



# AGENDA REPORT

**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Fred Kelley,  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Vacating a Portion of Sewer  
Easement at 2359 Harrison

**DATE:** December 11, 2024

City Administrator Approval

  
Jestin Johnson (Dec 27, 2023 06:08 PST)

Date: Dec 27, 2023

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Vacating A Portion Of The Public Sewer Easement At 2359 Harrison Street To The Property Owner, NASH – Holland 24th And Waverly Investors, LLC, And Adopting Appropriate California Environmental Quality Act Findings.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution (Vacation Resolution) allows for the completion of the 24th and Waverly project, which includes three hundred thirty (330) residential units and thirteen thousand (13,000) square feet of retail space (Project) and authorizes the City Engineer to: (a) issue a vacation permit (Permit Number PPE2200051) vacating a portion of an existing public utilities easement at 2359 Harrison (Sewer Easement) and (b) file a certified copy of the Vacation Resolution with the Alameda County Clerk-Recorder for recordation.

The existing sewer main has been abandoned and removed for the Project. The portion of the Sewer Easement at 2359 Harrison Street to be vacated by the Vacation Resolution is no longer necessary for any future public purpose. See **Exhibit A** for the legal description and map of this area.

## **BACKGROUND / LEGISLATIVE HISTORY**

The portion of the public Sewer Easement was created during the original 1878 Subdivision of the Valdez Tract to service four adjacent parcels (APN: 008-0670-001, 008-0670-018, 008-0670-017, 008-0670-002). On July 28, 2021, the subject parcels, under common ownership, were granted to the current owner, Nash – Holland 24th & Waverly Investors, LLC, a Delaware limited liability company (Property Owner). The Property Owner subsequently applied for Parcel Map (PM11098) to merge all parcels into a single parcel. The Parcel Map is currently under review by the Oakland Department of Transportation.

On February 8, 2021, the Project was approved by the Planning Commission, Planning Permit Number [PLN 20-082](#). The Project includes constructing a sixteen-story, mixed-use building containing three hundred thirty (330) dwelling units, fifteen (15) of which are designated as very-low income, and over 13,000 square feet of ground floor retail. The development is consistent with the General Plan. The proximity of the mixed-use building to the Sewer Easement is such that the proposed structures encroach into the Sewer Easement.

The Property Owner obtained a public infrastructure permit ([PX2100003](#)) to abandon and remove the public sewer main in the portion of the public easement where the vacation is requested. Staff has verified that the sewer main has been removed and that there is no public facility in the subject area.

The City Engineer has determined that a portion of the Sewer Easement is no longer necessary for any future public purpose.

Pursuant to the California Streets and Highways Code Section 8320, the legislative body of a local agency may vacate public right-of-way when the proposed vacation was subjected to a public hearing and notice of said hearing has been posted for a minimum of two successive weeks prior to the hearing.

### **ANALYSIS AND POLICY ALTERNATIVES**

Approving the proposed vacation would support the Citywide priorities of 1) **vibrant, sustainable infrastructure** and 2) **responsive, trustworthy government**. The subject parcel is currently a vacant lot, and allowing the vacation to proceed encourages infill development, as outlined in Objective N3.2 of the Oakland General Plan. Vacating the unutilized Sewer Easement coordinates private development and public improvements and ensures utility easements align with the location of underground utilities.

Rejecting the proposed vacation would require a substantial redesign of the proposed Project, delaying its construction.

### **FISCAL IMPACT**

Staff costs for processing the proposed vacation (PPE2200051) permit are covered by fees set by the Master Fee Schedule and paid by the Property Owner.

### **PUBLIC OUTREACH / INTEREST**

Public outreach for the Project was conducted during the land use entitlement, consistent with the Department of Planning & Building protocol. Two weeks prior to the public hearing to vacate a portion of the public sewer easement, notice will be published for two consecutive weeks prior to the January 16th Council meeting in a local newspaper.

## **COORDINATION**

This report was coordinated with the Department of Planning and Building, Budget Bureau, and the Office of the City Attorney. The Office of the City Attorney has reviewed the resolutions for form and legality.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** This proposed resolution supports mixed-use development in a formerly vacant parcel, fostering economic vitality.

***Environmental:*** The proposed resolution supports a mixed-use development with robust transportation options, including walking, biking, and transit. The average per capita vehicle miles traveled in the vicinity of the Project is 6.73, compared to a regional average of 13.3. The travel behavior of residents in the vicinity of the Project generates fewer greenhouse gas emissions than the average resident of Oakland, Berkeley, Albany, and Alameda. The travel behavior of residents and tenants of the Project may be similar.

***Race and Equity:*** Oakland currently has about 17% of the population living at or below the federal poverty level. Of the population, African Americans account for 26.1%, Latinos account for 21.9%, Asians account for 15%, and Whites account for 8.4%. Approval of the resolution will allow the creation 15 very low-income units that will be made available to aid this population.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The vacation of the Sewer Easement is categorically exempt from the requirements of CEQA pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Vacating A Portion Of The Public Sewer Easement At 2359 Harrison Street To The Property Owner, NASH – Holland 24th And Wavery Investors, LLC, And Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Joseph Palacio at (510) 238-7116.

Respectfully submitted,

*Jamie Parks*

Jamie Parks (Dec 26, 2023 14:02 PST)

Fred Kelley  
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