

**Case File Number: DA06011, PUD06010, PUD06010-PUDF012**

**June 10, 2020**

<b>Location:</b>	<b>Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Parcel D</b>
<b>Assessor’s Parcel Number(s):</b>	<b>APN 018 046501500</b>
<b>Proposal:</b>	Final Development Permit (FDP) for Parcel D, including 243 residential units, approximately 4,000 sf ground-floor commercial space, and 225 parking spaces, in an 8 story building.
<b>Applicant:</b>	Anton Brooklyn, LLC
<b>Contact Person/ Phone Number:</b>	Vanessa Garza, (650) 549-1613
<b>Owner:</b>	Anton Brooklyn, LLC
<b>Case File Number:</b>	PUD06010-PUDF012
<b>Planning Permits Required:</b>	FDP, compliance with CEQA, variance request for parking reduction
<b>General Plan:</b>	Planned Waterfront Development-1
<b>Zoning:</b>	Planned Waterfront Zoning District (PWD-4)/D-OTN-4
<b>Environmental Determination:</b>	Final EIR certified on January 20, 2009
<b>Historic Status:</b>	Non-Historic Property
<b>City Council District:</b>	2 – Nikki Fortunato Bas
<b>Finality of Decision:</b>	NA
<b>For Further Information:</b>	Contact case planner <b>Dara O’Byrne</b> at <b>510-238-6983</b> or by e-mail at <b>dobyrne@oaklandca.gov</b>

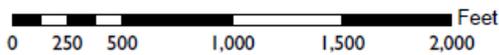
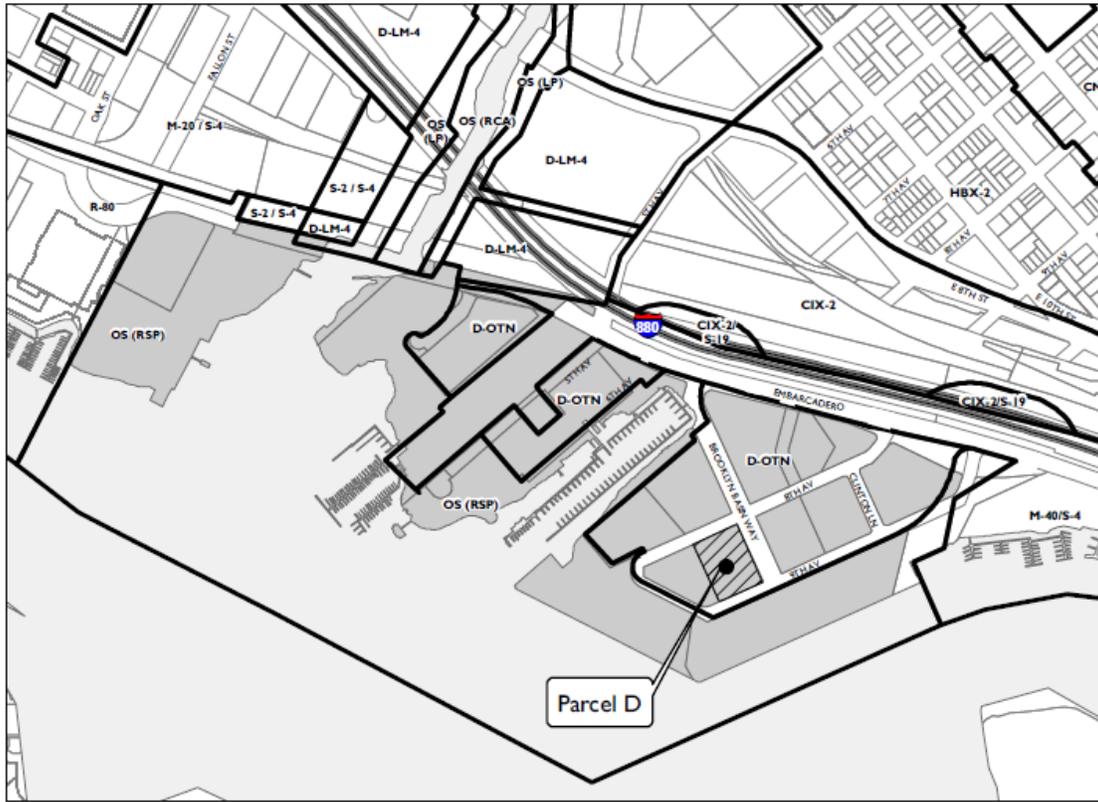
**SUMMARY**

The proposed project is a Phase 2 Final Development Permit (FDP) for construction of a mixed-use building in Brooklyn Basin, including the design of a pedestrian mews between Parcel D and E. The proposed project includes 243 residential units and approximately 4,000 square feet of ground-floor commercial as well as accessory parking, in an 85-foot tall building encompassing an entire city block in the Brooklyn Basin Planned Unit Development (PUD) along the Oakland Estuary waterfront south of the Lake Merritt Channel. The pedestrian mews provides a pedestrian connection between 8<sup>th</sup> Ave and 9<sup>th</sup> Ave. The pedestrian mews needs to be constructed as part of Parcel D or Parcel E, whichever is constructed first. The Planning Commission approved FDPs for development for Brooklyn Basin at Parcels A, B, C, F, G, H and J.

**PROJECT SITE AND SURROUNDING AREA**

Brooklyn Basin encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 9<sup>th</sup> Avenue to the east, and Fallon Street to the west. The project includes 29.9 acres of City parks located along the Oakland Estuary edge of the Brooklyn Basin Site. Shoreline Park is the southeastern-most park in Brooklyn Basin and is located on the water side of 9<sup>th</sup> Avenue, generally where the 9th Avenue Terminal is currently located.

## CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD06010-PUDF012  
Applicant: Anton Brooklyn, LLC  
Address: Brooklyn Basin (formerly known as “Oak to 9th Avenue”);  
Parcel D  
Zone: (PWD-4)/D-OTN

Parcel D is located in Phase 2 of the Brooklyn Basin PUD; specifically, on the block bounded by 8<sup>th</sup> Avenue to the north, Brooklyn Basin Way to the east, 9<sup>th</sup> Ave to the south, and the pedestrian mews to the west. Parcel D is located between to Parcel C and Parcel E.

## PROJECT BACKGROUND

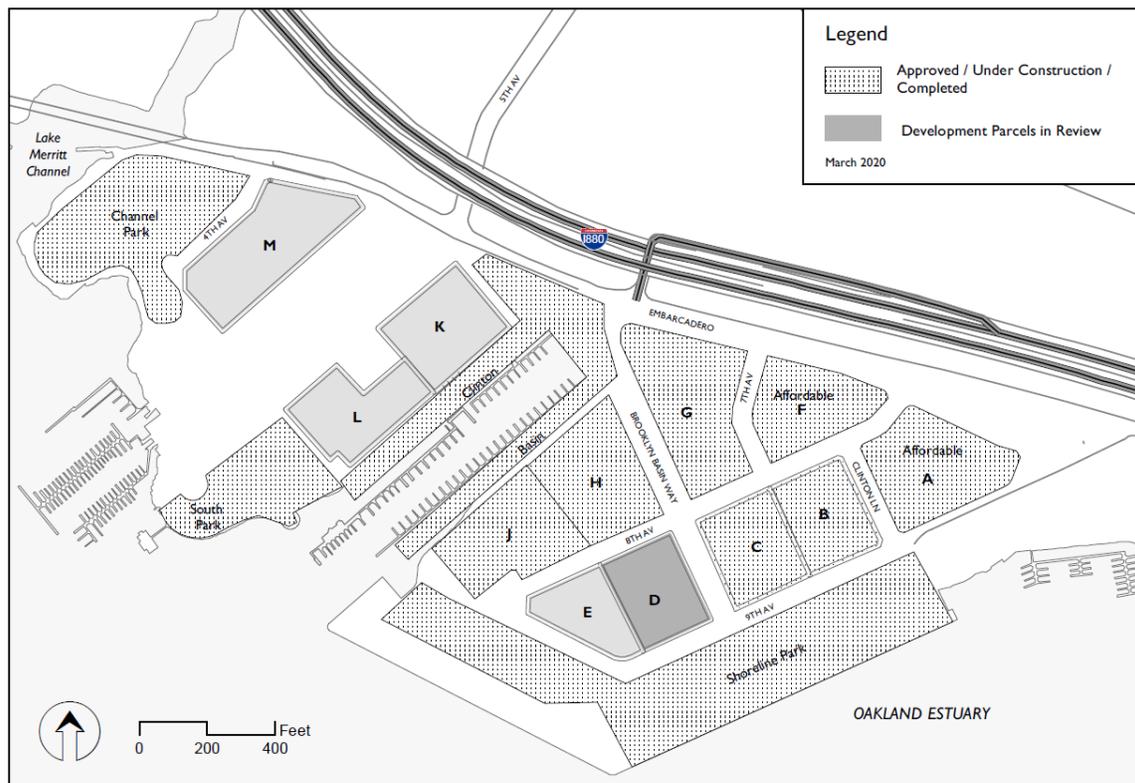
### *Project History*

The planned Brooklyn Basin Project consists of a mix of residential, retail and commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (with a total of 170 boat slips), and an existing wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the 9th Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-held property along and east of 5th Avenue that contains a mix of commercial and industrial uses, as well as a small community of work/live facilities.

As noted above, Parcel D is located within Phase 2 of the Brooklyn Basin PUD. At this time, the Phase 1 and Phase 2 Final Maps have been recorded, horizontal infrastructure improvements constructed, and Final Development Permits issued for all parks, Parcel A, Parcel B, Parcel C, Parcel F, Parcel G, Parcel H, and Parcel J.

It should be noted that the Brooklyn Basin Master Developer (Master Developer) has submitted a separate application to the City to amend the Development Agreement, the General Plan Designation, and the underlying zoning district to allow for increased residential density at Brooklyn Basin, as well as to expand marina facilities in the Oakland Estuary at the planned parks. City staff is conducting environmental analysis of that application and will later consider the merits of the project. It should be noted that the Master Developer application does not impinge on rights to apply for and be granted FDPs at this time that comply with the existing entitlements.

The following provides a summary of the status of the Brooklyn Basin project:



**Brooklyn Basin Status**

**Summary of Recent Brooklyn Basin Milestones**

<b>Milestone</b>	<b>Requirement</b>	<b>Status</b>
Land Use Entitlements (DA, PUD/PDP, GPA, Rezone, EIR)	Oakland Municipal Code	Initial (challenged) approval 7/18/2006; Final approval 1/2009
Phase 1 Soil remediation (grading/surcharge permits)	EIR MM H, Prior to issuance of site development building permits	Activities completed 2014
Affordable Housing Developer Selection	DA Exhibit L, Section 4: proposal to City within one year of acquisition of Sites F, T and G	MidPen selected by Master Developer and approved by City Housing Department in 2015
Phase 1 Final Map	TTM, DA	FM7621 Approved May 2015
Phase 1 Infrastructure FDP and construction permits	Zoning regulations	Approved 2015; Complete; Delivery expected with delivery of Phase 1 vertical development

Shoreline Park FDP	DA and PUD	Approved December 2015, BCDC confirmation May 2016
Phase 2 Infrastructure FDP	Brooklyn Basin PUD	Approved 2017; Under construction; Delivery expected with delivery of Phase 2 vertical development
Parcel B Building Permits issued	PUD, FM7621	Approved September 2016, Received TCO July 2019 and approximately 20% leased/occupied
Parcel C FDP approved	PUD, FM7621	FDP approved August 2017, Construction started April 2019
Phase 2 Final Map	PUD, TTM7621	Recorded June 2017
Parcel F FDP approved	Brooklyn Basin PUD	FDP approved November 2017; Construction started December 2019
All Parks FDPs approved	Brooklyn Basin PUD	FDPs approved August 2017
Parcel G FDP approved	Brooklyn Basin PUD	FDP approved March 2019
Parcel A FDP approved	Brooklyn Basin PUD	FDP approved June 2019, Building permits submitted November 2019
Parcel J FDP approved	Brooklyn Basin PUD	FDP approved December 2019, building permits submitted December 2019
Parcel H FDP approved	Brooklyn Basin PUD	FDP approved March 2020
Parcel D FDP submitted	Brooklyn Basin PUD	Currently under review
DA amendment application submittal, September 2018	Planning Code Chapter 17.138	Currently under review

## PROJECT DESCRIPTION

The proposed Brooklyn Basin Parcel D project is an 85-foot tall building encompassing a city block. The project includes 243 residential units, 4,000 sf ground-floor of commercial, and 225 parking spaces. Plans, elevations and illustratives are provided in Attachment A to this report.

## GENERAL PLAN ANALYSIS

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 General Plan 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 planning area included in the PWD-4 land use classification, and approximately 200,000 square feet of commercial development. The master planned Brooklyn Basin PUD allows for development of up to 3,100 residential units. At this time, the total count for dwelling units approved under Final Development Permits is 2,061 (Parcels A, B, C, F, G, H, J), and 243 (Parcel D) dwelling units are currently under review, within the existing allowance.

The following is an analysis of how the proposed project meets applicable EPP objectives (staff analysis in indented, italicized text below each objective):

- Objective LU-1: Provide for a broad mixture of activities within the Estuary area.
  - *The proposal will deliver market rate housing that will intensify and support new uses in the Brooklyn Basin area and complement park and recreation uses along the Oakland Estuary waterfront. The project will also provide approximately 4,000 square feet of retail for use by residents and visitors.*
- Objective LU-2: Provide for public activities that are oriented to the water.
  - *The proposed project will include views of the waterfront along across 9<sup>th</sup> Ave and Shoreline Par. These strong visual and physical connections to the waterfront will enhance the experience of the waterfront for both residents and the public.*
- Objective LU-3: Expand opportunities and enhance the attractiveness of the Estuary as a place to live.
  - *The proposed project will provide housing in a new neighborhood in a desirable location, supporting the socio-economic diversity of Oakland that makes it an attractive and desirable place to live.*
- Objective LU-4: Develop the Estuary area in a way that enhances Oakland’s long-term economic development.
  - *The proposal will deliver residential development that will intensify and support new uses in the Brooklyn Basin area and complement park and recreation uses, as well as commercial uses, along the Oakland Estuary waterfront.*
- Objective LU-5: Provide for the orderly transformation of land uses while acknowledging and respecting cultural and historical resources.
  - *The proposed mixed-use residential and commercial project would meet the goals for providing new uses on underutilized sites. The project is an important piece of the larger Brooklyn Basin project, which is transforming and improving the Oakland Estuary waterfront for public recreational and commercial use. As part of the Brooklyn Basin PUD, the master developer is retaining, restoring and occupying a portion of the historic 9<sup>th</sup> Avenue Terminal for historic interpretive, recreational, and commercial uses.*
- Objective LU-6: Create greater land use continuity between the Estuary waterfront and adjacent inland districts.

- *The proposed project on Parcel D is part of the larger Brooklyn Basin PUD, which is designed specifically to connect the waterfront to the land side of Embarcadero, with landscaped streets and promenades, as well as improved pedestrian, bicycle and vehicular connectivity across Embarcadero and throughout the site.*

## ZONING ANALYSIS

Parcel D 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 Planned Waterfront District-4 (PWD-4) regulations also apply to projects within Brooklyn Basin. The following discussion outlines the purpose of the PWD-4 regulations and the D-OTN zone, with staff analysis provided below in indented, italicized text:

- Encourage the creation of a mixed-use district that integrates a combination of residential, commercial, public open space and civic uses.
  - *The proposed project is a market-rate housing project that will diversify living opportunities in the neighborhood. The project provides approximately 4,000 square feet of retail space at a key corner at 8<sup>th</sup> Ave and Brooklyn Basin Way.*
- Establish development standards that allow residential, commercial, public open space and civic activities to compatibly co-exist.
  - *The proposed project is subject to and generally meets the development and other standards under the D-OTN Zone and the PWD-4 standards for density, height, setbacks, outdoor open space and parking, and is compatible with the site and surrounding area.*
- Provide a balance of private development and public open space with convenient access to public open space and the waterfront.
  - *The residential project is conveniently located along 9<sup>th</sup> Ave across from Shoreline Park.*
- Improve access to the waterfront and recreational opportunities along the waterfront including boat launches and marinas.
  - *The proposal is part of the Brooklyn Basin PUD which includes infrastructure improvements such as marinas and boat launch areas for public use along the Oakland Estuary.*
- Encourage quality and variety in building and landscape design as well as compatibility in use and form.
  - *The proposal is designed to be visually interesting and differentiated from the planned project for Parcel H and Parcel C in order to provide variety in the neighborhood. In addition, the project includes landscaping concepts intended to provide connectivity between the public and private realms.*

### Zoning Considerations

- Residential density: 175 residential units were allocated to Parcel D according to the baseline PUD density allowance. 232 were reallocated as part of the Parcel G entitlements.

11 additional units are being transferred from Parcel M to Parcel D, to achieve a total of 243 units proposed, constituting at 4.5% change, which is below the 33% development distribution allowance.

- Parking. 243 residential parking spaces and 2 commercial parking spaces are required. 211 residential parking spaces and 14 commercial parking spaces are provided. The proposed residential parking is approximately 1: 0.87 versus the 1:1 ratio required by Planning Code. This is consistent with other mixed-use and high-density residential districts in Oakland and with variances granted for other Brooklyn Basin FDPs. A minor variance will be required.

### Brooklyn Basin Residential Density Allocation

Parcel	Baseline Density Allowance	Re-Allocation	Delta	Enabling Procedure
A	407	254	-153/ 37.6%	Design Review, (approved 2017) swap with Parcel F
B	175	241	+66/38%	Design review (approved 2016)
C	175	241	+66/38%	Design review (approved 2017)
D	175	243	+68/39%	By right, swap with Parcel M
E	131	174	+43/33%	By right, swap with Parcel K
F	165	211	+46/28%	Design Review (approved 2017), swap with Parcel A
G	300	371*	+71/23%	By right, swap with Parcel K
H	375	380	+5/1%	By right, (under review), swap with Parcel M
J	339	378	+39/12%	By right, (under review), swap with Parcel M
K	322	231	-91/-28%	By right, swap with Parcel G
L	146	146	0/0	Original approval
M	390	230	-160/-41%	Design Review (under review), Swap with Parcel D,H, J
<b>Total</b>	<b>3,100</b>	<b>3,100</b>		

\*Parcel G reallocation initiated after Planning Commission approval, which is allowed by Planning Code.

### Zoning Analysis

- Residential Unit split:
 

Studio	=	14 Units	(5.8%)
1 Bed	=	96 Units	(39.5%)
2 Bed	=	128 Units	(52.3%)
3 Bed	=	5 Units	(2 %)

Criteria	Planned Waterfront Zoning District-4	Proposed	Analysis
<b>Land Use</b>			
Residential multi-family	P	P	Allowed
General Retail	P	P	Allowed
Residential Density	Original density: 175 units; Amended density: 243 units	243 units	Allowed
Max Retail	6,000 sf	4,000 sf proposed	Allowed
Building Height	86-100'	85' height proposed	Complies

Criteria	Planned Waterfront Zoning District-4	Proposed	Analysis
<b>Land Use</b>			
Open Space - Residential	150 sf per unit Private usable open space 2x Total Required: 36,450 SF (1)	16,015 sf Private = 32,030 sf Common Open Space = 8,368 SF Total = 40,398 sf	Complies
Parking	1 space/du = 243 spaces 2 spaces/1000 sf commercial = 2 spaces required because first 3000 sf of retail not required to provide parking	211 residential provided 14 commercial space provided	243 residential spaces required, only 211 provided. 1:0.86 Variance required 14 commercial spaces provided, 2 required
Loading	1 residential berth Under 25,000 sf retail, so no berth is required	1 residential berth	Complies
Recycling	2 cubic feet per residential unit 2 cubic feet per 1,000 sf of commercial	486 cubic feet recycling provided	Complies

Current Zoning Requirements (not applicable, but considered best practice)			
BIKE PARKING - Residential	Long term: 1/4 du = 61 spaces Short term: 1/20 du = 13 spaces	194 long term spaces provided 16 short term spaces provided	Complies
Bike parking – Commercial Retail, consumer service, etc	Long-term: 1/12,000 sq ft. Min 2 spaces Short-term: 1/5,000 sq ft. Min 2 spaces	2 long term spaces provided 2 short term spaces provided	Complies

### *Oak to 9<sup>th</sup> Brooklyn Basin Design Guidelines*

- Urban Design Principles:
  - Create walkable and lively public streets, open spaces and pedestrian ways that provide strong visual and pedestrian linkages between the waterfront and inland areas.
    - *The Brooklyn Basin PUD will have approximately ten new public streets. Parcel D provides ground floor residential along 9<sup>th</sup> Avenue, the Pedestrian Mews, and a few units one unit on 8<sup>th</sup> Ave. The project provides 4,000 square feet of retail along Brooklyn Basin Way.*
  - Introduce a mix of housing that supports a diverse population of residents and that promotes a nighttime environment along the waterfront.
    - *The proposed project adds 243 market-rate residential units with a variety of unit types (including studio, one-, two-, and three-bedroom models).*
  - Maintain and enhance public views of the waterfront.

- *The 85-foot tall building provides direct views to Shoreline Park and the Estuary, and will not block or impede views of the waterfront.*
- Configure and design buildings to spatially define and reinforce the public character of streets and open spaces.
  - *The proposed building is designed with a strong street wall and maximized ground floor transparency and landscaping to frame and enrich the character of the adjacent rights-of-way.*
- Introduce ground level activities that enliven streets and public spaces.
  - *The proposed project is designed to provide approximately 4,000 square feet of ground floor retail as well as a ground floor residential lobby, and ground floor residential units. Ground floor residential units are walk-up units with stoops and landscaping.*
- Develop a dynamic composition of taller and shorter buildings that reinforce the spatial characteristics of the waterfront and open space system, and that dramatize this unique shoreline setting.
  - *The project is a mid-rise product designed to fit the Brooklyn Basin PUD. The building provides some height variation to reduce the risk of a monolithic presence.*
- Allow for a diversity of architectural expressions within the strong public framework of streets and open spaces.
  - *The project is designed to fit within the desired scale of development of the site while being massed and articulated differently from the adjacent Parcel C and Parcel H projects. The intent of this approach is to provide a diversity of architectural expression within the neighborhood for visual complexity and interest.*

## ZONING AND RELATED ISSUES

### *Design*

Staff has worked with the applicant and architect to refine the proposed design for the Parcel D site. The team has worked to improve the overall site plan of the project to provide activation on 8<sup>th</sup> Avenue and to limit the ‘back of house’ impacts. Key aspects of the building include:

- **Building Orientation:** The Parcel D Project is oriented toward Shoreline Park and the Estuary and Brooklyn Basin Way. The Brooklyn Basin Way frontage has retail, a residential amenity, and a residential lobby. The façades facing 9<sup>th</sup> Ave and the pedestrian mews have ground floor residential units with stoops. “Back-of-house” uses are concentrated on 8<sup>th</sup> Avenue.
- **Ground Floor Retail:** Parcel D provides retail along Brooklyn Basin Way at the corner of 8<sup>th</sup> Ave, providing an attractive, pedestrian-oriented facade.
- **Ground Floor Residential:** Residential units are located on 9<sup>th</sup> Ave, the pedestrian mews, and one unit on 8<sup>th</sup> Ave, providing activation with residential stoops, landscaping, and appropriate separation between the public and private realm.
- **Pedestrian Mews:** The design for the pedestrian mews accommodates pedestrian connectivity between 8<sup>th</sup> Ave and 9<sup>th</sup> Ave, providing a connection to Shoreline Park.

*Issues*

In general, staff finds the project improved since the original submittal. The applicant has responded to staff comments with improvements to the site plan and design of the building, but there is still room for improvement. Staff would like DRC to consider the following issues:

- **8th Ave ground floor façade.** The back of house activities for Parcel D are concentrated on 8<sup>th</sup> Ave, which is intended to be an urban residential street, defined by ground level lobbies, townhouse, and loft units. This concentration of back of house activities creates dead space instead of activated space. Based on staff feedback regarding the ground level, the applicant added a residential unit along 8<sup>th</sup>, with a stoop, and improved the look of the utility doors, reducing the area dedicated to back of house activities on the ground floor.
  - *Does the DRC think the ground floor façade along 8<sup>th</sup> Ave should be activated more to meet the design intent of Brooklyn Basin Design Guidelines?*
- **8th Ave 2<sup>nd</sup> and 3<sup>rd</sup> floor garage facade.** The second and third floors along 8<sup>th</sup> Ave have parking along the street elevation, again detracting from the activation of 8<sup>th</sup> Ave. The Design Guidelines state that exposed parking garage facades should comply with the following:
  1. The parking garage façade should be architecturally integrated with the façade of the occupied space served by the garage.
  2. Patterns of openings at garage facades should be similar in rhythm and scale to other openings within the building.

In addition, part of the findings to support a variance for parking will be that the reduced parking provides for an improved design of the building, so staff would like to see the building wrapped with units, with parking on the interior of the building.

- *Does the DRC think the parking garage façade along 8<sup>th</sup> Ave should be activated more to meet the design intent of Brooklyn Basin Design Guidelines?*
- **Architectural Cohesion.** The building design includes a dark base with a band of lighter materials separating the base from the upper portion of the building, particularly along the Brooklyn Basin Way façade. While technically compliant with the Design Guidelines, the lighter band creates a disjointed appearance of the building and makes the ground floor appear shorter than it is. Staff has encouraged the applicant to provide a better connection between the upper floors and the ground floor, particularly at key corners like 9<sup>th</sup> Ave and Brooklyn Basin Way.
  - *Does the DRC think the overall architectural design of the building provided is cohesive, connecting the upper floors to the ground floor?*

*On-going, Non-design Related Issues*

- **Pedestrian Mews.** The pedestrian mews needs to be completely constructed as part of the first project constructed, either Parcel D or E. If Parcel D is constructed first because Parcel E has not submitted for a Final Development Plan, so Parcel D will need to construct the mews as part of their phase.
- **Parking.** 243 residential parking spaces and 2 commercial parking spaces are required. 211 residential parking spaces and 14 commercial parking spaces are provided. The proposed residential parking is approximately 1: 0.87 versus the 1:1 ratio required by

Planning Code. This is consistent with other mixed-use and high-density residential districts in Oakland. A minor variance will be required. As noted above, the reduction in quantity of parking should contribute to an improved project design, particularly with regards to reducing the visual impact of parking fronting active streets.

**RECOMMENDATION**

Staff recommends the DRC review and comment on the proposed Brooklyn Basin Parcel D FDP, with attention to the issues raised by staff in this report.

Prepared by:

*Dara O'Byrne*  
\_\_\_\_\_  
Dara O'Byrne, Acting Planner IV

Reviewed by:



\_\_\_\_\_  
Catherine Payne, Acting Development Planning Manager  
Bureau of Planning

**Attachment:**

- A. Proposed Plans, dated March 6, 2020