

# Draft Technical Memorandum

## SENT VIA ELECTRONIC MAIL ONLY

date December 18, 2020

to Catherine Payne, Acting Development Planning Manager City of Oakland, Bureau of Planning  
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from Elizabeth Kanner, Senior Managing Associate  
ESA  
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subject **Status of Brooklyn Basin Project Intersection Mitigation Measure B.1a (Brooklyn Basin Condition of Approval #19) and Recommended MMRP Update**

Intended for City staff review, this memo presents background and context for the review and analysis performed by ESA's Traffic/Transportation sub-consultant, Fehr & Peers (see attached Technical Memorandum). The subject is the Brooklyn Basin EIR Mitigation Measure B.1a and associated implementation timing clarified in the associated Conditions of Approval.

### ***Background***

The City published a Draft EIR for the Brooklyn Basin project on August 31, 2005. The 2005 Brooklyn Basin Draft EIR (previously referred to as the Oak to Ninth Project Draft EIR) analyzed the redevelopment of the approximately 64.2-acre Project site into a mixed-used neighborhood containing approximately 3,100 residential dwelling units on 13 development parcels; approximately 200,000 square feet of active ground-floor retail uses; approximately 28.4 acres of new and improved parks and open space; and 170 boat slips (75 new) through renovation of Clinton Basin Marina and Fifth Avenue Marina.

A Final EIR was published on February 1, 2006 and on March 15, 2006, the Oakland Planning Commission certified the EIR. Subsequent to certification of the EIR, the Project Applicant proposed two notable revisions to the Approved Project to remove proposed development on Parcel N and increase the area of the Ninth Avenue Terminal to be retained. These revisions were approved in a 2006 Addendum to the EIR and a technical memorandum referring to certified EIR alternatives already considered.

On June 20, 2006 and July 18, 2006, the City Council and Redevelopment Agency Board approved the project and adopted Exhibits A through D to the approval documents, which include the CEQA findings and statement of overriding considerations, mitigation monitoring and reporting program (MMRP), conditions of approval, and

general findings.<sup>1</sup> Specifically, Exhibit C includes the Oak to Ninth Mixed Use Development Project Conditions of Approval (COA). As described in COA #17, all Mitigation Measures in the EIR deemed to be required in the Environmental Findings shall be considered Conditions of Approval for the project, as further refined and/or clarified within Exhibit C. This conditions notes that “Implementation of the transportation measures that are not within the sole discretion of the City of Oakland may not be feasible, and therefore may not be able to be fully implemented. The MMRP identifies the time frame and responsible party for implementation and monitoring of each measure, as modified by this Approval.”

As noted, this memo concerns EIR Mitigation Measure B.1a and COA #19. Mitigation Measure B.1a states, “Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of Embarcadero and Oak Street, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant.” COA #19 refines the implementation timing for this measure stating, “Group 1 Traffic Improvements [including Mitigation Measure B.1a] – to be completed no later than the issuance of an occupancy permit for the 1,000th unit.”

### **Current Conditions**

The attached Technical Memorandum prepared by ESA’s Traffic/Transportation sub-consultant, Fehr & Peers, describes the Project Applicant’s efforts to date to implement Mitigation Measure B.1a at Embarcadero and Oak Street and the changed conditions since the measure was written and approved in 2006. The memo includes recommended revisions to Mitigation Measure B1.a implementation timing and updates to COA #19 to reflect these changed conditions. Given this measure requires other agency approvals and is not within the sole discretion of the City of Oakland, the recommended revised implementation timing is required to maintain mitigation measure feasibility.

Fehr & Peers also includes a brief comparison of the 2005 Phase I trip generation estimate used to determine implementation timing in 2006 with the trip generation estimated for the actual Phase I development as approved in FDPs for all Phase I parcels and the Ninth Avenue Terminal. Although not required to justify recommended updates to COA #19, the analysis confirms that the actual Phase I would generate fewer trips than the 2005 Phase I and thus would not affect the Environmental Findings.

If you have any questions, please contact me at (510) 740-1718 or via email at ekanner@esassoc.com.

Sincerely,



Elizabeth Kanner  
Project Manager

Attachments: Fehr & Peers\_Embarcadero at Oak Street Implementation Technical Memorandum – December 16, 2020

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<sup>1</sup> Following these approvals, on February 27, 2008 the Alameda County Superior Court Order found the EIR deficient with respect to portions of the environmental review. In September 2008, the City published the Revisions to the Analysis in the Oak to Ninth Project EIR, and in December 2008, the City published the Responses to Comments on the revisions document. On January 20, 2009, the City Council approved the revisions to the EIR and certified the EIR as revised pursuant to the Court Order.

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City of Oakland Bureau of Planning

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Date