M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 11, 2013

Reference No.: 2.2a. (1)
Action

From: ANDRE BOUTROS
Executive Director

Subject: **NOTICE OF PREPARATION – ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL ASSESSMENT FOR THE GATEWAY PARK PROJECT**

ISSUE:

Should the Commission, as a Responsible Agency, provide comments in response to the Notice of Preparation (NOP) that an Environmental Impact Report/Environmental Assessment (EIR)/(EA) will be prepared for the Gateway Park Project?

RECOMMENDATION:

Staff recommends that the Commission make no comments regarding the environmental issues to be addressed in the EIR/EA for this project; however Staff recommends that a letter be sent to the Bay Area Toll Authority (BATA) that states the following:

- The Commission has no comments with respect to the project's purpose and need, the alternatives to be studied, the impacts to be evaluated, and the evaluation methods used.
- The Commission recommends that BATA and its partners identify and secure the necessary funding to complete the project.
- If, in the future, funds or other actions under the purview of the Commission are anticipated, notification should be provided to the Commission as a Responsible Agency.

BACKGROUND:

BATA is the designated CEQA lead agency and Caltrans is the designated NEPA lead agency conducting environmental review for this project. The proposed project would construct a 170 acre park to provide bicycle/pedestrian trail connections, recreational opportunities, and Bay access at the east touchdown of the San Francisco-Oakland Bay Bridge in the City of Oakland. Five design alternatives and a no-build alternative are currently proposed for consideration in the EIR/EA. The proposed project may result in potential environmental impacts to the following issue areas: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions/climate change, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, recreation, transportation/traffic, utilities/service systems. The estimated cost range for the project is between $100 million and $160 million. The project is proposed to be funded with a combination of State and Local funds including $30 million for construction currently programmed in the STIP. Construction is anticipated to begin in FY 2016/17.

Attachment: Notice of Preparation

NOTICE OF PREPARATION

To:	DISTRIBUTION LIST State of California OPR 1400 Tenth Street Sacramento, CA 95814	**From:**	Bay Area Toll Authority 101 Eighth Street Oakland, CA 94607-4700

Subject: Notice of Preparation of a Draft Environmental Impact Report

The Bay Area Toll Authority (BATA) will be the CEQA Lead Agency. Caltrans will be the NEPA Lead Agency, acting as the delegated agency for the Federal Highway Administration (FHWA). The document prepared will be a combined CEQA/NEPA environmental impact report/environmental assessment (EIR/EA).

For agencies: We need to know the views of your agency regarding the scope and content of the EIR/EA that is germane to your agency's statutory responsibilities in connection with the proposed project. The EIR/EA prepared by our agencies is intended to also be used when considering your permit or other approval for this project, and your participation as a responsible/trustee agency is requested.

For other interested parties and the public: We are interested in your views on the scope and content of the EIR/EA and any alternatives that you think should be considered in the EIR/EA.

Proposed Project: Gateway Park

The creation of a new park is proposed at the east touchdown of the San Francisco-Oakland Bay Bridge (Bay Bridge) in Oakland. The new park would provide bicycle/pedestrian connection to the new East Span of the Bay Bridge and to other trails. The new park would provide access to the Bay. The new park would include recreation opportunities and features to showcase the natural, maritime, industrial, and transportation history of the East Bay. Its working title is Gateway Park.

A more detailed project description, location map, and the potential environmental effects are contained in the attached materials. An Initial Study was not prepared because BATA decided to prepare an EIR.

Public Scoping Meeting:

A public scoping meeting will be held to solicit comments and input on the scope and content of the EIR/EA.

November 14, 2013, 3:30-7:30 p.m.
West Oakland Senior Center, 1724 Adeline Street, Oakland, CA 94607

Submit Comments:

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Written comments are to be received by Friday, December 6, 2013 and sent to:

Peter Lee, Project Manager
Bay Area Toll Authority, 101 Eighth Street, Oakland, CA 94607 (plee@mtc.ca.gov)

As part of your response, please provide the following information:
1. Indicate "Gateway Park Scoping Comments" in the subject line of the email or mail correspondence.
2. The agency (or organization) contact person's name, title, address, phone number, and email to which future correspondence regarding this project should be directed.
3. To the extent possible, the types of permits or approvals which may be required to implement the proposed project, including applicable code sections and discussion of typical requirements.

Signature: _____ Date: 10/30/13
Name/Title: Steve Heminger, Executive Director Phone: 510-817-5700

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

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Gateway Park

Introduction

The creation of a new park is proposed at the east touchdown of the San Francisco Oakland Bay Bridge (Bay Bridge) in Oakland, California (Figure 1). The idea for a new park at this location was conceived in the 1990s during the planning for: 1) Replacement of the new East Span of the Bay Bridge, 2) Reuse of the Oakland Army Base, and 3) Demolition and Reconstruction of I-880 (Cypress/Interstate 880 freeway project).

A new park at this location provides a gateway to both the new East Span of the Bay Bridge and the City of Oakland. The linear park includes approximately 170 acres, from the waterfront near the touchdown of the new East Span to Mandela Parkway (Figure 2). Its working title is Gateway Park.

The park would provide safe access to the new bicycle/pedestrian path on the new East Span of the Bay Bridge. It also would provide access to existing and planned segments of the regional San Francisco Bay Trail.

The park would provide access to the shoreline and would be a unique waterfront amenity. The park would include active and passive recreation opportunities. It would include a venue for community events and art displays. It would showcase the natural, maritime, industrial, and transportation history of the East Bay area.

The new park is proposed by the Gateway Park Working Group (nine local, regional and state agencies): Bay Area Toll Authority (BATA), California Department of Transportation District 4 (Caltrans), San Francisco Bay Conservation and Development Commission (BCDC), California Transportation Commission (CTC), East Bay Regional Park District (EBRPD), City of Oakland, Port of Oakland, East Bay Municipal Utility District (EBMUD), and Association of Bay Area Governments' (ABAG's) Bay Trail Project.

At this time, it is envisioned the park would be a regional park operated by the EBRPD or a Joint Powers Authority. Specific amenities within the Park may be operated by a philanthropic organization and/or private concessionaires. A name has not been determined for the new park, but names that have been considered include Gateway Park and The Key.

Project Purpose, Need and Objectives

Project Purpose

The primary purpose of the proposed project is to provide a distinctive entryway park to the East Bay that connects to the new bicycle/pedestrian path on the new East Span of the Bay Bridge.

The project purpose also is to provide safe multimodal access to the shoreline and to provide passive and active recreation opportunities. The project purpose also includes providing interpretive features for natural resources and transportation history, and a venue for community events and art installations. It will be designed to meet mitigation commitments for a number of transportation projects including the new East Span of the Bay Bridge. Project objectives are described below.

Project Objectives

Transportation and Shoreline Access Objectives

- Provide public shoreline access connecting to West Oakland, the City of Oakland, the East Bay and the growing urban population at large.
- Facilitate multi-modal connections to the shoreline and regional park (bicycle, pedestrian, transit, auto and water craft).
- Provide improved staging and access to the new bicycle and pedestrian path on the new East Span of the Bay Bridge.
- Provide links to existing and planned segments of the San Francisco Bay Trail. When complete, the linear Bay Trail will be a continuous 500-mile bicycle/pedestrian trail encircling the entire Bay Area.
- Provide staging and access to the planned San Francisco Bay Area Water Trail. The Water Trail program is an ongoing effort to create a network of launch and landing sites for human-powered water craft throughout the Bay Area. The Water Trail is non-linear and on the water without specific routes.

Regional Park and Recreation Objectives

- Create a distinctive entryway park that reflects the people, history and culture of the East Bay.
- Provide a destination for residents and visitors to view and access San Francisco Bay and the new East Span of the Bay Bridge, as well as view the Port of Oakland operations.
- Provide active and passive recreation opportunities including walking, nature appreciation, interpretation of transportation history, bicycling, fishing, and non-motorized boating.
- Provide opportunities for the interpretation of San Francisco Bay natural resources, transportation history, and the history of the Port of Oakland.
- Provide a venue for community, regional, and national events.
- Provide a venue for installations by artists.
- Provide a learning environment for students to experience San Francisco Bay natural resources and transportation history.
- Provide a long-term sustainable regional park including revenue generation opportunities for funding park operations and maintenance.
- Provide the required mitigation for other transportation projects.

Project Needs

The project is needed because there is a lack of multimodal transportation and shoreline access in West Oakland and the East Bay. The project is needed to fulfill long-standing planning commitments to build a park and improve safe access to the shore in the East Bay. The project is needed to create a safe landing for bicycles and pedestrians using the new East Span of the Bay Bridge. The project is needed because there is a lack of parks and recreation opportunities in West Oakland. Further, there is a lack of public venues for large events and public art displays in West Oakland and the East Bay. These needs are described further below.

Transportation and Shoreline Access Needs

- Lack of multi-modal shoreline access to San Francisco Bay for West Oakland and the East Bay in general: While there are multiple opportunities to access the Bay shoreline, many of these are difficult to access without a motorized vehicle and/or do not have direct safe pedestrian and bicycle access.

- Opportunity to enhance bicycle and pedestrian recreational experience and connections associated with the new path on the East Span of the Bay Bridge: The recreational experience of using the new path can be substantially enhanced by providing connections to the San Francisco Bay Trail heading southward and a safe access eastward to West Oakland. The experience can be enhanced by providing park amenities that allow the user to appreciate the natural, cultural and transportation history and resources of this part of San Francisco Bay.

Regional Park and Recreation Needs

- Lack of shoreline access, urban parks and recreational opportunities for underserved West Oakland: The park provides the opportunity for a direct, safe access route from West Oakland to the Bay shoreline that does not presently exist. Recreational opportunities, such as shoreline trails, are not available in this part of Oakland.

- Increasing demand for urban parks and recreational opportunities associated with the East Bay urban population in general: While the East Bay has existing parks along the shoreline and the East Bay hills, the demand for recreation continues to increase with a growing population. This site provides an opportunity close to urban centers of population.

- Lack of public venues for large-scale open air events near the shoreline in the East Bay: There are limited locations in the East Bay suitable for large-scale open air events. This site provides an additional opportunity in Oakland.

- Lack of public venues for public art display in the East Bay: There is a vibrant artist's community in Oakland and the East Bay. This site provides an opportunity to publically display art.

- San Francisco Bay transportation history and Port of Oakland history preservation and interpretation: The site contains remaining elements of the historic Key Route railway system, including: 1) the Interurban Electric Railway Bridge Yard Shop building (called IERBYS, which is the building at the Bridge Yard) and 2) the Bay Bridge Oakland Substation just south of the Bay Bridge Toll Plaza. In addition, the site is adjacent to the Port of Oakland, a key part of the historic and current economy of the Bay.

- Maintenance of Critical Regional Infrastructure: The park would be designed to provide access for maintenance of critical infrastructure, including the Bay Bridge and the East Bay Municipal Utility District wastewater line.

- Limited funding opportunities for regional park operations and maintenance: East Bay Regional Park District, like many public park districts, has limited funding options by which to operate and maintain regional parks. To expand the recreational and other opportunities that can be provided at this park, sustainable funding sources must be secured. The site provides the opportunity for public events, active recreation, and other features that may be able to generate new sources of revenue for operations and maintenance.

Prior Planning, Commitments and Agreements

- San Francisco Bay Conservation and Development Commission (BCDC) permit conditions for the new East Span of the Bay Bridge: These permit conditions require the provision of shoreline access with

viewing areas and some parking. The new East Span of the Bay Bridge permit conditions incorporated the prior mitigation for Bay access from the Cypress/Interstate 880 freeway project.

- East Span Cooperative Planning: As described above, cooperative planning during the design of the new East Span of the Bay Bridge resulted in the inclusion of the bicycle path and landing area as part of the bridge project. It also provided the opportunity to expand beyond these requirements to provide a larger regional park to fulfill multiple recreational, transportation, and other community needs.

- Oakland Base Reuse Authority (OBRA) Final Reuse Plan: The final Reuse Plan calls for transfer of a portion of former Army land to the East Bay Regional Park District for public benefit after remediation for hazardous waste contamination.

- San Francisco Bay Plan (BCDC) Bay Plan: The BCDC Bay Plan calls for the creation of a new park at the touchdown of the new East Span of the Bay Bridge. Park uses are to include pedestrian and bicycle access, viewing, picnicking, and non-motorized boat access. Park features are to include interpretation of current and historic transportation infrastructure, interpretation of natural and cultural factors, and protection of nearby habitats.

- San Francisco Bay Trail Planning: The Association of Bay Area Governments (ABAG) is planning for the expansion and linkages to the San Francisco Bay Trail. The new park site is a key nexus of linking north-south elements of the Bay Trail in Emeryville and Oakland, as well as to the Bay Bridge itself. (Bay Trail plans include completing a segment along the rest of the Bay Bridge, so the trail is continuous between Oakland and San Francisco.) In addition, the new park site can provide a critical launching area to further develop the San Francisco Bay Water Trail along the East Bay shoreline.

- Bay Bridge Section 106 Memorandum of Agreement (MOA): In 2000, a MOA was signed by the following agencies to memorialize the agreed-upon mitigation for the loss of the historic East Span of the Bay Bridge: Federal Highway Administration (FHWA), the California State Historic Preservation Officer (SHPO), the United States Coast Guard (USCG), the Advisory Council on Historic Preservation (ACHP), and Caltrans. In accordance with MOA stipulation III.B.1, Caltrans will consult with the East Bay Regional Park District (EBRPD) or other owner of the proposed new park about their interest in having interpretive exhibits incorporated into the design of the new park. The exhibits would describe the Bay Bridge as it was originally constructed. The exhibits may include, but are not limited to, plaques or markers, salvaged components of the bridge (or associated facilities), a mural or other depiction of the bridge.

Project Description

The creation of a new, distinctive park is proposed at the eastern touchdown of the Bay Bridge in Oakland, California. As described above, the park would provide safe access to the new bicycle/pedestrian connection on the new East Span of the Bay Bridge. It would also provide access to existing and planned segments of the San Francisco Bay Trail. It would also provide access to the shoreline and would provide a unique waterfront amenity. The park would include active and passive recreation opportunities. It would include a venue for community events and art displays. It would showcase the natural, maritime, industrial, and transportation history of the East Bay.

The new park is comprised of approximately 170 acres. The linear park would extend from the waterfront near the touchdown of the new East Span of the Bay Bridge to Mandela Parkway in West Oakland. The park would extend under Interstate 880 (I-880) and the I-80/I-880/I-580 freeway maze (**Figures 1 and 2**).

The new park site plan is subdivided into the following six areas (**Figure 3**).

- The Link
- Bridge Yard
- Port Playground
- Key Point + The Pier
- Radio Beach
- Windbreak

The following summarizes the project features within each area. All project features are planned for construction 2016-2021, except the new auditorium by the building at the Bridge Yard would be constructed later. The project would be implemented in multiple phases, depending on availability of funding and right-of-way.

The Link

The Link provides access to the core area of the new park with a new bicycle/pedestrian path extending from Mandela Parkway in West Oakland. This location at Mandela Parkway is the confluence of three major bicycle routes within Oakland and a connection to the San Francisco Bay Trail. There would also be a connection to the bicycle/pedestrian path from Emeryville.

As part of a separate project, there will be a realigned vehicular entry road (Burma Road) from Maritime Street to the Caltrans maintenance facility and the project area.

Project features include:

- A new bicycle/pedestrian path along West Grand Avenue extending from Mandela Parkway, across roadways and railways, and through the Oakland Army Base Reuse Area. This bicycle/pedestrian path may be analyzed in the EIR or in a separate environmental document.
- Way-finding elements to help guide users to the park may be located along the new elevated bicycle/pedestrian path and along the realigned Burma Road. Elements may include old Bay Bridge artifacts.
- A new bicycle/pedestrian path connection on Mandela Parkway – possibly extending over West Grand Avenue for Mandela Parkway users. The existing at-grade open space connection would be retained.
- A connection to the recently completed at-grade bicycle/pedestrian path from Emeryville and to the realigned Burma Road.
- Overflow parking for 300 cars located in the proximity of the I-80/I-880/I-580 freeway structures.

Bridge Yard

The Bridge Yard is a destination recreation and event center. It provides a flexible space for a variety of park activities and programs while reusing existing site elements. It includes an arrival area, parking, event space, and recreation uses. Events at the Bridge Yard could include art displays, movies, concerts, corporate carnivals, and parties.

As part of a separate Caltrans project, the building at the Bridge Yard, formerly known as the "Interurban Electric Railway Bridge Yard Shop" (IERBYS) or the "Sawtooth Building," would be renovated to California Building Standards Code (California Code of Regulations, Title 24). The proposed project could include use of the renovated building at the Bridge Yard (24,000 square feet).

Project features include:

- Arrival plaza for bicycles, cars, buses and transit.
- Parking with approximately 310 spaces.
- Display area for historic trains.

- Outdoor Yard event space for small gatherings to large events. Small gatherings could include art displays in the meadow and informal performances for approximately 200 people. Large events could include movies in the meadow for 500-1,000 people and concerts for 1,000-1,700 people.
- Minor internal improvements to the renovated building at the Bridge Yard.

At a later date, the project could also include:

- New indoor/outdoor auditorium, which will be embedded into the landscape, for approximately 100-200 people, located adjacent to the building at the Bridge Yard. This building may be used for events or training purposes.

Port Playground

The Port Playground is a destination for active and passive recreation along the shoreline. It includes a new visitor center; play areas for children, teenagers, and adults; kayak launch and storage; a beach; and a boardwalk with picnic and observation areas.

Project features include:

- New visitor center that would include restrooms and information on park facilities and exhibits. It would integrate bike storage, kayak storage, and climbing wall.
- Fitness and children's playground and possibly an area to serve as an extreme sports playground, such as street style parks for skateboards and bikes.
- Sandy beach and kayak launch.
- Boardwalk with observation and picnic areas.
- View ride(s), such as elevated zip line, ropes course, or other.
- Parking for 100 cars and 2 buses, with water viewing area from parked cars.
- Provisions for a temporary food area, such as food trucks and carts.
- Shoreline protection through a combination of natural and gently graded slope, riprap and walls to provide for habitat enhancement and protection of critical facilities.

Key Point + The Pier

The Key Point would be the landing for bicycle and pedestrian traffic from the Bay Bridge. It is located at the west end of the park and is a passive recreation area emphasizing nature with features such as tide pools, lawns, restoration planting, and outdoor classroom. These features would have an industrial theme with circular elements. Key Point would also acknowledge the transportation history of the Bay, including the Key System electric trains and the Bay Bridge. The Key System or Key Route was a privately-owned company that provided mass transit in the East Bay from 1903 until 1958. In 1939, Key System trains were extended across the lower deck of the Bay Bridge to San Francisco.

The Pier would be a 300-foot long or longer structure extending west into the Bay along the alignment of the old Bay Bridge. It would provide an area for visitors to fish and view the Bay, and it would include a fish-cleaning station. The Pier could be either: 1) a multi-span concrete trestle supported by old Bay Bridge piers and new piles and foundations, or 2) a re-purposed span or spans of the old Bay Bridge supported by existing foundations, with removal of the existing top and lower decks and construction of a new ADA-compliant deck.

Project features include:

- Renovation of three existing structures. A warming hut for coffee and snacks would be in a historic building. An artist studio, small exhibit gallery, and ranger station would be in the other two buildings.
- Creation of tide pools that replicate similar pools that currently exist in the shoreline area. It would require fill in the Bay.
- Pier extending 300 feet into the Bay along the old Bay Bridge alignment for viewing and fishing.
- Levee trail and elevated path to connect to the Port Playground area to the bicycle/pedestrian path on the Bay Bridge. The levee path would also extend beneath the Bay Bridge to Radio Beach.

Radio Beach

Radio Beach is a restoration and preservation area with limited recreation use, such as interpretive walking trails and sandy beaches, with fencing to protect wildlife. Radio Beach is the only area of the proposed park located on the north side of I-80. It would be connected to the rest of the park with a trail extending under the Bay Bridge.

Project features include:

- Levee trail extending from Key Point under the Bay Bridge to the easterly end of Radio Beach to provide long-term protection against sea level rise and access. It would require fill in the Bay, immediately adjacent to the East Span.
- Restoration planting and habitat enhancement.
- Ecological interpretation signage along the levee trail and beaches. Additionally signing in the mudflat areas to discourage water sports participants from encroaching onto sensitive habitats.
- Fencing to protect wildlife and the environmentally-sensitive existing tidal marsh area.

The new levee trail would be restricted to bicycle and pedestrian use only, and animals and pets would not be allowed. The levee trail would include a 15- to 20-foot buffer from the freeway. Construction methodology would be a sheet pile wall, rip rap or a gently sloped shoreline. Design considerations include the ability to adapt to sea level rise and minimizing fill in the Bay and potential impacts on habitats including the eel grass colony to the north. Depending on the design, the total fill area will be approximately 2 to 10 acres.

The existing vehicular access roads and informal parking areas would not be modified by the project.

Windbreak

Windbreak represents the vegetated buffers that would be installed between I-80 and the core park area. It also represents vegetation that would be planted throughout the park to block and diffuse vehicular air emissions. Vegetated buffers would include evergreen trees that would grow up to 40-60 feet tall, trees with rapid leaf regeneration, and understory plantings. Landscape systems throughout the park would be designed collaboratively with biologists and landscape architects. Landscape systems would include native species intended to function at their highest ecological value.

Potential Environmental Effects

BATA and Caltrans are seeking input from agencies, stakeholders, and the public on the scope and content of the EIR/EA. The project team has preliminarily identified that the proposed project may result in potential environmental impacts for the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions/Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

Probable Permits and Approvals Required

The proposed project may require permits and/or approvals and/or may obtain funding from the following federal, state and local agencies, and/or private entities:

- Federal Highway Administration (FHWA)
- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Coast Guard
- National Marine Fisheries Service (NMFS)
- California Department of Fish and Wildlife (CDFW)
- California Department of Transportation (Caltrans)
- California Office of Historic Preservation (SHPO)
- San Francisco Bay Conservation and Development Commission (BCDC)
- San Francisco Regional Water Quality Control Board (SFRWQCB)
- East Bay Municipal Utility District (EBMUD)
- East Bay Regional Park District (EBRPD)
- City of Oakland
- Port of Oakland
- Burlington Northern & Santa Fe Railroad (BNSF)
- Union Pacific Railroad (UPRR)
- Association of Bay Area Governments (for Bay Trail)
- California Department of Toxic Substances Control (DTSC) – potential hazardous materials cleanup oversight

Potential Project Alternatives

The project team has not yet selected or developed formal alternatives for analysis in the EIR/EA. The project team will identify alternatives for analysis in the EIR/EA after consideration of agency, stakeholder, and public input during the scoping process. Alternatives to be considered in the EIR/EA need to be feasible. Alternatives must meet the project's purpose and need and most of the project objectives. Alternatives need to be able to reduce one or more of the environmental impacts of the proposed project. In addition to alternatives that may be suggested in scoping, below is a list of potential alternatives or design considerations.

- No Project
  - Analysis of this alternative is required
- Southside Park Only
  - No improvements to the area north of I-80 (Radio Beach)
- Sea Level Rise Accommodation
  - Minimize new shoreline protection
  - Allow sea level rise to intrude portions of site over time
- Minimize Bay Fill
  - Reduce amount of new fill by minimizing or avoiding new structural fill
  - May eliminate or require redesign of new piers and trail to the north side
- Passive Park/Minimal Park Only
  - Only include passive recreational activities in addition to bicycle use
  - Exclude active recreation other than bicycle and pedestrian trails
- Bicycle Trail Alignments
  - Alternative trail alignments to those proposed

Project Location

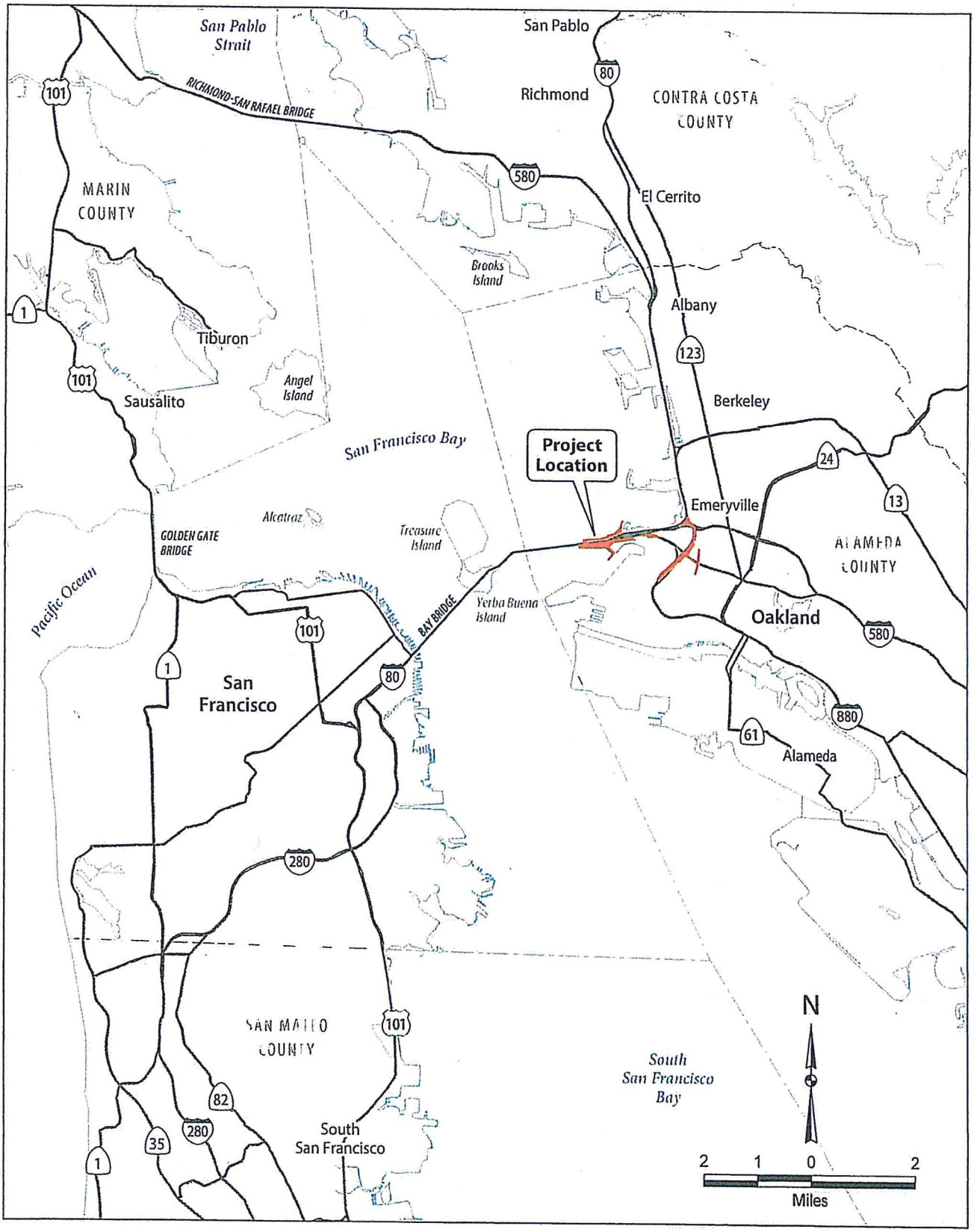

Figure 1

gateway park

Project Area

N

0.25 0 0.25
Mile

Note: No proposed alterations to highways or railways.

Project Area
Fencing only

Figure 2

gatewaypark

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Park Areas

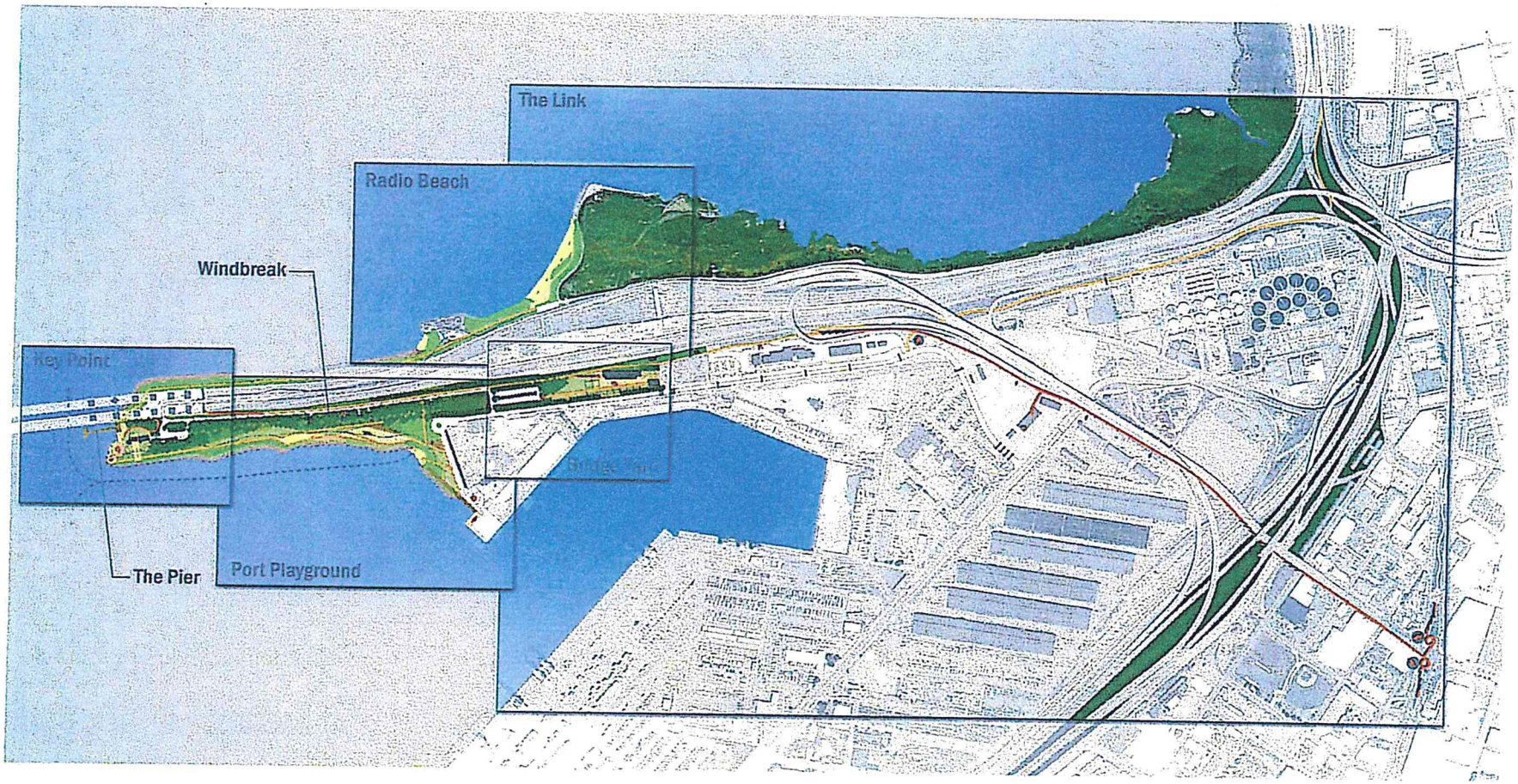

Figure 3

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