


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION REVISING THE PRELIMINARY DEVELOPMENT PLAN FOR THE BROOKLYN BASIN (FORMERLY THE OAK-TO-NINTH MIXED USE DEVELOPMENT) PROJECT; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (“City”) has previously approved a development now known as the Brooklyn Basin (and formerly known as the Oak-to-Ninth Avenue Mixed Use Development) Project on approximately 64.2 acres of land area (and 7.95 acres of water surface area) along the Oakland Estuary, which included up to 3,100 residential units, up to approximately 200,000 square feet (“sf”) of commercial space, a minimum of 3,534 parking spaces, approximately 31 acres of open space, two renovated marinas entailing dredging activities of approximately 20,000 cubic yards of material and up to 167 boat slips, as well as shoreline improvements, new roads, and other infrastructure and improvements (the “Approved Project”); and

WHEREAS, in connection with the Approved Project the City approved a Preliminary Development Plan (“PDP”), which approval was memorialized by City Council Resolution No. 79984; and

WHEREAS, Zarsion-OHP I, LLC (“ZOHP” or “Developer”) has submitted entitlement applications to modify the Approved Project (the “Project Modifications”), as set forth in the January 11, 2023 Planning Commission Staff Report and Staff Report for the City Council, incorporated by this reference, which included an application requesting the approval of an amendment to the approved PDP (the “PDP Amendment”); and

WHEREAS, the Developer subsequently elected to pursue revised amendments to the Approved Project (the “Revised Project Modifications”), as set forth in the January 11, 2023 Planning Commission Staff Report and Staff Report for the City Council, which continued to include the PDP Amendment; and

WHEREAS, the PDP Amendment would permit the construction of an additional 600 residential units for a maximum of 3,700 residential units, allow up to two towers, rather than a single tower, on Parcel M (but not increase the total number of towers allowed in the Brooklyn Basin Project), permit the provision of a publicly accessible small watercraft launch, and would

amend previously approved Conditions of Approval 18 and 19 regarding the traffic signalization of Embarcadero and Oak Street; and

WHEREAS, as more fully set forth in the related resolution certifying the Supplemental Environmental Impact Report for the modifications to the Approved Project (the “SEIR”), incorporated by this reference, the Revised Project Modifications, including the PDP Amendment, were analyzed in compliance with the California Environmental Quality Act (“CEQA”); and

WHEREAS, on January 11, 2023, the City Planning Commission, after conducting a duly noticed public hearing, hearing all qualified and interested persons, and receiving and considering all relevant evidence, recommended that the City Council certify the SEIR and approve the Revised Project Modifications, including the PDP Amendment; and

WHEREAS, on May 2, 2023, the City Council, conducted a duly noticed public hearing, heard all qualified and interested persons, and received and considered all relevant evidence on the Revised Project Modifications, including the PDP Amendment; and

NOW, THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and are an integral part of this Resolution.

FURTHER RESOLVED, the City finds that the PDP Amendment would meet all of the findings for the reasons set forth in **Exhibit A** hereto, including the following:

- The location, design, size, and uses permitted by the PDP Amendment are consistent with the City General Plan, as amended by the Revised Project Modifications, and applicable zoning, as amended by the Revised Project Modifications;
- That the location, design, and size of the development allowed by the Revised Project Modifications are such that the location and design will adequately reduce the impact of the development, as further explained in the SEIR and resolution certifying the SEIR, including the CEQA Findings, as well as the General Findings;
- That the location, design, size, and uses are such that traffic generated by the Revised Project Modifications can be accommodated safely and without congestion on major streets and will avoid traversing other local streets, as further explained in the SEIR and resolution certifying the SEIR, including the CEQA Findings, as well as the General Findings;
- That the location, design, size, and uses are such that the residents to be accommodated by the Revised Project Modifications will be adequately served by existing and proposed facilities and services, as further explained in the SEIR and resolution certifying the SEIR, including the CEQA Findings, as well as the General Findings;
- That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, whereby additional residents will be able to enjoy the benefits of the Approved Project, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations, as

further explained in the General Findings; and

- That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices, as further explained in the SEIR and resolution certifying the SEIR, including the CEQA Findings, as well as the General Findings.

FURTHER RESOVLED, that the City Council approves the PDP Amendment substantially in the form attached hereto as **Exhibit B**, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by City staff, if necessary, to conform to this Resolution.

FURTHER RESOLVED, that in accordance with Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, the City examined whether the proposed PDP Amendment would result in “substantial changes” that trigger the need for a major modification to the previously certified 2009 EIR due to a new significant impact or a substantial increase in the severity of previously identified significant impacts. An Initial Study was not prepared for the Project, as authorized under Section 15060(d) of the CEQA Guidelines. The City, as the Lead Agency, determined that a Supplemental Environmental Impact Report (SEIR) for the Project would be required. Staff published a Notice of Preparation (NOP) of an EIR on September 21, 2018.

As further set forth in the City’s “Resolution certifying the Brooklyn Basin Marina Expansion Project Supplemental Environmental Impact Report (SEIR) and Making Certain Findings Concerning Environmental Impacts, Mitigation Measures, and Alternatives, and Adopting a Mitigation Monitoring and Reporting Program (MMRP), All In Accordance with the California Environmental Quality Act,” the SEIR did not identify any new or more severe potentially significant or significant and unavoidable impacts than analyzed in the previous Oak-to-Ninth Street Project EIR. None of the additional information provided in the PDP Amendment or the Draft SEIR could result in changes to the environmental analysis in the Draft SEIR under CEQA. The City decided to include additional information in the Response to Comments document for informational purposes for the public and decision-makers for the project. Certain updates included in the Final SEIR address topics raised by the public that are comprehensively addressed in Chapter IV, Consolidated Responses, of the Final SEIR document. None of the new information is considered “significant new information” defined in State CEQA Guidelines Section 15088.5, and therefore recirculation of any part of the SEIR is not required.

FURTHER RESOLVED, that this Resolution, and the PDP Amendment approval described above, including the reasons the Revised Project Modifications meet the required findings, is based, in part, on the findings set forth above, the CEQA Findings related to approval of the Revised Project Modifications, and the findings attached hereto at **Exhibit A**, related to approval of the Revised Project Modifications as well as the other resolutions and ordinances related to the Revised Project Modifications, each incorporated by this reference.

FURTHER RESOLVED, that this Resolution will take effect on the effective date of the Ordinance approving the Planning Code text amendment titled “An Ordinance Approving Zone Text Amendment To Increase The Maximum Average Density And Modify The Parking Requirements In The Oak To Ninth District (D-OTN) Zone; And Making Appropriate California Environmental Quality Act Findings.”

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

EXHIBIT A

Preliminary Planned Unit Development Permit Amendment Findings Pursuant to Planning Code Section 17.140.080

The Brooklyn Basin Marina Expansion Project (the Project) requires an amendment to the approved Brooklyn Basin Preliminary Development Plan (PDP) to permit the construction of an additional 600 units and a publicly accessible small watercraft launch as well as the relocation of an approved residential building within the approved PDP building envelope resulting in the potential for two residential buildings on Parcel M. The Project also includes amendments to Conditions of Approval #18 and #19, which incorporate Mitigation Measure (MM) B.1a from the 2006 Oak to Ninth Avenue Mixed Use Development Project EIR. MM B.1 required the signalization of the intersection of Embarcadero and Oak Street by the certificate of occupancy for the 1000th unit. For reasons described below in subsection C, this requirement is amended to require an in-lieu fair share payment of \$795,199.14 prior the occupancy of the 3,700th residential unit.

A Preliminary Planned Unit Development may be granted (or amended) if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142. The PDP amendment for the Project conforms to all of the following criteria:

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

The City previously approved the Brooklyn Basin project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin project's overall location, design, size, and uses are consistent with the Oakland General Plan and with other applicable plans, maps, and guidelines, and ordinances. The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings. The City's previous determinations for the Brooklyn Basin project would remain valid.

The additional 600 residential units, watercraft launch, and building relocation would occur within the same overall development envelope that the City approved as part of the Brooklyn Basin PDP and that the City determined was appropriate in location, design, size, and use for the Brooklyn Basin area. The location, design, size, and uses of the proposed additional residential units would be consistent with the City's General Plan, including the Estuary Policy Plan and applicable zoning as amended by the Project. The Project will increase the average residential density from 50 to 57.63 over the entire applicable 64.2-

acre planning area designated Planned Waterfront Development-4 (PWD-4), accommodating the additional 600 units in the planning area. The building relocation would not materially change the approved development as it would not increase the total number of towers in the planning area, nor would it modify the design parameters or overall building envelope approved for the planning area.

In addition, the incorporation of the publicly accessible watercraft launch is consistent with the Estuary Policy Plan's policy OAK-2.3 to enhance and enliven the marina and with the City's 2030 Equitable Climate Action Plan (ECAP) as it would reduce greenhouse gas emissions through integration of an existing water taxi service, which would increase the multi-modal transit options within the Brooklyn Basin PDP and in turn reduce dependence on single-occupancy vehicles and create a more sustainable community.

The Project also conforms to the General Plan's and other applicable plan's objectives and policies as discussed above and in the SEIR. Likewise, the Project conforms to the applicable zoning as amended, as discussed above.

In sum, the Project's location design, size, and uses are consistent with the Oakland General Plan and with other applicable plans, development control maps, and ordinances.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.

The City previously approved the Brooklyn Basin project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin project's location, design, size can be well integrated with its surroundings. The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings.

The City's previous determinations for the Brooklyn Basin project would remain valid. The additional 600 residential units, watercraft launch, and building relocation would occur within the same overall development envelope that the City approved as part of the Brooklyn Basin PDP and that the City determined was appropriately integrated with its surroundings. The location, design, and size of the Project would continue to be well integrated into the Brooklyn Basin area, as it would introduce additional residential units and a watercraft launch into an area already approved for such uses and which uses were previously found to be well integrated with its surroundings. The Project would occur within the same development envelope that is already approved as it would not increase the total number of towers in the planning area, nor would it modify the design parameters or overall building envelope approved for the planning area, and therefore would not change the character, location, design, or size of the Brooklyn Basin planned development. In addition, the increase in the marina activity, through integration of an existing water taxi service, is consistent with the character of the area as a location for waterfront uses. Further, these uses are consistent with the surrounding area. To the west of the Project site is the Jack London District, which contains a mix of uses including residential, commercial, retail, entertainment and water-oriented uses similar to those that would be developed in Brooklyn Basin and which was previously approved. To the east of the Project site is the Embarcadero Cove area, which contains commercial, recreational, and water-dependent uses, which are all compatible with the approved uses for Brooklyn Basin.

In sum, the location, design, and size are such that the development can be well integrated with its surroundings and is not a departure from uses existing in the immediate surroundings.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

The City previously approved the Brooklyn Basin Project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin Project's location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will mostly avoid traversing other local streets.

The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings. The City's previous determinations for the Brooklyn Basin project would remain valid.

The Project would not materially change the Brooklyn Basin's planned circulation system, including site access intersections as well as on-site streets, sidewalks, and bike facilities. The Project remains located in an area that can be accessed by major roads and freeways and does not require traversing local residential streets for Project access. Furthermore, while the Project proposes an increase in residential units, the traffic generated by the Project would not be materially different than that previously approved and can be accommodated safely and without unsafe congestion on major streets and will mostly avoid traversing local streets outside the Project area—as the Project is subject to a robust Transportation Demand Management (TDM) Plan. TDM measures include frequent, direct weekday shuttle service between Brooklyn Basin and BART, full pedestrian and bicycle network, secure and on-street bicycle parking, wayfinding and lighting for travelers, unbundled residential parking, and metered on-street parking. These features reduce traffic congestion attributable to the Project.

Likewise, the publicly accessible watercraft launch would contribute to increased mobility choices that support the transportation network, as it would accommodate integration of an existing water taxi service, which would reduce dependence on single-occupancy vehicles and in turn reduce traffic congestion otherwise attributable to the Project.

Similarly, the Project would reduce the minimum parking requirements from 1.0 spaces per residential unit to 0.75 spaces per residential unit. This updated residential parking ratio would apply not only to the 600 additional units, but also future development of the approved Brooklyn Basin project, such that the Project would only introduce an additional 60 parking spaces (or a less than two percent increase) beyond that of the approved Brooklyn Basin project. This reduced parking ratio would further reduce dependence on single-occupancy vehicles and in turn reduce traffic congestion otherwise attributable to the Project.

With respect to the amendment to Conditions of Approval #18, and #19, the City determines that, changed circumstances have made current signalization of the intersection infeasible. These circumstances include the installation of a new cross-walk in the intersection, the presence of which has led the California Public Utilities Commission to reject the project's signalization plans and to require either the removal of the crosswalk or a significant and costly redesign of the intersection not previously contemplated. The City has determined that maintaining the cross-walk in the intersection is in the public interest to serve pedestrians and that the CPUC's additional conditions have made intersection improvements infeasible at this time. The City has also determined that the Project can mitigate any contribution that it is making to the safety conditions at the intersection by contributing its fair share cost to the signalization of the intersection. An amendment to

Conditions of Approval #18 and 19 is therefore appropriate to require an in-lieu, fair share contribution of \$795,199.14 to be paid prior to the issuance of a certificate of occupancy for the 3,700th residential unit. Payment of this fee shall be in full satisfaction of the Project's obligations with respect to the intersection of Embarcadero and Oak Street.

In sum, the Project's location, design, size, and uses are such that traffic generated by the Project can be accommodated safely and without unsafe congestion on major streets and will mostly avoid traversing other local streets.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The City previously approved the Brooklyn Basin project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin project's location, design, size, and uses are such that residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services. The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings. The City's previous determinations for the Brooklyn Basin project would remain valid.

As discussed in the SEIR, the location, design, size, and uses of the Project are such that the residents and establishments to be accommodated will be adequately served by existing or proposed facilities and services, such as: fire protection, police protection, public schools, libraries, parks and recreation, water supply, sanitary wastewater, stormwater management, and solid waste. Furthermore, as discussed in the SEIR, the Project would not materially change the City's previous findings as to these facilities and services. In addition, the area is covered by a Community Facilities District that levies a special tax to fund maintenance for the area's public improvements, including the Project's ample public parks.

In sum, the location, design, size, and uses of the Project are such that the residents and establishments to be accommodated will be adequately served by existing or proposed facilities and services.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

The City previously approved the Brooklyn Basin Project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin Project's location, design, size, and will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations. The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location

of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings. The City's previous determinations for the Brooklyn Basin project would remain valid.

The overall location, design, and building envelope of the residential uses would not change from what was approved in the original PDP and thus the Project would not alter the findings related to location, design, size, and uses that the City already made. The Project would increase the number of residential units within the approved massing envelopes. The additional residential units will continue to support the approved retail and commercial uses and open space in the area and increase the sense of community, thereby creating a stable environment for living, shopping, and work. Likewise, the publicly accessible watercraft launch, and its accommodation of an existing water taxi service, would improve access to and from the Brooklyn Basin planning area further supporting the attractive, healthful, efficient, and stable Brooklyn Basin environment.

Moreover, the Project, and its addition of residential units and watercraft launch along with the relocation of an approved building, does not alter the fact that the approved Brooklyn Basin PDP allows the construction of an integrated master plan community, including a mix of residential, retail and commercial, and open space uses that would not have been possible under the City's standard zoning regulations.

In sum, the location, design, size, and uses of the Project will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

The City previously approved the Brooklyn Basin Project and the Brooklyn Basin PDP. In that process, the City determined that the Brooklyn Basin Project will be well integrated into its setting, will not destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices. The Project increases the number of residential units permitted in the Brooklyn Basin planning area, includes a publicly accessible small watercraft launch to accommodate an existing water taxi service, and changes the location of an approved residential building from what was previously approved, but does not include any proposed substantial changes to the Brooklyn Basin project or the Brooklyn Basin PDP, or the circumstances under which the Brooklyn Basin project would proceed, that would alter the City's previous findings. The City's previous determinations for the Brooklyn Basin project would remain valid.

Notwithstanding the increase in residential units, inclusion of a watercraft launch, or relocation of an approved building, the Project would look substantially similar to the approved Brooklyn Basin PDP because the Project would occur within the overall approved development envelope. Therefore, the City's findings that the development of Brooklyn Basin will be well integrated into its setting, not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices remain valid.

In sum, the Project will be well integrated into its setting, will not destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

EXHIBIT B

Oak to Ninth Mixed Use Development — Amendment to Conditions of Approval 18 and 19

18. The Project Applicant shall implement all of the mitigation measures described in “Section B. Transportation, Circulation and Parking” of the MMRP. The project Applicant shall have prepared, by a licensed traffic engineer, and shall submit to the City for its approval, a Schematic Master Traffic Improvement Plan for all traffic improvements that are to be funded by the Project Applicant pursuant to Mitigation Measures **B.1.a (as amended), B.1.c., B.1.d., B.1.e., B.2.a., B.2.b., B.2.d., B.2.f., B.2.g., B.2.i., B.2.j., B.2.l., B.2.m., B.2.n., B.2.o., B.2.p., B.2.q.**, as set forth in the MMRP. This plan shall be submitted prior to the issuance of the first building permit for a development parcel.

As set forth in the MMRP and refined below, the Schematic Master Traffic Improvement Plan shall include the following improvements:

a. The schematic design of traffic signals at the unsignalized intersections of:

- ~~Embarcadero and Oak Street (MM B.1.a.)~~
- Embarcadero and 5th Avenue (MM B.1.d.)
- Embarcadero and I-880 Northbound Off-ramp — 6th Avenue (MM B.1.e)
- Embarcadero and Broadway (MM B.2.b)
- Embarcadero — I-880 Southbound On-ramp — 10th Avenue (MM B.2.1)

b. These schematic plans shall include fixed time controls with permitted left-turn phasing, traffic signal equipment, optimization of signal phasing and timing with the relative traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall meet City of Oakland and Caltrans standards. The schematic design and general specifications for the traffic signals shall also include installation of optimization components such as interconnection hardware (modems, microwave antennas, video, etc.) for each intersection roadway approach and coordination with signal phasing and timing of adjacent intersections. In addition, each intersection and roadway approach shall include striping improvements, determination of locations for signal arms and other signal components and any work required to install them such as curb and sidewalk modifications, utility line relocation, etc.

c. The schematic plans, equipment and specifications for optimization of the traffic signal timing at:

- The signalized intersection of 6th and Jackson Streets at the I-880 Northbound On-ramp. (MM B.1.c)
- The signalized intersection of 5th and Oak Streets during the PM peak period at the I-880 Southbound On-ramp. (MM B.2.d)

- The signalized intersection of West Grand Avenue and Harrison Street during the AM peak period. **(MM B.2.f)**
 - The signalized intersection of Lakeshore Avenue and Foothill Boulevard during the AM peak period. **(MM B.2.g)**
 - The signalized intersection of Lakeshore Avenue and Lake Park Avenue during the PM peak period. **(MM B.2.i)**
 - The signalized intersection of 5th Avenue and 7th/8th Streets during the PM peak period. **(MM B.2.m)**
 - The signalized intersection of 14th Avenue and 7th/12th Streets (Southbound during the PM peak period). **(MM B.2.n)**
 - The signalized intersection of Foothill Boulevard and 14th Avenue (Westbound - during the AM peak period.) **(MM B.2.o)**
 - The signalized intersection of Foothill Boulevard and 14th Avenue (Eastbound - during the AM peak period.) **(MM B.2.p)**
 - The signalized intersection of 16th Street and 23rd Avenue during the PM peak period. **(MM B.2.q)**
- d. The optimization plan shall include the determination of allocation of green time for each intersection approach in tune with the relative projected traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. In addition, a determination of interconnection hardware (modems, microwave antennas, video, etc.) shall be incorporated along with any other physical improvements or modifications required to optimize the signal.
- e. Each traffic improvement detailed in the plan shall include cost estimates and an estimated length of time for completion of each improvement.

19. An implementation and phasing plan shall be developed for the traffic improvements established in Condition of Approval No.18 and the MMRP, based on the following schedule for completion of the residential units:

Group 1 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 1,000th unit: ~~Installation of signals at Embarcadero and Oak~~, Embarcadero and 5th, Embarcadero — 1-880 Northbound On-ramp and 6th Street and Embarcadero and Broadway. In addition, optimization of existing signals at 6th — Jackson-I-880 Northbound ramp and the 5th and Oak @ I-880 Southbound ramp.

Group 2 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 2,500th unit: Installation of signals at Embarcadero — 1-880 Southbound On-ramp and 10th Avenue. In addition, optimization of existing signals at 5th Avenue and 7th/8th Streets; 14th Avenue — 7th to 12th Streets; Foothill-14th Avenue (Eastbound and Westbound); 16th Street — 23rd Avenue. Fair share contributions for

intersection improvements paid to City of Alameda and fair share in-lieu payment of \$795,199.14 for intersection improvements at Embarcadero and Oak Street.

Group 3 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 3,100th unit: Optimization of the signalized intersections at West Grand and Harrison; Lakeshore and Foothill Boulevard; and Lakeshore and Park. As set forth in Condition of Approval 5, these traffic improvements must be completed by the issuance of a certificate of occupancy for the unit specified; no security, bonding or other financial assurances shall be used to defer completion.