

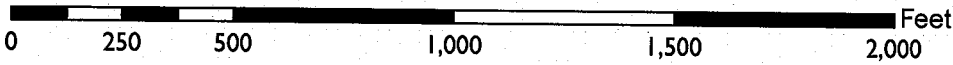
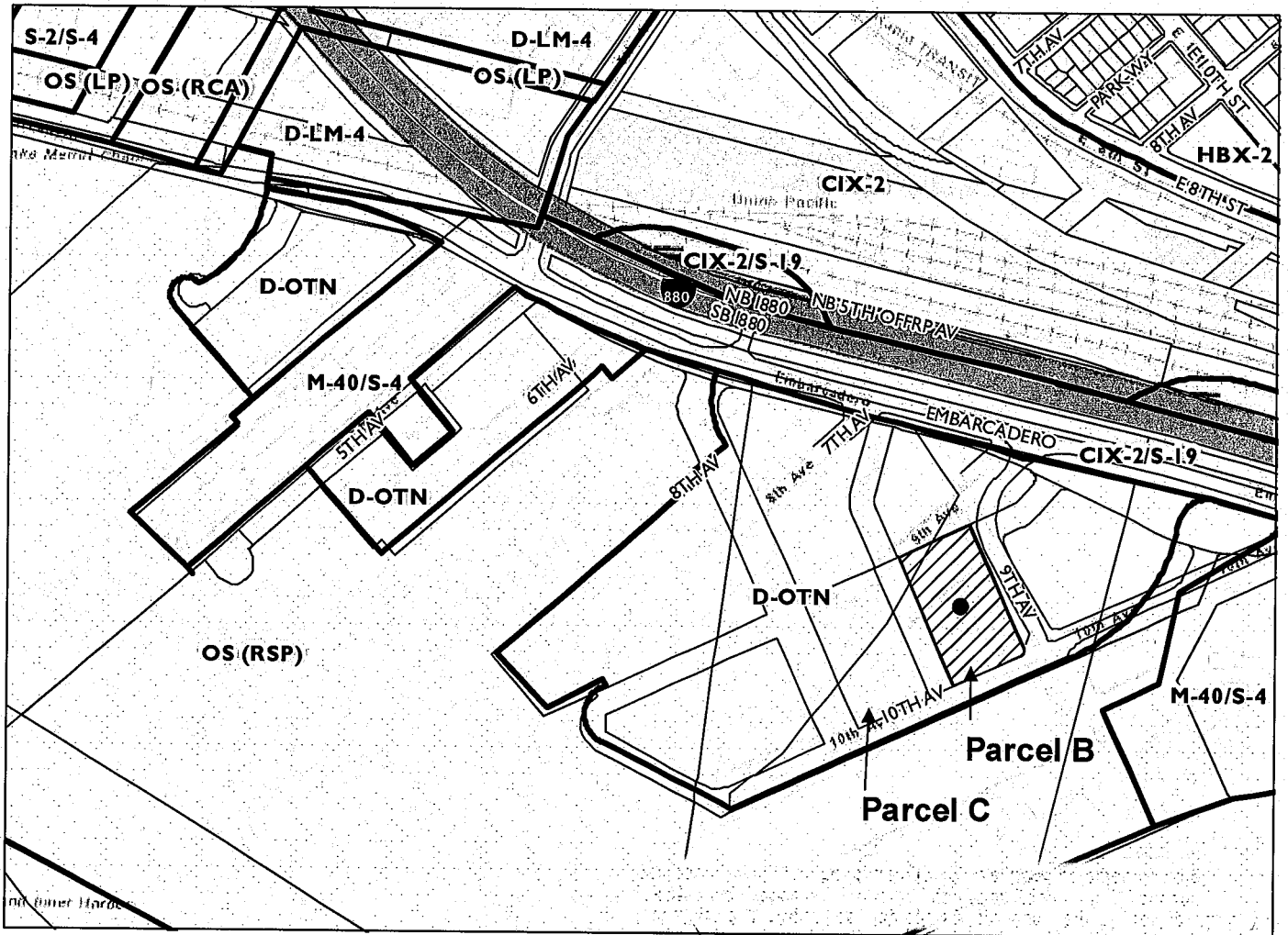
Property Location & Assessor's Parcel Number:	845 Embarcadero (Development of Parcel B) 018 046500219
Proposal:	To construct a residential and commercial mixed-use development containing an 8-story, 241 residential unit with a ground-floor retail area of approximately 2,800 square feet including a parking garage on a 1.54 acres vacant lot. The project is located in Parcel B of the Brooklyn Basin Final Development Plan.
Applicant/ Phone Numbers:	Deborah Tu / (510) 251-9284 or (510) 251-9270
Property Owner:	ZOHP-1, LLC
Case File Number:	PUD06010-PUDF03
Planning Permits Required:	Regular Design Review for new construction; and Final Development Permit
General & Estuary Plan:	Planned Waterfront Development-1
Zoning:	Planned Waterfront Zoning District (PWD-4) / D-OTN-4
Environmental Determination:	Final EIR (ER 04-0009) Certified on January 20, 2009
Property Historic Status:	Non-Historic Property
Service Delivery District:	3
City Council District:	2
Date Filed:	April 12, 2016
Action to be Taken:	Decision based on Staff report
Finality of Decision:	Appealable to City Council within 10-days
For Further Information:	Contact Case Planner, Mike Rivera at (510) 238-6417, or by email at mrivera@oaklandnet.com

PROJECT SUMMARY

The proposal is to construct a mid-rise, eight-story building with 241 residential units, ground-floor retail and a parking garage above grade. The mixed-use development will be the first building to be built in the Brooklyn Basin Development Site. The proposed project is located at the intersections of Brooklyn Way, 8th and 9th Avenues, and is also located near the newly planned Shoreline Park and the Oakland Estuary.

The Brooklyn Basin Site is approximately 64 acres and is bounded by Embarcadero to the north, by Tenth Avenue to the east, by Fallon Street to the west and by the Estuary to the south. The approved Brooklyn Basin Final Development Plan (FDP) includes 12 separate development parcels designated as Parcels A through M. These parcels will accommodate a mix of mid-rise and high-rise residential buildings with

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD06010-PUDF03
Applicant: Deborah Tu
Address: 845 Embarcadero
Zone: D-OTN / PWD-4

commercial uses, including future development of affordable housing on two separate parcels, Parcel F and Parcel G. This staff report discusses the final development permit of Parcel B only.

The purpose of this staff report is to recommend approval of the proposed residential and commercial mixed-use building on Parcel B, as a Final Development Permit application (FDP). The Brooklyn Basin Project land use entitlements were originally approved in 2006, and the Preliminary Development Permit (PDP) approved at that time included conceptual design of Parcel B. At this time, the applicant is requesting approvals required under the terms of the original land use entitlements. Specifically, the applicant is requesting approval of a FDP, consistent with the applicable zoning regulations, for Parcel B.

At the June 22nd and July 27th 2016 public meetings, the Design Review Committee reviewed the proposed project for Parcel B, and asked the applicant to respond to the comments received. For reference, see previous Staff Reports in **Attachment B**. Upon review of the project information submitted, staff has determined that no substantial changes to the approved 2009 Environmental Impact Report (EIR) exists that would require further environmental review for the proposed project. The project proposal requires review and decision by the Planning Commission.

SITE DESCRIPTION

The property is located south of Downtown and in between the Oakland Estuary and I-880. The project proposal is located on a vacant 1.54-acre lot near the intersection of Embarcadero and Clinton Lane. The development site "Parcel B", is bounded to the north by 8th Avenue, to the east by Clinton Lane, to the south by 9th Avenue and to the west by a proposed new pedestrian pathway that would connect to the future Shoreline Park. The mixed-use residential and commercial project will be the first building to be constructed in the Brooklyn Basin development site. The main access to Parcel B will be off Embarcadero, and currently, all new infrastructure construction for streets, utilities and street landscaping is underway.

PROPERTY BACKGROUND

On March 15, 2006, the Planning Commission approved land-use entitlements for the Brooklyn Basin Preliminary Development Plan for residential, commercial/retail, civic, park and open space facilities on an approximately 63.83 acres property. The approval of the Brooklyn Basin Plan also included Development Agreements (DA) between the City and the Applicant (property owner). The DA does not specifically dictate any requirements for FDPs or revisions to the PDP. The DA also restricts the implementation of any new conditions of approval for all FDP in the Brooklyn Basin Development Site.

In 2009 following a legal challenge, final entitlements were granted for the Brooklyn Basin Development Site. The project applicant plans 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 and restoration to the existing wetlands area. Subsequently in 2009, the City Council certified an Environmental Impact Report (EIR) / ER040009 for the entire Brooklyn Basin Development Site (previously known as the Oak to Ninth Avenue project).

In 2014, the Planning Commission approved a Final Development Permit application for new infrastructure, streets, and landscaping for the Brooklyn Basin Development Site. In 2015, and after several Design Review Committee public meetings, the Planning Commission granted a Final Development Permit for the construction of Shoreline Park, and the demolition and retention of portion of the 9th Avenue Oakland Terminal. Currently, site construction is under way and accessibility is limited to authorize personnel only.

PROJECT DESCRIPTION

The development is for the construction of an eight-story residential and commercial building that includes approximately 2,800 square feet of ground-floor retail space, a 1,500 square foot residential lounge, 241 residential units, two separate storages for approximately 190 bicycles and 5,500 square feet of amenity space on the 1st, 2nd, 3rd and 4th floors of the building. The project also contains a street-level garage with 241 residential parking spaces that will be independently parked on a three-level stacker system and two enclosed residential loading berths. The proposal includes a 3rd level podium with approximately 14,600 square feet of open space including a roof deck above the 8th floor. The main entry to the building lobby will be on 9th Avenue with a second entry on Clinton Lane. The project includes two separate garage entries and two residential loading areas, located along Clinton Lane. The development also includes a 40 foot wide and 290 foot long landscaped pedestrian mews (public access pathway), located to the west of the building and in between 8th and 9th Avenues. The following is a break-down for the 241 residential units in the building:

- 26 studios,
- 108 one-bedrooms,
- 59 two-bedrooms,
- 4 three-bedrooms,
- 18 townhouses, and
- 26 lofts

The ground-floor will contain a total of 22 residential units (townhouse type) and their main entry will be from the second-level of the building. From the third-level to the eight-level, the building will contain 219 residential units and their main access will be from the lobby along 9th Avenue and a second access from Clinton Lane. Although some of the ground-floor residential units have outdoor patios that face 8th Avenue, Clinton Lane and the public pathway, the main entry for these units will be from the main building lobby on 9th Avenue and a secondary entry will be from Clinton Lane.

The project provides a street-level parking garage with two separate entry/exit driveways and two residential loading berths on Clinton Lane. The garage will accommodate a total of 241 parking spaces that will be parked on a parking lift system "stackers", except for the handicap parking spaces. The two residential loading berths will be designated for move-in/move-out and reserved for residential tenants. The project includes roll-up doors for the parking garage and loading areas that will contain decorative elements to blend in with the building design.

The project includes landscaping around the property, in the pedestrian mews (public pathway) and within the podium and rooftop of the building. The landscaping plan shows a wide-range of trees that include 24-inch size Strawberry, Western Redbud, European Beech, Chinese Pistache and Brisbane trees including shrubs, grasses, groundcover within the pedestrian mews, the podium level, the rooftop and street trees. The plan also includes other outdoor furniture such as wooden trellises, raised decks/spa, metal planters, concrete seat-walls, communal tables and fire-pits.

PROJECT BACKGROUND

At the June 22nd and July 27th 2016 public meetings, the Design Review Committee reviewed the proposal and also received public comments, mainly with concerns about building design. For more information, refer to the written public comments included in the June and July Design Review Committee Staff Reports. **See Attachment B**

At its first public meeting, the Design Review Committee believed that the proposal needed further development and recommended the following be included on the plans:

- Provide more façade articulation
- Create a much stronger retail entry
- Break-up the balcony pattern, and
- Provide landscaping details

At its second public meeting, the Design Review Committee felt that the project made improvements, but recommended additional changes before moving forward for final review by the Planning Commission. The Committee recommended the following be incorporated on the plans:

- Study and utilize lighter color materials
- Recess the windows
- Break the balcony pattern, and
- Raise the ground-floor residential entry units on Clinton Lane

Refer to the new revisions in the Design Review section under Key Issues within this staff report.

BROOKLYN BASIN URBAN DESIGN PRINCIPLES

The goal for Brooklyn Basin is to create a vibrant mixed-use neighborhood that furthers Oakland's efforts to promote urban living and to reconnect the city with its waterfront. The following urban design principles are intended to support this goal:

- *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 development will have approximately ten new public streets including a new public pedestrian pathway that is part of the proposed project. This pathway would be visible from Embarcadero and prominent because it will be landscaped and will connect to the Estuary.

- *Introduce a mix of housing that supports a diverse population of residents and that promotes a day and nighttime environment along the waterfront.*

The project includes a mix of new residential unit types that have different sizes that would attract a diverse population of new residents near the waterfront. By intensifying the population in the Brooklyn Basin site it would encourage the use of the waterfront and also create recreational activities for the general public.

- *Maintain and enhance public views to the waterfront.*

The eight-story residential proposal is located approximately 300 feet from the Estuary, and will maintain public views of the waterfront along 9th Avenue.

- *Configure and design buildings to spatially define and reinforce the public character of streets and open spaces.*

The Brooklyn Basin development site is designed for a mix of mid-rise and high-rise buildings within a typical street configuration that will also allow access to open spaces along the waterfront.

- *Introduce ground level activities that enliven streets and public spaces.*

The project includes the construction of a public pedestrian pathway that will connect to the Waterfront Park and the Estuary. The project also includes a corner retail space with an outdoor area that could also be used as a café. Both of these facilities would create foot traffic and thus enliven the nearby streets.

- *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 building designed to fit with the Brooklyn Basin Development Site. The residential building is approximately 100 feet and 300 feet from the future Waterfront Park and Estuary.

- *Allow for a diversity of architectural expressions within the strong public framework of streets and open spaces.*

The building design is contemporary in architectural style. The project design has an urban expression that is in character with the principles of the Brooklyn Basin Plan.

GENERAL PLAN ANALYSIS

The property is located in the Planned Waterfront Development-1 (PWD-1) area of the Oakland Estuary Policy Plan (EPP). The intent of the PWD-1 is to provide for the transformation of maritime and marine uses into a public-oriented waterfront district that encourages significant public access and open space opportunities, including a mix of light industrial...artist lofts...hotel, commercial recreation uses that complement the character of the waterfront. The future desired character for development in this area should be recreational uses...parks...work/live studios, neighborhood commercial, restaurants and cultural. Furthermore, the EPP Land Use Objectives recognizes the Estuary as an attractive location for development opportunities and intensification of a variety of activities. The following are the applicable objectives of the EPP, and the project should be consistent when a final determination is made by the Planning Commission:

- *Objective LU-1: Provide for a broad mixture of activities within the Estuary area.*

The proposal will provide opportunities for new residential and commercial development that will intensify and support new uses in the Brooklyn Basin site and complement the existing uses along the waterfront. The project will also create and enhance a stronger community environment that would support other future commercial businesses along Clinton Basin.

- *Objective LU-2: Provide for public activities that are oriented to the water.*

The proposal will include a pedestrian pathway (mews) westerly of the project that will provide access to the future Shoreline Park and the waterfront, thus connecting and enhancing public activities.

- *Objective LU-3: Expand opportunities and enhance the attractiveness of the Estuary as a place to live.*

The proposal will create a denser residential development that is architecturally appealing, and attract new residents who would patronize existing and future commercial businesses. The proposal will provide residents with direct access and recreational activities on the waterfront.

- *Objective LU-4: Develop the Estuary area in a way that enhances Oakland's long-term economic development.*

The proposal for a residential and commercial facility will contribute to the City's economic development by attracting new residents and creating job opportunities in the Brooklyn Basin site. The project includes 241 residential units and approximately 2,900 square feet of retail space that will contribute to the City's tax and employment base.

- *Objective LU-5: Provide for the orderly transformation of land uses while acknowledging and respecting cultural and historical resources.*

The proposal is the first mixed-use residential and commercial development that would meet the goals for providing new uses in an underutilized site. The project plays a key role for transforming and improving the waterfront for future public recreational uses. As part of the large Brooklyn Basin Site Development, a portion of the existing 9th Avenue Terminal will be improved by the applicant, so that it is reused as a future commercial facility.

- *Objective LU-6: Create greater land use continuity between the Estuary waterfront and adjacent inland districts.*

The proposal in Parcel B is located within the large Brooklyn Basin Development Plan that is approximately 63.83 acres. Brooklyn Basin will be accessible at least from six new different streets off Embarcadero and 5th Avenue. Parcel B is one of the 12 separate development parcels (Parcels A to M) to be developed. All of the new parcels will be developed with a variety of new uses and facilities that will help connect the existing surrounding uses to the waterfront.

OAK to NINTH BROOKLYN BASIN DESIGN GUIDELINES

The Oak to Ninth-Brooklyn Basin Design Guidelines references pedestrian ways, wide range of housing opportunities and dynamic composition of building expressions.

- Pedestrian Mews- "Complementing and extending that public street network, a series of more intimately scaled pedestrian streets will offer additional access through the community and to the waterfront." The proposal includes a public pathway located westerly of the project that is landscaped and will provide connection from 8th Avenue to 9th Avenue and into Shoreline Park.
- Townhouse Style Units- "Units that will activate sidewalks along the pedestrian mews near Shoreline Park and along the other internal streets of the community." The proposal provides townhouse units adjacent to the pedestrian mews that would create a connection activity and access to the nearby Waterfront Park and Estuary.
- Podium Units- "In the mid-rise buildings of Brooklyn Basin will come in a full range of sizes and as such will serve a broad segment of the population including seniors, singles and young couples

Many of these units will enjoy direct views to the waterfront and/or internal courtyard open spaces with residents serving amenities." The development includes a mix size of residential units with direct views of the Estuary. These units also have direct views of the landscaped courtyard that includes spa, decks, benches and outdoor cooking facilities.

- Multiplicity of Architectural Expressions- "Buildings within Brooklyn Basin are not restricted to any specific architectural style. Rather, a variety of architectural expressions are encouraged as a means of enhancing the diverse mixed-use, urban character of the community." The project provides a contemporary design that manages mass through the use of architectural techniques and includes different materials and colors to create visual interest.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The planned Brooklyn Basin Project, approved in 2009, fully evaluated the environmental impacts of the project, in accordance with all applicable requirements. Specifically, the City of Oakland prepared and certified an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA). CEQA specifically requires the analysis of potential adverse effects of a project on the environment.

The specific Brooklyn Basin action subject to CEQA compliance at this time is limited to the Parcel B (Phase One) of the Final Development Plan (FDP). The Parcel B FDP does not change the planned land use or conceptual design of the Brooklyn Basin Project, as permitted under the Planned Unit Development (PUD), Vesting Tract Tentative Map (VTTM), and analyzed in the certified Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013]. As demonstrated throughout the staff report, since there is no substantive change to the project, only refinement and evolution of the design consistent with Planning Code requirements for PUDs and allowed by the terms of the Development Agreement (DA), there is no justification for preparing new analyses and/or studies of potential effects of or on the project (as the project is already approved).

On January 20, 2009, the City Council certified an Environmental Impact Report (EIR) for the existing project approvals. The Oak to Ninth Avenue (Brooklyn Basin) Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (**Attachment C**) and is available to the public at the Planning Department offices and on the web at: <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>.

Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed mixed-use development of Parcel B for the Final Development Permit (FDP). In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

So, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

ZONING SUMMARY

The Brooklyn Basin Mixed Use Development Plan approved in 2006 measures approximate 63.83 acres and contains two major areas: private residential and commercial development (around 34 acres), and public parks, open space, and civic uses (around 30 acres). The Brooklyn Basin Development Plan is also assigned three separate zoning districts:

1. Planned Waterfront Zoning District-4 / PWD-4 (**proposed project site**)
2. Open Space-Region Serving Park / OS (RSP)
3. Civic Center Zone-Design Review / S-2, S-4

The intent of the Planned Waterfront Zoning District-4 (PWD-4 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 residential and commercial development proposal is located in the PWD-4 zone district. The following outlines the purpose of the PWD-4 zone, and staff provides a response on how the project meets the intent of that designated zone:

- *Encourage the creation of a mixed use district that integrates a combination of residential, commercial, public open space and civic uses.*

The proposal meets the intent of the PWD-4 Zone because the project provides a mix of high-density residential housing and retail businesses. The 8-story building is well distanced from the waterfront that provides separation and transitions into the Shoreline Park and the Estuary.

- *Establish development standards that allow residential, commercial, public open space and civic activities to compatibly co-exist.*

The proposal is subject to and meets the development standards under the PWD-4 Zone for density, height, setbacks, outdoor open space and parking, so the project is compatible in the site.

- *Provide a balance of private development and public open space with convenient access to public open space and the waterfront.*

The mixed-use residential and commercial proposal includes a convenient public pathway along the west side that provides pedestrian access from 8th Avenue to 9th Avenue and to the public open space "Shoreline Park" and all the way to the Estuary.

- *Improve access to the waterfront and recreational opportunities along the waterfront including boat launches and marinas.*

The proposal is part of the Brooklyn Basin Development Site where infrastructure improvements will be made to provide direct access to the waterfront and other allowed uses within the marinas.

- *Encourage quality and variety in building and landscape design as well as compatibility in use and form.*

The proposal provides an interesting design for the intended residential and commercial uses that is compatible to the site. The project also includes a mix of landscaping species of different sizes to compliment the building and create an attractive setting for the enjoyment of the residents.

- *Encourage development that is respectful of the environmental qualities that the site has to offer.*

The proposal will be developed on a site that was previously used by industrial and other similar uses. Through conditions of approval from the Brooklyn Basin Development Site, the residential project would be sensitive to the surrounding uses and have minimal impact to the Estuary.

Development Zoning Standards

Land use regulations for the Planned Waterfront Zoning District-4 contain standards to create a variety of development that will result with a pattern of urban design mainly intended for Brooklyn Basin. The table below shows the applicable PWD-4 zoning development standards for the project:

Development Standards	Requirements	Proposed	Comments
Minimum Lot Area, Width and Frontage	PDP & FDP	1.53 acres	Meets Plan
Minimum Yard and Setbacks	PDP & FDP	2' to 8' (varies)	Meets Plan
Maximum Residential Density for Parcel B (site development)	175 residential units	241 units * (37.5% / 66 units) Density Increased or Transferred into Parcel B . Density Reduced or Provided from Parcel A	Authorized up to 50% per Density Transfer with Design Review approval
Maximum Height	86 feet up to 120 feet	85 feet	Meets Plan

Development Standards	Requirements	Proposed	Comments
Open Outdoor Space	36,150 square feet	42,000 square feet	Meets Plan
<u>Off-Street Parking</u>			
Residential:	241 parking spaces	241 spaces	Meets Plan
Residential Loading Berths:	2 parking spaces	2 spaces	

* Density Transfer of up to 50% allowed on the receiving parcel per PWD-4 Zoning Regulations

KEY ISSUES

Maximum Residential Density

Table 1. The table below shows the Maximum Residential Density in the Planned Waterfront Zoning District (PWD-4). The density is distributed in 13 different development parcels or areas as follows:

Parcels	A	B	C	D	E	F*	G*	H	J	K	L	M	N	Total
Net Acres	2.38	1.53	1.48	1.46	1.20	1.75	2.72	2.08	1.84	1.69	1.45	2.60	0	22.18
# of DU	407	175	175	175	131	165	300	375	339	322	146	390	0	3,100
DU/Net Acre	171	114	118	120	108	94	110	180	184	190	101	292	0	140

* Parcels (F & G) are designated for 465 units of affordable housing, and are not part of this current proposal.

Proposed Density Transfer between Parcels A & B

Per Section 17.110(B) of the PWD-4 Zone, the applicant can request for a density transfer on the number of units approved for a development parcel within another development parcel. The density transfer regulations also state that the number of dwelling units per development parcel may increase or decrease provided that the number of dwelling units being transferred does not exceed more than 33% of the allocation of the development parcel receiving the transferred units. However, the number of density units can exceed more than 33% and up to 50% of the dwelling units may be transferred, subject to design review.

Table 2. The table below shows the applicant’s proposal to transfer residential units from Parcel A to Parcel B:

Parcels	A**	B**	C	D	E	F*	G*	H	J	K	L	M	N	Total
Net Acres	2.38	1.53	1.48	1.46	1.20	1.75	2.72	2.08	1.84	1.69	1.45	2.60	0	22.18
# of DU	341	241	175	175	131	165	300	375	339	322	146	390	0	3,100
DU/Net Acre	143	158	118	120	108	94	110	180	184	190	101	292	0	140

* Parcels F and G are designated for 465 units of affordable housing, and are not part of this current proposal.

** Parcel A is the parcel to be transferring units. Parcel B is the parcel to be receiving the additional units.

Staff believes that the number of residential units that are being transferred (66 units or 37.5%) from one building (Parcel A) into the receiving building (Parcel B) does not exceed the maximum residential density of 50% or the maximum building height of 120 feet. The project proposal that is receiving the additional units manages building mass through the use of a large upper courtyard, different roof and wall planes, angled facades, recessed window patterns, raised patios, various building materials and colors including the installation of a mix of trees, shrubs, groundcovers and grasses.

Project Design

The project will be the first 8-story residential and commercial building to be constructed on Parcel B in the Brooklyn Basin Development Site. The building envelope occupies the entire square-shaped lot. The third-level podium located in the center, and which extends from the front of the building on 9th Avenue to almost 8th Avenue helps to break-up building mass thus creating visual relief when viewed from the

street and from the Waterfront Park. The design of the landscaped podium will allow more natural light and views of the Waterfront Park and the Estuary to the residents of the building. The building design scales well because it contains various roof and wall planes, sloped roof, large and medium size bronze color windows, seam and/or corrugated metal siding, cement plaster siding and board form concrete walls including stucco siding in some areas around the first and second floors. The project has balconies of different sizes, some include dark horizontal steel railings and other have interspersed opaque metal panel railings to provide variation and interest to the building.

The storefront retail measures approximately 21 feet tall and has recessed walls at the corner to allow outdoor seating. The storefront contains bronze aluminum framing with large glazing, transparent metal canopies with decorative louvers to create visual interest. The main entry lobby on 9th Avenue has an inward façade angle with transparent glazing of approximately 22 feet tall that includes a glass panel canopy with metal supports.

The project provides a variation of landscaping that include trees and planters on the podium, a green wall and small planters at the main lobby entry, a large planting area with trees in the public access pathway and a line of street trees around the building. Overall, staff believes that the building design provides an urban expression that would transition to the nearby waterfront and future shoreline park.

At the last July 27th public meeting, the Design Review Committee felt that the proposed project made improvements, but recommended additional changes be made for final review by the Planning Commission. The Committee recommended the applicant include in the revised plans the following:

- Study and utilize lighter color materials
- Recess the windows
- Break the balcony pattern, and
- Raise the ground-floor residential entry units on Clinton Lane

Design Revisions

Based on revised plans submitted on August 23, 2016 the applicant has responded to the comments from the July 27th Design Review Committee meeting as follows:

1) *Study and utilize lighter color materials-*

The new proposed body colors of the building: "Star Sapphire" and "Frost Gray" are lighter and will enhance the architectural style of the building. The color palette for the building creates a harmonious look that would aesthetically compliment the site and its surroundings.

2) *Recess the windows-*

The plans show details for the window recesses around the building's cement board and standing seam siding. Given that the some of the building facades are stepped back from the property lines and contain transparent and semi-transparent balconies, the proportion and style of the windows are compatible with the character of the building to create depth and visual interest.

3) *Break the balcony pattern-*

The revised plans show balconies that integrate opaque metal panel railings that are interspersed and alternate sides to maintain building form and create visual interest.

4) *Raise the ground-floor residential entry units on Clinton Lane-*

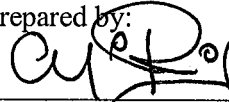
The four residential entries along Clinton Lane have now relocated to the interior 2nd floor, thus it meets the intent of the design guidelines. Furthermore, the plans show the façade of the four residential units have been set back to create a private patio that is screened by a low decorative wall and landscaping.

RECOMMENDATION

Staff finds the proposed residential and commercial Final Development Permit (PDF) for Parcel B is consistent with the previously approved Preliminary Development Plan (PDP). The project is designed to meet the City's Policies, Zoning Standards and Design Guidelines and recommends approval. Therefore, staff recommends the Planning Commission:

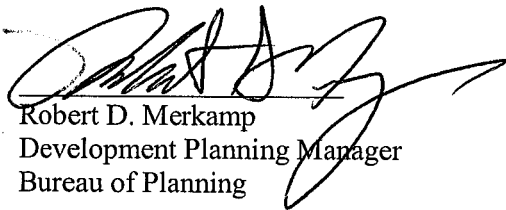
1. Pursuant to CEQA Guidelines Section 15162, and based on the attached findings, rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the revision to the mixed-use residential and commercial development (project) FDP; and
2. Approve the Project Final Development Permit, subject to the attached findings and the attachments included in this report.

Prepared by:



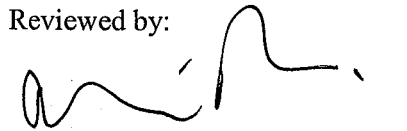
Mike Rivera
Planner II, Major Projects Development
Bureau of Planning

Reviewed by:



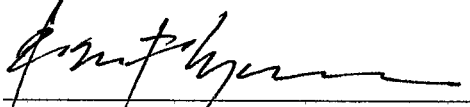
Robert D. Merkamp
Development Planning Manager
Bureau of Planning

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



Rachel Flynn, Director
Planning and Building Department

ATTACHMENTS

- A. Project Design Plans, submitted August 19, 2016
- B. Design Review Committee Staff Reports, dated June 22nd and July 27th 2016
- C. Oak to Ninth Project EIR provided under separate cover to the Planning Commission. This document is also available to the public at 250 Frank Ogawa Plaza, Suite 2114, Oakland CA, 94612 during regular business hours, and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>
- D. Planned Waterfront Zoning District Regulations (PWD-4) / D-OTN
- E. Brooklyn Basin – Oak to 9th Preliminary Development Plan, October 2006
- F. Oak to 9th Brooklyn Basin Design Guidelines, November 2006
- G. Conditions of Approval, 2006

REQUIRED FINDINGS

**BROOLYN BASIN FINAL DEVELOPMENT PERMIT FOR PARCEL B
RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT**

The following are the required findings to be made for the proposed project:

- California Environmental Quality Act
- Planned Waterfront Zoning District-4 (PWD-4)
- Regular Design Review per Section 17.136.050 (OPC)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On January 20, 2009, the City Council certified an Environmental Impact Report (EIR) for the existing project approvals. The Oak to Ninth Avenue (Brooklyn Basin) Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (**Attachment C**) and is available to the public at the Planning Department offices and on the web at: <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>.

Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed mixed-use development of Parcel B for the Final Development Permit (FDP). In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

So, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

PLANNED WATERFRONT ZONING DISTRICT-4 (PWD-4) / D-OTN FINDINGS for FINAL DEVELOPMENT PERMIT (FDP)

The Planning Commission shall approve the Final Development Plan (FDP) if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan (PDP); Oak to Ninth – Brooklyn Basin Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations.

As discussed throughout this staff report, the Brooklyn Basin- Parcel B Final Development Permit is consistent with the Preliminary Development Plan, the Oak to Ninth-Brooklyn Basin Design Guidelines, and the PWD-4 zoning regulations. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to carry out the Oak to Ninth-Brooklyn Basin Design Guidelines and refine the design of the mixed-use residential and commercial development for Parcel B.

SECTION 17.136.050- REGULAR DESIGN REVIEW CRITERIA

Regular design review approval may be granted only if the proposal conforms to all of the following general design review findings:

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.

The project is designed to create an urban living environment that transitions with the waterfront setting. The building manages mass by applying a variety of roof and wall planes, prominent building corners, mix of window pattern, balconies, raised residential patios, floor to ceiling glazing storefront, and a mix of colored materials all of which create an interesting design that relates to the materials and textures of the surrounding area.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics.

The project is designed to enhance the waterfront setting by creating a contemporary style building that will encourage development of quality design in the Brooklyn Basin area. The building design provides a transparent retail and an entry lobby with clear glazing and tall ceilings. The project includes a landscaped podium and a roof terrace for outdoor activities.

3. That the proposed design will be sensitive to the topography and landscape.

The development site is vacant and flat and will require minimal grading for the new building. As part of the Brooklyn Basin Development Plan, the project will install new street trees around the building and along the public pedestrian pathway.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The site is not located on a hillside property.

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms to the related policies of the Estuary Policy Plan by reusing traditional maritime facilities to develop and meet the high demand market for residential and commercial facilities. The development will also make the site and surrounding waterfront attractive to local residents. The project also conforms to the applicable design review criteria as discussed in the findings sections within this report.

B. For Nonresidential Facilities.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.

The project provides a corner retail area with tall storefront glazing surfaces and bronze aluminum framing. Above the storefront, the project includes sections of horizontal louvers and transparent metal canopy that wraps around the building corner. The retail storefront is also recessed to allow outdoor seating. The building corner is complimented by the decorative vase planters to create an inviting experience.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

The ground-floor retail space contains interesting architectural features that will be in character with the residential uses and attractive to Waterfront Park across the street. The project replaces a vacant site and will protect and increase the value of private and public investment in the Estuary.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The project proposal conforms to the Estuary Policy Plan by developing an attractive retail space in the Estuary and conforms to the design review criteria discussed in the applicable design review findings.