

COASTAL CONSERVANCY

Staff Recommendation
September 6, 2018

GATEWAY PARK SHORELINE OBSERVATION PLATFORM

Project No. 10-011-02
Project Manager: Brenda Buxton

RECOMMENDED ACTION: Authorization to disburse up to \$1,136,459 to the East Bay Regional Park District for installation of public access amenities at the Gateway Park Shoreline Observation Platform.

LOCATION: City of Oakland, Alameda County.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

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

Exhibit 2: [Staff Recommendation October 21, 2010](#)

Exhibit 3: [BCDC Letter](#)

Exhibit 4: [Project Letters](#)

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 one million one hundred thirty-six thousand four hundred fifty-nine dollars (\$1,136,459) to East Bay Regional Park District (“District”) to install public access visitor amenities at the Gateway Park Shoreline Observation Platform in the City of Oakland.

Prior to commencement of the project, the District shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program including plans, specifications, and bid documents, as well as schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A signage plan that includes acknowledgement of funding.

4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the District has entered into agreements sufficient to enable the District to implement, operate, and maintain 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 authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”
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PROJECT SUMMARY:

This authorization is to provide \$1,136,459 to the East Bay Regional Park District (District”) for installation of public access visitor amenities, such as signage, seating, tables, shade structures, railings, and a vault toilet, on a public promenade (referred to as an Observation Platform) to be constructed over the remnant piers of the now-demolished San Francisco–Oakland Bay Bridge at Gateway Park, adjacent to the re-constructed eastern span of the Bay Bridge.

The California Department of Transportation (Caltrans), the construction lead, will use several piers that remain from demolition of the old Bay Bridge to create the platform structure. The Observation Platform will provide opportunities for walking, nature viewing, fishing, and picnicking in an area that historically has had little to no public access.

The Observation Platform, surrounded by water, would present a rare opportunity to bring the public in close contact with both the marine and bird life of the bay. Marine mammals that could be observed foraging include seals, sea lions and harbor porpoises. Depending on the season, a whole suite of seabirds also forages in the immediate vicinity – including many species of gulls, terns, auks, loons, grebes, waterfowl and shorebirds. In addition, the double-crested cormorants that now nest on the new Bay Bridge could be viewed during the nesting season both foraging and attending their nests. The brown pelican, peregrine falcon, and osprey, which have recovered from near-extinction decades ago, are also readily observed foraging in the area. In addition, the Observation Platform would offer tremendous educational opportunities (panels, etc.) to illustrate the Bay’s food webs, from plankton to invertebrates to fish to birds, etc., as well as venues for naturalist programs exploring everything from the Bay’s ecology, to the challenges of combating aquatic invasive species from ship ballast waters, to coping with sea level rise.

The Observation Platform will be operated as a standalone facility until Gateway Park is developed. Once Gateway Park is opened, the Observation Platform will become a signature part of the park. In the interim, before the Park is opened, the amenities proposed in this staff

recommendation are essential to ensure a safe and enjoyable visitor experience at the Observation Platform.

Visible from the eastern span of the Bay Bridge, Gateway Park will become a much greener shoreline “gateway” to the City of Oakland and the East Bay. In the past, this area was dominated by the Oakland Army Base, industrial uses, railroad tracks, freeways, and maintenance yards. However, recent land-use changes and the Bay Bridge construction have created new opportunities to connect the shoreline to the adjacent communities and create new public spaces along the shoreline, such as Gateway Park. The future Park will encompass 45 acres from the existing Radio Beach on the north side of the Bay Bridge Toll Plaza to the Caltrans maintenance facility south of the Toll Plaza (Exhibit 1). Once complete, the Park will feature new sections of the Bay Trail, improve regional trail connections, and provide spectacular views of San Francisco Bay, the Bay Bridge, and Yerba Buena Island.

While Caltrans is managing and designing the construction of the Observation Platform, the Bay Area Toll Authority (BATA) will fund design and construction. The estimated cost of constructing just the platform structure without the public amenities is between \$25-30 million.

The amenities proposed by the District will be funded by a Bay Conservation and Development Commission (BCDC)-required in-lieu fee. (See “Project Financing” section for further information on the BCDC in-lieu fees that are managed by the Conservancy.) The funds will be used to complete the Observation Platform by installing visitor amenities such as signage, fencing, railings, lighting, benches, bike racks, picnic tables, shade structures, and a vault toilet. The construction and installation of the amenities will be administered by Caltrans as part of the construction of the Observation Platform.

Once completed, the District will operate and maintain the Observation Platform pursuant to a long-term agreement with Caltrans. District is currently operating and maintaining a nearby parking area that will also serve visitors to the Observation Platform.

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. The only public access in the project area is to the north of the Bay Bridge at Radio Beach. The limited public access at Radio Beach is used primarily by fishermen.

Grantee Qualifications: The District is the largest regional Park District in the United States. The EBRPD has completed over sixty projects with Conservancy funds including planning and construction projects at McLaughlin Eastshore State Park, Dotson Family Marsh (formerly Bruner Marsh), MLK Jr. Shoreline Park, and numerous Bay Trail sites in Contra Costa and Alameda Counties. The District has qualified staff to both manage grants and oversee construction, as well as operate and maintain the facility.

Project History: On October 21, 2010 the Conservancy authorized \$250,000 from the BCDC in-lieu fees to BATA to prepare a park plan and feasibility study for Gateway Park (Exhibit 2). The plan was completed in September 2012. The improvements proposed in this recommendation are consistent with that planning effort. The longer history of the site’s

industrial, military, and transportation uses which are described in more detail in the “Project History” section of the October 21, 2010 Staff Recommendation (Exhibit 2).

PROJECT FINANCING

Coastal Conservancy (In-lieu fees)	\$1,136,459
Project Total	\$1,136,459

This authorization would be funded by in-lieu fees paid to the Conservancy pursuant to BCDC permits. The Conservancy has agreed through a memorandum of understanding with BCDC to expend funds paid by permittees to address impacts from development projects. Under the agreement, the Conservancy must disburse the funds for the purposes specified in the permit condition and BCDC’s Executive Officer must approve the project to be funded with the in-lieu fee. In this instance, Caltrans paid an in-lieu impact fee of \$1,100,000 pursuant to BCDC Permit No. 11-93, Special Condition No. II-C-2-b (Amendment No. Five). The condition is intended to 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 use of these funds for the proposed project is consistent with the condition because the project will provide the District funding for an Observation Platform that will become a key attraction of Gateway Park. BCDC’s Executive Officer has approved the use of the funds for a grant to the District (BCDC letter attached as Exhibit 3).

While no matching funds are provided for the visitor amenities proposed under this grant, BATA will provide \$25 to \$30 million for the costs of construction of the Observation Platform.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The project will be undertaken pursuant to Chapter 4.5 of the Conservancy’s enabling legislation, Public Resources Code Sections 31160-31165, 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, within, and around the bay, coast, ridgetops, and urban open spaces. . . 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, and through the provision and preservation of related facilities, such as interpretive centers, picnic areas, staging areas, and campgrounds.” The Observation Platform will be a destination location on the Bay Trail, a regional trail system, and is consistent with the District’s 2013 Master Plan. The proposed project will provide public access facilities for those using the Bay Trail and Observation Platform.

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 District’s 2013 Master Plan and the Gateway Park Project Concept Report.

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.” This proposed project is will develop a shoreline promenade in an area with historically very little public access.

Finally, funding the amenities proposed in this staff recommendation is consistent with Section 31163(c) which directs the Conservancy to give priority to projects that provide for “...open-space and outdoor recreational projects” that 1) are supported by adopted local and regional plans as described above, 2) involve multiple jurisdictions and will serve a regional constituency, 3) will be implemented in a timely way, 4) provide inviting and safe shoreline access (which might not be included without this funding), and 5) include other sources of funds, such as for this project, BATA’s contribution towards construction of the platform.

**CONSISTENCY WITH CONSERVANCY’S [2018-2022 STRATEGIC PLAN](#)
GOALS & OBJECTIVES:**

Consistent with **Goal 13, Objective B** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will construct a public shoreline promenade. Goal 13 calls for the Conservancy to improve public access by implementing Objective B: to provide recreational facilities such as picnic and staging areas, docks and piers, campgrounds, parking lots, interpretive signs, interpretive or educational centers, and natural play spaces.

In addition, the project meets **Goal 3, Objective B** by implementing a waterfront revitalization project that increases accessibility to the shoreline. The project will also meet **Goal 16, Objective C** by increasing coastal access adjacent to historically disadvantaged communities with little shoreline access.

**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 October 2, 2014, 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. **Promotion and implementation of state plans and policies:** *California @ 50 Million: The Environmental Goals and Policy Report* (Governor's Office of Planning and Research, 2014) states that one way to meet the goal to "1. Prioritize and support infill development to build healthy, equitable, and sustainable communities" is to "provide incentives for the development of regional conservation plans" (p. 15). The proposed project supports implementation of the Bay Plan (see Consistency with San Francisco Bay Plan) as well as two regional conservation plans: The Bay Trail and the District's 2013 Master Plan.
4. **Support of the public:** the project is supported by the Gateway Park working group which consist of the nine agencies (see agencies listed under Criteria 17) who own, control, or have an interest in the future Gateway Park project area. In addition, there was extensive public participation in the Gateway Park conceptual planning process which demonstrates the support for shoreline recreation in this area. Letters commenting on the project are in Exhibit 5.
5. **Location:** this project is in Alameda County, one of the nine Bay Area Counties that are part of the San Francisco Bay Area Conservancy Program jurisdiction.
6. **Need:** the in-lieu fees funding this project were required to mitigate the impacts to public access from the reconstruction of the eastern span of the Bay Bridge. Using these funds to install amenities on the Observation Platform will implement this mitigation and provide public access in an area that historically has had little to no public shoreline access. In addition, Districts does not have sufficient funding construct the proposed amenities which are needed to create a welcoming and safe Observation Platform.
7. **Greater-than-local interest:** The Observation Platform will be part of a regional Park located adjacent to a major transportation hub and regional trails. The structure will be visible to the estimated 270,000 vehicles using the Bay Bridge each day.
8. **Sea level rise vulnerability:** The Observation Platform will specifically address sea level rise by being designed to withstand an increase in water surface elevation in the next 50 years according to the recommendations of coastal engineering experts and regulatory agencies.

Additional Criteria

11. **Leverage:** See the "Project Financing" section above.
13. **Innovation:** the project will reuse the remaining footings of the prior Bay Bridge in order to build a new public access observation platform.
14. **Readiness:** construction of the Observation Platform should commence in Fall 2018.
15. **Realization of prior Conservancy goals:** "See "Project History" above."
17. **Cooperation:** Nine local regional and state agencies are working to plan and create Gateway Park and the Observation Platform: Metropolitan Transportation Commission, BATA, BCDC, Caltrans, the California Transportation Commission, the City of Oakland, East Bay Municipal Utility District, District, and the Port of Oakland.

20. **Minimization of greenhouse gas emissions:** the project will include bike racks and is located on the Bay Trail which will encourage nonmotorized use to reach the project site.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The San Francisco Bay Plan was adopted by BCDC and it exercises its authority to issue or deny permit applications for development in conformity with the provisions and policies of both the McAteer-Petris Act and the San Francisco Bay Plan. The Observation Platform creates public access opportunities along the bay shoreline which implements 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). The Observation Platform will be a unique feature that enhances public access in a future regional Park. 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 11). The Observation Platform will be on the Bay Trail and eventually link with a future park. Since this area was formerly industrial and military land, constructing a public promenade and park in this area will not affect existing natural resources.

CEQA COMPLIANCE:

The Observation Platform and the visitor amenities proposed in this staff recommendation will be constructed by Caltrans as a mitigation component of the San Francisco-Oakland Bay Bridge East Span Seismic Safety Project. The Bay Bridge project is exempt under § 21080 of the Public Resources Code and § 15269(e) of the California Environmental Quality Act (CEQA) Guidelines.

Section 21080(b)(4) exempts actions necessary to prevent or mitigate an emergency. Similarly, §15269(e) exempts projects which involve seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highway Code. Streets and Highways Code §180.2 legislatively exempts seismic retrofit projects such as the San Francisco-Oakland Bay Bridge. (See S&HC § 188.5 identifying the Bay Bridge Project). Originally all the piers of the old eastern span of the

Bay Bridge structure were scheduled to be removed, but the Bay Bridge project has been redefined to include leaving Piers E21 through E23 in place for construction of a pedestrian access pier as mitigation for impacts occasioned by the Seismic Safety Project. As a part of the Bay Bridge project, the project is exempt from CEQA.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.