



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, OakDOT

SUBJECT: Accept Irrevocable Offer of Dedication
499 Embarcadero

DATE: August 19, 2025

City Administrator Approval


Jestin Johnson (Sep 11, 2025 15:18:20 PDT)

Date: 09/11/2025

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Accepting An Irrevocable Offer Of Dedication For Public Sidewalk Purposes From Two Quarts Down, LLC and 499 Embarcadero, LLC at 499 Embarcadero and 5th Avenue; And Making California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Two Quarts Down, LLC, a California limited liability company, and 499 Embarcadero LLC, a California limited liability company (collectively, “Grantors”), are the owners of the property located at 499 Embarcadero, identified by Assessor’s Parcel Number 018-0460-001.

Grantors hereby offer to dedicate to the City of Oakland (“City”), a non-exclusive easement for the construction, maintenance, repair and replacement of intersection and sidewalk improvements for pedestrian access, ingress and egress, and all incidents related thereto including, but not limited to the construction, maintenance repair, removal and replacement of the necessary intersection and sidewalk improvements (the “Easement”), over and across real property owned in fee by the Grantors and located in the County of Alameda, State of California.

Exhibit A to the Resolution delineates the described Irrevocable Offer of Dedication from the Grantors to the City.

BACKGROUND / LEGISLATIVE HISTORY

The Brooklyn Basin project site is comprised of approximately 64 acres of waterfront property bounded by Embarcadero Road, Fallon Street, Tenth Avenue and the Estuary. The project includes up to 3,700 residential units, approximately 465 affordable housing units, and at least 200,000 square feet of ground-floor commercial space. The completed project will have approximately 31 acres of parks and public open space, two renovated marinas, shoreline

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improvements, new roads, and other infrastructure improvements, and an existing wetlands restoration area.

The Brooklyn Basin Embarcadero Off-Site development permit, PX1400053, was issued for construction on December 1, 2019, and included improvements to the Embarcadero, consisting of hardscape and landscape improvements, which included the intersection of Embarcadero and 5th Avenue.

At the time of these improvements, the 5th Avenue existing improvements at the intersection of Embarcadero and 5th Avenue did not conform to the proposed improvements required for this intersection, where a new grade crossing traffic signal was required per the Development Agreement associated with the project. In particular, an ADA accessible ramp had to be installed at the SSW corner of this intersection to construct the crosswalk at this intersection, of which approximately 41 square feet of that curb ramp is constructed within private property, which needed to be dedicated to the City in order to complete the work. This work had to be done immediately to allow pedestrian access and address safety obligations at the intersection.

This condition is essentially what is out there as of today, and the City Engineer issued an unconditional certificate of completion on February 20, 2020, recorded in the Official Records of Alameda County as Series No. 2020042404 for the associated off-site development permit. This action was authorized by the City Council on January 2, 2020, under Resolution No. [87991 C.M.S.](#)

ANALYSIS AND POLICY ALTERNATIVES

This action is necessary to support the Citywide priorities of 1) **holistic community safety** and 2) **responsive, trustworthy government** by securing for the public, legal public access to the full width of the improvements that are intended for public use along Embarcadero and 5th Avenue. Denial of the resolution would leave the limit of legal public access i.e. the existing right-of-way line, in the middle of an existing sidewalk, creating a potentially awkward property access issue, a liability for the adjacent property owner, and a legally public sidewalk that is narrower than the City's current standards (public portion of sidewalk would be 4 feet wide, and City's requirement is generally at least 5.5 feet wide).

As set forth in California Government Code section 7050 (Dedication of Real Property for Public Purposes) provides for owners to dedicate real property for any public purpose, including easements for access, utility or other purposes. The City Council may accept an offer by adopting a resolution or ordinance or reject an offer by summary vacation (Streets and Highways Code section 8300). The City Council has previously approved similar dedications throughout Oakland.

Accepting the Irrevocable Offer of Dedication and directing the City Engineer to record the Resolution with the Alameda County Recorder will allow the public to use the full width of the sidewalk at the corner of the Embarcadero and 5th Avenue.

FISCAL IMPACT

Staff cost for processing the Irrevocable Offer of Dedication is covered by the Master Fee Schedule (permit number PPE2100052) and paid for by the Brooklyn Basin Developer.

PUBLIC OUTREACH / INTEREST

The adjoining property owners were notified of the Brooklyn Basin project and related utilities as part of the initial Tentative Tract Map and Final Map approval process.

COORDINATION

This report was coordinated with the Department of Planning and Building, the Budget Bureau, and the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: The Brooklyn Basin project, previously the Oak to Ninth project, was approved by the City Council on July 18, 2006. The entire project site includes up to 3,700 residential units, including approximately 465 affordable units, commercial space, and approximately 31 acres of parks, public open space, and two renovated marinas. The improvements provide economic vitality and opportunity along the Oakland waterfront.

Environmental: Land use approval and construction permits for public infrastructures and private improvements comply with City ordinances and best management practices for noise, fugitive dust, construction debris and disposal, and storm water pollutant prevention.

Race and Equity: The development provides housing opportunities, commercial space, parks, marinas, and open space to the community. This development was approved by the Planning Department and includes affordable housing.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)


This action is exempt from the California Environmental Quality Act (CEQA) and the CEQA Guidelines because the City's acceptance of the completed improvements is a ministerial action that is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268. In addition, this action complies with CEQA because the improvements in question were approved as part of the entitlements for the Brooklyn Basin Project, which was analyzed under the 2009 Brooklyn Basin (formerly "Oak to Ninth Avenue Project") Environmental Impact Report (2009 EIR) and this action implements the previously approved entitlements that were analyzed under the 2009 EIR. As such, there are no circumstances pursuant to CEQA Guidelines section 15162 or 15164 that would necessitate further environmental review.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:
A Resolution Accepting An Irrevocable Offer Of Dedication For Public Sidewalk Purposes From
Two Quarts Down, LLC and 499 Embarcadero, LLC at 499 Embarcadero and 5th Avenue; And
Making California Environmental Quality Act Findings

For questions regarding this report, please contact Tadd Tsui, Assistant Engineer II, at
ttsui@oaklandca.gov.

Respectfully submitted,


Josh Rowan (Sep 10, 2025 18:12:31 PDT)

JOSH ROWAN
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