

**CITY OF OAKLAND**

OFFICE OF THE CITY CLERK  
2006

2006 AUG 31 AM 10: 51

**AGENDA REPORT**

TO: Office of the Agency Administrator  
ATTN: Deborah Edgerly, Agency Administrator  
FROM: Community and Economic Development Agency  
DATE: September 12, 2006

RE: **Agency Resolution Authorizing The Granting Of A Non-Exclusive Permanent Underground Utility Easement To Pacific Gas And Electric Company For Transmission Of Electric Energy And Communication Purposes Within And Adjacent To Parcels In The Uptown Project Area (APN 008-0644-023; 024; 031; 032; 033 And 045-1)**

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**SUMMARY**

A resolution has been prepared authorizing the Oakland Redevelopment Agency (Agency) to grant a non-exclusive permanent underground utility easement to Pacific Gas and Electric (PG&E) in the Uptown Project Area. The proposed easement is located in Agency owned property, a portion of Thomas L. Berkeley Way (formerly 20<sup>th</sup> Street) between San Pablo and Telegraph Avenues and adjacent to Agency owned properties (APN 008-0644-023, 024,031,032,033 and 045-01). PG&E has existing underground utilities located in the proposed easement area.

The proposed Uptown Project will utilize a portion of Thomas L. Berkeley Way. The property rights have been granted to the Agency as part of the Uptown Project by the City of Oakland (City). The City has vacated and quit claimed ownership of portions of Thomas L. Berkeley Way to the Agency.

Staff recommends adoption of the resolution that authorizes the Agency to grant a permanent non-exclusive underground utility easement to PG&E for transmission of electric energy and communication purposes within and adjacent to parcels in the Uptown Project Area (APN 008-0644-023,024,031,032,033 and 045-1).

**FISCAL IMPACT**

The cost of relocating the utility lines would be significant thus it has been determined that it was in the best interest of the Agency to allow PG&E to remain within their existing location and grant an easement to PG&E for the location. The underground easement is for service to the Uptown Project and has no appraised value. There is no expense to the Agency to grant this easement.

## **BACKGROUND**

The Agency and the developer, Forest City, entered into an Amended and Restated Lease Deposition and Development Agreement (LDDA) for the first phase of the development on October 24, 2005, under which the developer will build rental housing, retail space, a public park, and street and sidewalk improvements on the Agency-owned land at the project site.

Ordinance #12687 C.M.S. was passed to conditionally vacate portions of Thomas L. Berkeley Way and quit claim the underlying fee interests in the vacated rights-of-way to the Agency. All conditions have been met and the final map has been recorded as required by the Ordinance. There is an existing PG&E subsurface transformer located in the proposed easement area and within the vacated area of Thomas L. Berkeley Way (20<sup>th</sup> Street) just west of Telegraph Avenue and adjacent to parcels APN 008-0644-023, 024, 031, 033 and 045-1.

It was determined that it is in the best interests of both PG&E and the Agency that the existing transformer remain in place and the Agency grant an easement to PG&E.

## **KEY ISSUES AND IMPACTS**

- The easement does not limit public use or impede public access.
- The purpose granting the underground utility easement is for PG&E to continue to serve the Uptown Project area.
- This easement will not interfere with the Grantor's right to construct removable building elements in the easement area.

## **PROJECT DESCRIPTION**

The site is part of the Uptown Project, which is located within the Central District Redevelopment Plan area. The objective of the project is to eliminate urban blight and revitalize the downtown area by providing housing to persons of all income levels, improving streetscapes by the construction of a two-block public street, and a new public park. The first phase of the project will further this objective by construction of high-density infill housing in close proximity to transit opportunities and neighborhood retail. The new development will reduce blight and convert underutilized buildings for residential and commercial development.

## **SUSTAINABLE OPPORTUNITIES**

Economic: The easement is required to improve and maintain the City's infrastructure. The Uptown Project will provide opportunities for professional services and construction related jobs for the Oakland community.

Environmental: There are no environmental opportunities involved.

Social Equity: The Uptown Project will provide affordable housing opportunities and the economic revitalization in the Oakland downtown redevelopment area. Granting the easement will ensure continued service to the future residents in the project area.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Adoption of this Resolution will have no direct impact on disabled and senior citizen access.

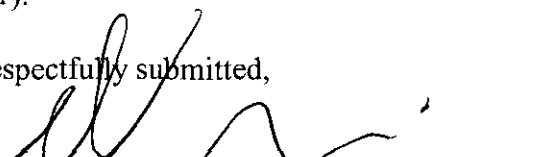
**RECOMMENDATION(S) AND RATIONALE**

Staff recommends that the Committee accept this report and forward it to City Council for their scheduled meeting on September 19, 2006 to adopt the proposed resolution granting a no-cost non-exclusive utility easement to PG&E for continuing service to the uptown project area.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends adoption of the Resolution that authorizes the Agency to grant a permanent non-exclusive utility easement to Pacific Gas & Electric Company for transmitting electrical energy and communication purposes within and adjacent to parcels in the Uptown Project Area (APN 008-0644-023, 024, 031, 033 and 045-1).

Respectfully submitted,

  
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DANIEL VANDERPRIEM, Director  
Redevelopment, Economic Development and Housing  
Community and Economic Development Agency

Forwarded by: Frank Fanelli, Manager  
Real Estate Services

Prepared by: Barbara James, Real Estate Agent  
Real Estate Services

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:

  
\_\_\_\_\_  
OFFICE OF THE AGENCY ADMINISTRATOR

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APPROVED AS TO FORM AND LEGALITY:



Agency Counsel

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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### RESOLUTION AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE PERMANENT UNDERGROUND UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR TRANSMISSION OF ELECTRIC ENERGY AND COMMUNICATION PURPOSES WITHIN AND ADJACENT TO PARCELS IN THE UPTOWN PROJECT AREA (APN 008-0644-023,024,031,032,033 AND 045-1)

**WHEREAS**, the Community and Economic Development Agency (“CEDA”) of the City of Oakland (“City”) has determined that the City owns the public rights-of-way of Thomas L. Berkeley Way (formerly 20<sup>th</sup> Street and Degler Street), between San Pablo Avenue and Telegraph Avenue; and

**WHEREAS**, the Oakland Redevelopment Agency (“ORA”) has acquired the abutting real parcels in the Uptown Project Area (APN 008-0644-023,024,031,032,033 AND 045-1) bounded by 19<sup>th</sup> Street, San Pablo Avenue, Thomas L. Berkeley Way, and Telegraph Avenue for construction of the Uptown Oakland Mixed-Use redevelopment project (“Uptown Project”); and

**WHEREAS**, the City has vacated and granted ownership of portions of Thomas L. Berkeley Way to the ORA in exchange for other interests; and

**WHEREAS**, the ORA, has entered into a redevelopment agreement with the private developer of the Uptown Project, Forest City, to construct privately owned buildings and appurtenant privately owned infrastructure on the vacated right-of-way; and

**WHEREAS**, Pacific Gas and Electric Company (“PG&E”) has underground utilities located in the vacated area of Thomas L. Berkeley Way adjacent to parcels APN 008-0644-023,024,031,032,033 and 045-1; and

**WHEREAS**, the proposed Uptown Project will utilize Thomas L. Berkeley Way as part of its realignment of the Redevelopment Project Area, and its development will contribute to the Agency’s goals and objectives for the Project Area; and

**WHEREAS**, it is in the ORA’s best interests to grant a non-exclusive permanent underground utility easement to PG&E for continues transmission of electric energy and

communication purposes within and adjacent to parcels in the uptown project area (APN 008-0644-023,024,031,032,033 AND 045) in order to facilitate the Project; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 (“CEQA”), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

**RESOLVED:** That the ORA hereby grants a non-exclusive permanent underground utility easement to PG&E for the transmission of electric energy and communication purposes within the adjacent parcels in the Uptown Project Area (APN 008-0644-023,024,031,032,033 AND 045); and be it further

**RESOLVED:** That this conveyance shall be for such consideration as the Agency Administrator or her designee determines is in the best interests of the Agency; and be it further

**RESOLVED:** That the City Council independently finds and determines that the Project complies with CEQA, as the Project is categorically exempt from CEQA pursuant to Section 15305 (minor alterations in land use limitations) of the CEQA Guidelines, and the City Administrator is hereby directed to cause to be filed with the appropriate County of Alameda agencies, a Notice of Exemption.

**RESOLVED:** That the Agency Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to the utility easement in the Uptown Redevelopment Project area consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California