

San Francisco Bay Conservation and Development Commission

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TO: Design Review Board Members

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SUBJECT: **Oakland Athletics Ballpark and Mixed-Use Development Project;
First Pre-Application Review**
(For Design Review Board consideration October 7, 2019)

Project Summary

Project Proponents

Oakland Athletics and Port of Oakland (Port)

Project Representatives

Pam Kershaw, Richard Sinkoff, Port of Oakland (Property Owner); Dave Kaval, Oakland Athletics (Project Proponent); Michael Kuykendall, Catellus (Development Partner); Leon Rost, Bjarke Ingels Group (Design Consultant); Richard Kennedy, James Corner Field Operations (Landscape Architect); Dilip Trivedi, Moffatt Nichol (Coastal Engineer).

Project Location (Exhibit 2)

The approximately 55-acre site, known as Howard Terminal, is located within the Port of Oakland, including Berths 67 and 68, bounded by the Oakland Estuary to the south; Schnitzer Steel, a privately held parcel to the west; Clay Street to the east; and the Union Pacific railroad tracks and Embarcadero West roadway to the north.

Project Site

Existing Conditions (Exhibits 2, 7)

Howard Terminal operates as ancillary maritime operations for the Port of Oakland (Port), and as such is closed to the public. Operations at the site include truck parking, shipping container storage and staging, logistics facilities, mariner training facilities, and berthing vessels, all of which operate under short-term lease agreements with the Port. Four cargo container cranes, standing approximately 100 to 150 feet in height, are located on the wharf edge. Howard Terminal is currently designated as a Port Priority Use Area in the Bay Plan, though the Port has initiated a process through which the Commission will consider if this designation may be lifted.



Site History (Exhibits 3-4)

Exhibit 3 shows the development of the site as a Port facility. Much of the site is former tidelands that were filled over time. In the early 1900s, a quay wall was constructed, and in subsequent years, various wharf expansion projects were conducted, including the development of piers at Grove and Market streets. Following the establishment of the Commission in 1965, these piers were demolished, and a larger filled area was created to establish the Howard Terminal. This expansion was developed pursuant to BCDC permits that recognized the need to fill the Bay for a water-oriented use, that is, to provide for necessary port facilities. Specifically, BCDC Permit No. 1978.013.00, issued in 1978, allowed demolition of the Grove Street Pier and the construction of the majority of the current wharf, resulting in approximately 10.3 acres of Bay fill. Subsequently, in 1995, the Commission issued BCDC Permit No. 1994.008.00, which permitted repairs to sections of wharf and expanded its footprint, resulting in approximately 3.8 acres of fill. These permits allowed for the development of Howard Terminal in its current footprint, however, all areas filled subject to a BCDC permit (approximately 16.93 acres, shown on Exhibit 4) remain within the Commission's "Bay jurisdiction." In 2014, the Port stopped using Howard Terminal as an active port berth and shifted the site usage to its current function of providing space for ancillary operations.

Neighborhood Context (Exhibit 8)

Directly to the east of the Howard Terminal site is Jack London Square, a neighborhood that has undergone a transformation from industrial maritime use to a mixed-use area that includes pedestrian-oriented retail, dining, and entertainment that draws both local and regional visitors to the waterfront. West Oakland, a neighborhood that has a long history of environmental impact from port activities, encompasses the area north of the project site. The Railroad and the I-880 corridor are significant infrastructure systems that segment the waterfront from downtown Oakland.

Legislation

Assembly Member Rob Bonta (D-Oakland) introduced Assembly Bill 1191 in February 2019. The bill passed in both houses of the State Legislature, and at time of publication of this staff report, is pending signature by Governor Newsom. Should the governor sign the bill, the law would authorize BCDC to approve a permit for the proposed project within those areas of its jurisdiction that are filled portions of the Bay as commercial recreation and Bay-oriented public assembly if certain conditions are met:

1. The ballpark stadium has been designed using the bay as a design asset to attract large numbers of people to enjoy the bay, including a substantial quantity of high-quality open space and public access that serves the surrounding district and the region, and view of the bay from a rooftop park ringing the top of the stadium that will be publicly accessible on nongame and nonevent days subject to reasonable limitations based on security;
2. Buildings on BCDC jurisdictional bay fill lands other than the ballpark stadium are designed using the bay as a design asset, including providing water views from public spaces within and around those buildings;

3. Buildings developed on BCDC jurisdictional bay fill lands are designed to allow for significant and important view from the upper-level park within the ballpark stadium, such as views of the bay, the estuary, the San Francisco skyline, and the port's working waterfront; and
4. Public trust uses on BCDC jurisdictional bay fill lands are designed to promote activation of the adjacent public open spaces, significantly contribute to the public's use and enjoyment of the waterfront, and enhance rather than privatize the public realm.
5. The Oakland Sports and Mixed-Use Project will provide a substantial quantity of high-quality open space and public access, and will provide the public with views from and along major thoroughfares that invite the public to the waterfront.
6. The Oakland Sports and Mixed-Use Project will provide significant pedestrian and bicycle improvements both onsite and offsite in the vicinity of the project site to promote and encourage public access to, and public assembly at, the shoreline of the bay.

The bill provides that the fill tests in the McAteer-Petris Act regarding “no alternative upland location” and “minimum fill necessary”—would not apply to the already-filled lands on which the project is proposed. Several sections of BCDC's Bay Plan policies address placement of fill also would not be applied to the project on the filled Baylands: Fill for Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly on Privately-Owned Property, and Filling for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency policies. The bill provides that BCDC will otherwise consider the project using its existing laws and policies, relevant portions of which are discussed in the section on Applicable Policies, below.

Proposed Project

The proposed project would construct a mixed-use neighborhood including a new ballpark for the Oakland Athletics baseball team. The project would include waterfront parks, plazas, residential, office, retail, arts, and cultural uses. The project would include up to 3,000 units of housing and 1.5 million square feet of office space, along with 270,000 square feet of retail space, a 3,500-seat performance venue, and a 400-room hotel. Maximum building heights would range from 100 feet to 400 feet. If determined to be feasible, the project also proposes to reuse the historic power plant owned by Vistra Energy, and preserve and retain the cargo container cranes on the site.

Site Arrivals (Exhibits 12, 17, 18, 21)

Access to the project site would be primarily from Martin Luther King Jr. Way and Market Street, both of which would have at-grade rail crossings at Embarcadero Way, while Myrtle, Filbert, and Linden Streets would be extended within the site to provide additional north-south connectivity between the project site and the existing neighborhood, as well as provide visual access to the waterfront. The project will include a network of multi-modal streets and pathways, as well as a set of additional community benefits that are still undergoing discussions with stakeholders.

Two Development Scenarios (Exhibits 5, 6, 45-47)

As part of its agreement with the Oakland Athletics, the Port of Oakland will reserve rights to use an approximately 9-acre portion of the site in the northwest corner along the Estuary for a possible future ship turning basin. As such, the proposed project is pursuing two distinct development scenarios. The Baseline Project Scenario (BPS) considers the entire 55-acre site, while the Maritime Reservation Scenario (MRS) considers a 46-acre site. Both scenarios include the Baseball Park Development, discussed below, and the same general amount of square footage reserved for residential and commercial uses. The scenarios differ in the amount of area dedicated to shoreline open space and the general design of certain shoreline open space areas, as well as in design and program of the blocks closest to the Bay. Except as modified by the legislation referenced above, which also includes direction to the State Lands Commission, all uses within filled former tidelands are required to be Public Trust-consistent uses, which typically excludes residential and general office uses. As such, only Public Trust-consistent uses are proposed within the area of the Bay filled subject to BCDC permits.

Baseball Park Development (Exhibits 11-17, 22-34)

For the purposes of organization in this staff report, the Baseball Park Development section considers all development east of Market Street which includes the ballpark, Athletics Way promenade, the development parcels surrounding the ballpark, Stomper Plaza, and the waterfront parks adjacent to the stadium.

The ballpark, with capacity for approximately 35,000 people, is proposed as an open-air bowl-shaped design. The ballpark includes a rooftop park that would reach an approximate elevation of +127' NAVD88¹ and slope down to meet Water Street, along which home plate and the scoreboard are aligned. The ballpark seats are arranged in a configuration that creates a compact urban stadium footprint, with additional seating available on the rooftop park. The current proposal sets the field at approximately elevation +10.8', which is about 3 feet below the existing grade of Water Street.

Athletics Way

Athletics Way is a proposed approximately 60-foot-wide 4.7-acre raised promenade with at-grade connections at Water Street that wraps around the ballpark. The promenade would serve as a public pathway and retail street for neighboring residents and visitors to the waterfront. The promenade would rise to elevation +34.8', allowing for ballpark operational facilities to be tucked underneath the grade of Athletics Way. On gamedays and event days, the promenade would function as the stadium concourse and would be limited to ticketholders only.

¹ All elevations stated in NAVD88 datum unless otherwise noted.

Buildings ranging in maximum heights from 100 feet to 300 feet would wrap the outside of the promenade and stadium to create a street frontage along Athletics Way, and transition the grade from the elevated promenade down to Market Street (+19.8') and Martin Luther King Jr. Way. Pier Park and Overlook Park are incorporated into the ballpark design as waterfront public spaces that transition from Athletics Way down to the Waterfront.

Ballpark Operations

During the calendar year, the ballpark would host approximately one pre-season game, 81 home games, and up to 10 post-season games. The ballpark would also provide events and programs throughout the year to the public.

- **Game Day.** The ballpark has a maximum capacity of 35,000 ticketholders, including the rooftop park viewing. An additional approximately 1,300 employees would work onsite. A 25-foot-wide public viewing area near the southeast corner of the ballpark outfield is proposed for non-ticketholders to view the game. Logistics pertaining to ballpark security measures on game day are still under study, however a general security zone has been identified.
- **Event Day.** The project proponents are currently evaluating possible special events to be held on non-game days. These events would include concerts, conferences, community events, and private events that would range from a few hundred people to a sellout large concert event. The project proponents anticipate that smaller events would be more frequent averaging approximately 100 times a year. Larger events would be less frequent and would occur approximately 15 times a year, including existing festivals such as the A's Fan Fest.

Rooftop Park

The 2.5-acre rooftop park is envisioned to be a "park in the sky" that would allow for a visitor to experience 360-degree views of the Bay Area. It would serve as an extension of the spectator experience for ticketholders on game day and a publicly accessible park for the remainder of the year. The ADA-accessible portion of the park (1.5 acres – 90 feet wide) features a gathering area called "Home Plate Hill," picnic areas, a hammock grove, opportunities for exercise and fitness classes, evening movies, education and interactive play, a place to watch the sunset, and star gazing. The remaining approximately 1 acre of the park, which is not ADA-accessible, includes a set of stairways leading up to the park and planted areas that reach slopes up to 40%.

- **Typical Day Park Access.** The park would be made available to the public via a public stairway from grade at Water Street that aligns with the interior edge of the rooftop park, or by public elevators located on the north and south sides of the ballpark.
- **Game Day Restricted Park Access.** The rooftop park would be limited to ticketholders only on game and event days. The park includes stepped seating along the interior edge at the upper and lower terraces of the park for watching the games and events. The seating areas are ADA-accessible via elevators and rooftop portals.

Pier Park

Pier Park would be located at the southeast corner of the site, directly adjacent the gateway of Athletics Way, and would serve as the entry point to the waterfront portion of the site from Jack London Square. The 2.6-acre park would feature an entry plaza (Rickey Plaza), green lawn area, a boardwalk along the wharf edge, and an urban beach area under the cranes.

Overlook Park & Water Plaza

Overlook Park would provide a 1.1-acre open space transition from Athletics Way, at elevation +34.8', down to the waterfront promenade, at elevation +14.1'. The transition would be achieved through stairs, accessible walkways, and planted slopes with a variety of seating opportunities.

Water Plaza is proposed as the area where the curving facade of the ballpark would be closest to the water, at 100 feet from the edge of the wharf. In this area, the grade change between the waterfront promenade and Athletics Way would be approximately 4 feet, with terraced seating taking up the grade.

Bay Trail

The 18-foot-wide Bay Trail would provide a connection from Jack London Square to the ballpark by circumscribing the site from Athletics Way along the waterfront to Market Street, and around to Martin Luther King Way. The minimum 18-foot-wide promenade would continue along the entire project waterfront, and would tie into the bicycle and pedestrian-friendly streets to allow a network connection back to segment of the Bay Trail located on Third Street.

Baseline Project Scenario (Exhibits 35 – 36)

The Baseline Project Scenario (BPS) would cover the entire 55-acre site, including 20 development blocks and approximately 10.5 acres for waterfront parks and public access.

Public Trust Uses

Public Trust uses would be located within the shoreline band, adjacent to the waterfront public open spaces in Blocks 7, 8, 13/14, 18 and 19. Possible uses include a performance hall, cultural pavilion, hotel, and/or regional serving retail. Blocks 7 and 8 would include height limits up to 250 feet. Blocks 13/14, 18, and 19 would include height limits of approximately 100 feet, but it is worth noting the proposal for block 13/14 is shown to be integrated into the park design (Exhibits 22-25, 38).

Waterfront Park and Public Open Space

In combination with Pier Park and Overlook Park, the overall waterfront public space would create a 10.5-acre regional-scale park that would offer a variety of public programs related to recreation and leisure including an entertainment zone along the wharf edge (Crane Stage and Harbor Amphitheater); an area with site specific art installations and cultural experiences (Arts Garden); and an open space (West End Park) which would provide separation from the industrial parcel to the west. The parks would extend from the water one block inland to the neighborhood development. The cranes would serve as visual termini for Market and Myrtle Streets.

Maritime Reservation Scenario (Exhibits 39 – 44)

The Maritime Reservation Scenario (MRS) would cover a 46-acre site, including approximately 6.4 acres park for waterfront parks and public access. A new shoreline edge would be created approximately from Overlook Park to the western property line along a reconfigured shoreline. As discussed above, up to an X-acre are would be converted into open water to provide for the ship turning basin.

Public Trust Uses

Public Trust uses would be located within the shoreline band, adjacent to the waterfront public open spaces in Blocks 7 and 8. Blocks would include height limits up to 250 feet.

Waterfront Park and Public Open Space

In combination with Pier Park and Overlook Park, the overall waterfront public space would create a 6.4-acre park that would offer a variety of public programs including a picnic grove, harbor green, arts plaza, harbor amphitheater, and west end park open space. Harbor Green would be an approximately 50-foot-wide green in front of block 12 which would allow heights up to 350 feet. The Harbor Green and promenade would likely function as a connector open space between larger open spaces to the east and west of this area. The cranes would be removed along with the wharf in this area, but the design proposes a series of framing pavilions along the promenade that could serve as wayfinding devices along the waterfront. The 18-foot-wide Bay Trail for the MRS would follow the turning basin edge.

Sea Level Rise (Exhibits 35-36, 42)

For both proposed development scenarios, BPS and MRS, the Bay Trail and waterfront promenade would be located at an approximate elevation of +14.1 feet NAVD88. For planning purposes, the Bay Trail was analyzed using the 2018 State of California Sea Level Rise Guidance, under the medium high-risk scenario of 1.9 feet of sea level rise through 2050 and 6.9 feet of sea level rise through 2100. Using these projections, at 2050, the Mean Higher High Water (MHHW) level would be +8.18 feet and the 100 year storm Base Flood Elevation (BFE) would be +11.9 feet, and therefore, the Bay Trail would most likely not experience inundation from sea level rise or flooding from a storm event. However, in 2100 the Bay Trail could experience approximately four inches of flooding at +14.4 NAVD88 during a King Tide event, and during a 100-year storm, water levels could occur at +16.5 feet NAVD88, meaning the Bay Trail could experience approximately 2.4 feet of flooding. Upland areas will be analyzed as the project design is further developed.

Community Engagement (Exhibit 10)

Ongoing community engagement for the project has occurred since January 2018 with organizations such as local Neighborhood Crime Prevention Councils (NCPC), other neighborhood associations, and government agencies. The community engagement events are designed to drive conversations toward providing guidance on development, linking land uses, transportation, economic development, housing, public spaces, cultural arts, and social equity. As of July 2019, 57 community meetings have been held to discuss the project. The project proponents plan to continue hosting community workshops and town hall meetings as needed.

Board Project Briefing

The Board was briefed on the project on March 11, 2019. Below are the questions the Board asked the project proponent, and in some cases responses to the questions were provided when appropriate.

Mr. Battalio asked about ferry or transit boat access to the project site.

Richard Kennedy, landscape architect for the project, stated there is an existing ferry terminal just off the site. He pointed to the ferry landing dock on a presentation slide. He stated boating activities would be possible along that edge.

Mr. Strang asked about the amount of square feet of associated development and the number of residential units planned.

Ms. Alschuler stated the need to take on the responsibility for public access, including environmental justice and social equity issues. It would be important to consider the programming year-round.

Mr. Kennedy stated the public park on the roof of the ballpark will be open and available to the public 365 days of the year.

Ms. Alschuler stated the need to consider sea level rise and adaptation.

Ms. Barton stated the need to consider the responsibility for public realm management and care.

Ms. Alschuler added the consideration of what the proposed project means for the operations of the water-based industries and uses.

Mr. Battalio stated the need to consider the foundation and seismic response.

Mr. Strang stated the need to consider what the proposed project would mean to the surrounding neighborhoods. It would be important to learn about circulation, what other projects are aligned in this area, and how it all ties together.

Ms. Alschuler stated it would also be important to learn how individuals will get to the proposed site and what will affect their neighborhoods.

Chair Alschuler stated the importance of including scenarios of what happens over time—a day or a year—what the implications are for the different routes of access, and how it will be an incredible contribution to public access along the Bay.

Chair Alschuler thanked the project proponents for taking the time to present their conceptual ideas to the Board early in the design process. She stated the Board looks forward to more presentations as the design progresses and for having the opportunity to ask more questions and to make comments on the design going forward.

Approvals and Timelines

The project draft EIR is currently under preparation, with the City of Oakland acting as the lead agency, but has not yet been published. Additional information on the timeline for approvals and construction will be brought forth as information is provided to staff.

Commission Bay Plan Findings, Policies, and Guidelines

Required Findings Under AB 1191

As discussed above, a law may be enacted that would allow for BCDC to authorize proposed development for the project within its Bay jurisdiction as a commercial recreation and Bay-oriented public assembly use, provided that it can make specific findings about the design and impacts of the project. The legislation would also exclude the Commission from applying policies found within several sections of the Bay Plan. Other relevant sections of the McAteer-Petris Act and Bay Plan policies, including those outlined below, would serve the basis of the Commission's review.

Physical and Visual Access

The San Francisco Bay Plan (Bay Plan) policies on Public Access state, in part, that "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline...." Bay Plan policies on Appearance, Design, and Scenic Views state, in part: "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay...."

Recreation

The Bay Plan policies on Recreation state: "Interpretive information describing the natural, historical, and cultural resources should be provided in waterfront parks where feasible." The Bay Plan Recreation policies state, in part, that "[d]iverse and accessible water-oriented recreational facilities...should be provided to meet the needs of a growing and diversifying population and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels." The policies state that waterfront parks should be "provided wherever possible," and that they "should emphasize hiking, bicycling, riding trails, picnic facilities, swimming, environmental, historical and cultural education and interpretation, viewpoints, beaches, and fishing facilities." Where practicable, the policies state that "access facilities for non-motorized small boats should be incorporated into waterfront parks."

Movement Along the Shoreline

The Bay Plan policies on Public Access state, in part that "[i]mprovements should be designed and built to encourage...movement to and along the shoreline..." and that "[a]ccess to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided...."

Sea Level Rise

The Bay Plan policies on Public Access state, in part, that “...public access should be sited, designed, managed, and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding,” and that “[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

Board Questions

The Board’s advice and recommendations are sought regarding the design of the proposed project and public access. If enacted, legislation would also require the Commission to make findings regarding the design of project as discussed above (see Pages 2-3.) Additionally, the potential impact of future sea level rise on the public access areas should also be considered in the Board’s discussion of the project.

To frame its discussion, the Staff recommends the Board frame its remarks around the seven public access objectives found in the Commission’s Public Access Design Guidelines. The seven objectives for public access are:

1. Make public access **PUBLIC**
2. Make public access **USABLE**
3. Provide, maintain and enhance **VISUAL ACCESS** to the Bay and shoreline
4. Maintain and enhance the **VISUAL QUALITY** of the Bay, shoreline and adjacent developments
5. Provide **CONNECTIONS** to and **CONTINUITY** along the shoreline
6. Take advantage of the **BAY SETTING**
7. Ensure that public access is **COMPATIBLE WITH WILDLIFE** [and, at this site, with adjacent **Port** uses] through siting, design and management strategies

For the sake of clarity, staff suggests that comments be provided separately for the following distinct components of the proposal:

- *Baseball Park Development*
- *Baseline Project Scenario*
- *Maritime Reservation Scenario*