

Case File Number: PUD06010-R02

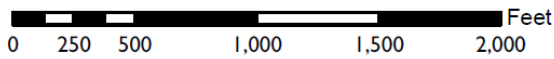
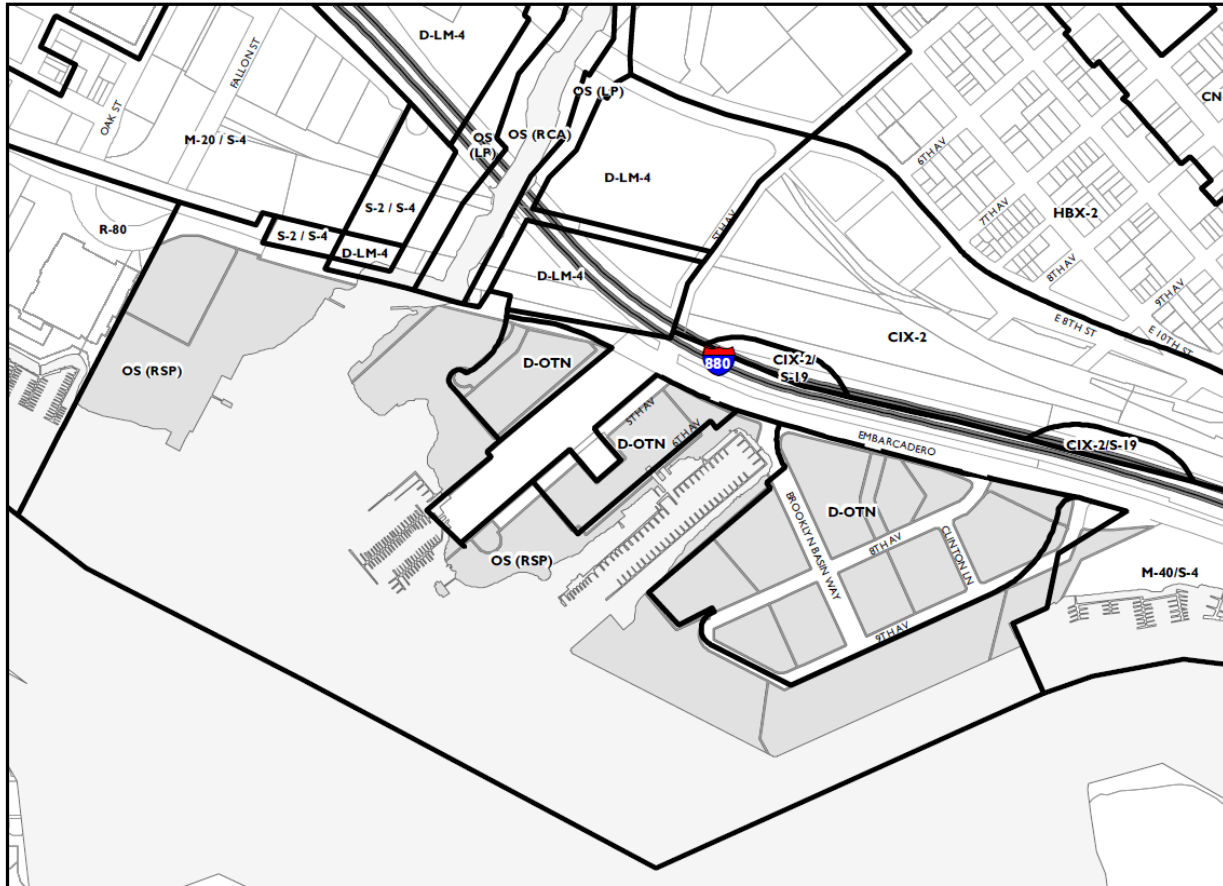
March 23, 2022

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 proposed revised Modifications to the Brooklyn Basin Marina Expansion Project. The revised Project Modifications include an increase of 600 residential units (for a Project site total of up to 3,700 units), allowance to relocate a planned tower site, an update to the parking ratios, and an expansion of the approved marina infrastructure and operation including increasing the number of slips by 131, 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
Planning Permits Required:	CEQA review, 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:	Preparation of Final Supplemental Environmental Impact Report underway.
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 DRC comments on the design of the proposed revised project modifications.
Finality of Decision:	No decision by DRC; Receive public testimony and provide comments on design.
For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

SUMMARY

The purpose of this report is to provide information about the revised design components of the proposed Brooklyn Basin Project Modifications, and to seek any comments on the merits of the revised design from the Design Review Committee of the Planning Commission (DRC). This report provides analysis of the March 2022 revisions to the proposed Project Modifications, and follows a DRC meeting regarding this proposed project in September 2021.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD06010-R02-ER01
Applicant: Zarsion OHP
Address: Brooklyn Basin (formerly known as "Oak to 9th Avenue")
Zone: (PWD-4)/D-OTN, OS(RSP)

PROJECT SITE AND SURROUNDING AREA

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 BACKGROUND

Planned Brooklyn Basin Project

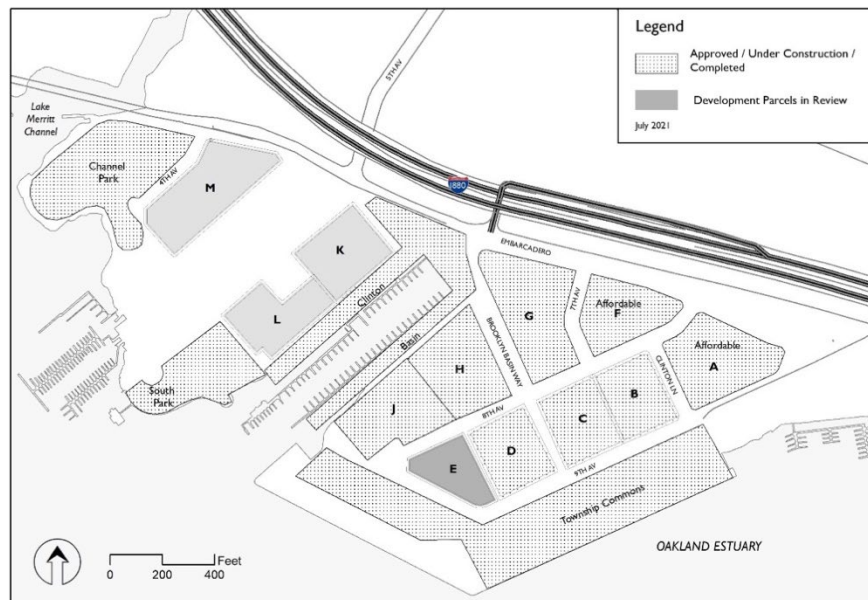
Brooklyn Basin, formerly known as the Oak-to-Ninth Avenue Project, is an approved development that is currently under construction along the Oakland Estuary. The planned project includes up to 3,100 dwelling units (including 465 affordable housing), 200,000 square feet of commercial uses, new streets, marinas, and approximately 30 acres of new City parks. At this time, over 500 dwelling units have been delivered, Phase 1 streets are publicly accessible, and Township Commons Park (formerly known as Shoreline Park) is constructed and open to the public.

The project proponent, ZOHP, LLC, is currently seeking revisions to the planned Brooklyn Basin Project. The proposed revisions, known as the Brooklyn Basin Project Modifications (Project Modifications), as of March 2022, would add 600 dwelling units (within the planned building siting and massing allowances), allow for a planned tower location to be relocated from Phase 2 to Phase 4 of the project, reduce required parking to align with the current parking standard in some Oakland zoning districts, and modify and increase marina facilities by expanding marina area to the length of the Township Commons Park waterfront and introducing a water taxi landing. The proposed Project Modifications are subject to a General Plan Amendment, Planning Code Amendment, Development Agreement amendment, revision to the Planned Unit Development (PUD), and environmental analysis.

The project proponent has revised the proposed Project Modifications between DRC review in September 2021 and March 2022. In summary, the revised March 2022 Project Modifications are revised as follows:

- Tower Locations: The revised March 2022 proposal limits any approved tower relocation from Phases 1 or 2 specifically to Parcel M, only (and not generally to Phases 3 and 4).
- Marina: The revised March 2022 proposal reduces the number of additional marina slips by 27 (from 158 additional slips to 131 additional slips), and revises the siting of marina facilities as follows:
 - Relocates proposed marina between South Park and Clinton Basin further offshore of South Park. The intent of this revision is to protect the offshore wetland between South Park and Clinton Basin; and
 - Reduce marinas (and slips) along Township Commons into marina clusters. The intent of this revision is to preserve views of open water (and the open water context for the park).

The planned Brooklyn Basin Project was approved in 2009. Since approval, the Project Proponent has sought final approvals for and/or constructed much of Phases 1 and 2, as shown in the figure below:



Brooklyn Basin Status

The following matrix summarizes the project delivery milestones for planned Brooklyn Basin Project since initial entitlement in 2009:

Summary of Planned Brooklyn Basin Project Milestones

Milestone	Requirement	Status
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 Mitigation Measure 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
Township Commons 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 approved	Brooklyn Basin PUD	Approved March 2021
Parcel E FDP	Brooklyn Basin PUD	Currently under review
Project Modifications application submittal, September 2018	Planning Code Chapter 17.138	DSEIR published on June 11, 2021

The current proposal for Project Modifications is subject to a particular set of milestones, as outlined below (with this meeting bolded, and future milestones in italicized text):

Project Modifications Milestones

Milestone	Body/Focus of Consideration	Date
Application Complete	Staff	September 2018 (latest revision, October 2020)
CEQA NOP	Planning Commission	October 2018
DSEIR published	Staff	June 11, 2021
DSEIR Public Hearing	Planning Commission	July 21, 2021
DSEIR public comment period ends		July 26, 2021
Merits of Project	PRAC (plans)	September 8, 2021
Merits of Project	Design Review Committee (plans)	September 22, 2021
Merits of Project	Design Review Committee (plans)	March 23, 2022
<i>FSEIR published</i>	<i>CEQA</i>	<i>Q3, 2022 (approx.)</i>
<i>Recommendation</i>	<i>Planning Commission (FSEIR, GPA, Rezone, DA, PUD)</i>	<i>Q3, 2022 (approx.)</i>
<i>Decision</i>	<i>City Council (FSEIR, GPA, Rezone, DA, PUD)</i>	<i>Q4, 2022 (approx.)</i>

It should be noted that the Project Proponent can and does continue to deliver components of the Approved Project during consideration of the current Project Modifications application.

Planned Tower Locations

The planned Brooklyn Basin Project includes five possible tower locations on Parcels M, K, J, H, and A (as illustrated in the PUD, and shown below, from left to right). At this time, Parcels H, J, and A are fully entitled without tower components, and Parcel A is under construction.

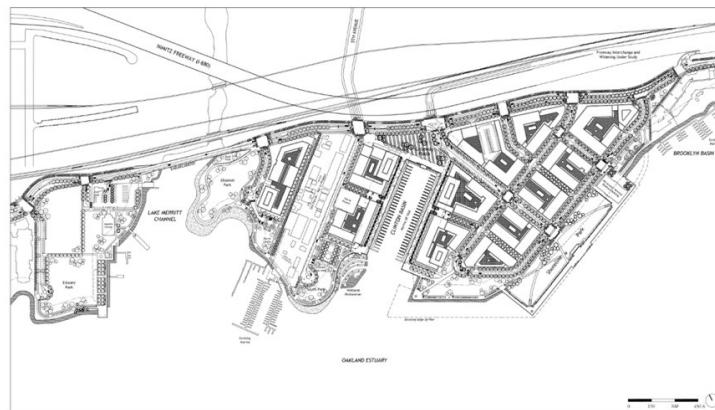
Brooklyn Basin Planned Tower Locations:



Planned Brooklyn Basin Marina

The Approved Projects include renovated marina facilities at the base of 5th Avenue, and new marina facilities on both sides of Clinton Basin. The Approved Project does not have marina facilities fronting either South Park or Township Commons Park. The plan below shows the approved project and marina facilities at the end of 5th Avenue and in Clinton Basin:

Brooklyn Basin Planned Site Plan (including Planned Marinas):



Public Review to Date:

Parks and Recreation Advisory Commission (September 2021)

The Parks and Recreation Advisory Commission (PRAC) held a public hearing and provided comments on the proposed project on September 8, 2021. The meeting and comments are summarized as follows:

- Project Proponent Presentation:
 - Project Proponent presented new information, including a public boat launch from the proposed water taxi dock
 - Project Proponent presented new views and renderings not previously submitted to or reviewed by the City of Oakland
- PRAC comments:
 - Overall:
 - Need more time to sufficiently review and comment on proposal;
 - Project Proponent presentation is different from project description in staff report;
 - Project Proponent should meet with community, as last community meeting regarding this proposal was in 2018.
 - What on-land facilities will be required to support the marina and water taxi facilities?
 - How much parking is required to serve the marina and water taxi uses? Project Proponent should demonstrate demand and availability.
 - The applicant's renderings are inconsistent with the photo images shown in the same presentation. Boats and sailboat rigging will clutter and obscure the open views.
 - Confirm that application has been reviewed thoroughly against the OSCAR.
 - Will BCDC support the expanded marina facilities?
 - Marinas, in general, are not unwelcome. However, this is too many slips along the entire length of a new, showcase park for Oakland.
 - Do not support the expanded marina because it is a private use that will obscure existing, desirable views of the water.
 - More motorized boats would result in more petroleum-based products in the Estuary.
 - In support of the water taxi because it provides public transportation.
 - In support of the public boat launch. [*staff notes that this is not part of the submittal received and analyzed by the City of Oakland to date*]
 - Objection to privatization of public space.
 - South Park:

- Moving marina facilities around the existing marshland area offshore of South Park will impede a healthy marsh ecosystem.
 - Relocating marina facilities near South Park will change the waterfront experience for the public and for wildlife.
 - Housing:
 - In support of delivery of more housing stock, in general.
 - How much affordable housing is included in the planned project? What is the breakdown of affordability levels?
 - How much affordable housing is proposed as part of the proposed expansion currently under consideration?
- Public comments:
 - Opposition to expanded and relocated marina facilities:
 - Objection to privatization of experience of City parks.
 - Relocated marina facilities offshore of South Park would negatively affect wetland located between the park and the proposed marina.
 - Wetland needs to be accessible by open water to be beneficial to wildlife.
 - Objection to obscured views of open water.
 - Township Commons is already well-loved by a diverse cross-section of the community and will feel exclusive and private under the marina expansion proposal.
 - The Project Proponent should indicate the required on-shore infrastructure to support the marina facilities and their use, and where those on-shore facilities would be provided.
 - Do not cede public lands to private uses.
 - Historically, the community accepted the flawed Brooklyn Basin project because of the benefit negotiated for new public parks. This application is counter to the basis of the original approval because it privatizes the waterfront parks for marina users.
 - Who was noticed for the PRAC meeting? Was the Measure DD Coalition notified?
 - The Project Proponent renderings are unrealistic, relying on an imaginary muted color scheme for all improvements, and not showing slips at full capacity.
 - Parks will feel less accessible to the public when marinas introduce a significant new use of the space.
 - What is the benefit of the expanded marinas for the Oakland community?
 - Support for proposed project:
 - East Bay Asian Youth Center supports the project, and is part of the community benefits coalition that negotiated with the developer.

- AFL-CIO supports the project, as the developer has worked with the trade unions.

Design Review Committee (September 2021)

The Design Review Committee of the Planning Commission (DRC) held a public hearing and provided comments on the proposed project on September 22, 2021. The meeting and comments are summarized as follows:

- Public Comments:
 - Support:
 - APEN Coalition in favor of adding more residential units. Opportunity for the City to think about deeper community development and anti-displacement.
 - Opposition:
 - Objection towards giving waterfront to private business. BCDC does not support the development that would result in sediment issues.
 - The influx in community members utilizing Brooklyn Basin has resulted in parking becoming a problem in the surrounding neighborhoods. Additionally, Caltrans parking lot costs too much and Embarcadero does not offer a crosswalk from the parking lot to Brooklyn Basin that would allow pedestrian safety.
 - Relocation of the tower would result in a visual impact to the sky and would result in too much shade in the surrounding community.
 - Mudflat and the wetland would not be preserved and are environmentally and socially important.
 - Comments about the Staff Report and Presentations:
 - Proposed building materials were not a part of the submittal packet.
 - Project Proponent presentation uses graphics with uniform and muted color palette; additionally, the graphics do not show sail bags and do not show proposed restrooms. The images are deceptive to the public and should not be a part of an official city staff report.
 - Question on whether the soils and geology assessment for Parcel L took into consideration the potential effects of load onto the surrounding development.
 - There is no public transit at Brooklyn Basin; the Project Proponent should discuss a bus loop around the Brooklyn Basin property with AC transit.
- Commissioner Comments:
 - Concerns about the marina slips and how the design wraps around the perimeter of the public park.
 - Project Proponent is working with the marina developer to revise the number of marina slips.

- Which other agencies e.g., BCDC, Army Corps, and FWS have provided comments on this project?
- Design Review Committee requests that the project be reviewed again by the DRC before proceeding to Planning Commission.
- During the Project Proponent presentation, design information not discussed in the staff report was presented to the Design Review Committee.
- How would the marina support the water taxi and proposed facilities?
- Are the public comments added to the staff report?
- Additional renderings of the proposed tower design should be presented. Currently the site shows a generic design.

PROJECT DESCRIPTION

Approved Project (2009)

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 Project Proponent (who is also 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.

Project Modifications (September 2021)

The Project Modifications proposed to the DRC in September 2021 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. However, 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. Additionally, the project site's water surface area is proposed to be expanded by approximately 10 acres to accommodate the proposed expanded marina. 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 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. The Project Modifications would also include a landing dock at the north end of Township Commons 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 Proponent and the City.

Revised Project Modifications (March 2022)

The project proponent has further revised the Project Modifications design, as follows:

- Tower Locations: The revised March 2022 proposal limits any approved tower relocation from Phases 1 or 2 to Parcel M, only.

The following graphic depicts the evolution of proposed Brooklyn Basin tower locations from what was approved in 2009, to what was proposed to the DRC in September 2021, to the revised March 2022 proposal:

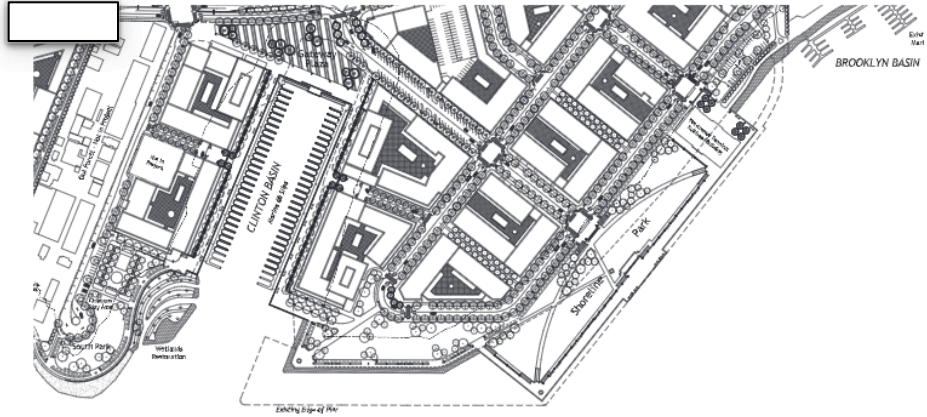
Evolution of Brooklyn Basin Tower Location Proposal



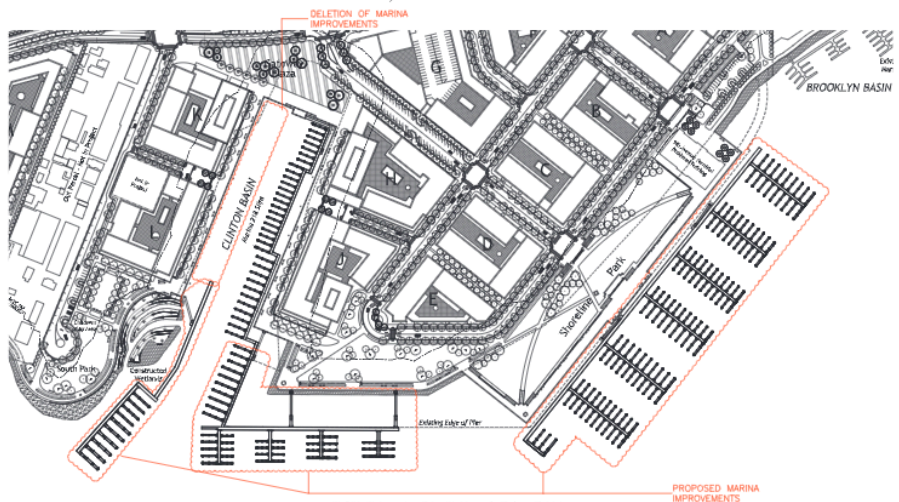
- Marina: The revised March 2022 proposal reduces the number of additional marina slips by 27 (from 158 additional slips to 131 additional slips), and revises the siting of marina facilities as follows:
 - Relocates proposed marina between South Park and Clinton Basin further offshore of South Park. The intent of this revision is to protect the offshore wetland between South Park and Clinton Basin;
 - Reduces marinas (and slips) along Township Commons into marina clusters. The intent of this revision is to preserve views of open water.

The following graphic depicts the evolution of Brooklyn Basin marina facilities from what was approved in 2009, to what was proposed to the DRC in September 2021, to the revised March 2022 proposal:

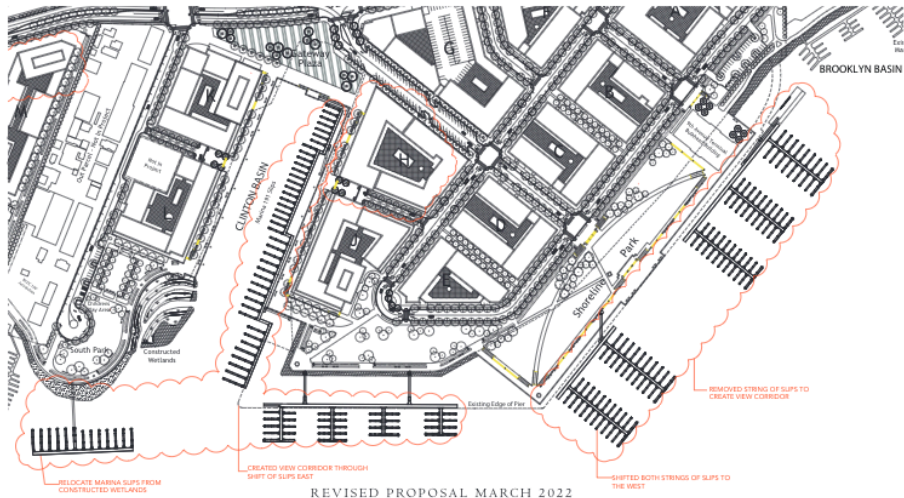
Evolution of Brooklyn Basin Marina Expansion Proposal



PROJECT AS APPROVED



INITIAL SUBMITAL REQUEST



REVISED PROPOSAL MARCH 2022

MARINA ALTERNATIVES

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 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 designation would permit an increase in the total number of units allowed on the Project site from 3,100 to 3,700.

ZONING ANALYSIS

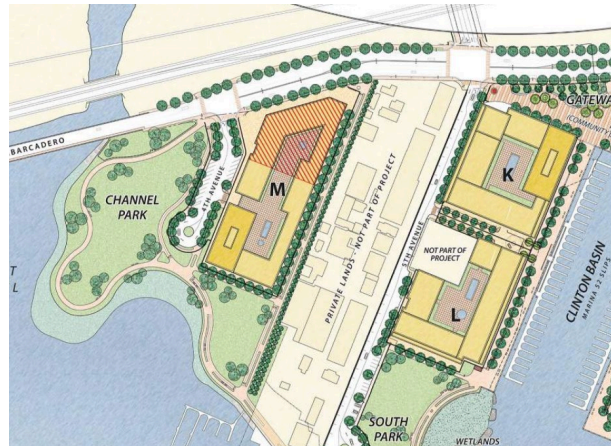
The Project Site is located within the Oak to Ninth District (D-OTN Zone). The intent of the D-OTN Zone is to provide mid-rise and high-rise housing opportunities together with ground-floor retail and commercial uses. Future development is to be set back from the waterfront and address compatibility 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).

ZONING AND DESIGN RELATED ISSUES

The proposed revised Project Modifications includes two groups of physical changes to the planned project, summarized as follows:

- Tower Locations: Under the revised scenario, relocation of a tower from Phase 2 to Parcel M (potentially increasing density of towers in Phase 4), as illustrated below:

Proposed Tower Relocation (March 2022):

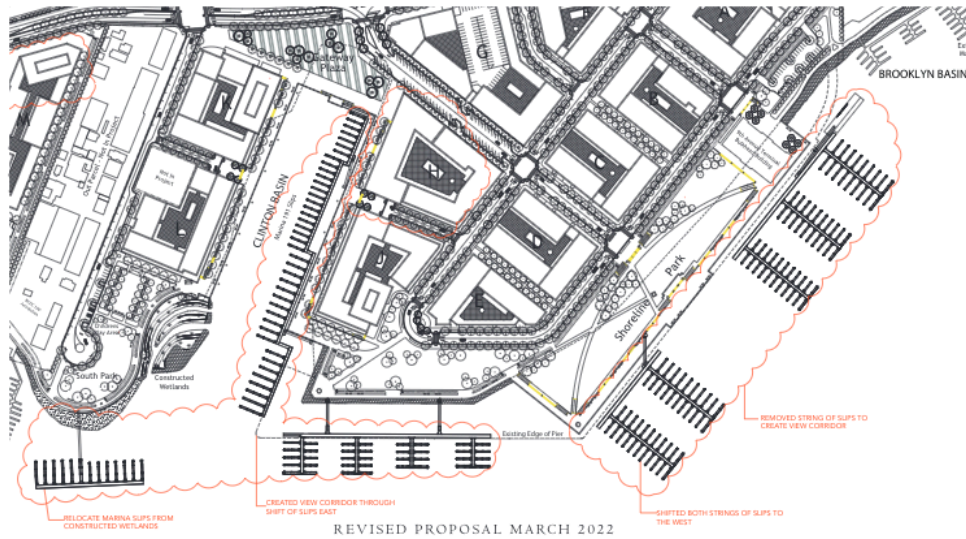


Relocation of a tower would intensify towers in the northwest portion of Brooklyn Basin, near Channel Park and the Embarcadero, and adjacent to the Lands of Silveira property (commonly referred to as the “Fifth Avenue community” and located northwest of Fifth Avenue).

- Marina Facilities: The revised March 2022 Project Modifications would expand marina facilities along the Brooklyn Basin shoreline, adding 131 boat slips and a water taxi docking facility. Changes to the marina facilities in the Estuary include three distinct features, as follows:
 - Relocated marina: The Project Modifications would relocate marina facilities from the northwest side of Clinton Basin to fronting South Park and the northwestern portion of Township Commons Park. This would expand marina facilities along the South Park and Township Commons Park shoreline and add 25 additional boat slips in this vicinity. The March 2022 revision pushes this marina facility out further into open water (and further away from the existing wetlands near South Park).
 - Expanded marina: The Project Modifications would expand marina facilities along the entirety of Township Commons Park, with the exception of the area intended for direct visitor access to the water’s edge. This would add boat slips in this expanded marina facility. The March 2022 revision reduces the overall number of added slips by 27, and clusters the marina facilities to provide more open views across the Estuary.
 - Water taxi: The proposed Project Modifications include a water taxi dock and public boat launch at the southeastern waterfront along Township Commons Park.
 - It should be noted that the proposed project does not indicate any staging facilities for the expanded marinas (i.e., there is no identified parking or gas, water or sewer services identified to serve the marinas).

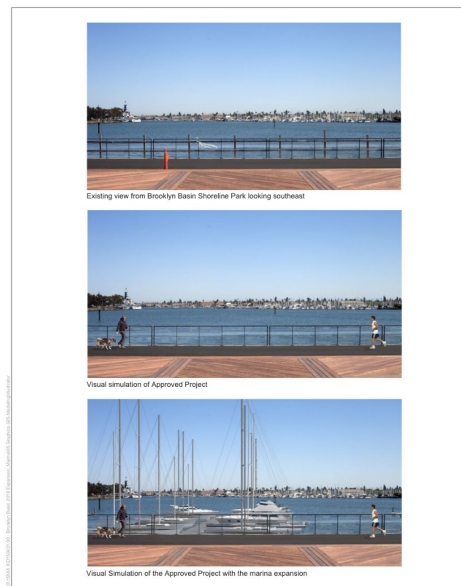
The proposed March 2022 marina facility changes are shown below (excludes the proposed water taxi facility):

Proposed Marina Expansion and Water Taxi (March 2022):



The simulated change in views out from Township Commons Park (as analyzed in the Draft Environmental Impact Report or DEIR) is shown below:

Simulated Marina Expansion View (DEIR):



Required Design Review Findings: In order to approve the Project Modifications, the Planning Commission and City Council will be required to make design review findings for which staff will make recommendations. At this time, staff asks the DRC to comment on how the proposed changes to tower locations and marina facilities do or do not meet the required findings. The following discussion states the required findings (bold text) with staff questions located below each finding in indented, bulleted, and italicized text. The first discussion is related to the proposed change in tower location:

Tower Locations:

As noted above, the Project Proponent has further revised their Project Modifications since September 2021 to allow for only one tower relocation to Parcel M. Staff believes that limiting relocation of a tower to only Parcel M is an improvement over the September 2021 proposal: Parcel M is the possible relocation site furthest from the waterfront (resulting in less obstruction of any views of waterfront or parks) and closest to Embarcadero and Interstate 880 (major roadway networks). The proposed change in tower location is subject to the Regular Design Review Criteria for Residential Facilities (OMC 17.136.050.A), which states that regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria (criteria are in bold, with staff questions and analysis in indented, italicized bullets under each criteria):

- **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 proposed tower relocation would potentially intensify towers in the northwest portion of the project. Would the intensification of towers relate well to South Park and the Fifth Avenue community? Would the intensification in this part of the site by one tower represent a substantial change from the planned development context?
 - *Staff believes that the relocation of a tower would not represent a change to the context surrounding Brooklyn Basin, and would not represent a substantial change to the area surrounding the Fifth Avenue community (given that there are already two towers planned in the vicinity). Rather, it would represent an incremental change that would not relate particularly well to a neighboring property, but would be generally consistent with how the planned project currently relates to the surrounding area.*
- **That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;**
 - Would intensification of towers surrounding the Fifth Avenue community jeopardize the desirable neighborhood characteristics of that site? The Fifth

Avenue community consists of existing low-rise uses. The property is valued for fostering arts and culture within the Oakland community.

- *Staff believes that the proposed intensification of towers adjacent to the Fifth Avenue community would not jeopardize the facilities or activities on that site any more so than the planned project.*
- **That the proposed design will be sensitive to the topography and landscape.**
 - Not applicable: The proposed tower relocations would not increase the overall number of or mass of towers on the Brooklyn Basin site and would only shift tower locations on the existing site. Preservation of any established view corridors would be analyzed at the time of Final Development Permit submittal for individual development parcels. Additionally, by limiting tower relocation to only Parcel M, away from the waterfront, the tower siting would not limit any existing view corridors (formal or informal).
- **That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;**
 - Not applicable: The site is generally flat.
- **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 proposed design conforms to the Brooklyn Basin Design Guidelines and PUD, subject to the proposed revision to the PUD, Planning Code Amendment and General Plan Amendment.
 - *As noted above, staff believes that relocation of a tower within the site does not substantially affect the overall design of the project or its relationship to the community at-large.*

Marina Facilities:

While the Project Proponent has reduced the number of overall slips requested and clustered the marina facilities to reduce impairment to views (and effects on wetlands), the effort does not protect the important, open water visual context of the newly constructed Township Commons Park. The proposed changes to marina facilities are subject to the Regular Design Review Criteria for Nonresidential Facilities and Signs (OMC 17.136.050.B), which states that Regular Design Review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria (criteria are in bold, with staff questions and analysis in indented, italicized bullets under each criteria):

- **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;

- *Do the expanded marina facilities relate well to South Park and Township Commons Park?*
 - *Do the marina and water taxi facilities fronting Township Commons Park, in particular, relate to the current design and use of Township Commons Park (which was not designed or constructed to provide access to a water taxi or marina facilities)?*
 - *Would the water taxi facility, marina facilities and associated watercraft relate well to the setting of Township Commons Park and South Park?*
 - *Staff is concerned that an extensive private marina may not relate well to the existing Township Commons public park and may jeopardize the open water views from the public park. In addition, while the Project Proponent has made an effort to cluster the expanded marina facilities (and even reduced the number of additionally proposed slips), the extensive marina facilities may appear cluttered and diminish the aesthetic experience of Township Commons for the public.*
- **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;**
 - *Do the expanded marina facilities harmonize with and contribute to the value of the new public parks they front, South Park and Township Commons Park?*
 - *Would access across City parks to the water taxi and marina facilities negatively affect the value of these City parks?*
 - *Staff is concerned that expanded private marina facilities may jeopardize the value of the significant public improvement provided by Township Commons, a City of Oakland public park.*
- **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.**
 - *Do the expanded marina and water taxi facilities fronting the shoreline along Township Commons Park, in particular, comply with the Open Space, Conservation and Recreation Element of the General Plan (OSCAR)? The OSCAR does not include any specific policies prohibiting private marina facilities fronting City parks.*
 - *Does access to private facilities (the water taxi and marina facilities) across City parks comply with the OSCAR? As noted above, the OSCAR does not have any specific policies prohibiting private marina facilities fronting City parks.*

- *The Project Proponent states the water taxi facility would include a public small craft launch. However, there is no design included that demonstrates a public small craft launch is feasible and feasible within the area designated for the water taxi facility.*

RECOMMENDATION

Staff recommends the DRC review and comment on the proposed Brooklyn Basin Project Modification, with attention to the issues raised by staff in this report. Specifically, staff asks the DRC to consider the following:

- Does the revision to the potential relocation of a tower to Phase 4 address the DRC's previous concern about visual access to planned parks and the waterfront?
- Does the revision to the marina facilities, including reducing the number of slips and relocating marina facilities, address the DRC's previous concern about protecting views of and across the Estuary?
- Does the proposed private marina use conflict with public access to and experience of City parks?

Prepared by:



Catherine Payne, Development Planning Manager

Approved for Forwarding to the DRC:



Ed Manasse, Deputy Director
Bureau of Planning

Attachments:

- Attachment A: Proposed Plans (March 2022)
- Attachment B: Resource Agency Outreach
- Attachment C: DRC Report, Dated September 2021



DESIGN REVIEW COMMITTEE

Brooklyn Basin

MARCH 23, 2022

SHEET NO.
I.I



PROJECT AS APPROVED
2006



SEPTEMBER 2021 REQUEST



REVISED PROPOSAL MARCH 2022

RESIDENTIAL TOWER ALTERNATIVE LOCATIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Signature Properties and Reynolds and Brown by ROMA Design Group in association with MVE Architects and BKF Engineers

MAY 22, 2014

REVISION 2, MARCH 2022



POTENTIAL LOCATION
FOR NEW TOWERS





ILLUSTRATIVE DEVELOPMENT PLAN

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Signature Properties and Reynolds and Brown by ROMA Design Group in association with MVE Architects and BKF Engineers

MAY 22, 2014




ILLUSTRATIVE DEVELOPMENT PLAN

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Signature Properties and Reynolds and Brown by ROMA Design Group in association with MVE Architects and BKF Engineers

MAY 22, 2014

 POTENTIAL LOCATION FOR NEW TOWERS





ILLUSTRATIVE DEVELOPMENT PLAN

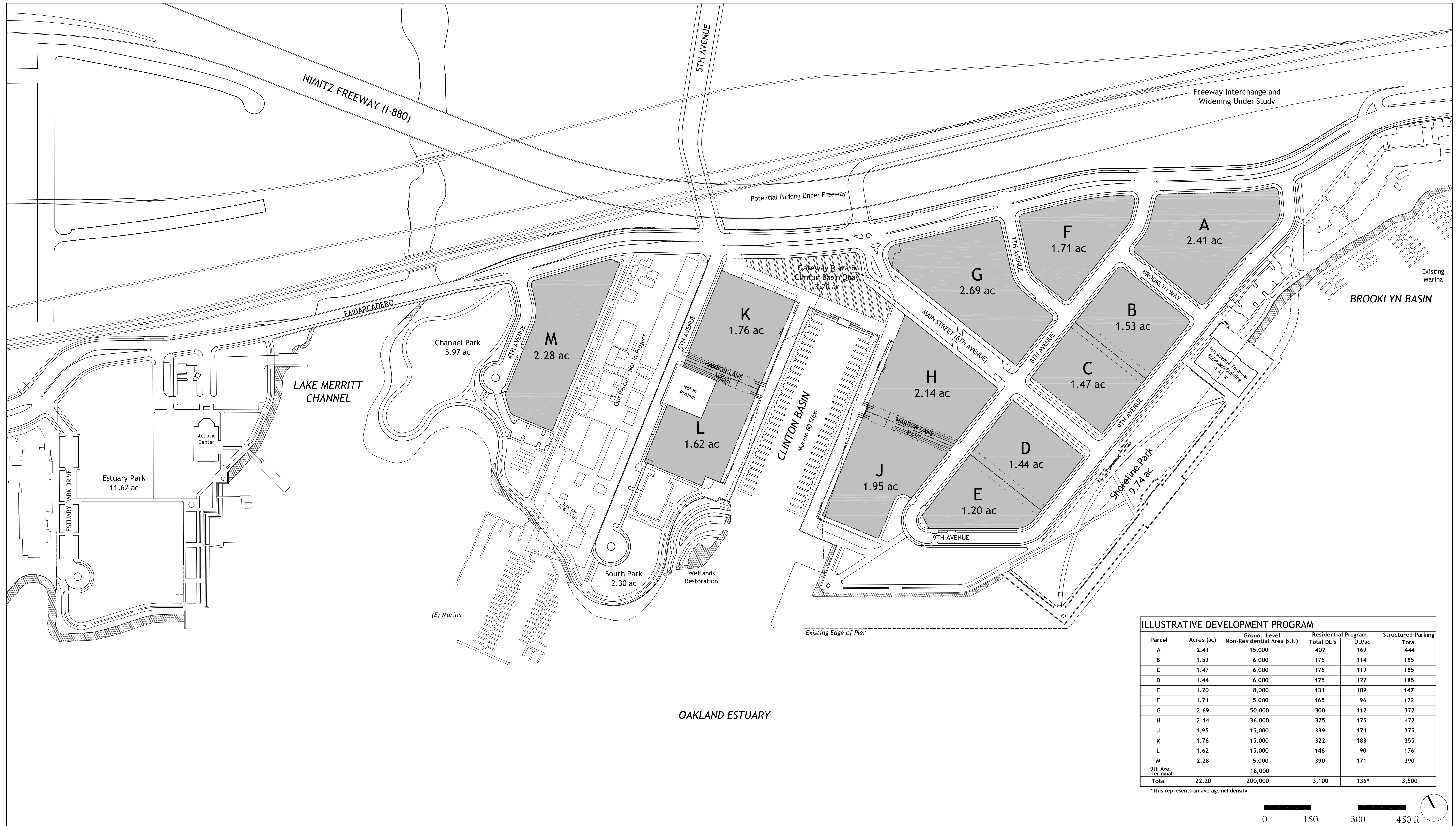
Brooklyn Basin - Oak to 9th Development Plan

Prepared for Signature Properties and Reynolds and Brown by ROMA Design Group in association with MVE Architects and BKF Engineers

MAY 22, 2014

 POTENTIAL LOCATION FOR NEW TOWERS





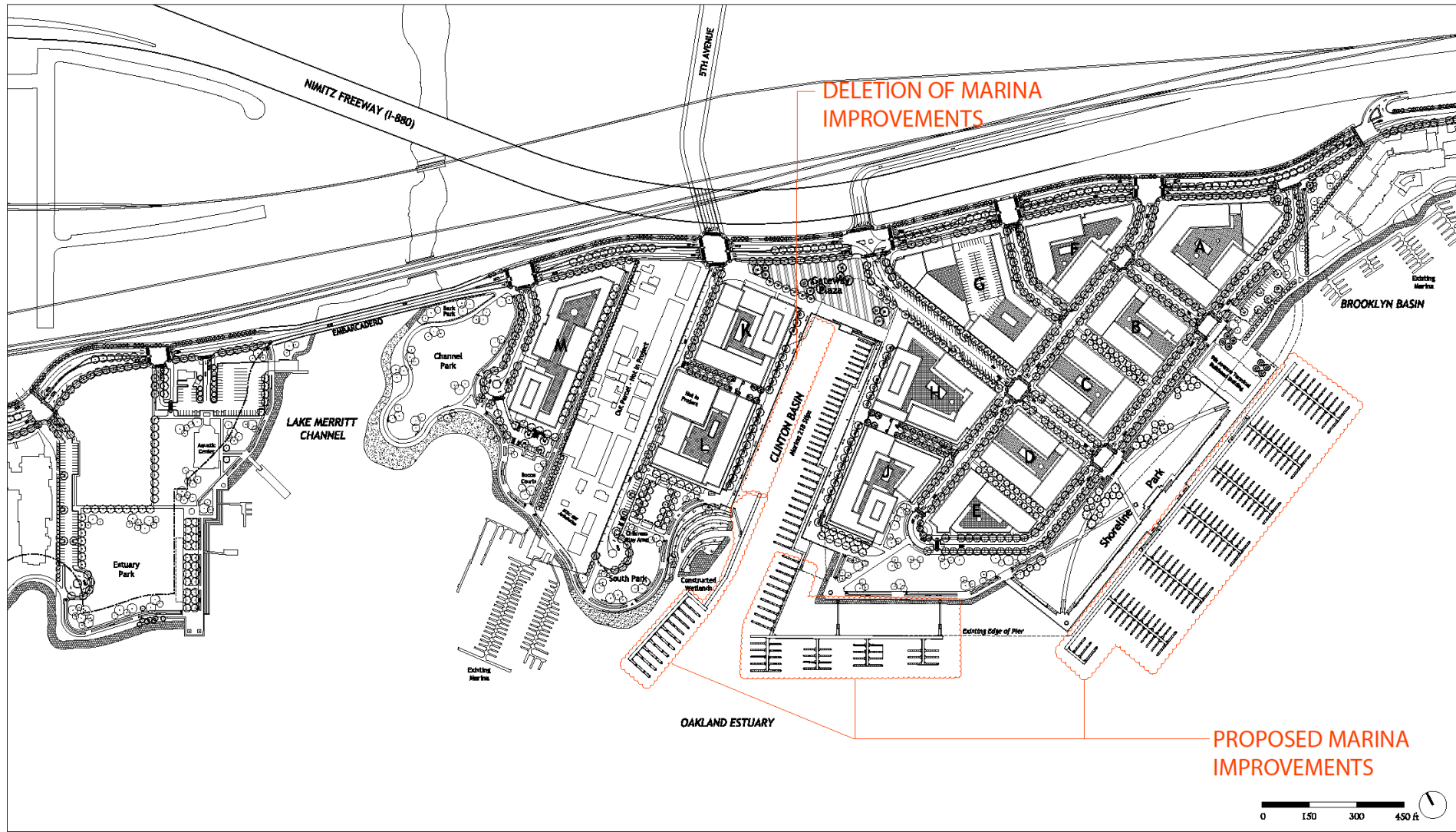
DEVELOPMENT PROGRAM AND PARCELIZATION PLAN

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
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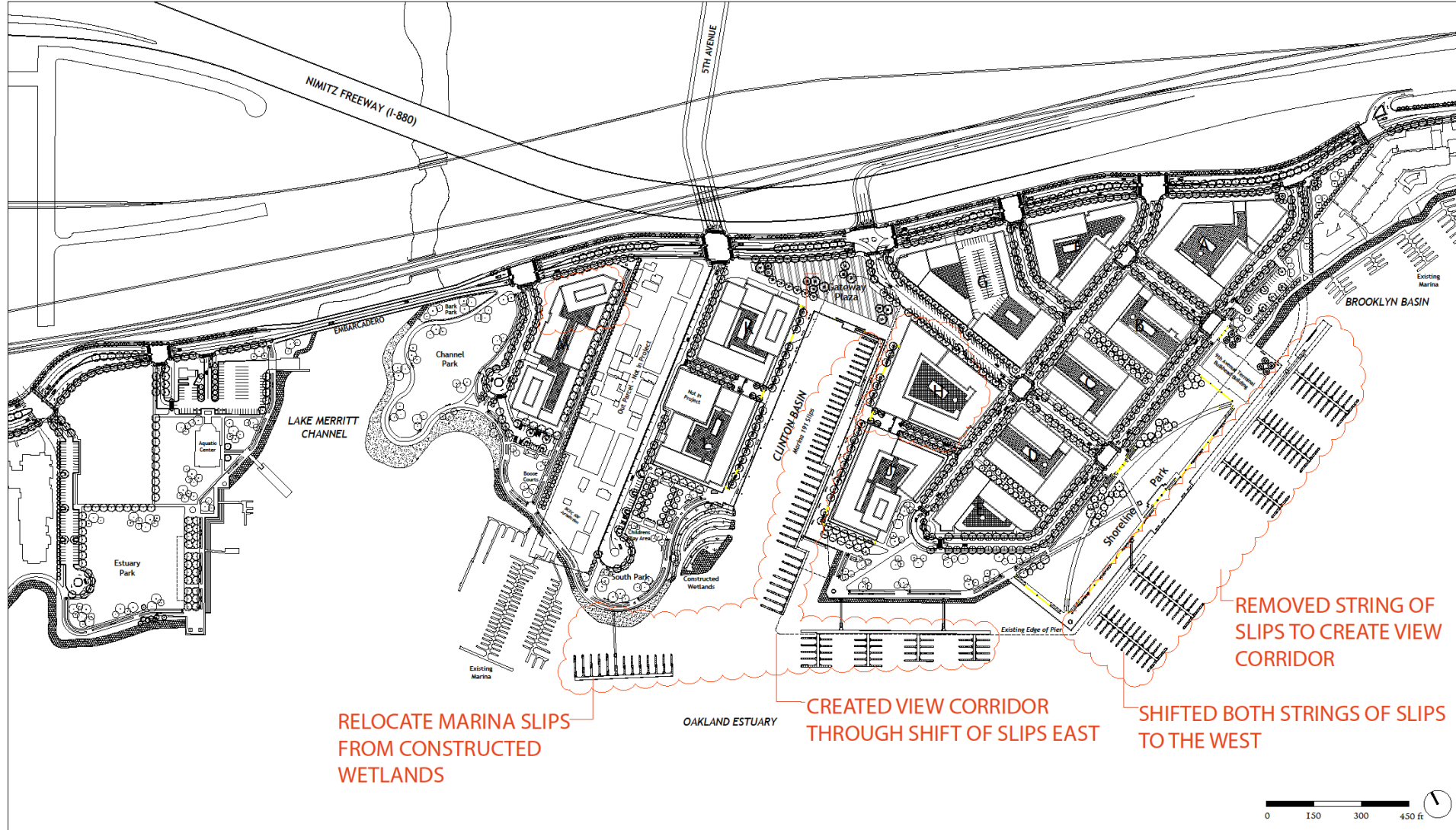
ILLUSTRATIVE DEVELOPMENT PLAN

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AMENDED NOVEMBER 2104
 PROPOSED SEPTEMBER 2021

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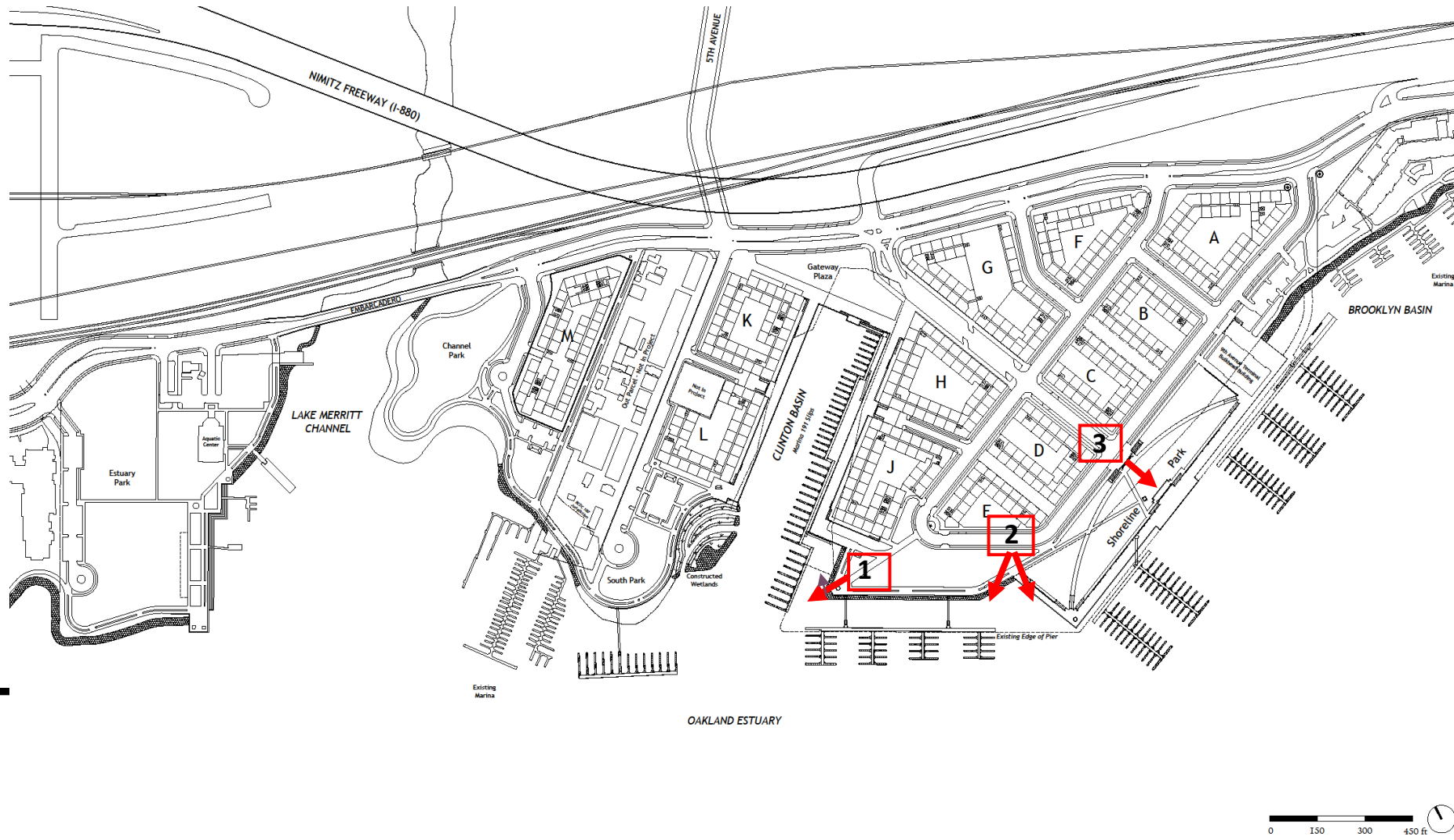
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**AMENDED NOVEMBER 2104
PROPOSED SEPTEMBER 2021
REVISION 2 MARCH 2022**

SHEET NO.
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Brooklyn Basin- View Point Index Exhibit



View Point 1 - September 2021 Submittal



View Point 1 – March 2022 Submittal



View Point 2a – September 2021 Submittal



View Point 2b – September 2021 Submittal



View Point 3 – September 2021 Submittal



View Point 3 – March 2022 Submittal

Brooklyn Basin - Residential Allocation per Parcel
 March 2022

ILLUSTRATIVE DEVELOPMENT PROGRAM							
			Residential Program				
Parcel	Acres	Ground Level Non-Residential area (s.f.)	2006 Approved allocation total DU's	Current allocation of DU's	Proposed total DU's	Proposed change	Proposed DU/AC
A	2.41	15,000	407	254	254	-153	105
B	1.53	6,000	175	241	241	66	157
C	1.47	6,000	175	241	241	66	164
D	1.44	6,000	175	232	232	57	167
E	1.2	8,000	131	174	174	43	145
F	1.71	5,000	165	211	211	46	123
G	2.69	50,000	300	371	371	71	138
H	2.14	36,000	375	381	381	6	178
J	1.95	15,000	339	378	378	39	193
K	1.76	15,000	322	231	400	78	227
L	1.62	15,000	146	146	240	94	148
M	2.28	5,000	390	240	577	187	253
9th Ave. Terminal		18,000					
Total	22.20	200,000	3100	3100	3,700	600	136*

Brooklyn Basin Marina
Resource Agency Outreach

- January 10, 2017 – USCG re: encroachment into the federal channels.
 - Resulted in a reduction in slips that are “over the nav line” in phases 3 and 4, amounting to about 15-20 slips, but the balance of slips can remain in the phases 1 and 2 area. At the time of the meeting the USCG was generally supportive of the project moving forward.

- June 8, 2017 – Interagency meeting with USACE, National Marine Fisheries, SFRWQCB and BCDC.

No discussion of water taxi in this meeting. Discussions pertained to the mitigation associated with the construction of the proposed marina. Staff stated that this new development is apparently violating a commitment of the old permit. *(which is not the accurate as the approved permit does not address a proposed marina, other than removal of existing Clinton Basin marina improvements count towards WDR permit issued)*

- June 23, 2017 – USACE meeting with navigation staff and to discuss Section 408 needed to authorize construction of the proposed marina improvements.
 - At the time, no concerns with encroachment into the federal channel, particularly with the adjustment to the design reflected by USCG comments. Section 408 policy implementation has evolved since that the meeting so further review and coordination with the USACE is recommended.

- March 2018 – USCG re: Meeting discussed and reviewed changes to the marina plan including the proposed placement of docks within the Estuary perimeter line. USCG was generally agreeable to the proposed marina layout

- September 24, 2020 – BCDC meeting. The BCDC meeting was a pre-app type meeting with a wide range of attendees. BCDC provided early comments, mainly on aesthetics.