



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

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

**SUBJECT:** Summary Vacation of Public Right- of  
Way at Yerba Buena Avenue

**DATE:** January 10, 2023

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City Administrator Approval 

Date: Jan 12, 2023

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## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Summarily Vacating A Portion Of The Public Right- Of- Way Known As Yerba Buena Avenue, Between Beach Street And Mandela Parkway, To The Fee Owner, East Bay Municipal Utility District, And Adopting Appropriate California Environmental Quality Act Findings.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution will allow the City of Oakland (City) to vacate a portion of Yerba Buena Avenue to East Bay Municipal Utility District (EBMUD). The portion of the street proposed to be vacated is an access road to the EBMUD water treatment plant facility, is not currently accessible to the public, and the vacation will not have any effect on current public accessibility.

## **BACKGROUND / LEGISLATIVE HISTORY**

EBMUD, as owner of real property described in a quitclaim deed, recorded April 08, 2019, Series No. 2019062688, by the Alameda County Clerk-Recorder, and more particularly described in **Exhibit A** and **Exhibit B** to the proposed Resolution, have made an application (PPE 1900053) to the City to summarily vacate a portion of Public Right of Way, known as Yerba Buena Avenue, between Beach Street and Mandela Parkway (Vacation Area). The Vacation Area was dedicated through the map "Map of Tract 6624" filed March 11, 1994, in book 212 Pages 6 through 11 of Maps, Official Records of Alameda County.

The Vacation Area is an access road to the EBMUD water treatment plant facility. For safety and security reasons, entrance to the facility via the access road has been restricted for more than thirty (30) years.

EBMUD filed an application for Summary Vacation (PPE1900053) of the Vacation Area.

## **ANALYSIS AND POLICY ALTERNATIVES**

The process for vacating public easements is prescribed by the California Streets and Highways Code (sections 8333 and 8334.5). The City Council may summarily vacate an easement by resolution if the easement has not been used for five (5) preceding years and there are no public utilities within the easement.

Staff has determined that the proposed vacation will not affect future infrastructure improvements or utility access. Further, the Vacation Area has not been available to the public for 30 years.

Approval of the Vacation meets the City-wide priority of maintaining **vibrant, sustainable infrastructure** by allowing EBMUD to adequately secure and maintain access infrastructure to the Wastewater Treatment facility on Wake Avenue.

## **FISCAL IMPACT**

There is no fiscal impact to the City associated with this summary vacation of public utility easement. Staff costs for processing the proposed easement vacation are covered by fees established in the Master Fee Schedule and have been paid by EBMUD.

## **PUBLIC OUTREACH / INTEREST**

Staff has reached out to utility companies that serve the parcel, adjoining property owners, City of Oakland Planning Department, City of Oakland Building Department, City of Oakland Department of Transportation, City of Oakland Public Works – Wastewater Management Division, and City of Oakland Fire Department; and has received no objection.

## **COORDINATION**

The proposed resolution was coordinated with Budget Bureau and the Office of the City Attorney.

## **SUSTAINABLE OPPORTUNITIES**

***Economic*** – No significant impact on economic conditions is identified.

***Environmental*** – No significant impact on the environment is identified.

***Race and Equity*** – There is no equity impact associated with this resolution action.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Environmental Quality Act (CEQA) and the CEQA Guidelines exempt specific types of projects from environmental review. This easement vacation is exempt from CEQA under sections 15301 (Class 1, Existing Facilities).

**ACTION REQUESTED OF THE CITY COUNCIL**

Resolution Summarily Vacating A Portion Of Public Right Of Way Known As Yerba Buena Avenue, Between Beach Street And Mandela Parkway, To The Fee Owner, East Bay Municipal Utility District, And Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Ishrat Jahan, Engineering Design and Right-Of-Way Supervisor (510) 238-7281.

Respectfully submitted,

  
Fred Kelley (Jan 11, 2023 14:37:51)

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Fred Kelley, Director,  
Oakland Department of Transportation

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