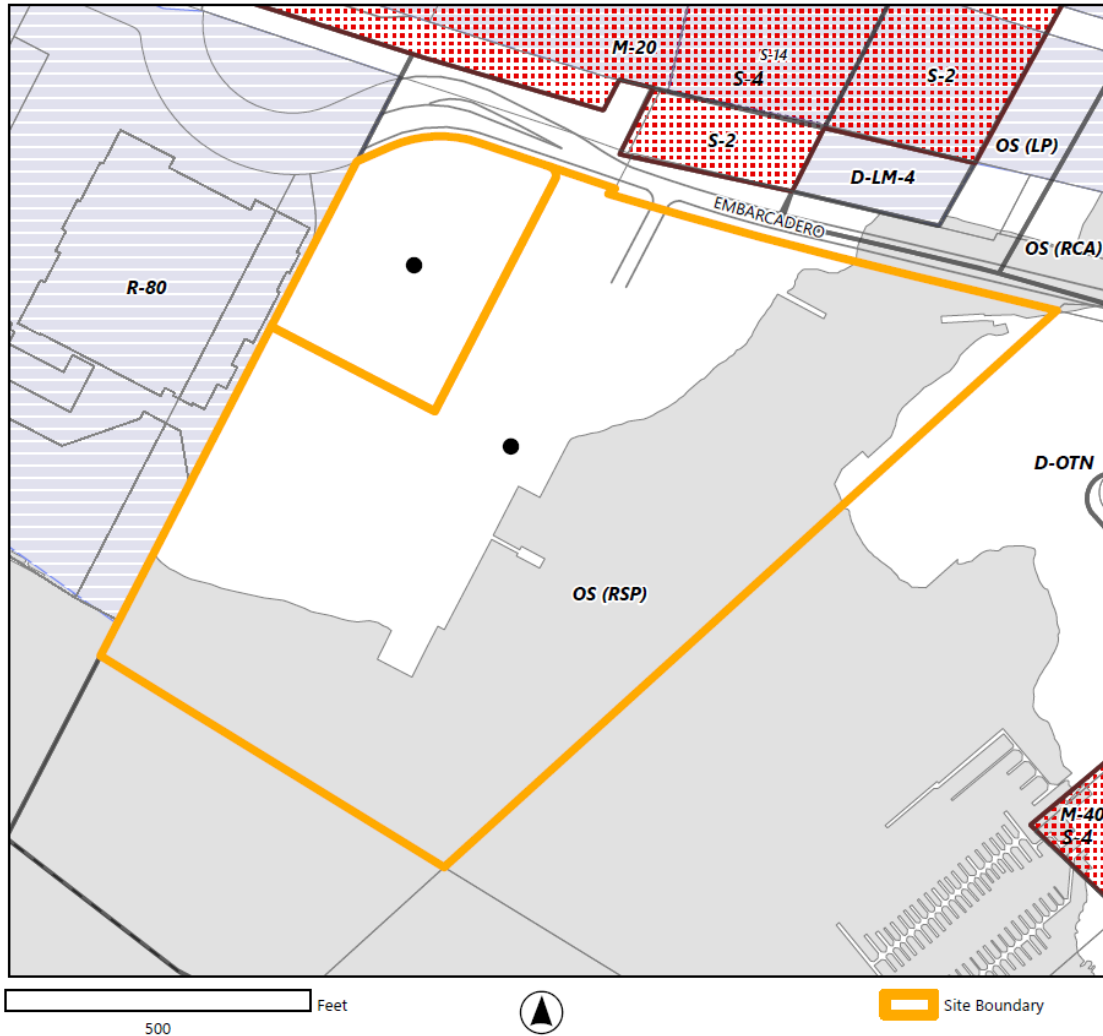


<b>Location:</b>	Estuary Park (80 Fallon Street) and expansion parcel (known as Brooklyn Basin Parcel N)
<b>Assessor’s Parcel Number</b>	018 043000108 & 018 043000110
<b>Proposal:</b>	Proposed Park Master Plan to remodel and expand Estuary Park.
<b>Applicant:</b>	City of Oakland – Christine Reed, Capital Improvement Program Manager, Oakland Public Works
<b>Phone Number:</b>	(510) 238-6540
<b>Owner:</b>	Port of Oakland/Zarsion-OHP I, LLC
<b>Case File Number:</b>	PLN22159 & PLN22159-ER01
<b>Planning Permits Required:</b>	Major CUP and Park Master Plan per Chapter 17.135.050 of the Oakland Municipal Code.
<b>General Plan:</b>	EPP Parks
<b>Zoning:</b>	OS (RSP) – Open Spaces, Region-Serving Park
<b>Proposed Environmental Determination:</b>	An addendum to the Oak to Ninth (Brooklyn Basin) Project Environmental Impact Report from 2009 (Addendum #2) has been prepared for the proposed Park Master Plan
<b>Historic Status:</b>	F3
<b>City Council district:</b>	District 2 – Nikki Fortunato Bas
<b>Status:</b>	Pending
<b>Staff Recommendation</b>	Staff recommends that the Landmarks Preservation Advisory Board provide feedback to the Applicant, and recommend reliance on Addendum #2 to the Oak to Ninth Project Environmental Impact Report, approval of a Major Conditional Use Permit, and approval of the Estuary Park Master Plan to the City Council.
<b>Finality of Decision:</b>	City Council
<b>For further information:</b>	Christopher Tan: Phone: (510) 238-3079; Email: CTan@oaklandca.gov

**SUMMARY**

Staff from the Bureau of Planning recommend endorsement of the Estuary Park Master Plan (EPMP) and a recommendation for approval of the proposed Major Conditional Use Permit (CUP) for the EPMP. The EPMP is a culmination of intensive community engagement processes and provides comprehensive design recommendations to improve and expand the existing 7-acre Estuary Park and Jack London Aquatic Center site to 11 acres.

## LANDMARKS PRESERVATION ADVISORY BOARD



Case File:	PLN22159-ER01: EPMP
Applicant:	City of Oakland
Address:	Estuary Park (80 Fallon St)
Base Zone(s):	OS (RSP)
Combining Zone(s):	n/a

## **BACKGROUND**

Through a variety of planning processes beginning in the mid 1990's, the Estuary Park Renovation and Expansion Project was proposed and thereby incorporated into several local and regional plans, including the adopted General Plan Open Space, Conservation and Recreation (OSCAR) Element in 1996, Estuary Policy Plan (EPP) in 1999, Lake Merritt Station Area Plan in 2014, and Downtown Oakland Specific Plan (DOSP) in 2024. As stated in the EPP: "Estuary Park is a significant public asset which can and should be upgraded. It has a historic relationship with nearby Lake Merritt and the Lake Merritt Channel." "If Estuary Park is to fulfill its potential, it is important to make it more visible from the Embarcadero. It should be expanded and extended to the street, adding to the total amount of useable public space and improving park security. The entire park (including the expansion area) should be improved. Consideration should be given to providing places to observe major civic celebrations and water related festivals."

As a result of this initial planning vision, the Brooklyn Basin Development Agreement was established to provide the City with the option of acquiring the four-acre "Cash and Carry" site located at 105 Embarcadero West to allow expansion of the total Estuary Park site area from seven (7) to eleven (11) acres upon completion and acceptance of site remediation by the Brooklyn Basin developer. The EPMP was listed in the Measure DD – Oakland Trust for Clean Water and Safe Parks Bond program (Measure DD) under the category for Estuary Waterfront Access, Parks and Cleanup Program.

Funding for the design of the Estuary Park Renovation and Expansion Project was approved on December 13, 2016, by Resolution No. 86516 C.M.S., which authorized the sale of the Measure DD Series C Bond. This positioned the City to initiate a community engagement process through September 2021 toward realizing the long-held community objective to turn Estuary Park into a major open space of citywide and regional significance, as described in the EPP. During this period, four stakeholder and four public community meetings were held. In addition to these meetings, the project team attended over fifteen events and regularly occurring meetings. The City also hosted an online project website with project information and updates. Two online surveys were conducted, one in 2018 and the second concluding November 2021. In the second survey conducted both online and at an in-person community workshop, participants were asked to prioritize proposed elements of the Estuary Park Master Plan (EPMP), which included Resilient Shoreline Improvements along with fifteen other potential program Shoreline improvements ranked second after the Bay Trail, which runs along the shoreline and is an integral aspect of its design.

The draft EPMP was reviewed by the Parks and Recreation Advisory Commission (PRAC) on September 26, 2022. Staff from The PRAC gave the draft EPMP their unanimous endorsement and recommendation of approval for the Major Conditional Use Permit.

## **PROJECT DESCRIPTION**

The proposed EPMP would guide the renovation and expansion of Estuary Park into a major open space of citywide and regional significance, improve access to and enjoyment of the shoreline, and improve the San Francisco Bay Trail through the park.

Informed by the strong community engagement process and the rich history of this site, the EPMP includes the following proposed park improvements: two gathering plazas, multi-purpose lawns, dog park, three picnic areas, nature play elements, walking paths, seating areas, resilient shoreline improvements, park elevation and planning for Sea Level Rise, improved Bay Trail connectivity, habitat gardens, refurbished trellis area and east promenade, expanded parking lot, improved boat launch access, and a boat storage building with public restrooms. The draft EPMP can be seen in **Attachment B** ([https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-DRAFT-1-3-24\\_low-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-DRAFT-1-3-24_low-res.pdf))

## **PROPERTY DESCRIPTION**

Estuary Park is currently a seven-acre park located along the Oakland Estuary south of Jack London Square at the mouth of the Lake Merritt Channel, west of Embarcadero and south of Oak Street. The existing park includes the Jack London Aquatic Center, youth and adult rowing programs, a multi-use field for soccer and team sports, a public boat launching ramp, fishing pier, and a group picnic area. The Brooklyn Basin Development Agreement (at Exhibit 9, Section 9), provides the City with the option of acquiring the adjacent four-acre “Cash and Carry” site located at 105 Embarcadero West to allow expansion of the total Estuary Park site area from seven (7) to eleven (11) acres upon completion and acceptance of site remediation by the Brooklyn Basin developer. Nothing in the Development Agreement obligates the City to accept the former “Cash and Carry” site, but the Development Agreement provides the City with the option to acquire it.

## **GENERAL PLAN ANALYSIS**

Estuary Park is part of the Oak-to-Ninth Avenue District as indicated in the Estuary Policy Plan (EPP). The EPP highlights several objectives regarding the Estuary Park and are detailed below along with staff’s analysis:

### ***Objective SA-2: Punctuate the shoreline promenade with a series of parks and larger open spaces.***

- Expansion of Estuary Park

Analysis: The draft Estuary Park Master Plan design incorporates an expansion of the park and includes overall renovation work. The implementation of the Park Master Plan will provide greater amenities and overall greater open space for Estuary Park and in doing so, the overall neighborhood.

### ***Oak-2.1 Expand Estuary Park. Encourage aquatic sports within the mouth of Lake Merritt Channel.***

- Expand & Rehabilitate Estuary Park.
- Develop the Jack London Aquatic Center
- Develop the mouth of Lake Merritt Channel as a protected water space for aquatic sports

Analysis: The draft Estuary Park Master Plan design includes an expansion of the existing park and would increase Estuary Park’s presence along the Embarcadero, contributing significantly to the placemaking in the project area and includes improved boat storage yard and building support the boating program

## **ZONING ANALYSIS**

Estuary Park is a City-Owned Park and located in an OS-RSP (Open Space, Region-Serving Park) zoning district. Pursuant to Section 17.135.050 of the Oakland Planning Code there are special requirements applied to projects consistent with Park Master Plans. Adoption of a Park Master Plan requires a Major Conditional Use Permit. As detailed in Oakland Planning Code Section 17.135.050, a proposal for a Park Master Plan must first be considered by: 1) PRAC, 2) LPAB (if required by Section 17.135.040), and 3) City Planning Commission (PC); and then by the Oakland City Council for final review and decision.

The project applicant is requesting a Major Conditional Use Permit to adopt the EPMP. Should the City Council approve the proposed EPMP, all future improvements or changes in uses that are consistent with the EPMP shall not require any further Conditional Use Permits and shall be approved administratively by the Director of City Planning. Projects shall be eligible for this streamlined approval provision for fifteen

(15) years from the date of Council adoption, or from any subsequent date of Council adoption of an amendment or update to the EPMP.

## **ENVIRONMENTAL DETERMINATION**

In compliance with the California Environmental Quality Act (CEQA) review, the City has prepared Addendum #2 to the existing 2009 Oak to Ninth Project Environmental Impact Report (EIR) to analyze any potential environmental impacts of the EPMP as measured from the baseline 2009 approval of the Oak to Ninth Project. The Addendum makes the following conclusions:

In accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15162, and as set forth in the CEQA Checklist, the proposed Project qualifies for an addendum because the following findings can be made:

- The proposed EPMP would not result in substantial changes or involve new information not already analyzed in the 2009 Oak to Ninth Avenue Project EIR.
- The proposed EPMP would not cause new significant impacts not previously identified in the 2009 Oak to Ninth Avenue Project EIR or result in a substantial increase in the severity of previously identified significant impacts.
- No new mitigation measures would be necessary to reduce significant impacts
- No changes have occurred with respect to circumstances surrounding the 2009 Oak to Ninth Avenue Project EIR that would cause significant environmental impacts to which the proposed Project would contribute considerably, and no new information has been put forward that shows the proposed Project would cause new or more severe significant environmental impacts.

The potential environmental impacts associated with the proposed EPMP have been adequately covered by the analysis and mitigation measures in the certified 2019 Oak to Ninth Avenue Project EIR. The proposed Project is required to comply with applicable 2009 EIR mitigation measures and current City of Oakland Standard Conditions of Approval (SCAs), which are identified throughout the analysis.

A subsequent EIR is not required in accordance with PRC Section 21166 and CEQA Guidelines Section 15162. No further CEQA analysis is required. The above findings satisfy CEQA compliance for the proposed Project."

The original 2009 Oak to Ninth Avenue Project EIR [SCH No. 2004062013] along with Addendum #2 is available to the public at the Planning Department offices and on the City's website at: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-CEQA-Checklist-Addendum-2-8.30.24-Final.pdf>.

## **KEY ISSUES AND IMPACTS**

### *Historic Status*

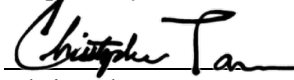
When Estuary Park was preliminary surveyed in the Citywide Preliminary Historical and Architectural Inventory (reconnaissance survey, field survey) in 1985-86, it was less than 50 years old and thus, did not have a significant historical rating. However, Estuary Park is now over 50 years old, and there are vestiges of a site plan, and improvements associated with an important Landscape Architect, Lawrence Halprin. As such, for the purposes of CEQA, staff has identified the park as a Potentially Designated Historic Property (PDHP). The proposed EPMP repairs and protects the only remaining vestige of the original park design -

the picnic pergola, and the CEQA Addendum does not identify any potentially significant environmental impacts to the resource.

**RECOMMENDATIONS:**

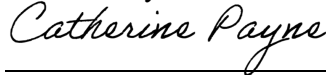
Staff recommends that the Landmarks Preservation Advisory Board provide feedback to the Applicant; and recommend reliance on Addendum #2 to the Oak to Ninth Project Environmental Impact Report, approval of a Major Conditional Use Permit, and approval of the Estuary Park Master Plan to the City Council.

Prepared by:



Christopher Tan  
Planner IV

Reviewed by:



Catherine Payne  
Development Planning Manager  
Bureau of Planning

**ATTACHMENTS:**

- A. PRAC Staff Report from September 26, 2022
- B. Estuary Park Master Plan provided via link: ([https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-DRAFT-1-3-24\\_low-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-DRAFT-1-3-24_low-res.pdf))
- C. Addendum #2 to the Oak to Ninth Project Environmental Impact Report provided via link: (<https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-CEQA-Checklist-Addendum-2-8.30.24-Final.pdf>)
- D. Public Correspondences Prior to Staff Report Publication