

AGENDA REPORT

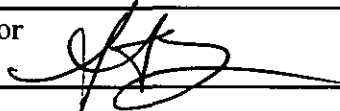
TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Army Base Street Reservation
And Utility Easements

DATE: November 20, 2013

City Administrator
Approval



Date 12-4-13

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council adopt:

An Ordinance Acknowledging and Confirming the City's Reservation, Acceptance and Establishment of Parcels A, B, C and D At Gateway Industrial Park as Public Streets and Public Rights-of-Way Within the City of Oakland; and

An Ordinance Authorizing the City Administrator to Negotiate and Execute Public Utility Easements and Utility Easements with Comcast, East Bay Municipal Utility District, U.S. Department of the Navy, San Francisco Public Utilities Commission (or Related Entity), Port of Oakland, Caltrans and To-Be-Determined Telecommunications Providers to Facilitate the Public Infrastructure Project on the Former Oakland Army Base.

OUTCOME

The result of the proposed legislation is new public streets would be reserved, consistent with Parcel Map No. 10095, as Parcels A, B, C and D and the City would enter into public utility easements to facilitate the Public Infrastructure Project at Gateway Industrial Park (former Oakland Army Base). Staff contemplates a future action to name the public streets at the Gateway Industrial Park.

BACKGROUND

The area commonly known as the former Oakland Army Base property was initially developed by the Southern Pacific Railroad and the Port of Oakland in early stages of the 1900s and included a number of public streets, including Maritime Street, 14th Street, 22nd Street (West Grand Avenue) and 34th Street (Wake Avenue). In 1941, the U. S. Department of the Army

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("Army") took title to the property subject to existing public roads, which at the time also included Burma Road. The configuration of the public streets was initially consistent with street alignments in West Oakland. However, over the last several decades, the uses and development of property became more and more specific to the Army's uses. In transitioning the property back into commercial-based uses subject to City of Oakland planning and zoning regulations, the street alignments and configurations have been changed to conform to modern traffic safety standards and modern development needs.

In preparation for installation and construction of the Army Base Public Infrastructure, City staff worked with consultants to complete Parcel Map No. 10095. Parcel Map No. 10095, dated as of July 11, 2013, and recorded in the Official Records of the Alameda County Recorder's Office on August 13, 2013 as Document No. 2013277934 at Book 324 of Parcel Maps at Pages 6-15, provides new streets and new street alignments based on modern standards, conditions and usages.

ANALYSIS

1. Acknowledgment and confirmation of Parcels A, B, C and D as Public Streets and Public Rights-of-Way

Parcel Map No. 10095 reserved, accepted and established Parcels A, B, C and D as public streets and public rights-of-way within the City of Oakland. The parcel map provides new streets and new street alignments based on modern standards, conditions and usages. Staff is requesting that the Council formally acknowledge and confirm the City's reservation, acceptance, and establishment of Parcels A, B, C and D as public streets and public rights-of-way, which was effected by the City's recordation of Parcel Map No. 10095.

2. Utility Easements and Public Utility Easements

Staff is requesting authorization to negotiate and execute public utility easements and utility easements with Comcast, East Bay Municipal Utility District (EBMUD), U.S. Department of the Navy, San Francisco Public Utilities Commission (or a related entity), Port of Oakland, Caltrans and to-be-determined telecommunications providers to facilitate the Public Infrastructure Project on the former Oakland Army Base.

PUBLIC OUTREACH/INTEREST

This item must be posted on the City's website.

COORDINATION

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This action has been coordinated with Department of Planning and Building, the Public Works Agency, and the City Attorney's Office, and this report has been reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

There is no fiscal impact to the City from this proposed action.

FISCAL/POLICY ALIGNMENT

The proposed reservation action and easement authorization is consistent with City of Oakland Public Infrastructure construction projects. The contemplated easements provide utility companies the ability to provide utility services to the project area and future development.

SUSTAINABLE OPPORTUNITIES

Economic: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

Environmental: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

Social Equity: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

CEQA

An Environmental Impact Report (EIR) was certified in 2002 for the Oakland Army Base Project which included the development and construction of the Public Infrastructure. An Initial Study/Addendum (IS/Addendum) was prepared in 2012 for the current master plan for the Oakland Army Base Public Infrastructure Project. The actions taken by the Council, including acknowledgment and confirmation of the City's reservation, acceptance, and establishment of Parcels A, B, C, and D as public streets and public rights-of-way, and authorization to negotiate and execute public utility easements, are categorically exempted from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15268(b) (ministerial projects), 15183 (projects consistent with General Plan

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and Zoning), and 15061(b)(3) (no significant effect on the environment), and 15332 (infill projects), each as a separate and independent basis.

For questions regarding this report, please contact John Monetta, Program Manager I, at (510) 238-7125.

Respectfully submitted,



Fred Blackwell
Assistant City Administrator

Reviewed by:
Doug Cole, Project Manager III
Office of Neighborhood Investment

Prepared by:
John Monetta, Project Manager I
Office of Neighborhood Investment

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 DEC -5 PM 1:09 NOTICE AND DIGEST

**AN ORDINANCE ACKNOWLEDGING AND CONFIRMING THE CITY'S
RESERVATION, ACCEPTANCE AND ESTABLISHMENT OF PARCELS
A, B, C AND D AT GATEWAY INDUSTRIAL PARK AS PUBLIC
STREETS AND PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF
OAKLAND**

This ordinance formally acknowledges and certifies that the City Council reserves, accepts and establishes Parcels A, B, C and D in Parcel Map 10095 as public streets and public right-of-way within the City of Oakland.

2013 DEC -5 PM 1:35

Oliver Chen
OFFICE OF THE CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE ACKNOWLEDGING AND CONFIRMING THE CITY'S RESERVATION, ACCEPTANCE AND ESTABLISHMENT OF PARCELS A, B, C AND D AT GATEWAY INDUSTRIAL PARK AS PUBLIC STREETS AND PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF OAKLAND

WHEREAS, the City of Oakland owns certain property located at the Gateway Industrial Park area (formerly Oakland Army Base), delineated within the parcel map boundary lines shown on Parcel Map No. 10095, recorded on August 13, 2013, in the Official Records of the Alameda County Recorder's Office as Document No. 2013277934 at Book 324 of Parcel Maps at Pages 6-15; and

WHEREAS, the City of Oakland, acting by and through its Council, wishes to formally acknowledge and confirm its reservation, acceptance and establishment of Parcels A, B, C and D as public streets and public rights-of-way within the City of Oakland, which was effected by the City's recordation of Parcel Map No. 10095; now therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council of the City of Oakland hereby finds and determines that the public interest, convenience and necessity require that an easement be reserved, accepted, and established for public street purposes over Parcels A, B, C and D, which are identified on Parcel Map No. 10095, and that such easement is hereby reserved, accepted and established for public street purposes in the City of Oakland.

Section 3. The City Council of the City of Oakland hereby finds and determines that the public interest, convenience and necessity require that Parcels A, B, C and D, which are identified on Parcel Map No. 10095, be reserved, accepted and established as public rights-of-way, and that such

parcels are hereby reserved, accepted and established as public rights-of-way in the City of Oakland.

Section 4. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) is adequately described in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report and 2012 Army Base project Initial Study/Addendum; and (4) does not require further CEQA review, as none of the circumstances necessitating further CEQA review are present. This action is also exempted from CEQA requirements pursuant to CEQA Guidelines sections 15301 (existing facilities), 15268(b) (ministerial projects), 15183 (projects consistent with General Plan and Zoning), and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, which shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 6. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF,
AND PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 DEC -5 PM 1:35

NOTICE AND DIGEST

**AN ORDINANCE ACKNOWLEDGING AND CONFIRMING THE CITY'S
RESERVATION, ACCEPTANCE AND ESTABLISHMENT OF PARCELS
A, B, C AND D AT GATEWAY INDUSTRIAL PARK AS PUBLIC
STREETS AND PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF
OAKLAND**

This ordinance formally acknowledges and certifies that the City Council reserves, accepts and establishes Parcels A, B, C and D in Parcel Map 10095 as public streets and public right-of-way within the City of Oakland.

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NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE PUBLIC UTILITY EASEMENTS WITH COMCAST, EAST BAY MUNICIPAL UTILITY DISTRICT, U.S. DEPARTMENT OF THE NAVY, SAN FRANCISCO PUBLIC UTILITIES COMMISSION (OR RELATED ENTITY), PORT OF OAKLAND, CALTRANS AND TO-BE-DETERMINED TELECOMMUNICATIONS PROVIDERS TO FACILITATE THE ARMY BASE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

This ordinance authorizes the City Administrator to negotiate and execute public utility easements and utility easements in favor of Comcast, East Bay Municipal Utility District, US Navy, San Francisco Public Utility Commission (or Related Entity), Port of Oakland, Caltrans and to be determined telecommunications providers to facilitate the Army Base Public Infrastructure Project.

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APPROVED AS TO FORM AND LEGALITY


OFFICE OF THE CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE PUBLIC UTILITY EASEMENTS AND UTILITY EASEMENTS WITH COMCAST, EAST BAY MUNICIPAL UTILITY DISTRICT, U.S. DEPARTMENT OF THE NAVY, SAN FRANCISCO PUBLIC UTILITIES COMMISSION (OR RELATED ENTITY), PORT OF OAKLAND, CALTRANS AND TO-BE-DETERMINED TELECOMMUNICATIONS PROVIDERS TO FACILITATE THE ARMY BASE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

WHEREAS, the City of Oakland owns certain property located at the Gateway Industrial Park area (formerly Oakland Army Base), delineated within the parcel map boundary lines shown on Parcel Map No. 10095, recorded on August 13, 2013, in the Official Records of the Alameda County Recorder's Office as Document No. 2013277934 at Book 324 of Parcel Maps at Pages 6-15; and

WHEREAS, the City, California Capital and Investment Group and Turner Top Grade Flatiron are entering into an agreement to develop \$247 million Public Infrastructure Project to construct new streets, utilities, rail lines and equipment and development ground pads at the Gateway Industrial Park area; and

WHEREAS, the City desires to negotiate and execute public utility easements and utility easements with Comcast, East Bay Municipal Utility District, U.S. Department of the Navy, San Francisco Public Utilities Commission (or related entity), Port of Oakland, Caltrans and to-be-determined telecommunications providers to facilitate the Public Infrastructure Project and construction and operation of utility systems at the Gateway Industrial Park area; now therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council hereby authorizes the City Administrator or her designee, without returning to the Council, to negotiate and execute public utility easements and utility easements with Comcast, East Bay Municipal Utility District, U.S. Department of the Navy, San Francisco Public Utilities Commission (or related entity), Port of Oakland, Caltrans and to-be-determined telecommunications providers ("Utility Providers") in favor of either the City or the Utility Providers to facilitate the Army Base Public infrastructure Project.

Section 3. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) is adequately described in the 2002 Oakland Army Base Redevelopment Plan Environmental impact Report and the 2012 Army Base project Initial Study/Addendum; and (4) does not require further CEQA review, as none of the circumstances necessitating further CEQA review are present. This action is also exempted from CEQA requirements pursuant to CEQA Guidelines sections 15301 (existing facilities), 15268(b) (ministerial projects), 15183 (projects consistent with General Plan and Zoning), and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis.

Section 4. The City Council hereby authorizes the City Administrator or her designee, without returning to Council, to negotiate and execute all agreements and to take whatever other action is necessary with respect to the Public infrastructure Project public utility easements and utility easements consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to the easements as to form and legality, and a copy shall be placed on file with the City Clerk.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions, which shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF,
AND PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____