

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION, FOLLOWING RECOMMENDATION OF THE PLANNING COMMISSION, THAT: 1) ADOPTS THE ESTUARY PARK MASTER PLAN (MASTER PLAN), (2) APPROVES A MAJOR CONDITIONAL USE PERMIT (CUP), SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL ATTACHED TO THE SUPPORTING AGENDA REPORT, THAT ALLOWS FOR IMPLEMENTATION OF THE MASTER PLAN IMPROVEMENTS, AND 3) ADOPTS APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, Estuary Park is an existing seven-acre public park, including the Jack London Aquatic Center (JLAC), located on the north shore of the Oakland Inner Harbor and the west shore of Lake Merritt Channel; and

WHEREAS, the Estuary Park Renovation and Expansion Project (Project) was proposed and thereby incorporated into several local and regional plans, including the adopted General Plan's Open Space, Conservation and Recreation (OSCAR) Element in 1996 and the Estuary Policy Plan in 1999; and

WHEREAS, the Estuary Park Master Plan (Master Plan) provides the overall vision for the park and guidance for incremental phasing of the Project¹; and

WHEREAS, the Master Plan, which is the result of three years of community engagement, analysis and recommendations guided by an Equity Framework, proposes improvements to the park to enhance community benefits and improve resilience and civic life; and

WHEREAS, the Master Plan includes an expanded multi-use lawn, a refurbished trellis area and promenade, a new restroom and boating program shower facility, upgraded and expanded picnic areas, improved walking paths and paved areas throughout (including the San Francisco Bay Trail and parking lots), repaving of the existing JLAC parking lot, and improved lighting throughout; and

¹ The Master Plan is available at Attachment B of the supporting Agenda Report and at: https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-DRAFT-1-3-24_low-res.pdf.

WHEREAS, the Master Plan was unanimously recommended for approval by the City of Oakland Parks and Recreation Advisory Commission (PRAC) on October 12, 2022; and

WHEREAS, the Master Plan was presented at both the City of Oakland’s Landmarks Preservation Advisory Board (LPAB) and Planning Commission on September 16, 2024 and September 18, 2024 respectively; and

WHEREAS, both the LPAB and Planning Commission recommends that the City Council: (1) adopt the Estuary Park Master Plan, (2) approve a Major Conditional Use Permit (CUP), with findings and Conditions of Approval attached to the Agenda Report supporting this Resolution, that approves and allows for implementation of the Master Plan improvements, and (3) adopt appropriate California Environmental Quality Act (CEQA) findings in support of the actions; and

WHEREAS, the Master Plan focuses on improving existing assets of the park and upon adoption, any park improvements that are consistent with the adopted plan will be required to obtain a Minor Conditional Use Permit pursuant to Oakland Planning Code Section 17.135.050; and

WHEREAS, implementation of the Master Plan will comply with the City’s Equitable Climate Action Plan (ECAP); and

WHEREAS, the adoption of the Master Plan will have no direct fiscal impact; and

WHEREAS, the Master Plan specifically defines a proposed “Project Conceptual Plan,” which is the basis for CEQA compliance; and

WHEREAS, the expansion and certain improvements to Estuary Park were previously analyzed in the Oak to Ninth Avenue Project Environmental Impact Report (EIR), which the City recertified in 2009 (“2009 EIR”); and

WHEREAS, the 2009 EIR also specifically considered a four-acre expansion of Estuary Park, including many of the improvements now included in the Master Plan; and

WHEREAS, the City completed the CEQA analysis as an Addendum #2 to the 2009 EIR (“Addendum”) document to assist the City in determining if the proposed Project (specifically the new improvements) compared to the project studied by the EIR meets any of the conditions requiring preparation of a subsequent EIR²; and

WHEREAS, the City hereby determines pursuant to the conditions in Public Resources Code (PRC) Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15164; and the City, as CEQA lead agency, has determined that the Addendum is adequate for CEQA compliance purposes and should be approved by the City Council; and

² The Addendum #2 for the Master Plan is available at Attachment C of the supporting Agenda Report and at: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/Estuary-Park-Master-Plan-CEQAChecklist-Addendum-2-8.30.24-Final.pdf>.

WHEREAS, the CEQA EIR Addendum reflects the City of Oakland's independent judgment and analysis; and

WHEREAS, adoption of the Master Plan and CEQA findings will enable Planning review and approval and implementation of future phased park improvements recommended by the Master Plan; now, therefore be it

RESOLVED: that the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the City Council adopts the Estuary Park Renovation and Expansion Project Master Plan; and be it

FURTHER RESOLVED: That the City Council approves the Major CUP that approves and would allow for implementation of the Master Plan improvements, subject to the findings attached to the supporting Agenda Report; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator or their designee to keep on file both the Master Plan and the Major CUP that are approved in this Resolution for review by the public; and be it

FURTHER RESOLVED: That the expansion and certain improvements to Estuary Park were previously analyzed in the Oak to Ninth Avenue Project EIR, which the City recertified in 2009. The Oak to Ninth Avenue Project (subsequently renamed “Brooklyn Basin Project”) analyzed in the 2009 EIR involved the redevelopment of approximately 64 acres along the north shore of the Estuary. The Brooklyn Basin Project was approved and included development of a mixed-use neighborhood; new and improved parkland, trails, and open space, including renovated marinas; and shoreline improvements, and demolition of existing structures, site remediation, and restoration of parts of the Ninth Avenue Terminal building. The 2009 EIR also specifically considered a four-acre expansion of Estuary Park, including many of the improvements now defined by the proposed project; and be it

FURTHER RESOLVED: That the City completed the CEQA analysis as an Addendum #2 to the 2009 EIR document to determine if the proposed Project requires the preparation of a subsequent EIR. The City’s determination was made pursuant to the conditions in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and 15164. The City, as CEQA lead agency, has determined that the Addendum is adequate for CEQA compliance purposes and recommends approval by the City Council; and be it

FURTHER RESOLVED: That the City Council adopts the Addendum #2 to the 2009 EIR; and be it

FURTHER RESOLVED: That the Project will be subject to the City's Standard Conditions of Approval that will reduce any potential environmental impact to a less-than-significant level; and be it

FURTHER RESOLVED: That the City Administrator or his designee will file a Notice of Exemption with the Clerk of the County of Alameda for the Project.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California