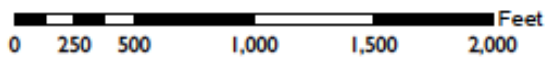
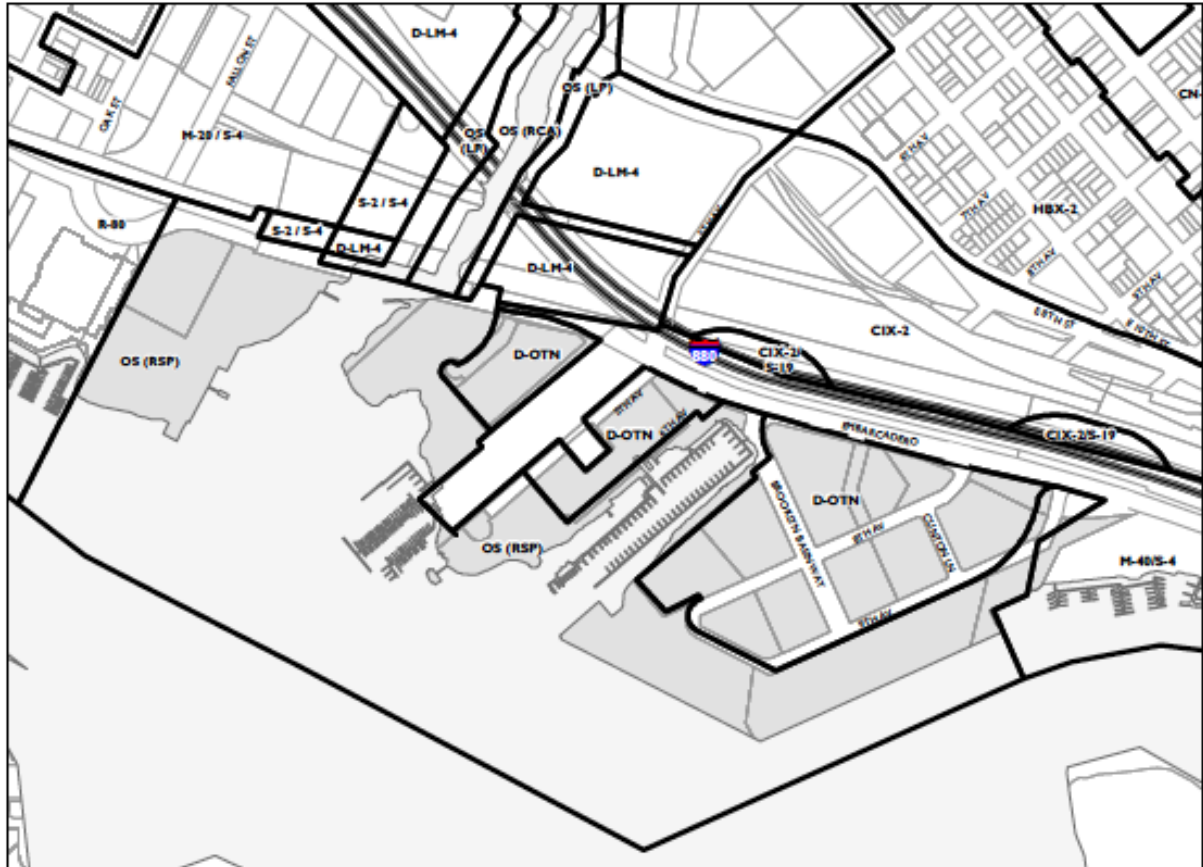


Location:	Brooklyn Basin (including 845 Embarcadero, 1- 9th Ave)
Accessor's Parcel Number:	018-0430-001-14, 018-0460-004-06, 08, and 11, and 018-0465-002-06, 12, 15, 27, 29, and 30
Proposal:	Public Hearing on the Draft Supplemental Environmental Impact Report to obtain comments on the environmental analysis for the Brooklyn Basin Marina Expansion Project, which would modify the previously approved 64.2-acre project analyzed under the 2009 Oak-to-Ninth Avenue EIR (2009 EIR). The Project Modifications include an increase of 600 residential units (for a Project site total of up to 3,700 units), an update to the parking ratios, and an expansion of the approved marina infrastructure and operation including increasing the number of slips by 158, and marina improvements to accommodate a water taxi/shuttle service.
Applicant:	Zarsion-OHP 1, LLC, Eric Harrison
Phone Number:	(510) 251-9280
Owner:	Zarsion-OHP 1, LLC
Case File Number:	PUD06010-R02-ER01
Planning Permits Required:	CEQA review for General Plan Amendment, Zoning Code Amendment, Revision to the Preliminary Development Plan for the PUD, Development Agreement Amendment, Conditional Use Permit
General Plan:	Planned Waterfront Development
Zoning:	Oak to Ninth District Zone (D-OTN) (previously known as Planned Waterfront Zoning District (PWD-4))/ OS/RSP
Environmental Determination:	Draft Supplemental Environmental Impact Report was published for a 45-day review period from June 11, 2021, to July 26, 2021.
Historic Status:	9 th Avenue Terminal Building OCHS Rating "A"
City Council District:	2 – Nikki Fortunato Bas
Status:	Under Review
Staff Recommendation:	Receive public and Planning Commission comments on the Draft Supplemental Environmental Impact Report
Finality of Decision:	No action to be taken by the Planning Commission other than to receive and provide comments on the DSEIR
For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD06010-R02-ER01
Applicant: Zarsion OHP
Address: Brooklyn Basin (formerly known as "Oak to 9th Avenue")
Zone: D-OTN, OS(RSP)

SUMMARY

The purpose of this report and of the July 21, 2021, public hearing is to provide information and to solicit comments on the adequacy of specific environmentally-related information, issues, and analysis contained in the Draft Supplemental Environmental Impact Report (DSEIR) for the Brooklyn Basin Marina Expansion Project (Project). The Project is a proposed revision to the Brooklyn Basin Project (formerly known as Oak-to-Ninth Street Project). This hearing is not intended for receipt of comments on the merits of the Project and no decision will be made on the DSEIR or on the proposed project. Specifically, comments should focus on the adequacy of the DSEIR in discussing possible impacts on the physical environment; ways in which potential adverse effects might be minimized; and alternatives to the project in light of the DSEIR's purpose to provide useful and accurate information about such factors.

The DSEIR concludes that approval of the Project Modifications would result in no new or more severe significant impacts, no new or more severe significant and unavoidable (SU) impacts, and no new or more severe cumulative impacts beyond what was studied and mitigated for in the previous EIR for the Oak-to-Ninth Street Project, which is further described below.

BACKGROUND

Brooklyn Basin is a planned project, subject to a certified EIR. Brooklyn Basin was formerly known as the "Oak to Ninth" project. ZOHP is the current master developer, and replaced Oakland Harbor Partners, LLC. The planned project was entitled in 2009, and is subject to the "Oak to Ninth Avenue Project EIR", the "Development Agreement Between City of Oakland, Redevelopment Agency of the City of Oakland, and Oakland Harbor Partners, LLC", and a Preliminary Development Plan (PDP) for a Planned Unit Development (PUD). At that time, the City of Oakland also legislated a General Plan Amendment and Rezoning to enable the approved entitlements. Subsequently, the City has approved Final Development Permits and construction permits for horizontal and vertical development in Phases 1 and 2 of the PUD. By definition, the FDPs and construction permits issued to date are consistent with the approved PUD.

In January 2018, Zarsion-OHP 1, LLC filed an application for environmental review with the City to initiate environmental review and consideration of a modification to the approved Brooklyn Basin Project.

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and has the responsibility to prepare the Supplemental Environmental Impact Report (SEIR) for the Project. Staff published a Notice of Preparation (NOP) of a SEIR September 21, 2018. A scoping session was held before the Oakland Planning Commission on October 17, 2018.

The Notice of Availability for the DSEIR was prepared and released on June 11, 2021, beginning a 45-day public comment period with the comment period ending **July 26, 2021**.

Comments on the DSEIR may be made at the July 21, 2021 hearing or in writing to the Department of Planning & Building, Bureau of Planning, to the attention of Catherine Payne, Acting Development Planning Manager, City of Oakland, Department of Planning and Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612, or by e-mail at cpayne@oaklandca.gov.

Written comments must be received prior to the comment period deadline (4:00 p.m. on July 26, 2021). After all comments are received, a Final SEIR/Response to Comments document will be prepared and the Planning Commission will consider a recommendation for certification of the Final SEIR at a later meeting.

SITE DESCRIPTION

Brooklyn Basin is bounded by Fallon Street and Jack London Square to the west, Embarcadero and Interstate 880 (I-880) to the north, and the Oakland Estuary to the south and 10th Avenue (generally) to the east. Estuary Park, the southern portion of Lake Merritt Channel (the channel), Clinton Basin, and the Ninth Avenue Terminal are included in the Project site, but approximately 4.72 acres of privately-held parcels along 5th Avenue are not included. The Project site consists of Alameda County Assessor's Parcel Numbers (APNs) 018-0430-001-14, 018-0460-004-11, 018-0460-004-06, 08, 018-0465-002-06, 12, 15, 27, 29, 30.

The Project site (Project site) includes the Approved Project site and the addition of approximately 10 acres of water surface area to accommodate the proposed marina expansion. The Project site after the implementation of the proposed marina expansion consists of the approximately 64.2-acre land area (including pile-supported pier area) and 17.95-acre water surface area.

PROJECT DESCRIPTION

This SEIR is prepared as a supplement to the 2009 Oak to Ninth Avenue Project EIR (2009 EIR) for the previously approved 64.2-acre project (Approved Project).

The Approved Project consists of four phases and one sub-phase. The Approved Project includes elements to redevelop the Project site including demolition of existing structures and site remediation; restoration of the Ninth Avenue Terminal building; and development of up to 3,100 residential dwelling units, 200,000 square feet of ground-floor retail/commercial space, approximately 31 acres of parkland, trails and open space, and approximately 3,534 onsite parking spaces located within parking structures. Building heights generally were approved to range from six to eight stories (up to 86 feet), with high-rise tower elements of up to 24 stories (240 feet) on certain parcels. In addition, the Approved Project includes shoreline improvements as well as renovation of the existing Fifth Avenue Marina and Clinton Basin Marina which would provide for approximately 167 boat slips total. It should be noted that the master developer and site developers can and are actively delivering Phases 1 and 2 of the planned project while the City considers the Project Modifications request.

The Project Modifications would include a residential unit increase of 600 units (for a Project site total of up to 3,700 units). The proposed increase in residential density would be accommodated within the Approved Project's building height, massing, setbacks, and footprints. The project site's water surface area is proposed to be expanded by approximately 10 acres to accommodate the proposed expanded marina and, other than the possible relocation of a tower element, the onshore Project site is the same Project site considered in the 2009 EIR. The Project Modifications would relocate one of the approved tower designations from either Parcel H or J to either Parcel L or M, potentially resulting in two towers on Parcel M, and an increase in building mass in Phases III or IV. This change would not increase the total number of towers on the overall Project site, nor would it modify the approved design parameters associated with the towers on the Project site.

The Project Modifications would remove and replace the existing Clinton Basin Marina with a new marina extending from the southern portion of the Clinton Basin to the Shoreline Park waterfront in Brooklyn Basin. The Approved Project allows 25 new boat slips in Clinton Basin for a total of 60 slips at this location. The Project Modifications would permit 218 slips in the expanded marina, which includes the southern portion of Clinton Basin. The Project Modifications would not alter the approved renovation of the Fifth Avenue Marina. Accordingly, the expanded marina would add 158 slips to the Approved Project's marina plan for a total of 325 slips. Therefore, an addition of 158 slips is assumed in the analysis of the Project Modifications throughout the SEIR. The Project Modifications would also include a landing dock at the north end of Shoreline Park to accommodate a water taxi service that is already operating on the bay.

No changes to the Approved Project's circulation and parking plan are proposed. However, the Project Modifications would update the residential parking minimum in the zoning to current code requirement in some districts of 0.75 spaces per residential unit. This would apply to all future development including the Project Modifications.

Finally, to accommodate the increased project area and density, the Project Modifications include an amendment to the Estuary Policy Plan, (which is part of the General Plan) and Planning Code to increase the permitted average residential density in the PWD-4 land use classification from 50 to 58 dwelling units per gross acre. With these amendments, the Project Modifications would increase the total number of units allowed on the Project site from 3,100 to 3,700. These amendments would also require approval of a revised Preliminary Development Plan, and an amendment to the approved Development Agreement between the Project Applicant and the City.

GENERAL PLAN

The Brooklyn Basin project site is located in the Planned Waterfront Development-4 (PWD-4) Estuary Policy Plan (EPP) land use designation (the Estuary Policy Plan is the applicable General Plan land use element for the area that includes Brooklyn Basin). The intent of the PWD-4 land use designation is to “provide for the transition of underutilized industrial land to public parks and open space, commercial/retail, multifamily residential, cultural and civic uses. Improve public access to the waterfront by providing additional public parks and open space areas and a waterfront trail.” In terms of desired character, future development should “create a new mixed-use residential, commercial/retail, recreational neighborhood in the areas south of the Embarcadero. New parks and open space areas will provide public access to the Estuary and will continue the series of waterfront parks and the San Francisco Bay Trail. Civic and cultural uses may be incorporated into the development. Two existing marinas will be renovated to enhance boating and marine-related uses in the area.” The maximum allowed intensity is 50 residential units per gross acre over the entire 64.2-acre planning area included in the PWD-4 land use classification, and approximately 200,000 square feet of commercial development.

To accommodate the increased density, the City would need to amend the Estuary Policy Plan, (which is part of the General Plan) to increase the permitted average residential density in the PWD-4 land use classification from 50 to 58 dwelling units per gross acre. With these amendments, the Project’s applicable General Plan would permit an increase in the total number of units allowed on the Project site from 3,100 to 3,700.

ZONING DISTRICT

The Project Site is located within the Oak to Ninth District (D-OTN Zone). The intent of the D-OTN Zone is to provide mid-rise and high-rise housing opportunities together with ground-floor retail and commercial uses. Future development is to be set back from the waterfront and address compatibility between residential and nonresidential uses, and reflect a variety of housing and business types. The D-OTN Zone incorporates by reference regulations from the site’s former zoning designation as Planned Waterfront District-4 (PWD-4).

ENVIRONMENTAL REVIEW PROCESS

Scope

As stated earlier in this report, the City published the NOP September 21, 2018. A scoping session was held before the Oakland Planning Commission on October 17, 2018. The following environmental topics are addressed in detail in the DSEIR:

- Land Use, Plans, and Policies
- Transportation and Circulation
- Air Quality
- Hydrology and Water Quality
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Biological Resources
- Population and Housing
- Aesthetics, Shadow, and Wind
- Public Services and Recreation
- Utilities and Service System

- Noise and Vibration
- Greenhouse Gas Emissions

Potentially Significant Impacts Identified in the DSEIR

The DSEIR did not identify any new or more severe potentially significant or significant and unavoidable impacts than analyzed in the previous Oak-to-Ninth Street Project EIR.

Project Alternatives

Chapter 5 of the DSEIR includes the analysis of three alternatives to the Proposed Project that meet the requirements of CEQA to include a reasonable range of alternatives to the Project that would feasibly attain most of the Project's basic objectives, and avoid or substantially lessen many of the Project's significant environmental effects. The CEQA alternatives analyzed in Chapter 5 include:

- **Alternative 1, No Project:** The No Project Alternative includes the existing conditions at the time the notice of preparation is published as well as the events or actions that would reasonably be expected to occur in the foreseeable future including the Approved Project. Development on the Project site would proceed under existing approvals and would be subject to the 2009 EIR mitigation measures.
- **Alternative 2, No Marina Expansion:** Under this alternative, the marina would be developed according to existing approvals resulting in no more than 167 slips on the Project site. The Project site would not expand by approximately 10 acres of water surface and would not accommodate the expanded marina or a water taxi service. The Approved Project would be developed along with other components of the Project Modifications, including the proposed additional residential units, updated parking ratios for Phases III and IV, and proposed tower relocation from Phase II to either Phase III or IV.
- **Alternative 3, No Tower Relocation:** Under this alternative, the proposed new tower locations on Parcels M and L would not be added to the Project Modifications, there would be no potential for two towers on Parcel M, and there would be no increase in building mass in Phase III or IV. The Approved Project would be developed along with all other components of the Project Modifications.

The set of selected alternatives above are considered to reflect a "reasonable range" of feasible alternatives in that they include reduced scenarios that lessen and/or avoid significant and less than significant effects of the Project Modifications.

The DSEIR concludes that the No Marina Expansion Alternative is considered the environmentally superior alternative as it would avoid and/or substantially reduce the potential for new Biological Resources impacts of the Project Modifications to the greatest extent compared to each of the other alternatives, and still meet some of the basic objectives of the Project Modifications. However, it is important to note that, as stated above, the DSEIR did not identify any new or more severe potentially significant or significant and unavoidable impacts than analyzed in the previous Oak-to-Ninth Street Project EIR.

PUBLICATION AND DISTRIBUTION OF THE DSEIR

The DSEIR was made available for public review on June 11, 2021. The Notice of Availability for the DSEIR was mailed to property owners within 300 feet of the Project site, Interested Parties, and State and Local Agencies. The Notice of Availability is attached to this report (see Attachment A). Due to Alameda County's continuing Shelter-in-Place order to prevent the spread of COVID-19, the City of Oakland's administrative offices, including the Bureau of Planning, remains closed to the public. Therefore, hard copies of the document are not available for public review. Therefore, pursuant to the Governor's Executive Order N-80-20, the City of Oakland is following an alternative process for providing access to the DSEIR. Consistent with the Executive Order, the DSEIR was uploaded to the State Clearinghouse CEQAnet portal (<https://ceqanet.opr.ca.gov/>). The DSEIR and its appendices may also be viewed or downloaded from the City of Oakland's website at:

<https://www.oaklandca.gov/documents/brooklyn-basin-marina-expansion-draft-supplemental-environmental-impact-report-june-11-2021>

CONCLUSION

All comments received on the DSEIR will be considered by the City prior to finalizing the SEIR and making a decision on the Project. Comments on the DSEIR should focus on the adequacy of the SEIR in discussing possible impacts to the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the SEIR's purpose to provide useful and accurate information about such factors. The public hearing on July 21, 2021 is not intended for public comments on the Project merits. Comments on the DSEIR may be made at the July 21, 2021 hearing or in writing to the Department of Planning & Building, Bureau of Planning, to the attention of Catherine Payne, Acting Development Planning Manager, City of Oakland, Department of Planning and Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612 or by e-mail at cpayne@oaklandca.gov.

Written comments must be received prior to the comment period deadline (4:00 p.m. on July 26, 2021). After all comments are received, the City will prepare a Final SEIR/Response to Comments document and the Planning Commission will consider recommendation for certification of the Final SEIR at a future meeting date. Staff will also return to the full Planning Commission to consider a recommendation on the development entitlements.

RECOMMENDATION

- 1) Receive public and Planning Commission comments on the DSEIR.
- 2) Close the public hearing with respect to receipt of oral comments; written comments will be accepted until 4:00 pm on July 26, 2021.

Prepared by:

Catherine Payne

Catherine Payne, Development Planning Manager

Approved for forwarding to the Planning Commission:



Ed Manasse, Deputy Director
Bureau of Planning

Attachments:

- A. Notice of Availability (NOA) ([click here for link](#))
- B. Brooklyn Basin Marina Expansion Draft Supplemental Environmental Impact Report (DSEIR):
 - a. ([click here for DSEIR link](#))
 - b. ([click here for DSEIR appendices link](#))
- C. Certified Oak-to-Ninth Avenue Project EIR ([click here for link](#), under row with Brooklyn Basin heading)