed Uses:* The project developer will be the building lessee and can use the building for commercial purposes. The project will retain the historic harbor master office (approximately 200 square feet) and provide a historic maritime interpretive experience for visitors. Primary building uses will be retail and restaurant space, as well as seating and restrooms for visitors.

## GENERAL PLAN ANALYSIS

Please see *Attachment C: DRC Report, Dated June 24, 2015* for General Plan analysis. The purpose of this report is to present the revised Shoreline Park plans to the DRC for further review and comment. The earlier DRC report establishes project background.

## ZONING ANALYSIS

Please see *Attachment C: DRC Report, Dated June 24, 2015* for background zoning analysis. The purpose of this report is to present the revised Shoreline Park plans to the DRC for further review and comment. The earlier DRC report establishes project background.

### *Allowed Activities and Facilities in Shoreline Park*

Shoreline Park is subject to City of Oakland Open Space-Region Serving Park zoning regulations (OS-RSP), State Lands and Bay Conservation and Development Commission (BCDC) jurisdiction (see *Attachment C: DRC Report, Dated June 24, 2015*). In summary, park activities and facilities are limited by the regulatory framework and include the following:

Shoreline Park Permitted Activities and Facilities

ACTIVITY/FACILITY TYPE (OS-RSP ACTIVITY AND FACILITY TYPES)	STATE LANDS JURISDICTION	OS-RSP ZONING REGULATIONS*	PERMITTED AT SHORELINE PARK?	PROVIDED AT SHORELINE PARK?
Caretaker's Quarters	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Botanical Gardens</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Community Gardens	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Trails and Paths</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Electrical, gas, and Telephone lines</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Water, Storm Drain, Sewage Lines</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Athletic Fields	INCONSISTENT	EP (Parcel "N" only)	No	
Basketball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Boathouse</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Bocce Ball	INCONSISTENT	EP (Parcel "N" only)	No	
Carousel/Amusement Rides	INCONSISTENT	EP (Parcel "N" only)	No	
Dog Play Area Off Leash (fenced)	INCONSISTENT	EP (Parcel "N" only)	No	
Fishing Pond	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Food Service and Other Concessions</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Gymnasium	INCONSISTENT	EP (Parcel "N" only)	No	
Handball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
Horseback Riding	INCONSISTENT	EP (Parcel "N" only)	No	
Horseshoe Pit	INCONSISTENT	EP (Parcel "N" only)	No	
Lawn Bowling	INCONSISTENT	EP (Parcel "N" only)	No	
Miniature Golf	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Picnic Areas</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Play Grounds/Tot lots/Play Equipment	INCONSISTENT	EP (Parcel "N" only)	No	
Recreation Center	INCONSISTENT	EP (Parcel "N" only)	No	
Skate Park	INCONSISTENT	EP (Parcel "N" only)	No	
Swim Center	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Temporary Uses</b>	<b>CONSISTENT (may be limited)</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes (with limitations)</b>	<b>✓ (accommodated)</b>
Tennis Court	INCONSISTENT	EP (Parcel "N" only)	No	
Wading Pools	INCONSISTENT	EP (Parcel "N" only)	No	

<b>Water Play Feature (Fountain)</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Museum	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Maritime Office (Harbor Master)</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
Auditorium	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Bandstand</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
<b>Docks/Wharves/Piers</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
<b>Outdoor Performance Area/Stage/Amphitheater</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Stormwater Detention/Water Quality Facilities</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Full Service Restaurant, within a publicly owned building</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>General Food Sales</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Accessory Buildings</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Fences Walls, or Gates</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Benches and Street Furniture</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Irrigation Systems</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Kiosks/Maps/Historic Markers</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Interpretive Signage</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Lighting</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
Lighting (Sports Facilities)	INCONSISTENT	EP (Parcel "N" only)	No	
<b>Maintenance Sheds</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
<b>Parking for Park use</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Public Art</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>Scenic Overlooks and Pullouts</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	
<b>Rest Room Facilities</b>	<b>CONSISTENT</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes</b>	✓
<b>San Francisco Bay Trail</b>	<b>CONSISTENT (Required)</b>	<b>SHP,GP,SP,CHP,EP</b>	<b>Yes (Required)</b>	✓

\*SHP = Shoreline Park; GP = Gateway Park; SP = South Park; CHP = Channel Park; and EP = Estuary Park.

Shoreline Park has been designed to include only activities and facilities supported by the complex regulatory framework for the park. For example, in an effort to accommodate competing interests, the park design does not include a designated playground or tot lot (not a State Lands-compliant use); however, the park design does include public art and interpretive facilities which could feasibly engage children in much the same way as a playground facility might.

*Brooklyn Basin Planned Unit Development Applicable Regulations and Design Guidelines*

The following discussion outlines the park-related requirements of the project, as administered by the City of Oakland. Staff analysis of compliance is indicated in indented, italicized text below each requirement.

Oak to 9<sup>th</sup> Mixed Use Development Conditions of Approval

- 25.B.5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement (issuance of a certificate of occupancy for the 1,000th unit or 5 years from the issuance of the first building permit for Phase I.)
  - *The applicant has prepared and submitted the Shoreline Park FDP application prior to issuance of any construction-related permits for dwelling units in an effort to ensure delivery of Shoreline Park prior to delivery of the 1,000<sup>th</sup> residential unit or any other applicable milestone.*
- 38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions...
  - *As noted elsewhere in this report, staff is currently working with the applicant to prepare the CFD; in the meantime, the Phase 1 Final Map is subject to an estoppel certificate that ensures the applicant will comply with maintenance responsibilities otherwise provided under a CFD until such time as the CFD or other financial tool is in place. Specifically, park maintenance would be provided by the CFD (or by the applicant).*
- 40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This



plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:

- a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.
- b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.
- c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9<sup>th</sup> Avenue and Shoreline Park.
- d. Preservation of a significant portion of the 9th Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26 foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.
- e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,
- f. Plans and general specifications for other landscaping features and public art installations. Oak to 9th Mixed Use Development
- g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.
- h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the 9th Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.
- i. All play surfaces and play structures throughout the development will comply with ADA standards.
- j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:
  - Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.

- Street trees shown on the site plan.
- Specifications for driveways, paving, entry and other surface treatments.
- A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.
- All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

- *The Shoreline FDP submittal reflects progress toward providing each of the components described above. Once a schematic design is approved by the Planning Commission, the applicant will prepare construction documents that indicate the soils information, as well as the specific features that would constitute historic and interpretive elements and irrigation.*
- 40.a. Refer to Exhibit N of the Development Agreement
  - *Exhibit N requires the delivery of the Temporary Bay Trail during the build-out of Brooklyn Basin. The Temporary Bay Trail has been constructed and is open to the public for use from dawn until dusk on a daily basis.*

#### Oak to 9<sup>th</sup> Brooklyn Basin Design Guidelines

- Urban Design Principles:
  1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.
  2. Configure and design the open space system to serve as a city-side and regional resource.
  3. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.
  4. Maintain and enhance public views to the waterfront.
    - *The proposed Shoreline Park plans indicate range of spaces to accommodate intimate gatherings to large events. The plans indicate opportunities for nature appreciation, exercise, play, dining and entertainment, and appreciation of the San Francisco Bay. The park design maintains clear views of the San Francisco Bay along the entire waterfront and provides axis and otherwise frames views of the waterfront from the major park entries and further inland.*
- "Shoreline Park along the southern and western edges of the community provides a grand civic space oriented to the open water of Brooklyn Basin. The park is designed to

accommodate large celebrations, concerts, water festivals, as well as day-to-day activities, such as informal play and passive recreation. Much of the park is built on the existing pile-supported pier structure of the 9<sup>th</sup> Avenue Terminal, the maritime history of which will be celebrated through interpretive elements and displays.” (p.7)

- *The Shoreline Park FDP application respects the adopted vision for the park by maintaining a space for large events and gatherings while also including pathways and smaller gathering spaces for contemplation, picnics and conversation. The park plans also include opportunities for interpretation of the history and prior use of the site.*
- “A refurbished section the 9th Avenue Terminal will provide an opportunity for historical and interpretive exhibits that celebrate the maritime heritage of the site, a cultural center, community-gathering place, restaurant and retail opportunities.” (p.9)
  - *The proposed plans for the 9th Avenue Terminal include demolition of 90 percent of the building (consistent with approvals) and retention and restoration of the remaining 20,000 square feet of the building for commercial and interpretive purposes. The space is designed to accommodate cultural interpretive opportunities, gathering space, a restaurant, restrooms, and possible small retail opportunities. In addition, the space is designed to maximize connections to the remaining outdoor wharf area that will be the site of Shoreline Park.*

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council certified an EIR for the existing project approvals on January 20, 2009. Prior to consideration of the FDP application by the Planning Commission, staff will evaluate whether or not any circumstances could feasibly trigger the requirement for subsequent or supplemental environmental review under CEQA.

## DESIGN AND RELATED ISSUES

### *Design*

The DRC previously reviewed preliminary conceptual design plans for Shoreline Park in June 2015. The current submittal (dated September 4, 2015, see *Attachment A* to this report) is more refined and detailed than the previous submittal and responds to many of the comments received. The current set reflects schematic design level of development and detail and includes plan revisions that greatly improve the quality of the design. In summary, the currently proposed plans include improved site planning, more attention to furnishing the site in an inviting manner, and thoughtful and integrated layers of meaning.

In terms of site planning, the current plans have been revised to provide a range of gathering spaces and place an emphasis on the waterfront. The plans include small- and medium-size gathering spaces and ample seating and platforms along the waterfront to allow for and

accommodate formal gatherings, picnics, contemplation, exercise and large events. In addition, the plans now indicate a strong focus on the water's edge with a clear promenade, including extensive seating opportunities, a strong railing design and continuous pole lighting along the railing to mark the linear experience of the water's edge along the Bay Trail and to provide an inviting and safe experience at all times of the day. Finally, the plans include a marker (a pergola that harkens to the design of the steel structure of the 9<sup>th</sup> Avenue Terminal) near the end of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished. This design feature provides a gathering space and, along with the remaining portion of the 9<sup>th</sup> Avenue Terminal, frames the large open wharf area. This design reveals the size and scale of the 9<sup>th</sup> Avenue Terminal, provides a design response to the future demolition, and frames the area to limit the scale of the space so that it feels inviting rather than barren.

The current project plans indicate a wide range of site furnishings. Along the waterfront, there is stepped seating, broad backless seating for groups and picnics, traditional benches and bar-stool seating along the waterfront railing to accommodate a range of visitors and park uses. In addition, the plans indicate a railing and lighting system that will mark the length of the waterfront (with breaks for access to the water between Clinton and Brooklyn Basins). The lighting along the edge of the water, in particular, emphasizes the importance of the waterfront and enhances safety for users.

The schematic design plans for Shoreline Park reveal an emphasis on the water's edge, historic uses of the site and public art. The railing and lighting system along the water's edge, as well as the range of seating near and facing the water, create a promenade that will clearly draw visitors to the waterfront and provide opportunities for gatherings and activity along the waterfront. As noted above, the plans include a marker (a pergola that responds to the design of the steel structure of the 9<sup>th</sup> Avenue Terminal) near the terminus of the portion of the 9<sup>th</sup> Avenue Terminal to be demolished. The location and design of the pergola element reveals the size and scale of the 9<sup>th</sup> Avenue Terminal, provides a design reflection on the demolition, and frames the area of the demolition to limit the scale of the space so that it feels inviting rather than barren.

### *Appearance*

During earlier review of the proposed Shoreline Park FDP application, commenters expressed dissatisfaction with the design style of the park. In summary, commenters noted that the design does not reflect contemporary design trends in Oakland. In some ways, staff agrees. However, the revised plans have a more compelling site planning approach than before resulting in both an inviting place to visit as well as a powerful statement about the place itself. In particular, the site plan includes a strong promenade and more outdoor rooms that include appropriate furnishings and edges to provide comfortable use of the park in a variety of ways (from small to large groups, from informal to formal gatherings, for exercise, picnics or concerts). In addition to a range of amply furnished gathering spaces, the design of the park places a clear emphasis on the water's edge and on the historic presence of the 9<sup>th</sup> Avenue Terminal. The park design includes the Bay Trail along the water's edge, a strong railing and light pole system (as well as a break in that system to provide direct access to the water between Clinton and Brooklyn Basins), and a wide range of furnishings (including stepped seating, seating slabs, traditional benches, and bar-stool

style seating along the railing) facing the water and at the water's edge. This rich provision of improvements along the water's edge is inviting to users. The current park design also responds to the importance of the 9<sup>th</sup> Avenue Terminal as a truly massive historic land use that will be demolished to make way for the park. Following approval of a FDP for Shoreline Park, design development and construction documents will provide more specificity regarding the way materials will be used and detailed in the delivery of the park. No matter the style of the park, though, the site plan now provides for a usable space that will be inviting to the community.

### *Previously Identified Issues*

Staff previously identified the following concerns for Design Review Committee consideration (and current staff analysis and responses are indicated in indented, italicized text below each stated concern):

- What is the main vision or themes for Shoreline Park?

Shoreline Park will be a major new park for the City of Oakland and will be a regional draw because of its proximity to the Bay. In addition, it is the first of four new parks (and one expanded park) in Brooklyn Basin. The addition of 10 acres of park in the near future (and 30 acres when the Brooklyn Basin project is built out) is a very significant positive change for Oakland. Shoreline Park will have a distinct personality due its unique situation of being located on human-made structure (existing pile-supported wharf), and will set the tone for the entire park system at Brooklyn Basin. In addition, Shoreline Park has the unique distinction of being located at the site of a historic structure and use (the 9th Avenue Terminal break-bulk shipping facility). In addition to providing recreation opportunities expected of municipal and regional parks, Shoreline Park should carry out a unified vision (or multiple themes) in the design, details, and planned use for the site. Examples of possible themes include sustainable design and reuse, public art, and historic interpretation. A vision or themes could be carried out in the design details of the park plan. For example, sustainable design materials used throughout the park could benefit from interpretive materials and public art/displays that demonstrate how sustainable materials are made. Staff believes the park plans should state and demonstrate development of a clear vision and/or themes that will engage the public in a meaningful way.

*Staff has worked with the applicant to: 1) establish a well-designed site plan to accommodate a variety of uses and users at Shoreline Park; and 2) after finessing the site plan, develop the thematic components of Shoreline Park that will provide its personality and engaging qualities. The current park plans indicate a commitment to provide features and design details that will support a thematic approach to imbuing the park with meaning and whimsy for visitors, including:*

- *Focus on the Waterfront: The current plans include a clear, richly-designed promenade along the waterfront that includes a variety of gathering spaces and seating opportunities, different ways to access the water's edge, and inviting design details, such*

*as the pole lighting along the water's edge to both draw visitors to the waterfront and provide visual safety.*

- *Historic Interpretation: The current plans include better resolution of the design of the large space where the portion of the 9<sup>th</sup> Avenue Terminal to be demolished is currently located. By including a pergola near the western terminus of the existing building that references the steel structure of the facility, the design frames the large space. The two "book-ends" of the existing building mark the location and scale of the structure to be demolished and define the space so that it feels inviting rather than vacant.*
  - *Public Art: The current plans include three locations for public art pieces.*
- How much more detailed should plans be?

As noted above, the previous Shoreline Park submittal was not complete. Staff indicated the level of information required to ensure that the park is constructed consistent with Planning Commission approval. Does the DRC recommend delivery of additional materials beyond those identified by staff?

*The current plans for Shoreline Park are more developed than the previously considered conceptual design plans. The current plans indicate the site planning and size and scale of improvements (including the height and length of walls and railings, planting schemes, number and type of furnishings, extent of pathways, and possible materials for these improvements. The Applicant has now also provided information to suggest the character and level of development of key locations and features including images of other work and/or design details that indicate ideas for detailing and materials of steps, furnishings and the design of the waterfront promenade. The current schematic plans better reflect the design detailing of the promenade, how the history of the 9<sup>th</sup> Avenue Terminal will be honored, and how the site will generally be furnished.*
  - Required Findings.

The Shoreline Park FDP application will be subject to required findings related to FDPs, design review and demolition of historic properties, as shown in Attachment B to this report. The DRC may want to consider whether they are able to recommend approval of the project based on the required findings (see *Attachment B: Required Findings*).
  - Fiscal Impact.

There will be no fiscal impact to the City of Oakland related to development and maintenance of Shoreline Park. The project is responsible for both development and maintenance of all Brooklyn Basin parks, including Shoreline Park.

Regarding development costs and responsibilities, the Development Agreement between City of Oakland, Redevelopment Agency of the City of Oakland, and Oakland Harbor Partners, LLC (Development Agreement) Section 4.4.2 states that:

*“Developer, at it[s] sole cost, shall be responsible for the construction of the Public Open Space improvements for that portion of the Public Open Space located east of the Lake Merritt Channel pursuant to plans approved by the City, which plans shall be substantially similar to the conceptual plans included within the Project Approvals... Notwithstanding the foregoing to the contrary, Developer shall have the right to fund all or a portion of the costs associated with the construction of the Public Open Space improvements through the CFD {Community Facilities District}.”*

In summary, the Development Agreement states that the developer, ZOHP, is responsible for construction and delivery of park improvements to the City of Oakland.

Regarding future ongoing park maintenance, the Development Agreement assumes maintenance to be undertaken by the project:

*“The City and Developer shall work together to form the CSD {Community Services District} (Section 4.4.4)... The CSD would be responsible for day to day maintenance of the following public improvements pursuant to the Minimum Maintenance Standards attached hereto as Exhibit F: (i) the improvements within the Public Open Space (including, without limitation, the pile supported deck underlying Shoreline Park) (Section 4.4.4.2)... Regardless of whether or when the CSD is formed, (i) the CFD shall be formed, and (ii) full funding established and authorized as necessary to fulfill in perpetuity (A) the maintenance and service obligations specified in this Section 4.4 or otherwise specified for inclusion in the CSD or CFD budget...” (Section 4.4.4.4)*

In summary, the DA states that a CSD and/or CFD or other separate financial tool, acceptable to the City will fund park maintenance and not the City of Oakland.

*Staff is currently working with the developer, ZOHP, to establish a Community Facilities District and other financial tools to provide park maintenance that ensure no City of Oakland responsibility, consistent with the terms of the Development Agreement. In the meantime, Shoreline Park is subject to an Estoppel Certificate recognizing the Applicant's responsibility to maintain Shoreline Park.*

#### *Recommendations:*

Staff finds the current submittal to be an improvement over the previous submittal. The current plans are responsive to comments regarding providing inviting gathering areas, clarifying and supporting central design themes (e.g., the waterfront promenade, the scale of the to-be-

demolished historic 9<sup>th</sup> Avenue Terminal), and providing more design detail information, especially with regards to the waterfront promenade, furnishings and the prominent pergola feature. However, staff acknowledges that the proposed project will undergo further design development and refinement prior to construction and will be a City park for which the community is a primary stakeholder. In order to ensure procedural transparency and responsiveness of the evolving design process to the City's expectations, and in order to formalize the Applicant commitment to the delivery of a successful park as shown in the current plans, particularly in the early years of use, staff recommends the DRC make the following recommendations to the Applicant and to the Planning Commission:

- Require Applicant to commit to the delivery of three public art pieces for Shoreline Park, consistent with the plans, to be approved by the Cultural Arts Commission, and installed prior to completion of park construction. In addition, require at least one of these pieces be expressly designed to allow and encourage children to interact with the piece physically in a safe manner.
- Establish and require the Applicant to work with a DRC subcommittee to confirm design consistency with the approved FDP through design development and construction documents for Shoreline Park. The DRC subcommittee would review a Design Development set of plans to confirm that materials and design details reflect Oakland's creative essence in this era, and that the design evolves to integrate public art, sustainability and reuse, and cultural interpretation in the design details. The DRC subcommittee would report their findings out to the full DRC.
- Require the Applicant to supplement OPR park programming until buildout of Brooklyn Basin Phase 1. The DRC should ask the Applicant to develop a program of activities (including timing and frequency) for Planning Commission consideration. The program might include, consistent with the images in the current plans: provision of food carts, equipment rentals and instruction (e.g., small boats, inline skates, bikes, kites), exercise classes (e.g., cross-fit, line dancing), monthly outdoor concert series in the dry season; monthly regional festivals in the summer (e.g., kite/bike/food/music/art);
- Provide moveable furniture near 9<sup>th</sup> Ave Terminal: chairs and small tables for park users that visitors can configure as they like; 50 chairs/15 small tables could be available throughout the programming period during non-curfew hours (could be stored in 9<sup>th</sup> Avenue Terminal or in an enclosure to be approved by staff during park curfew hours);
- Direct Applicant to revise plans for Planning Commission consideration to ensure consistency between information contained on plan set sheets and to include illustratives that accurately represent the plans; and
- Direct staff to report Planning Commission decision out to the PRAC, including analysis regarding how PRAC comments are or are not addressed in final decision for Shoreline Park FDP.




**CONCLUSION**

Staff requests the DRC to conduct design review of the proposal. Specifically, staff requests the DRC to:

- Hear public comments;
- Conduct design review;
- Consider staff recommendations; and
- Make a recommendation to the Planning Commission regarding the Shoreline Park Final Development Permit application and regarding staff recommendations included in this report.

Prepared by:



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Planner IV

Approved for forwarding to the  
Design Review Committee:



Robert D. Merkamp  
Development Planning Manager

Attachments:

- A. Revised Shoreline Park Plans, dated September 4, 2015
- B. Required Findings
- C. DRC Report, dated June 24, 2015

## **ATTACHMENT D:**

### **Background Documents:**

- a. D-OTN Zoning District Regulations  
(formerly Planned Waterfront Zoning  
District (PWD-4) Oak-to-Ninth Mixed  
Use Development Project)**
- b. Brooklyn Basin – Oak to 9<sup>th</sup>  
Preliminary Development Plan, October  
2006, and Oak to 9<sup>th</sup> Brooklyn Basin  
Design Guidelines, November 2006**
- c. Conditions of Approval, 2006**

## Chapter 17. \_\_

### PLANNED WATERFRONT ZONING DISTRICT (PWD-4) OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT

#### Sections:

- 17. .010 Title, Purpose, and Applicability
- 17. .020 Development Plans and Design Review
- 17. .030 Preliminary Development Plan
- 17. .040 Review of Preliminary Development Plan
- 17. .050 Final Development Plan
- 17. .060 Review of Final Development Plan
- 17. .070 Architectural Design Review for Individual Development Projects
- 17. .080 Modifications and Extensions to a Preliminary or Final Development Plan
- 17. .090 Alterations after Issuance of Certificate of Occupancy
- 17. .100 Land Use Regulations
- 17. .110 Maximum Residential Density
- 17. .120 Maximum Retail and Commercial Square Footage
- 17. .130 Building Height
- 17. .140 Yards and Setbacks
- 17. .150 Lot Area, Width, Frontage
- 17. .160 Private Open Space for Residential Uses
- 17. .170 Landscaping, Paving and Buffering
- 17. .180 Parking Requirements
- 17. .190 Signs

#### 17. .010 Title, purpose, and applicability

This chapter establishes land use regulations and development standards for the Oak to Ninth Mixed Use Development. The approximately 63.82 acre site is bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10<sup>th</sup> Avenue, and includes the Clinton Basin Marina and the Fifth Avenue Marina, but does not include Fifth Avenue Point (see **Exhibit A**, Zoning Map).

The 63.82 acre Oak to Ninth Mixed Use Development is governed by the following: the Planned Waterfront Zoning District-4 (PWD-4) regulations; the Open Space – Regional Serving Park (OS-RSP) zoning regulations; the Civic Center/Design Review Combining Zone (S-2/S-4) regulations; the Preliminary Development Plan dated February 2006 and approved on June 20, 2006; Oak to Ninth Design Guidelines; Vesting Tentative Tract Map No. 7621 dated March 8, 2006 and approved on June 20, 2006; Conditions of Approval approved on June 20, 2006; the Mitigation Monitoring Reporting Program approved on June 20, 2006, and the Development Agreement approved on June 20, 2006.

The specific purposes of the Planned Waterfront Zoning District-4 are to:

- A. Encourage the **creation of a mixed-use district** that integrates a combination of residential, commercial, public open space and civic uses.
- B. Establish **development standards** that allow residential, commercial, public open space and civic activities to compatibly co-exist.
- C. Provide a **balance of private development and public open space** with convenient access to public open space and the waterfront.
- D. Improve **access to the waterfront** and recreational opportunities along the waterfront including boat launches and marinas.
- E. Encourage **quality and variety in building and landscape design** as well as compatibility in use and form.
- F. Encourage development that is **respectful of the environmental qualities** that the site has to offer.

The 63.82 acre Oak to Ninth Mixed Use Development Project is divided into two major areas: private residential and commercial development (approximately 34 acres), and public parks, open space, and civic uses (approximately 30 acres), and is assigned three separate zoning districts. Refer to **Exhibit A**, Zoning Map.

#### ***Residential and Commercial Uses***

**Planned Waterfront Zoning District-4.** The **PWD-4** zone is intended to provide mid-rise and high-rise housing opportunities together with ground floor retail and commercial uses. Future development will be set back from the waterfront and will stress compatibility between residential and nonresidential uses and reflect a variety of housing and business types.

#### ***Public Parks, Open Space, and Civic Uses***

**Open Space - Region Serving Park.** The **OS (RSP)** zone is the area that is designated for public parks, open space, and civic uses. New parks include Shoreline Park, including the remaining portion of the 9<sup>th</sup> Avenue Terminal, South Park, Channel Park, and Estuary Park. Clinton Basin and the Fifth Avenue Marina are also included in this zoning district. Uses proposed in this zone are regulated by the City of Oakland as Trustee in consultation with the State Lands Commission which retains jurisdiction over Public Trust lands.

Notwithstanding the provisions of Chapter 17.11, Open Space Zoning Regulations, open space activities and facilities in the Oak to Ninth Mixed Use Development that would otherwise require a conditional use permit pursuant to sections 17.11.060 and 17.11.090 instead shall be approved as part of the Preliminary Development Plan or Final Development Plan.

Notwithstanding the provisions of Municipal Code 6.04.080, dogs shall be allowed leashed in all public parks and open space areas in the PWD-4 zoning district. Dogs shall be allowed unleashed in the dog park designated in the Final Development Plan.

**Civic Center Zone/Design Review.** The S-2/S-4 zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate for public facilities. This zone is assigned to the Jack London Aquatic Center and the East Bay Municipal Utility District dechlorination facility.

#### **17. .020 Development Plans and Design Review**

All development projects within the Planned Waterfront Zoning District-4 will be processed using a planned unit development approach. The approved Preliminary Development Plan dated June 20, 2006 provides the comprehensive development framework for the entire 63.82 acre site. The entire development will be constructed in five phases. Each phase requires submittal and approval of a Final Development Plan. Design Review for each Final Development Plan shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Each building or structure not submitted with the application for a Final Development Plan will require separate design review approval. Both the Preliminary and Final Development Plans shall be prepared by a professional design team consisting of a registered civil engineer, licensed architect, planner or licensed building designer, and any other qualified professionals that the City may require. Other applications required for development and use of property within Planned Waterfront Zoning District-4 (e.g., subdivision map) may be submitted concurrently with the Preliminary Development Plan or the Final Development Plan.

#### **17. .030 Preliminary Development Plan**

The Preliminary Development Plan shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas, including integration with surrounding uses;
2. Shoreline improvements;
3. Location and dimensions of structures;
4. Utilization of property for residential and non-residential use;
5. Population estimates;
6. Public uses, including civic buildings, parks, playgrounds, and other open space uses;
7. Major landscaping features, including a tree survey indicating trees protected by Chapter 12.36, as it may be amended;
8. Creeks protected by Chapter 13.16, as it may be amended;

9. Historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 22 of the California Code of Regulations;
10. Plan and elevation drawings establishing the scale, bulk, massing, character, and relationships of buildings, streets, and public and private open space in a schematic or conceptual format;
11. A tabulation of the land use area and gross floor area to be devoted to various uses and a calculation of the average residential density per gross acre and per net acre;
12. A preliminary phasing plan generally depicting projected development time frames including quantitative data, such as population, housing units, land use acreage, and other data sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services;
13. A preliminary public services and facilities plan including proposed location, extent and intensity of essential public facilities and services such as public and private streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities; and a table comparing the plan description to the existing location, extent, and intensity of such essential public facilities and services; and
14. A public facilities financing plan.

#### **17. .040 Review of Preliminary Development Plan**

The Planning Director shall forward the Preliminary Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Preliminary Development Plan no later than seventy-five days after it is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director, as set forth in Section 17.140.030.

The Planning Commission shall approve the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program.

The Planning Commission shall disapprove the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is not in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review (S-2/S-4) zoning regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program, and that it is not

possible to require changes or impose conditions of approval as are reasonably necessary to ensure conformity to these documents.

The decision of the Planning Commission on the Preliminary Development Plan shall become final ten calendar days after the adoption of the findings, unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

If the Preliminary Development Plan satisfies the requirements for a Final Development Plan (as described in 17.\_\_\_.050), the Preliminary Development Plan may also serve as a Final Development Plan and shall be entitled the "Preliminary and Final Development Plan," and include all the submittal requirements for each application as set forth in 17.\_\_\_.030 and 17.\_\_\_.050. No separate Final Development Plan shall be required to be filed when the Preliminary Development Plan is combined with a Final Development Plan.

### **17. .050 Final Development Plan**

Final Development Plans shall be submitted for each phase of development. Final Development Plans shall include all information contained in the Preliminary Development Plan plus the following requirements in sufficient detail to indicate the operation and appearance of all development shown on the Final Development Plan.

1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services.
2. The location of all private infrastructure that provides gas, electric, and other utility services.
3. The location of all shoreline improvements and remediation plans.
4. Detailed building plans, elevations, sections, and a description of all exterior building materials if a development project is included with the Final Development Plan. The application for the first building proposed in a phase must show the conceptual building massing, heights, and rooflines of future buildings on all adjacent parcels to be constructed within the phase in order to evaluate shadows, relationships between buildings, access and circulation.
5. Landscape plans, and buffering plans, if required, prepared by a landscape architect, if a development project is included with the Final Development Plan.
6. The character and location of signs.
7. Detailed improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas.

8. Detailed improvement plans for all parks and open space areas, including programmed activities and the Bay Trail;
9. Detailed demolition plans for the appropriate phase;
10. Grading and soil remediation plans approved by the appropriate agency, other earth-moving plans, if appropriate, including estimated quantities and the grading schedule for the appropriate phase;
11. The public facilities financing plan for the appropriate phase approved as part of the Preliminary Development Plan modified as necessary to reflect changed conditions or new information.
12. Plan references to all improvements for the appropriate phase required for the Vesting Tentative Tract Map 7621 approved on June 20, 2006 and as may be amended.
13. Plan references to all improvements for the appropriate phase required of the Conditions of Approval for the project approved on June 20, 2006 and as may be amended.
14. Plan references to all improvements for the appropriate phase required of the Mitigation Monitoring Reporting Program for the project approved on June 20, 2006 and as applicable.

An applicant shall submit evidence of all documents required for dedication or reservation of land and for all bonds or other forms of financial assurances acceptable to the City required for timely completion of on-site and off-site public improvements necessitated by the project including, without limitation, for guaranteeing completion and faithful performance of the work with the Final Development Plan, including but not limited to, approved subdivision improvement agreements.

#### **17. .060 Review of Final Development Plan**

The Planning Director shall forward the Final Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Final Development Plan, including Design Review, no later than seventy-five days after the Plan is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director as set forth in Section 17.140.030.

The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement.



The Planning Commission shall disapprove the Final Development Plan if it makes written findings that the Final Development Plan is not in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement, and that it is not possible to require changes or impose conditions of approval as are reasonably necessary to ensure such conformity.

The decision of the Planning Commission on the Final Development Plan shall be final ten calendar days after the adoption of the findings unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

**17. .070 Architectural Design Review for Individual Development Projects**

Design review for any residential, commercial, or civic development projects that are not submitted with a Final Development Plan application will be reviewed and approved separately. The procedure for Design Review shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Design Review shall be limited to a determination of whether or not the proposed design conforms to the Oak to Ninth Design Guidelines and is in substantial compliance with the Final Development Plan, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement. The Director of City Planning shall refer the application to the Planning Commission. The Planning Commission's decision may be appealed to the City Council.

**17. .080 Modifications to a Preliminary or Final Development Plan**

Minor changes to an approved Preliminary or Final Development Plan may be approved by the Planning Director prior to issuance of a certificate of occupancy if such changes are consistent with the purposes and character of the approved Preliminary or Final Development Plan. Minor changes, modifications or adjustments may include, but are not limited to, minor adjustments to the phasing plan boundaries, adjustments to public improvements and access if the proposed changes do not interfere with view corridors or access to the waterfront, minor modifications to the grading plan, minor changes to lot lines, minor modifications to the street sections, minor adjustments to roadway alignments, the amount and distribution of commercial uses within an existing phase, modifications to shoreline treatment, minor adjustments to setbacks and exterior materials, and modifications of the landscaping plan. The decision of the Planning Director can be appealed to the Planning Commission and final action on any appeal rests with the Planning Commission.

Amendments to the Preliminary Development Plan or Final Development Plan would be required if changes to the road alignments affected views and access to the waterfront, changes were proposed to the height, massing, and location of buildings (other than those in the tower zones), if the overall density were changed, and for any other change that the Planning Director

found was not in substantial compliance with the Preliminary Development Plan or the Final Development Plan. The revised Preliminary Development Plan or Final Development Plan would be reviewed by the Planning Commission at a noticed public hearing. The decision of the Planning Commission may be appealed to the City Council.

**17. .090 Alterations after Issuance of Certificate of Occupancy**

After issuance of a certificate of occupancy, no building, sign, or other structure shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal have been approved with a finding that the proposals shall be in substantial compliance with the Oak to Ninth Design Guidelines specified for the Oak to Ninth Development Project. Approval is not required for temporary realty or development signs, holiday decorations, and displays behind a display window; or for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

**17. .100 Land Use Regulations**

The following table lists the permitted, conditionally permitted, and prohibited activities in the PWD-4 and the OS (RSP) zoning districts. Refer to Chapter 17.76 for the land use regulations for the S-2/S-4 combining zone. The description of these land uses are contained in Chapters 17.10 and 17.11.

“P” designates permitted activities in the corresponding zone

“C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

“--” designates uses that are prohibited in the corresponding zone

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park <sup>17</sup>	
<b>RESIDENTIAL ACTIVITIES</b>			
PERMANENT	P	C	See 17.11.060
SEMI-TRANSIENT	C	--	See 17.102.212
RESIDENTIAL CARE	C	--	See 17.102.212
SERVICE-ENRICHED PERMANENT HOUSING	C	--	See 17.102.212
TRANSITIONAL HOUSING	--	--	
EMERGENCY SHELTER	--	--	
<b>CIVIC ACTIVITIES</b>			
ESSENTIAL SERVICE	C	C	See 17.11.060
LIMITED CHILD-CARE	P	C	See 17.11.060
COMMUNITY ASSEMBLY	P	C	See 17.11.060
COMMUNITY EDUCATION	P	C	See 17.11.060
NONASSEMBLY CULTURAL	P	C	See 17.11.060

Planned Waterfront Zoning District (PWD-4)

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park <sup>1/</sup>	
ADMINISTRATIVE	P	C	See 17.11.060
HEALTH CARE	C	--	
SPECIAL HEALTH CARE	C	--	See 17.102.410
UTILITY AND VEHICULAR	C	--	
EXTENSIVE IMPACT	C	C	See 17.11.060
A. Marinas <sup>2/</sup>	--	C	See 17.11.060
TELECOMMUNICATIONS	C	--	See 17.128
<b>COMMERCIAL ACTIVITIES</b>			
<b>GENERAL FOOD SALES</b>			
A. Restaurant	P	C	See 17.102.335
B. Limited Service Restaurant	P	C	
C. Fast Food Restaurant	C	--	See 17.102.210
D. Vehicular Food Vending	--	--	
E. Grocery	P	--	
F. Convenience Market	P	--	See 17.102.210
ALCOHOLIC BEVERAGE SALES	C	C	See 17.102.210 See 17.11.060
MECHANICAL OR ELECTRONIC GAMES	C	--	See 17.102.210
MEDICAL SERVICE	C	--	
THERAPEUTIC MASSAGE	P	--	
GENERAL RETAIL SALES	P	--	
LARGE SCALE COMBINED RETAIL AND GROCERY SALES	--	--	
GENERAL PERSONAL SERVICE	P	--	
CONSULTATIVE AND FINANCIAL SERVICE	P	--	
CHECK CASHIER AND CHECK CASHING	--	--	
CONSUMER LAUNDRY AND REPAIR SERVICE	P	--	
GROUP ASSEMBLY	C	--	
ADMINISTRATIVE	P	--	
BUSINESS AND COMMUNICATIONS SERVICE	P	--	
RETAIL BUSINESS SUPPLY	P	--	
RESEARCH SERVICE	P	--	
GENERAL WHOLESALE SALES	--	--	
TRANSIENT HABITATION	C	--	See 17.102.370
CONSTRUCTION SALES & SERVICE	--	--	
AUTOMOTIVE SALES, RENTAL, AND DELIVERY	--	--	
AUTOMOTIVE SERVICING	--	--	
AUTOMOTIVE REPAIR AND CLEANING	--	--	
AUTOMOTIVE FEE PARKING	C	--	
TRANSPORT AND WAREHOUSING	--	--	
ANIMAL CARE	--	C	See 17.11.060
UNDERTAKING SERVICE	--	--	
SCRAP OPERATION	--	--	
JOINT LIVING & WORKING QUARTERS	P	--	See 17.102.190
<b>MANUFACTURING ACTIVITIES</b>			
	--	--	

Planned Waterfront Zoning District (PWD-4)

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park <sup>1/</sup>	
<b>AGRICULTURAL AND EXTRACTIVE ACTIVITIES</b>	--	--	
<b>ACCESSORY USES/FACILITIES</b>	P or C	C	See 17.10.040 See 17.10.070 See 17.11.060
<b>SIGNS</b>	P	P	See 17.104 See 17.11
<b>NONCONFORMING USES</b>			See 17.114

1/ Uses permitted or conditionally permitted in the OS(RSP) zone must be compliant with the Public Trust Doctrine. Acceptable trust uses include, but are not limited to, uses that promote water-oriented or water dependent recreation and commerce, navigation, fisheries, public access and the preservation of the land in its natural condition.

2/ "Marinas" are defined as "Water basins with docks, mooring facilities, supplies and equipment for boats."

**17. .110 Maximum Residential Density**

A. The residential density for the overall 63.82 acre project site averages approximately 50 dwelling units per gross acre, and approximately 140 dwelling units per net acre. The density is distributed over thirteen development parcels or areas as shown below.

**Maximum Residential Density**

Density	Gross Acres	Net Developable Acres
Site Area	63.82	22.18
Number of Residential Units	3,100	3,100
Average Residential Density	50 du/gross acre	140 du/net acre

\* net developable acres exclude 9.18 acres of roads

**Development Parcels or Areas**

	A	B	C	D	E	F*	G*	H	J	K	L	M	N	Total
Net Acres	2.38	1.53	1.48	1.46	1.20	1.75	2.72	2.08	1.84	1.69	1.45	2.60	0	<b>22.18</b>
No. D.U.	407	175	175	175	131	165	300	375	339	322	146	390	0	<b>3,100</b>
D.U./Net Acre	171	114	118	120	108	94	110	180	184	190	101	292	0	<b>140</b>

\* These two parcels are designated for 465 units of affordable housing. Refer to the Conditions of Approval for the project and the Development Agreement, Exhibit L, for the details of the affordable housing obligations.

B. Density Transfer. Unused allowable densities, or number of units approved for a development parcel may be used on, or transferred to, another development parcel. The number of dwelling units per development parcel may increase or decrease provided that: (1) the number of dwelling units being transferred does not exceed more than 33% of the allocation of the development parcel receiving the transferred units (more than 33% up to 50% of the dwelling

units may be transferred subject to design review approval); (2) the total number of dwelling units does not exceed 3,100 for the entire Oak to Ninth Mixed Use Development Project; (3) the average density for the entire project does not exceed 140 dwelling units per net acre; and (4) the height of the buildings where the density is being transferred does not exceed the building heights approved in the PDP, unless specified in the PDP.

**17. 120 Maximum Retail and Commercial Square Footage**

Approximately 200,000 square feet of retail, commercial, and civic uses is distributed throughout the project area primarily on the ground floor level of the structures with residential units above. The remaining portion of the Ninth Avenue Terminal is also included in this total.

**17. 130 Building Height**

Height limits throughout the project area range from 86 feet to 240 feet. The height of mid-rise structures on designated parcels can increase up to 120 feet; however, the heights of the 240-foot towers cannot be increased. Any increases in density and height will need to be approved by the Planning Commission when considering the Final Development Plan or architectural design review for a development project that is not part of the Final Development Plan submittal.

**Development Parcels or Areas  
Height Limits**

HEIGHTS/FLOORPLATES	DEVELOPMENT PARCELS												
	A	B	C	D	E	F	G	H	J	K	L	M	N
Building Height Limit (ft)	86	86	86	86	86	86	86-100	86	86	86	86	86	
Allowable Height Increase (ft)		120	120	120				120					
Towers (ft)	240							240	240	240		240	
Max. floor plate of Towers (1,000 sf)	15							15	12	15		15	

**17. 140 Yards and Setbacks**

All front, side, rear, and corner side yard setbacks will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development Plan, Oak to Ninth Mixed Use Development Design Guidelines, and Vesting Tentative Tract Map No. 7621, if specified. Appropriate buffer treatments may be required of buildings adjacent to other zoning district boundaries or between uses that the Planning Director has determined to be potentially incompatible. Buffer treatments could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping.

**17. 150 Lot Area, Width, and Frontage**

All lot area, width, and frontage requirements will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development

Plan, Vesting Tentative Tract Map No. 7621, and Oak to Ninth Mixed Use Development Design Guidelines, if specified.

### **17. .160 Usable Open Space Standards**

*Residential Uses* - A minimum of 150 square feet per residential unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

*Joint Living/Working Quarters* - A minimum of 75 square feet per unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

### **17. .170 Landscaping, Paving, and Buffering**

A detailed landscaping, paving, and buffering plan shall be submitted for every development project, consistent with the Preliminary Development Plan or Final Development Plan, the Oak to Ninth Design Guidelines, and Chapter 17.124 except as noted below, and shall contain the following:

1. An automatic system of irrigation for all landscaping shown in the plan;
2. A minimum of one fifteen-gallon tree, or substantially equivalent landscaping as approved by the Planning Director, shall be provided for every 20 to 25 feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half feet, the trees to be provided shall include street trees to the satisfaction of the Public Works Agency.
3. For surface parking lots greater than 3,000 square feet in size, at least one tree shall be provided for every six parking spaces.
4. For surface parking lots adjacent to private property or public open space, buffering shall be provided to minimize potential impacts between uses.
5. For buildings adjacent to other zoning district boundaries, or between uses that the Planning Director has determined to be potentially incompatible, buffer treatments should be applied and could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping. This does not apply to development which is separated from public open space by a street right-of-way.

**17. .180 Parking Requirements**

Parking and Loading Standards shall be consistent with Chapter 17.116, unless as specified below.

Parking Standard	Zoning Districts		
	PWD-4	OS (RSP)	S-2/S-4
Parking spaces per residential unit	1 space/du	N/A	N/A
Parking spaces per 1,000 sq. ft. of commercial area	2 spaces/1000 s.f.	N/A	N/A
Parking spaces per five boat slips	1 space/five boat slips	1 space/five boat slips	N/A
Parking spaces required per acre of public open space	N/A	5 spaces per acre	N/A
Jack London Aquatic Center	N/A	N/A	1 space/1,400 s.f. of floor area

Note: A 75% reduction in parking is permitted for housing for persons who are physically disabled, or who are 60 years or older, and the occupancy of the units is guaranteed for at least 50 years (See Chapter 17.116.110).

**17. .190 Signs**

Signs in the Oak to Ninth Mixed Use Development project shall be consistent with the adopted Master Sign Plan requirements listed below.

- A. Individual Signs. Individual signs not part of an approved Master Sign Plan are subject to design review in accordance with Chapter 17.104.
- B. Master Sign Plan. A master sign plan shall be submitted with each Final Development Plan to be approved by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. Applications for approval of a master sign plan shall include the following:
  1. A master sign program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs;
  2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs, or projecting signs are proposed;
  3. A statement of the reasons for any requested modifications to the regulations or standards of Chapter 17.104;
  4. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.

C. Master Sign Plan Approval. In approving a master sign program, the Director shall find:

1. That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of Section 17.104.
2. That the proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other.
3. That future tenants will not be denied adequate opportunities for identification if transfers of sign area from one building frontage to another are proposed by the master sign plan.
4. Roof and penthouse signs are permitted provided that the signs are integrated with the design and materials of the building, subject to design review by the Planning Director. No more than one sign is approved per phase unless approved by the Planning Director.
5. One Master Identification Sign visible to the I-880 freeway is permitted for the project subject to design review by the Planning Director.

The Planning Director may require any reasonable conditions necessary to carry out the intent of the master sign plan requirements while still permitting each sign user opportunities for effective identification and communication.

D. Prohibited Location, Sign Type, and Message. The following types of signs and locations of signs are prohibited.

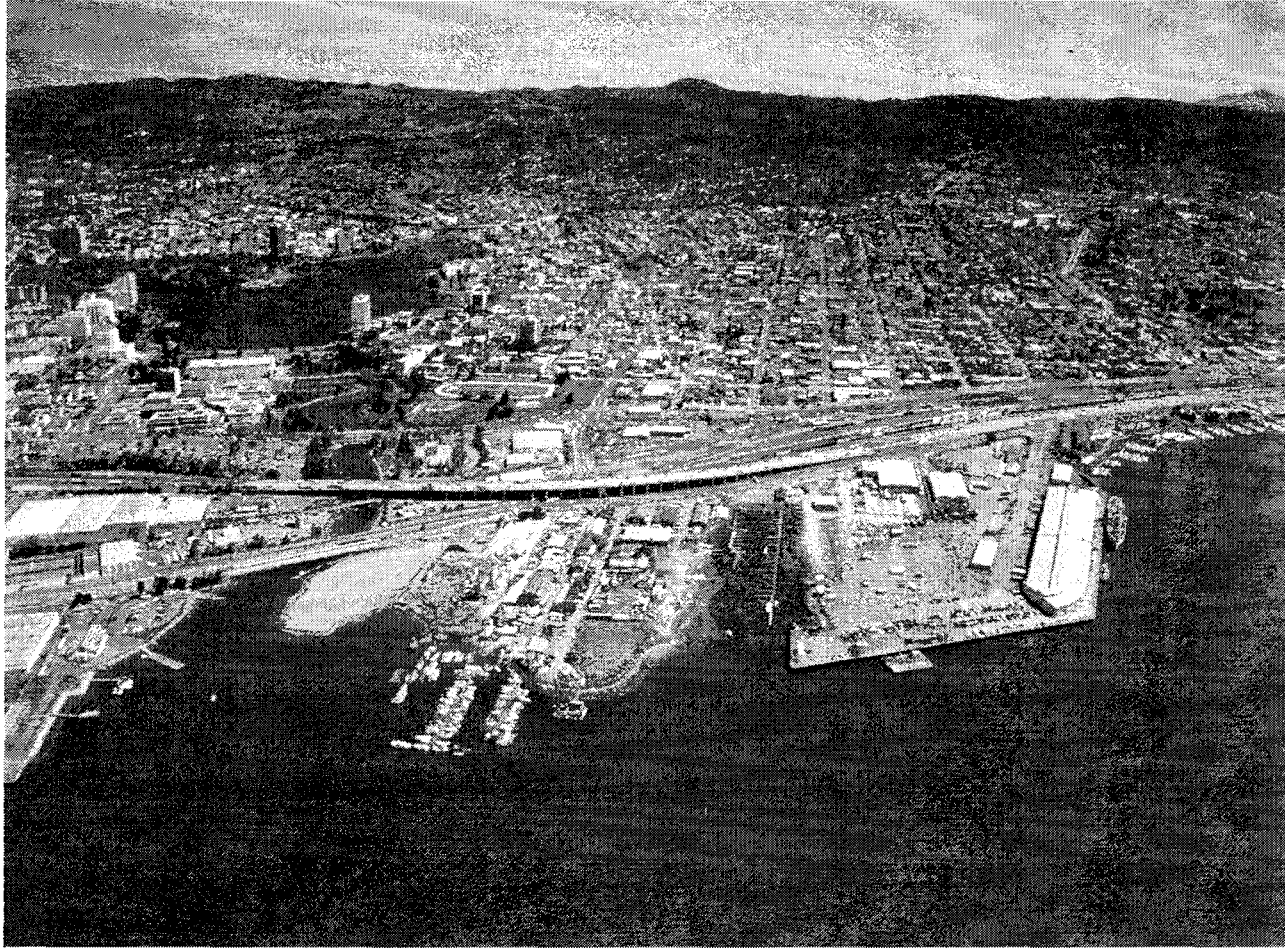
1. A sign in a required yard adjoining a street property line which interferes with driveway visibility. Visibility of a driveway crossing a street property line shall not be blocked between a height of 2.5 feet and 7 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less.
2. Moving flashing or animated signs, balloons or similar inflated signs, portable signs, searchlights, flags, pennants, streamers, spinners or similar devices, except as specifically authorized by the Planning Director.
3. Signs with lighting, colors, design or text that could be confused with a public traffic directional sign or control device.
4. Signs containing statements, words, pictures, or other representations which are in reference to obscene matter which violates the California Penal Code Section 311 et. seq.
5. Exterior signs made of materials that are impermanent and will not stand exposure to weather.



*Planned Waterfront Zoning District (PWD-4)*

6. Signs affixed to any vehicle or trailer on a public street or public or private property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting business.

Exhibit A – Zoning Map



PRELIMINARY DEVELOPMENT PLAN SUBMITTAL

# Brooklyn Basin - Oak to 9th Development Plan

*Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers*

OCTOBER 2006

# Preliminary Development Plan Submittal

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY  
City of Oakland, California  
Permit No. \_\_\_\_\_

## Developer

OAKLAND HARBOR PARTNERS  
4670 Willow Road  
Pleasanton, CA 94588  
Phone: (925)463-1122  
Fax: (925)463-0832

## Consultants

### Master Plan Architect:

ROMA Design Group  
1527 Stockton Street  
San Francisco, CA 94133  
Phone: (415)616-9900  
Fax: (415)788-8728

### Associated Architects:

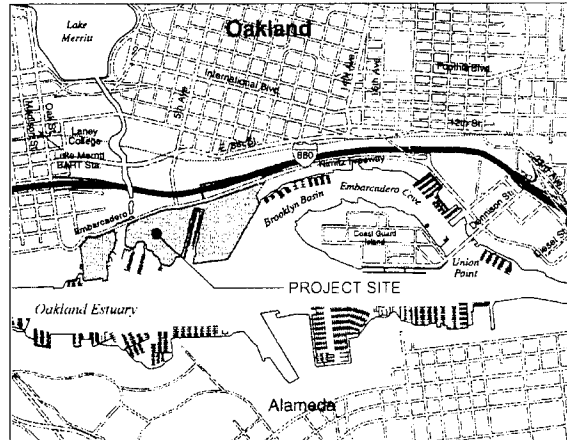
McLarand Vasquez & Partners  
1900 Main Street  
Irvine, CA 92614  
Phone: (949)809-3300  
Fax: (949)809-3350

### Civil Engineer:

BKF Engineers  
255 Shoreline Drive, Suite 200  
Redwood City, CA 94065  
Phone: (650)482-6300  
Fax: (650)482-6399

### Coastal Engineer:

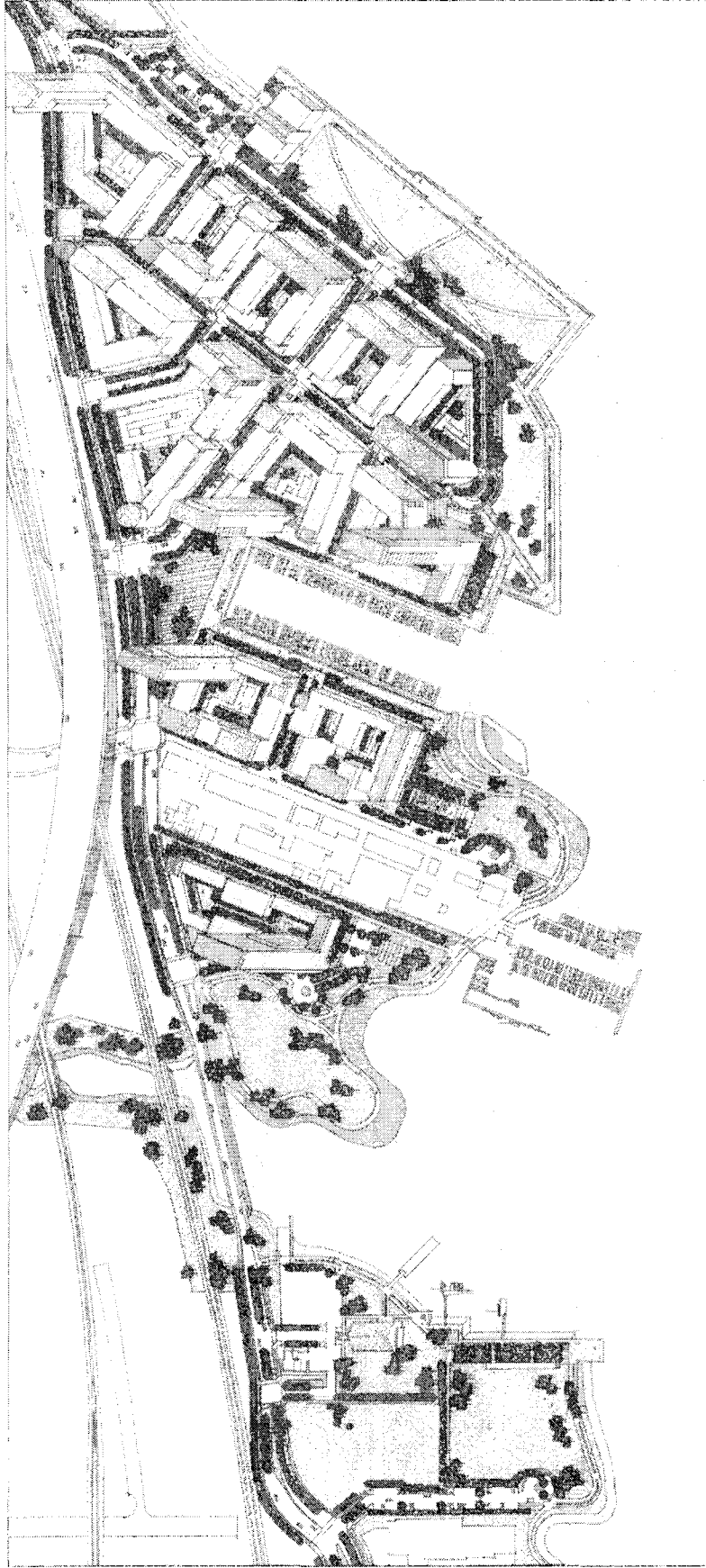
Moffatt & Nichol Engineers  
2001 North Main Street, Suite 360  
Walnut Creek, CA 94596  
Phone: (925)944-5411  
Fax: (925)944-4732



Vicinity Map

## List of Drawings

Sheet #	Description:
<b>1. Overview - Master Development Plan</b>	
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1.2	Illustrations
1.3	Illustrative Development Plan
1.4	Development Program - Parcelization Plan
1.5	Phasing Plan
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2.2	Shoreline Sections
2.2a	Shoreline Sections
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4.6	Streetscape Standards - 90' R.O.W. Retail
4.7	Streetscape Standards - 90' R.O.W. Residential
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5.3	Illustrative Building Sections
5.4	Illustrative Building Sections
5.5	Illustrative Building Sections
5.6	Illustrative Building Sections
<b>6. Civil Engineering</b>	
C-1	Existing Topography
C-2	Existing Utilities
C-3	Preliminary Grading Concept Plan
C-4	Preliminary Utility Concept Plan

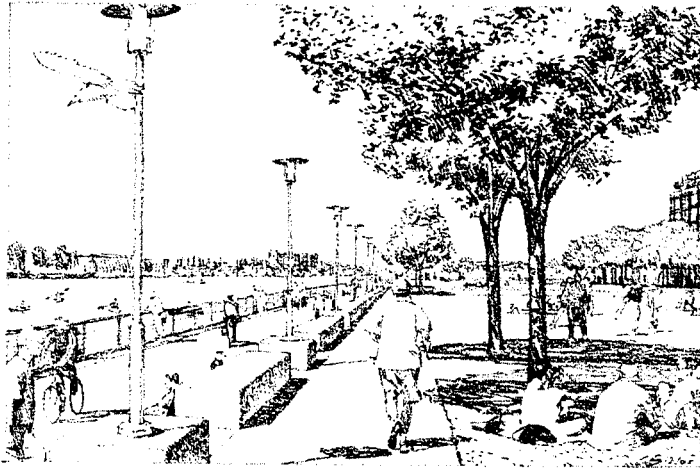


AXONOMETRIC VIEW

# Brooklyn Basin - Oak to 9th Development Plan

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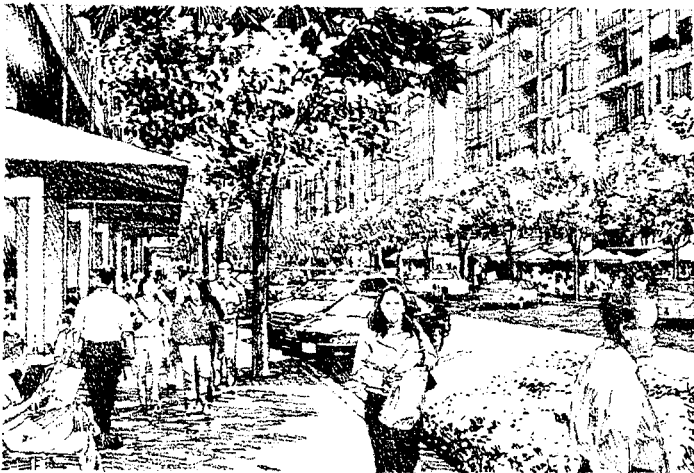
OCTOBER 2009



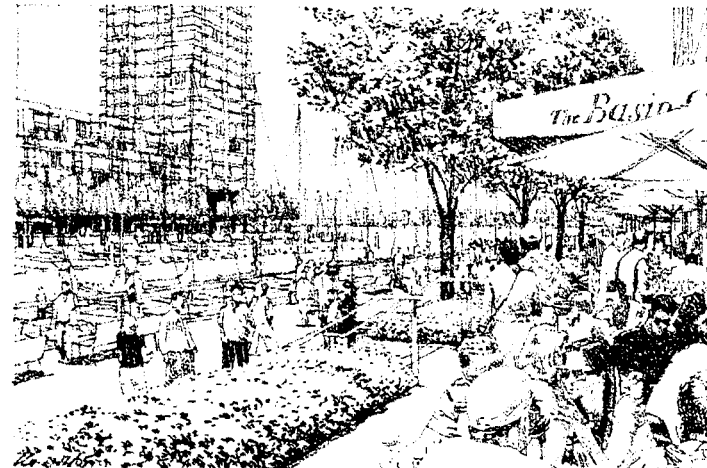
Shoreline Park Promenade



Residential Streetscape Character



Retail Streetscape Character



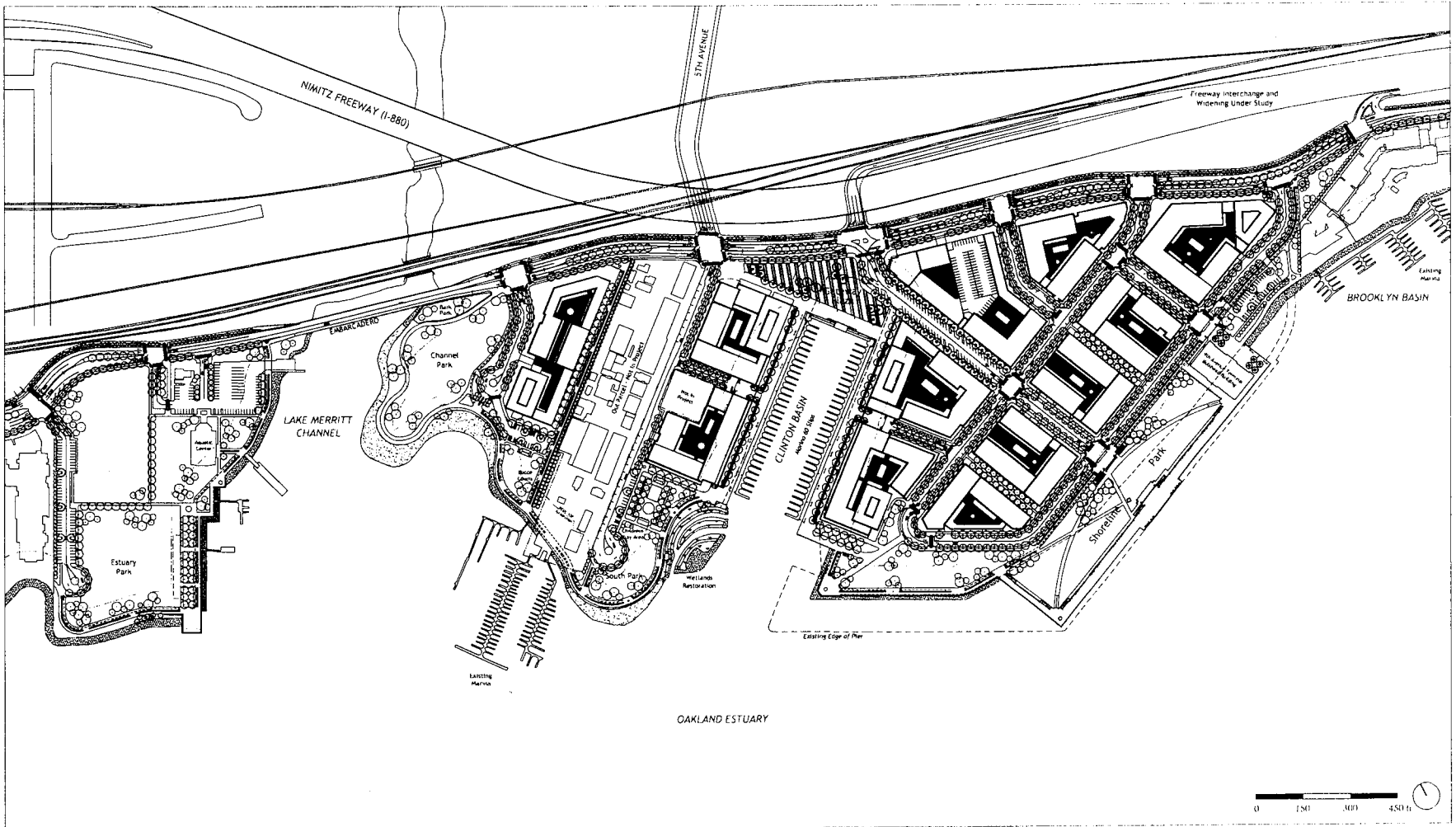
Clinton Basin Quay

ILLUSTRATIONS

# Brooklyn Basin - Oak to 9th Development Plan

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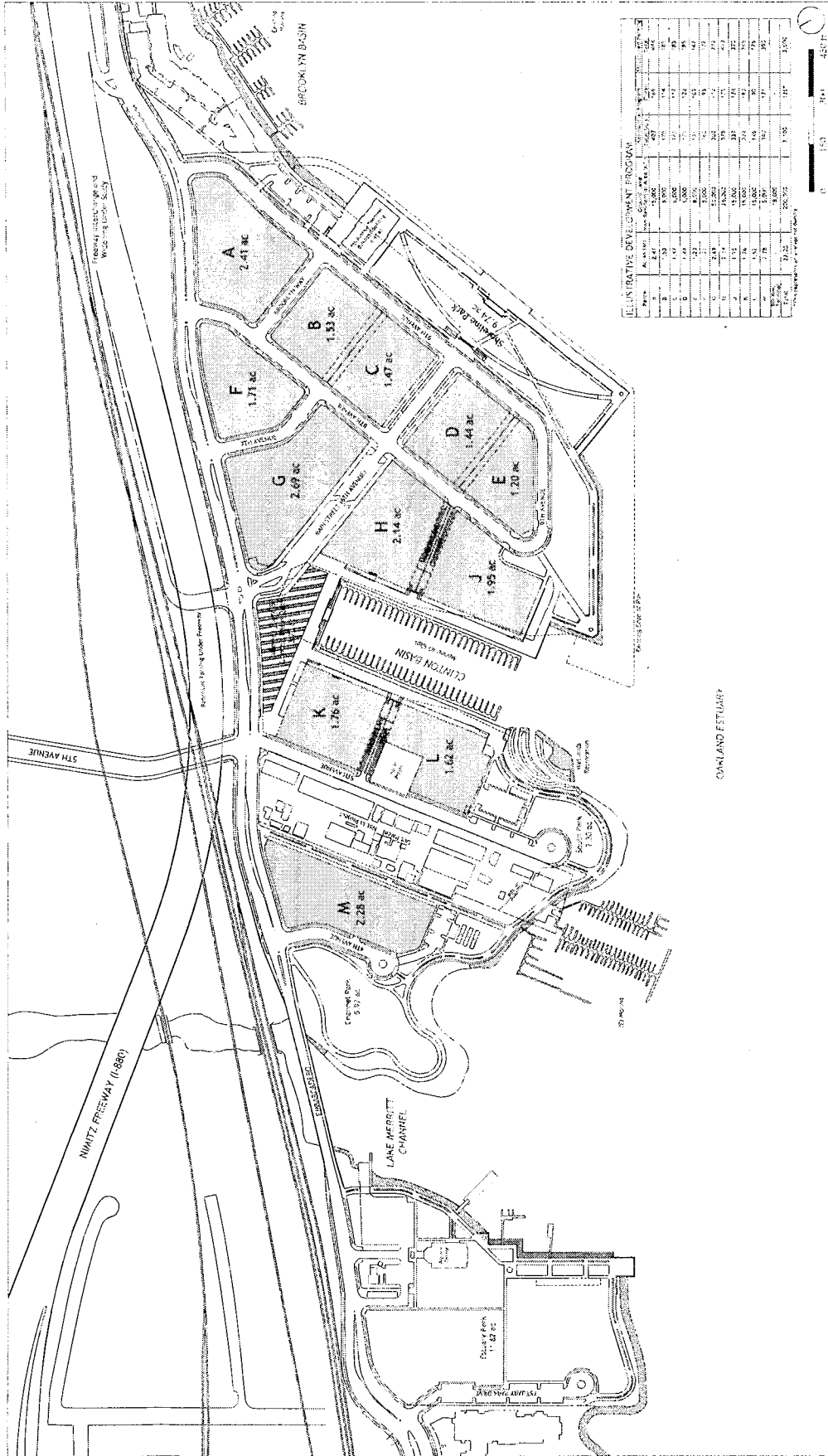
ILLUSTRATIVE DEVELOPMENT PLAN

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1.3

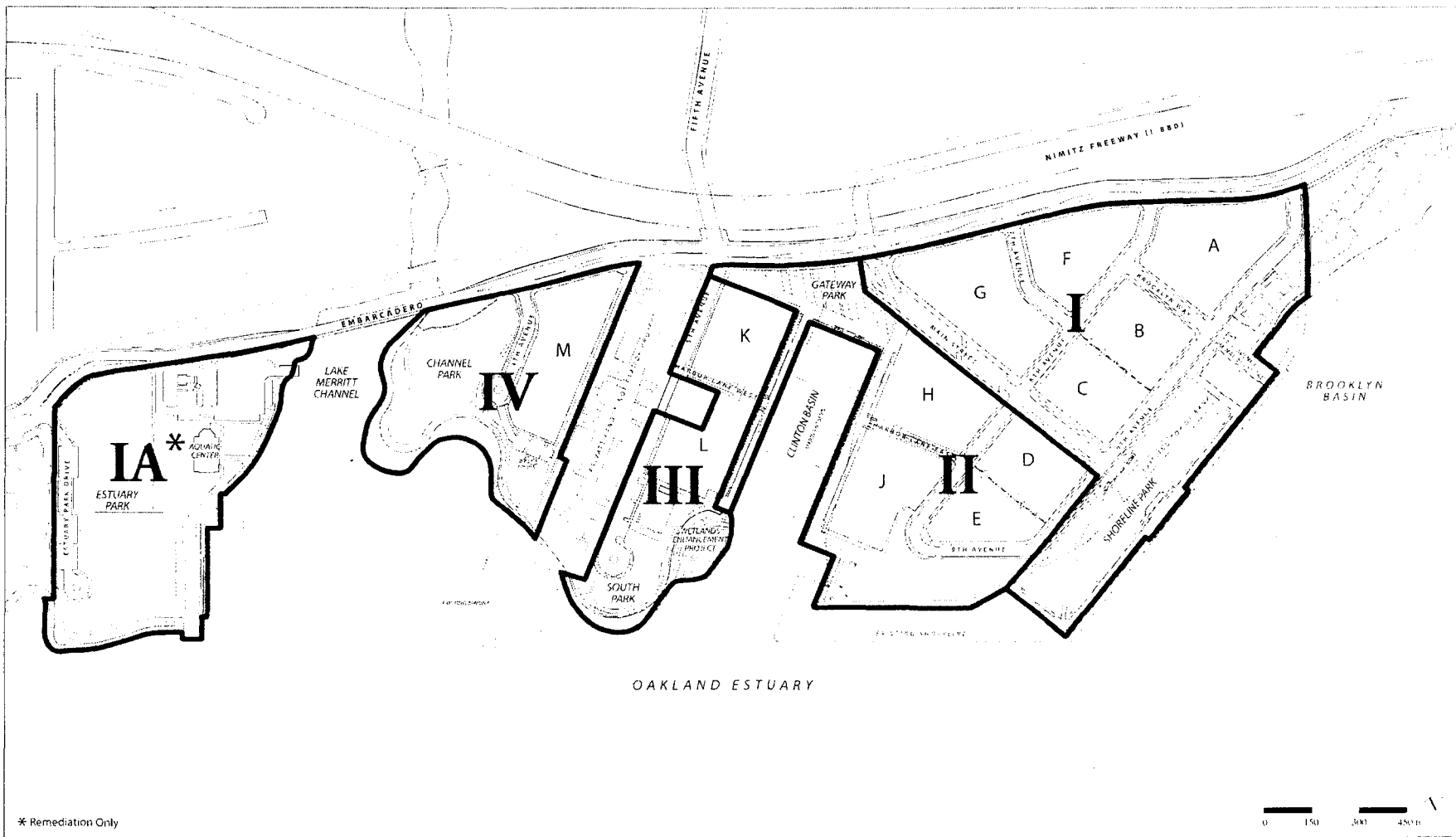


DEVELOPMENT PROGRAM AND PARCELIZATION PLAN

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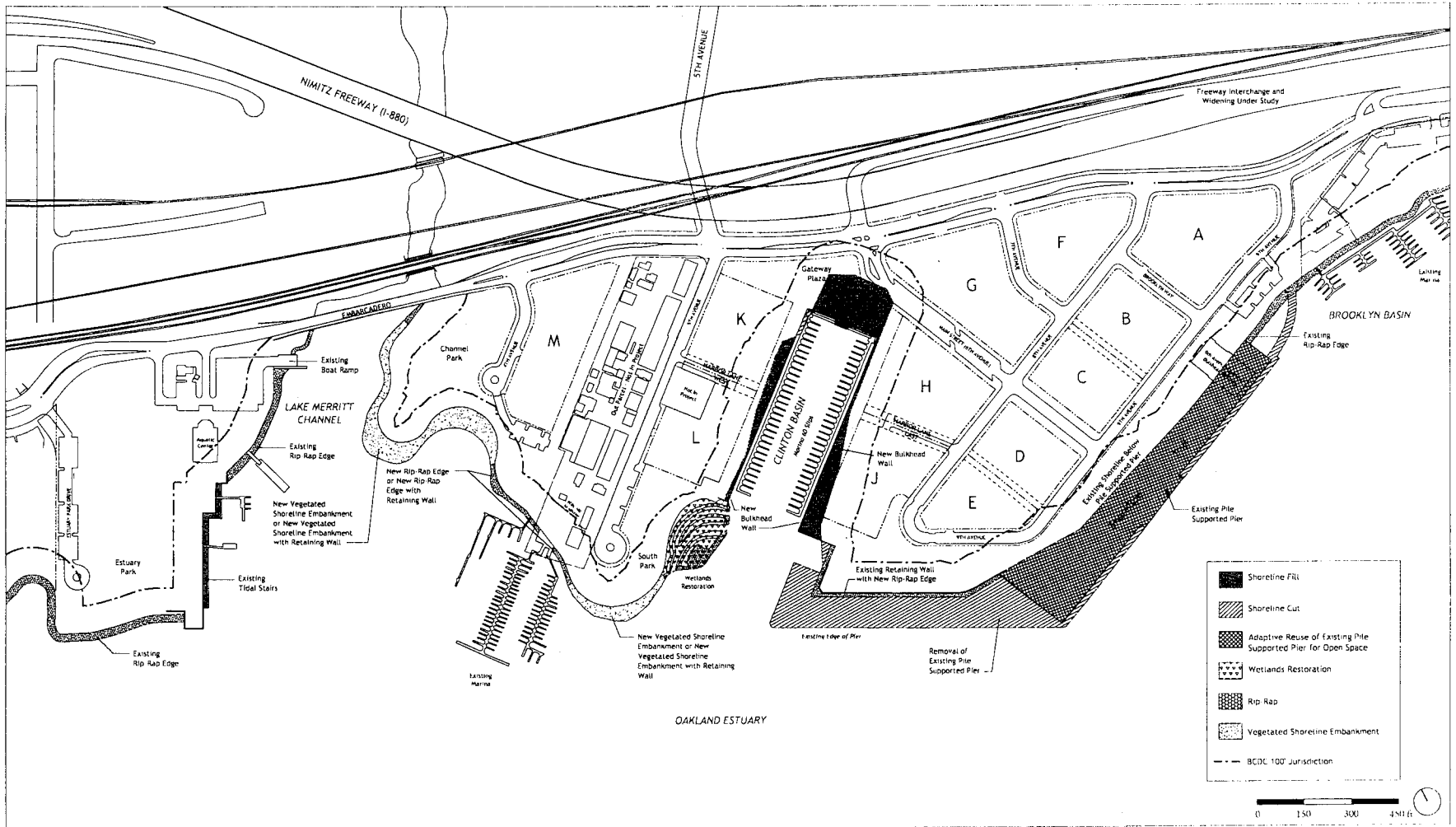
PHASING PLAN

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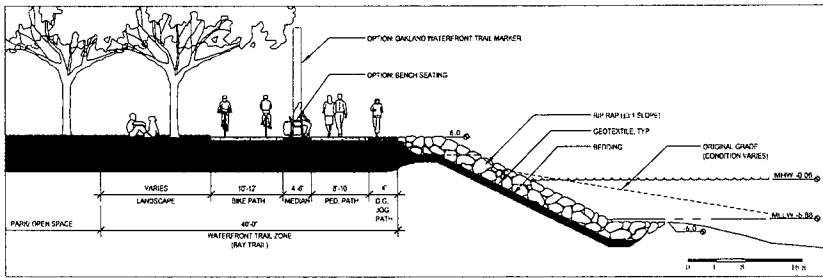
SHORELINE RECONFIGURATION AND STABILIZATION PLAN

# Brooklyn Basin - Oak to 9th Development Plan

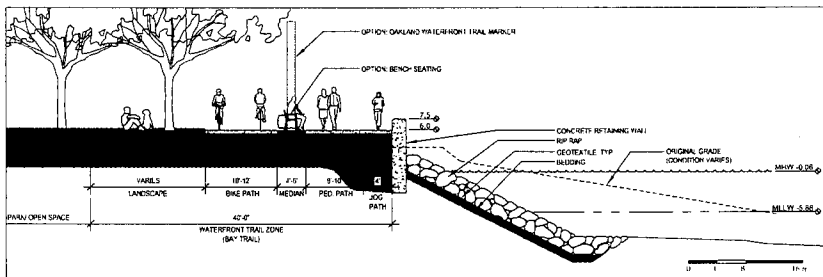
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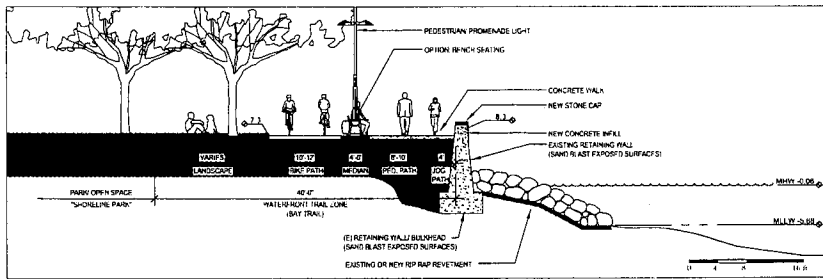
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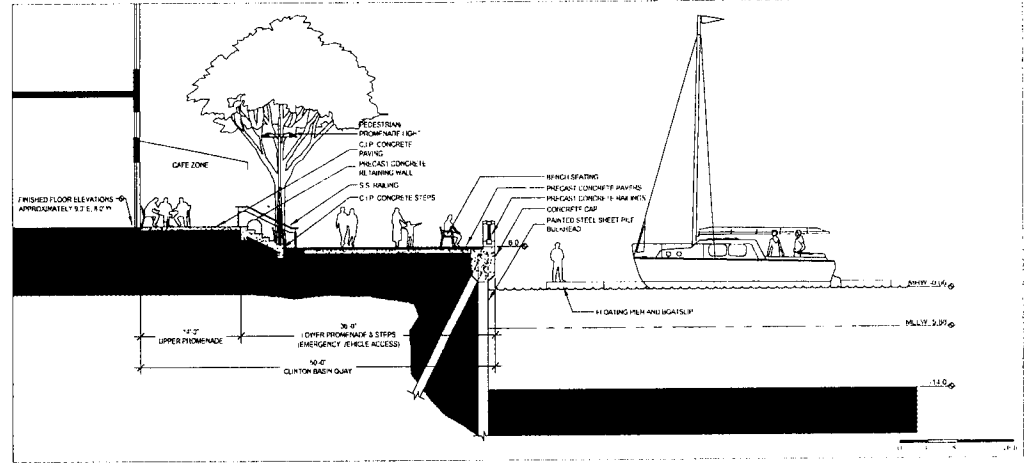
1 RIP-RAP SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



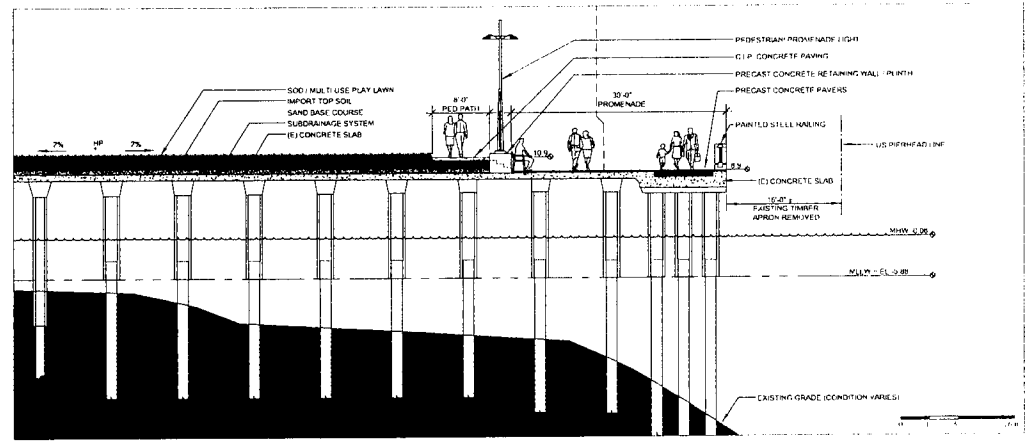
2 ALTERNATE RIP-RAP EDGE WITH RETAINING WALL



3 WATERFRONT TRAIL AT EXISTING RETAINING WALL



4 CLINTON BASIN QUAY (East Side)



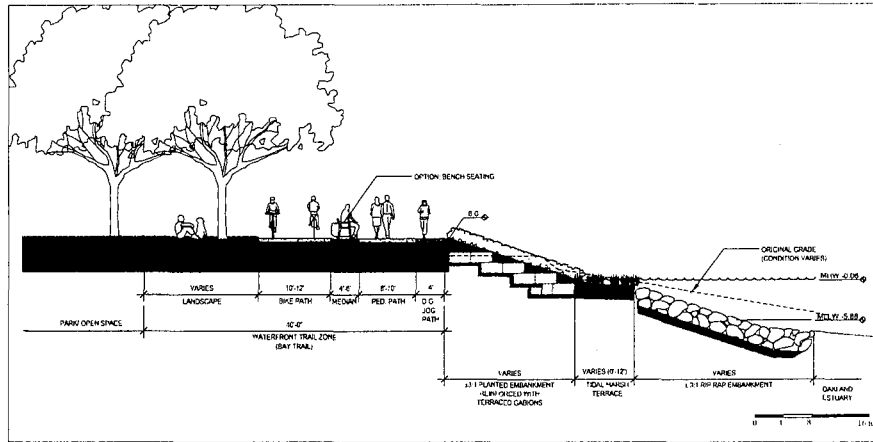
5 9TH AVENUE PIER RETROFIT - TYPICAL SECTION

SHORELINE SECTIONS

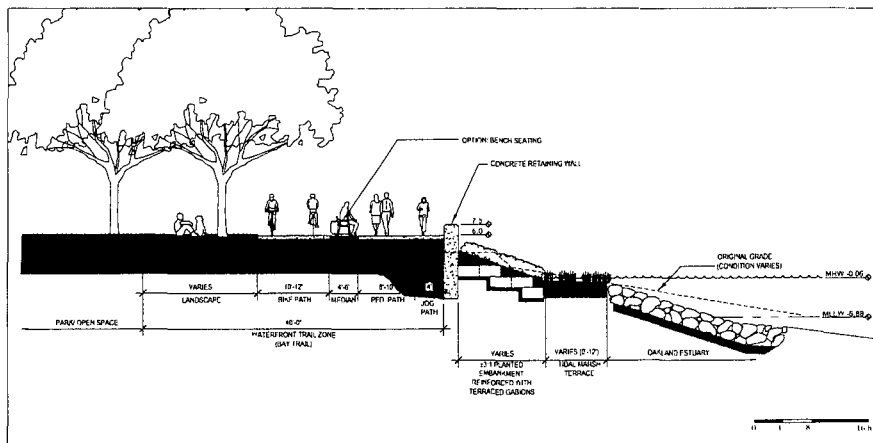
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6 VEGETATED SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



7 ALTERNATE VEGETATED SHORELINE WITH RETAINING WALL

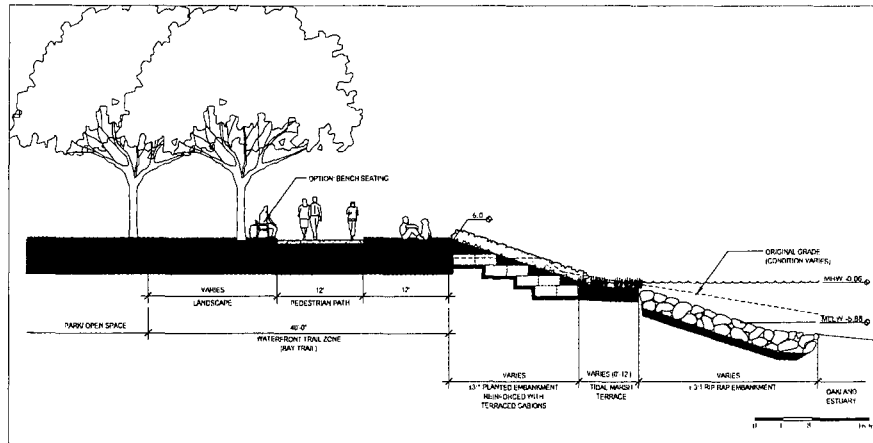
SHORELINE SECTIONS

# Brooklyn Basin - Oak to 9th Development Plan

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2.2a



8 VEGETATED SHORELINE EMBANKMENT WITH HIKE / BIKE TRAIL (AT CHANNEL PARK)

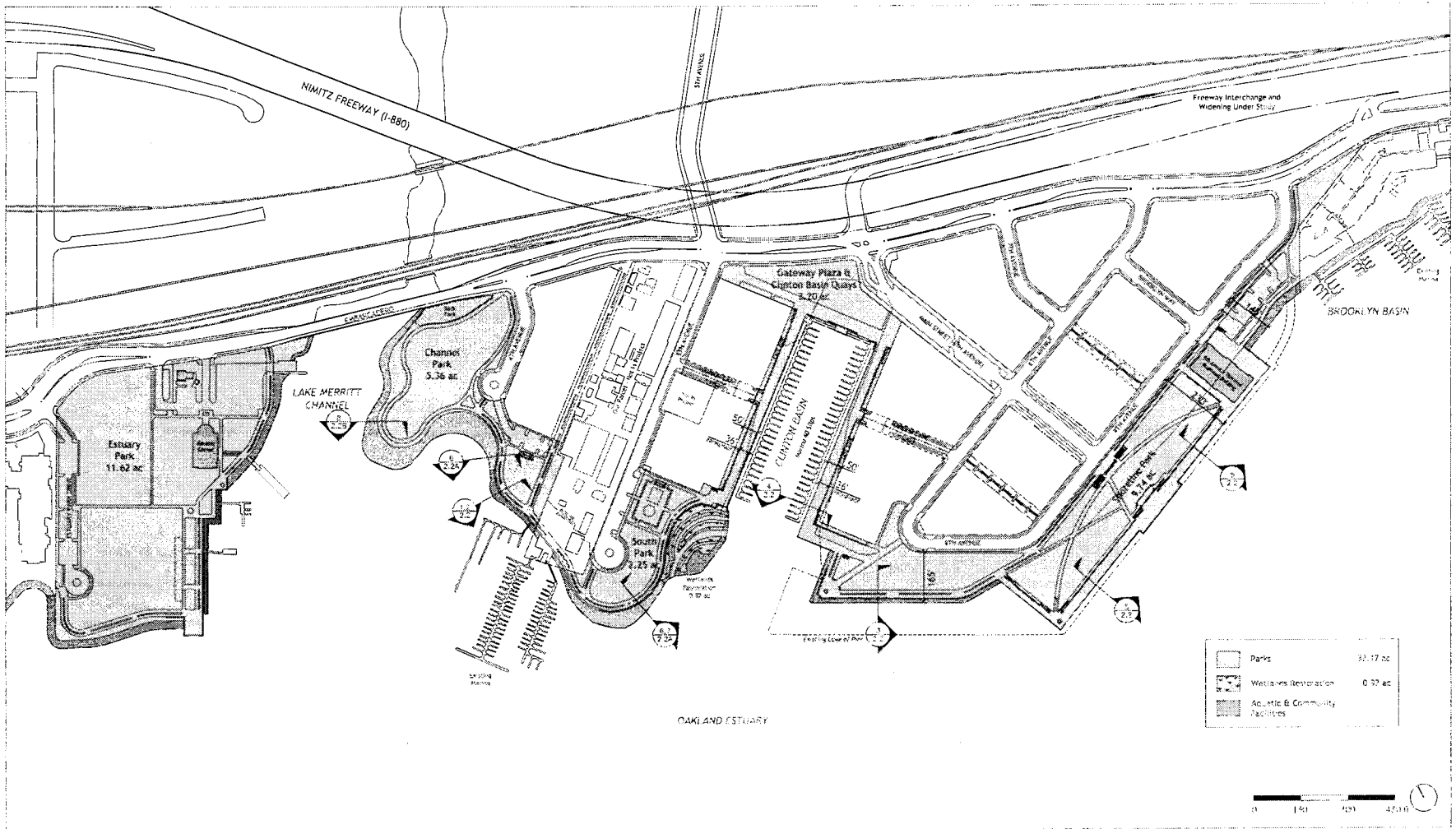
SHORELINE SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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2.2b



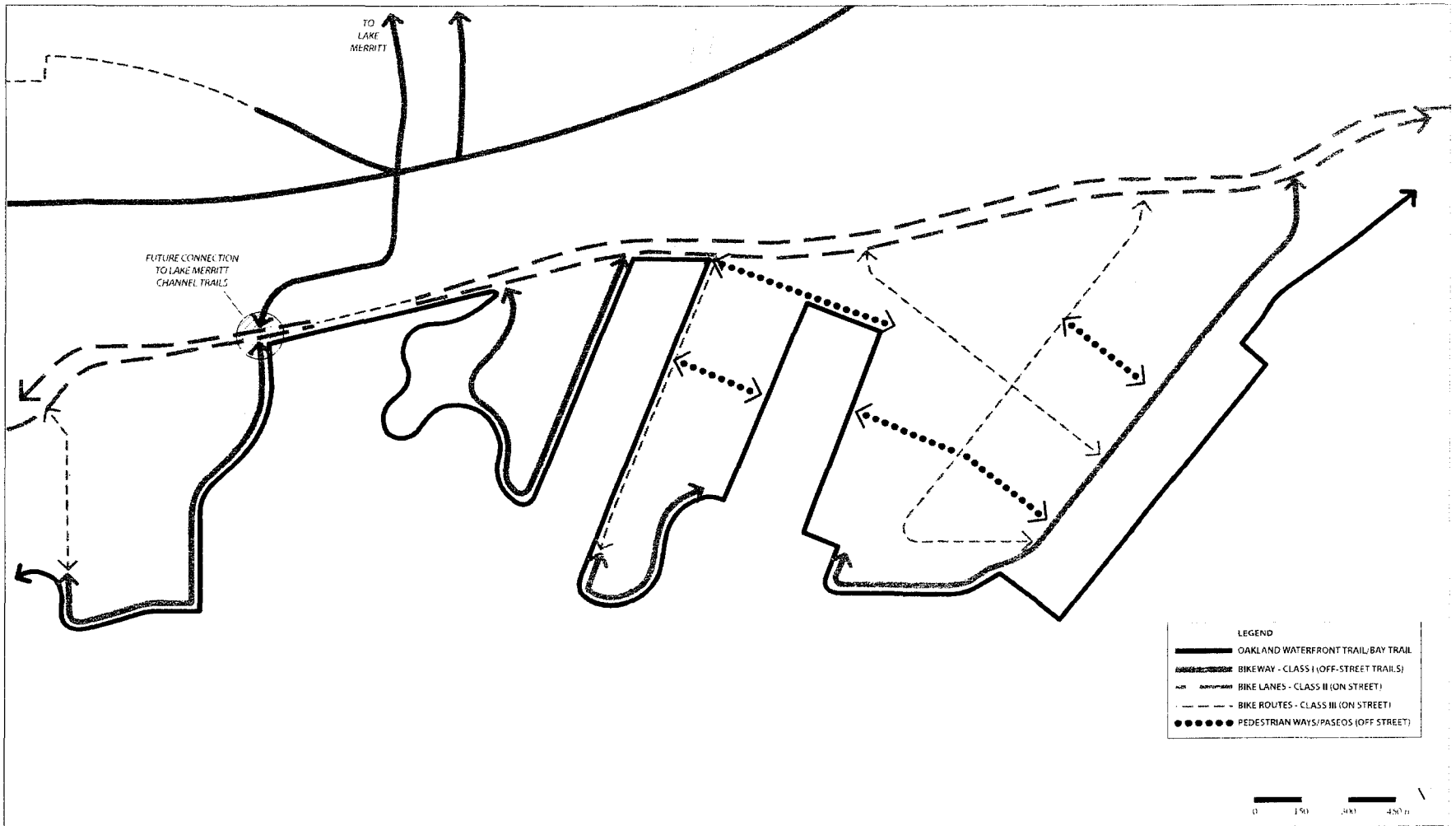
PARKS AND OPEN SPACE PLAN

# Brooklyn Basin - Oak to 9th Development Plan

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**3.1**

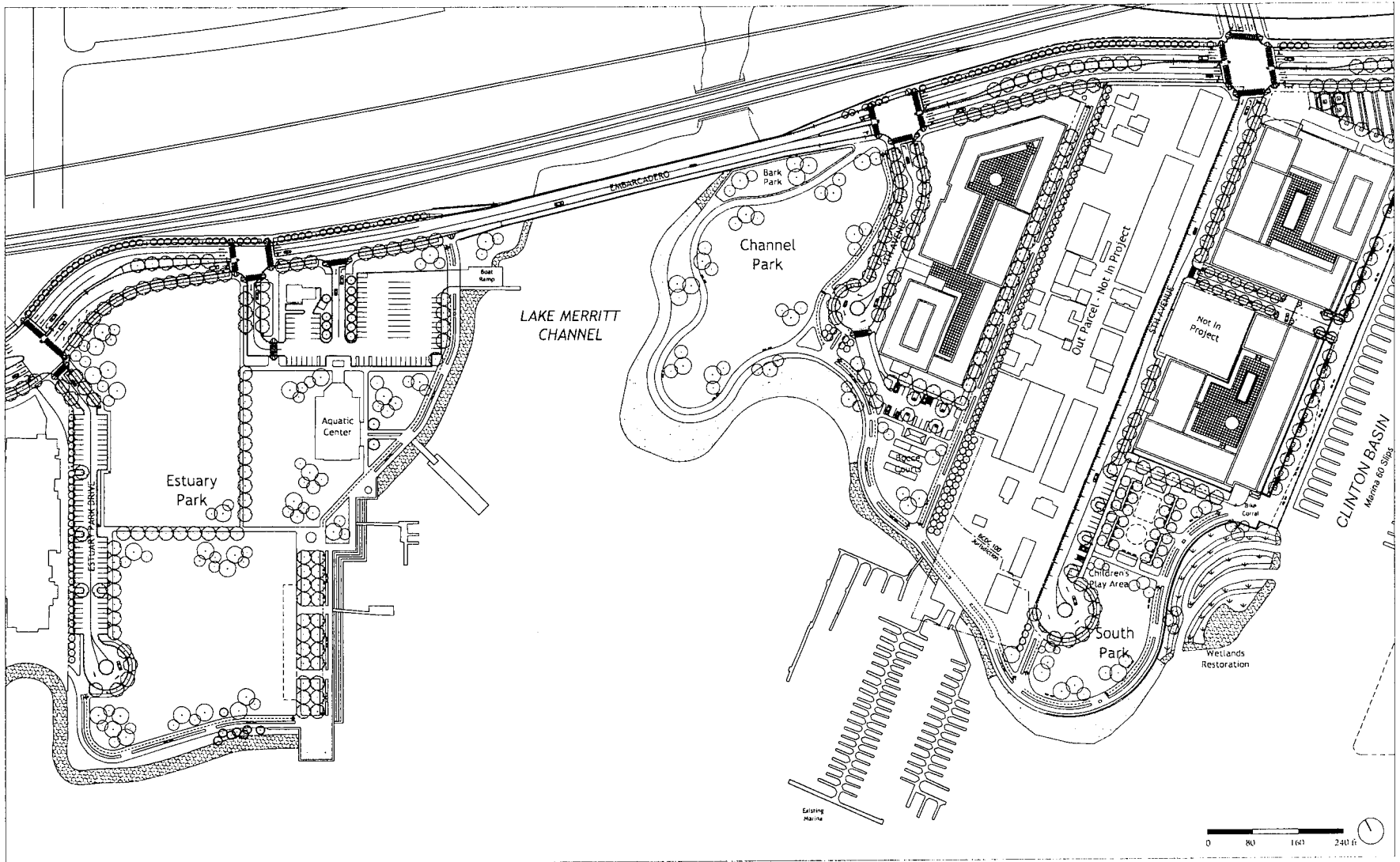


PEDESTRIAN & BICYCLE CIRCULATION DIAGRAM

# Brooklyn Basin - Oak to 9th Development Plan

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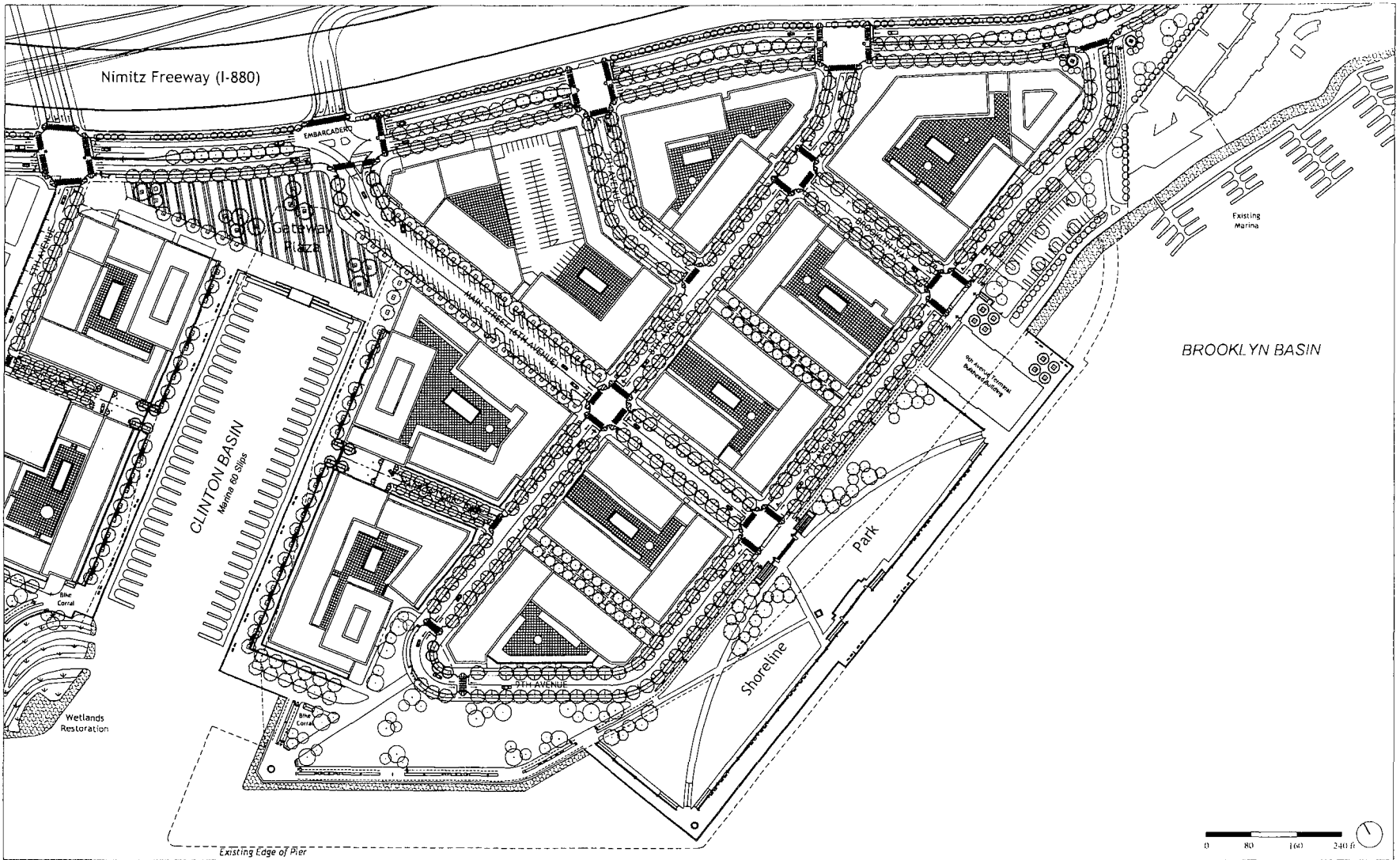
ENLARGED ILLUSTRATIVE PLAN - WEST

# Brooklyn Basin - Oak to 9th Development Plan

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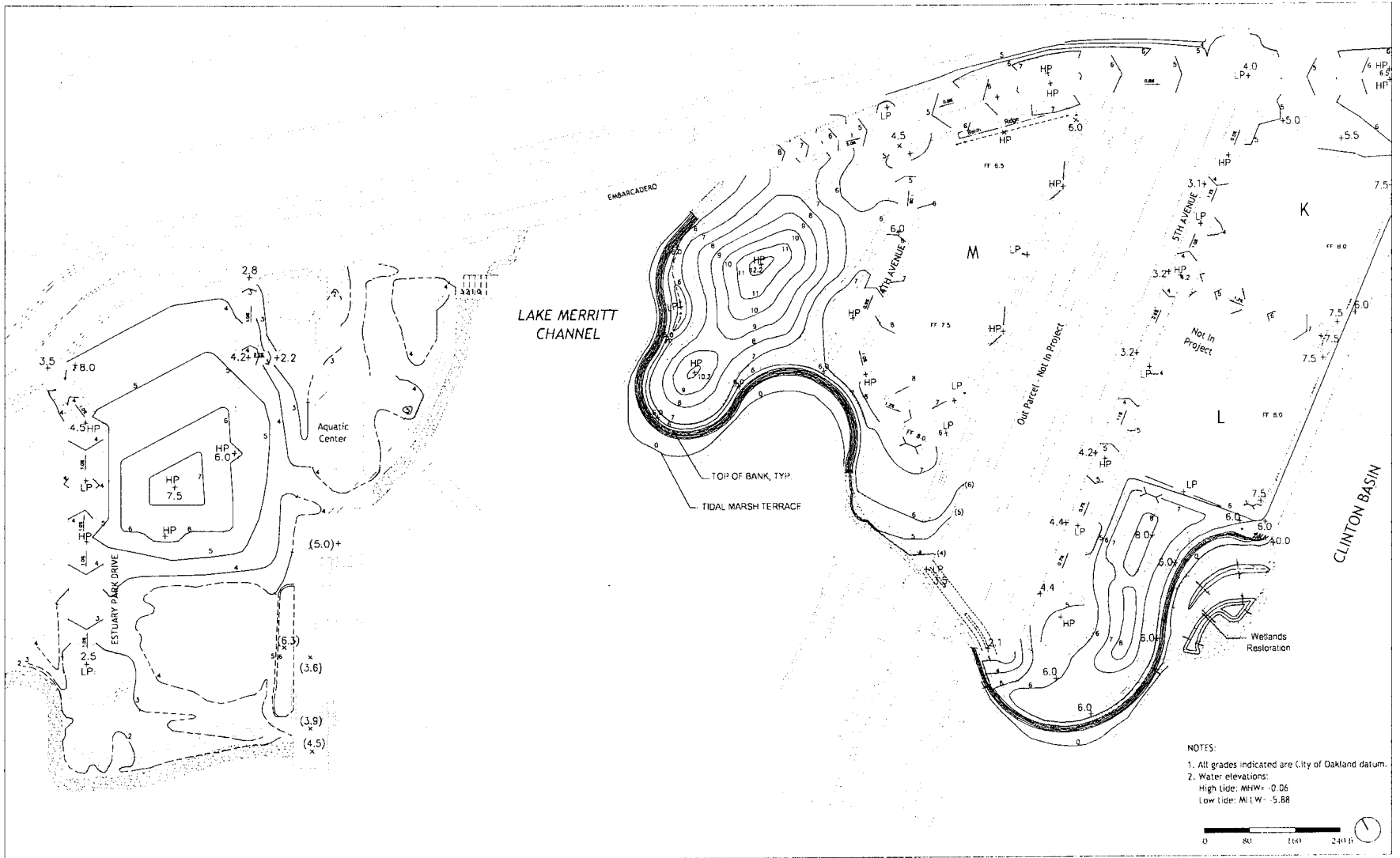
ENLARGED ILLUSTRATIVE PLAN - EAST

# Brooklyn Basin - Oak to 9th Development Plan

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SHEET NO  
**3.4**



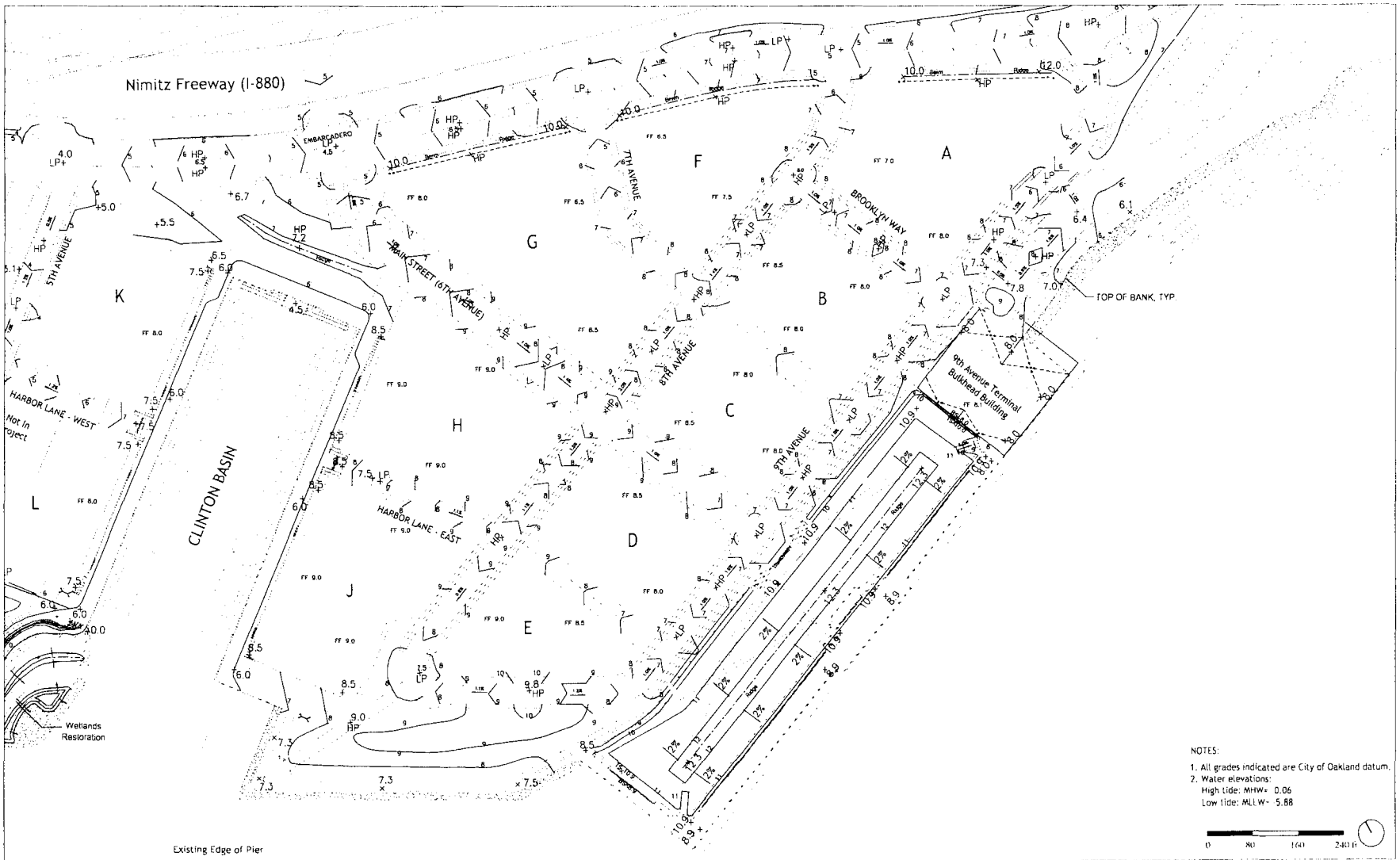


ENLARGED PLAN - PARK GRADING CONCEPT - WEST

# Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers  
OCTOBER 2006

SHEET NO  
3.5

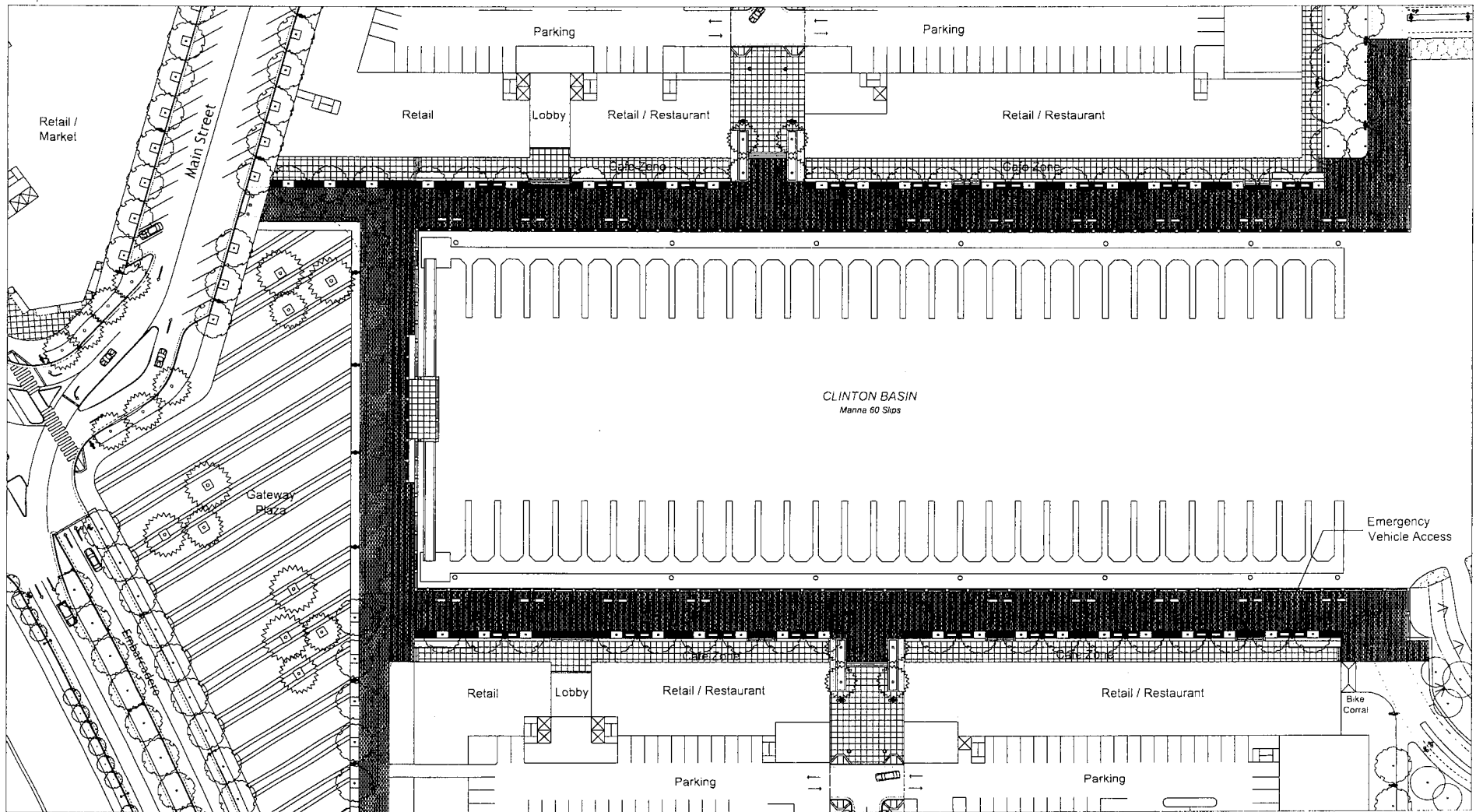


NOTES:  
 1. All grades indicated are City of Oakland datum.  
 2. Water elevations:  
 High tide: MHW+ 0.06  
 Low tide: MLLW- 5.88

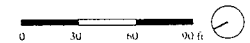
ENLARGED PLAN - PARK GRADING CONCEPT - EAST  
**Brooklyn Basin - Oak to 9th Development Plan**

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers  
 OCTOBER 2006

SHEET NO  
**3.6**



ENLARGED PLAN - CLINTON BASIN QUAYS

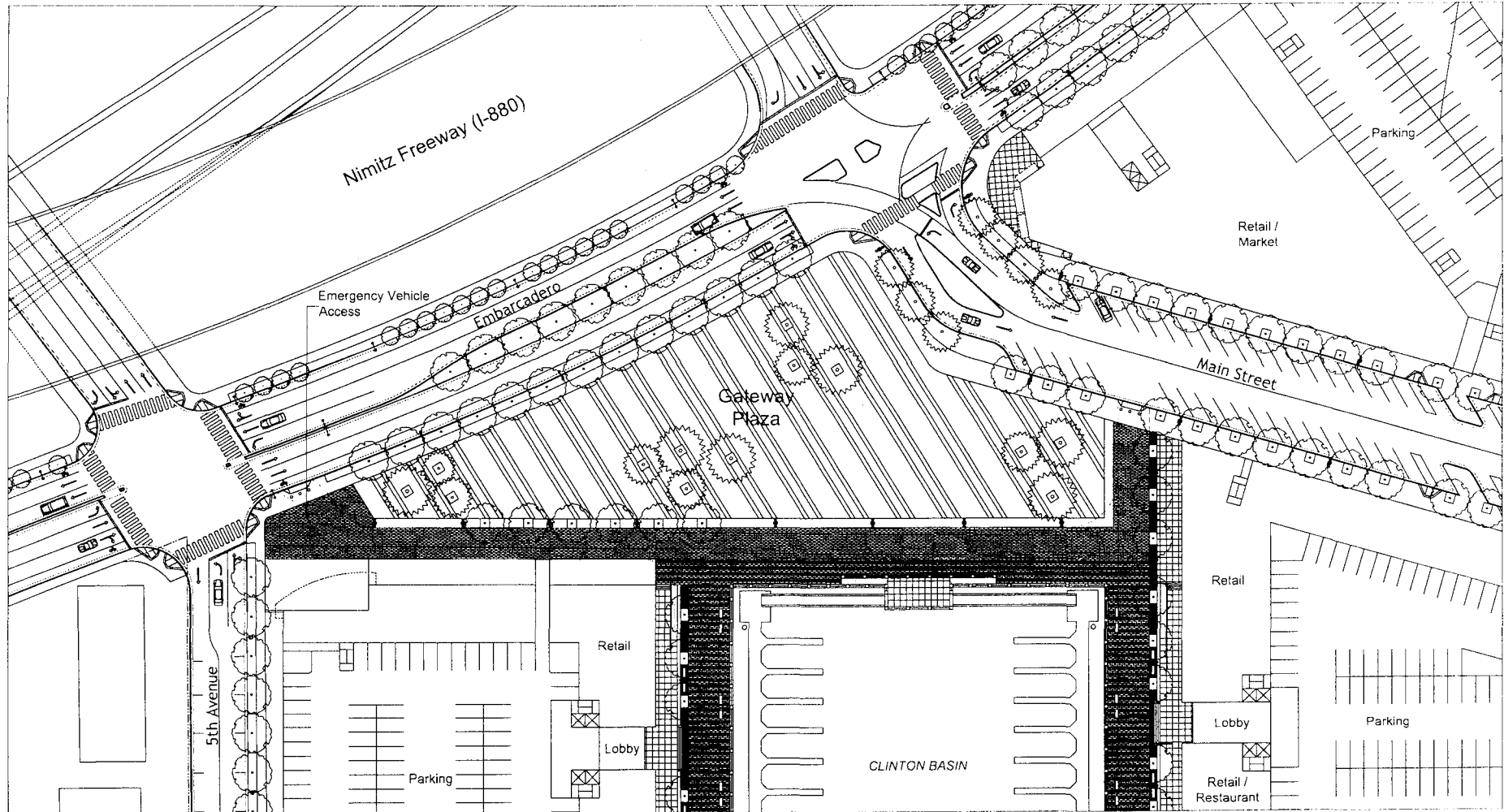


# Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKT Engineers

OCTOBER 2006

SHEET NO  
3.7a

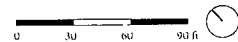


ENLARGED PLAN - GATEWAY PLAZA

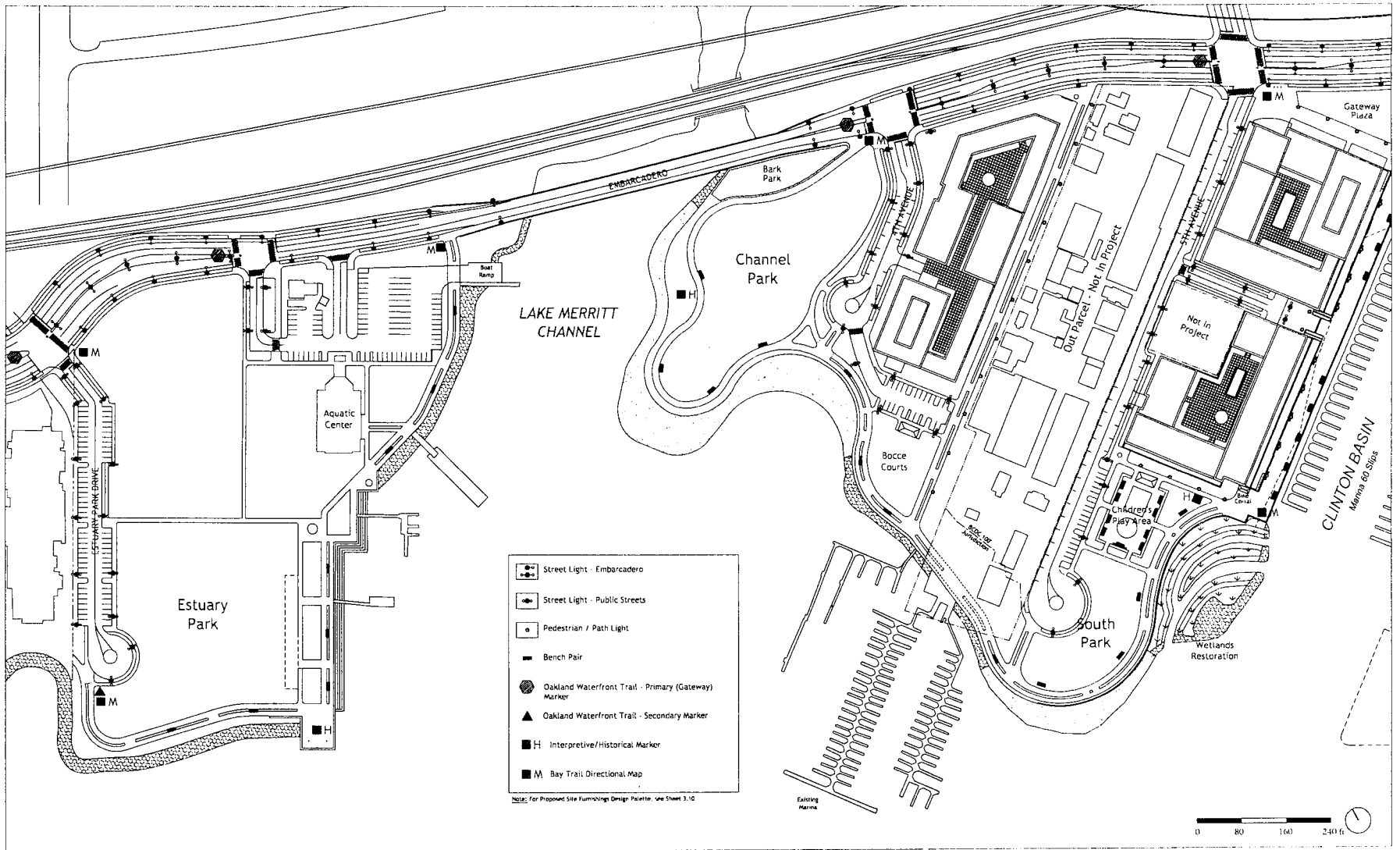
# Brooklyn Basin - Oak to 9th Development Plan

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SHEET NO  
3.7b



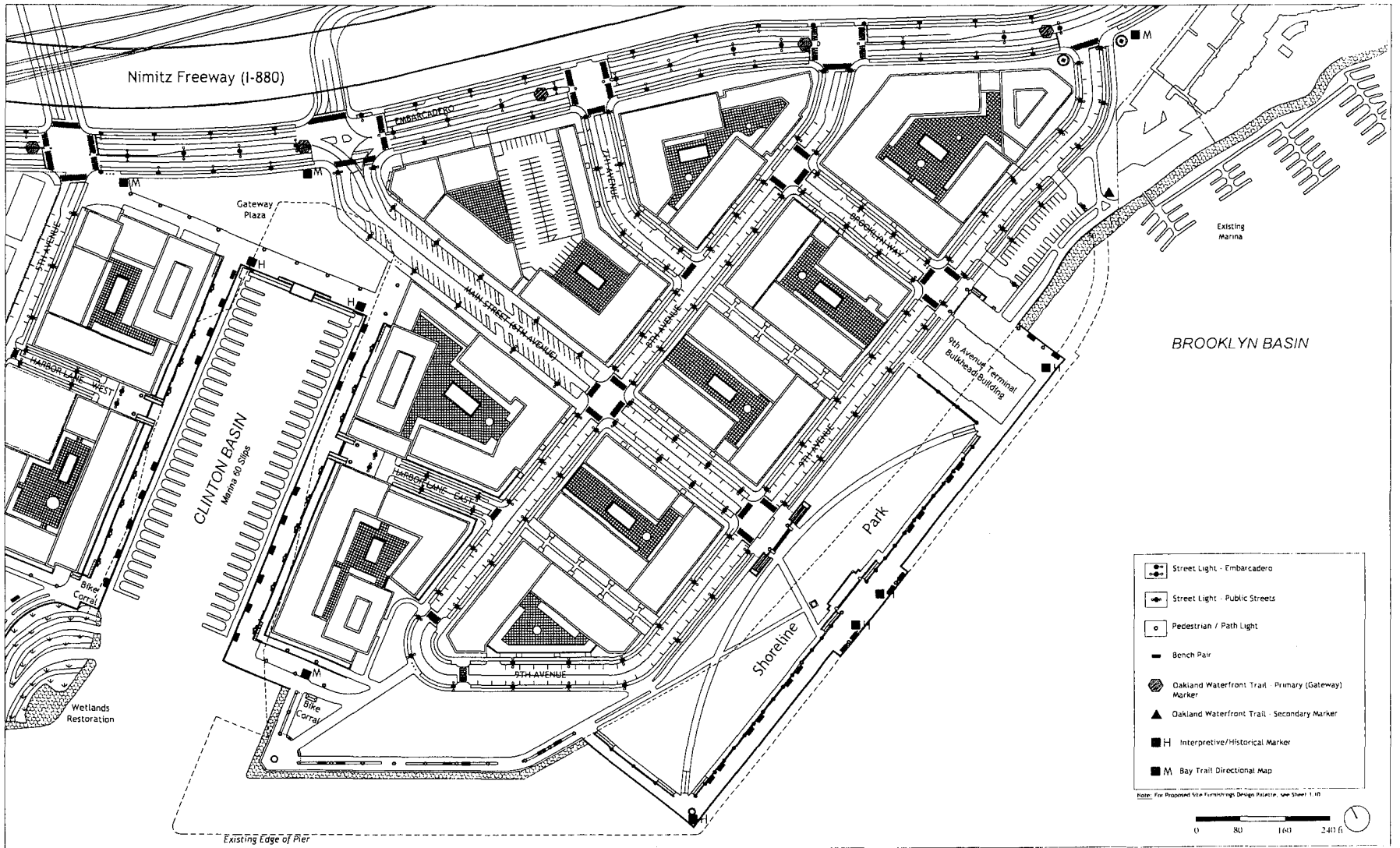
SITE FURNISHINGS DIAGRAM - WEST

# Brooklyn Basin - Oak to 9th Development Plan

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OCTOBER 2006

SHEET NO  
**3.8**



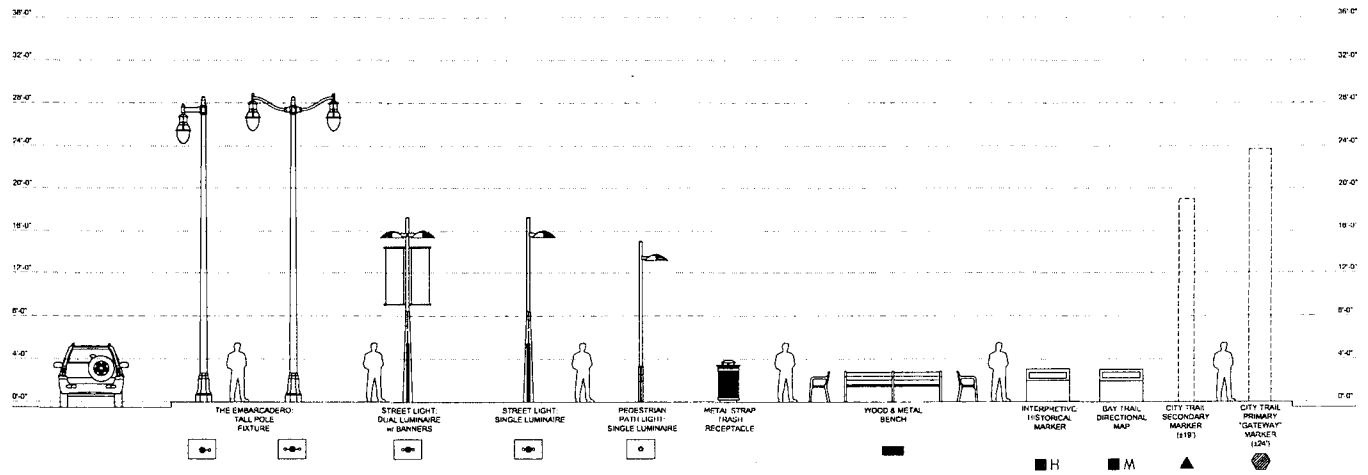
SITE FURNISHINGS DIAGRAM - EAST

# Brooklyn Basin - Oak to 9th Development Plan

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OCTOBER 2006

SHEET NO.  
3.9



SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE  
 Scale: 3/16" = 1'-0"

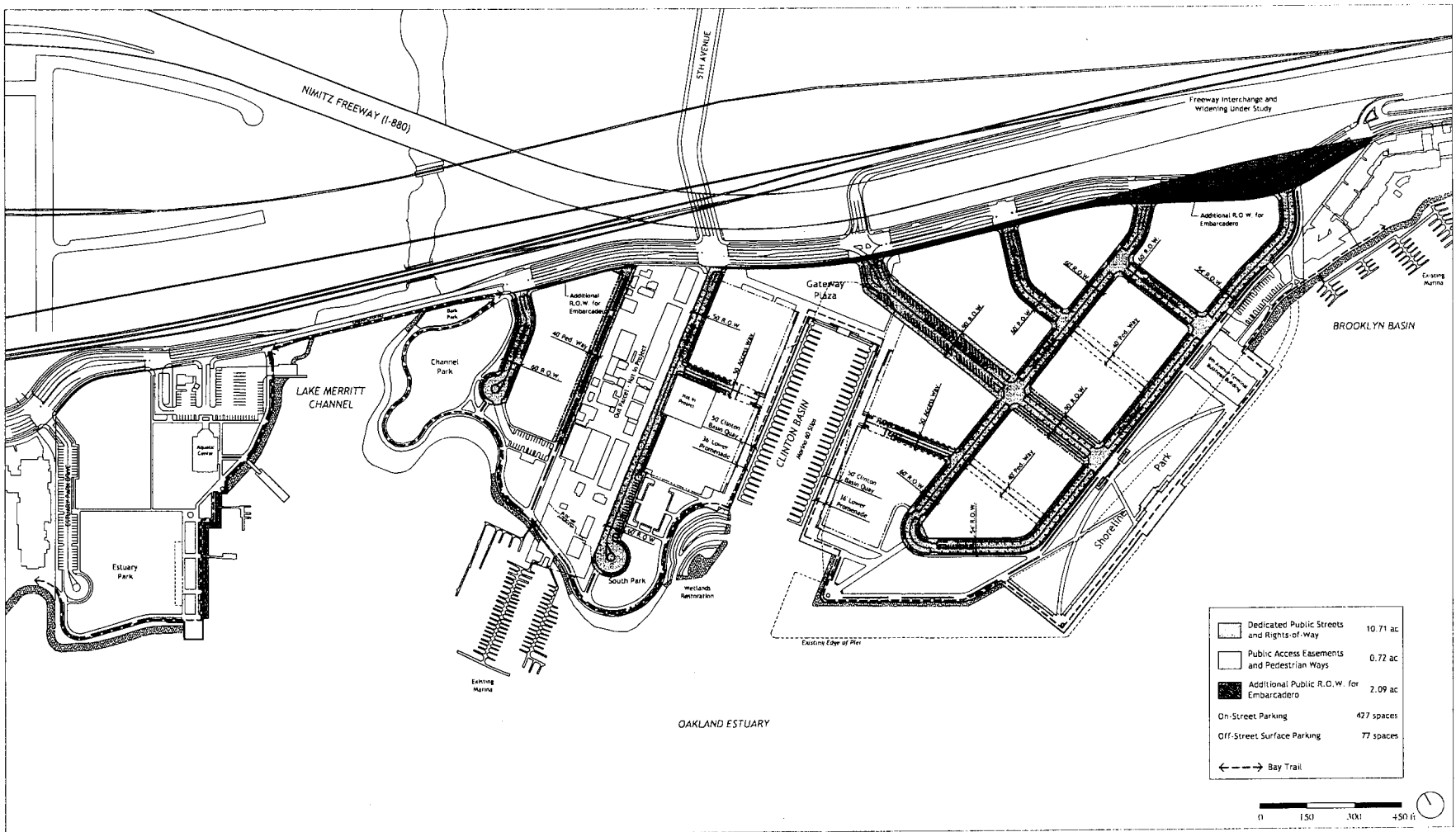
- Street Light - Embarcadero
- Street Light - Public Streets
- Pedestrian / Path Light
- Bench Pair
- Oakland Waterfront Trail - Primary (Gateway) Marker
- Oakland Waterfront Trail - Secondary Marker
- Interpretive/Historical Marker
- Bay Trail Directional Map

SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE

# Brooklyn Basin - Oak to 9th Development Plan

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STREETS AND PEDESTRIAN WAYS

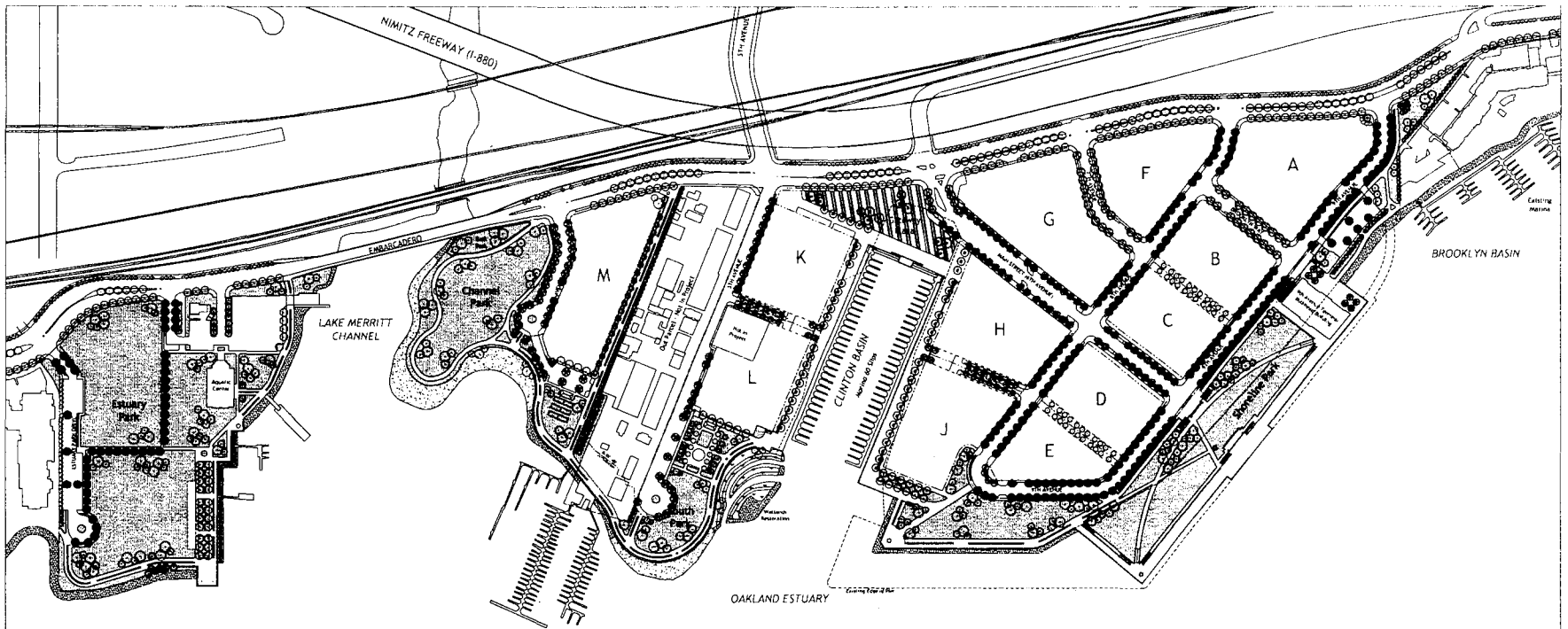
# Brooklyn Basin - Oak to 9th Development Plan

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SHEET NO  
4.1





STREET TREE PALETTE		STREET TREE PALETTE		PARK TREE PALETTE	
	Platanus serrata 'Torreyi', Ficus microcarpa Populus nigra 'Alphand', Thuja plicata Aster sp. Ficus ventricosa 'Spartan', Salix laevis Hemiphanthus tenax, Juniperus horizontalis Panicum gramineum, Ficus sp.		Ficus ventricosa 'Spartan', Salix laevis Aster sp. Platanus serrata 'Torreyi', Ficus microcarpa Quercus macrocarpa, Ficus sp.		Platanus serrata 'Torreyi', Salix laevis Aster sp. Ficus microcarpa Liriodendron tulipifera, Ficus sp. Quercus macrocarpa, Quercus agrifolia Magnolia grandiflora, Magnolia sp.
	Platanus serrata 'Torreyi', Ficus microcarpa Aster sp. Platanus serrata 'Torreyi', Ficus microcarpa Quercus macrocarpa, Quercus agrifolia		Platanus serrata 'Torreyi', Ficus microcarpa Aster sp. Ficus ventricosa 'Spartan', Salix laevis Quercus macrocarpa, Quercus agrifolia Panicum gramineum, Ficus sp.		Platanus serrata 'Torreyi', Salix laevis Aster sp. Ficus microcarpa Liriodendron tulipifera, Ficus sp. Quercus macrocarpa, Quercus agrifolia Magnolia grandiflora, Magnolia sp.
	Liriodendron tulipifera, Tulip Poplar Aster sp. Quercus rubra, Red Oak		Liriodendron tulipifera, Tulip Poplar Aster sp. Quercus rubra, Red Oak Liriodendron tulipifera, Tulip Poplar Aster sp. Quercus rubra, Red Oak Liriodendron tulipifera, Tulip Poplar Aster sp. Quercus rubra, Red Oak		Platanus serrata 'Torreyi', Salix laevis Aster sp. Ficus microcarpa Liriodendron tulipifera, Ficus sp. Quercus macrocarpa, Quercus agrifolia Magnolia grandiflora, Magnolia sp.
	Ficus ventricosa 'Spartan', Salix laevis Aster sp. Platanus serrata 'Torreyi', Ficus microcarpa Quercus macrocarpa, Quercus agrifolia		Platanus serrata 'Torreyi', Salix laevis Aster sp. Ficus microcarpa Liriodendron tulipifera, Ficus sp. Quercus macrocarpa, Quercus agrifolia Magnolia grandiflora, Magnolia sp.		Platanus serrata 'Torreyi', Salix laevis Aster sp. Ficus microcarpa Liriodendron tulipifera, Ficus sp. Quercus macrocarpa, Quercus agrifolia Magnolia grandiflora, Magnolia sp.

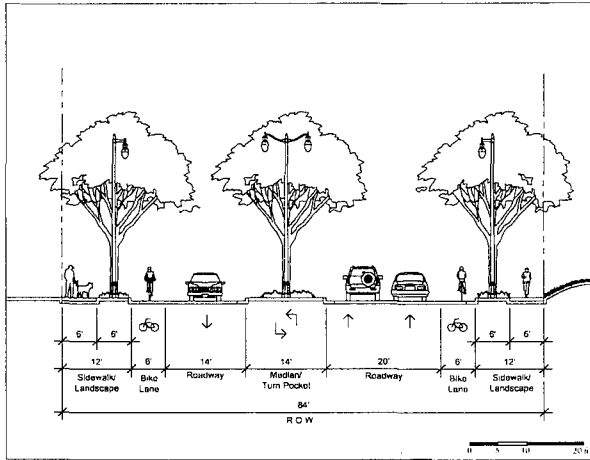
LANDSCAPE CONCEPT PLAN

# Brooklyn Basin - Oak to 9th Development Plan

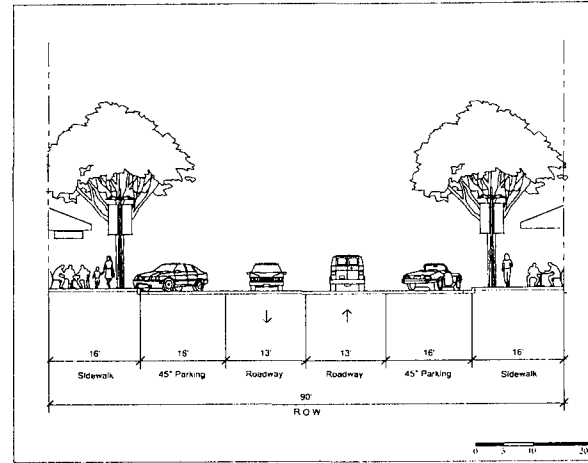
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

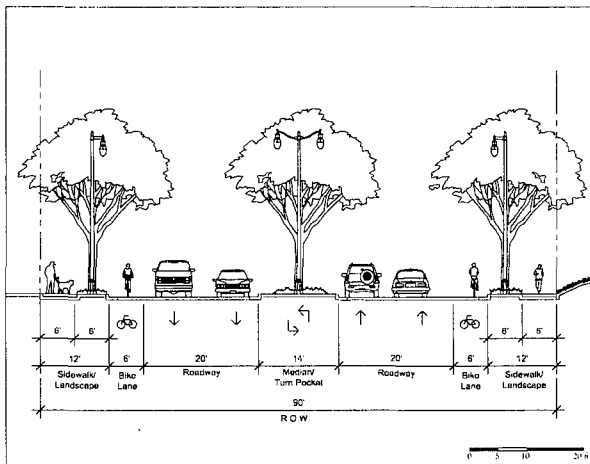
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4.2



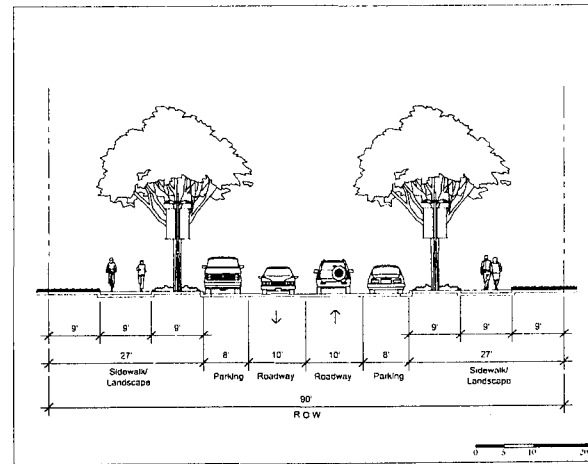
THE EMBARCADERO (East of 8th Avenue)



MAIN STREET - RETAIL



THE EMBARCADERO (East of Lake Merritt Channel to 8th Avenue)



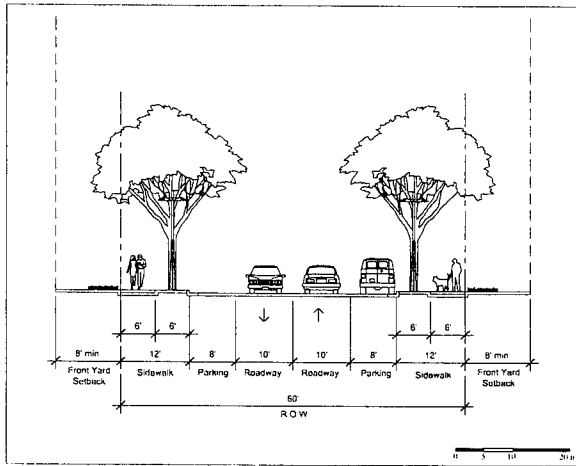
MAIN STREET - RESIDENTIAL

STREET SECTIONS

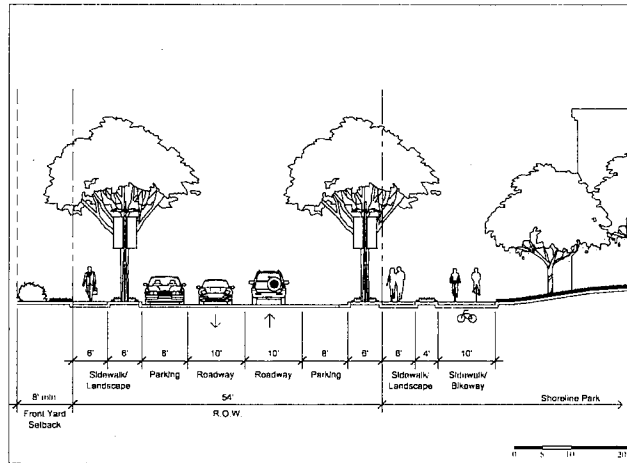
# Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

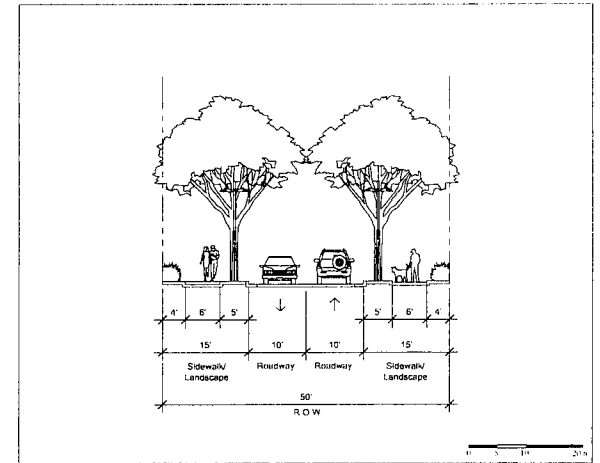
OCTOBER 2006



TYPICAL 60FT R.O.W. STREET



9TH AVENUE - 54FT R.O.W. STREET W/ BIKEWAY



HARBOR LANE EAST & WEST

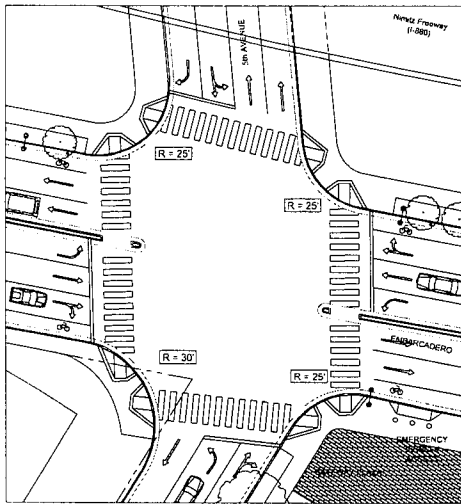
STREET SECTIONS

# Brooklyn Basin - Oak to 9th Development Plan

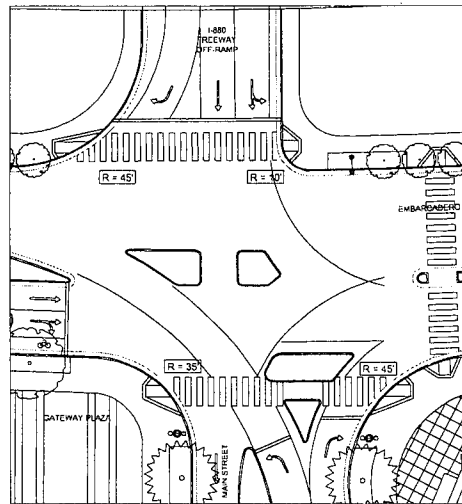
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

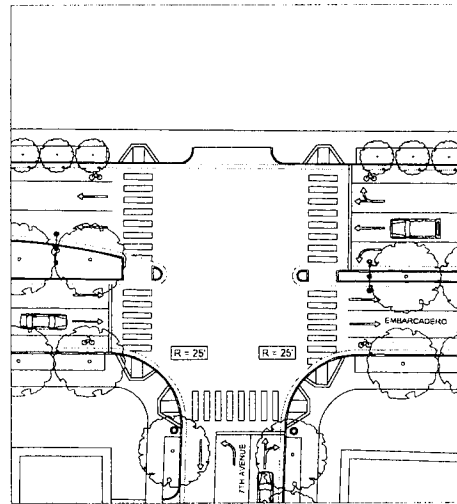
SHEET NO.  
4.3b



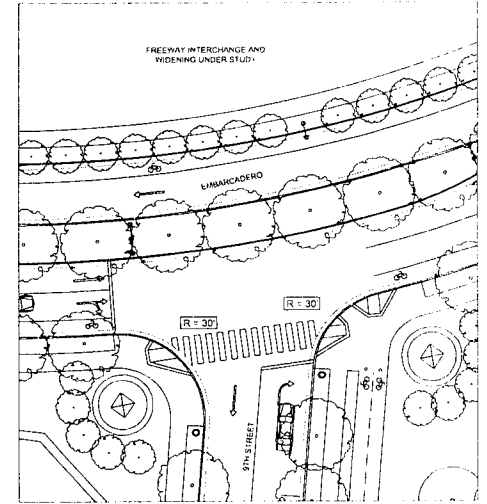
EMBARCADERO / 5TH AVENUE



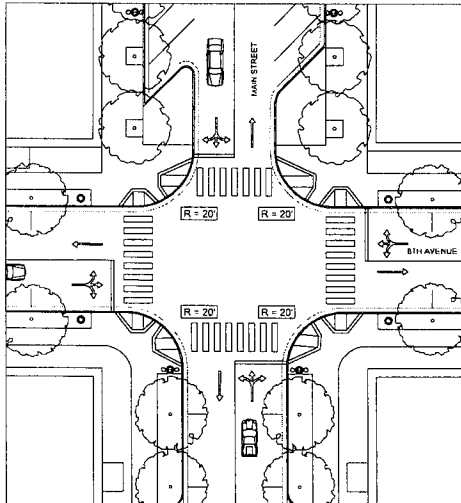
EMBARCADERO / MAIN STREET



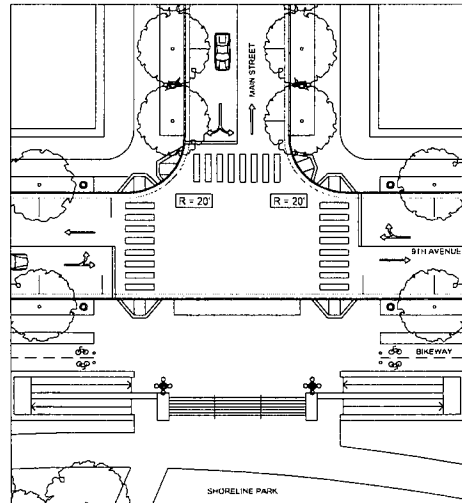
EMBARCADERO / 7TH AVENUE



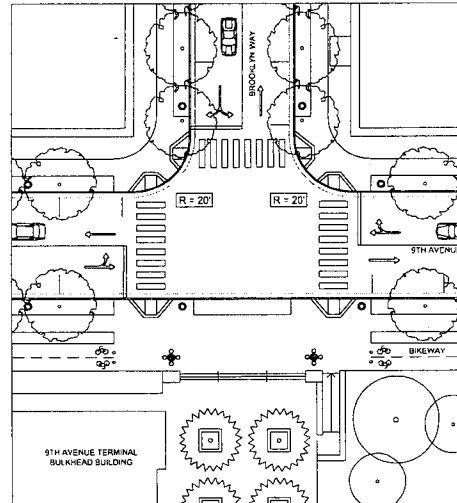
EMBARCADERO / 9TH AVENUE



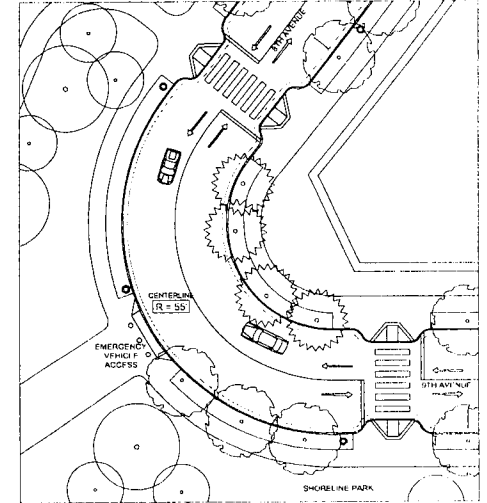
MAIN STREET / 8TH AVENUE



MAIN STREET / 9TH AVENUE



BROOKLYN WAY / 9TH AVENUE



8TH AVENUE / 9TH AVENUE



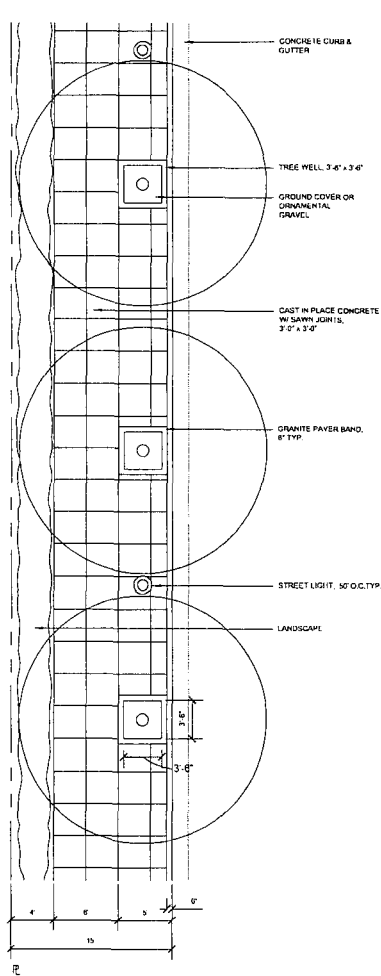
STREET INTERSECTIONS

# Brooklyn Basin - Oak to 9th Development Plan

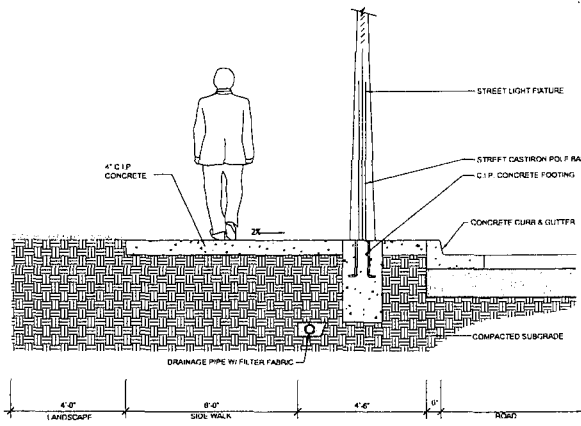
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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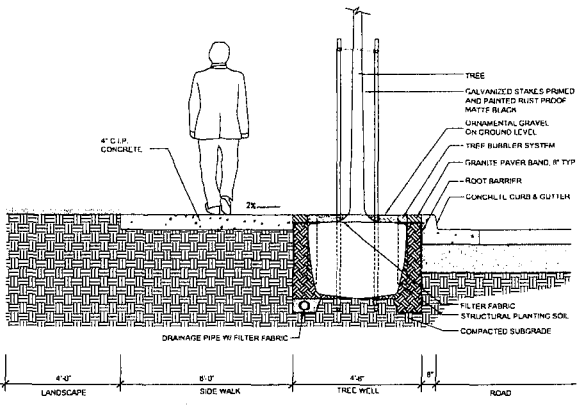
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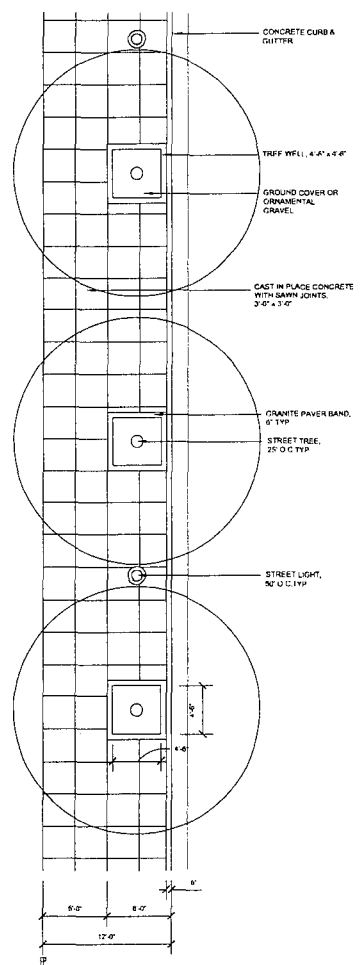
1 Typical Sidewalk Plan - 50' R.O.W.  
SCALE 3/16" = 1'-0"



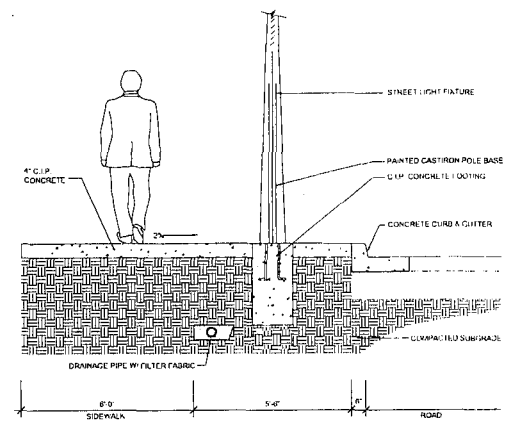
2 Typical Sidewalk Section at Light Fixture - 50' R.O.W.  
SCALE 1/2" = 1'-0"



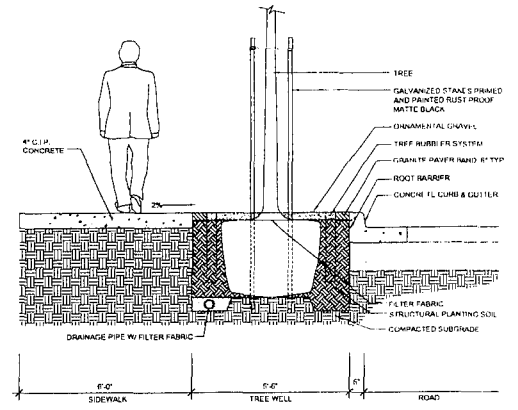
3 Typical Sidewalk Section at Street Tree - 50' R.O.W.  
SCALE 1/2" = 1'-0"



4 Typical Sidewalk Plan - 60' R.O.W.  
SCALE 3/16" = 1'-0"

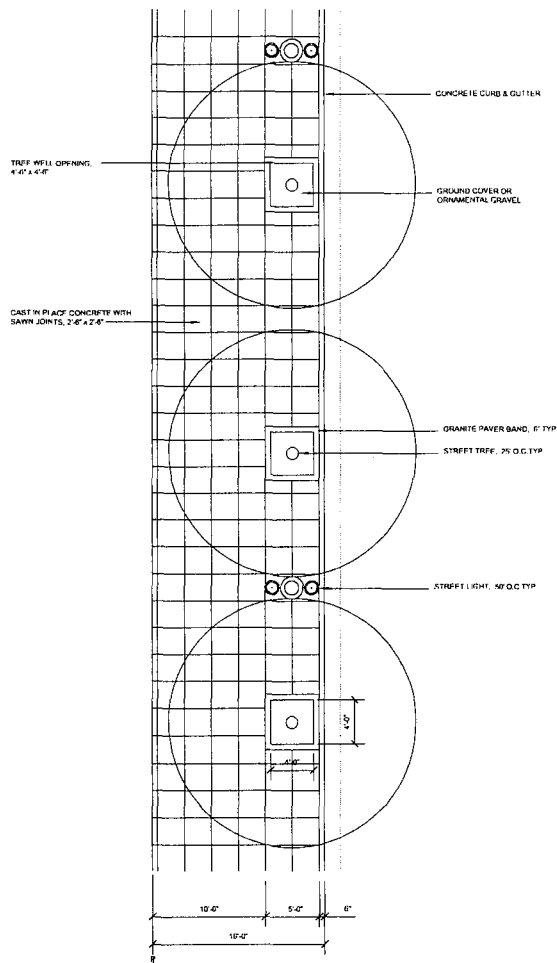


5 Typical Sidewalk Section at Light Fixture - 54' 60' R.O.W.  
SCALE 1/2" = 1'-0"

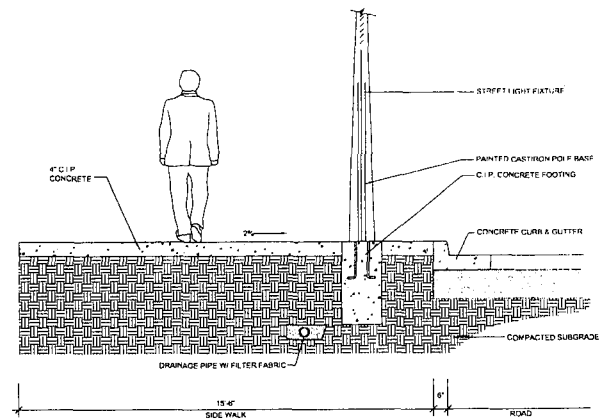


6 Typical Sidewalk Section at Street Tree - 60' R.O.W.  
SCALE 1/2" = 1'-0"

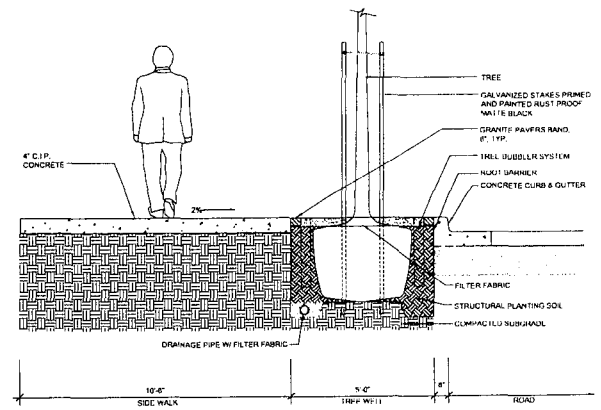
STREETSCAPE STANDARDS 50' AND 60' R.O.W.  
**Brooklyn Basin - Oak to 9th Development Plan**  
 Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers  
 OCTOBER 2006



1 Typical Sidewalk Plan - Retail Frontage  
SCALE 3/16" = 1'-0"



2 Typical Sidewalk Section at Light Pole - Retail Frontage  
SCALE 1/2" = 1'-0"



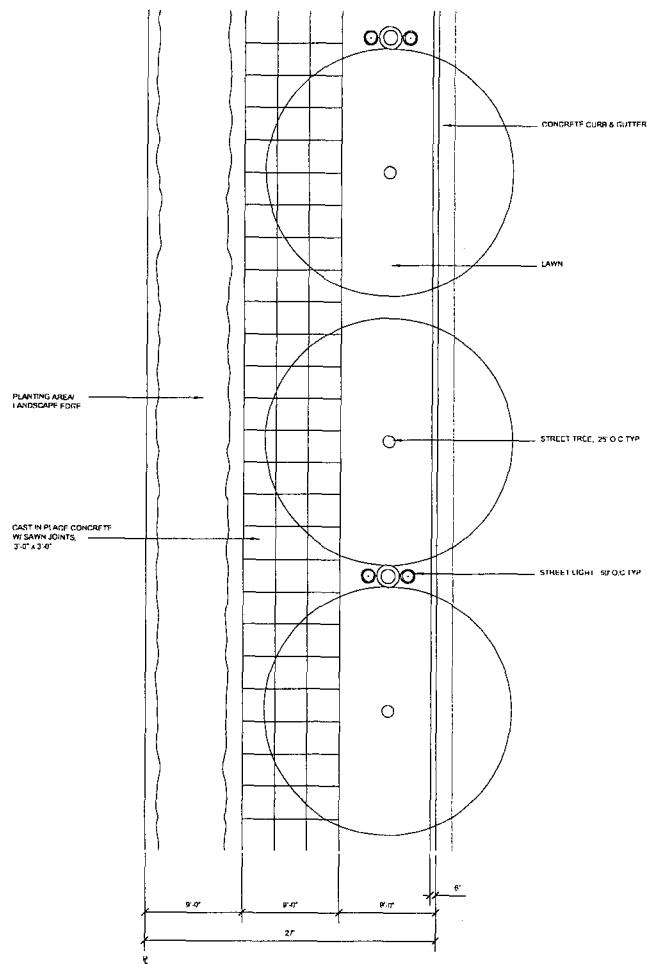
3 Typical Sidewalk Section at Street Tree - Retail Frontage  
SCALE 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY - RETAIL FRONTAGE

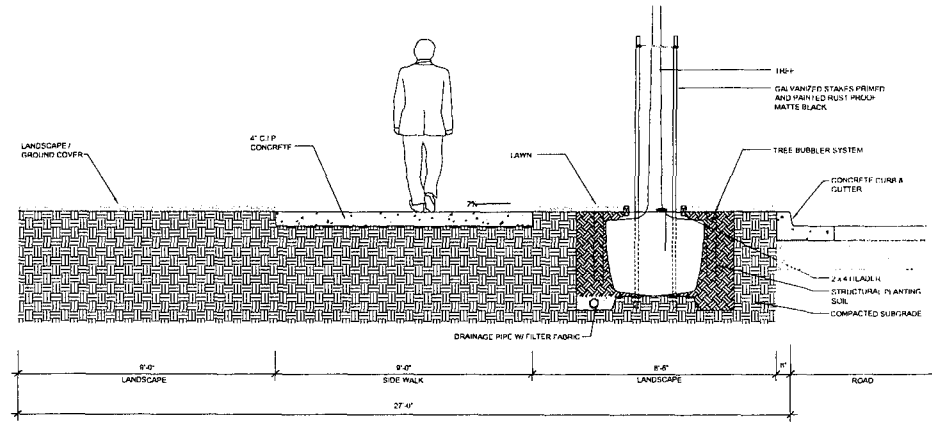
Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

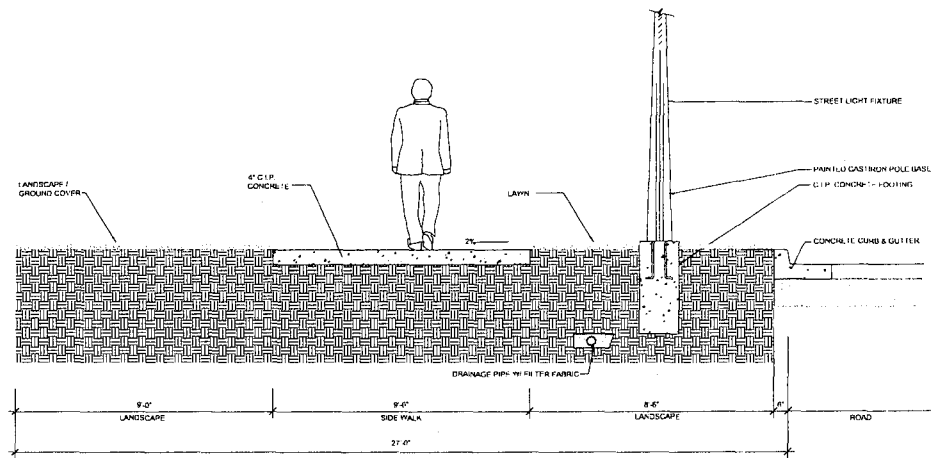
OCTOBER 2006



1 Typical Sidewalk Plan - Residential Frontage  
SCALE: 3/16" = 1'-0"



2 Typical Sidewalk Section at Street Tree - Residential Frontage  
SCALE: 1/2" = 1'-0"



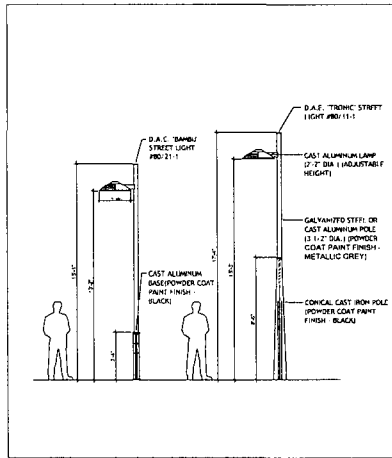
3 Typical Sidewalk Section at Light Pole - Residential Frontage  
SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY - RESIDENTIAL FRONTAGE

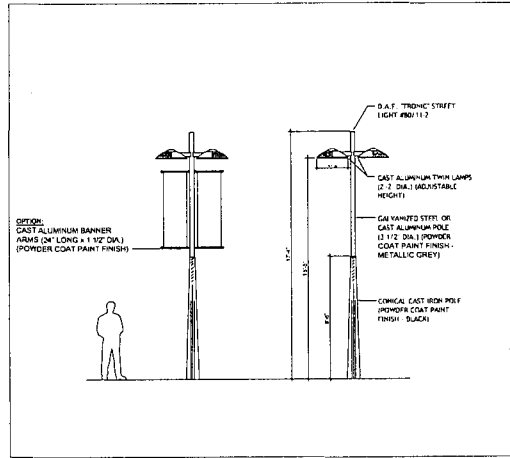
Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

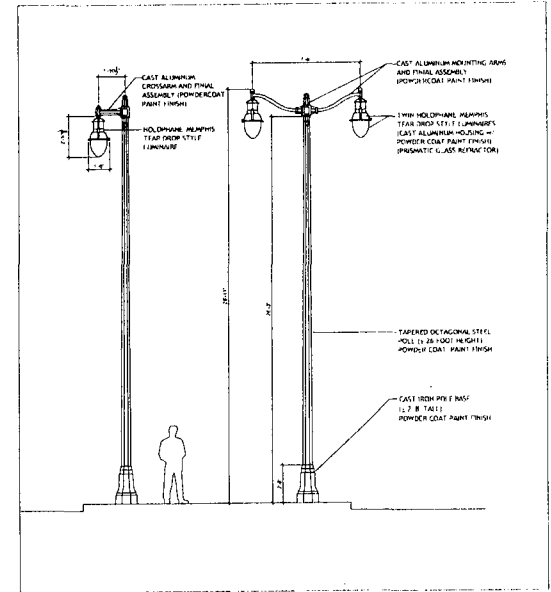
OCTOBER 2006



1B Pedestrian Light Pole & Street Light Pole - Single Luminaire  
SCALE 1/4"=1'-0"



2B Street Light Pole - Dual Luminaire  
SCALE 1/4"=1'-0"



3B The Embarcadero - Tall Pole Fixture  
SCALE 1/4"=1'-0"

STREET LIGHTING STANDARDS

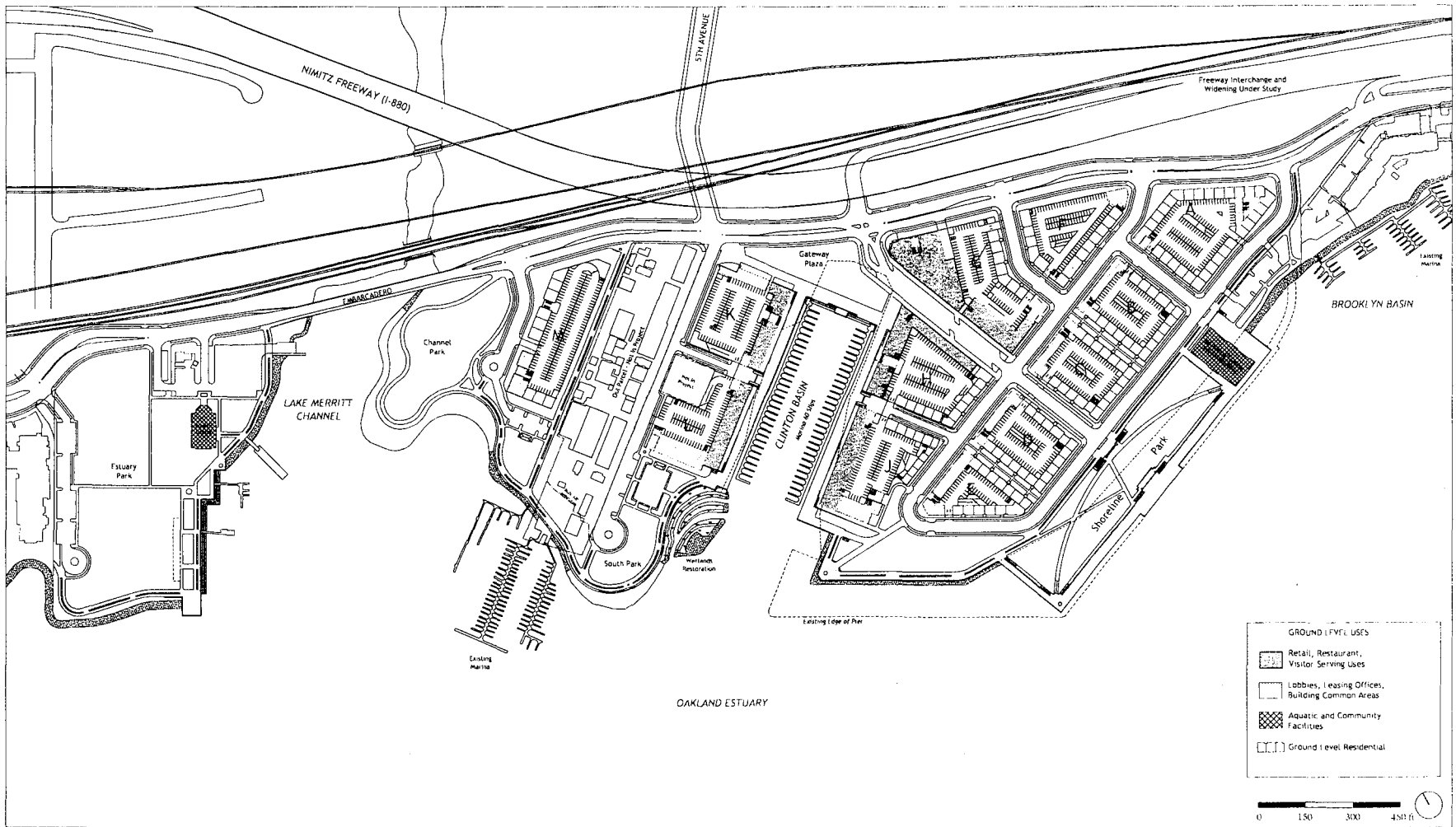
Brooklyn Basin - Oak to 9th Development Plan

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OCTOBER 2006

SHEET NO  
4.8





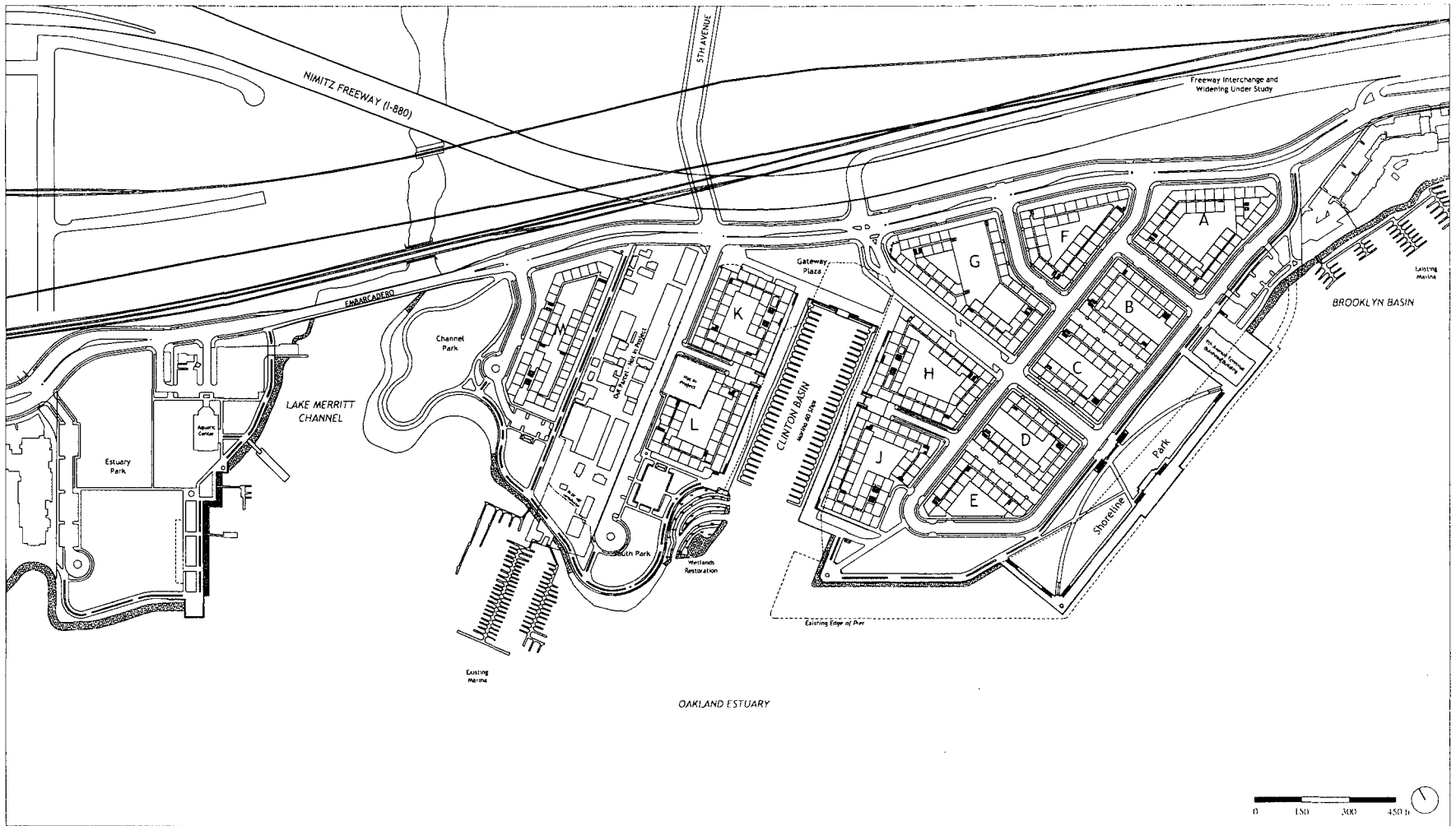
ILLUSTRATIVE GROUND LEVEL BUILDING PLAN

# Brooklyn Basin - Oak to 9th Development Plan

*Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers*

OCTOBER 2006

SHEET NO.  
**5.1**



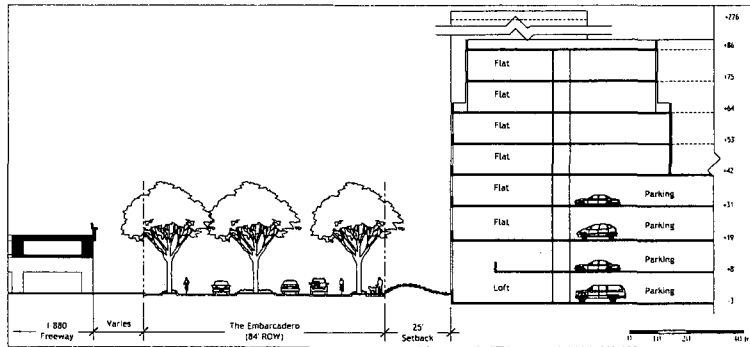
ILLUSTRATIVE UPPER LEVEL BUILDING PLAN

# Brooklyn Basin - Oak to 9th Development Plan

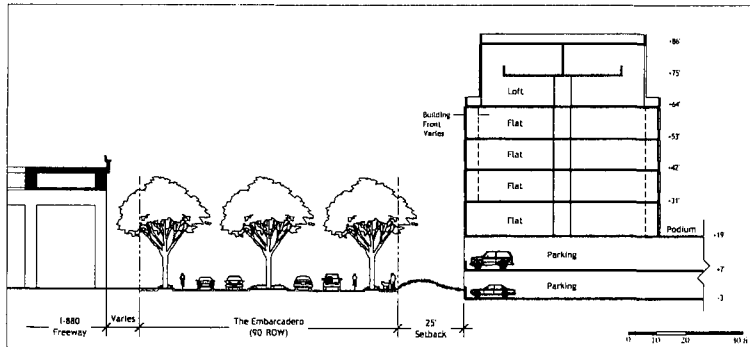
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

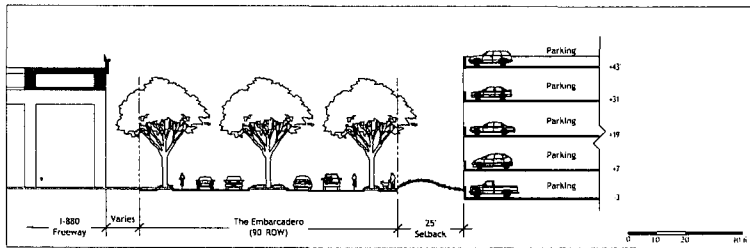
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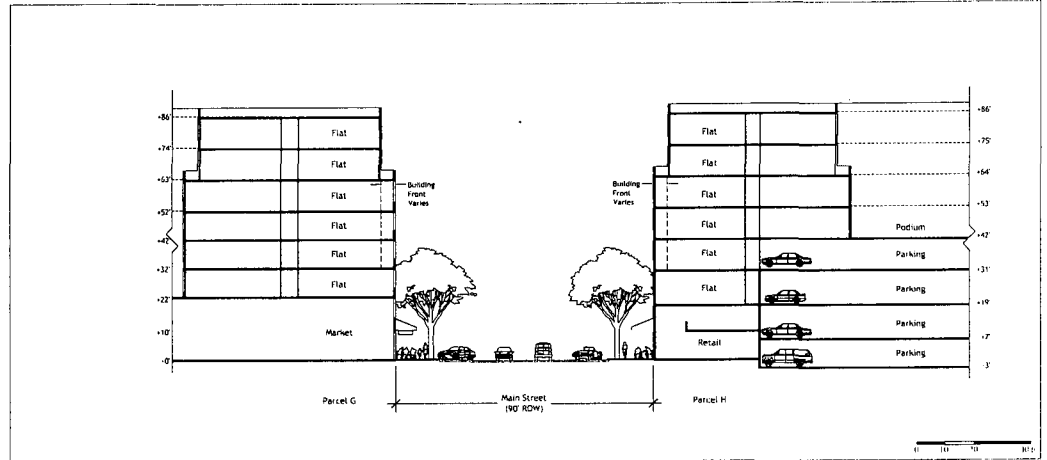
EMBARCADERO AT PARCEL A



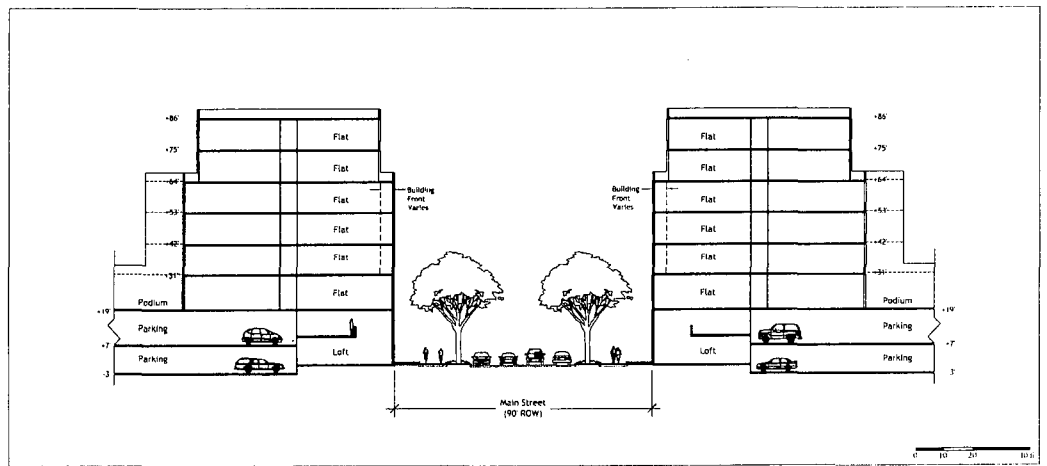
EMBARCADERO AT PARCEL F



EMBARCADERO AT PARCEL G



MAIN STREET AT PARCELS G & H



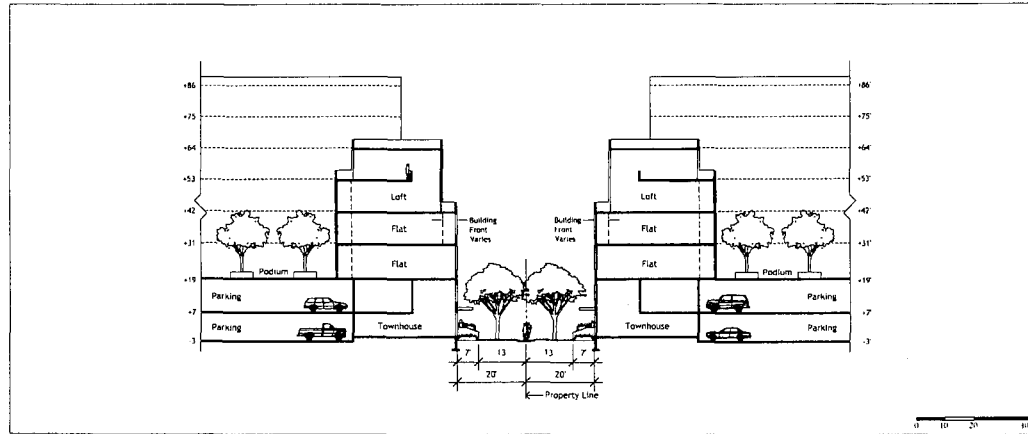
MAIN STREET AT PARCELS C & D

ILLUSTRATIVE BUILDING SECTIONS

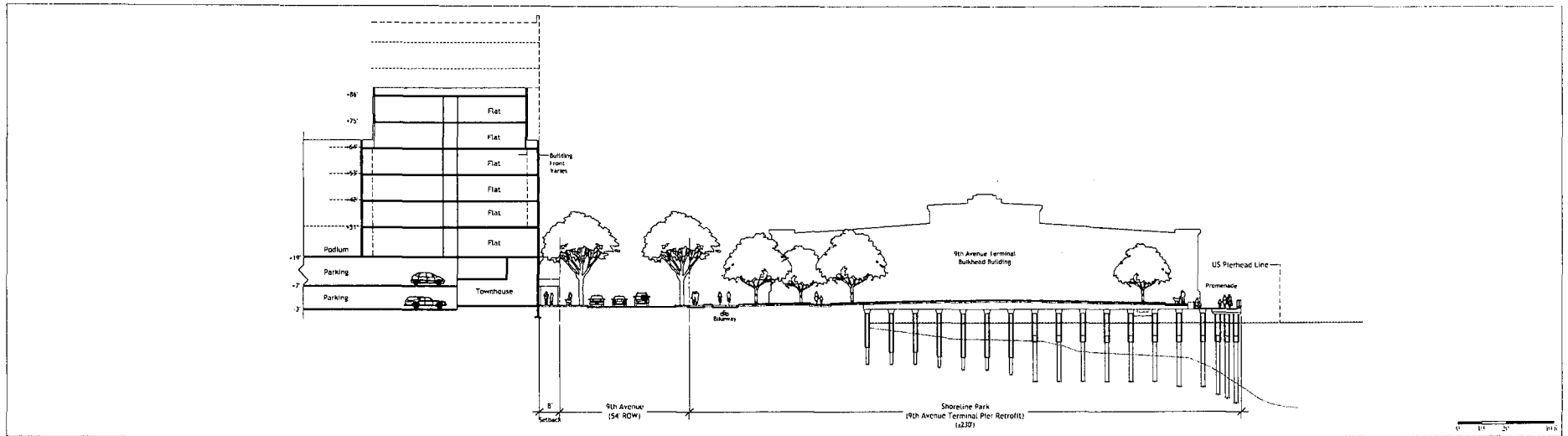
Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006



PEDESTRIAN WAYS BETWEEN PARCELS B, C, D & E



9th AVENUE AT PARCELS C, D, E & PIER RETROFIT

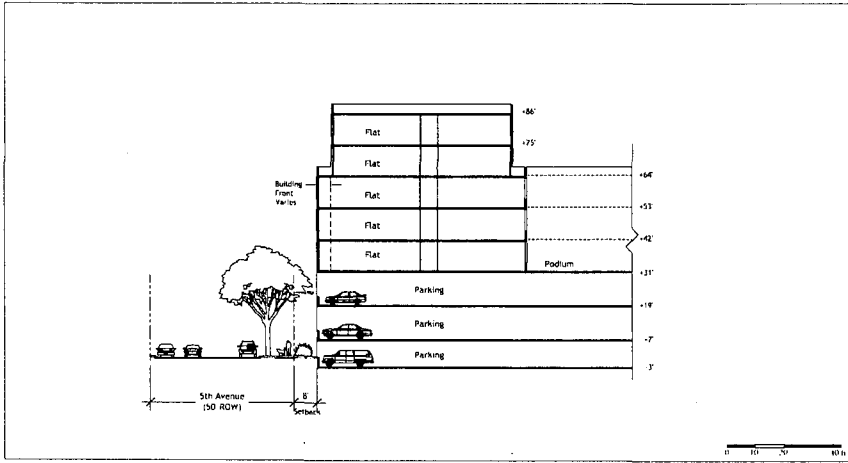
ILLUSTRATIVE BUILDING SECTIONS

# Brooklyn Basin - Oak to 9th Development Plan

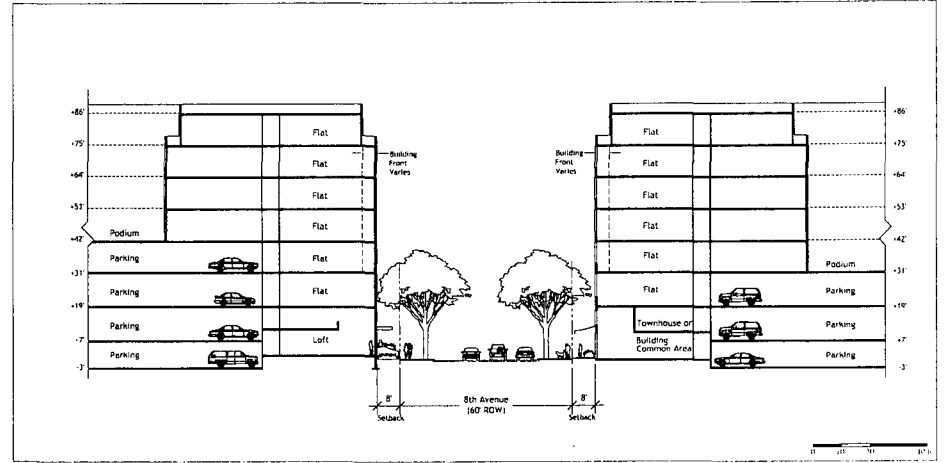
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

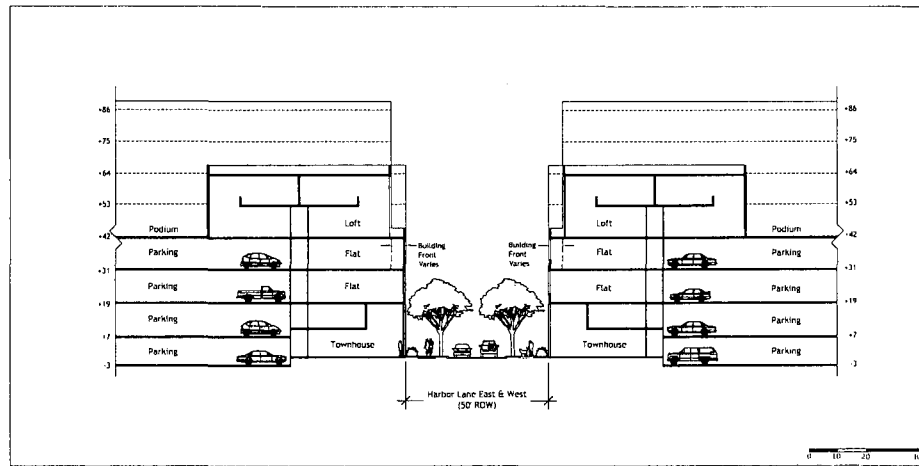
SHEET NO  
5.4



5th AVENUE AT PARCELS K & L



8th AVENUE AT PARCELS B, F, C, G, D, H, E & J



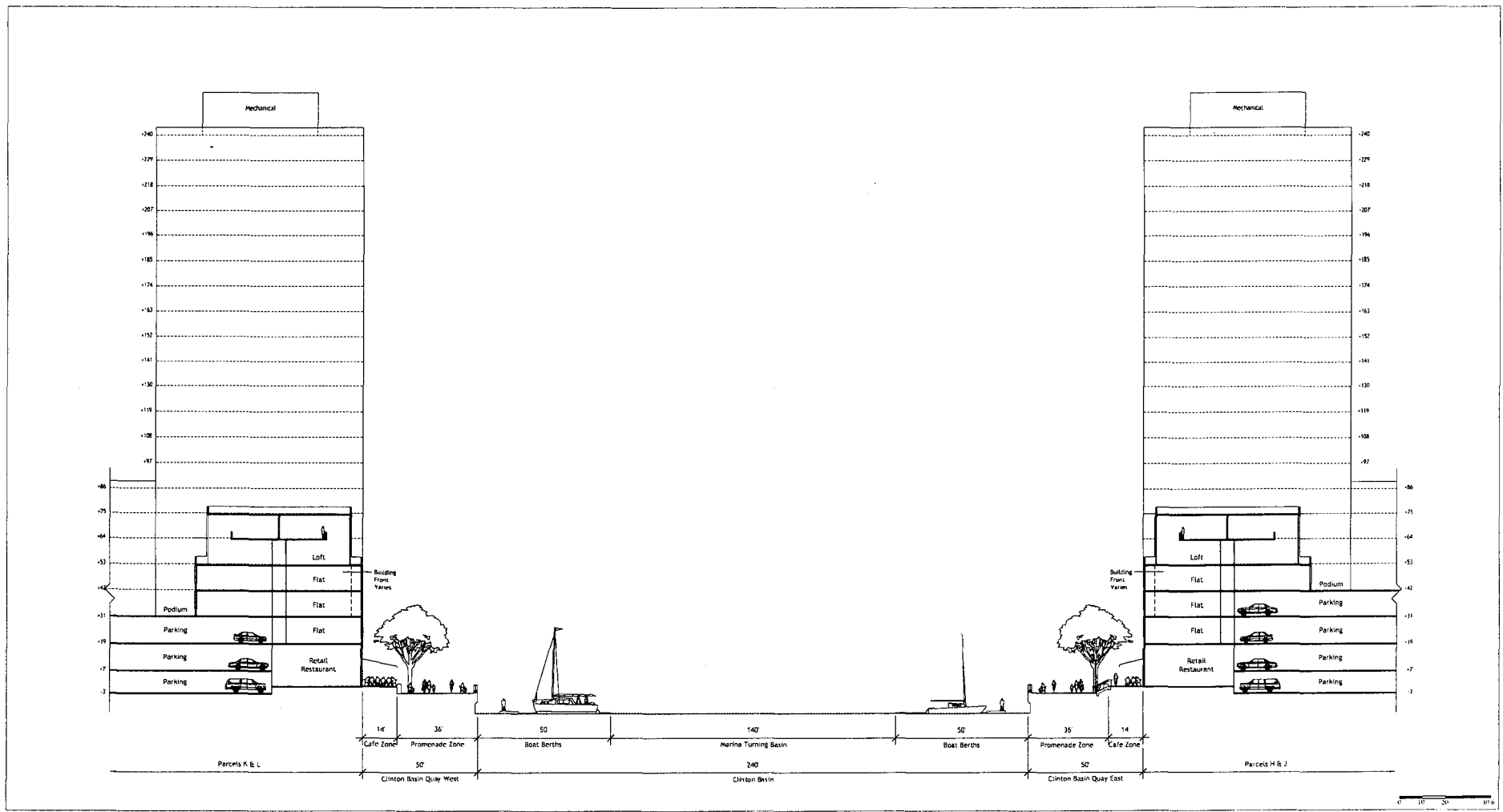
HARBOR LANE EAST & WEST AT PARCELS H, J, K & L

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006



CLINTON BASIN AT PARCELS H, K, J & L

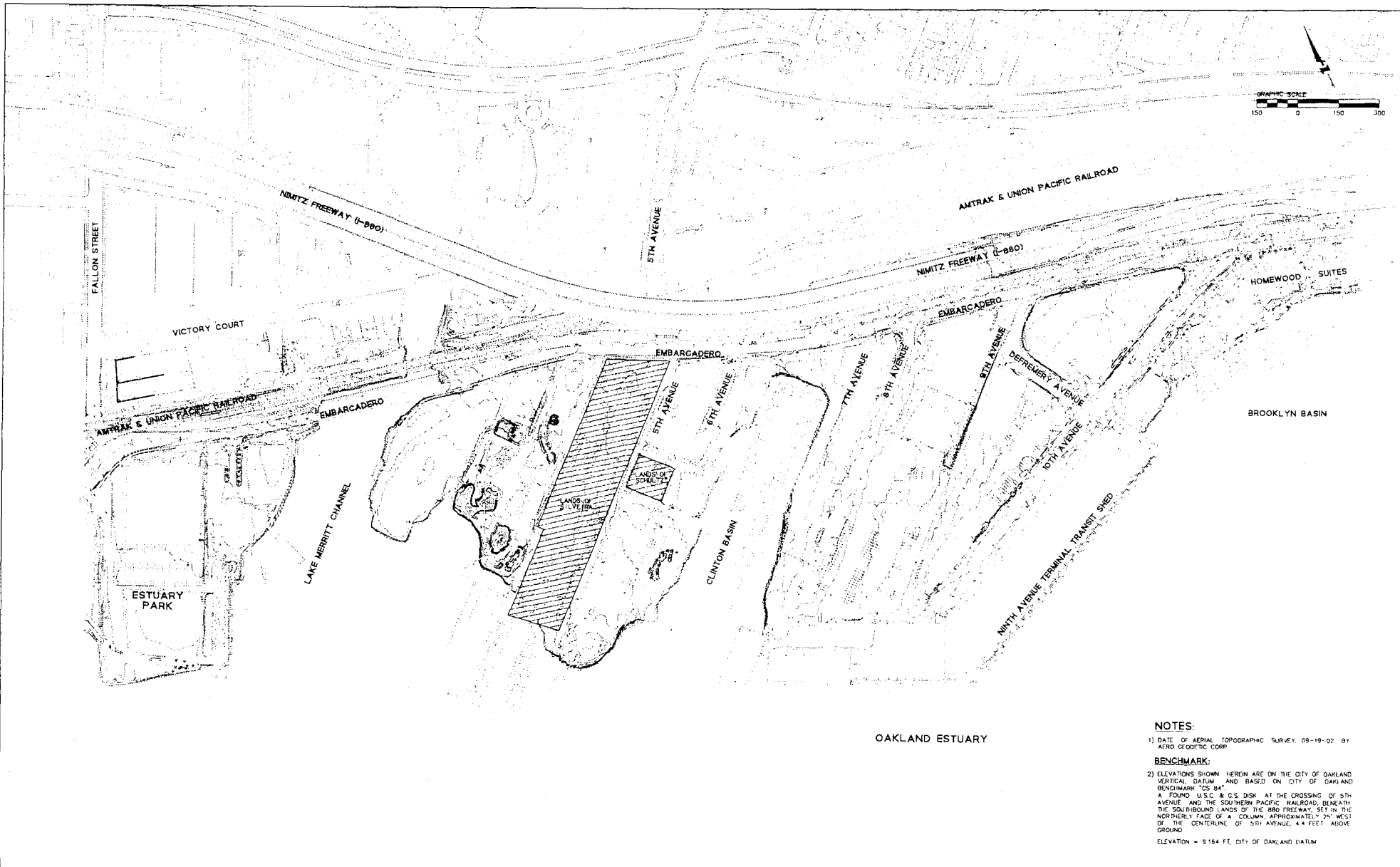
ILLUSTRATIVE BUILDING SECTIONS

# Brooklyn Basin - Oak to 9th Development Plan

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OCTOBER 2006

SHEET NO  
5.6



OAKLAND ESTUARY

**NOTES:**

1) DATE OF AERIAL TOPOGRAPHIC SURVEY, 09-19-02 BY AIRD GEODESIC CORP.

**BENCHMARK:**

2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84"

A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 74' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND

ELEVATION = 918.4 FEET, CITY OF OAKLAND DATUM

**BROOKLYN BASIN**  
**Oak to 9th Development Plan**  
 CITY OF OAKLAND, CALIFORNIA

**OAKLAND HARBOR PARTNERS**

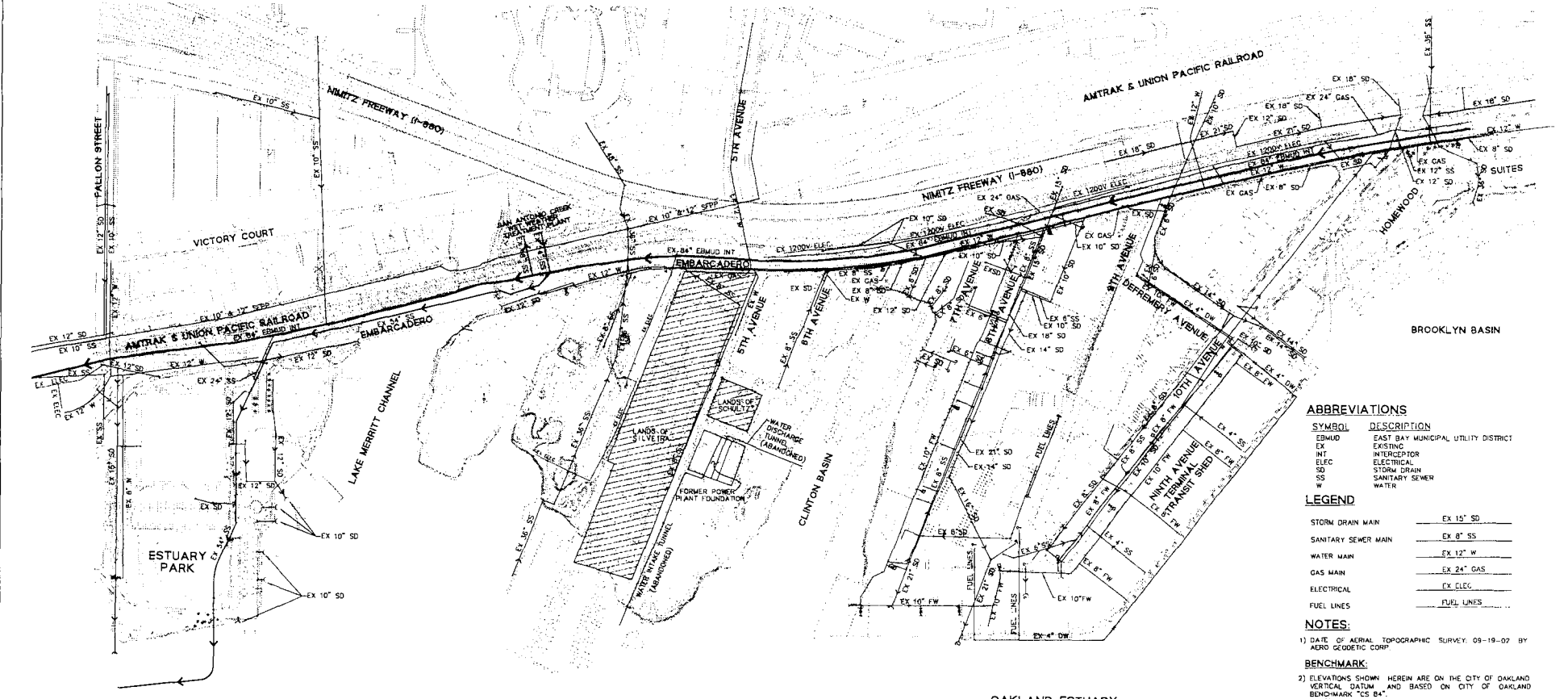
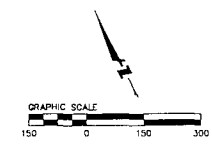
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REVISION	DATE	SCALE
P.U.D. SUBMITTAL	02-09-04	1"=150'
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05	DATE: October 19, 2006
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-08-05	NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36"
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06	
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-18-06	

SHEET TITLE:  
**EXISTING TOPOGRAPHY**

SHEET NO.  
**C-1**  
 CASE DRAWER SET



**ABBREVIATIONS**

SYMBOL	DESCRIPTION
EMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
ELEC	ELECTRICAL
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

**LEGEND**

STORM DRAIN MAIN	EX 10" SD
SANITARY SEWER MAIN	EX 8" SS
WATER MAIN	EX 12" W
GAS MAIN	EX 24" GAS
ELECTRICAL	EX ELEC
FUEL LINES	FUEL LINES

**NOTES:**  
 1) DATE OF AERIAL TOPOGRAPHIC SURVEY: 09-19-07 BY AERO GEODETIC CORP

**BENCHMARK:**  
 2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84".  
 A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SURROUNDING LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.  
 ELEVATION = 9.164 FT, CITY OF OAKLAND DATUM

**UTILITIES**  
 3) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA/GR SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

**BROOKLYN BASIN**  
 Oak to 9th Development Plan  
 CITY OF OAKLAND, CALIFORNIA

**OAKLAND HARBOR PARTNERS**

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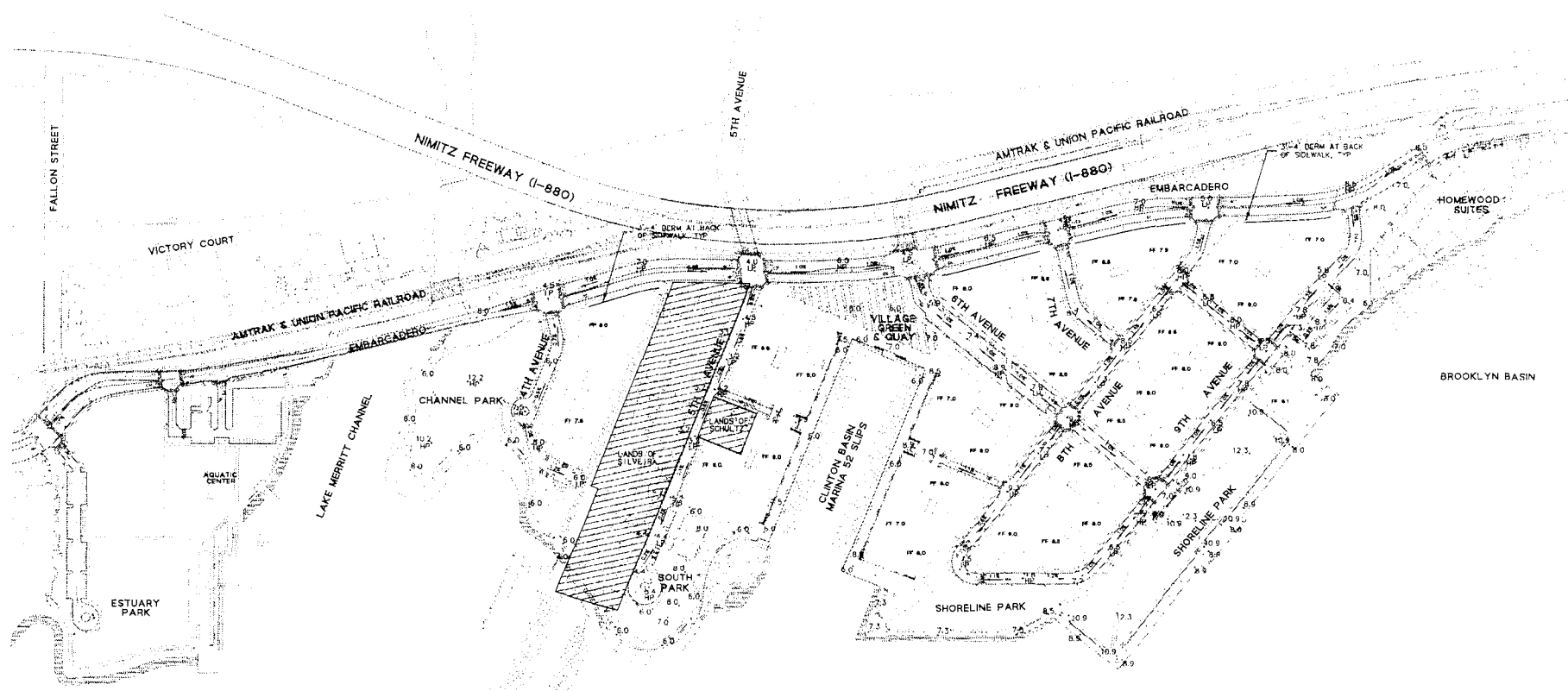
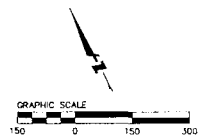
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REVISION	DATE	SCALE:
PLD SUBMITTAL	02-08-04	1" = 150'
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05	DATE: October 16, 2008
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-04-05	
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06	
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-14-08	

NOTE: THIS DRAWING IS REPRODUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:	SHEET NO:
<b>EXISTING UTILITIES</b>	<b>C-2</b>
CASE:	DRAWER:
	SF1:





**ABBREVIATIONS**

SYMBOL	DESCRIPTION
FF	FINISHED FLOOR
HP	HIGH POINT
LP	LOW POINT
TYP	TYPICAL

**NOTES:**  
 1) REFER TO DETAILED GRADING CONCEPT PLAN, STREET SECTIONS AND SHORELINE SECTIONS FOR ADDITIONAL INFORMATION.

**BROOKLYN BASIN**  
**Oak to 9th Development Plan**  
 CITY OF OAKLAND, CALIFORNIA

**OAKLAND HARBOR PARTNERS**

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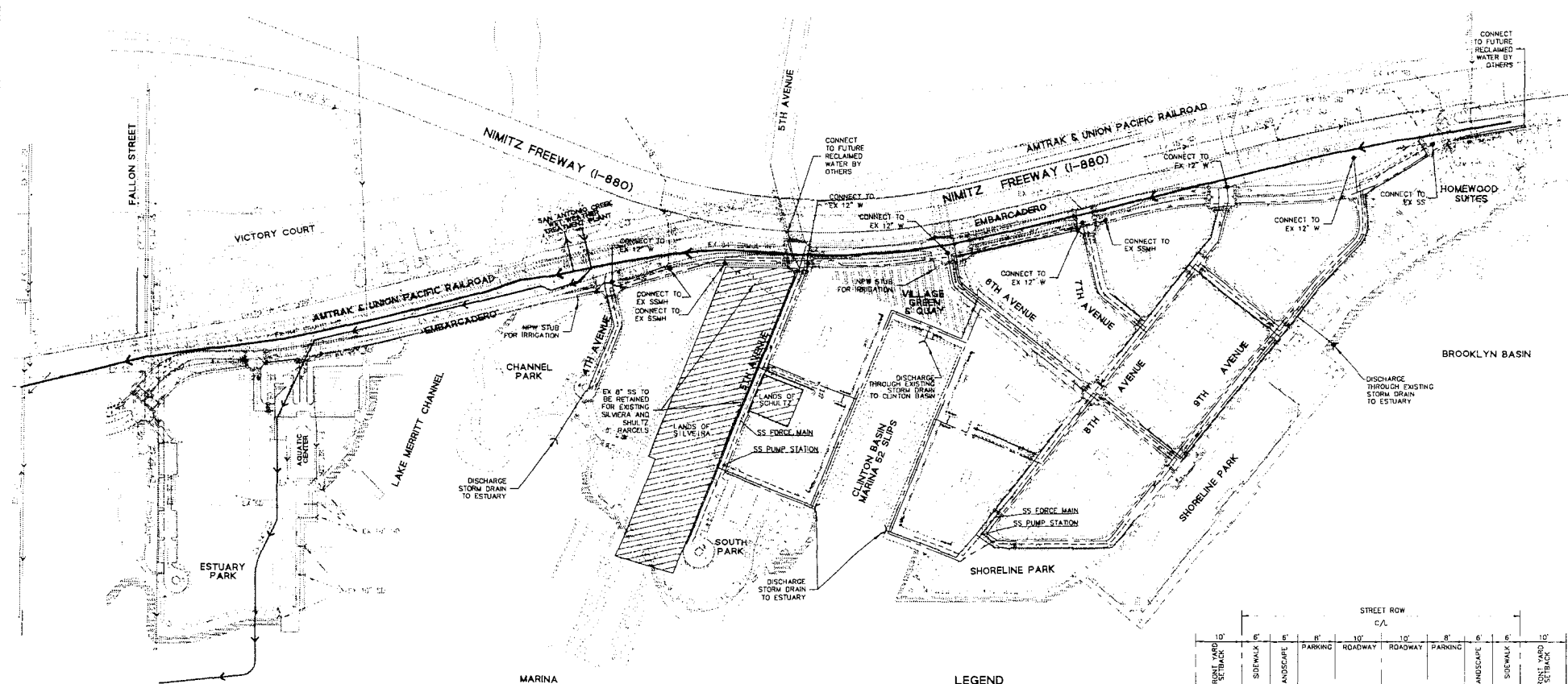
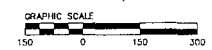
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REVISION	DATE	SCALE
P.I.D. SUBMITTAL	02-08-04	1"=150'
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	01-03-05	DATE: October 15, 2006
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-08-05	
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06	NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-18-06	

SHEET TITLE  
**PRELIMINARY GRADING CONCEPT PLAN**

SHEET NO.  
**C-3**

CASE	DRAWN	SET
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OAKLAND ESTUARY

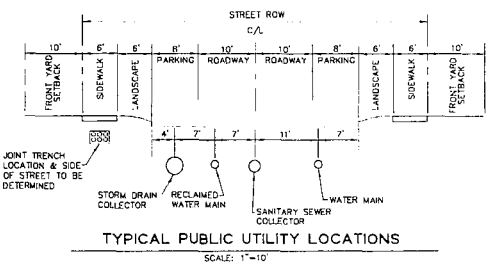
**EXISTING UTILITIES**  
 1) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA, SURFACE OBSERVATION AND ARE APPROXIMATE TO ONLY ACTUAL LOCATION AND SIZE. TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

**ABBREVIATIONS**

SYMBOL	DESCRIPTION
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
RW	RECLAIMED WATER
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

**LEGEND**

	PROPOSED	EXISTING
STORM DRAIN MAIN	---	EX 12" W
SANITARY SEWER MAIN	---	EX 12" W
WATER MAIN	---	EX 12" W
RECLAIMED WATER MAIN	---	---
POINT OF CONNECTION TO EXISTING UTILITY	•	---
STORM DRAIN DISCHARGE	—>	---



**BROOKLYN BASIN**  
 Oak to 9th Development Plan  
 CITY OF OAKLAND, CALIFORNIA

**OAKLAND HARBOR PARTNERS**

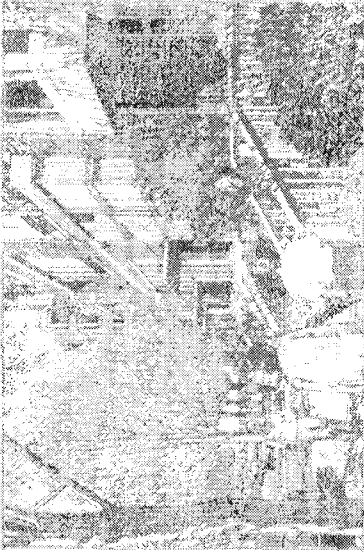
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REVISION	DATE	SCALE:
P.U.D. SUBMITTAL	02-06-04	1"=150'
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05	DATE:
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05	October 16, 2006
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06	NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36"
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-18-06	

SHEET TITLE: **PRELIMINARY UTILITY CONCEPT PLAN**

SHEET NO. **C-4**  
 CASE DRAWER SET



# OAK TO 9TH BROOKLYN BASIN

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## DESIGN GUIDELINES

NOVEMBER 2006



# OAK TO 9TH BROOKLYN BASIN

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## DESIGN GUIDELINES

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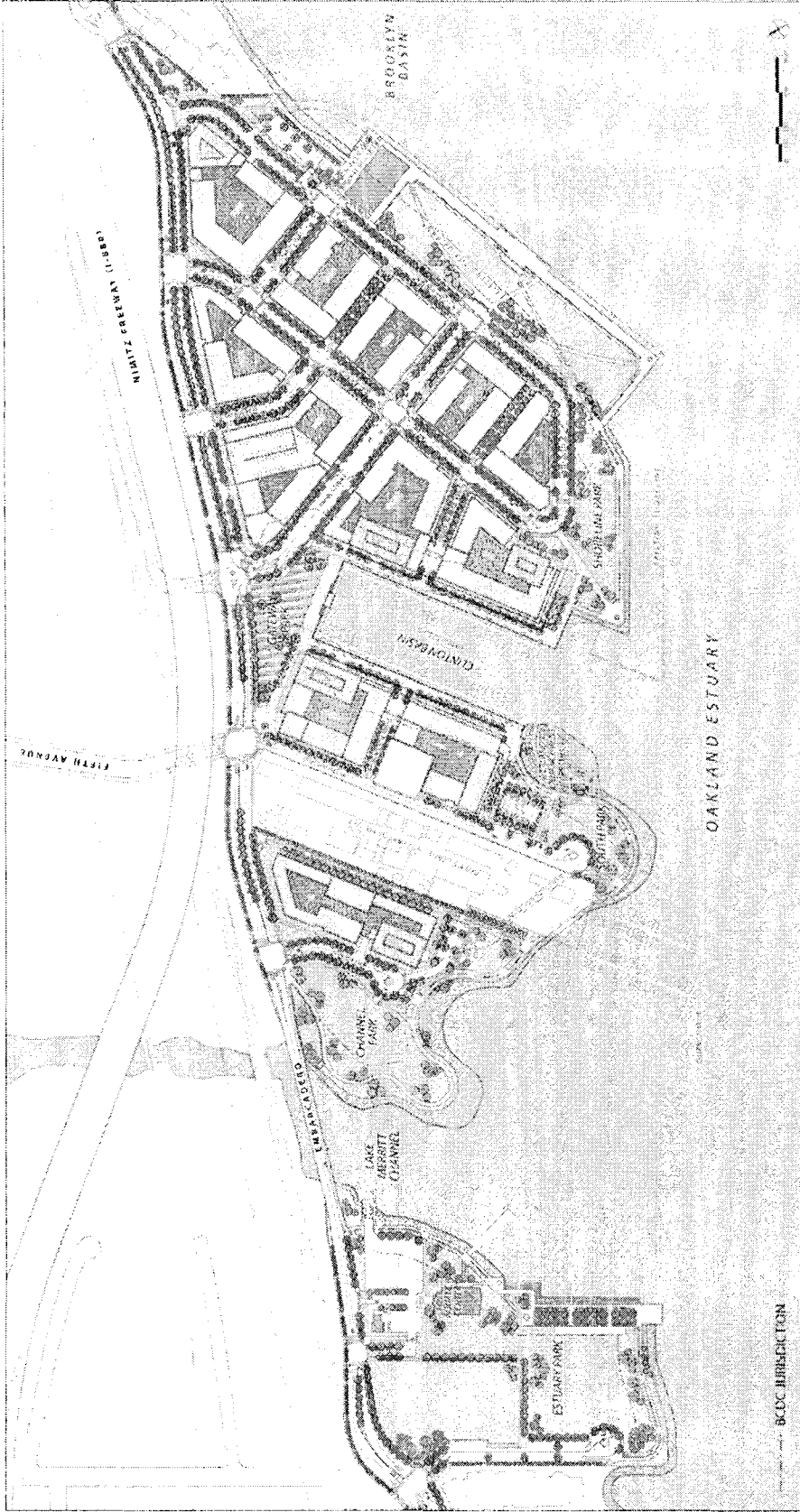
Urban Design Principles 3

Urban Design Concept 5

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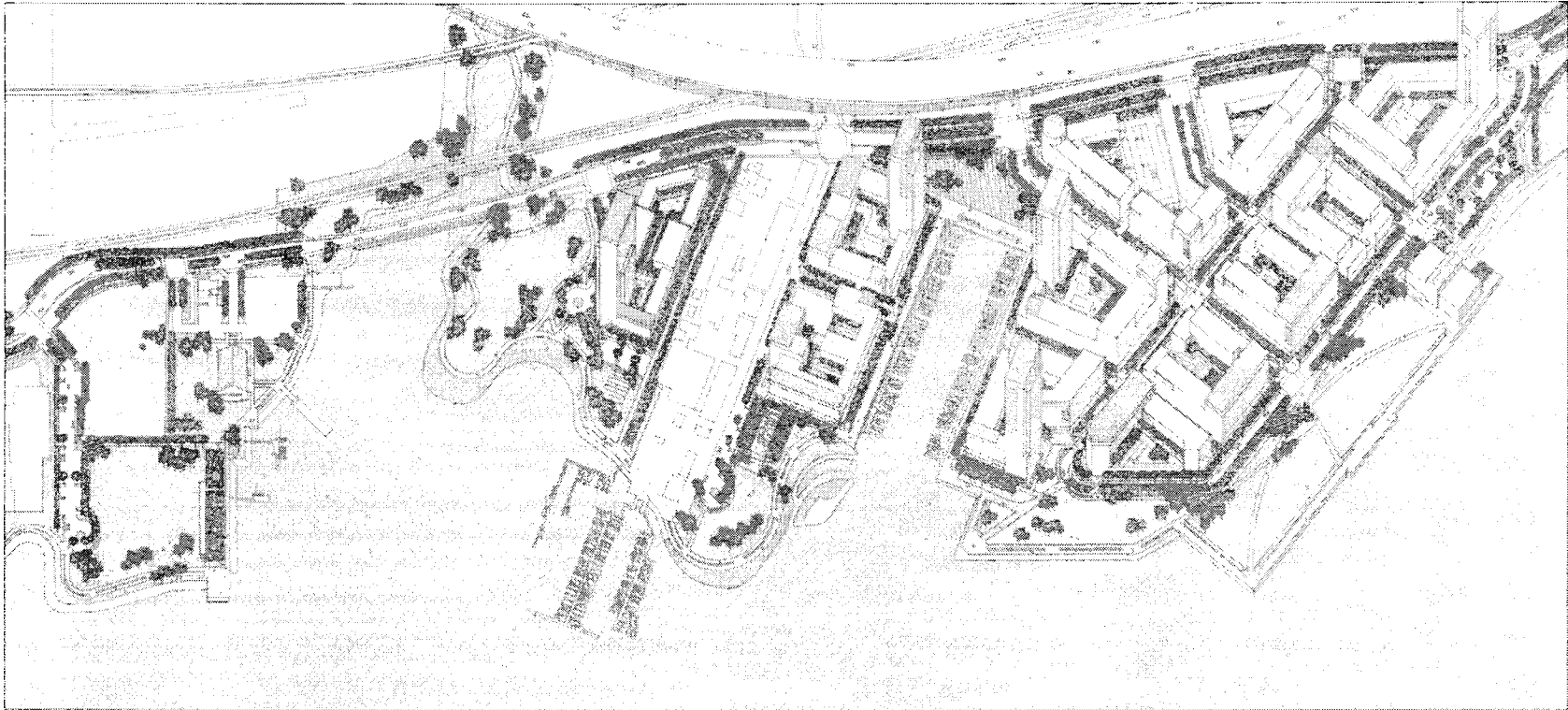
PREPARED BY ROMA DESIGN GROUP

NOVEMBER 2006



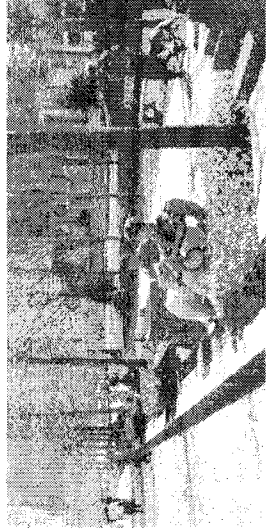
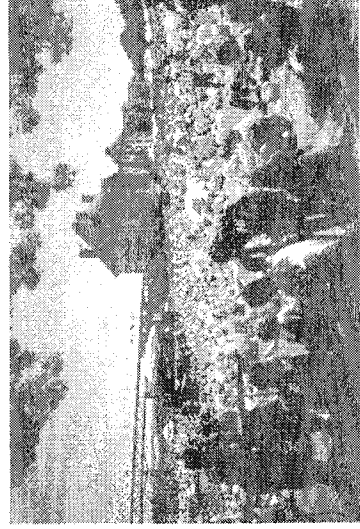
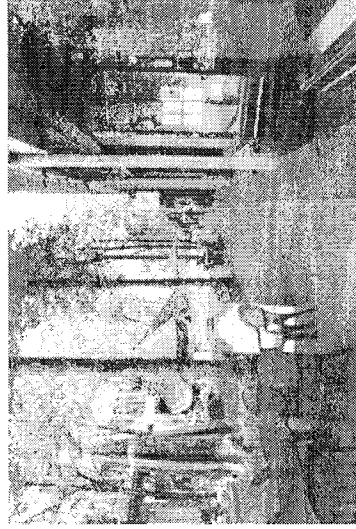
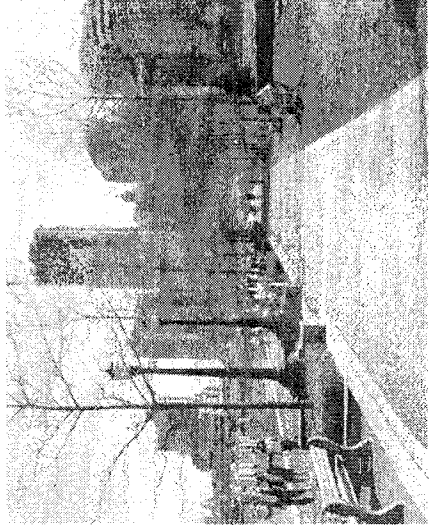
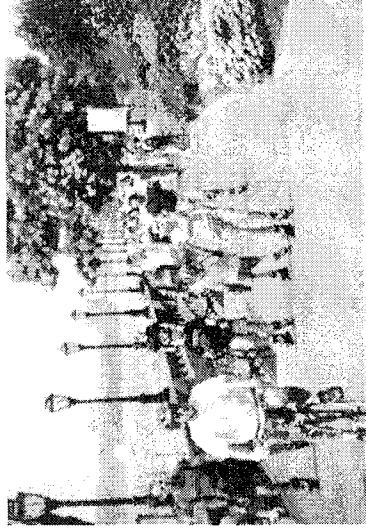
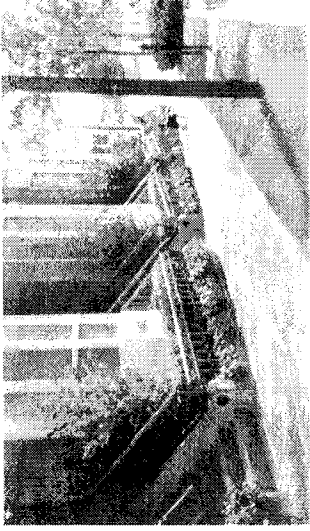
ILLUSTRATIVE PLAN

# THE VISION FOR BROOKLYN BASIN



Brooklyn Basin will establish a vibrant new mixed-use neighborhood on the Oakland Estuary, reinforcing the public role and destination appeal of the waterfront as a civic destination of regional importance. With its extensive “necklace” of parks, promenades, quays and plazas, the new community will significantly extend and enliven Oakland’s waterfront eastward from Jack London Square, reconnecting the City with a significant portion of its shoreline. In addition

to its open space network, a rich offering of cultural, commercial and recreational activities will give Brooklyn Basin importance to Oakland and the Bay Area community. A diverse mix of residents will further enliven this part of the City and establish it as a viable neighborhood with sufficient critical mass to overcome the significant transportation infrastructure that now separates the waterfront from the downtown and the remainder of the community.



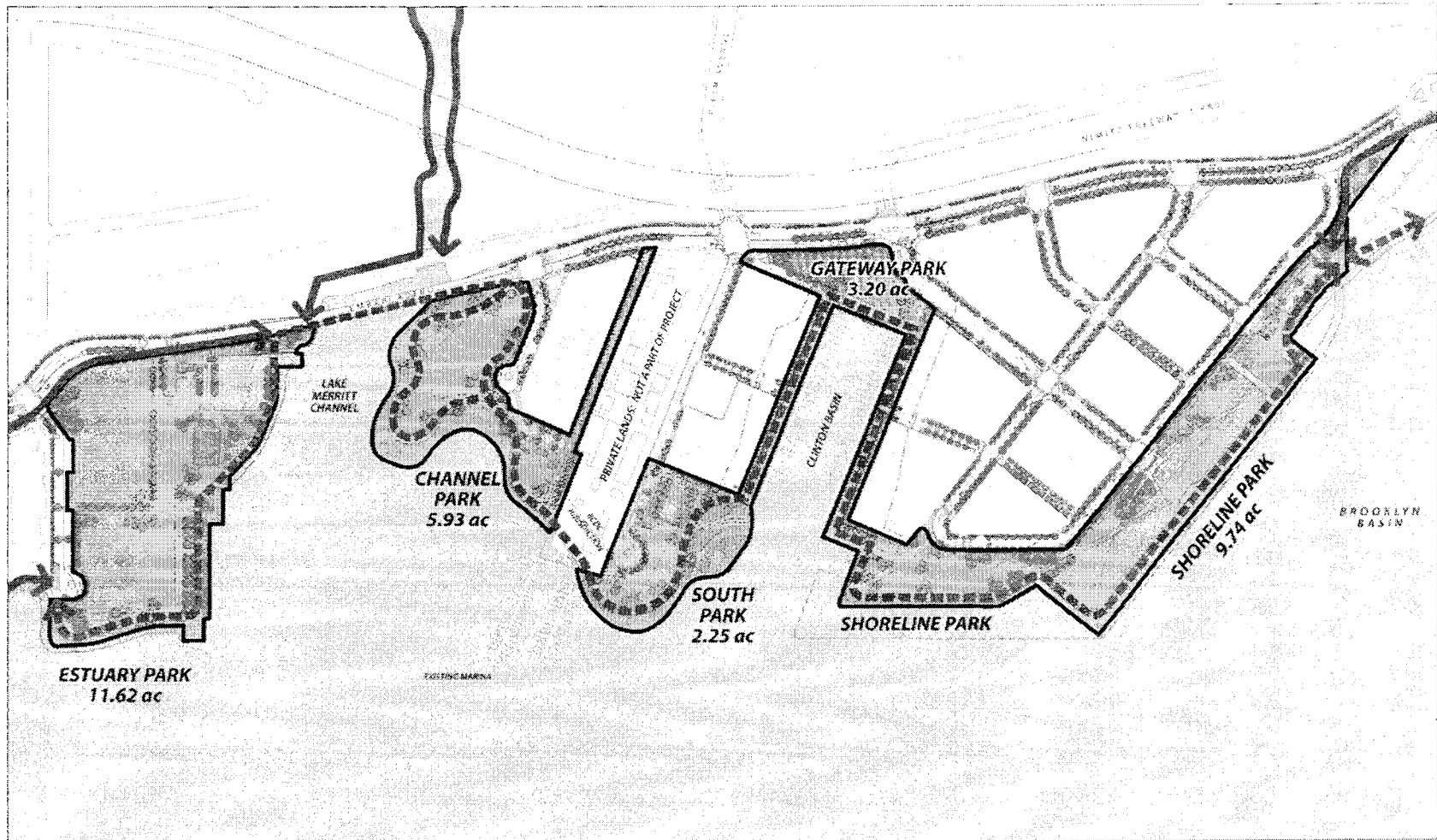


# URBAN DESIGN PRINCIPLES

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The goal for Brooklyn Basin is to create a vibrant mixed-use neighborhood that furthers Oakland's efforts to promote urban living and to reconnect the city with its waterfront. The following urban design principles are intended to support this goal:

1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.
2. Configure and design the open space system to serve as a city-wide and regional resource.
3. Create walkable and lively public streets, open spaces and pedestrian ways that provide strong visual and pedestrian linkages between the waterfront and inland areas.
4. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.
5. Introduce a mix of housing that supports a diverse population of residents and that promotes a day and nighttime environment along the waterfront.
6. Maintain and enhance public views to the waterfront.
7. Configure and design buildings to spatially define and reinforce the public character of streets and open spaces.
8. Introduce ground level activities that enliven streets and public spaces.
9. Develop a dynamic composition of taller and shorter buildings that reinforce the spatial characteristics of the waterfront and open space system, and that dramatize this unique shoreline setting.
10. Allow for a diversity of architectural expressions within the strong public framework of streets and open spaces.



**CONTINUOUS WATERFRONT OPEN SPACE**

# URBAN DESIGN CONCEPT

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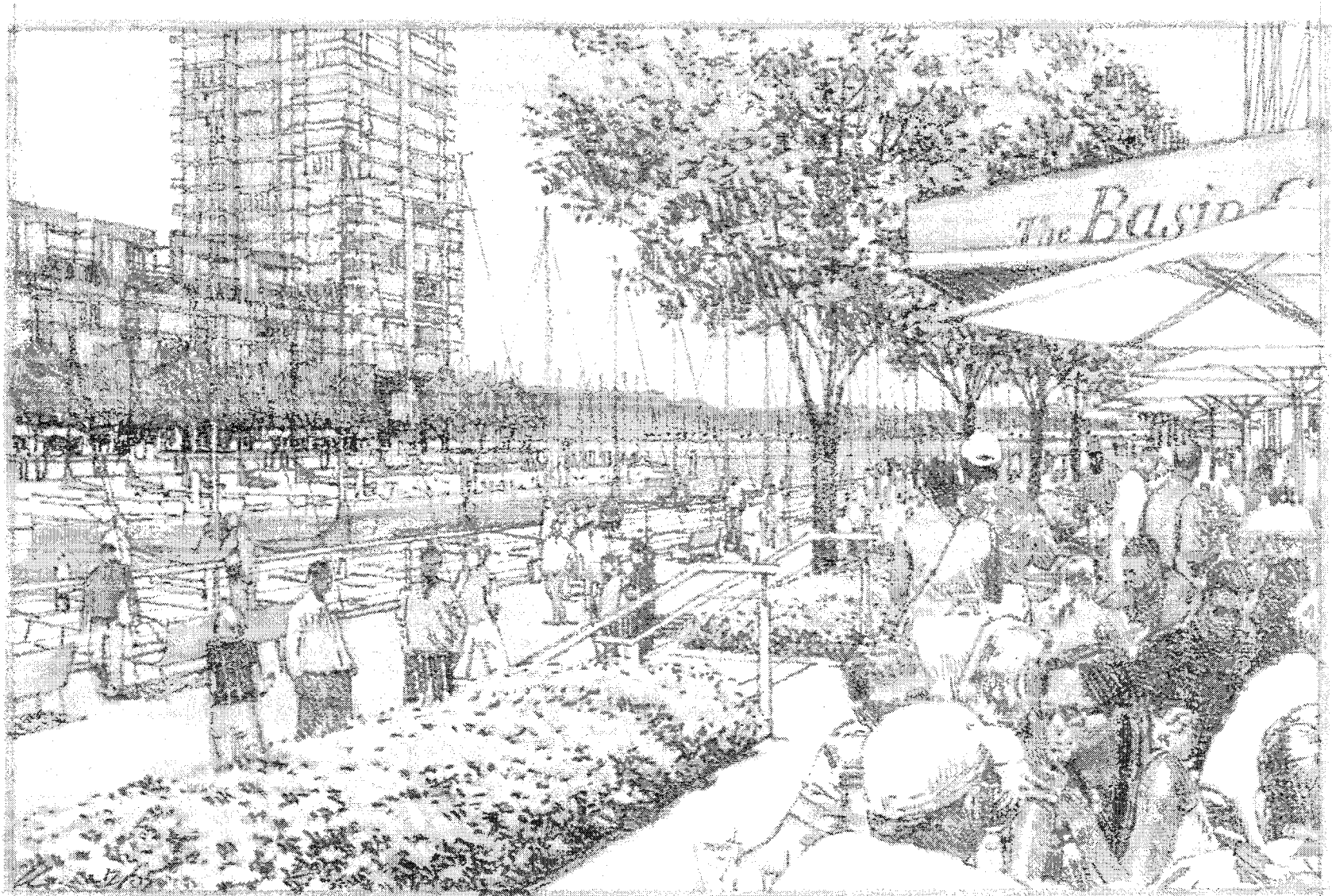
## A Continuous Necklace of Waterfront Open Space

Brooklyn Basin will provide approximately 32 acres of public open space along the Estuary, linked by a continuous pedestrian and bicycle trail system that connects Jack London Square with Oakland's eastern waterfront. The open space system will include a restored wetland, four new parks, an expanded Estuary Park, and a wide public promenade along the perimeter of Clinton Basin. More specifically:

- **Estuary Park** will be expanded by approximately 2 acres to the north and east, and more strongly integrated with the Aquatic Center at the mouth of Lake Merritt Channel; public parking will be provided along the western edge of the open space and the large field space will be enhanced. The park will open up panoramic views to the Estuary from The Embarcadero.
- **Channel Park** across Lake Merritt Channel from Estuary Park will be designed as a large waterfront meadow with a new vegetated edge, suitable for passive recreation, picnicking and sunbathing. Bocce ball courts are incorporated in the southeastern portion of the open space, adjacent to a small public parking lot. A dog park is planned immediately south of the Lake Merritt Channel bridge along the Embarcadero. The

park will be designed to accommodate future connections to Lake Merritt along the Channel.

- **South Park** at the southern terminus of Fifth Avenue will provide panoramic views up and down the Estuary. The park also overlooks a reclaimed wetland at the mouth of Clinton Basin, and features a children's playground.
- **Clinton Basin** forms the heart of the new community. The 3.6-acre water space will be a unique urban destination animated by recreational vessels and surrounded by a public esplanade lined with overlooking cafes and restaurants. The 50-foot wide public quay is organized in two stepped tiers, a 15-foot wide promenade with outdoor cafes providing overlook onto a 35-foot wide promenade at the water's edge with public seating and landscaping.
- **Gateway Park** offers dramatic views of Clinton Basin and the Estuary from the Embarcadero and I-880, and a direct visual and pedestrian connection between Fifth Avenue and the shoreline. The park will provide a stage for civic events as well as commercial (e.g., farmers market, arts/crafts fairs, etc.) and recreational activities oriented to both Clinton Basin and Main Street.



*Clinton Basin forms the heart of the new community. It is defined by a public esplanade lined with overlooking cafés and restaurants.*

- **Shoreline Park** along the southern and western edges of the community provides a grand civic space oriented to the open water of Brooklyn Basin. The park is designed to accommodate large celebrations, concerts, water festivals, as well as day-to-day activities, such as informal play and passive recreation. Much of the park is built on the existing pile-supported pier structure of the 9th Avenue Terminal, the maritime history of which will be celebrated through interpretive elements and displays.

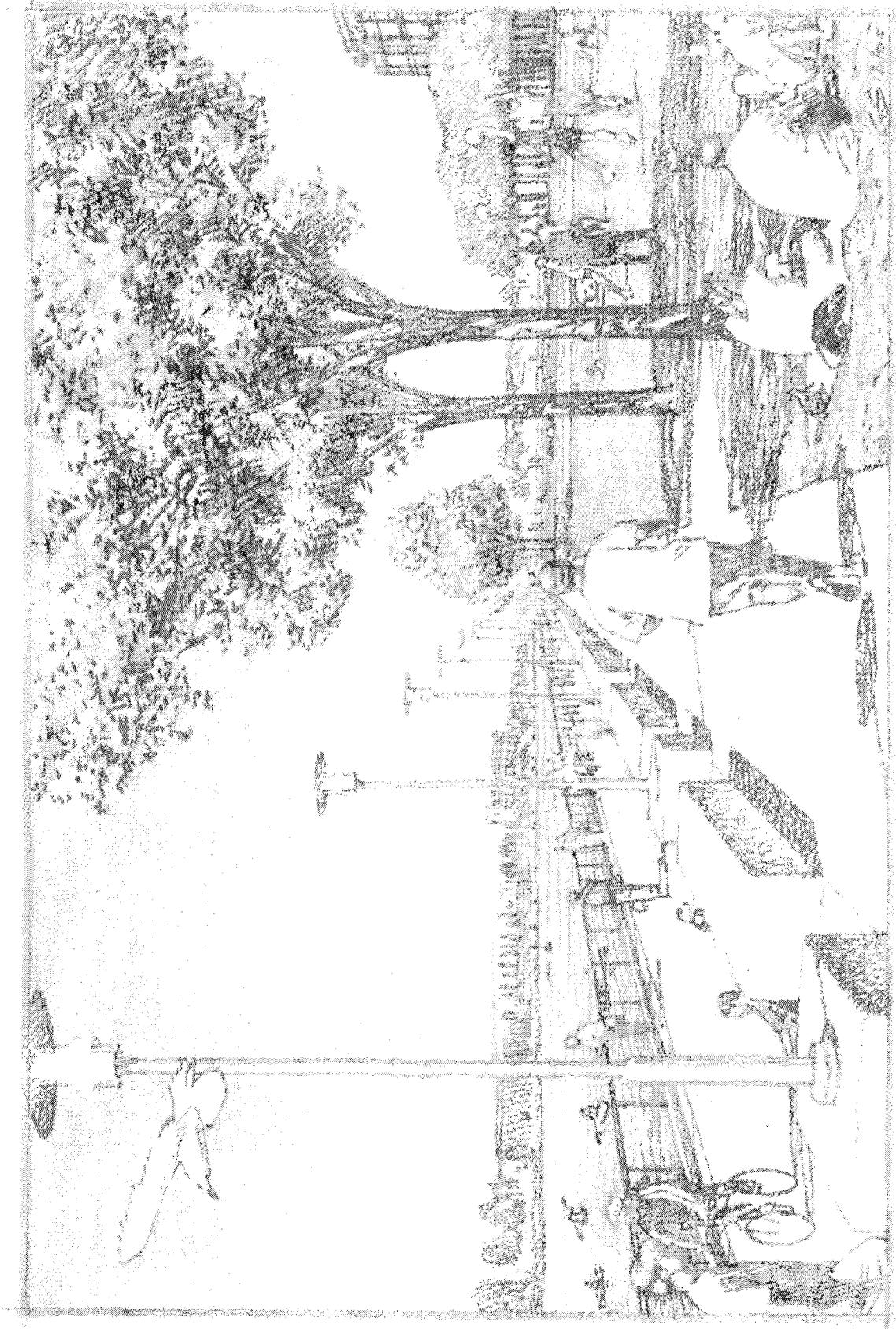
## A Rich Pattern of Public Streets and Pedestrian Ways

Streets in the Brooklyn Basin community are configured and designed as an integral extension of the open space system, providing direct pedestrian and visual linkages between the city and the waterfront. The streets are aligned to offer direct views to the Estuary from the Embarcadero and oriented to ensure maximum exposure to the sun throughout the day and year. Each street is designed to create a unique urban and pedestrian experience with generous sidewalks and adjoining buildings that provide activities, eyes on the street and strong spatial definition. The pattern of blocks, at intervals of 300 to 400-feet, extends the grid pattern of the city and offers multiple and diverse routes between the Embarcadero and the shoreline. More specifically:

- **Main Street** joins the Embarcadero at the foot of Clinton Basin, and terminates at Shoreline Park. The wide street serves as a

commercial mixed-use spine and gathering place for the community. Between the Embarcadero and 8th Avenue, it is lined with neighborhood-serving shops that will benefit from the intensity of activity, the high levels of visibility, and convenient on-street diagonal parking. Between 8th and 9th Avenues, workshops, galleries and work-live lofts will extend the commercial character and activity of the street to Shoreline Park.

- **Ninth Avenue** forms a strong public edge to Shoreline Park, and a direct and welcoming entrance to the community from the Embarcadero. A wide bicycle and pedestrian promenade along the park edge of the street accommodates the significant volumes of waterfront visitors that are expected, and the street offers generous on-street curbside parking as well as access to a public parking lot just north of the 9th Avenue Terminal.
- **Eighth Avenue** is an urban residential street connecting the Embarcadero with the waterfront at the southeastern tip of the Brooklyn Basin community. The street will have an urban village character, with tree-lined sidewalks defined by ground level lobbies, townhouse and loft units.
- **Fifth Avenue:** As a major north-south corridor through Oakland, Fifth Avenue will be maintained and enhanced as a critical linking and gateway street in the Brooklyn Basin community. The street provides the principal address and



Shoreline Park provides a grand civic space oriented to the open water of Brooklyn Basin.

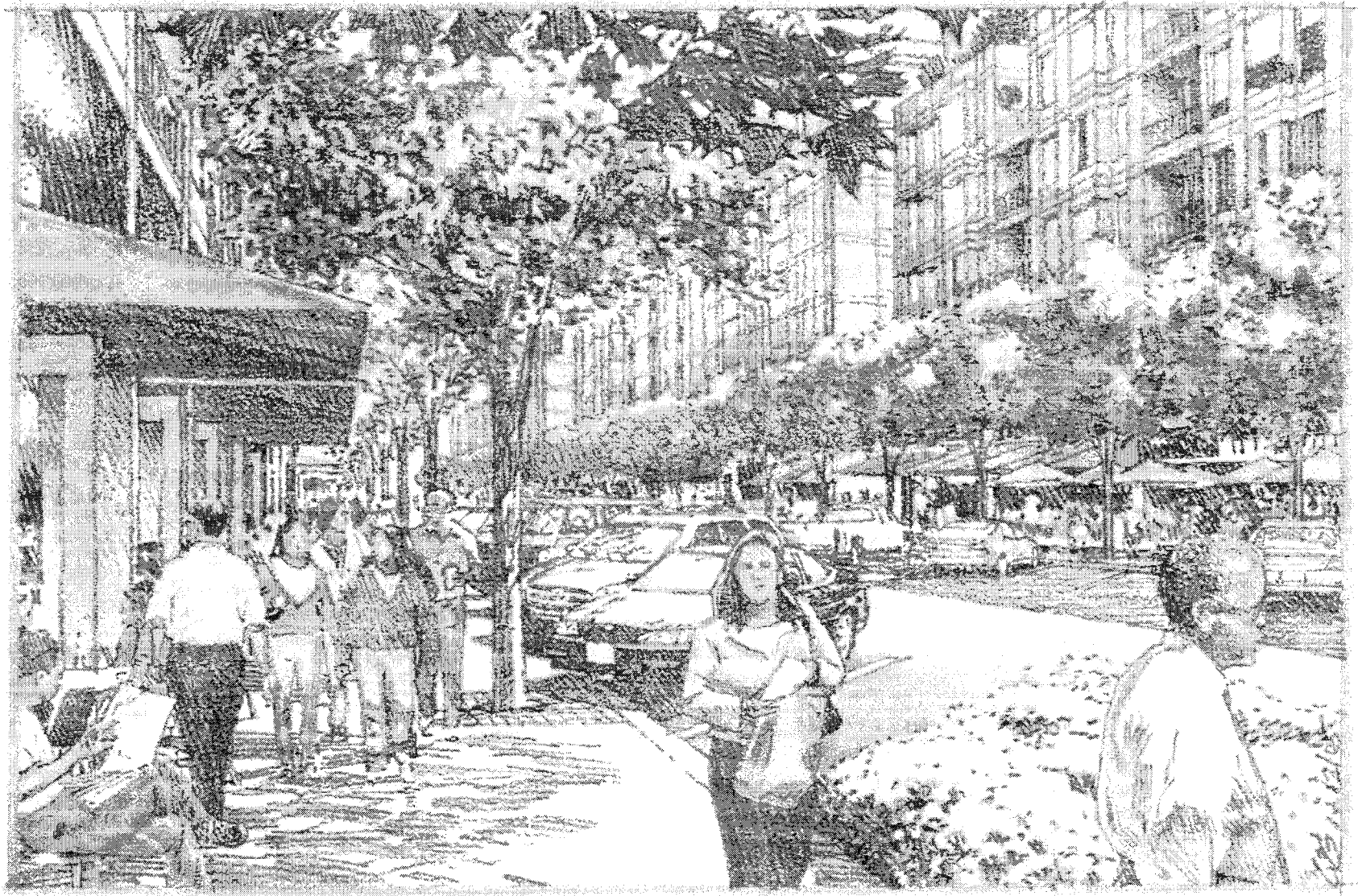
access for the existing artists' community, which will remain. Provision will be made for continuous pedestrian access along the western edge of the street, and the relatively light volumes of vehicular traffic will make the street a comfortable route for recreational cyclists destined for the waterfront.

- **Fourth Avenue** will provide public pedestrian, vehicular and bicycle access along the western edge of Channel Park from the Embarcadero. The street will include on-street public parking and provide access to a small public parking lot for park visitors.
- **Pedestrian Mews:** Complementing and extending the public street network, a series of more intimately scaled pedestrian streets will offer additional access through the community and to the waterfront. These include a pedestrian and bicycle way along the eastern edge of the Fifth Avenue artists' community, which will be lined with workshops and lofts, and two residential mews between Eighth and Ninth Avenues that connect Clinton Basin with Shoreline Park.

## A Diverse Mix of Public-Oriented Activities

A program of cultural, recreational and commercial activities has been programmed to reinforce the public spiritedness of the Brooklyn Basin community and its appeal as a citywide resource and waterfront open space destination. More specifically:

- **Ninth Avenue Terminal:** A refurbished section of the Ninth Avenue Terminal will provide an opportunity for historical and interpretive exhibits that celebrate the maritime heritage of the site, a cultural center, community-gathering place, restaurant and retail opportunities.
- **Recreational Boating** will be further expanded in the area through the renovation of the Clinton Basin and Fifth Avenue Marina. The Aquatic Center at Estuary Park will be maintained and enhanced as an integral part of the new community.
- **Commercial Recreation:** Visitor-oriented shops and restaurants will further reinforce the public appeal of Clinton Basin, creating a vibrant urban place at the water's edge, and a waterfront destination unique in the region and indeed the country.



*Main Street is envisioned as a commercial mixed-use spine connecting the Embarcadero with Shoreline Park.*



- **Neighborhood Serving Commercial Use:** In addition, Main Street is planned with 75,000 square feet of ground level shops and a grocery store that will be attractive to both residents and visitors. The friendly pedestrian environment and the proximity to both Clinton Basin and Shoreline Park will make this a popular new activity center in Oakland.

### A Wide Range of Housing Opportunities

Brooklyn Basin is planned and designed as a new Oakland neighborhood, focused on livability and diversity in the spirit of the broader community. As such, the neighborhood includes a wide range of housing types that can meet the needs of families, seniors, young couples and singles. More specifically:

- **Live-Work Loft Units** capable of accommodating artist workshops or galleries and other small businesses are envisioned in a variety of locations in the Brooklyn Basin community, including along Main Street between 8th and 9th Avenues and along other internal streets of the community where they will contribute to a lively and interesting pedestrian environment.
- **Townhouse Style Units** will also activate sidewalks along the pedestrian mews near Shoreline Park and along the other internal streets of the community. With their direct proximity to the open space and trail system, these units will be particularly suitable for young families.

- **Podium Units** in the mid-rise buildings of Brooklyn Basin will come in a full range of sizes and as such will serve a broad segment of the population including seniors, singles, and young couples. Many of these units will enjoy direct views to the waterfront and/or internal courtyard open spaces with resident serving amenities.
- **High Rise Tower Units:** As an urban neighborhood, Brooklyn Basin also offers high rise living with units that will have broad panoramic views of the Estuary, Bay and Oakland hills.

### A Dynamic Composition of Building Forms and Expressions

Rather than a homogeneous or monolithic grouping of buildings, the Brooklyn Basin community is conceived as a diverse and varied skyline carefully composed to give form to the waterfront and to the public spaces and streets of the neighborhood. From a distance the community will appear as an extension of the city, with five distinctive towers spaced in a manner that maintains views to the water from the Oakland hills and upland areas. Along the Embarcadero and the I-880 freeway, the building wall will be varied in height and broken at regular intervals by streets and open spaces that provide views to the Estuary and shoreline parks. Within the community, the height and massing of buildings serve to dramatize the visual setting of the waterfront and open space, spatially define



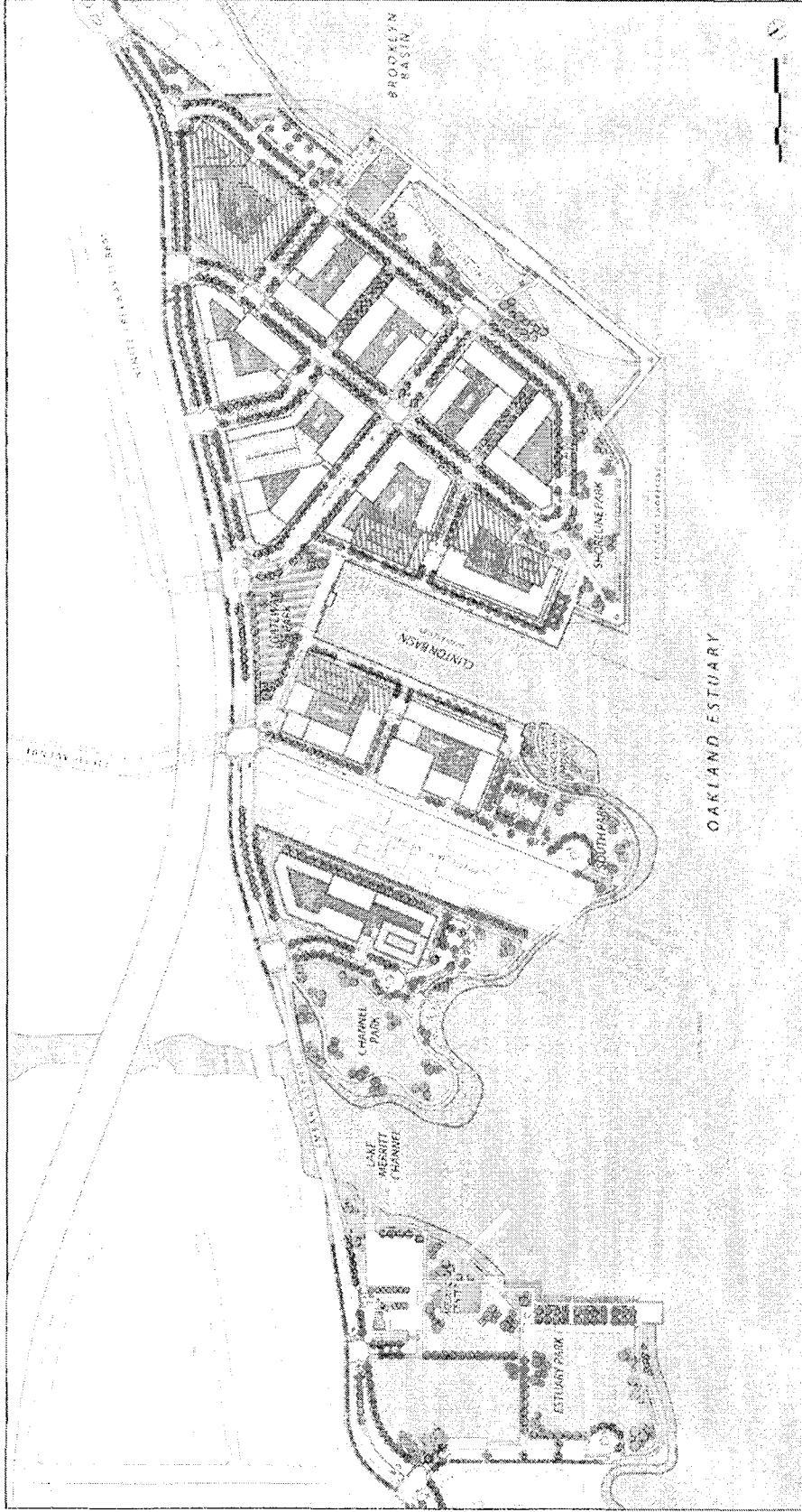
*Eighth Avenue will have an urban village character with tree-lined sidewalks defined by ground level lobbies, townhouses and loft units.*

key public spaces, and lend diversity and interest to the public environment. The composition of buildings is predicated on the following principles:

- **Four-Sided Architecture:** Although Brooklyn Basin is a waterfront community with dramatic views up and down the Estuary, the waterfront edge is not given priority over any other edge. In order to ensure strong integration with the remainder of the city, a high quality of architectural treatment is planned on all sides, those facing the Embarcadero and I-880 freeway, internal streets and pedestrian ways, as well as the public open spaces and waterfront.
- **Multiplicity of Architectural Expressions:** Buildings within Brooklyn Basin are not restricted to any specific architectural style. Rather, a variety of architectural expressions are encouraged as a means of enhancing the diverse mixed-use, urban character of the community. Each development project will, by use of massing, articulation, materials and detail, contribute to a coherent form and structure within the new community.
- **Buildings that Provide Strong Spatial Definition:** Individual buildings are not conceived as isolated or stand-alone projects, but instrumental in shaping and defining the public spaces and streets of the community. Buildings will be generally built to

the property lines of streets and parks to provide such definition and overlook, but will be massed and articulated to avoid the creation of an undifferentiated and monolithic environment. Building walls will become lively and delightful edges to streets and open spaces through the variation of building materials and planes, and the introduction of architectural elements like balconies, loggias, moldings, stepbacks, etc.

- **Towers that Punctuate the Urban Landscape:** The placement of tower buildings up to 240 feet in height has been carefully considered relative to the surrounding waterfront context and the overall skyline. Five towers are located where they will have minimal impact on the shading of public spaces, and where they will have a positive effect in creating gateways, defining major public places and in creating an exciting and dynamic urban environment. Three towers flanking Clinton Basin will accentuate the primary importance of this urban water space and create a dramatic gateway from both the water and the land. Two additional towers, one facing Channel Park and the other Shoreline Park provide a visual counterpoint to the horizontal plane of water and open space, and strong gateways along Embarcadero and I-880 Freeway. The spacing of the towers ensures that views from upland areas as well as from within the community are maintained.



 TOWER ZONE

# DESIGN GUIDELINES

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## **Building Height, Massing and Treatment**

### *Design Intent*

The massing of buildings should contribute to the overall form and structure of the community, to the spatial definition of public spaces and streets, and to the visual diversity and interest of the public realm. Taller buildings up to 240 feet in height should be designed and sited to accentuate the form and importance of Clinton Basin, and to mark the key gateways into the community. Mid-rise buildings up to 86 feet in height should be utilized to define internal streets, and building edges should step down to 55 feet along the remainder of the Clinton Basin and along more intimately-scaled residential mews. Portions of buildings should also be permitted to a height of 120 feet where such massing can be visually supported by the adjacent public open space. Within these overall massing envelopes, additional variation and articulation should be provided in both the horizontal plane and the vertical profile of buildings to break down their perceived mass and bulk, and to promote a finer increment of development. Building massing should provide additional variation and architectural interest that promotes a cohesive community scale and an attractive pedestrian environment.

- a. Building volumes should be articulated separately to break down the perceived scale and mass of the structure and to provide visual interest.
- b. Corner locations, visual termini, major entries and other visible building frontages should receive special emphasis and treatment.
- c. A varied building silhouette is encouraged through significant changes in massing at rooflines.

### ***Tower Location and Massing***

Buildings above 120 feet and up to 240 feet in height are limited to particular tower zones (see diagram) located in areas that will have less shadow impact, and that will reinforce the overall form and structure of the community. Tower zones are established: at the edges of Clinton Basin and Gateway Park, along the Embarcadero at Channel and Shoreline Parks, and near the foot of Eighth Avenue. Within each of these zones, one tower will be permitted, subject to the following guidelines:

1. The tower should be sited and shaped in a manner that reinforces the spatial characteristics of the public space and/or street on which it is located.



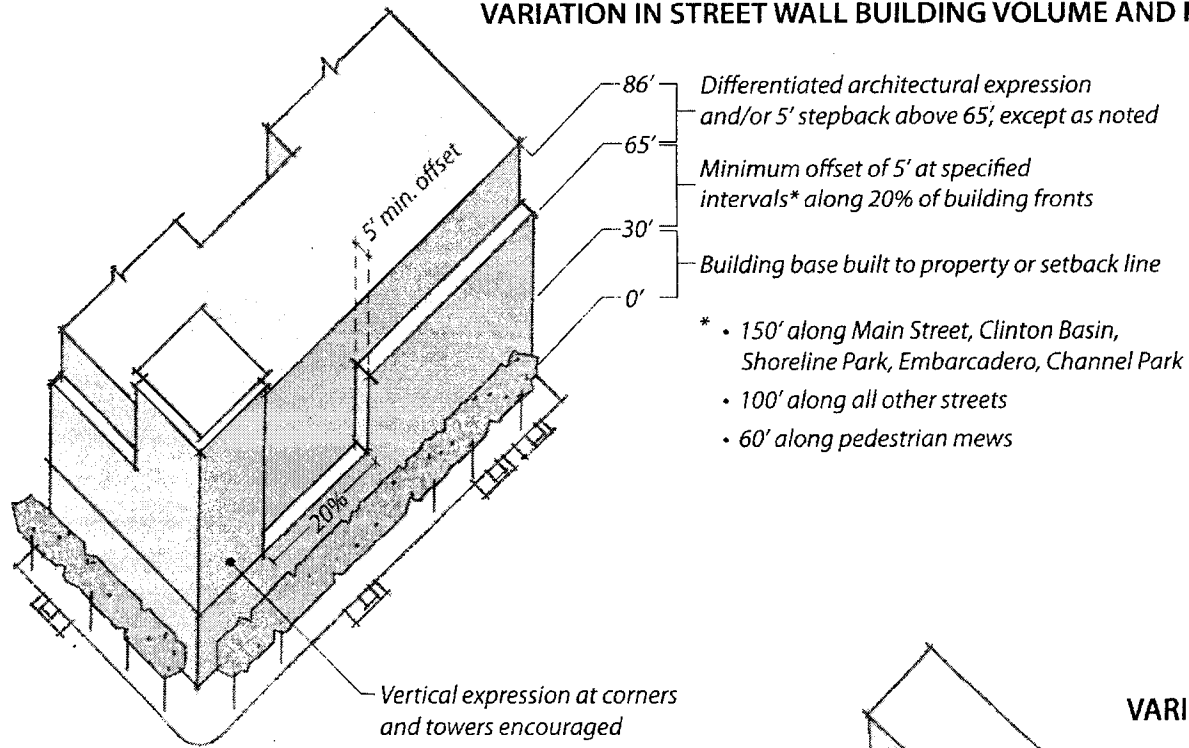
*Special treatments (e.g. shaping, fenestration, materials, etc.) like these examples in Vancouver should be employed to accentuate the vertical proportion of towers.*

2. The maximum floorplate of all towers should not exceed 15,000 square feet with the exception of the tower at the foot of 8th Avenue, which shall not exceed 12,000 square feet. Towers should have compact floorplates with no dimension exceeding 165 feet.
3. The tower should be spaced such that one tower is at least 200 feet away from another tower.
4. Architectural treatments should be employed to accentuate the vertical proportion of the towers through shaping, fenestration, materials, etc.
5. Special treatments should be introduced to vary and create interest across and enhance the skyline appeal and visual appearance of the structure (e.g., reduction of floorplate size and/or increase in floor-to-floor dimension on top floors, change in fenestration, spires, introduction of special materials or visual features, etc.).
6. The tower should be designed to provide an interesting silhouette, profile and volumetric form on the skyline through variation of building material, building shape, plane and setbacks.
7. The topmost floors of the building should be architecturally differentiated through the use of setbacks or changes in material and fenestration as appropriate to the overall architectural expression of the building.
8. The tower should be architecturally integrated with the perimeter block architecture at its base, differentiated by a change in plane, material and/or fenestration. While setbacks may be appropriate to create a building base, vertical expression of the tower is also encouraged; “wedding-cake” buildings are discouraged.
9. The use of mirrored or highly reflective glass is discouraged in favor of tower buildings that combine transparent curtain wall glazing with punctured wall treatments.
10. Placement and design of balconies should avoid repetitive egg-crate patterns, but rather be located and designed to reinforce the overall building form.



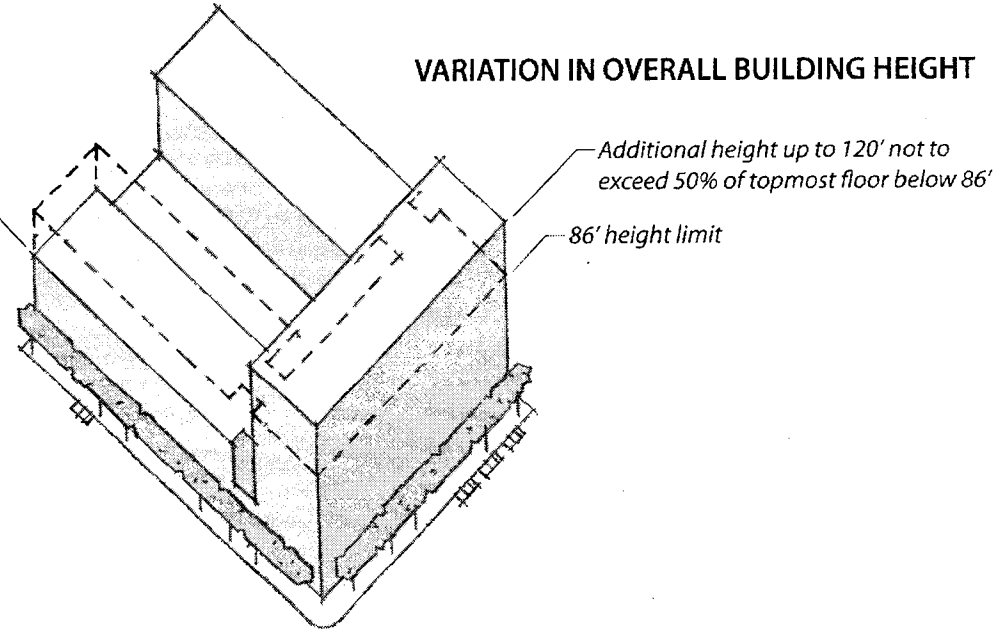
*The topmost floors of towers should be architecturally differentiated through the use of setbacks, changes in material, building shape, etc.*

### VARIATION IN STREET WALL BUILDING VOLUME AND PLANE



Equivalent height reduction encouraged to increase solar access to streets and mews

### VARIATION IN OVERALL BUILDING HEIGHT





### ***Variation in Overall Building Height***

Apart from the tower zones, the predominant building height within the Brooklyn Basin community is 86 feet. To promote additional variation in building height and to avoid a “pancake” or benching effect on the skyline, buildings will be permitted additional height of up to 120 feet, subject to the following guidelines:

1. The additional height is located along edges that will not result in excessive shading of public and pedestrian-oriented spaces. Acceptable locations include the 9th Avenue/Shoreline Park edge, on Parcels B, C, D, and H of the Preliminary Development Package.
2. The additional height is employed in areas that articulate key intersections, gateways, and/or street and building geometries.
3. The additional height does not exceed 50% of the area of the topmost floor below the 86-foot height.
4. A reduction of building height is encouraged below 86 feet (equivalent to the total floor area of the additional height above 86 feet); these reduced height areas should be located in areas that will result in increased solar access to streets, mews, or other public spaces.

### ***Variation in Street Wall Building Volume and Plane***

Within a clear and coherent architectural composition, building facades should be articulated by means of recesses, changes in plane, bays, projecting elements, variations in exterior finishes or a combination thereof. Articulation strategies may include emphasis of groupings of dwelling units or occupied spaces, establishing vertical and horizontal rhythms, creating a varied building silhouette, adding visual accents and similar architectural strategies. Long unarticulated street walls should be avoided. The following guidelines apply to buildings of 86 feet in height or less:

1. Buildings should introduce a differentiated architectural expression and/or a step of at least 5 feet, above a height of 65 feet, to allow for the uppermost floors to be articulated, and to maintain a perceived street wall height roughly equivalent to, or less than, the building face-to-face dimension across the street. Along Clinton Basin, such expression should be provided above a height of 55 feet. (In order to encourage vertical expression, this stepback does not apply to tower buildings, corner elements, or to areas where additional height above 86 feet is permitted.)
2. Significant changes in building massing should be provided above a height of 30 feet. Such changes are defined as a building offset of not less than five (5) feet for 20% of the building frontage along a public street or open space, incorpo-



*Buildings should introduce a differentiated architectural expression and/or a stepback of at least 5 feet above a height of 65 feet. Varied fenestration, balconies, bay windows, loggia etc., are encouraged to promote variation and articulation along streetfronts.*

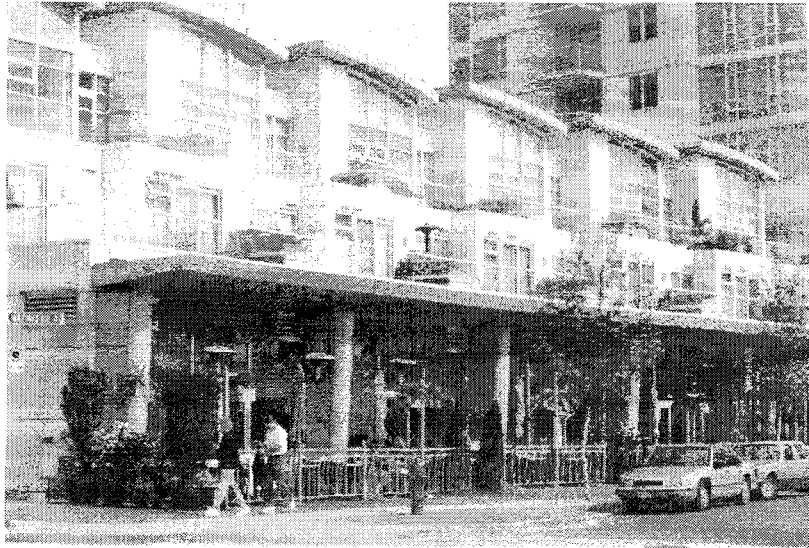
rated at particular intervals depending upon the frontage and the scale of the adjoining street or public space. These intervals are as follows:

- 150 feet along Main Street, Clinton Basin, Shoreline Park, the Embarcadero, and Channel Park;
  - 100 feet along all other internal streets; and
  - 60 feet along pedestrian mews.
3. To promote additional variation and articulation, changes in building materials are encouraged, consistent with a coherent volumetric approach to the overall massing and architectural expression. Varied fenestration, balconies, bay windows, loggia, etc. are also encouraged.

### ***Parking Garage Facades***

While parking garages are encouraged to be encapsulated within buildings, it is anticipated that some frontages may have portions of garages exposed to public street fronts. In such cases, special architectural treatments should be implemented to reduce their visual dominance and to integrate them into the overall form and character of the primary building, without masking the function of the structure for parking. Exposed parking garage facades should comply with the following guidelines:

1. The parking garage façade should be architecturally integrated with the façade of the occupied space served by the garage.
2. Patterns of openings at garage facades should be similar in rhythm and scale to other openings within the building.
3. Building materials should be the same as those utilized in the occupied portion of the building.
4. Awnings, canopies, sunscreens, planters, ornamental railings, and other elements should be utilized to provide visual richness.
5. Transparent glazed or unglazed openings should not exceed 50% of the wall area visible from any public street front.
6. Interior lighting of garages should be designed to prevent direct view of the light source from streets or public access areas to the greatest degree practicable.
7. Exposed parking garages are not permitted along Clinton Basin, Shoreline Park or Channel Park.



*Roofs should be designed to be visually interesting, using non-reflective materials and colors.*

## **Windows**

The proportion and subdivision of typical windows should reflect the overall proportion and character of the building.

1. Window materials, trim (if any), and detailing should be of a good quality and consistent with the architectural character of the building.
2. Windows set flush with cement plaster (stucco) finish without provision of trim, projecting sills, or other perimeter detailing are discouraged unless it can be demonstrated that the detail is critical to the architectural expression of the building. A recess dimension of not less than 2.5 inches should be the applicable general rule with larger recess dimensions encouraged to provide shadow lines and visual interest.
3. Glazing should be transparent to the maximum extent practicable. Reflective glazing, except at special locations that are consistent with the overall architectural design, is discouraged.
4. Punctured windows inset within an opaque wall should predominate in the lower portions of the building, where they can help to give scale to the public realm. Curtain wall glazing should be primarily utilized on the upper portions of buildings where vertical expression is more desirable.

## ***Rooftop Treatment***

Since many roofs will be visible from surrounding structures, they should be designed to be visually interesting, using non-reflective materials and colors.

1. Terraces and open spaces for the use and enjoyment of residents are encouraged.
2. Appliance vents, exhaust fans, and similar roof penetrations should be located so as to not be visible from streets or open spaces. Exposed metal penetrations and roof accessories should be finished to match or blend with the roof color.
3. Any screening devices employed should be consistent with the architectural character and composition of the building.

## ***Exterior Wall Materials***

All exterior materials should be durable and of a high quality. Acceptable materials include: cement plaster (stucco), cement boards or pre-cast panels, concrete, metal panels, stone, brick and split face block. EIFS (Exterior Insulation and Finish Systems), unfinished concrete block, hardboard or plywood siding, vinyl or aluminum siding are not allowed.

## ***Roofing Materials for Sloped Roofs***

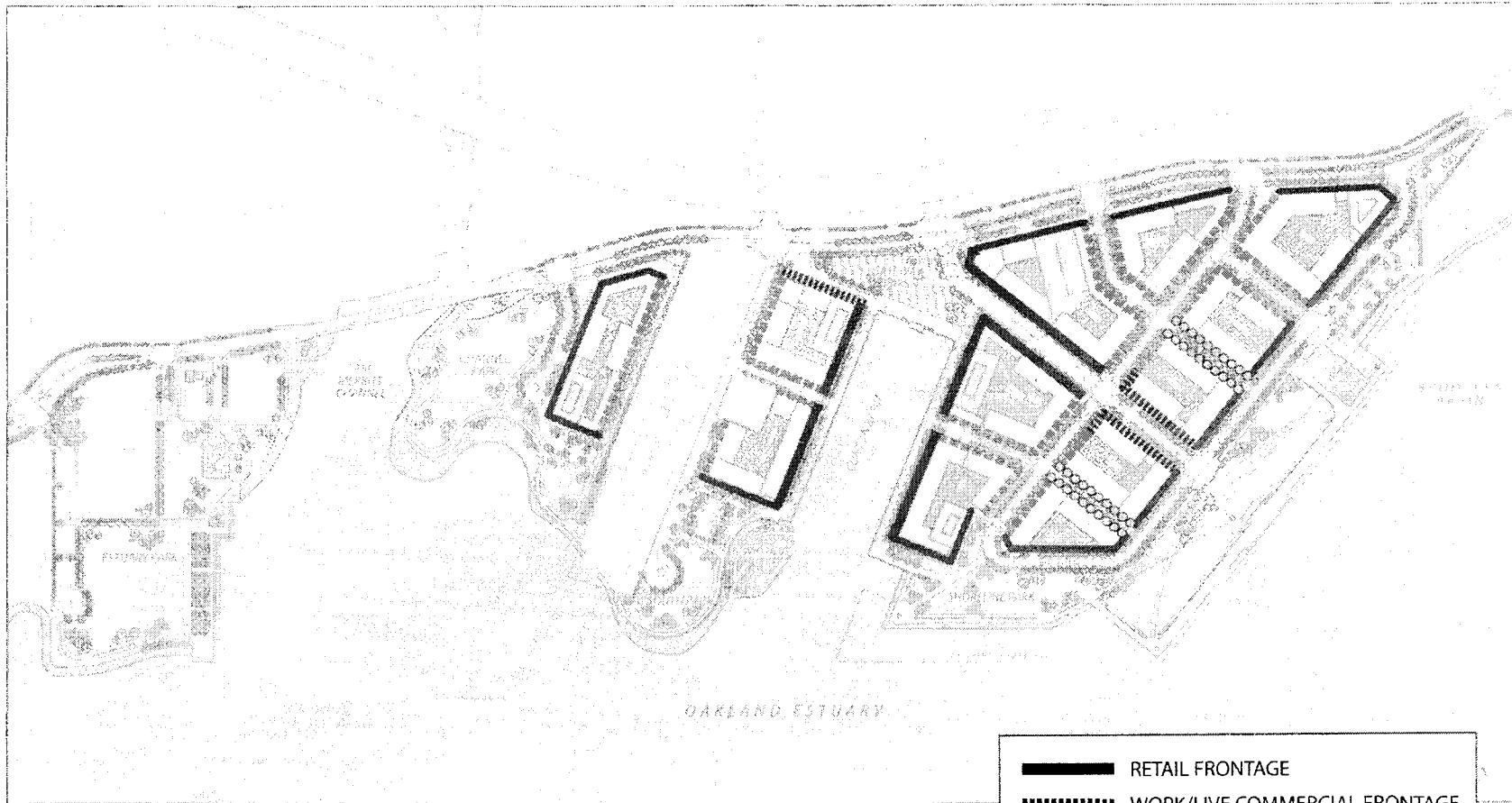
Concrete or clay tile, high quality composition shingles, slate, and standing seam metal roofing are permitted roof materials for slopes of 2:12 or greater. Sheet or roll roofing, synthetic shakes or shingles, high glaze tiles or glossy painted concrete tiles are discouraged.

## ***Exterior Color***

Each project should create a cohesive color palette that takes into consideration the finish of all exterior elements, and that complements the architectural character and composition of the building. Projects are encouraged to employ more than one body color to articulate the form, rhythm and scale of the building. Accent colors are encouraged where they enhance the architectural character of the development project.

## ***Mechanical Penetrations at Facades***

Mechanical penetrations at building facades, including kitchen and dryer vents, bath exhausts and other penetrations should be minimized to the maximum extent practicable. Where necessary they should be aligned horizontally and vertically with other penetrations, window openings and/or other architectural features to present an organized appearance, consistent with the architectural character and composition of the building.



**BUILDING FAÇADE AND STREET FRONTAGE LINKAGE**

- RETAIL FRONTAGE
- - - - - WORK/LIVE COMMERCIAL FRONTAGE
- · · · · MIXED USE STREET FRONTAGE
- ○ ○ ○ ○ MEWS FRONTAGE
- WATERFRONT PARK EDGE FRONTAGE
- EMBARCADERO FRONTAGE

## Building Orientation and the Public Realm

### *Design Intent*

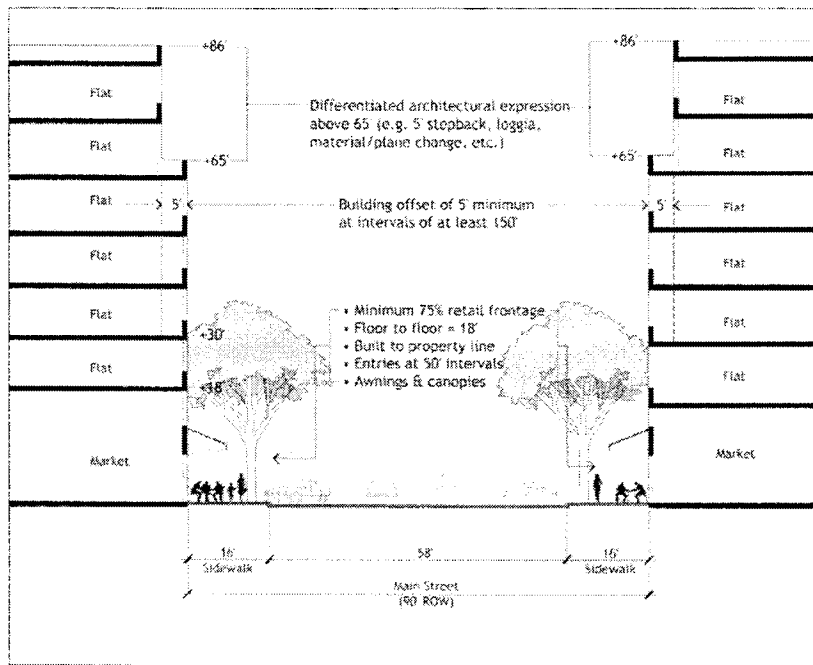
Buildings should contribute to the spatial definition and to the activation of public spaces and streets, through appropriate massing, orientation and treatment. A diversity of conditions should be established throughout the community, to create a rich pedestrian environment suitable to the particular location and to the spatial characteristics of the adjacent public space or street. Six predominant conditions are envisioned for the Brooklyn Basin community: retail edges, commercial and live/work edges, streets with a mixture of edge conditions; the mews edges; edges along the parks and waterfront; and the Embarcadero edges (see diagram). Treatment of blank walls, service areas, waste handling, etc. should also be carefully considered to minimize any negative effects on the public realm. More specifically:

### *Retail Edges*

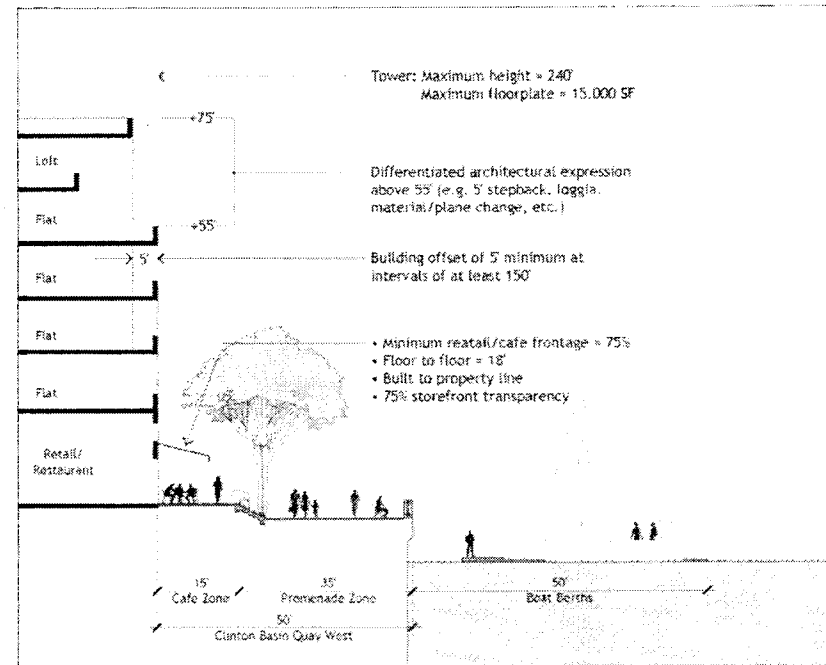
Along Main Street (between 8th Avenue and the Embarcadero), and along the Clinton Basin frontage, at least 75% of the building frontage should be in retail use including shops, restaurants, and cafes. These building frontages should adhere to the following guidelines:

1. The ground floor-to-floor dimension should promote viable retail uses that are welcoming and transparent in nature.
2. The minimum depth of retail space from storefront to rear should be at least 40 feet to promote viable uses.
3. The retail frontage should be built to the property line at the back of the sidewalk, except where an additional setback is required by zoning, or occupied by an outdoor café.





**TYPICAL BUILDING SECTION: MAIN STREET RETAIL**



**CLINTON BASIN PROMENADE SECTION**

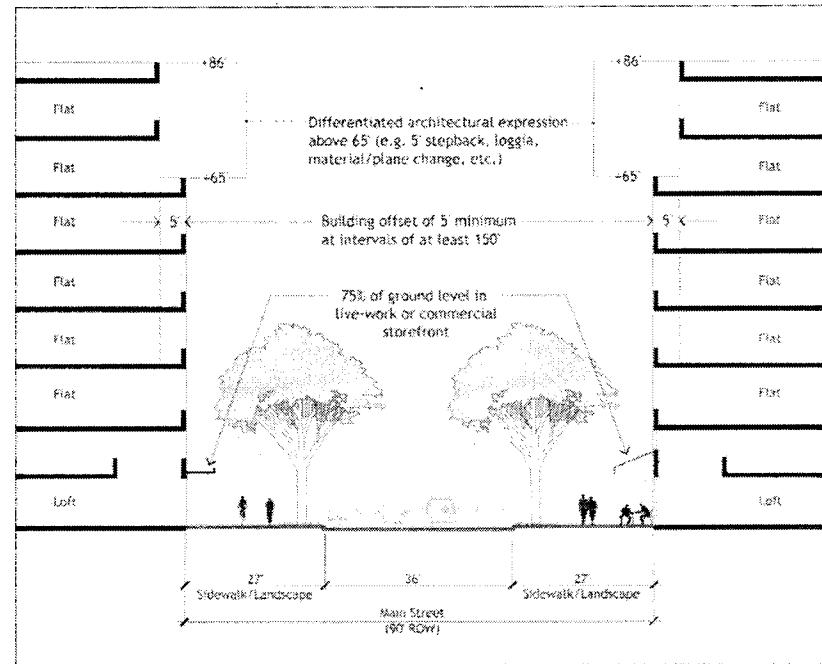
4. The interior finished floor elevation should be generally flush with the adjacent street or promenade frontage.
5. Building entries should be oriented to the street or promenade at intervals of approximately 50 feet, except for major anchor tenants such as grocery or drug stores, which could be a greater interval.
6. Shop fronts with a high level of transparency – at least 75% - should be established along these frontages.
7. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade (see awnings and canopies below).



## Commercial and Work/Live Frontages

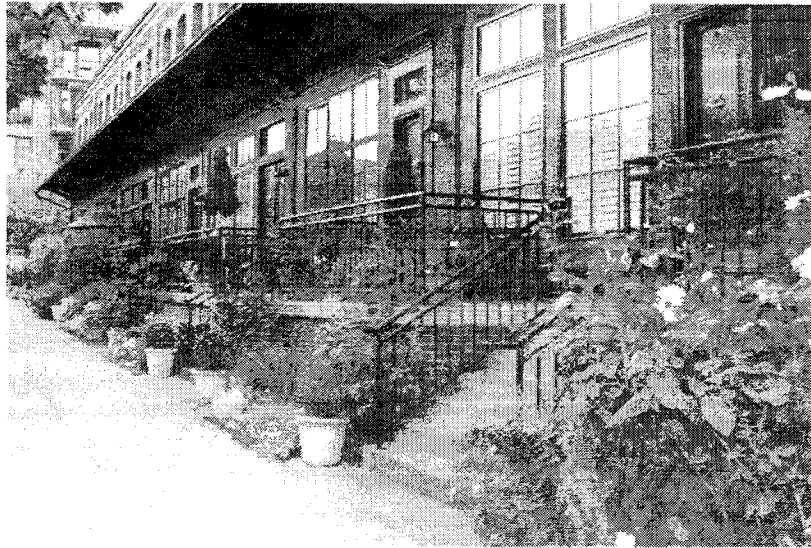
Along Main Street (between 8th and 9th Avenues, and along Gateway Park (see diagram), at least 75% of the building frontages should be developed with a retail frontage as described above, and/or with a commercial work/live frontage that includes ground floor work spaces (e.g., workshops, studios, galleries, offices, etc.) with a direct orientation to the street or public space. These building frontages should adhere to the following guidelines:

1. Ground floor uses should have their primary access from the street or public space.
2. The ground level use should be accessible to the public, and as such generally flush with the elevation of the adjacent sidewalk or promenade.
3. The commercial frontage should be built to the front yard setback or build-to line, except where an additional setback is occupied by a publicly accessible entry court that is visible from the street or promenade.
4. Building entries to ground level work-live or commercial space should be oriented to the street or promenade at intervals of approximately 50 feet or less.



**TYPICAL BUILDING SECTION: MAIN STREET LIVE/WORK COMMERCIAL**

5. Building fronts should include a moderate to high level of transparency – at least 50% - to promote pedestrian interest and security.
6. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade.



*Patio or street front gardens are permitted along residential street frontages provided that they include landscaped garden walls and frequent entries. Individual unit entries with stoops are encouraged along street fronts.*

### ***Streets with a Mixture of Conditions***

Along 5th, 7th and 8th Avenues, and along Brooklyn Way and Harbor Lane East and West (see diagram), the ground level should be designed to provide an attractive building base, utilizing high quality materials (e.g., stone, precast masonry, etc.) detailing and treatments that complement the public environment. A variety of treatments are encouraged, including retail or commercial work/live frontages as described above, and/or frontages that comply with the following guidelines:

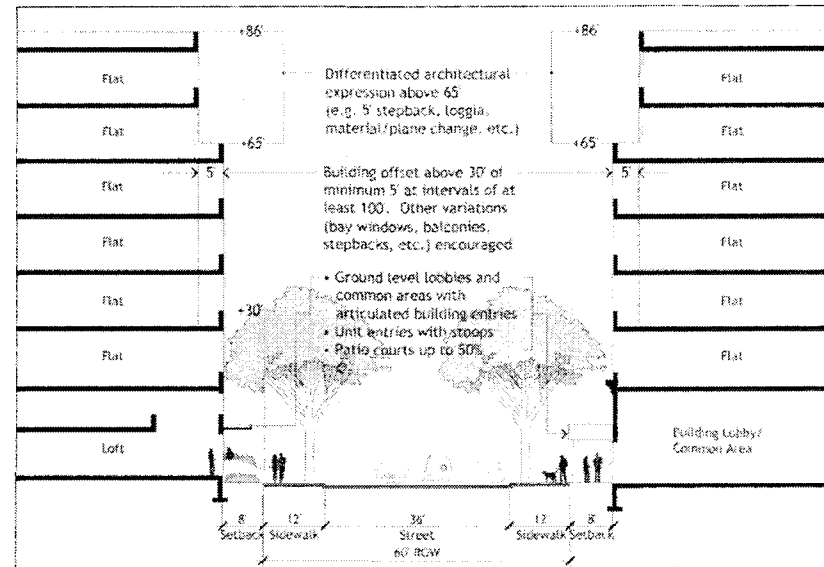
1. Frontages should include one or more of the following:
  - Residential lobbies with articulated building entries that provide a welcoming gesture to the street;
  - Common areas and/or sales or leasing offices generally flush with the elevation of the sidewalk;
  - Ground level residential units that are elevated above the grade of the adjacent sidewalk and/or that include other devices that protect the privacy of the unit (e.g., screen walls or elevated patio areas) from the street.
2. Individual unit entries with stoops connecting to the public sidewalk are encouraged, provided that such entries function as a primary entrance to the unit, and that the stoop is not utilized as a rear balcony.

3. Residential street fronts should incorporate landscaping in the front yard setback including planting beds, hedges, planters, etc.
4. Ground level residential windows should generally be located at least 48 inches above the elevation of the sidewalk or include elements that protect privacy; bay windows are encouraged to encroach 24 inches into the setback area.
5. Patio or street front gardens are also permitted within the setback area along residential street frontages, provided that they include entries at intervals no less than 50 feet and garden walls to provide a level of privacy, landscaping (e.g., hedges, vine pockets) to soften the wall.

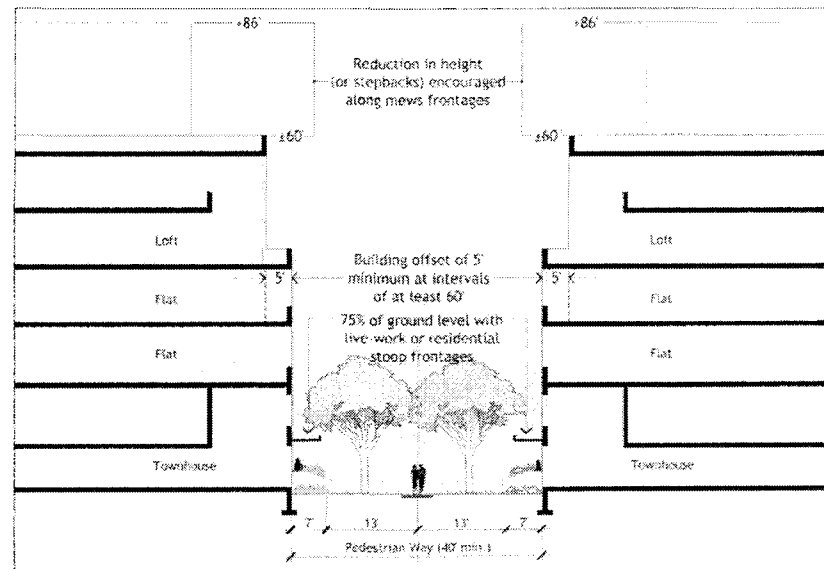
### Mews Edges

Two pedestrian streets providing public pedestrian and visual access between 8th Avenue and Shoreline Park should be designed as intimately scaled mews lined with residential stoops that provide primary access to individual units. The following guidelines should be followed for these frontages:

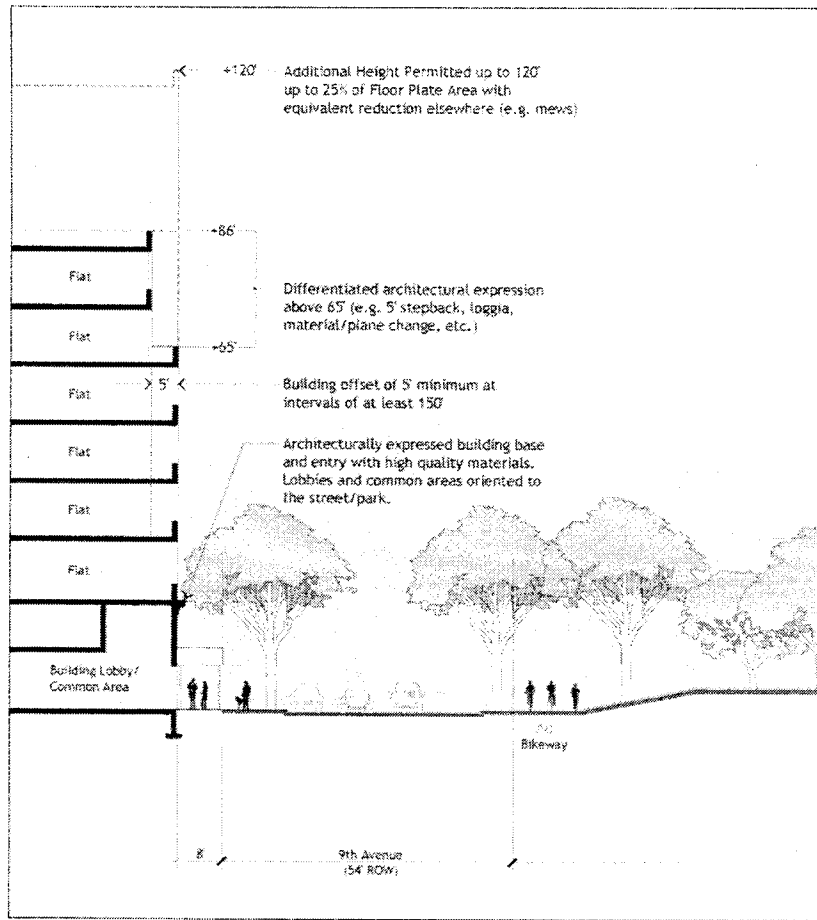
1. Ground level residential or live-work units should be located along at least 75% of these frontages.
2. If the ground level use is residential, it should be elevated above the grade of the adjacent sidewalk and/or incorporate other



TYPICAL MIXED USE STREET SECTION



TYPICAL MEWS SECTION



**TYPICAL BUILDING SECTION ADJACENT TO SHORELINE PARK**

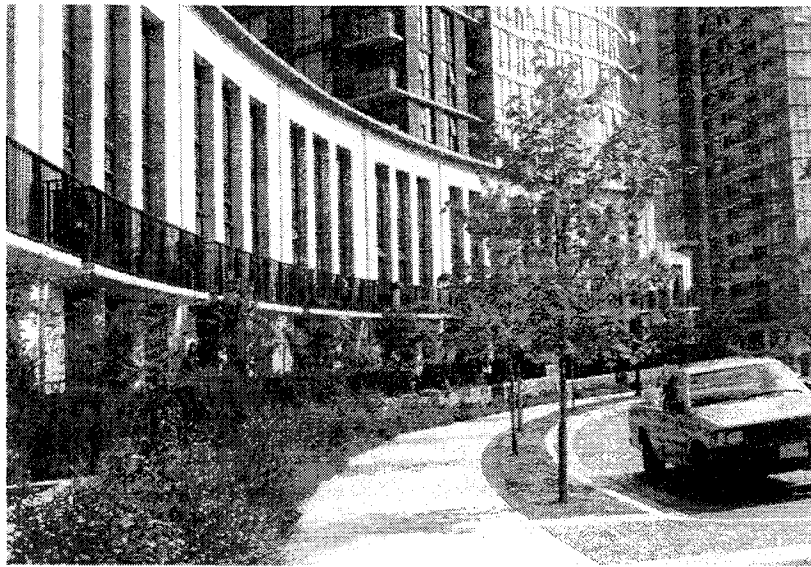
devices that protect the privacy of the unit (e.g., screen walls, landscaping or elevated patios) from the street.

3. If the ground level use is live-work, it may be located generally flush with the sidewalk. However, provision should be made for appropriate privacy screening through low walls and landscaping.
4. Entries with stoops connecting to the public sidewalk should be provided as a primary entrance to the residential unit at intervals no less than 50 feet; the stoop should be designed as a public entry to the unit, and not as a private balcony or patio.
5. The mews should incorporate landscaping along the building fronts between entries, including planting beds, hedges, planters, etc.

### **Waterfront/Park Edge**

Ground level treatment of buildings facing waterfront open space including those along Shoreline Park (9th Avenue), South Park, Channel Park and Estuary Park should be designed to create a strong and visually attractive edge to the parks. While ground level activities are encouraged along these edges to the maximum extent practicable, it is particularly important for the buildings to introduce high quality architectural finishes and treatments that reinforce the public and civic nature of the open spaces. The following guidelines should be followed for these frontages:

1. Ground level common spaces such as courtyards or gardens that are accessible and visible from adjacent streets are encouraged.
2. Second level terraces and balconies that overlook the open space and provide a sense of security are also encouraged.
3. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural and storefront detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet.
4. Articulated building entries should be provided wherever appropriate, at intervals of at least 200 feet or one per block face.
5. Entries should have a high level of architectural finish and detailing (e.g., moldings, canopies, etc.) that is in scale with the adjacent open space.
6. Landscaping (e.g., planting beds, hedges, etc.) should be incorporated in the setback area along public sidewalks and promenades.



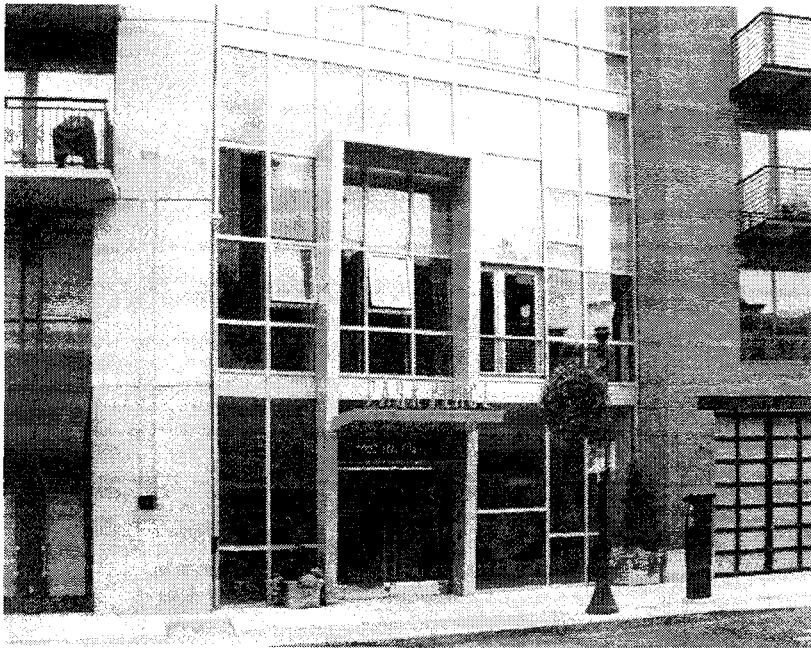
*Along park edges, buildings should introduce high quality architectural finishes and treatments to reinforce the public and civic nature of the open space. Ground level common spaces and second level terraces that overlook the open space are encouraged.*

### **Embarcadero Frontage**

Ground level treatment of buildings along the Embarcadero should provide an attractive visual edge to this important street, while offering a buffer from the adjacent freeway. Because of noise issues and the lack of on-street parking, significant street-oriented ground level uses are not anticipated. A greater setback of 25 feet from the back of sidewalk is established along the street, with generous provision for landscaping to create a suitable buffer.

1. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet to create a distinctive appearance that is suitable to this important boulevard.

2. Parking and service facilities should be architecturally screened with finishes that are an integral part of the building design, and that render all parking and service facilities invisible from public view.
3. Ground level uses are encouraged along the Embarcadero frontage (e.g., lobbies, common areas, retail display windows, etc.) to the maximum extent practicable.



*Articulated building entries with a high level of architectural finish should be provided along each block face.*

### **Blank Walls**

Blank walls are discouraged along public streets and open spaces, but where they are unavoidable should be treated with high quality materials that are integral with the remainder of the building.

### **Awnings and Canopies**

Along ground level commercial street frontages, storefront awnings and/or canopies are encouraged to provide articulation and interest along the building façade, to avoid solar heat gain and glare within the buildings, and to provide sun and rain protection to pedestrians.

1. Awnings should be canvas or of a similar durable fabric designed for exterior use.
2. Retractable awnings are strongly encouraged and preferred over stretched framed awnings or awnings that are designed as signs.
3. Canopies should be of a lightweight material (e.g., metal) that is complementary with the overall design of the building.
4. Awnings and canopies should be divided into sections that relate to and emphasize the vertical elements and horizontal datum of the building façade.

### **Service Areas**

Along street fronts and public access ways, service doors and gates should be designed as an integral element of the building design, and screened from predominant public view.

1. The aggregate width of service doors should not exceed fifteen (15) feet within 60 (sixty) feet of any frontage.
2. Doors exceeding thirty (30) square feet in area should be recessed a minimum of six (6) inches from the primary building plane.
3. Service doors or gates should not allow any views into spaces served. Louvers required for venting or ventilation purposes are acceptable provided that they do not allow visibility into service areas.

### **Equipment Screening**

Mechanical equipment should be screened from predominant public view. All equipment within twenty (20) feet of a street front or setback line should be screened by one of the following means:

1. By enclosure entirely within the structure of the building with access provided by opaque service access doors, a portion of which may be exposed for meter reading;

2. By enclosure in a below grade vault or structure;
3. By provision of a fence or wall with a maximum average transparency of 50 percent. The top of the fence or wall should be at least equal in height to the equipment screened but not higher than eight (8) feet;
4. By combination of an open fence and adjoining planting that will reach a height sufficient to screen the equipment within three years.
5. Residential gas meters serving individual dwelling units in groups not exceeding four meters, individual commercial gas meters, and back flow preventers for irrigation systems not exceeding 2" nominal size, are excluded from the screening requirements.

### **Waste Handling Areas**

All waste handling areas should be either enclosed in the structure of the building or screened by a wall or fence consistent with the architectural character of the building and adequate to prevent view of trash or recycling containers from the street, public access areas, common circulation areas, or open spaces.





# EXHIBIT C TO ALL APPROVAL DOCUMENTS

## CONDITIONS OF APPROVAL

**PROJECT: OAK TO NINTH MIXED USE DEVELOPMENT**

**PROJECT SPONSORS: OAKLAND HARBOR PARTNERS**

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### General Conditions and Compliance with Approved Plans

1. The project shall comply with the following plans and exhibits entitled “Brooklyn Basin - Oak to Ninth Development Project” (“the Project Plans”) dated February 2006 and the following other instruments:

- I. **Preliminary Development Plan including: Overview – Master Development Plan; Shoreline; Parks and Open Space; Streets; Buildings; Civil Engineering**
- II. **Estuary Policy Plan text and map amendments**
- III. **Planned Waterfront Zoning District-4 Zoning Regulations**
- IV. **Vesting Tentative Map No. 7621**
- V. **Design Guidelines for the Oak to Ninth Mixed Use Development Project**
- VI. **Development Agreement**

2. The Project Applicant and its agents, heirs, successors and assigns (collectively, the “Project Applicant”) shall be bound by these Conditions of Approval. The Project Applicant shall be responsible for assuring that the terms and conditions of this Approval are disclosed to any such successive owner or any of the Project Applicant’s agents, heirs, successors and assigns.

3. This action by the Planning Commission (“this Approval”) includes the approvals set forth in this Condition of Approval No. 3. Each of these individual approvals shall become effective upon the effective date of the City Council’s final approval of amendments to the *Estuary Policy Plan*, the PWD-4 Planned Waterfront Zoning District for the site, and the Development Agreement for the Project, consistent with the Project Plans (the “Effective Date”) and shall be subject to these Conditions of Approval. This Approval includes:

- a. Approval of a Planned Unit Development (“PUD”) including a preliminary development plan under the PWD-4 Planned Waterfront Zoning District for phased construction of up to 3,100 residential units; 220,000 square feet of retail and commercial space; and 29.9 acres of adjacent parks, open space, and segments of the Bay Trail illustrated in the Project Plans, as modified by these Conditions of Approval.

- b. Approval of amendments to the *Estuary Policy Plan* text and land use map
  - c. Approval of the Planned Waterfront Zoning District– 4 Regulations
  - d. Approval of Vesting Tentative Map No. 7621
  - e. Approval of the Design Guidelines for the Oak to Ninth Mixed Use Development Project
  - f. Approval of the Development Agreement between the City of Oakland, the Redevelopment Agency, and Oakland Harbor Partners, LLC
4. The plans approved as part of the PUD shall be amended to be consistent with the Conditions of Approval, the Planning Commission action on March 15, 2006 and the City Council action on June 20, 2006. These revised plans shall be submitted to the City Planning Department in the form of a “PUD Design and Specification Document for the Brooklyn Basin – Oak to Ninth Development Project” within one hundred twenty (120) days of this Approval or as soon thereafter of all other responsible and trustee agency actions concerning the project. This Design and Specification Document shall include but not be limited to:
- a. All detailed plans and specifications pertaining to Condition of Approval No. 40.
  - b. The Revised Vesting Tentative Map No. 7621, containing all requirements set forth in Conditions of Approval 27-34.
  - c. The approved Design Guidelines for the Oak to Ninth Mixed Use Development Project
  - d. A compendium of all current, vested City regulations, ordinances and policies in effect as of the effective date of the Development Agreement for the project.
  - e. Other information and details deemed necessary by the Development Director or the Development Director’s designee.
  - f. Adjustments, as required, to conform to the final approvals by the Bay Conservation and Development Commission (BCDC), State Department of Toxic Substance Control (DTSC), U.S. Army Corps of Engineers (USACE), and State Lands Commission (SLC) concerning the project.
5. Final inspection and a certificate of occupancy for any unit or other structure within a phase shall not be issued (a) until all landscaping and on and off-site improvements for that Development Parcel are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively “security”), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a deferred improvement agreement approved by the City. Unless otherwise expressly provided to the contrary, each Condition of Approval (including, without limitation, the traffic improvements set forth in Conditions of Approval 18 and 19 and the off-site sewer mitigation measure set forth in Condition of Approval

No. 36 shall be completed no later than the time period in the Development Agreement and the Mitigation Monitoring and Reporting Program (Exhibit B) and shall not be permitted to be secured or bonded for unfinished work. In the event of a conflict between the deadline for performance under these Conditions of Approval and the Development Agreement, Mitigation Monitoring and Reporting Program or other applicable requirements, the City may apply the earlier deadline. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

6. Except as otherwise provided with respect to City's issuance of a certificate of occupancy, each of the Conditions of Approval shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law, including without limitation, Civil Code Section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Development Parcels that are subject to this Approval, as appropriate, runs with the Development Parcels and is binding upon the owner of all or a portion of the Development Parcels and each successive owner. Within ninety (90) days of the Effective Date, the Project Applicant shall cause these Conditions of Approval to be recorded in the Official Records of the County of Alameda, California against all of the Development Parcels. Notice of these Conditions of Approval also shall be attached to each grading permit and each building permit for infrastructure work issued for each phase of construction on all Development Parcels. Upon City's issuance of a certificate of occupancy for any Development Parcel, these Conditions of Approval shall be released from the exceptions to title of the Development Parcel upon which the improvements are located, except the obligations specified in Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project. Upon completion of the Project, as determined by the City, these Conditions of Approval shall be released from the all the Development Parcels, except Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project.

7. For the duration of the project, the Development Director or his/her designee shall have the authority to determine whether the Project Applicant and the project comply with terms and conditions of this approval, including, without limitation, these Conditions of Approval, shall have the authority to suspend further Project approvals, including without limitation final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. The City shall take reasonable steps to promptly notify, in writing, the Project Applicant of any request (including a request by City staff or by the public) that the City Development Director make a determination of non-compliance, and shall provide the Project Applicant a copy of all documents associated with such requests and a reasonable amount of time to respond and to cure any such alleged non-compliance. The City shall further take reasonable steps to promptly notify, in writing, the Project Applicant of any noncompliance determination by the Development Director, and, as applicable, shall provide the project applicant a copy of all documents used or relied upon in making such determination. On or before June 30 of each year, the Project Applicant shall submit to the City Planning Director for review and approval a report demonstrating the Project Applicant's and the Project's compliance with the terms and conditions of the Approval, including, without limitation, these Conditions of Approval. This report may be used by the Development Director to evaluate the Project Applicant's and the Project's compliance with the terms and conditions of this Approval. Project

Applicant's obligation to submit this annual report shall terminate upon the City's written determination that the Project is complete. To the extent practicable, this review shall be conducted concurrently with the Annual Review conducted pursuant to the Development Agreement.

8. Any failure by the City to perform any action specified herein, or failure of any party timely to execute any agreement specified herein, shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any of the provisions of these Conditions of Approval, irrespective of the length of time for which such failure continues, shall not constitute a waiver of City's right to demand strict compliance with such provisions in the future. No waiver by City of any failure of performance of these Conditions of Approval shall be effective or binding upon City unless made in writing by City and no such waiver shall be implied from any omission by City to take any action with respect to such failure.

9. As used in these Conditions of Approval, references to "City" shall include the City of Oakland, its respective officials, officers, employees, agents, departments, subdivisions, agencies (including City's Redevelopment Agency), Boards and Commissions (and individual members of each of the foregoing) and all of respective heirs, legal representatives, successors and assigns of each of the foregoing.

#### **Payment of Fees for Independent Technical Reviews and Project Coordination and Management**

10. Within one year following the Effective Date, the Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the project. The City and the Project Applicant acknowledge that the Mitigation Monitoring and Reporting Program (MMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to traffic, landscape, cultural resource experts, hazardous materials, geotechnical engineers, air quality and noise monitors, relocation experts, etc. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval and the mitigation monitoring requirements as set forth in the MMRP, as the final design and building permit plans for each Development Parcel are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision of the City. Accordingly, the applicant shall deposit funds in amounts acceptable to the City in order to cover the full costs of independent technical and other types of review, monitoring and inspection, including, without limitation, third party plan check fees.

#### **Indemnification Requirements**

11. The Project Applicant shall be bound by the indemnity obligations ("Indemnity Obligations") of the "Developer" specified in the Development Agreement, which Indemnity Obligations are hereby incorporated by this reference as though set forth herein in full. The Indemnity Obligations are conditions of approval to each of the Project Approvals specified in Condition of Approval No. 3 and hereby are incorporated into the Planned Waterfront Zoning District-4. The Indemnity Obligations shall survive the expiration or any earlier termination of the term of the Development Agreement.

12. Notwithstanding any provision to the contrary in these Conditions of Approval, Project Applicant's obligations in Conditions No. 11, 12, 13, and 14 shall survive completion of the Project. A Project applicant may be released from the indemnity Obligations only as specified in the Development Agreement, which terms and conditions for release are incorporated by reference in these Conditions of Approval (including, without limitation, Transfers and Master Developer Obligations).

13. Within 90 days following the Effective Date, the Project Applicant shall enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail the terms and conditions of the Indemnity Obligations. Any failure of any party to timely execute such Indemnification Agreement shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval or any other Project Approval, except that it shall not limit the authority of the Development Director as set forth in Condition of Approval No. 7 and 8.

14. The Indemnity Obligations are in addition to, and in no way shall be construed to limit or replace, any other obligations or liabilities that Developer may have to City including the obligations specified in the Development Agreement.

15. [Reserved]

#### **Development Agreement Authority**

16. Except as otherwise specified in these Conditions of Approval, to the extent any of these Conditions of Approval conflict with the Development Agreement, as adopted by the Oakland City Council in Ordinance \_\_\_\_, these Conditions of Approval shall be construed to be amended to conform to the Development Agreement, provided the Development Agreement remains in effect.

#### **Mitigation Measures as part of the Conditions of Approval**

17. All Mitigation Measures in the EIR as deemed to be required in the Environmental Findings shall be considered Conditions of Approval for the project, as may be further refined and/or clarified by this Approval, including the refinements and clarifications set forth in these Conditions of Approval. Implementation of the Mitigation Measures shall be adhered to in accordance with the MMRP. Implementation of the transportation measures that are not within the sole discretion of the City of Oakland may not be feasible, and therefore may not be able to be fully implemented. The MMRP identifies the time frame and responsible party for implementation and monitoring of each measure, as modified by this Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Development Director or his or her designee. Each of the improvements identified in the MMRP shall be implemented at the Project Applicant's sole cost and expense (except where only a fair share contribution is required as set forth in the MMRP or these Conditions of Approval) or secured with an improvement agreement, or similar financial assurance, acceptable to the City.

#### **Transportation and Circulation**

18. The Project Applicant shall implement all of the mitigation measures described in “Section B. Transportation, Circulation and Parking” of the MMRP. The project Applicant shall have prepared, by a licensed traffic engineer, and shall submit to the City for its approval, a Schematic Master Traffic Improvement Plan for all traffic improvements that are to be funded by the Project Applicant pursuant to Mitigation Measures **B.1.a.**, **B.1.c.**, **B.1.d.**, **B.1.e.**, **B.2.a.**, **B.2.b.**, **B.2.d.**, **B.2.f.**, **B.2.g.**, **B.2.i.**, **B.2.j.**, **B.2.l.**, **B.2.m.**, **B.2.n.**, **B.2.o.**, **B.2.p.**, **B.2.q.**, as set forth in the MMRP. This plan shall be submitted prior to the issuance of the first building permit for a development parcel.

As set forth in the MMRP and refined below, the Schematic Master Traffic Improvement Plan shall include the following improvements:

- a. The schematic design of traffic signals at the unsignalized intersections of:
  - Embarcadero and Oak Street (**MM B.1.a.**)
  - Embarcadero and 5<sup>th</sup> Avenue (**MM B.1.d.**)
  - Embarcadero and I-880 Northbound Off-ramp – 6<sup>th</sup> Avenue (**MM B.1.e**)
  - Embarcadero and Broadway (**MM B.2.b**)
  - Embarcadero – I-880 Southbound On-ramp – 10<sup>th</sup> Avenue (**MM B2.l**)
- b. These schematic plans shall include fixed time controls with permitted left-turn phasing, traffic signal equipment, optimization of signal phasing and timing with the relative traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall meet City of Oakland and Caltrans standards. The schematic design and general specifications for the traffic signals shall also include installation of optimization components such as interconnection hardware (modems, microwave antennas, video, etc.) for each intersection roadway approach and coordination with signal phasing and timing of adjacent intersections. In addition, each intersection and roadway approach shall include striping improvements, determination of locations for signal arms and other signal components and any work required to install them such as curb and sidewalk modifications, utility line relocation, etc.
- c. The schematic plans, equipment and specifications for optimization of the traffic signal timing at:
  - The signalized intersection of 6<sup>th</sup> and Jackson Streets at the I-880 Northbound On-ramp. (**MM B.1.c**)
  - The signalized intersection of 5<sup>th</sup> and Oak Streets during the PM peak period at the I-880 Southbound On-ramp. (**MM B.2.d**)
  - The signalized intersection of West Grand Avenue and Harrison Street during the AM peak period. (**MM B.2.f**)

- The signalized intersection of Lakeshore Avenue and Foothill Boulevard during the AM peak period. **(MM B.2.g)**
- The signalized intersection of Lakeshore Avenue and Lake Park Avenue during the PM peak period. **(MM B.2.i)**
- The signalized intersection of 5<sup>th</sup> Avenue and 7<sup>th</sup>/8<sup>th</sup> Streets during the PM peak period. **(MM B.2.m)**
- The signalized intersection of 14<sup>th</sup> Avenue and 7<sup>th</sup>/12<sup>th</sup> Streets (Southbound - during the PM peak period). **(MM B.2.n)**
- The signalized intersection of Foothill Boulevard and 14<sup>th</sup> Avenue (Westbound - during the AM peak period.) **(MM B.2.o)**
- The signalized intersection of Foothill Boulevard and 14<sup>th</sup> Avenue (Eastbound - during the AM peak period.) **(MM B.2.p)**
- The signalized intersection of 16<sup>th</sup> Street and 23<sup>rd</sup> Avenue during the PM peak period. **(MM B.2.q)**

d. The optimization plan shall include the determination of allocation of green time for each intersection approach in tune with the relative projected traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. In addition, a determination of interconnection hardware (modems, microwave antennas, video, etc.) shall be incorporated along with any other physical improvements or modifications required to optimize the signal.

e. Each traffic improvement detailed in the plan shall include cost estimates and an estimated length of time for completion of each improvement.

19. An implementation and phasing plan shall be developed for the traffic improvements established in Condition of Approval No.18 and the MMRP, based on the following schedule for completion of the residential units:

Group 1 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 1,000<sup>th</sup> unit: Installation of signals at Embarcadero and Oak; Embarcadero and 5<sup>th</sup>, Embarcadero – I-880 Northbound On-ramp and 6<sup>th</sup> Street and Embarcadero and Broadway. In addition, optimization of existing signals at 6<sup>th</sup> – Jackson-I-880 Northbound ramp and the 5<sup>th</sup> and Oak @ I-880 Southbound ramp.

Group 2 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 2,500<sup>th</sup> unit: Installation of signals at Embarcadero – I-880 Southbound On-ramp and 10<sup>th</sup> Avenue. In addition, optimization of existing signals at 5<sup>th</sup> Avenue and 7<sup>th</sup>/8<sup>th</sup> Streets; 14<sup>th</sup> Avenue – 7<sup>th</sup> to 12<sup>th</sup> Streets; Foothill-14<sup>th</sup> Avenue (Eastbound and Westbound); 16<sup>th</sup> Street – 23<sup>rd</sup> Avenue. Fair share contributions for intersection improvements paid to City of Alameda.

Group 3 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 3,100<sup>th</sup> unit: Optimization of the signalized intersections at West Grand and Harrison; Lakeshore and Foothill Boulevard; and Lakeshore and Park. As set forth in Condition of Approval 5, these traffic improvements must be completed by the issuance of a certificate of occupancy for the unit specified; no security, bonding or other financial assurances shall be used to defer completion.

20. At the City’s discretion, an independent traffic engineer shall be hired at the Project Applicant’s expense to assist the City in their review and approval process for both the Schematic Master Traffic Improvement Plan and subsequent final design plans for the improvements.

21. Prior to implementation of these improvements, the Project Applicant shall submit final design plans and other specifications to the City and any other responsible agency, for their review and approval, including a traffic management and detour plan to be implemented during construction of the improvements. The final design shall be based on the approved Schematic Master Traffic Improvement Plan.

### **Transportation Demand Management**

22. The Project Applicant shall prepare a transportation demand management plan, following the recommendations included in the report entitled “Oak to Ninth Project, Transportation Demand Management Plan” by Nelson/Nygaard, dated January 2005, as well as the applicable mitigation measures set forth in the EIR (MM B.4.a, B.4.b, C.7.a, C.7.b, C.7.c, C.7.d, C.7.e., C.7.f, C.7.g, C.7.h, C.7.i). The plan shall include a written commitment from AC Transit concerning bus service to the site and a shuttle operations plan serving the project area. An implementation schedule shall be included in the plan, including a specific commitment of financial participation for peak hour service, routing, schedule and phased implementation according to the threshold established for the issuance of occupancy permits for the transportation improvements phasing plan set forth in Condition of Approval No.18. The shuttle service shall become operative within six months of the occupancy of the 1,000<sup>th</sup> unit. Thereafter, the implementation and service increase required for the shuttle shall be in accordance with the approved schedule. At the Project Applicant’s discretion and with the approval of the City, the shuttle program may be implemented through a provider such as AC Transit and may be coordinated with the service commitment required for the Jack London Square Development Project. In these events, the Project Applicant shall execute agreements with such providers or partners as part of the transportation demand management plan.

The final TDM plan shall specify that the management of on-street public parking shall be through two to four-hour time limits rather than charging for parking. The plan shall also include secure bicycle parking for residents.

The final TDM plan shall be reviewed by the Planning Commission and approved by the City Council. Each Final Development Plan submitted for individual development projects or phases shall demonstrate compliance with the approved TDM plan.

### **Hydrology and Drainage**



23. The Project Applicant shall implement all of the mitigation measures described in “Section F. Hydrology and Water Quality” of the MMRP. Final grading and improvement plans for the Project shall include all information, analysis and requirements as set forth in the MMRP. **(MM # D.1., D.2., D.5., D.6.)** Prior to the issuance of a grading permit for any phase of the project, the Project Applicant shall submit a drainage, erosion control and Storm Water Pollution Prevention Plan (SWPPP) incorporating all City and other requirements, including the State General Permit for Construction. The applicant shall also submit the detailed design of the storm water control plan that complies with provision C.3 of the Alameda Countywide NPDES Municipal Stormwater Permit, NPDES Permit No. CAS0029831, Order R2-2003-0021, or any subsequent tentative order, revision, or new permit.

### **Geology, Soils and Seismicity**

24. The Project Applicant shall implement all of the mitigation measures described in “Section F Geology, Soils and Seismicity” of the MMRP. All geotechnical reports and recommendations submitted in accordance with final grading and construction specifications shall incorporate the information, standards, and requirements required in that section. Prior to the issuance of a grading permit for the site, the plans, information and analysis required by this Condition of Approval shall be independently reviewed by a qualified geotechnical engineer hired by the City at the Project Applicant’s expense and approved by the City Engineer. **(MM # F.1., F.2., F.3., F.4., F.5.)**

### **Cultural Resources**

25. The Project Applicant shall implement all of the mitigation measures described in “Section E. Cultural Resources” of the MMRP **(MM # E.1.a, E.1.b, E.1.c, E.1.d., E.2, E.3.a., E.3.b, E.8)**. The project shall also include the following additional measures and standards:

a. Within 90 days of final approval of the close of escrow with the Port of Oakland, the Project Applicant shall take measures to protect the Ninth Avenue Terminal Building, pending demolition of the approved portion of the facility. The building shall continue to be actively used, if feasible, with access for trucks to the site through any development or construction activities, to the greatest practical extent. Within 45 days of the final approval of the close of escrow with the Port of Oakland, the Project Applicant shall submit to the Development Director a description of the proposed measures. The Development Director shall review, and may approve, disapprove, or modify the measures intended to eliminate deterioration, minimize vandalism and assure protection of the building. These measures shall remain in place for the duration of the demolition, grading and other construction activities until building permits are issued for the restoration of the preserved portion of the building.

b. No less than 90 days from the date of scheduled demolition, the Project Applicant shall submit a restoration and reuse plan for the Ninth Avenue Terminal Building including but not limited to the following materials and information:

1) a finance and business plan that establishes a framework for restoring, preserving, and reusing the preserved portion of the building, including a commitment by the project applicant to seek additional public funding, private financing, and/or private philanthropic grants and the funding mechanisms and budget for the work;

- 2) a management plan demonstrating exemplary and continued stewardship of the preserved portion of the building, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the *City of Oakland General Plan and the Estuary Policy Plan*;
- 3) a community participation plan providing for input by Oakland community members in decisions concerning the portion of the Ninth Avenue Terminal Building's preservation and reuse;
- 4) a development plan demonstrating that the proposed renovation and reuse of the portion of the Ninth Avenue Terminal Building is consistent with the design standards, policies, and goals of the PWD-4 Planned Waterfront Zoning District, the Design Guidelines for the Oak to Ninth Mixed Use Development Project, and with any other design criteria that the City determines is appropriate to meet said goals and policies up to and including the proposed design for Shoreline Park; and
- 5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement (issuance of a certificate of occupancy for the 1,000th unit or 5 years from the issuance of the first building permit for Phase I.)
- 6) an application to nominate the remaining portion of the building and the site as a City of Oakland Landmark.

The City Landmarks Preservation Advisory Board shall review this information and the plans and make recommendations to the City Council and the Planning Commission. The Planning Commission shall review and consider the information, plans and recommendations from the Landmarks Preservation Advisory Board and forward its recommendations to the City Council. The City Council shall review and approve the plans and schedule for work.

c. Notwithstanding that the City has fully established in the record that preserving more of the Ninth Avenue Terminal Building is not economically feasible based on the whole of the financial obligations for the project and on the administrative record, the City shall institute an independent process to ascertain whether there are alternative funding sources, whether there is an entity interested in taking a greater financial risk than has been deemed acceptable given standard market conditions and rates of return and whether factors other than economic feasibility can be combined to provide for another set of uses for the preserved portion of the building. This process is in full recognition of the fact that the significant and unavoidable impacts of demolishing a substantial portion of the Ninth Avenue Terminal Building cannot be mitigated to a less than significant level and that the City is not in a position to subsidize the operation, maintenance or rehabilitation of this structure given current capital project needs and current approved budgets for Redevelopment and other funding sources.

The process shall include the following major steps and timeframes:

- 1) By September 15, 2006 the City shall issue a Request for Proposals soliciting projects, uses and funding sources for the preservation of the Ninth Avenue

Terminal building in an amount greater than 40,000 square feet and no more than 90,000 square feet. The RFP shall indicate that uses must be Tideland Trust consistent, that the building shall be preserved and rehabilitated consistent with the Secretary of Interior Standards, and that the City does not have the financial capacity to contribute to this effort.

2) Proposals shall be received by February 15, 2007, and reviewed and a report prepared for the City Council's consideration of the options available based on specific criteria, including trust consistent purposes, timing of implementation, funding sources, financial capacity, etc.

3) City Council shall make a final determination regarding any option for the preservation of the Ninth Avenue Terminal building by June 30, 2007.

In the event the RFP does not result in the alternative re-use of a 40,000 to 90,000 square foot portion of the Terminal Shed building, the developer shall rehabilitate a 20,000 (rather than 15,000 originally proposed) square foot portion of the Terminal Shed building and the \$500,000 developer contribution to the general City-wide historic preservation efforts shall be dedicated to off-set the costs associated with the preservation of the additional 5,000 square feet.

26. Prior to the issuance of a demolition permit for the approved portion of the Ninth Avenue Terminal Building, the Project Applicant shall submit \$500,000 to the City for compensation for the loss of a significant historic resource. These funds shall be used in other historic preservation efforts including but not limited to funding Mills Act projects to offset the loss of property taxes, restoration projects for other landmarks or preservation districts as recommended by the Landmarks Preservation Advisory Board and as finally determined by the City Council.

### **Vested Tentative Map Conditions**

27. The maximum number of residential units for the approved project is 3,100. Any minor revision of the internal circulation plan or lot layout shall be subject to the review and approval of the Development Director at least 45 days prior to filing each final map.

28. Multiple final maps may be filed subject to the Phasing Schedule set forth in Exhibit C of the Development Agreement. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

29. Prior to the approval of each Final Map, a site plan and other information as may be required shall be submitted for the review and approval of the Development Director or his/her designee demonstrating substantial compliance with the approved VTM and the "Project Plans" as set forth in Condition of Approval 1, as well as any subsequent permit received from a responsible or other agency with authority over the project site.

30. Prior the submittal of the first Final Map for the project, the covenants, conditions and restrictions ("CC&Rs") for the VTM shall be submitted for review by the City. The CC&Rs shall provide for the establishment of a homeowners association for the maintenance and operation of all landscaping, common open space areas, all common area improvements and common structure

improvements that are not within the purview of the Community Facilities District/Community Services District (CFD/CSD) or similar entity.

31. At least 45 days prior to recording each Final Map, plans shall be submitted for review by the City Building Services Department to obtain addresses and for street name approval. Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. Final Maps shall not be certified as ready for approval without the approved street names.

32. The Project Applicant shall revise the Vesting Tentative Map prior to approval becoming effective, as follows:

a. Revisions required to the General Note Section of the Map:

General Note 2: Multiple Parcel Maps may be filed on the lands shown on this map subject to all the Conditions of Approval, the PWD-4 Planned Waterfront Zoning District and Mitigation Monitoring and Reporting Program as set forth in the Preliminary Development Plan and Development Agreement approved by the Oakland City Council on June 20, 2006.

General Note 6: Phasing: This project is proposed to be constructed in Phases as set forth in the Development Agreement, Conditions of Approval and the Mitigation Monitoring and Reporting Program as approved by the Oakland City Council on June 20, 2006.

General Note 7: Street Names: Final street names shall be approved as set forth in the Conditions of Approval as approved by the Oakland City Council on June 20, 2006.

General Note 8: Dedications, Easements and Right of Entry: Additional and specified dedication of property rights and rights of entry as necessary to accommodate all drainage facilities, sewer facilities, public utility easements and other easements as may be necessary to properly serve the lots created shall be dedicated as part of the filing of future final maps.

General Note 9: All utilities shall be installed underground according to the standards and requirements of the City of Oakland and the applicable utility.

b. Other revisions to the Vesting Tentative Map plan set, absent alternative technical authority from a broadly recognized standard, are as follows:

1) At the intersection of Embarcadero and 5th Avenue, some mitigation needs to be proposed as the intersection skew does not meet City standards. Main Street needs to be designed to provide the necessary radius (100 feet).

2) Main Street shall be widened to provide the required depth perpendicular to the face of curb and travel lane, or the diagonal degree needs to be changed to 30 degrees.

- 3) 7<sup>th</sup> Avenue needs to be redesigned to have the necessary radius of 100 feet.
- 4) The Embarcadero/8<sup>th</sup> Avenue intersection needs to be redesigned to get the skew angle under 15 degrees.
- 5) The Oakland city standard radius for the curve on the relocated Embarcadero is 500 feet.
- 6) Redesign 9<sup>th</sup> Avenue to achieve the 50 foot tangent for reverse curves.
- 7) Rolled curbs details and specifications shall be replaced with concrete curb and gutter following standard City specifications.
- 8) On 9<sup>th</sup> Avenue, the potential for illegal parking must be reduced by pulling the inside curb and/or providing a “knuckle” to achieve the 100 foot minimum radius.
- 9) A 20 foot minimum travel way is acceptable where there is parking on both sides of the street. Where there is no parking the minimum travel way shall be 24 feet.
- 10) The radius for the 5<sup>th</sup> Avenue cul-de-sac for fire access must be redesigned to replace the rolled curb with another detail as acceptable to the Public Works Director and the Fire Marshall. The reduction of the 52 foot radius may be acceptable with a review of apparatus specifications and with the approval of the Fire Marshall.
- 11) Absent an alternative technical authority, the City requires a 50 foot tangent at the intersection of Main Street and the Embarcadero, and 9<sup>th</sup> Avenue and the Embarcadero.
- 12) Parcel corners at the intersections must be modified to provide rounded curbs to a radius of 15 feet.

33. Prior to the issuance of a grading permit for the site preparation (not including grading and excavation for soil remediation) of the first development area as set forth in Exhibit C of the Development Agreement, the applicant shall submit a schematic master improvement plan for the entire site prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, the approved Preliminary Development Plan for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements required to comply with all applicable City standards, and the street tree locations and planting specifications.

34. This Schematic Master Improvement Plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with subsequent phased improvement plans. Except with respect to Conditions of Approval No. 18, 19 and 36, final maps may be recorded upon the City's approval of a Subdivision Improvement Agreement and receipt of adequate security in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

### **Fire and Life Safety Requirements**

35. Prior to the issuance of an occupancy permit for each Development Parcel, a Site Security and Management Plan shall be developed in conjunction with the Oakland Police Department, including parking garage security and lighting, building security features, security personnel staffing organization and management and emergency protocol procedures.

The following standards and requirements shall apply to the project and to each Development Parcel:

- a. Fire hydrants shall be incorporated, as required to attain a standard that achieves coverage so that a hydrant is accessible around a building perimeter with a hose reach of not less than 150 feet as per Oakland Fire Department or within 30 feet of any fire sprinkler or standpipe connection.
- b. All new fire hydrants shall meet East Bay Municipal Utility District (EBMUD) standards, 4.5 inch steamer by 2.5 inch outlet.
- c. A sprinkler system for each building including the capacity to annunciate by zone and tamper switches, as required by the Oakland Fire Department on a building-by-building basis, taking into account building square footage, occupancy limits, height and emergency access. Final building specific annunciation requirements shall be reviewed and approved by the Oakland Fire Department as part of the fire plan check.
- d. All entry gates with either key or push button Knox Box access shall include a minimum 8 inch by 10 inch Knox Box to store required maps, plans and up to five (5) sets of keys for building maintenance areas.
- e. Standpipes shall meet the following requirements:
  - 1) They shall be combined with the building sprinkler system with 2.5 inch NST outlets.
  - 2) Fire Department connections to sprinklers shall be shown as one 30 degree, 5 inch Stortz and two each 2.5 inch NST gated inlets.
  - 3) Final locations of standpipes for each Development Parcel shall be reviewed and approved by the Oakland Fire Department prior to the issuance of a building permit.

- f. Smoke detectors and related initiating and signaling devices shall be shown to be installed to annunciate fire by zone, mechanical (by location), electrical (by location) and other areas as may be required by the Oakland Fire Chief.
- g. A comprehensive fire alarm system for all Development Parcels meeting the following minimum specifications:
  - 1) Activation by water flow or other signaling device to annunciate at the alarm panels.
  - 2) Initiation of an audible and visual alarm in the building.
  - 3) Identification for zone locations on alarm panels for smoke or water flow alarms, as approved by the Oakland Fire Department.
  - 4) Ability for a private alarm company to relay an activated zone to the Oakland Fire Department.
  - 5) Button board or digital alarm panels shall show all smoke detectors by zone, individual or miscellaneous rooms and water flow zones.
  - 6) The communications system for all building sites shall include electrical shut-off, and a general alarm switch to shut off and activate the fire alarm manually for each designated area within the building. For all buildings higher than 86 feet, this requirement shall include a shut-off and reverse HVAC switch.
- h. For the residential towers (125 to 240 feet) an Emergency Response Protocol Plan shall be submitted to the Oakland Fire Department prior to the issuance of a building permit. This plan shall include but not be limited to:
  - 1) The provision of a Command Center at a minimum size of 8 feet by 10 feet, including alarm panels and large Knox Boxes at entry points as required by the Oakland Fire Department.
  - 2) Delineation of emergency evacuation routes, posting locations of emergency information, and the identification of safe zones in the building to accommodate non-ambulatory occupants and to provide staging areas for Fire Department operations.
  - 3) As required by the Oakland Fire Department, the buildings shall be designed so that areas can be shut down using magnetic or other acceptable closures with indicator signals on the enunciator panels or at the Command Center that doors have closed.

### **Off-Site Sewer Project Requirement**

36. The Project Applicant will connect the Project sewer lines to the EBMUD interceptor in the Embarcadero. Although overall wastewater treatment capacity exists to serve the Project, the Public Works Department and EBMUD have determined that the Project

Applicant must complete an off-site Infiltration and Inflow rehabilitation project to increase wet weather sewer capacity. Based on an evaluation prepared by BKF (memo dated June , 2006), the following criteria shall be used to determine the sub-basins that will be selected for the Infiltration and Inflow rehabilitation project: (a) lowest unit cost to rehabilitate 1 gpd; (b) not already completed as part of the East Bay infiltration/inflow studies by the City of Oakland; (c) located within, or upstream of, the Project basins 54, 59, or 64; (d) rehabilitation required to mitigate base flow generated from the Project shall be approximately 95-100 percent of the sub-basin infiltration and inflow. The following basins have been preliminarily selected based on these criteria: basins 58 and 64 from north Oakland and basins 82 and 83 from south Oakland. The final selection of the sub-basins for this rehabilitation project will be made after further investigation of the scope of work based on existing sewer base maps and improvement plans and evaluation of this information in the context of the criteria listed above, with a maximum cost not to exceed \$1.0 million to be completed no later than the completion of Phase II as set forth in the Development Agreement, Exhibit C.

### **Construction Management and Phasing**

37. As a requirement of each submittal of demolition, grading or building permit plans for a Development Parcel(s), the Project Applicant shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures in the MMRP including Air Quality (MM C.1a); Cultural Resources (MM E.1a, E.1.b, E.1.c., E.1.d., E.2, E.3); Hazardous Materials (MM H.1.a, H.1.b., H.1.c., H.1.d., H.1.e, H.2.a., H.2.b., H.2.c., H.2.d., H.3); Noise (MM G.1a, G.1.b., G.1.c., G.1.d., G.2); Traffic, Circulation and Parking (MM B.10) and Biological Resources and Wetlands (MM I.2.a., I.2.b, I.2.c., I.2.d., I.3.a., I.4.a, I.4.b, I.5). The plan shall also include the following additional measures and standards:

- a. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
- b. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.
- c. All parcels not under active construction shall be graded to drain to an approved runoff storm water treatment facility. Such facility may be located on the specific parcel not under active construction. Surfaces shall be treated with hydro-seed made up of a mix of native grasses and wildflowers. Slopes that are in excess of 2(h):1(v) shall also have a jute mesh blanket, or similar material, placed on the slope. The parcel shall have perimeter control to prevent either water or wind borne silt and pollutants from leaving the parcel. Access to the parcel shall be controlled by fencing approved by the Development Director.

### **Establishment of Community Facilities District and a Community Services District**

38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the



responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions:

- a. A reserve fund shall be established in the CSD budget to provide for restoration, maintenance, repair or other work associated with all improvements and areas within the jurisdiction of the CSD.
- b. The Project Applicant shall provide start-up funds for the CFD/CSD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.
- c. The CFD/CSD shall include both on going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters within the CFD/CSD jurisdiction. This work shall be based on the final grading, site soils conditions and specifications for improvements as set forth in Conditions of Approval No. 33 and 40.
- d. The CFD/CSD budget shall separately identify the projected costs associated with (1) standard annual operation, administration and maintenance work; (2) long-term operation and maintenance including life cycle costs of major features such as the Shoreline Park pier; (3) storm water quality maintenance and monitoring; (4) reserve fund and (5) debt service requirements.
- e. The CFD/CSD shall submit an annual report to the City Council detailing (1) compliance with the Minimum Maintenance Standards as set forth in Exhibit F of the Development Agreement and (2) budgetary and other financial information relevant to the CFD/CSD operations.
- f. The CFD/CSD shall obtain general liability insurance and directors' insurance for the Board of Directors to the extent that the CFD/CSD Board determines in its sole discretion that such insurance is available at commercially reasonable rates.
- g. Regardless of whether or when the CSD is formed, the assessments or taxes necessary to fund the above requirements must be determined following a thorough financial analysis and must include adequate funding for the indemnity and insurance obligations set forth in Section 4.4.4.e. of the Development Agreement. The City's attorney and Risk Manager shall also review the adequacy of the funding for the indemnity and insurance and may make recommendations regarding such funding.

h. The taxes or assessments shall be fully authorized and imposed on the project site prior to approval of the first final map.

39. The CSD, if formed, will be responsible for hiring its own staff (or contracting with non-City parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair and other activities of the CSD and no City employees shall perform such services for CSD facilities and improvements. Further, the City shall not fund or otherwise administer any of the operations of the CSD.

### **Landscaping, Open Space, Park and Trail Requirements**

40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:

- a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.
- b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.
- c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9<sup>th</sup> Avenue and Shoreline Park.
- d. Preservation of a significant portion of the Ninth Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26 foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.
- e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,
- f. Plans and general specifications for other landscaping features and public art installations.

- g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.
- h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the Ninth Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.
- i. All play surfaces and play structures throughout the development will comply with ADA standards.
- j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:
- Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.
  - Street trees shown on the site plan.
  - Specifications for driveways, paving, entry and other surface treatments.
  - A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.
  - All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

40.a. Refer to Exhibit N of the Development Agreement

41. Prior to the issuance of the first occupancy permit within each Development Parcel, the Project Applicant shall enter into a two year landscape maintenance agreement with the City, subject to the review and approval of the City Attorney, running from the date the landscaping is deemed complete and in compliance with the approved landscape plan for each phase. The security posted shall be in the form of an acceptably rated bond, cash, an irrevocable letter of credit or a certificate of deposit, and the amount shall be determined based on the contract costs of plants and installation plus 25 percent. At the project applicant's option, a phased plan for securing the two year landscape maintenance agreement may be established, consistent with the

Phasing Plan set forth in Exhibit C of the Development Agreement so that the security required is concurrent with the overall phasing as planting becomes established.

42. The Project Applicant shall prepare and implement a Tree Protection Plan based on the Tree Report for the Oak to 9<sup>th</sup> Project prepared by HortScience, Inc. dated February, 2006. The City's Arborist has deemed this report consistent with the City's Tree Protection Ordinance and that a tree permit may be issued for the site, prior to soils remediation activities based on the completed review. Further review required to issue the tree removal permit shall be limited to substantial compliance with prior review and recommendations.

### **Design Requirements**

43. *Lighting Standards and Requirements.*

a. The applicant shall submit a lighting plan for review and approval by the Planning and Zoning Division, with referral to other City departments as appropriate. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

b. The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of accessways, parking lots, parking structures, the commercial areas and the parks and open spaces in the site. Such illumination shall remain on during all hours of darkness when the businesses, parking areas and open spaces and parks are open and shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

c. The exterior lighting fixtures which serve the parking areas shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, shall be adequately shielded to a point below the bulb and reflector, and shall prevent unnecessary glare onto adjacent properties.

44. Final Development Plans for Parcels K, L and M as identified in Vesting Tentative Map No. 7621 shall incorporate the mitigation measures set forth in "Section A – Land Use Plans and Policies" of the MMRP (MM # A.1., A.2.a., A.2.b., A.3.a., A.3.b.)

### **Administrative Review Standards for Commercial Uses**

45. The following performance standards and review criteria shall be used to administratively review uses for the commercial and portions of the project, prior to the issuance of the first building permit for construction of a building including commercial and retail space on each Development Parcel, if applicable:

a. Review and written verification shall be provided to confirm that loading storage and equipment areas have been designed and designated to account for the needs of the

proposed use without interfering with parking, access or loading areas of adjacent commercial uses.

b. For food related uses such as cafes, delicatessens, restaurants, fast food establishments and similar activities, the following standards and conditions shall apply:

1) Adequate provisions have been made for trash disposal and recycling, including provision of standard City of Oakland containers within the public right of way, following the requirements and standards of the California Uniform Retail Food Facilities Law (Health and Safety Code Sections 37500 et. seq.), as reviewed and approved by the Planning Director or his/her designee.

2) Adequate ventilation, filtration and odor control systems shall be installed for any commercial hoods; along with submittal of provisions for maintenance and inspection of such a system should odor complaints be received.

c. For entertainment uses, live entertainment shall be subject to the cabaret permit review procedures under the Oakland Municipal Code.

### **Required Disclosure Statements Pertaining to Uses and Activities Associated with the Project**

#### 46. *Required Disclosures*

*Live/Work Units:* The owner of the property shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the live-work units acknowledging the commercial character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. The statement of disclosure shall also state that the tenants may only engage in the activities allowed by the PWD-4 Planned Waterfront Zoning District. The statement of disclosure shall also state that at least one tenant of each unit shall apply for and maintain a City of Oakland Business Tax Certificate for a business at the project address. The statement described in this condition of approval shall also be provided to any new owners of the property or any of the new units before a unit or the property is sold.

#### 47. *Mixed Use Character of the Project*

*Adjacency of High Use Public Area and Rail Lines:* The project applicant shall ensure that future residents sign a notice acknowledging that they are aware of and accept the potential noise levels related to the adjacent railroad lines, commercial activities, live/work activities and large open space and park areas adjacent to the Development Parcels.

### **Affordable Housing Provisions**

#### 48. Provisions for Affordable Housing

The developer's and Agency's responsibilities will be incorporated into the project Development Agreement, Exhibit L. Following is a summary of that agreement:

The Project would include a total of 465 affordable housing units to be located on Parcels F and G. These units are expected to be built in the following four phases:

Phase	Parcel	Units	Construction Type
I	F	150	Type V;
II	G (portion)	132	Type I (over retail);
III	G (portion)	77	Type I (over retail); and
IV	G (portion)	106	Type III (over retail).

a. Purchase of Lots

Developer will provide Lots F and G for sale to the Agency for the purpose of constructing affordable housing. The lots will be in remediated condition with all necessary utilities stubbed out at the lot line and access roads completed along the lot frontage to back of curb prior to construction (“Finished Lot”). The Agency shall close escrow on Lots F and G no later than the date that is 90 days after such lots are completed as Finished Lots (completion currently estimated at fourth quarter of 2009 to first quarter of 2010; therefore, closing is estimated to occur in first quarter of 2010 to second quarter of 2010).

b. Determination of Discounted Purchase Price

Value of the lots will be determined by an appraisal in consideration of the number of market rate residential units allowed to be built at the time the purchase transaction takes place (notwithstanding the affordability restriction contained in the Development Agreement/zoning), minus \$1 million for each lot; subject to a minimum purchase price described below. The initial purchase price for Parcel G will be based upon that portion of the land allocated to the residential component, which shall be determined by dividing the sum of the square footage of all residential units and residential parking by the total building and parking square footage for the entire Parcel G development.

c. Minimum Purchase Price

The purchase price for Parcels F and G would be subject to a possible adjustment based on the developer’s actual cost of providing the Finished Lot since the project has very slim margins of profit it cannot sustain losses which might occur if a parcel is sold significantly below the developers cost. Accordingly, a minimum purchase price is established that allows the purchase price to be adjusted upwards if the developer’s cost of the finished, ready-to-build lot is more than the appraised value. The discounted purchase price may be adjusted up to the higher of the developers cost (not including profit) or the fair market value at the time of completion or remediation, utilities, and access. However, in no event would the purchase price of the lot be adjusted higher than the fair market value.

d. Early Purchase

The Agency would have the right to purchase Lots F and G prior to their completion as Finished Lots (with the Developer remaining obligated to remediate the property and install the applicable

improvements) in return for a discount on the Purchase Price equal to a percentage discount rate multiplied by the number of years each lot is purchased prior to being completed as a Finished Lot. This discount would apply regardless of any adjustments made under the minimum purchase price provisions described above. The discount would be determined by taking a discount rate per year and multiplying it by the number of years the Agency purchases the lot before it is ready to build on. The discount rate for the lots will be a blend of Developer's preferred return and Developer's cost of financing reflecting the proportions of each in Phase I. For example, if the cost of financing is 8% and the preferred return on equity is 10% and the proportions of financing and equity are 75% financing and 25% equity, then the blended rate would be 8.5%. If the lots are then purchased two years early the discount would be 17%.

e. Additional Contribution

The Developer will make an additional contribution toward affordable housing equal to \$2,000,000, with \$1,000,000 payable at the time of building permit issuance on Parcel F and \$1,000,000 payable at the time of building permit issuance on Parcel G.

f. Commercial Shell and Parking Purchase Provision

Upon completion of the commercial shell and parking for Parcel G, the Developer will purchase the commercial shell and parking at the cost of construction to the Agency or affordable housing developer, including financing and equity costs and developer overhead.

g. Development Rights Transfer

The developer may propose to purchase the right to build market rate units from the pool of affordable units allocated to Parcel G, along with the land value then associated with the units to be sold. Such a purchase would not affect any other contribution toward affordable housing to which the developer would still be bound. The developer may transfer the development rights to any other area within the development and use the rights for development of market rate units.

h. Construction of Affordable Housing

The Agency will warrant that it will cause to be constructed affordable housing units when it is economically feasible for the Agency to do so, subject to bonding constraints, Oak to Ninth project build out schedule, anticipated State funding to cover part of the needed subsidy as such program exists in 2006, and anticipated growth in tax increment from the Central City East Redevelopment Area and other areas contributing to the city-wide housing tax increment pool. It is anticipated that the Agency will fund the construction of units based on the following schedule:

(1) Parcel F (Phase 1): No later than July 1, 2013 and when 1000 market rate units have been completed and are on the tax roll.

(2) Parcel G (Phase II): No later than July 1, 2016 and when 1800 market rate units have been completed and are on the tax roll.

(3) Parcel G (Phase III): No later than July 1, 2017 and when 2100 market rate units have been completed and are on the tax roll.

(4) Parcel G (Phase IV): No later than July 1, 2018 and when 2300 market rate units have been completed and are on the tax roll.

The Agency may elect to construct sooner provided sufficient funding is available. Further, the Agency shall covenant to limit the use of the Oak to Ninth project set aside funds to the acquisition and development of Lots F and G until the completion thereof.

i. Affordability Level

Units will be affordable to households at between 30% and 60% of Adjusted Median Income

j. Unit Types

Up to 25 percent of all units may be configured for seniors. At least 30 percent of all non-senior units will be three bedroom units and at least 20 percent of all non-senior units will be two bedroom units.

k. Environmental Remediation of Estuary Park

To the extent that the City Council may decide to provide funds for environmental remediation of Estuary Park, the developer has agreed to provide additional subsidy for affordable housing equal to the amount of any remediation the Council funds. This will cause the park to be built earlier than would otherwise be feasible. Additionally, this will cause two of the four phases of affordable housing to be funded one year earlier than would otherwise be feasible and would result in citywide affordable housing funds being available for use elsewhere in the City. The developer proposes to pay interest on any funding provided by the City for environmental remediation equal to the rate the Redevelopment Agency would otherwise get, until such time as the first phase of Oak to Ninth affordable housing is built, at which time the developer would provide funding equal to the environmental remediation contribution plus interest to the Agency for use in funding affordable housing within the Oak to Ninth Mixed Use Development Project.



**Brooklyn Basin Shoreline Park Final  
Development Permit Appeal**

**City Council, February 16, 2016**

**Attachment**

- C. Oak to Ninth Avenue Project Environmental  
Impact Report [SCH No. 2004062013]  
(provided under separate cover to the City  
Council and available to the public at the  
Planning Department offices and on the web  
at:**

**[http://www2.oaklandnet.com/Government/o/P  
BN/OurOrganization/PlanningZoning/DOWD0  
08409](http://www2.oaklandnet.com/Government/o/P<br/>BN/OurOrganization/PlanningZoning/DOWD0<br/>08409)**

2016 FEB -3 PM 4:30 OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION DENYING APPEAL CASE FILE PUD06010-PUDF02-A01 AND UPHOLDING THE DECISION BY THE OAKLAND CITY PLANNING COMMISSION TO APPROVE THE BROOKLYN BASIN SHORELINE PARK FINAL DEVELOPMENT PERMIT; ACTION TAKEN IN RELIANCE ON PREVIOUSLY CERTIFIED 2009 ENVIRONMENTAL IMPACT REPORT (CEQA GUIDELINES 15162, 15183)**

**WHEREAS**, on December 16, 2015, the Planning Commission held a public hearing and approved an application submitted by Zarsion-OHP 1, LLC (ZOHP or Applicant) for a Final Development Permit (FDP) for Shoreline Park, related to the Brooklyn Basin Planned Unit Development (PUD); and

**WHEREAS**, on June 20, 2006 and July 18, 2006, the City Council and the Oakland Redevelopment Agency took the following actions with respect to the approval of the Brooklyn Basin Project: (1) approved Resolution 79981 C.M.S. denying an administrative appeal of the Planning Commission actions (including approval of a Planned Unit Development) and certifying the EIR; (2) approved Resolution 79982 C.M.S. amending the General Plan Estuary Policy Plan; (3) approved Resolution 2006-0045 C.M.S. regarding amending the Central City East Redevelopment Plan; (4) adopted Ordinance 12756 amending the Central City East Redevelopment Plan; (5) approved Resolution 2006-0046 C.M.S. regarding amending the Central District Urban Renewal Plan; (7) adopted Ordinance 12758 C.M.S. creating the Planned Waterfront Zoning District-4 (PWD-4); (8) adopted Ordinance 12759 C.M.S. rezoning property in the Project site; (9) approved Resolution 79984 C.M.S. for the vesting tentative map 7621; (10) approved Resolution 2006-0047 C.M.S. authorizing the development agreement; (12) adopted Ordinance 12760 C.M.S. approving a development agreement; (13) approved Resolution 2006-0060 C.M.S. authorizing a cooperation agreement; (14) adopted Exhibits A through D to the approval documents, consisting of the CEQA Findings and Statement of Overriding Consideration, the Mitigation Monitoring and Reporting Program, Conditions of Approval, and General Findings; and

**WHEREAS**, on January 20, 2009, the Oakland City Council approved Resolution 81769 C.M.S. rescinding certification of the Oak to Ninth Project Environmental Impact Report, approving revisions to the analysis in the EIR, recertifying the EIR as revised, and readopting the CEQA findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program as revised; and

**WHEREAS**, The adopted PWD-4 zoning regulations and Planned Unit Development (PUD) require approval of a Final Development Permit prior to issuance of building permits for each phase of the PUD; and

**WHEREAS**, the Applicant submitted a complete application for the Shoreline Park FDP in February 2015; and

**WHEREAS**, the FDP application was subject to eight public hearings, two community meetings hosted by the Applicant and one public meeting held by the Bureau of Planning between April and December 2015; and

**WHEREAS**, the FDP application was agendized for the Planning Commission hearing of December 16, 2015, and public notices were duly distributed; and

**WHEREAS**, the Planning Commission staff report was published in a timely manner on December 11, 2015 and made available online at Oaklandnet.com as a public courtesy on the same date; and

**WHEREAS**, on December 16, 2015, the Planning Commission independently reviewed, considered, and determined that the Project is subject to the Oak to Ninth Avenue Project Environmental Impact Report and, that because the FDP is refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred; and

**WHEREAS**, on December 16, 2015, the Planning Commission approved the FDP application, subject to CEQA findings, the Planned Waterfront Zoning District-4(PWD-4) Findings for FDP findings, and design review findings, and previously adopted mitigation measures and conditions of approval; and

**WHEREAS**, on December 24, 2015, the Appellants, Leal Charonnat, Daniel Franco and Eve Tolmach (together, "Appellants") filed a timely Appeal (case file PUD06010-PUDF02-A01) of the Planning Commission's decision to approve the Shoreline Park FDP; and

**WHEREAS**, after giving due notice to the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties, the Appeal came before the City Council in a duly noticed public hearing on February 16, 2016; and

**WHEREAS**, the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

**WHEREAS**, the public hearing on the Appeal was closed by the City Council on February 16, 2016; now, therefore, be it

**RESOLVED:** The City Council independently finds and determines that the Project is subject to the Oak to Ninth Avenue Project Environmental Impact Report and, that because the FDP is refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, and the Environmental Review Officer is directed to cause to be filed a Notice of Determination/Exemption with the appropriate agencies; and be it

**FURTHER RESOLVED:** That the City Council, having independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal, hereby finds and determines that the Appellants have **not** shown, by reliance on appropriate/proper evidence in the record, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Planning Commission, or that the Planning Commission's decision was not supported by substantial evidence in the record. This decision is based, in part, on the February 16, 2016, City Council Agenda Report and the December 16, 2015 Planning Commission staff report, both of which are hereby incorporated by reference as if fully set forth herein, on the reports and testimony provided at the hearing, and on the City's General Plan, Planning Code, and other planning regulations as set forth below; and be it

**FURTHER RESOLVED:** That the Appeal is hereby denied, and the Planning Commission's decision to approve the Brooklyn Basin Shoreline Park FDP is upheld, subject to the findings for approval, additional findings, and conditions of approval adopted by the Planning Commission, each of which is hereby separately and independently adopted by this Council in full; and be it

**FURTHER RESOLVED:** That, in support of the City Council's decision to deny the Appeal and approve the Project, the City Council affirms and adopts as its own independent findings and determinations: (i) the February, 2016 City Council Agenda Report, including without limitation the discussion, findings and conclusions (each of which is hereby separately and independently adopted by this Council in full), and (ii) the December 16, 2015 Planning Commission staff report approving the Project, including without limitation the discussion, findings, additional findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full); and be it

**FURTHER RESOLVED:** That the record before this Council relating to this Project and Appeal includes, without limitation, the following:

1. the Application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and its representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the Application and attendant hearings;
5. all oral and written evidence received by the Planning Commission and City Council before and during the public hearings on the Application and Appeal;

- and all written evidence received by relevant City Staff before and during the public hearings on the Application and Appeal; and
6. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at (a) the Planning and Building Department, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, First Floor, Oakland, California; and be it

**FURTHER RESOLVED:** That per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized construction-related activities stated in any applicable conditions of approval or regulations is automatically extended for the duration of the litigation; and be it

**FURTHER RESOLVED:** That the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council of the  
City of Oakland, California

**LEGAL NOTICE:**

PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 17.136.090, THIS DECISION OF THE CITY COUNCIL IS FINAL IMMEDIATELY AND IS NOT ADMINISTRATIVELY APPEALABLE. ANY PARTY SEEKING TO CHALLENGE SUCH DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THIS DECISION, UNLESS A DIFFERENT DATE APPLIES.