

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 6-26-80
meeting.

CALENDAR ITEM

C3.

6/80
W 22475
Dorsey
PRC 5647

DREDGING PERMIT

APPLICANT: Port of Oakland
P. O. Box 2064
Oakland, California 94604

AREA, TYPE LAND AND LOCATION:
Granted tide and submerged lands (minerals reserved) in Oakland Inner Harbor, Alameda County.

LAND USE: Excavate 500 cubic yards of minerals other than oil, gas, and geothermal to provide a trench for keying riprap shoreline protection, and deposit excavated materials on publicly-owned uplands.

TERMS OF PROPOSED PERMIT:
Initial period: 1 year from July 1, 1980.

CONSIDERATION: The public use and benefit, Royalty \$0.25 per cubic yard in the event dredged materials are placed on private property sold, or used for any private or commercial benefit.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

A 13

S 9

CALENDAR PAGE	<u>011</u>
MINUTE PAGE	<u>1144</u>

OTHER PERTINENT INFORMATION:

1. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.
2. A final EIR was prepared by the Port of Oakland, pursuant to CEQA and implementing regulations.
3. Staff has prepared a permit document which includes all the above provisions. Said document is on file in the Offices of the State Lands Commission.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers,
San Francisco Bay Conservation and Development
Commission, Regional Water Quality Control
Board.

EXHIBITS:

- A. Land Description. B. Location Map.
C. EIR Summary

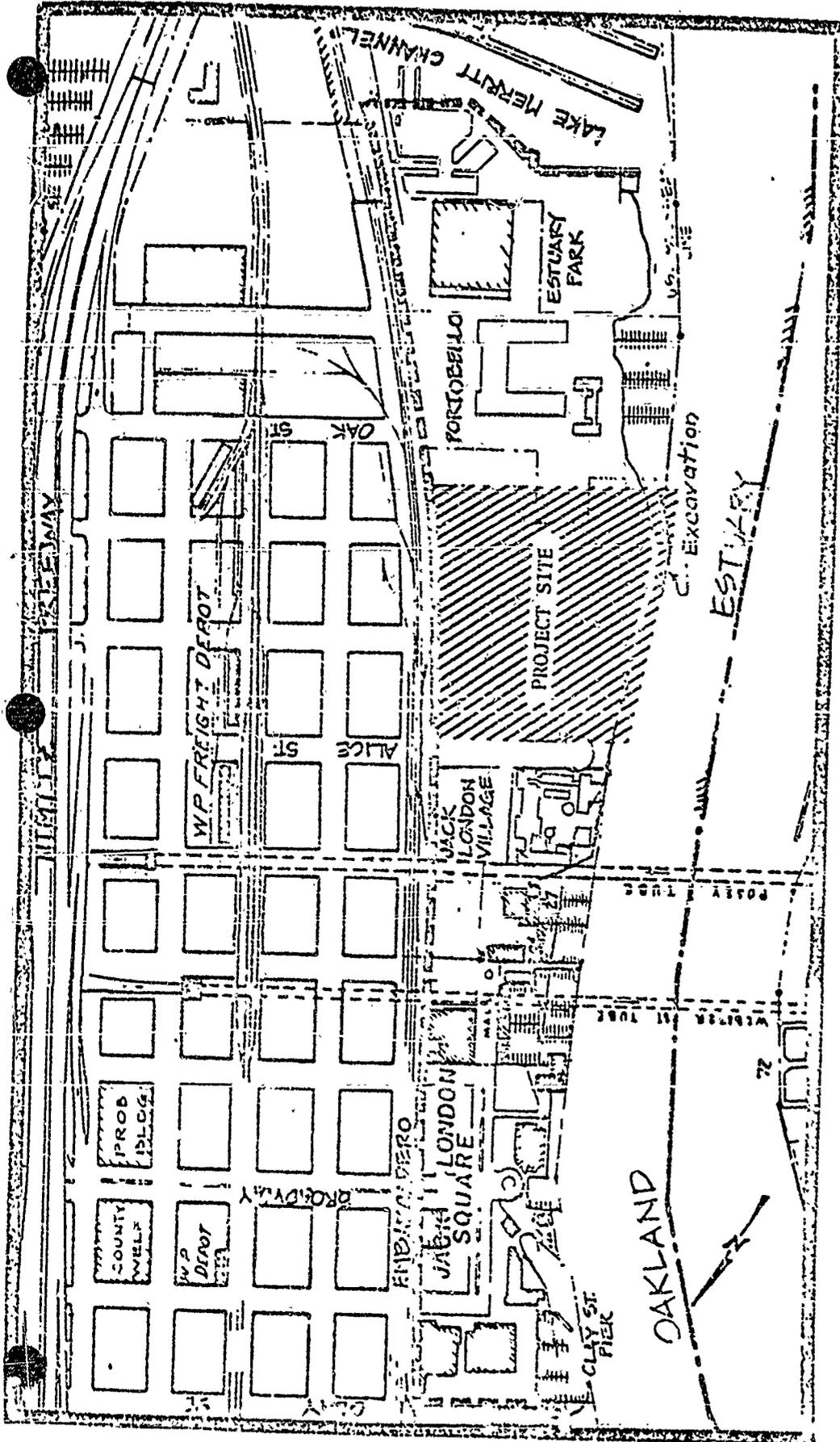
IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY BOARD OF PORT COMMISSIONERS, CITY OF OAKLAND.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE EIR OF THE PORT OF OAKLAND HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

CALENDAR ITEM NO. C3, (CONTD)

4. AUTHORIZE EXECUTION TO PORT OF OAKLAND THE DREDGING PERMIT ON FILE IN THE OFFICES OF THE COMMISSION. SAID PERMIT SHALL BE ISSUED IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WHICH WILL RESULT THEREFROM, PROVIDED THAT A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE PAID IN THE EVENT DREDGED MATERIALS ARE PLACED ON PRIVATE PROPERTY, SOLD, OR USED FOR PRIVATE OR COMMERCIAL BENEFIT. SAID PERMIT SHALL BE EFFECTIVE FOR ONE YEAR FROM JULY 1, 1980, AND SHALL ALLOW THE DREDGING OF A MAXIMUM OF 500 CUBIC YARDS OF MINERALS OTHER THAN OIL, GAS AND GEOTHERMAL FROM AN AREA OF GRANTED TIDE AND SUBMERGED LANDS IN THE OAKLAND INNER HARBOR, ALAMEDA COUNTY. SAID AREA IS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE EXPRESSLY MADE A PART HEREOF. THE MATERIAL DREDGED SHALL BE DEPOSITED WITHIN PUBLICLY-OWNED UPLANDS APPROVED BY ALL APPLICABLE REGULATORY AGENCIES.

EXHIBIT "A"
N 22475



Project Location Map

CALENDAR PAGE	014
MINUTE PAGE	1147

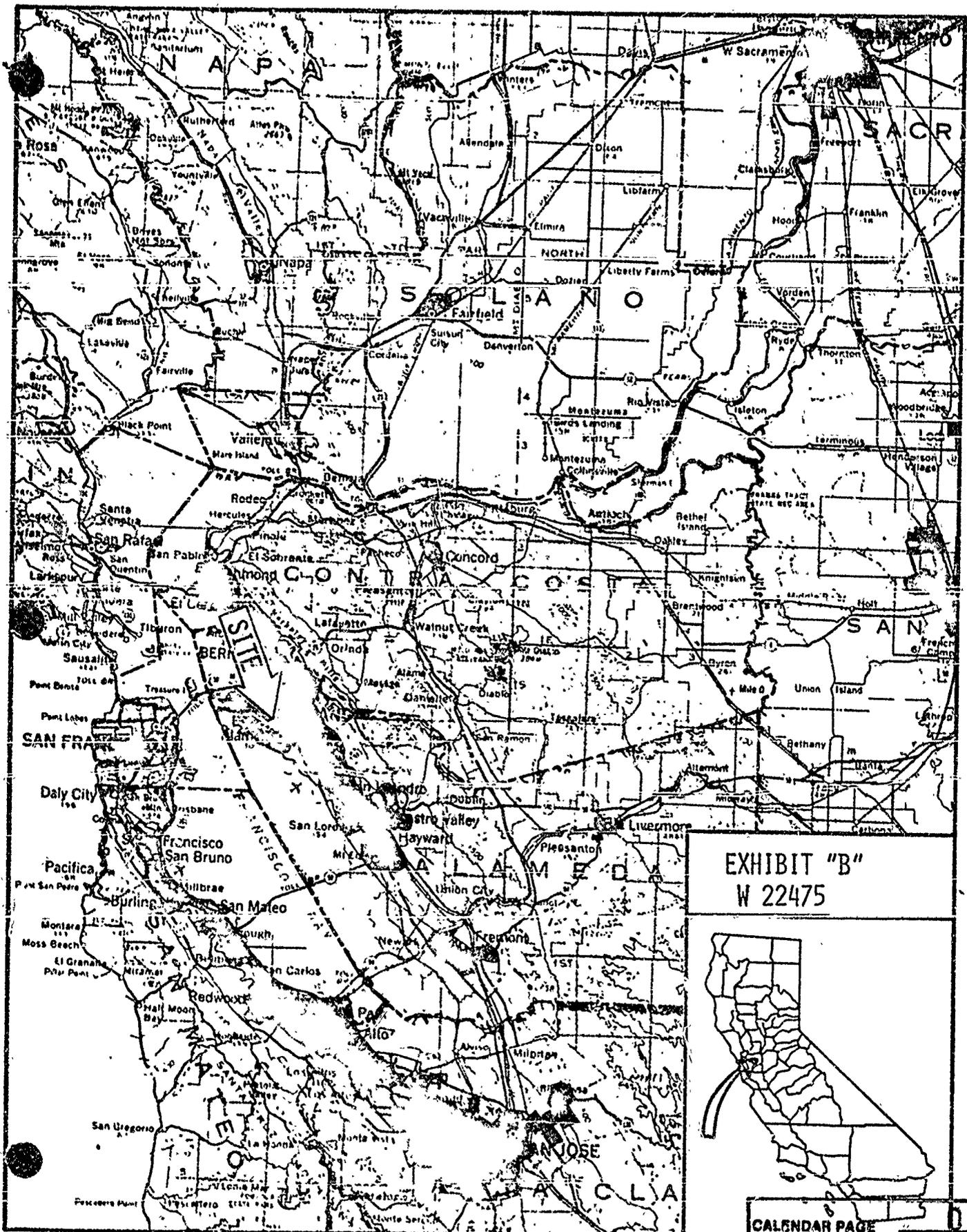


EXHIBIT "B"
W 22475



CALENDAR PAGE 015
MINUTE PAGE 1148

CITY OF OAKLAND

EXHIBIT "C"

RESOLUTION NO. 24292

J. K. R.

RESOLUTION CERTIFYING REVIEW AND CONSIDERATION OF FINAL ENVIRONMENTAL IMPACT REPORT, MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH, AND APPROVING A DEVELOPMENT PLAN FOR A VACANT PARCEL OF LAND BOUNDED BY ALICE STREET, OAK STREET, EMBARCADERO WEST AND THE OAKLAND ESTUARY.

RESOLVED that the Port Planning Division having prepared a Final Environmental Impact Report entitled "FINAL ENVIRONMENTAL IMPACT REPORT - THE PROPOSED ACQUISITION AND DEVELOPMENT OF A VACANT PARCEL BOUNDED BY ALICE STREET, OAK STREET, EMBARCADERO WEST AND THE OAKLAND ESTUARY" and dated November, 1977, this Board does hereby certify that it has reviewed and considered the information contained in said report and that said report has been completed in compliance with law, and does hereby find and determine that the proposed project will not have a significant adverse impact on the environment; and be it

FURTHER RESOLVED that this Board does hereby approve the "Development Plan - Revised" as said plan is shown on page XI-4 of said Final Environmental Impact Report.

At an adjourned regular meeting held November 9, 1977

Passed by the following vote:

Ayes: Commissioners Berkley, Connolly, Cainor, Large, Rodriguez and President Soda - 6

Noes: None

Absent: Commissioner Smith - 1

RECEIVED
NOV 13 1977
CITY OF OAKLAND

CALENDAR PAGE	016
MINUTE PAGE	1149

EXHIBIT "C"

FINAL ENVIRONMENTAL IMPACT REPORT THE PROPOSED ACQUISITION AND DEVELOPMENT OF A VACANT PARCEL BOUNDED BY ALICE STREET, OAK STREET, EMBARCADERO WEST AND THE OAKLAND ESTUARY

SUMMARY

Project Description

The project consists of the acquisition and development of a parcel of land located along the Oakland Estuary between Alice and Oak Streets, south of the Embarcadero. The parcel is presently vacant and consists of approximately 16 acres.

Local Area

The project site is located to the east of Jack London Square between Portobello, a waterfront office, commercial, residential complex and the recently developed Jack London Village, a waterfront commercial development. Jack London Square and its adjacent developments are recognized as one of the most popular restaurant and entertainment centers of the East Bay with pedestrian walkways, plazas and waterfront views. Jack London Village is characterized as a waterfront commercial development with specialty shops and restaurants. The proposed development would become an integral part of the Jack London Square area and the ongoing development along the Oakland Estuary. The Port of Oakland intends to purchase the property, which is presently owned by the Santa Fe Land Improvement Company.

Scope of the Plan

The proposed plan for the development of the 16-acre parcel designates land uses and pedestrian and vehicular circulation patterns within the project site. Provisions for extensive landscaping and the creation of public open spaces, plazas and malls are included in the plan. The plan also recommends certain urban design criteria which should govern the location and design of new buildings and the landscaping of public spaces.

Proposed Land Uses

The plan shows the following types and magnitudes of uses to be developed on the project site:

Hotel or Motel (approximately 300 rooms) including associated meeting rooms, coffee shop, and retail and service commercial shops

Professional/Administrative Offices (approximately 45,000 sq. ft. net leaseable area).

Retail and Service Commercial Shops (approximately 10,000 sq. ft. net leaseable area divided between ground floors of the Hotel/Motel complex and office complex).

Commercial Entertainment Use (approximately 20,000 sq. ft. maximum for theater, nightclub, etc.)

Restaurant (approximately 10,000 sq. ft. and 300 seats).

Marina (50 berth maximum; to serve as guest berthing for hotel and restaurant; display for possible boat sales, rentals.

KTVU Studio/Office facility (approximately 80,000 sq. ft.) The offices of KTVU are presently located at 1 Jack London Square. A new studio/office facility would be constructed on the project site to suit KTVU's expanding needs. Upon the completion of the new facility, KTVU would relocate there.

Parking (approximately 2 acre for KTVU employees and visitors, and approximately 3 acres for patrons and employees of the commercial uses outlined above.)

As individual projects within the subject site are implemented, amendments will be made to this environmental document as required.

Description of Environmental Setting

Present Physical Environment

Topography. The site presently consists of a nearly flat area at approximately 10 feet above mean sea level, covered to a depth of about 3 feet with concrete rubble, earth fill, and other material remaining from the prior use of the site as a railroad freight yard.

Wildlife. Shorebirds and waterfowl in limited numbers feed along the Oakland shoreline, however, there are not signs of habitat of indigenous wildlife species on (other than small rodents) or near the project site.

Vegetation. As the project site has been extensively cleared and graded, throughout the years, no indigenous plant species remain. Other than weeds, the site is devoid of any vegetation and no rare or endangered plant species are in evidence.

Visual Quality. As the site is completely devoid of any development or natural features, visual quality on the project site is relatively low. There are, however, many excellent views of waterfront activities to be had.

Noise. Major sources of noise in and around the project site are trains and aircraft.

Public Services and Utilities. Existing gas, water, telephone and electric lines have service stubs remaining from previous site use. These are located at various points along the periphery of the property and can be readily extended according to need as the development of the property proceeds.

Human Health and Safety. The proposed project site is located directly below the flight path of aircraft approaching Runway 25 at the Alameda Naval Air Station. However, the project site is located outside of the safety zone adopted by the Alameda County Airport Land Use Policy Plan. Safety zones are established at both ends of all runways with the basic intent of limiting population density and structural development so as to avoid loss of life among population on the ground as well as among aircraft occupants in the event of an accident.⁵

(5) See Footnotes pg. 16 in Final EIR.

The entire Estuary shoreline area from Lake Merritt Channel to the Clay Street Pier, with the exception of the project site, has been developed for Commercial, Recreation, Office and Residential uses. With the implementation of the proposed project, the entire waterfront area from Lake Merritt Channel to the Clay Street Pier will have been developed with suitable, compatible shoreline facilities.

Related Plans and Regulations

Oakland Policy Plan. (The Oakland Policy Plan is the major component of the Oakland Comprehensive Plan which constitutes Oakland's "General Plan". It includes the Policy Plan itself as well as Policy Plan Maps and an amendment sheet. The Plan was adopted on October 24, 1972.)

The Oakland City Planning Commission has determined that the proposed project is in conformity with the Oakland Policy Plan.

Oakland Shoreline Plan. The proposed project is in conformance with the Oakland Shoreline plan as adopted in 1968 and continuously amended by the Port of Oakland. The Shoreline Plan calls for a mixture of commercial, residential and recreation uses for the area from Lake Merritt Channel to the Clay Street Pier, with commercial and recreation uses proposed for the project site itself.

The San Francisco Bay Plan. The San Francisco Bay Plan as prepared in 1969 by the San Francisco Bay Conservation and Development Commission recommends that development of the shoreline area from Lake Merritt Channel to the Clay Street Pier include "Commercial recreation" (including restaurants, specialty shops, theaters and amusements) and "waterfront park" activities.

The Plan recommends the expansion of commercial recreation facilities in this area as well as the provision of continuous public access along the Estuary to Lake Merritt Channel. The proposed project is in keeping with the suggestions of BCDC as prescribed by the Bay Plan.

Air Installation Compatible Use Zone Study. The Western Division, Naval Facilities Engineering Command, United States Navy, is in the process of preparing an Air Installation Compatible Use Zone (AICUZ) Study for the Naval Air Station, (NAS) located in the City of Alameda, California. The Port of Oakland has received a copy of the "Revised Preliminary Report" for the AICUZ study, dated March, 1977. A final draft of the report, for comment, is expected later in 1977.

"One of the purposes of the AICUZ study is to assess the compatibility of existing and potential land uses in an approximately 1, 384 acre zone of the non-Navy land surrounding the Station."

According to the AICUZ study, the proposed project site is located within the AICUZ zone which "represents an area of lesser potential for life or property damage, but with a sufficient degree of risk to require density or land-use restrictions".

According to the AICUZ study, land uses such as those proposed for the project site have been rated as "Normally Acceptable" with respect to noise. However, with respect to safety, land uses within the project area have been given compatibility ratings ranging from "Clearly Unacceptable" to "Normally Acceptable".

The Port of Oakland is currently reviewing the study with the Navy to determine whether some of the preliminary conclusions are overly conservative. The Alameda County Land Use Policy Plan, as adopted by the Alameda County Land Use Commission on August 10, 1977, for example, considers all of the proposed land uses proposed by the project (which are subject to dBA or more CNEL) to be either "Conditionally Acceptable" or "Normally Acceptable" uses. With regard to accident potential and general safety, the Alameda County Airport Land Use Policy Plan designates a safety zone 5,300 feet long for jet aircraft operations on all runways. The project site is located approximately 10,000 feet from the end of Runway 25 at NAS which would put it well outside of the safety zone established by the Policy Plan. However, the AICUZ study designates safety zones 15,000 feet in length off of its runways, including runway 25, the approach to which traverse the project site. Thus, according to the AICUZ study, the proposed project area would lie within the designated safety zone for Runway 25 and would therefore, be subject to ratings and associated land-use compatibility assessments as presented in the AICUZ study, whereas, according to the Alameda County Airport Land Use Policy Plan, the project area is located well outside of the designated safety zone, and thus would not be subject to land use restrictions with respect to accident potential and general safety.

Alameda Shoreline Plan

The Alameda Shoreline Plan calls for the expansion of the existing Mariner Square project along the Estuary. This expansion calls for a proposed Mariner Village development in 210 acre site, commercial uses, housing, fisheries, and marinas with approximately 700 new boat berths.

The existing Jack London Square area waterfront development and the existing Alameda waterfront development presently serve as complementary water-related public oriented developments.

The Port's proposed development and Alameda's proposed shoreline development are not expected to cause any adverse environmental impacts upon one another.

Environmental Impacts

The Significant Environmental Effect of the Proposed Project.

Due to the dormant condition of the project site, most environmental impacts of the proposed project are easily identifiable.

Physical Changes. Physical alterations with the implementation of the proposed project would be quite impressive.

The development proposal for the site calls for a mixture of uses, including a 300 room hotel, a 45,000 square foot office building, a commercial entertainment facility, approximately 20,000 sq. ft.; a 10,000 sq. ft. restaurant, a marina with a maximum capacity for 50 berths; KTVU (Channel 2) studio/office facility, approximately 80,000 sq. ft.; a public plaza and shoreline walkway and approximately 7 acres of paved parking area.

The shoreline configuration would change slightly with the proposed location of the hotel, restaurant and office development. Portions of the shoreline bank would be upgraded along with the removal of an existing dilapidated pier.

Alterations to Ecological Systems. With the construction of the proposed marina there would be some temporary disruption of the Estuary waters. This disruption would be the result of dredging which would be necessary to reach standard marina depths in order to accommodate efficient berthing layouts within the existing U.S. Pierhead Line.

Changes in Population Distribution or Concentration. With the implementation of the proposed project, population distribution and concentration on the project site will increase substantially. Thus, human activity and vehicular traffic on and around the project can be expected to increase.

Due to railroad activity along Embarcadero and Third Street vehicular traffic at the site may periodically be congested, especially during morning and evening commute hours. Public transportation in the form of A.C. Transit buses and BART (as far as 11th Street and Broadway), presently offers alternate means of travel to and from Jack London Square. It is anticipated that the new development would be served by an A.C. Transit stop on or immediately adjacent to the site. The highest demand for parking would occur during weekday lunch hours. At other normal peak activity periods for commercial development (dinner hour during the week, lunch and dinner hours during the weekend) adjacent offices would generally be closed. Consequently, office parking spaces at these times would potentially be available to patrons of other uses.

Total calculated parking demand for the entire development is thus reduced to an estimated 450 stalls. The proposed plan for development illustrates approximately 470 stalls within the delineated parking areas, together with approximately 40 parallel parking stalls along Embarcadero.

CALENDAR PAGE

021

MINUTE PAGE

1154

Human Use of Land

As the site is presently unused and vacant, the implementation of the proposed project would enable the site to be extensively used. The construction of a public plaza and shoreline walkway would encourage recreational use of the waterfront for employees & patrons of the proposed development, as well as members of the general public. The walkway and plaza would also be in keeping with the San Francisco Bay Conservation and Development Commission policy to provide continuous public access along the Estuary to Lake Merritt Channel.

Water Quality. As previously mentioned in the above section on "Alterations to Ecological Systems", there would be some temporary rolling of the Estuary with the dredging of the marine for berthing. However, this temporary alteration is not expected to have a serious or lasting impact on water quality.

Scenic Quality. Scenic quality would be greatly improved with the implementation of the proposed project. Improved access to the site would encourage and enable the public to enjoy heretofore inaccessible waterfront views.

Public Services. There would be easy access to public utility lines for the proposed project. Stubs and easements for Pacific Gas & Electric, Pacific Telephone and Telegraph are located on the site. Water storm drain, and sewer line easements would have to be granted on the site prior to completion of construction. Fire service would be available from the Jack London Square Fire Station.

Air Quality. A reduction in air quality could be expected during construction phase of the proposed project, due to the production of smoke and dust resulting from construction operations. This reduction would be temporary, however, and would cease with the termination of construction activities.

Noise. There would be some short-term impacts of noise during the construction of the proposed project, however, this temporary annoyance would terminate with the completion of construction. The proposed project is not expected to create any additional significant noise pollution with its implementation.

Noise associated with vehicular railroad and aircraft operations will affect potential users of the project site. However, acoustical engineering design of buildings on the site would curtail the expected, occasional, nuisance of noise.

Any Significant Environmental Effects Which Cannot be Avoided if the Proposal is Implemented.

There would be some temporary disruption of the Estuary resulting from the proposed shoreline repair, dredging and filling. High turbidity levels would be experienced for a brief period during and just following construction. Some dredging would be required to reach standard marina depths for berthing. "Dredging of the Estuary and disposal of spoils would be subject to the approval of the San Francisco Bay Conservation and Development Commission the U.S. Army Corp of Engineers and the Regional Water Quality Control Board".

Mitigation Measures Proposed to Minimize Significant Effects.

The proposed project includes mitigation measures which would serve both to minimize the effect of ambient noise and the obstruction of Estuary views on the project site. Structures serving hotel, restaurant and office uses would be located as close to the waterfront as possible, both to maximize the waterfront views to be had by patrons and employees and to reduce the effects of the distracting noise created by rail activity and vehicular traffic along the Embarcadero. In addition, careful acoustical design would reduce noise pollution within all structures to be located on the site.

All of the proposed structures would be located with the intent of maximizing views of the waterfront, hotel and office buildings from the eastern and western approaches along Embarcadero (the primary access route to the site). Views from automobiles of Jack London Village and Portobello would also be maintained, wherever feasible.

The entire project including parking areas, would be landscaped. Heavily planted and mounded setback areas would be located along Alice Street and Embarcadero to lessen the visual impact of the adjacent parking areas.

Alternatives to the Proposed Project

"No Action". A "no-action" alternative to the proposed project would warrant the site to remain in its present quiescent state. The site would continue to be an eye-sore for passersby along Embarcadero and a continual economic wasteland.

Development for Residential Use. A second alternative to the proposed project would be to develop the property for residential use. This could be accomplished by the further development of the existing Portobello Residential/Commercial/Office Complex into a Phase II-stage of development. This development would continue as a part of the existing development with residential apartments being the dominant land use.

After evaluating the success of the existing Portobello complex, today's inflationary construction cost, and the rate of return, it has been concluded by the developers of the Portobello project that this alternative development would not be feasible for the project site.

Development for Recreation/Open Space Use. A third alternative to the proposed project would be to develop the area for extensive open space and recreational uses. This alternative would be economically infeasible and would result, as well, in a duplicate land use, as Estuary Park is located immediately adjacent to the Portobello complex, to the east of the site.

Alternate Development Plan. In the initial planning stages of the proposed project, several configurations of the Development Plan were considered. The plan selected was thought to be the most feasible in that it allowed for certain land uses to take advantage of waterfront amenities while facilitating greater vehicular and pedestrian access to, and circulation within the proposed development.

The Relationship between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.

The proposed project would create the cumulative and long-term benefits of high-quality waterfront development on a presently unused parcel of land.

Long-range plans (including the City of Oakland General Plan⁹) for the waterfront area south of the Embarcadero from Lake Merritt Channel to the Clay Street Pier, call for the development of the area for residential, commercial and recreation use. With the proposed projects addition to the existing residential, commercial and recreation facilities, these long-range plans for the development of the area would be promoted.

Any Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it be Implemented.

The project would involve the expenditure of some non-renewal resources primarily in the form of construction materials. This expenditure is, practically speaking, irreversible, although, should the project be demolished, some materials could be recycled. There would, however, be a sizeable capital investment in the project which would indicate a significant degree of permanence for all structures, walkways, plazas, etc.

With the implementation of the proposed project, the character of the project site would undergo noteworthy positive changes, as the area is developed from a vacant parcel to an active shoreline development, very much in harmony with its neighboring development as well as the planned uses for the immediate area.

(9) See Footnotes pg. 16 in Final EIR.

The Growth Inducing Impact of the Proposed Action.

It can be expected that the proposed commercial/office/recreational development will attract not only Oakland residents, but users from all over the East Bay from the entire Bay Area, and from other parts of the state and country during the tourist season.

Facilities such as the hotel, restaurants, offices and retail and service commercial enterprises will provide new jobs, and may have the effect of attracting more new employers to the area. Increased human activity at the project site will result in an increase in auto and truck traffic in the area. New parking will be required, as indicated on the Development Plan and enough parking will be provided to meet the expected demand.

The creation of the attractive commercial/office/recreational development will serve to eliminate an existing vacant parcel and complete the development of the local shoreline area.

As the immediate area surrounding the project site is presently developed, little additional growth is anticipated south of the Embarcadero.