



—CITY OF OAKLAND—

AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Conditionally Vacating A Portion of
King Street

DATE: December 1, 2020

City Administrator Approval

Date:

Jan 19, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Conditionally Vacating A Portion Of The Public Right-Of-Way Of King Street From 5 Feet South Of Its Intersection With Dennison Street To 68.6 Feet North Of Its Intersection With Frederick Street.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City Engineer to issue a vacation permit (Permit Number PPE2000054) conditionally vacating the portion of King Street starting from five feet south of the intersection of Dennison Street and King Street as shown in **Exhibits A and B** (Legal Description and Map).

The property owner adjacent to the area to be vacated is Duke Realty K&D LP, a Delaware limited partnership. The property owner owns in fee title the area to be vacated and has requested the City to vacate this portion of King Street. The owner requests that the area of King Street be vacated to prohibit public access and reserve easements for the remaining public utilities. The owner will construct gates at each end of the vacated area and install new Americans with Disabilities Act (ADA) curb ramp at the intersection of Dennison Street and King Street, relocate the existing fire hydrant, remove existing streetlight and install street closure signs.

BACKGROUND / LEGISLATIVE HISTORY

Applicants are proposing the City vacate a portion of King Street and allow its conversion to a gated private access road and utilities easement. The closure length of the through traffic on King Street is approximately 330 feet between Frederick Street and Dennison Street. The reasons for this street vacation are to control vandalism, attempted theft, major theft with loss of electrical switchgear, graffiti, illegal dumping, illegal activities on the street. The proposed portion of King street vacation request would improve safety and reduce illegal activities within the nearby community.

City Council
February 2, 2021

On March 23, 2020, the City Planning Department determined that the vacation portion of King Street, located between 955 Kennedy Street and 1905 Dennison Street, is consistent with the City's General Plan under Planning and Zoning Case File Number DET200060. This property is classified as Light Industrial 2 per the Estuary Policy Plan (EPP) and located within the Central Estuary Area Plan (CEAP).

The Oakland Fire department has reviewed the project infrastructure construction plans and requires the gates to be equipped with a Knox Box and manual override, the existing fire hydrant be relocated, a 20 feet wide emergency vehicle access be maintained, and adding property address signs as required by new building permits and to be visible during construction inspections.

Applicants will return the existing streetlight arm and LED cobra head streetlights to the Electrical Service with Department of Transportation as part of the permitted improvements.

Applicants conducted a neighborhood survey about the proposed King Street vacation in October 2019. Applicants mailed "King Street – Right of Way Vacation Request Neighboring property owners Survey" to the property owners on Dennison Street, Kennedy Street, Embarcadero, Fredrick Street, Diesel Street and East 7th Street. A total of thirty-nine (39) letters were mailed out on 10/18/19. Eleven (11) letters were received to support the vacation project, seven (7) letters were received to object the project, and twenty-one (21) letters received no response.

ANALYSIS AND POLICY ALTERNATIVES

The approved street vacation project will install new gates, new curb ramps, relocate fire hydrant, remove existing streetlights, install street closure signs and other associated infrastructure. The street vacation will not be recorded until these infrastructure improvements are completed, inspected, and accepted by Department of Transportation and Oakland Fire Department.

The portion of public right-of-way to be vacated will leave two existing parcels, as shown in **Exhibits A and B** of the Ordinance. The abutting property owners, 955 Kennedy Street LLC and 1905 Dennison Street LLC are the current owners of both proposed vacated parcels on King Street.

The California Street and Highways code requires that a local jurisdiction make the following determinations for a proposed vacation of right-of-way.

- The vacation will conform with an adopted General Plan, as has been determined by the Zoning Division; and that
- Public Easements are retained as necessary for utility, as has been requested by Pacific Gas and Electric (PG&E), East Bay Municipal Utility District (EBMUD), Comcast, AND AT&T; and that
- The public was notified by site postings and newspaper publications of the public hearing at which the proposed vacation will be presented; and that

- The vacation will not impact current or future access for non-motorized transportation, as evidenced by the City's adopted General Plan; and
- The vacation will not increase traffic or pedestrian inconvenience nor decrease traffic or pedestrian safety.

Vacation (abandonment) of public right-of-way is subject to Streets and Highways Code sections 8300 et seq. The City Council may, on its own initiative, initiate a proceeding to vacate all or part of a public street. Vacating a public street requires a public hearing and specific notices, including newspaper publication for two successive weeks prior to the hearing and posting of notices to vacate along the proposed street to be vacated. Proof of publication of a notice must be made by affidavit.

If the proposed street vacation is within an area for which a general plan is adopted, the legislative body must consider the general plan prior to vacating the street. This right-of-way vacation was found to be in compliance with the General Plan by the City Planning Department.

At the public hearing, the City Council must hear evidence offered by interested members of the public, and if the City Council finds, from all the evidence submitted, that the street is unnecessary for present or prospective public use, the City Council may adopt a resolution vacating the street. The resolution to vacate may provide that the vacation occurs only after conditions required by the City Council have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied. The vacation is complete upon recordation of the resolution of vacation by the City Clerk.

FISCAL IMPACT

Staff costs for processing the proposed summary vacation permit (PPE2000054) are covered by fees set by the Master Fee Schedule and have been paid by the Applicant.

PUBLIC OUTREACH / INTEREST

Pursuant to statutory noticing requirements, vacation of King Street includes newspaper publication for two successive weeks prior to the public hearing and posting notices to vacate along King Street. An affidavit of proof of publication of the notice is attached in **Exhibit C**.

COORDINATION

The permit application was coordinated with Planning and Building Department, Budget Bureau, Economic and Workforce Development, and the Office of the City Attorney. The Office of the City Attorney has reviewed the resolution for form and legality, and the Budget Bureau has reviewed this agenda report.

SUSTAINABLE OPPORTUNITIES

Economic – The proposed vacation of this portion of right-of-way on King Street will decrease the costs for street maintenance, reduce illegal dumping and improve public safety within the area.

Environmental – The vacation of right-of-way will not have a direct impact on the environment. Construction permits for infrastructure improvements related to the street vacation require the permittee to comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

Race and Equity – The vacation of this portion of right-of-way and the construction of related infrastructure will improve pedestrian accessibility with the two new ADA compliant curb ramps while also improving public safety.

CEQA (California Environmental Quality Act)

The California Public Resources Code requires that a local jurisdiction determine that a project complies with the requirements of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301 (existing facilities). Vacation of public right-of-way and public easements are categorically exempted by CEQA.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Conditionally Vacating A Portion Of The Public Right-Of-Way Of King Street From 5 Feet South Of Its Intersection With Dennison Street To 68.6 Feet North Of Its Intersection With Frederick Street.

For questions regarding this report, please contact Chong Hong, Civil Engineer at (510) 238-3892.

Respectfully submitted,



RYAN RUSSO
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Assistant Director,
Department of Transportation

Reviewed by:
Ariel Espiritu Santo,
Strategic Planning and Administration Manager,
Department of Transportation

Prepared and reviewed by:
Joseph Grassick, Supervising Civil Engineer,
Department of Transportation