



# CITY OF OAKLAND

Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

## NOTICE OF PREPARATION (NOP) OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE BROOKLYN BASIN (“FORMERLY OAK TO NINTH MIXED USE DEVELOPMENT”) PROJECT

The City of Oakland’s Bureau of Planning is preparing a Draft Supplemental Environmental Impact Report (“SEIR”) for proposed modifications to the Oak to Ninth Mixed Use Development analyzed in the 2006 EIR and 2009 Recertified EIR prepared and published by the City of Oakland (City), and subsequently renamed and approved as the Brooklyn Basin Project, which is comprised of the Brooklyn Basin Planned Unit Development (PUD) and referred to herein as “approved project.” The City is requesting comments on the scope and content of the Draft SEIR. The City has **not** prepared an Initial Study; the Draft SEIR will address the potential environmental effects of the modifications to the approved project per the requirements of the California Environmental Quality Act (CEQA) statutes (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations 15000 et seq.).

The City of Oakland is the Lead Agency for the project and is the public agency with the greatest responsibility for considering approval of the project and/or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that have a role in considering approval and/or carrying out the project. When the Draft SEIR is published, it will be sent to all Responsible Agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy.

Responses to this NOP that address the scope of the Draft SEIR and any related questions or comments should be directed in writing to: **Catherine Payne, Acting Development Planning Manager, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612; (510) 238-6168 (phone); (510) 238-3254 (fax); or [cpayne@oaklandca.gov](mailto:cpayne@oaklandca.gov).** Responses to the NOP must be received at the above mailing or e-mail address by 5:00 p.m. on **October 22, 2018**. Please reference Case File Number **PUD06010-R02-ER01** in all correspondence. In addition, comments on the scope of the Draft SEIR will be received at the SEIR Scoping Meetings to be held before the City Planning Commission, as noticed below.

The proposed modifications to the approved project are described in greater detail below. Commenters should focus comments on potential impacts of the proposed modifications to the approved project on the physical environment; ways in which potential adverse effects resulting from the modifications to the approved project might be minimized; and alternatives to the project with the proposed modifications, in light of the Revised SEIR’s purpose to provide useful and accurate information about such factors.

To the extent that public comments received on the scope and adequacy of the 2009 Recertified EIR apply to the modified project, the City will continue to consider such comments during the preparation of the Revised Draft SEIR.

### **EIR SCOPING MEETING:**

The **City of Oakland Planning Commission** will conduct a public scoping meeting on the Draft SEIR for modifications to the Brooklyn Basin Project on **October 17, 2018 at 6:00 p.m.** in the Oakland City Council Chamber in **Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.**

**PROJECT TITLE:** Brooklyn Basin Project (Case File No. PUD06010-R02-ER01; State Clearinghouse Number: 20062013)

**PROJECT LOCATION:** Approximately 64.2 land acres bound by Embarcadero Road (north), the Oakland Estuary (south), Fallon Street (west), and approximately 10<sup>th</sup> Avenue (east), in addition to 8 acres of submerged land (see **Figure 1**). Assessor Parcel Numbers include 0000-0430-001-02, portion of 0000-0430-001-04, 0000-0460-003, 0000-0460-004, 0000-0465-002, and a portion of 0000-0470-002.

**PROJECT SPONSOR:** Zarsion-OHP 1, LLC

**EXISTING CONDITIONS:** The site currently has City of Oakland General Plan designations of Planned Waterfront Development-1 (PWD-4) in the Estuary Policy Plan, and in the Planned Waterfront Zoning District (PWD-4). As of the date of this NOP, the project site is not included in the list of Hazardous Waste and Substances sites in the Department of Toxic Substances Control (DTSC) EnviroStor database, one of the lists meeting the “Cortese List” requirements (<http://www.calepa.ca.gov/sitecleanup/corteselist/>, accessed September 4, 2018).

The project was originally approved in five phases: Phases I-IV and Phase Ia, see **Figure 2**. Final Development Plans for Phases I and II construction, including Parcels B, C and F vertical development, have been approved. Construction of Phases I and II has already commenced, including work on the Phase I landside components (Shoreline Park, 9th Avenue Terminal Building) and Phase II site remediation of the project are underway. Notable changes to existing site conditions since publication of the 2009 Recertified EIR and potentially relevant to the CEQA analysis of the proposed modifications include demolition of previous structure, site remediation, site grading, Embarcadero improvements (bridge construction, established bike lanes), the aforementioned Phase I landside development, including approval of an affordable housing project—the vertical development approved for Parcel F.

**BACKGROUND:** The City certified an EIR for the project in 2006. That EIR was subsequently modified to comply with the Alameda County Superior Court ruling to rescind its 2006 certification and revise the EIR, which the City subsequently recertified in 2009. The approved Brooklyn Basin Project analyzed in the 2006 and 2009 EIRs (referred to collectively as “EIR”) involves development of 3,100 residential units, 200,000 square feet of ground-floor retail/commercial and civic spaces, 29.9 acres of parks and public open space, an existing wetlands restoration area, and improvements and expansion of Clinton Basin marina, see **Figure 3**.

Because an EIR was already recertified for the project, the City is required to determine whether further CEQA environmental review is required for the proposed modifications to the approved project in accordance with PRC Section 21166 and CEQA Guidelines Section 15162. Under these sections, no further environmental review is required unless there are new or substantially more severe impacts of the project than those analyzed in the certified EIR. Because the proposed modifications to the project may result in new and potentially substantially more severe impacts than the original project analyzed in the EIR, the City of Oakland is resuming the CEQA analysis by preparing a SEIR for the modifications.

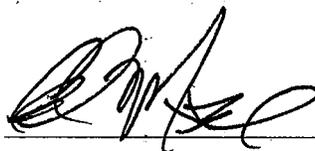
## **PROJECT DESCRIPTION:**

*Additional Residential Units:* The Project sponsor seeks to amend Phases III and IV of the approved project to allow an additional 600 residential units, for a total of up to 3,700 units. (Phase Ia, the remediation of Estuary Park, would be unaffected.) The modifications proposed to the approved project would accommodate the additional units within the approved building envelopes; no changes to the height, massing or setbacks of the approve project are required or proposed. As anticipated in the original PUD, the allocation of residential units has shifted between certain development parcels since approval of the project, however the current allocation of units on each parcel still results in a total of 3,100 units on the overall project site. It is anticipated that the additional 600 units would be located in Parcels K, L, and M to be developed in project Phases III and IV (of the five phases total), see **Figure 4**. The Project sponsor also seeks amendments to allow the right to relocate one of the approved residential towers, currently contemplated on Parcels H and J, to either Parcel L or Parcel M (resulting in two towers sited on Parcel M). To accommodate the increased density resulting with the modifications to the project, the Project sponsor seeks to amend the General Plan to modify the existing PWD-4 land use classification, and seeks a Zoning Code Amendment to amend the average density of the PWD-4 Zoning District and to increase the total number of units allowed from 3,100 to 3,700. This aspect of the proposed modifications also requires approval of a revised PUD permit and an amendment to the approved Development Agreement (DA) between the Project sponsor and the City.

*Marina Expansion:* The Project sponsor also seeks to modify the approved project to expand the Brooklyn Basin marina in Clinton Basin to a total 218 slips. The original PUD had approved a total 60 slips in Clinton Basin, therefore the proposed modifications would result in an increase of up to 158 slips compared to the approved project, see Figure 5. The modification would remove and replace the existing Clinton Basin marina, expanding it with 14 additional docks that would wrap along the shoreline between 9th Avenue into Clinton Basin. No changes are proposed to the previously approved upland development, except for main walkway improvements near the 9th Avenue Terminal Building, and a harbor master office, laundry facilities and boater parking in compliance with the Clean Marina Program. Marina restroom facilities would be located on the ground floor of an approved building fronting Clinton Basin. The modifications to the marina plan would shade or "fill" approximately 114,375 square feet over open water compared to approximately 23,460 square feet of fill previously analyzed; therefore, the modification will result in a net increase of approximately 90,915 square feet the area of fill compared to the original project. No fuel station would be introduced. This proposed marina expansion also requires approval of a revised PUD, a previously approved Final Development Plan, a new conditional use permit as well as a DA amendment.

*Landing Dock for Ferry I Water Taxi Service:* The modification to the project also proposes to develop a landing dock at the Brooklyn Basin marina to accommodate an existing water taxi and small-scale ferry service. Initially, the landing dock would be served by limited service, available to project residents and the public, with a service to the San Francisco Ferry Building (Gate B).

**ENVIRONMENTAL TOPICS:** The following topics will be fully addressed in the Draft SEIR: *aesthetics, air quality and health risk, biological resources, cultural and tribal cultural resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise and vibration, transportation and traffic, and utilities and service systems.* The following topics will be addressed briefly in the Draft SEIR, to the extent necessary to assess whether the proposed modifications to the approved project would have new or substantially more severe impacts on these topics identified in the certified EIR: *agriculture and forestry resources, hazards and hazardous materials, mineral resources, population and housing, and public services and recreation.* The Draft SEIR will also examine a reasonable range of alternatives to the proposed modifications. The analysis will consider each of the alternatives analyzed in the 2009 EIR, as well as the CEQA-mandated No Project Alternative and other potential alternatives that may reduce or avoid potential environmental effects.

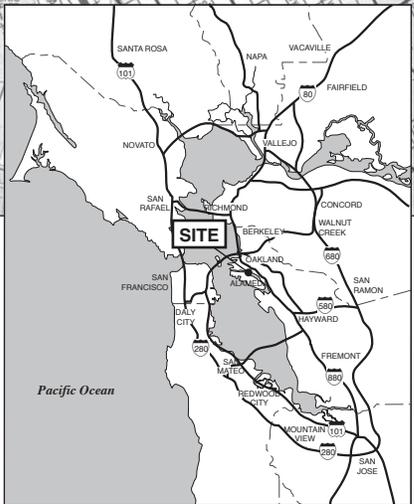
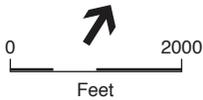


September 21, 2018  
Case File Number: PUD06010-R02-ER01

Interim Deputy Planning Director, Bureau of Planning  
Environmental Review Officer

**Attachments:**

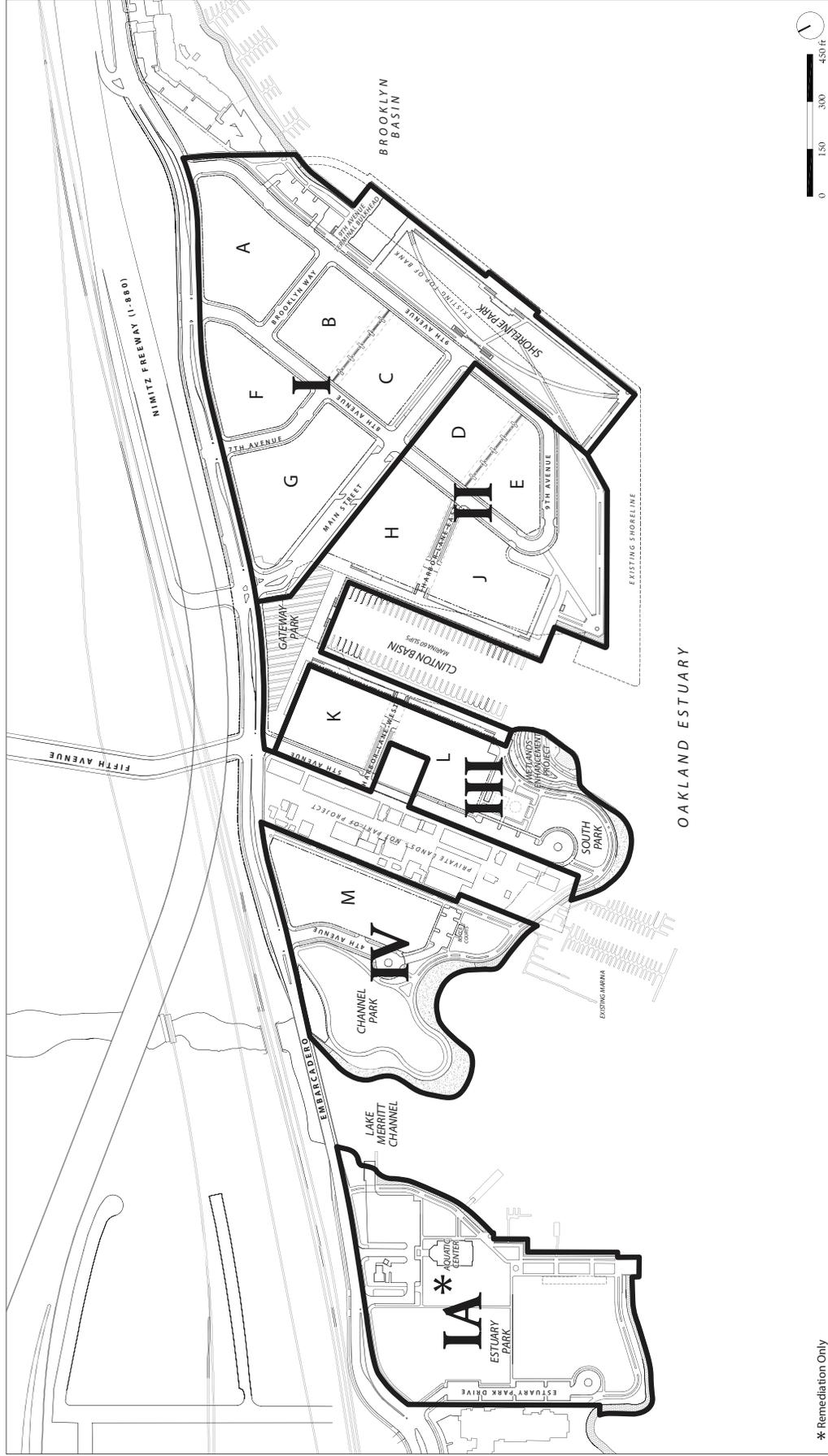
- Figure 1, Location Map
- Figure 2, Phasing Plan, dated 2006 (approved 2009)
- Figure 3, Illustrative Development Plan (PUD), dated 2006 (approved 2009, amended 2014)
- Figure 4a, Approved Development Program and Parcelization Plan, dated 2006 (approved 2009)
- Figure 4b, Approved Enlarged Plan—Clinton Basin Quays, dated 2006 (approved 2009)
- Figure 5, Proposed Modification to the Illustrative Development Plan (PUD), dated 2018



SOURCE: ESA

Brooklyn Basin Project 150431

**Figure 1**  
Location Map



\* Remediation Only

PHASING PLAN

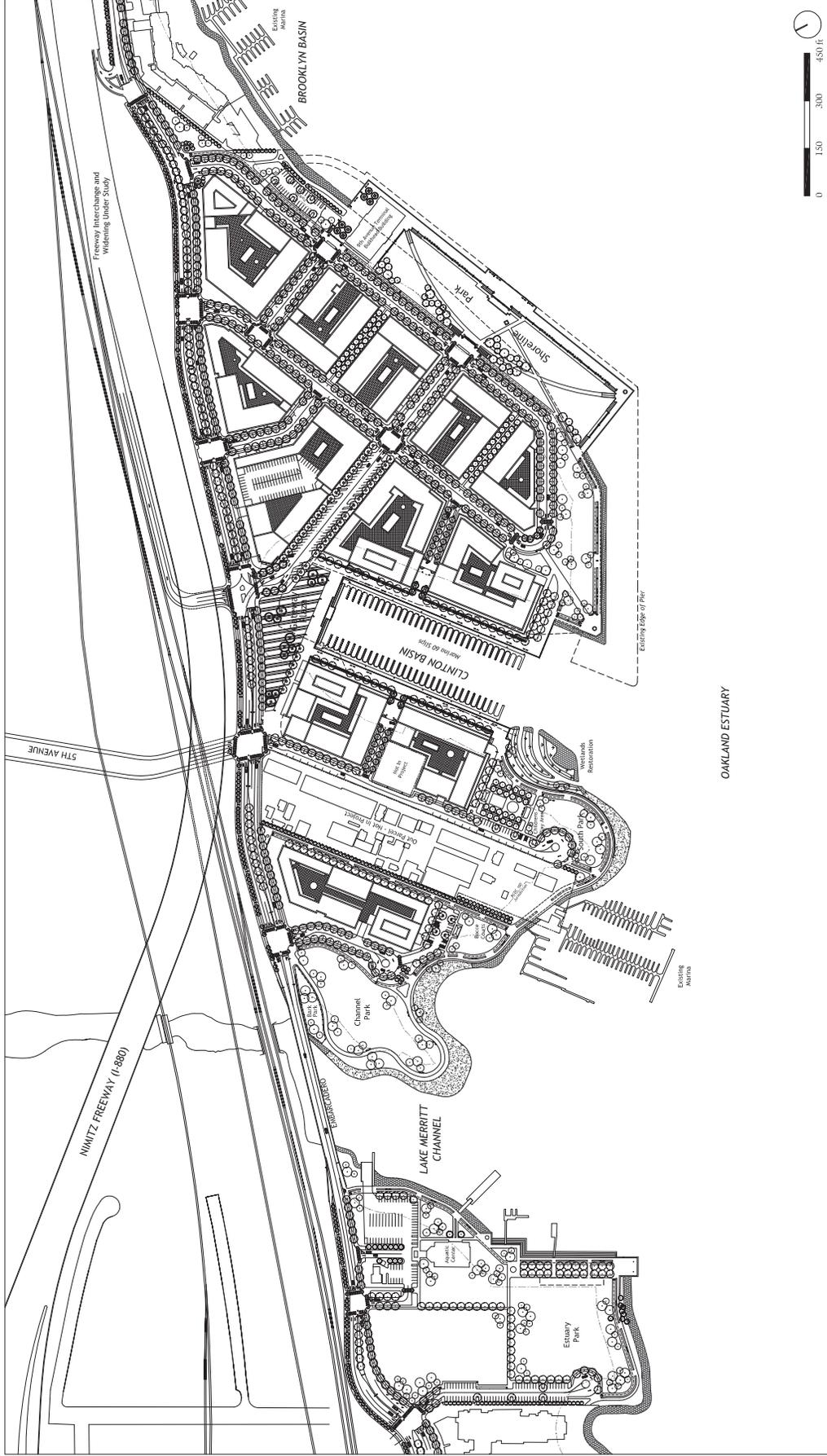
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Figure 2

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



ILLUSTRATIVE DEVELOPMENT PLAN

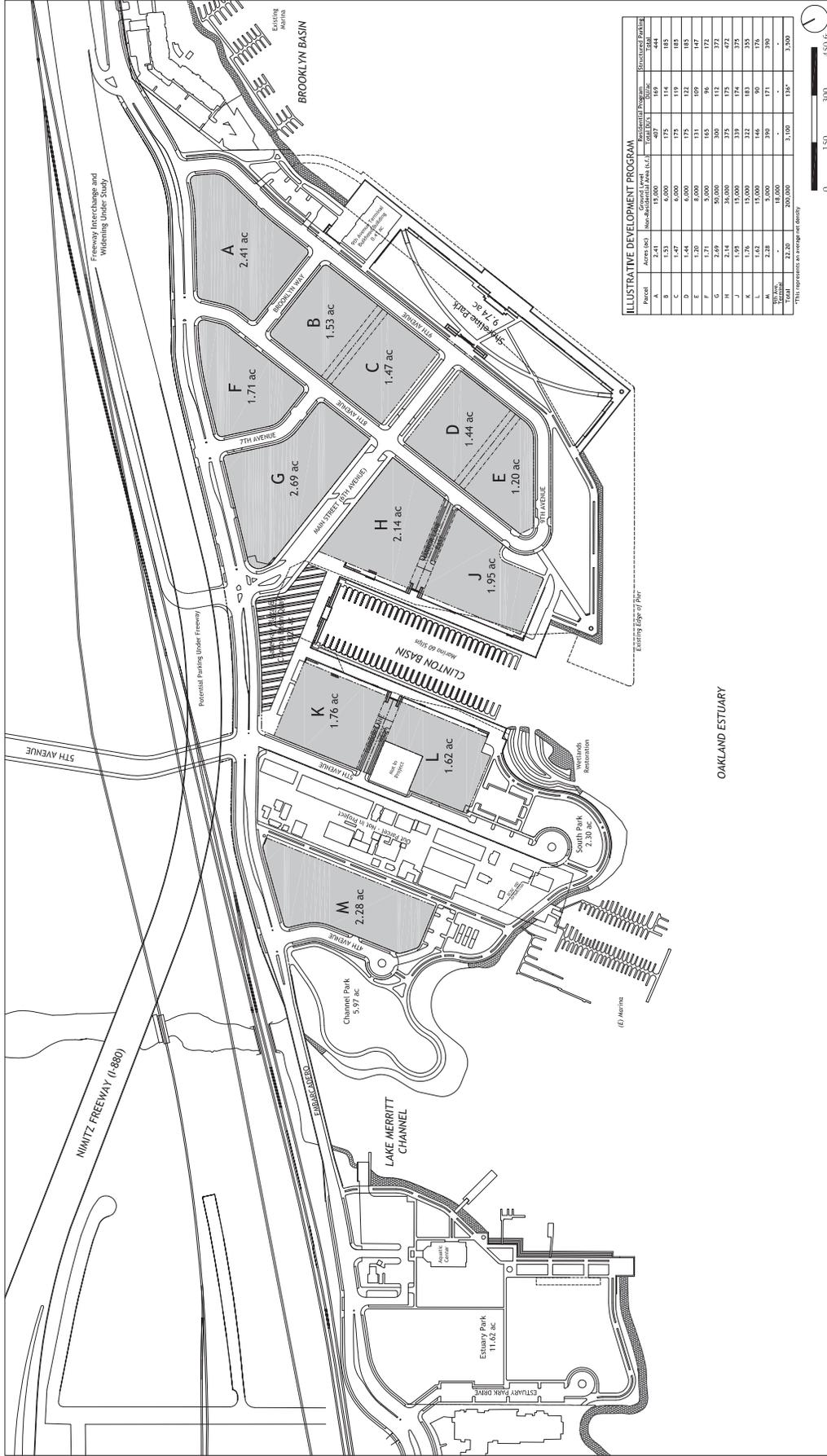
Brooklyn Basin - Oak to 9th Development Plan

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

OCTOBER 2006

SHEET NO. 1.3

Figure 3



**ILLUSTRATIVE DEVELOPMENT PROGRAM**

Parcel	Acreage (ac)	Max. Density (Units/Acre, U.S.A.)	Local Density (Units/Acre)	Local Density (Units/Acre)	Local Density (Units/Acre)	Total Density (Units/Acre)	Building Footprint (sq. ft.)
A	2.41	15,000	407	169	169	169	444
B	1.53	15,000	407	169	169	169	444
C	1.47	6,000	175	115	115	115	183
D	1.44	6,000	175	115	115	115	183
E	1.20	6,000	131	109	109	109	147
F	1.71	6,000	175	115	115	115	183
G	2.69	6,000	175	115	115	115	183
H	2.14	36,000	375	175	175	175	375
I	1.95	15,000	319	174	174	174	375
J	1.76	15,000	222	183	183	183	355
K	1.76	15,000	222	183	183	183	355
L	1.62	15,000	222	183	183	183	355
M	2.28	15,000	300	171	171	171	300
<b>TOTAL</b>	<b>22.20</b>	<b>250,000</b>	<b>3,100</b>	<b>1,347</b>	<b>1,347</b>	<b>1,347</b>	<b>3,200</b>

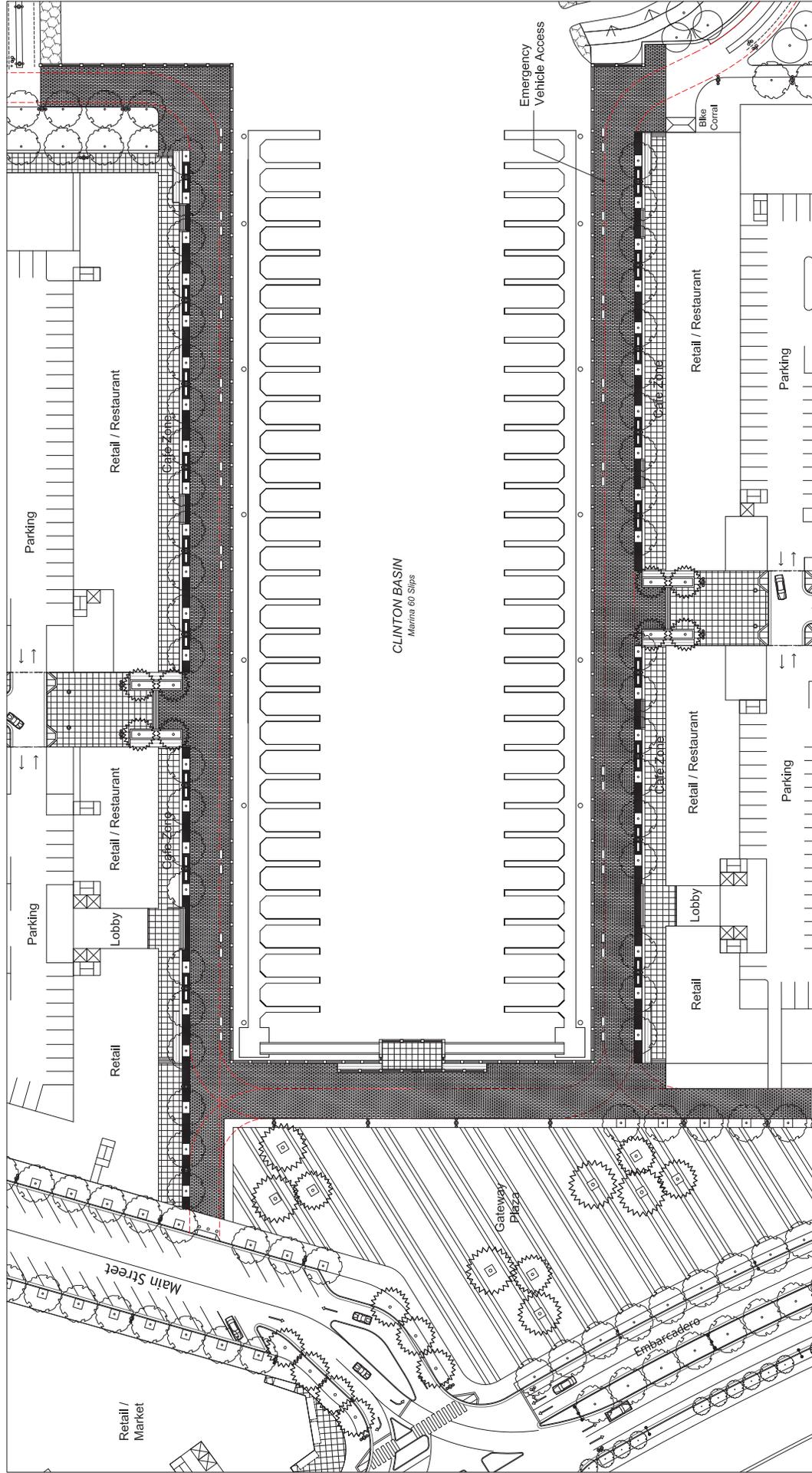
\*Units represent an average unit density

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



ENLARGED PLAN - CLINTON BASIN QUAYS



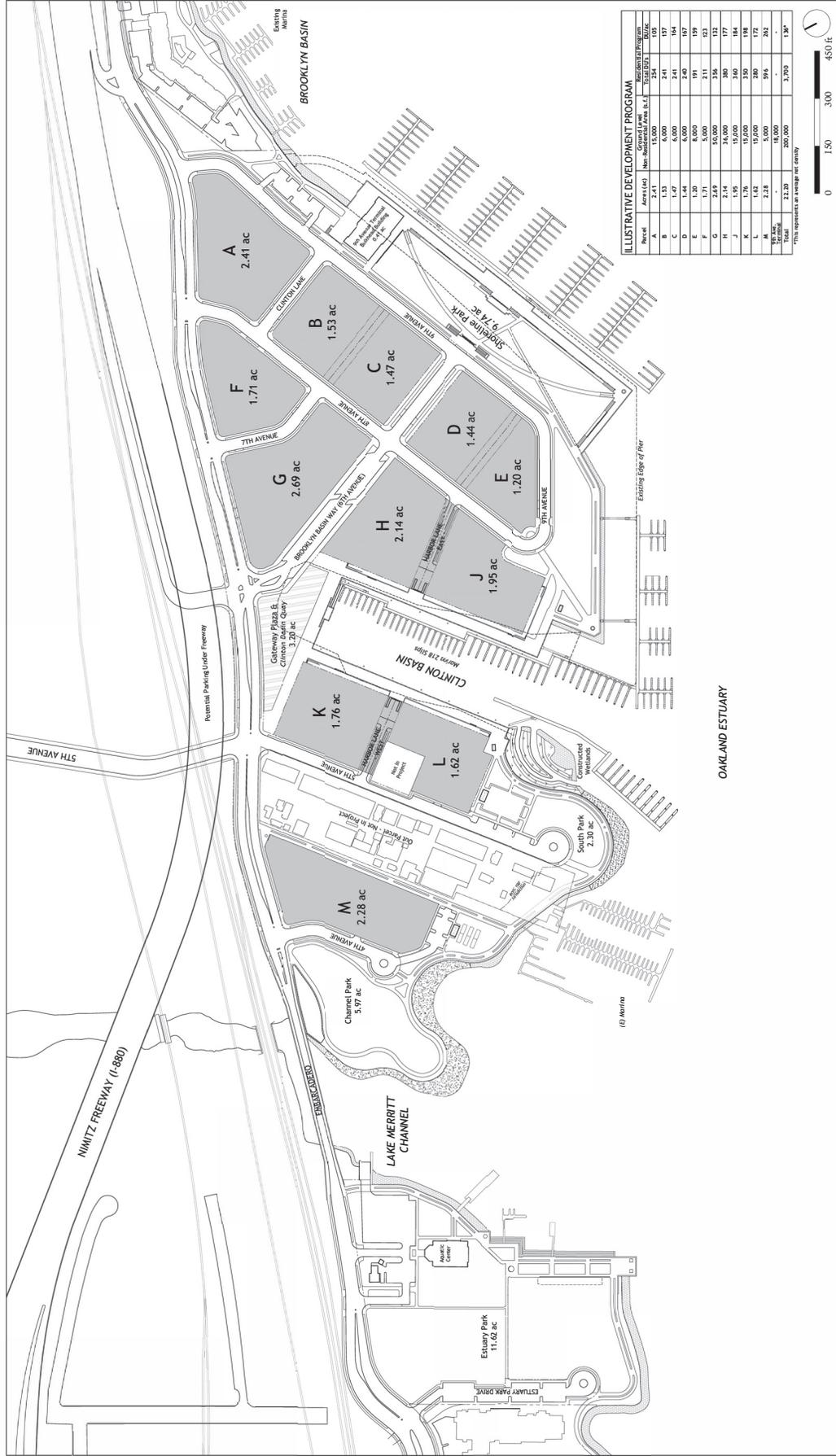
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Figure 4b

# 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



DEVELOPMENT PROGRAM AND PARCELIZATION PLAN

Brooklyn Basin - Oak to 9th Development Plan

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AMENDED NOVEMBER 5, 2014

PROPOSED MARCH 2018 AMENDMENT

SHEET NO. 1.4

Figure 5