

COASTAL CONSERVANCY

Staff Recommendation  
October 21, 2010

**GATEWAY PARK STUDY**

Project No. 10-011-01  
Project Manager: Brenda Buxton

**RECOMMENDED ACTION:** Authorization to disburse up to \$250,000 to the Bay Area Toll Authority (BATA) to prepare a park planning and feasibility study for the future Gateway Park adjacent to the eastern base of the San Francisco-Oakland Bay Bridge.

**LOCATION:** City of Oakland, Alameda County (Exhibit 1)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Public Meeting Information Boards](#)

Exhibit 3: [Project Letters](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the Bay Area Toll Authority (BATA) to prepare a park planning and feasibility study for the future Gateway Park adjacent to the eastern base of the San Francisco-Oakland Bay Bridge, subject to the condition that prior to the disbursement of funds, the BATA shall submit for the written approval of the Conservancy’s Executive Officer a work program and budget for the project, and the names and qualifications of all contractors to be used on the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.

2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
  3. The proposed project is consistent with conditions of the interagency agreement between the San Francisco Bay Conservation and Development Commission (BCDC) and the State Coastal Conservancy regarding the expenditure of mitigation funds from CalTrans for the I-80 Freeway and San Francisco-Oakland Bay Bridge construction projects.”
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**PROJECT SUMMARY:**

This authorization would provide \$250,000 to the Bay Area Toll Authority (BATA) for the completion of the Gateway Park Project Study Report, a multi-agency planning effort to create a new shoreline park in Oakland, referred to as Gateway Park, adjacent to the eastern span of the San Francisco-Oakland Bay Bridge (Bay Bridge) (see Exhibit 1 for map of project location). BATA is a public entity operated by the Metropolitan Transportation Commission, a public entity that provides transportation planning for the nine counties of the San Francisco Bay Area.

The land and funding for Gateway Park were required by the Bay Conservation and Development Commission (BCDC) to mitigate impacts of the seismic retrofit of the Bay Bridge, i.e., the San Francisco-Oakland Bay Bridge East Span Replacement Project. The land consists of 15 acres of former Oakland Army Base property that will be transferred to the East Bay Regional Park District (EBRPD). The funding consists of a \$1,100,000 in-lieu fee paid by Caltrans for planning and development of Gateway Park. The Conservancy has entered into an interagency agreement with BCDC to accept and administer the in-lieu fee, and the funds have been deposited in a subaccount of the Coastal Trust Fund. BATA, EBRPD and the other involved planning agencies hope to begin construction of Gateway Park upon completion of the bridge retrofit project, currently scheduled for 2013

Located in an area with historically little to no public access, the Gateway site will open up new sections of the Bay’s shoreline and improve regional trail connections while providing spectacular views of the new Bay Bridge, the Bay, and Yerba Buena Island. Recognizing this opportunity, key stakeholder agencies have formed the Gateway Park Working Group to facilitate this park’s development. The Working Group includes the Association of Bay Area Governments (ABAG), BATA, BCDC, CalTrans, California Transportation Commission (CTC), City of Oakland, East Bay Municipal Utility District (EBMUD), EBRPD, and the Port of Oakland. The Working Group has agreed that instead of just focusing on development of the 20-acre Army property, the planning process should incorporate the surrounding parcels and their development proposals in order to better coordinate planning in the area and improve connections with the region’s existing trails, transit, and roads (see Exhibit 2, Board 7 for maps of transit links and photos of adjacent communities).

The Gateway Park Project Study Report will be a park feasibility report addressing the purpose and need for the park, project alternatives, environmental documentation needed in future analysis, right-of-way or acquisition opportunities, preliminary cost estimates for the various alternatives and possible development and operational funding sources. Preliminary concepts for project alternatives will range from a low-development, trails and open space emphasis to a more intensively developed boardwalk type of park with shops and restaurants. The study is currently

underway and there has been extensive public participation in the park planning process to date. But the public participation and park planning cannot be completed without an additional \$250,000 in funding. Once complete, this Gateway Park Project Study Report will define a scope for the park that regional and local agencies and stakeholders support.

BATA has provided \$750,000 in funding towards this planning effort and has requested an additional \$250,000 from the CalTrans in-lieu fees held by the Conservancy for this park. BATA is the most appropriate entity to receive these funds since it has been designated the planning lead for this stage of the park planning process and will provide significant matching funds. Created by the State legislature in 1997, BATA manages and invests revenues from all tolls levied on the seven state-owned toll bridges in the Bay Area and funds the day-to-day operations, facilities maintenance, and administration of the bridges. BATA also funds the long-term capital improvement and rehabilitation of the bridges.

**Site Description:** The area surrounding the eastern base of the Bay Bridge is largely bay fill, historically created for industrial, maritime, and military purposes. Cut off by Interstate 80/880, the Bay Bridge Toll Plaza, a CalTrans Maintenance Yard, and railroad tracks, the Gateway area has remained relatively isolated from the adjacent community. Limited public access, used primarily by fishermen, was available on the frontage road on the north side of the bridge adjacent to the Emeryville Crescent marsh. Construction of the new eastern span of the Bay Bridge, along with other land use changes, has reconfigured the area. At the present time, there are three main subareas in the Gateway Park planning area: the 20 acres to be transferred to the EBRPD, the 95-acre West and Central Gateway areas owned by the City of Oakland, and CalTrans' 14-acre maintenance yard and a 4.2 acre parcel adjacent to the bridge (See Exhibit 2, Board 8 for a map of current land ownership.) These parcels are largely undeveloped with some scattered infrastructure (e.g. dechlorination facilities), shipping containers and construction trailers. Of particular significance is a historic 1925/26 Key Route building which served as a power substation for the Key System, a commuter street car and rail network that ran throughout the East Bay in the early 20<sup>th</sup> Century. (See Exhibit 2, Board 11 for photos and maps of historic structures and current infrastructure facilities.) To the north of the Bay Bridge, the area is primarily marsh.

**Project History:** The Conservancy has been involved in the planning and development of many urban waterfronts and shoreline parks in the Bay Area as part of its mandate to improve public access to and around the bay and to enhance and protect natural resources. The Conservancy received funding specifically for this project (see "Project Financing" below) because of its experience with shoreline park implementation and administrative ability to manage grant contracts.

History of the site is rich with industry, military and transportation uses. Transportation uses began in the mid 19th century and have expanded over time from port to rail and eventually highway uses. In 1882, the Southern Pacific Railroad built the Oakland Mole, a railroad causeway over mudflats and shallow water that allowed the commuter trains and street cars to directly access the transbay ferries. The Oakland Mole supported transbay ferry service until its demolition in 1965 to make way for the construction of the BART Transbay Tube and expansion of the Port of Oakland. The Caltrans Substation was built in 1939 adjacent to the Key System Substation mentioned above to provide electricity for both rail and general bridge purposes. The Interurban Electric Railway Bridge Yard Shop (IERBYS) warehouse, also known as the "sawtooth building", is another historic building in the Gateway Park Area. Originally serving as

a rail yard and shop, today it serves as the Bay Bridge maintenance and paint shop. The Port of Oakland is located to the south of the Gateway Park area. The Port is the fourth largest container port in the U.S. with ten container terminals and two intermodal rail facilities. Since its establishment in 1927, the port continues to grow in order to meet demand for goods movement. The Oakland Army Base served as a transportation port and distribution terminal for the Department of the Army since the early 1940s. The base was officially closed in 1999. In 2003, the former base (consisting of approximately 364 acres) was transferred to the Oakland Redevelopment Agency and the Port of Oakland.

**PROJECT FINANCING**

<b>Coastal Conservancy (CalTrans in-lieu fees)</b>	\$250,000
<b>Bay Area Toll Authority (BATA)</b>	<u>\$750,000</u>
<b>Total Project Costs</b>	\$1,000,000

This authorization would be funded by an in-lieu fee paid by CalTrans pursuant to BCDC Permit No. 11-93, Special Condition No. II-C-2-b (Amendment No. Five). The condition is intended mitigate the loss of public access resulting from the San Francisco-Oakland Bay Bridge East Span Replacement Project. This permit condition requires that the in-lieu fee be used “solely for the purpose of supporting the East Bay Regional Park District’s development of Gateway Park on former Oakland Army Base Reuse Authority property south of the new bridge Touchdown.” The Conservancy agreed to accept and disburse these funds in accordance with an Interagency Agreement between the Conservancy and BCDC. Under the agreement, the Conservancy must disburse the funds for the purposes specified in the permit condition. In addition, BCDC’s Executive Officer must approve all projects to be funded with the in-lieu fee. The use of these funds for the proposed project is consistent with the condition because the project will provide the planning and information that is necessary for EBRPD to develop Gateway Park. BCDC’s Executive Officer has approved the use of the funds for a grant to BATA to prepare the Gateway Park Area Project Study Report, (BCDC letter attached as Exhibit 3). BATA is providing \$750,000 of its own funding to match these in-lieu fees.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

These projects will be undertaken pursuant to Chapter 4.5 of the Conservancy’s enabling legislation, Public Resources Code Sections 31160-31164, to address the recreational goals in the San Francisco Bay Area Conservancy Program.

Under Section 31162(a), the Conservancy may award grants “. . . to improve public access to and around the bay . . . through completion and operation of regional bay, coast, and ridge trail systems, and local trails connecting to population centers and public facilities, which are part of a regional trail system and are consistent with locally and regionally adopted master plans and general plans. . .”. A major focus of the planning effort is to identify trail connections between the future park, the Bay Bridge and the surrounding neighborhoods. The plan will designate future sections of the San Francisco Bay Trail, connect the Bay Trail to the new bike/pedestrian trail on the Bay Bridge, and improve bike/pedestrian connections through the bewildering network of freeway overpasses, railroad spurs, and port infrastructure that have prevented regional recreational use of this section of Shoreline in the past.

Section 31162(c) authorizes the Conservancy to award grants that will “assist in the implementation of... the San Francisco Bay Plan, and the adopted plans of local government and special districts.” The proposed project helps implement the San Francisco Bay Plan (see section on Consistency with the San Francisco Bay Plan), the Bay Trail Plan, developed by the Association of Bay Area Governments, and the City of Oakland’s Oakland Army Base Redevelopment Project Five-Year Implementation Plan for 2010-2015.

Section 31162(d) allows the Conservancy to award grants that will “. . . promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes.” Awarding a grant for the proposed project is consistent with this provision because the grant will promote and assist the development of Gateway Park, which will provide open space as well as a natural area along the Bay shoreline for use by urban residents and visitors.

Finally, Section 31163(c) directs the Conservancy to “utilize the criteria specified in this subdivision to develop project priorities for the San Francisco Bay Conservancy Program that provide for ...open-space and outdoor recreational projects.” This project meets the specified criteria because it 1) is supported by adopted local and regional plans as described above, 2) involves multiple jurisdictions and will serve a regional constituency, 3) will enable park development to begin immediately after completion of the Bay Bridge seismic retrofit, 4) will complete an essential first step in development of the park, i.e., the analysis of constraints, opportunities and cost estimates, which will hasten park development, and 5) includes \$750,000 in matching funds from BATA.

**CONSISTENCY WITH CONSERVANCY’S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective A** of the Conservancy’s 2007 Strategic Plan, the proposed project will develop a plan for recreational facilities featuring picnic areas, parking, and interpretive and education centers.

**CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy’s statutory programs and purposes:** See the “Consistency with Conservancy’s Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** Two public workshops have been held in 2010, attended by over 200 members of the public. The park’s potential to open up new sections of shoreline and to

provide views of the new Bay Bridge have generated significant public support. There is also a website at [www.baybridge.gatewaypark.org](http://www.baybridge.gatewaypark.org).

4. **Location:** This project is located in Alameda County, one of the nine Bay Area Counties that are part of the San Francisco Bay Area Conservancy Program jurisdiction.
5. **Need:** Currently BATA does not have sufficient funding to complete the plan. Without the use of the Conservancy funds, completion of the plan, and thus development of the park, will be delayed.
6. **Greater-than-local interest:** Gateway Park is regionally significant because of its location adjacent to a major transportation hub and east bay cities. In addition, numerous regional, state, and federal agencies are part of this planning process.
7. **Sea level rise vulnerability:** The scope of the study specifically includes consideration of sea-level rise in order to plan for shoreline facilities that will not be inundated.

#### **Additional Criteria**

8. **Urgency:** Additional funding is needed to complete the planning process to facilitate park development immediately upon completion of the Bay Bridge's eastern span in 2013.
9. **Resolution of more than one issue:** The park planning process will address the need for regional trail connections and better public access to the Shoreline, protection of historic structures, and will coordinate multiple re-development and planning efforts in the area.
10. **Leverage:** See the "Project Financing" section above.
13. **Readiness:** The grantee is ready to proceed and has launched the planning process.
16. **Cooperation:** This planning effort is a cooperative effort of nine local, regional, and state agencies.
17. **Vulnerability from climate change impacts other than sea level rise:** Project planning will consider vulnerability of future park facilities to storm surge and assess options for addressing these threats.

#### **CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The park planning process will consider ways to promote public access opportunities along the bay shoreline, and in doing so, will help implement the policies and recommendations outlined in the San Francisco Bay Conservation and Development Commission's San Francisco Bay Plan.

This project is consistent with the Bay Plan which states: "highest priority should be given to recreational development in these areas [waterfront parks], as an important means of helping immediately to relieve urban tensions." (Major Plan Proposals, Section 4. Develop Waterfront Parks and Facilities)

This authorization would also help to implement the Bay Plan's recommendations in Findings and Policies Concerning Public Access to the Bay that "access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare when convenient parking or public transportation may be available. Diverse

and interesting public access experience should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat” (Policy 8). This planning effort will allow the public to consider a wide variety of options for public use from less developed, traditional park option to a more developed, boardwalk shoreline. All options however, feature shoreline public access. In addition, this Bay Plan section states “federal, state, regional, and local jurisdictions, special districts, and the Commission should cooperate to provide new public access, especially to link the entire series of shoreline parks and existing public access areas to the extent feasible without additional Bay filling or adversely affecting natural resources” (Policy 10). This planning effort will link parks and shoreline recreational facilities without affecting natural resources.

**COMPLIANCE WITH CEQA:**

The proposed authorization is to fund the preliminary planning work necessary to develop Gateway Park, including identifying the trail and road routes and connections with adjacent communities, key properties to be acquired, recreational features, habitat enhancements or protective measures, as well as planning, designing, and cost estimating specific segments or features, and outlining the issues that would be included in an environmental review in future phases.

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations (CCR) Section 15262 (“Feasibility and Planning Studies”) because it involves studies for possible future actions which the Conservancy has not approved, adopted, or funded. Environmental factors will be considered during preparation of the Gateway Park Project Study Report. The proposed project is also categorically exempt from CEQA pursuant to CCR Section 15306 (“Information Collection”) in that it will include basic data collection and resource evaluation activities, including those necessary for planning and designing a shoreline park.

Staff will file a Notice of Exemption for the proposed project upon approval.