

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 DEC 22 PM 1:24

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: January 4, 2005

RE: **RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 236S FOR DEVELOPED SUBDIVISIONS WITH COMPLETED UNDERGROUND UTILITY SERVICE AT ARIANE COURT, A SEGMENT OF DIABLO DRIVE, BISHOPS COURT, OBSERVATION PLACE, SKYLINE CIRCLE AND A SEGMENT OF REDWOOD ROAD, PURSUANT TO ORDINANCE NO. 7769 C.M.S.**

SUMMARY

The City of Oakland has a number of developed subdivisions that have converted from overhead utility service to an underground system as required by the City's Economic and Community Development Agency (CEDA). Legislation is needed to prohibit the installation of overhead facilities on these streets.

The proposed resolution would prohibit overhead facilities in those subdivisions with existing underground utility systems by establishing Underground Utility Districts for the covered areas, thus enabling the City to monitor violations and fine violators.

FISCAL IMPACTS

The underground utility system in those areas is already completed and fully paid for by the developer. Adoption of the resolution would not result in cost to the City of Oakland, or to the property owners in those subdivisions.

BACKGROUND

Undergrounding of utilities occurred at Ariane Court, a segment of Diablo Drive, Bishops Court, Observation place, Skyline Circle and a segment of Redwood Road.

Historically, the City's Underground Utility Districts are established in accordance with California Public Utilities Commission (CPUC) Rule 20 prior to the utility conversion and pursuant to underground utility Ordinance No. 7769 C. M. S. The CPUC Rule 20 requirements for undergrounding states:

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1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
2. The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
3. The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; and
4. The street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines.

The above requirements do not apply to undergrounding in these subdivisions because the developer paid the cost in full.

KEY ISSUES

The Community and Economic Development Agency is concerned with the upward trend of subdivision developments and deems it necessary to establish Underground Utility Districts in order to protect subdivision aesthetics by prohibiting the future installation of overhead facilities.

The subdivisions shown in exhibits A, B, C, D, E and F, included in the proposed Underground Utility District No. 236S and attached to the accompanying Resolution are: Ariane Court, a segment of Diablo Drive, Bishops Court, Observation Place, Skyline Circle, and a segment of Redwood Road.

The Public Works Agency will present to Council from time to time a number of subdivisions where undergrounding has taken place and recommend that Council establish Underground Utility Districts to include those subdivisions. Eliminating utility poles from the public right-of-way minimizes sidewalk obstructions and improves accessibility. Absence of overhead lines and supporting structures in subdivisions is also a facelift for the respective neighborhoods. Converting these subdivisions to Underground Utility Districts would ensure aesthetic continuity in the roadway.

SUSTAINABLE OPPORTUNITIES

Economic: There is no known direct economic impact from undergrounding. However, it is generally believed that undergrounding utilities increases property values, which translates to more property tax revenue for Oakland.

Environmental: Undergrounding of the utilities in those subdivisions has permanently eliminated four thousand five hundred feet of overhead lines in or affecting the public right-of-way. It has improved the livability and aesthetics for the neighborhoods and reduced potential for fire, electric danger, and utility outages resulting from trees falling or touching overhead wires.

Social Equity: The absence of overhead wires and wood poles in these subdivisions distinguishes itself in the respective neighborhoods and arouses citizen interest in undergrounding in other neighborhoods.

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DISABILITY AND SENIOR ACCESS

The replacement of overhead lines and wood poles with a new underground system has resulted in reduced sidewalk obstructions and enhanced perception of safety for the disabled and senior citizens.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the Resolution Establishing Underground Utility District No. 236S for subdivisions with completed Underground Utility service at Ariane Court, a segment of Diablo Drive, Bishops Court, Observation Place, Skyline Circle and a segment of Redwood Road.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City council approve the resolution establishing Underground Utility District No. 236S.

Respectfully submitted,



RAUL GODINEZ, II

Director, Public Works Agency

Reviewed by:
Bruce Saunders
Interim Assistant Director
Department of Infrastructure and Operations

Prepared by:
Elroy Holtmann
Electrical Services Manager
Electrical Services Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

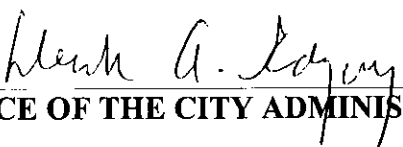
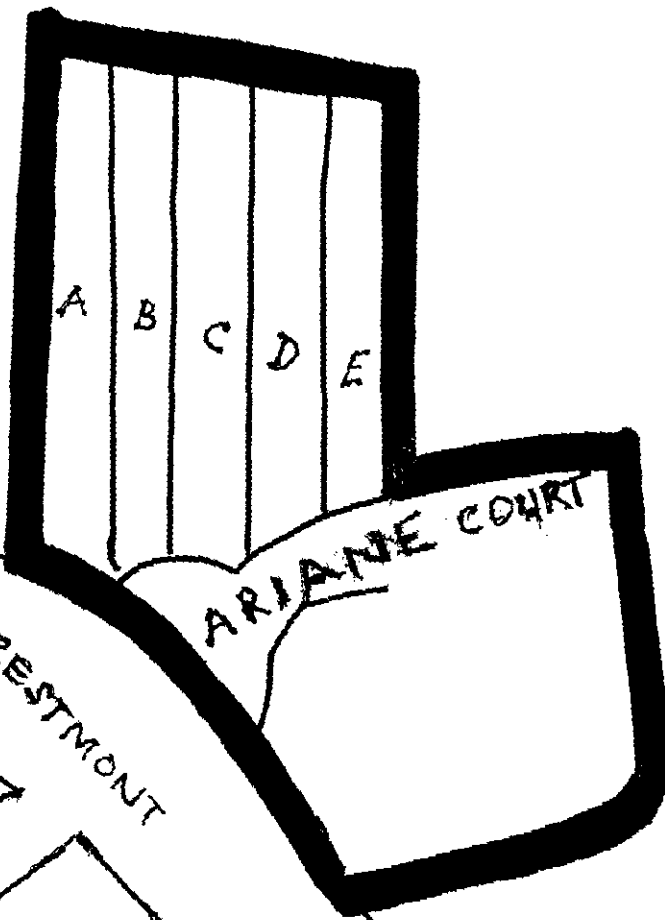
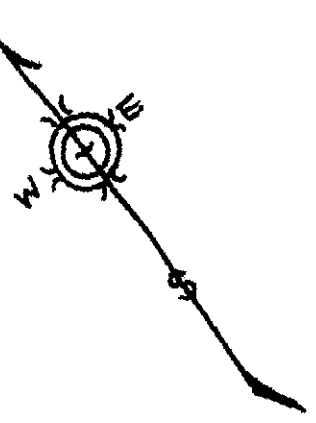

OFFICE OF THE CITY ADMINISTRATOR

EXHIBIT A

ARIANE COURT



SAMARIA LANE

CRESTMONT DRIVE

ARIANE COURT

DRIVE

ROAD

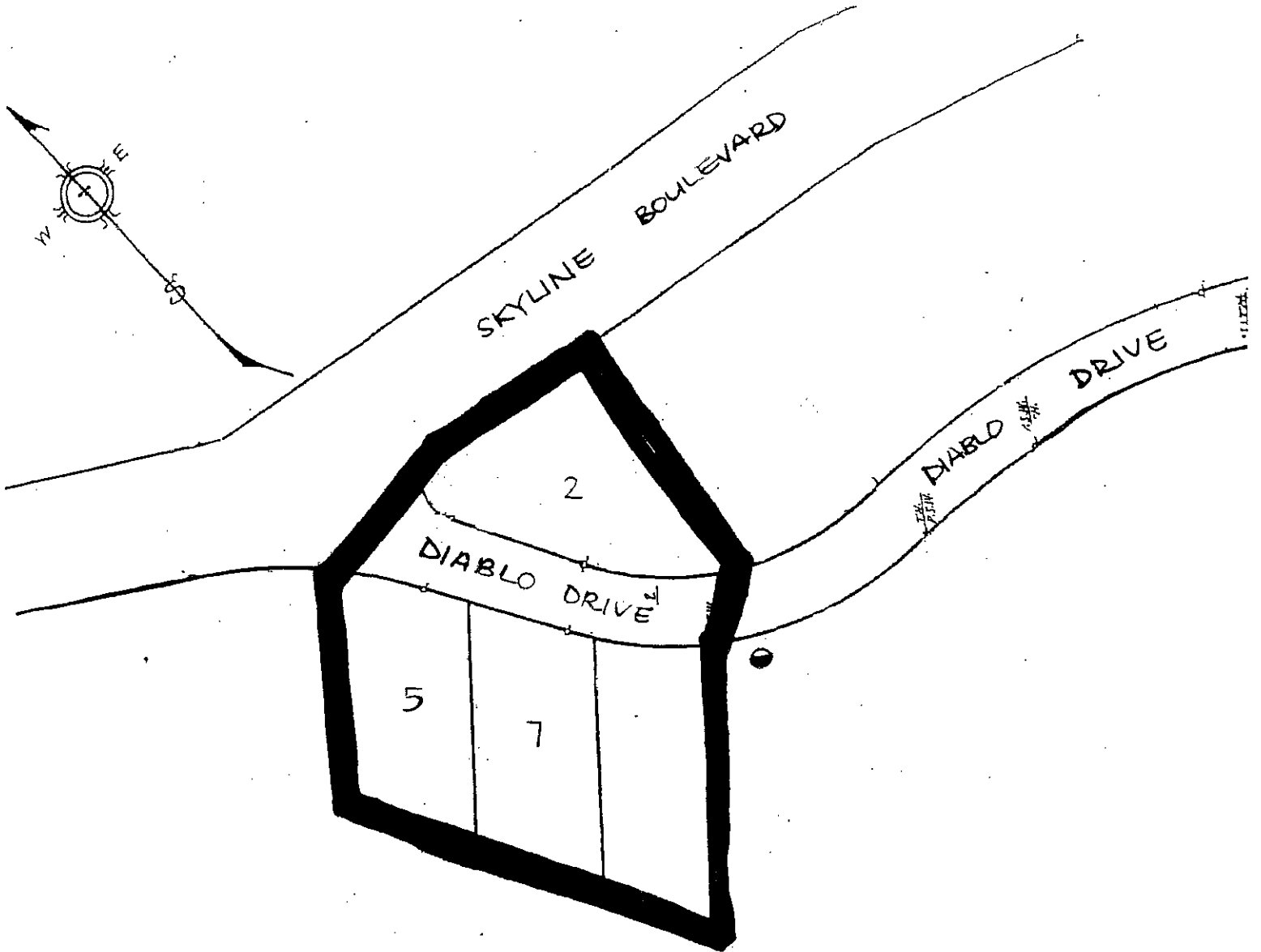
BOUNDARY LINE

INGWOOD ROAD

REDWOOD

A SEGMENT OF DIABLO DRIVE

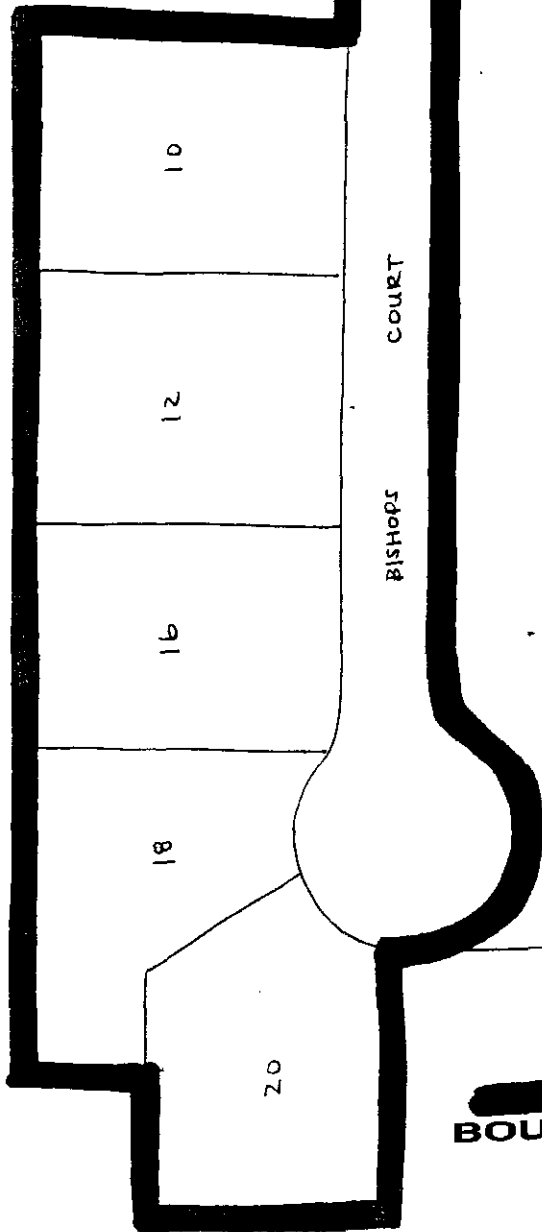
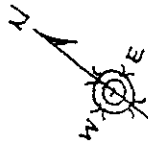
EXHIBIT B



 BOUNDARY LINE

 FIRST WOOD POLE OUTSIDE THE BOUNDARY

BISHOPS COURT



PASO

ROBLES

460 ft

BISHOPS COURT

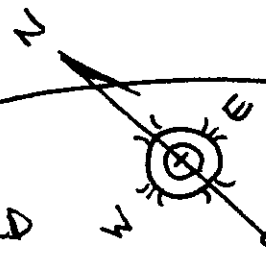
CANYON

SHEPHERD

 BOUNDARY LINE

OBSERVATION PLACE

EXHIBIT D



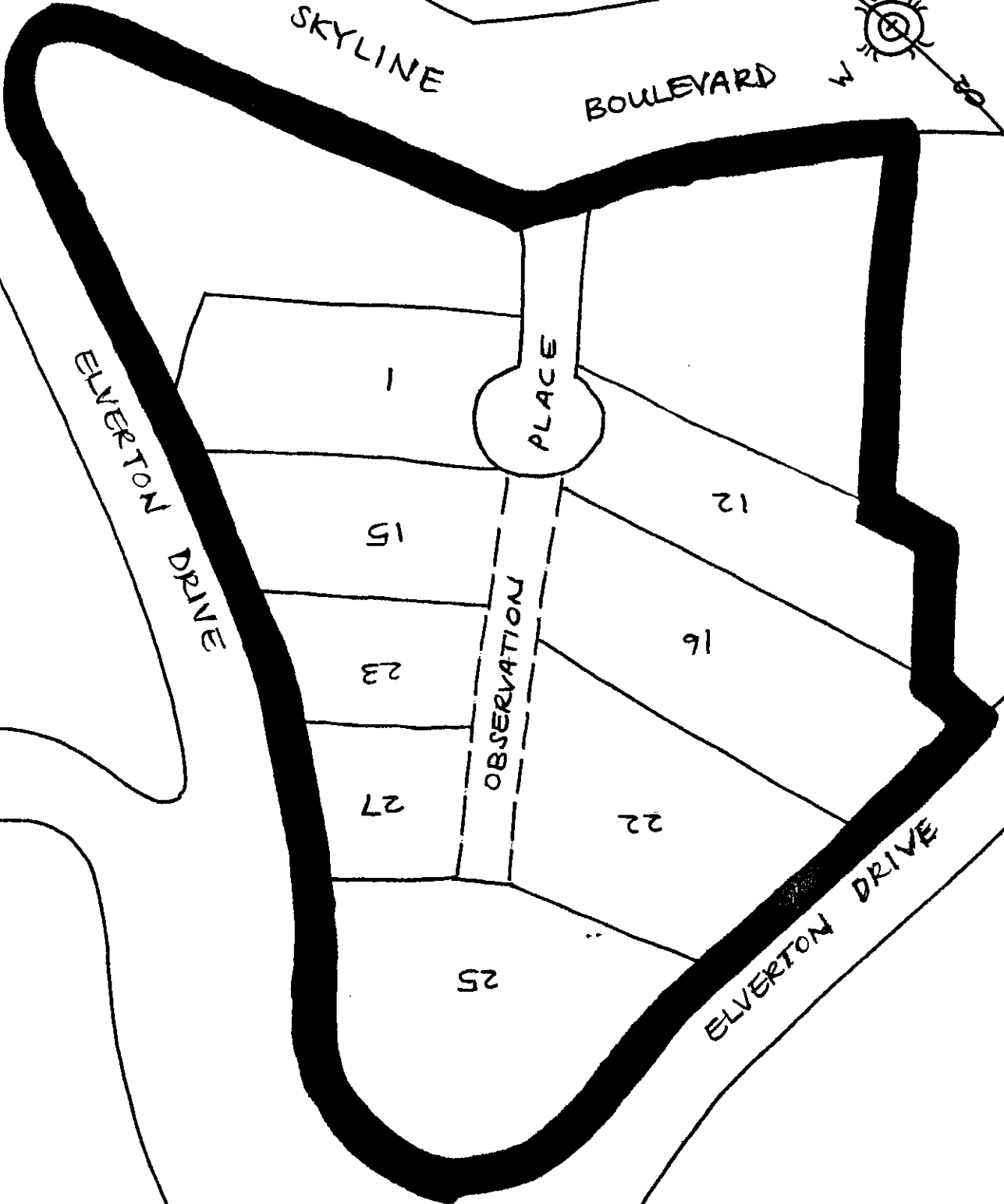
SKYLINE

BOULEVARD

ELVERTON DRIVE

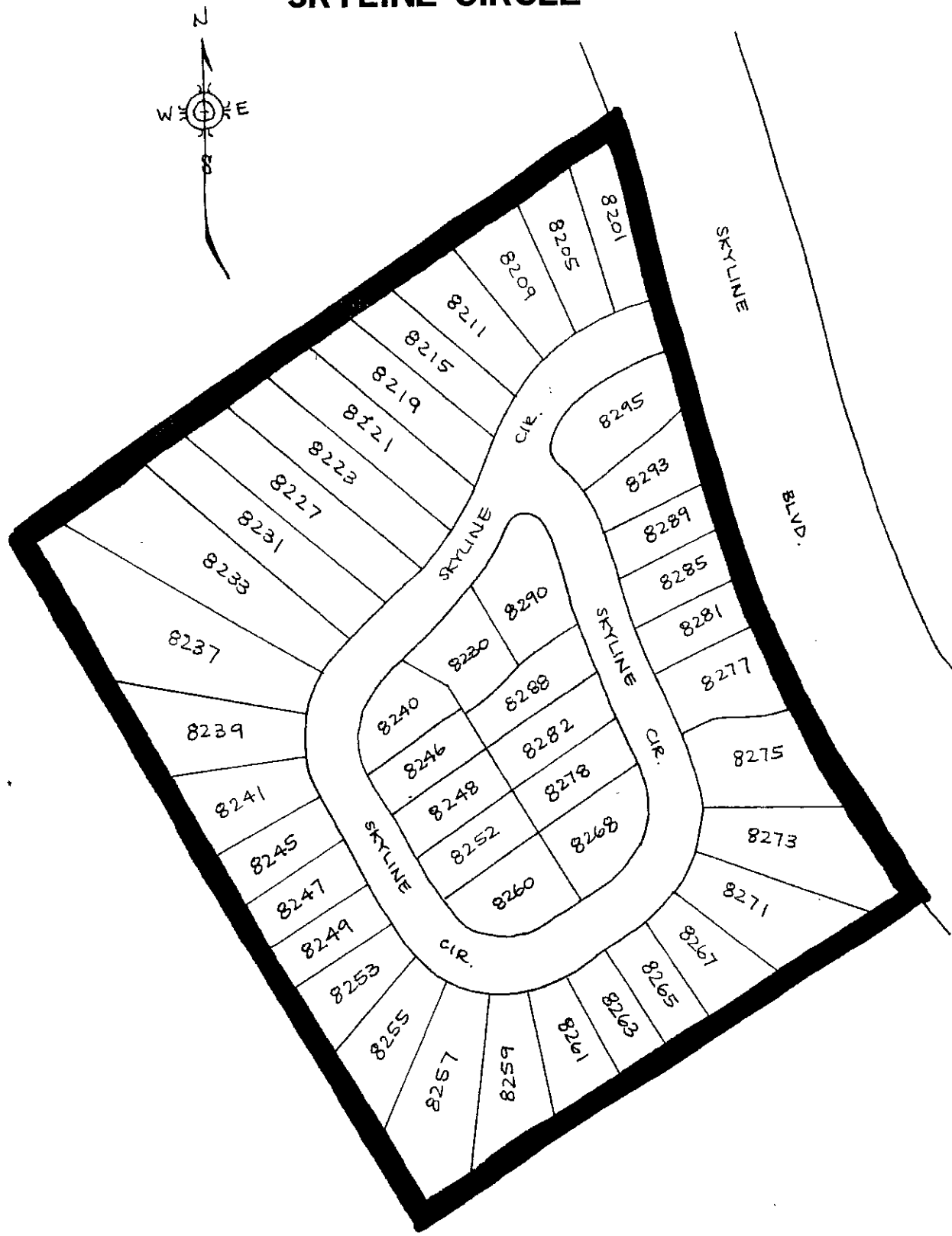
OBSERVATION PLACE

ELVERTON DRIVE



BOUNDARY LINE

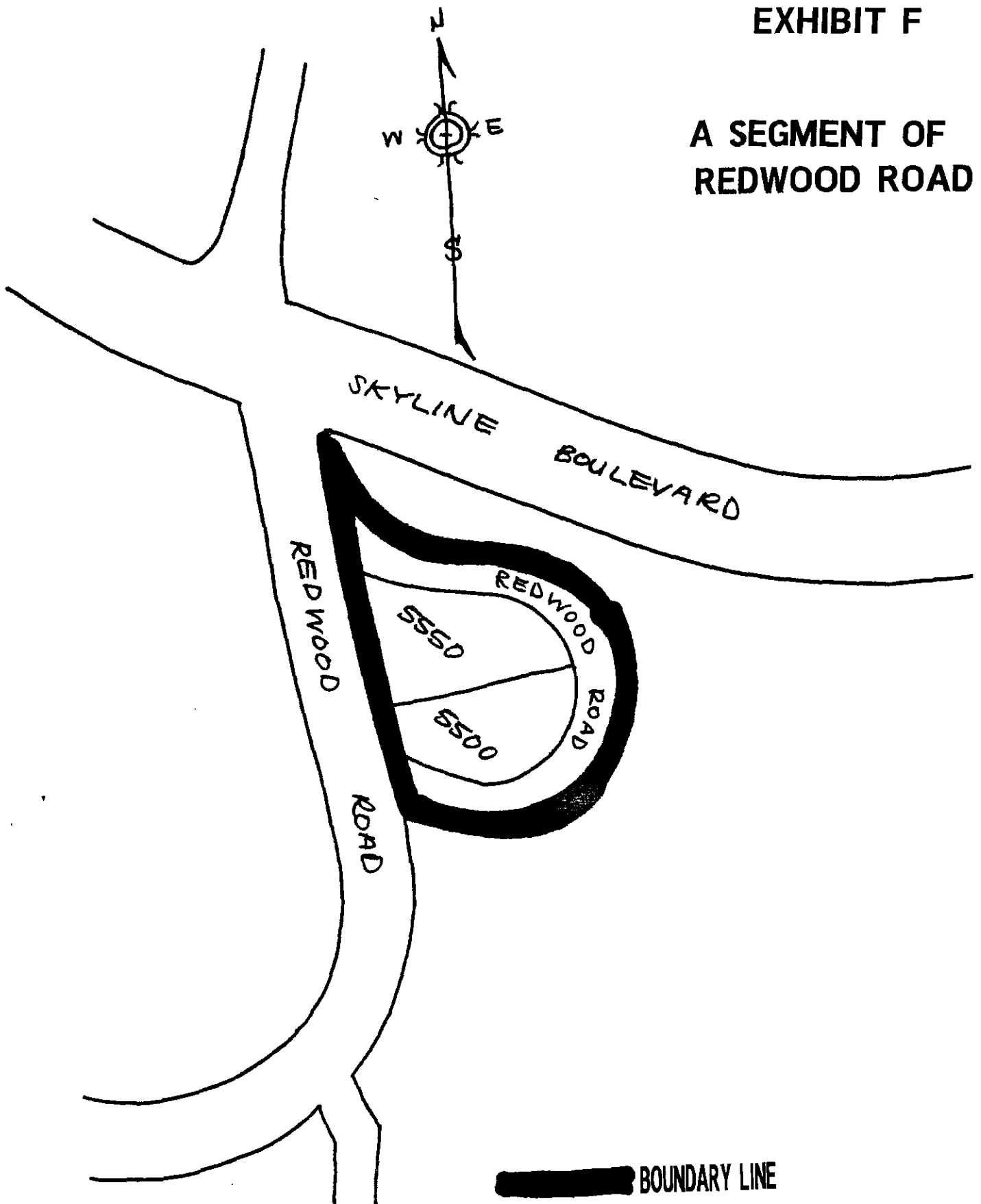
SKYLINE CIRCLE



BOUNDARY LINE

EXHIBIT F

A SEGMENT OF
REDWOOD ROAD

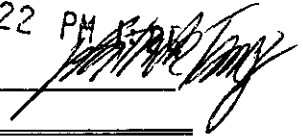


OAKLAND CITY COUNCIL
RESOLUTION NO. _____

C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 DEC 22 PM



INTRODUCED BY
COUNCILMEMBER _____

RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 236S FOR DEVELOPED SUBDIVISIONS WITH COMPLETED UNDERGROUND UTILITY SERVICE AT ARIANE COURT, A SEGMENT OF DIABLO DRIVE, BISHOPS COURT, OBSERVATION PLACE, SKYLINE CIRCLE AND A SEGMENT OF REDWOOD ROAD, PURSUANT TO ORDINANCE NO. 7769 C. M. S.

WHEREAS, Ariane Court, a segment of Diablo Drive, Bishops Court, Observation Place, Skyline Circle and a segment of Redwood Road are developed subdivisions with a total of 0.85 mile of roadway; and

WHEREAS, these subdivisions now have underground utility service as part of the development and as required by the city's Economic and Community Development Agency (CEDA); and

WHEREAS, undergrounding the utilities in the subdivisions and protecting it with legislation will aesthetically enhance the respective communities; and

WHEREAS, the underground utility conversions were done at no cost to the City of Oakland and at no cost to the owners of properties in the subdivisions because the respective developers fully incurred the costs of providing underground utility service; and

WHEREAS, the establishment of an underground utility will prohibit overhead wires and supporting structures; and

WHEREAS, a public hearing was called for Tuesday, November 16, 2004, at the hour of 7:00 p.m. in Oakland, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 236S comprising the areas shown on the attached exhibits A, B, C, D, E and F; and

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and the utilities concerned in the matter and for the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all interested persons have been given the opportunity to be heard; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby adopts and incorporates the report of the Public Works Agency Director dated January 4, 2005, and hereby declares that the indicated areas shown in the attached exhibits A, B, C, D, E and F are

established and included in Underground Utility District No. 236S with the boundaries described as follows:

Ariane Court: Beginning from the intersection of the southerly and westerly property lines of parcel A, proceeding upward along the property line until its intersection with the northerly property line of parcel A; continuing south-easterly along the back property lines of parcels A, B, C, D and E, to the meeting point to its meeting point with the easterly property line of parcel E; then extending south-westerly along the property line of parcel E, to the meeting point of the southerly property line of parcel E; continuing easterly to 100 feet, then south-westerly up to 200 feet; continuing westerly to meet the easterly limit of Crestmont Drive, 120 feet from the intersection of the westerly limit of Crestmont Drive and Redwood Road; then extending northerly along Crestmont Drive to the meeting point of the southerly and westerly property lines of parcel A;

A segment of Diablo Drive: Beginning from its intersection with the southerly limit of Skyline Boulevard, proceeding southerly on Diablo Drive up to 258 feet (before the down guy and the wood pole), and wholly inclusive of all four parcels abutting the described limit of Diablo Drive namely, 2, 5, 7 Diablo drive and the vacant parcel adjacent to and easterly of 7 Diablo Drive;

Bishops Court: Beginning from its intersection with the westerly limit of Paso Robles, continuing westerly along the limits of Bishops Court to the end of Bishops Court, approximately 458 feet from Paso Robles, and wholly inclusive of all 5 parcels abutting Bishops Court namely, 10, 12, 16, 18 and 20 Bishops Court;

Observation Place: Beginning from its intersection with the westerly limit of Skyline Boulevard, proceeding westerly within the limits of Observation Place to the end of Observation Place or approximately 300 feet from its intersection with Skyline Boulevard, and wholly inclusive of all 6 parcels abutting Observation Place namely, 1, 15, 23, 27, 25, 22, 16, 12 Observation Place, inclusive of the tract adjacent to and easterly of 12 Observation Place abutting both Observation Place and Skyline Boulevard, and inclusive of the tract adjacent to and easterly of 1 Observation Place, abutting Observation Place, Skyline Boulevard and Elverton Drive;

Skyline Circle: Beginning from the northeasterly corner of 8201 Skyline Circle, continuing south-westerly along the back property lines, up to the meeting point of the back property lines of 8237 Skyline Circle, then continuing south-easterly along the back property lines, up to the meeting point of the back property lines of 8257 Skyline Circle, then extending north-easterly along the back property lines, up to the meeting of the back property lines of 8273 Skyline Circle, then proceeding north-westerly along the westerly limits of Skyline Boulevard, up to its meeting point with the back property line of 8201 Skyline Circle, the beginning point;

A segment of Redwood Road: Beginning from the intersection of the main Redwood Road with the south-easterly limit of Skyline Boulevard, extending south-easterly along the northerly boundary line of the segment of Redwood Road east of the main Redwood Road, continuing easterly along the outer boundary line of this segment Redwood Road, then southerly, then continuing westerly to its meeting point with the easterly limit of the main Redwood road; then proceeding northerly along the easterly limit of the main Redwood Road to its meeting point with Skyline Boulevard, and wholly inclusive of the properties at 5500 and 5550 Redwood Road; and be it

FURTHER RESOLVED: That the purpose for the creation of the Underground Utility District is to assure that no future overhead facilities can be placed within the designated subdivisions; and be it

FURTHER RESOLVED: That the City Attorney and the City Administrator's Budget Director have approved this resolution, and a copy is on file in the City Clerk's Office; and be it

FURTHER RESOLVED: That pursuant to section 6 of Underground Utility Ordinance No. 7769 C.M.S., the following exceptions to the order for the removal and underground installations are hereby authorized:

- a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Electrical Services Division Manager.
- b. Poles, or electroliers used exclusively for street lighting.
- c. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- d. Equipment appurtenant to underground facilities, such as surface mounted transformers; pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- e. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

FURTHER RESOLVED: That the City Clerk is hereby instructed to notify or cause to notify all affected utilities and Comcast and all persons owning real property within Underground Utility District No. 236S of the adoption of this resolution within ten (10) days after the date of such adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES-BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and
PRESIDENT DE LA FUENTE

NOES-

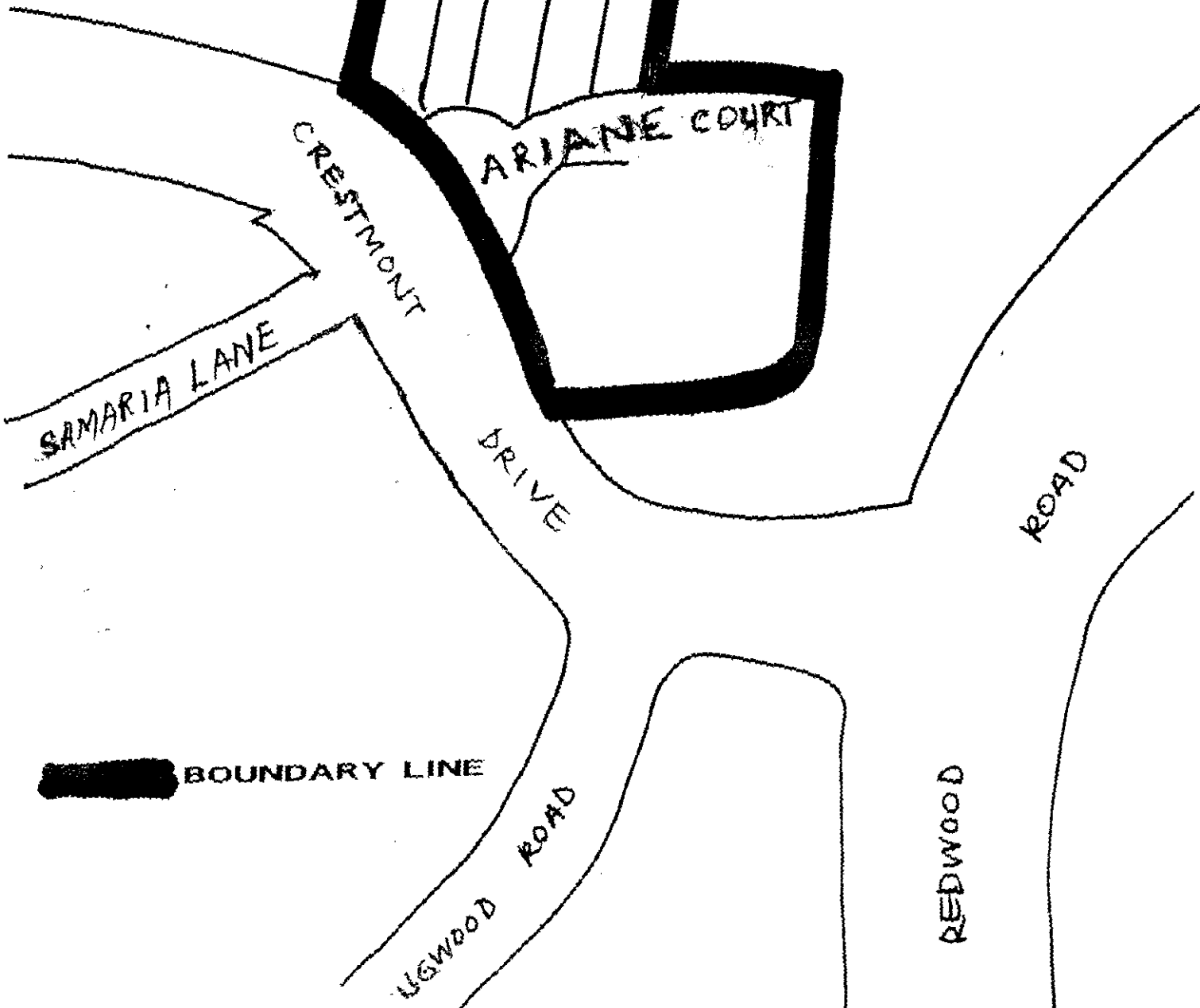
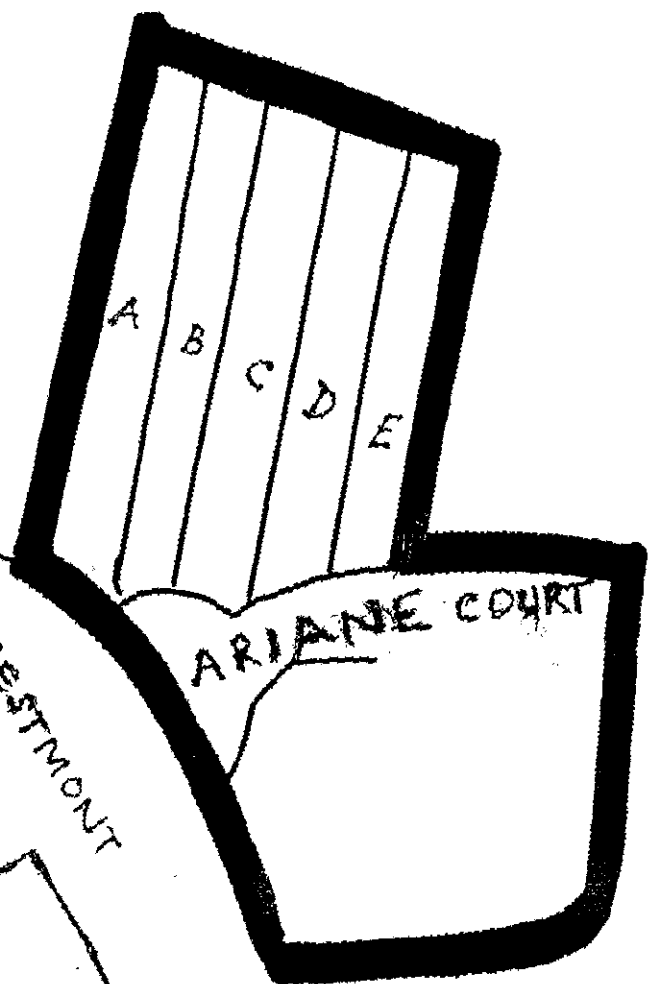
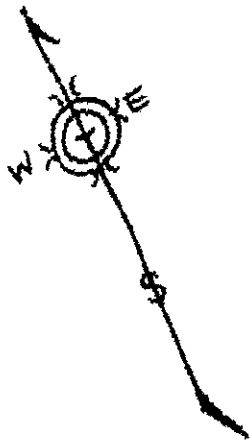
ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

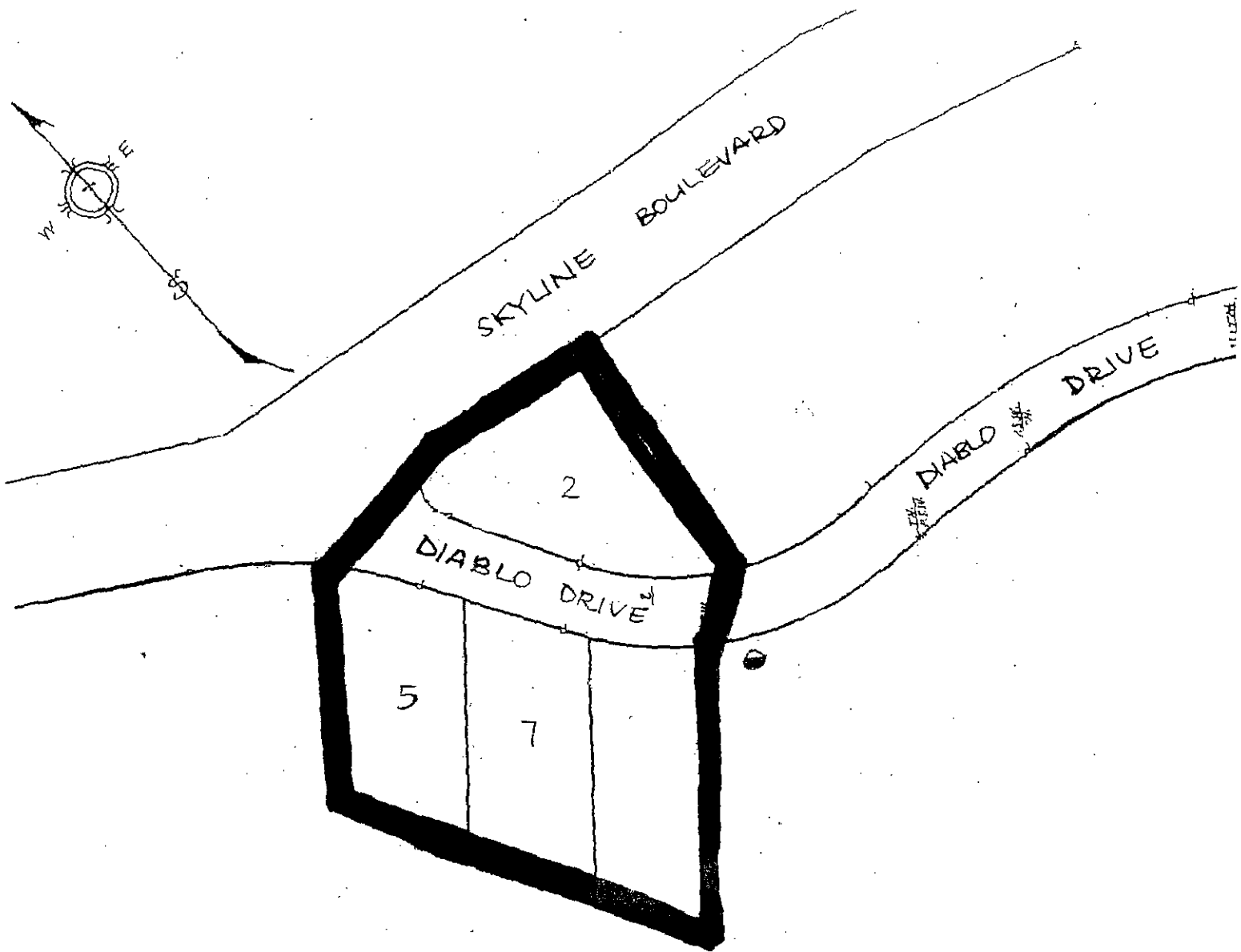
ARIANE COURT




 BOUNDARY LINE

A SEGMENT OF DIABLO DRIVE

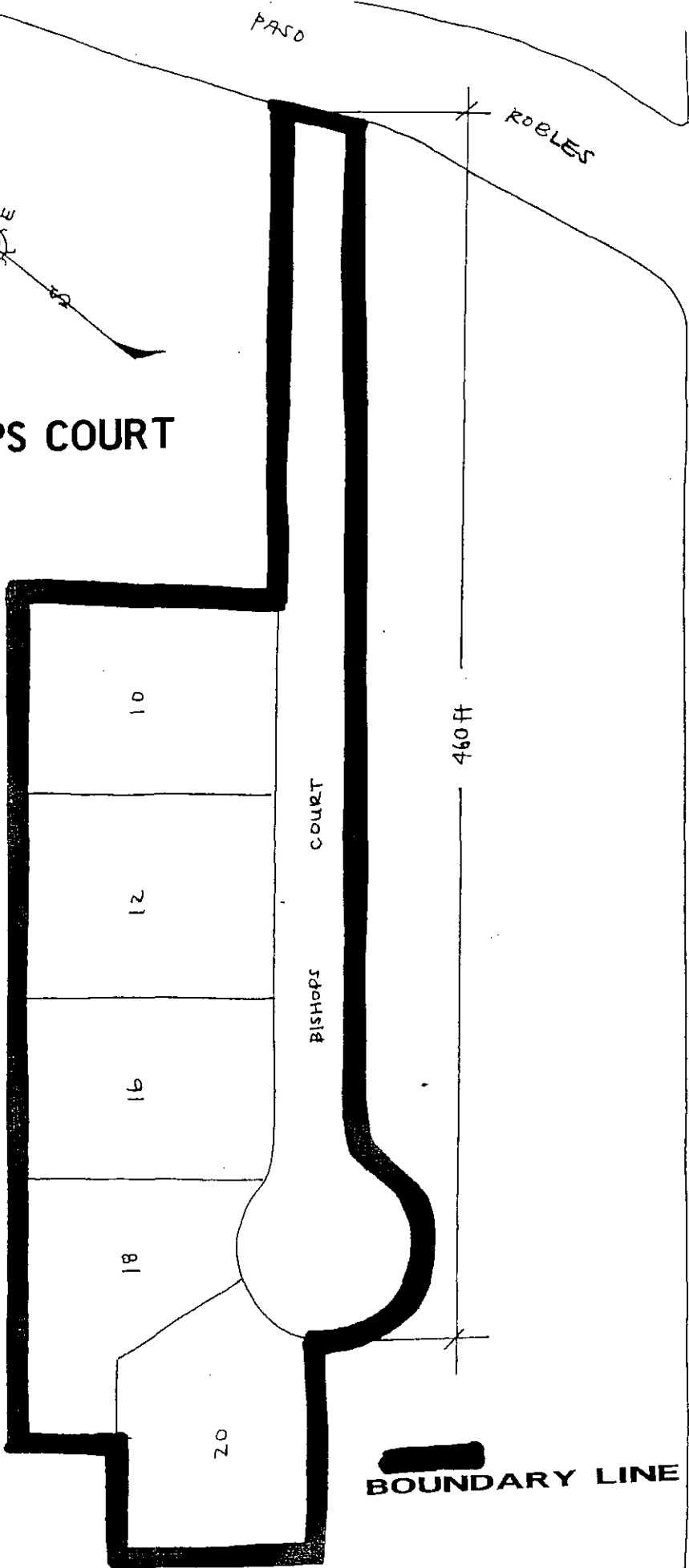
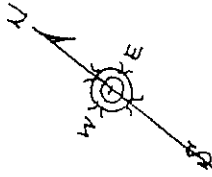
EXHIBIT B



 BOUNDARY LINE

 FIRST WOOD POLE OUTSIDE THE BOUNDARY

BISHOPS COURT



BOUNDARY LINE

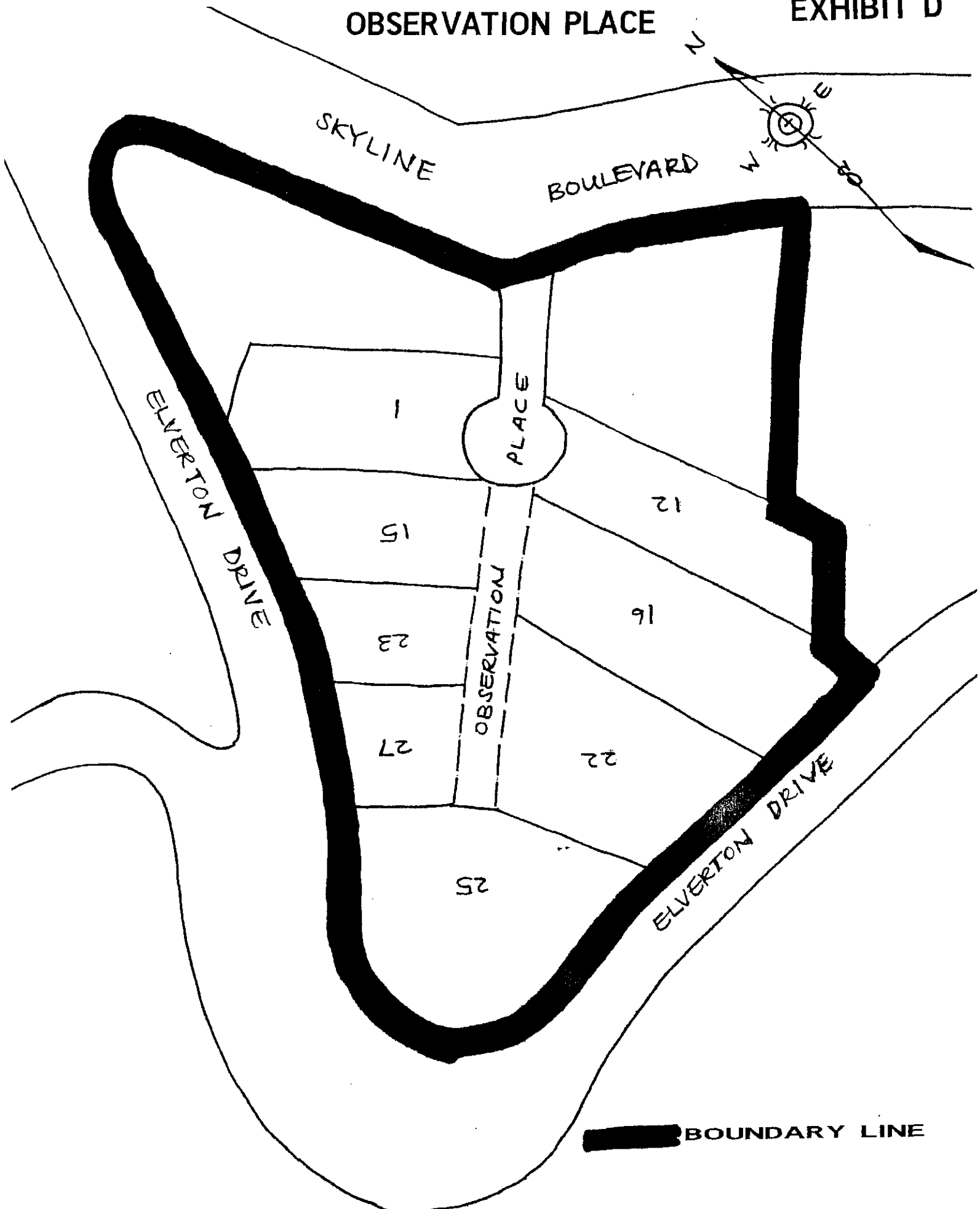
SHEPHERD CANYON

SHEPHERD CANYON

460 ft

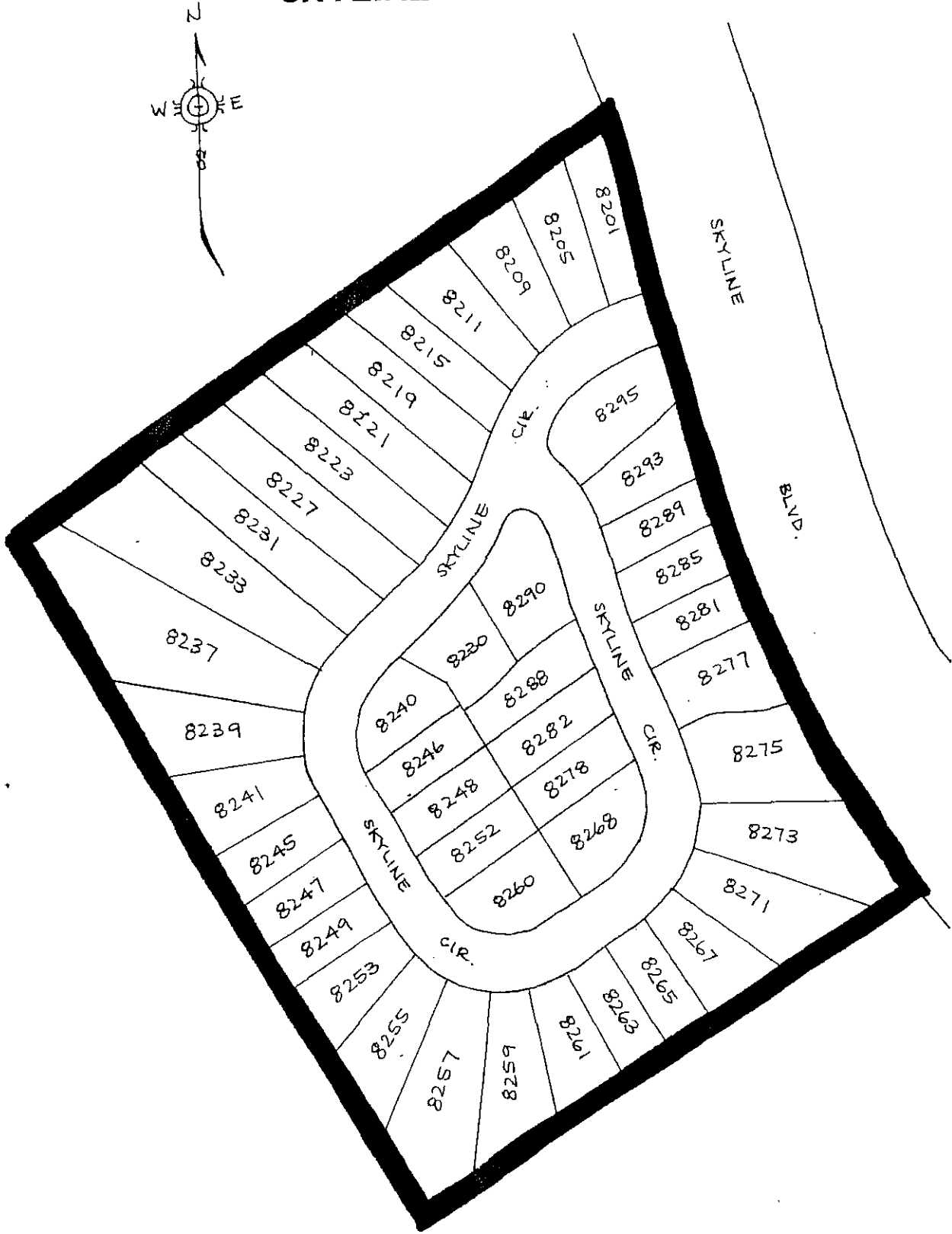
OBSERVATION PLACE

EXHIBIT D



BOUNDARY LINE

SKYLINE CIRCLE



BOUNDARY LINE

EXHIBIT F

A SEGMENT OF
REDWOOD ROAD

