



AGENDA REPORT

TO: G. Harold Duffey
Interim City Administrator

FROM: Fred Kelley,
Director, Oakland
Department of
Transportation

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

DATE: January 5, 2023

City Administrator Approval

Date: Feb 2, 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) implements the 24th and Waverly project, which includes three hundred thirty (330) residential units, of which fifteen (15) are designated as very low income 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, referred to as “Sewer Easement” (see **Exhibit A** to the Vacation Resolution for the legal description and map of this area); (b) file a certified copy of the Vacation Resolution with the Alameda County Clerk-Recorder for recordation.

The sewer main has been abandoned and removed for the Project and therefore, 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.

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 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 (currently under review by Oakland Department of Transportation).

Public Works Committee
February 14, 2023

On February 8, 2021 the Project was approved by the Planning Commission, Planning permit number [PLN 20-082](#). The Project includes the construction of 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 Property Owner obtained a public infrastructure permit ([PX2100003](#)) to abandon and remove the public sewer main in the portion of public easement where the vacation is being 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.

ANALYSIS AND POLICY ALTERNATIVES

The Property Owner has applied for design review permit for construction of the Project, which includes a mixed-use building. The proximity of the Sewer Easement to said building is such that proposed structures would encroach into the Sewer Easement.

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 public hearing and notice of said hearing has been posted for a minimum of two successive weeks prior to the hearing.

Approval of the proposed vacation would support the Citywide priorities of 1) **vibrant, sustainable infrastructure** and 2) **responsive, trustworthy government**.

This vacation advances the Citywide priority of housing, economic, and cultural security, as this will allow the new development of three hundred thirty residential units, fifteen of which are designated very-low income and 13,000 square feet of commercial space. The subject project has contributed to equity programs through payments of the Affordable Housing Impact fee, sewer mitigation fee, transportation impact fee, capital improvements impact fee, and school taxes. The subject parcel is currently a vacant lot and allowing vacation to proceed will encourage infill development, as outlined in Objective N3.2 of the Oakland General Plan. -

FISCAL IMPACT

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

PUBLIC OUTREACH / INTEREST

Two weeks prior to public hearing, notice will be published for two consecutive weeks prior to February 21st Council meeting in a local newspaper.

COORDINATION

This report was coordinated with the Planning and Building Department, Budget Bureau, Economic and Workforce Development Department, 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 the development of the Project that includes approximately 330 housing units, 15 of which are designated very-low income, providing much-needed housing to Oakland.

Environmental – This proposed resolution supports the Project, which was developed as a sustainable development, minimizing greenhouse gases resulting from the use of cars. The development is within walking distance to the 19th Street BART Station and AC Transit Bus Rapid Transit.

Race and Equity –. The report titled, [Oakland Equity Indicators](#) provided by the Department of Race and Equity found that almost half of the City’s households are spending 30% or more on housing (rent burdened) and recent increasing in housing costs has contributed to displacement and homelessness which is affecting primarily the Latin and African American communities. The proposed resolution supports the development that was approved by the City which includes approximately 15 affordable housing units.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The vacation of the public utilities easements 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 Ishrat Jahan, Engineering Design and Right-of-Way Supervisor at (510) 238-7116.

Respectfully submitted,


Fred Kelley (Feb 2, 2023 15:56:11)

Fred Kelley,
Director, Department of Transportation

Reviewed by:
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Prepared and reviewed by:
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Department of Transportation