

**ATACHMENT A**

**FINDINGS FOR APPROVAL**

This proposal meets all the required Conditional Use Permit Criteria (17.134.050) as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

**SECTION 17.134.050 – CONDITIONAL USE PERMIT FINDINGS**

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;**

Finding: The project scope of the Estuary Park Master Plan includes the proposed expansion and renovation of the existing Estuary Park. The project area, which includes the existing Estuary Park area along with the vacant former “Cash and Carry” site located at 105 Embarcadero West adjacent to it, is zoned for open space (OS) and thus, the proposed project is consistent with the Estuary Policy Plan (General Plan), zoning and permitted uses allowed for this area of the City.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment;**

Finding: The proposed new park design and expansion would provide additional amenities for the neighborhood including but not limited to an entry plaza/food truck plaza, multi-purpose lawn, dog park, playground with play features, picnic grove, and boat storage building with public restrooms. See Attachment E to this staff report via the weblink: ([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)) for more details.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;**

Finding: The proposed Estuary Park Master Plan will enable the City of Oakland to enhance Estuary Park, and allow for improved and increased open space opportunities for the community. If approved, the project would increase Estuary Parks presence along the Embarcadero through renovation and possible expansion of the park.

- D. That the proposal conforms to all applicable Regular Design Review criteria set forth in the Regular Design Review procedure at Section 17.136.050:**

Finding: See compliance with applicable Regular Design Review per Section 17.136.050B below.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map with has been adopted by the Planning Commission or City Council.**

Finding: The proposed project is consistent with the Estuary Policy Plan (part of the Oakland General Plan) and the existing, underlying zoning of the project area. The existing park area is proposed to be renovated and expanded under this project scope. There is no General Plan Amendment or Rezoning associated with the Major Conditional Use Permit required for the proposed Park Master Plan.

**SECTION 17.136.050B – NONRESIDENTIAL DESIGN REVIEW CRITERIA**

- 1. That the proposal will 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 the 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;**

Finding: The proposed project scope includes park space renovations and a potential expansion to the park. The existing and expanded park uses are compatible with the underlying zoning and complement the surrounding, adjacent areas in the neighborhood. The proposed park and site design will enhance the frontage along the Embarcadero and contribute to the placemaking in this area of the City.

- 2. 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;**

Finding: If approved and implemented, the Estuary Park Master Plan will enhance the existing park considerably. The proposed park design incorporates greater public amenities and contributes greater open space to the surrounding community and neighborhood.

- 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.**

Finding: The proposed Estuary Park Master Plan is consistent with the Oakland General Plan as well as the underlying OS (Open Space) zoning regulations. This project scope does not include any amendments to the Oakland General Plan or the underlying zoning of the project area and is compliant with the regulations of the City of Oakland.

**CEQA COMPLIANCE FINDINGS**

An evaluation of the proposed Project is provided in the CEQA Checklist in Section 8.0 (CEQA Checklist and Analysis) of Addendum #2 to the Oak to Ninth Avenue Project Environmental Impact Report (Attachment F). The evaluation supports that the “Project Conceptual Plan” of the Estuary Park Master Plan meets the conditions for preparation of an addendum to the recertified 2009 Oak to Ninth Avenue Project EIR. The potential environmental impacts associated with the proposed Project were adequately analyzed and mitigated by the 2009 Oak to Ninth Avenue Project EIR, and no subsequent EIR is warranted.

In accordance with PRC 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 Project would not result in substantial changes or involve new information not already analyzed in the 2019 EIR.
- The proposed Project 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 that the proposed Project would cause new or more severe significant environmental impacts.

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

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.