



AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Fred Kelley,
Director, Oakland
Department of
Transportation

SUBJECT: State Land Relinquishment for
Construction of 42nd Ave And High St
Access Improvement Project

DATE: March 21, 2023

City Administrator Approval

Date: Apr 13, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Enter Into An Agreement With The State Of California To Accept A Portion Of The State Highway Right Of Way To Be Relinquished By The State of California At The Interstate-880 Freeway Southbound Offramp Between 42nd Avenue And High Street, And (2) Acquire A 176 Square Foot Parcel With An Additional 134.31 Linear Feet Of Access Control From Home Depot For The Construction of 42nd Avenue And High Street Access Improvement Project (City Project No. 1003983); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

The 42nd Avenue and High Street Access Improvement Project (Project) in the City of Oakland (City) proposes to extend 42nd Avenue to Alameda Avenue from the I-880 southbound off-ramp and make other substantial City street improvements. Approval of this resolution will authorize the City Administrator to accept the State's relinquishment of a portion of the existing State's (Caltrans) Interstate-880 right of way and access control adjoining City streets (0.83 Acres and 151.56 linear feet), as shown in **Attachments A** and **B** and acquire a 176 square foot parcel with 134.31 linear feet of new access control from Home Depot as shown in **Attachment C**. Acceptance of the State's relinquishment and acquiring the additional property rights from the Home Depot are vital to construct the Project and satisfy Caltrans' design and safety requirements. The City and Caltrans agree that a relinquishment of a portion of the Caltrans right of way and access control is the beneficial preferred option in lieu of the "new public road connection process."

BACKGROUND / LEGISLATIVE HISTORY

The Project is a major street improvement undertaking that will extend 42nd Avenue from the existing southbound Interstate-880 offramp to Alameda Avenue and extend Jensen Street from High Street to Alameda Avenue. The Project also includes roadway improvements such as installation of a traffic signal at the new intersection of Alameda Avenue and 42nd Avenue, upgrades to traffic signals at High Street, Oakport Street, Coliseum Way, and the southbound section of the 42nd Avenue/ Interstate-880 off-ramp, and pedestrian and bicyclist safety improvements and pavement overlays. The Project will improve all modes of traffic circulation to and from the freeway, including the estuary business area and the City of Alameda as shown in **Attachment A**.

The Project was initiated through the City's Capital Improvement Program in 1999 and affirmed as a priority project by the City Council through passage of [Resolution No. 81038 C.M.S.](#) on October 25, 2007.

In November 2010, the City Council adopted [Ordinance No. 13044 C.M.S.](#) authorizing staff to acquire property for the Project.

Thus far, staff has acquired all property rights required for the Project except for the 176 square foot parcel and 134.31 linear feet of access control currently owned by Home Depot. In order to receive Caltrans approval and permits to enter into construction of the Project, the City is required to purchase the Home Depot parcel and new access control and accept the relinquishment of a portion of Caltrans' right of way and access control.

ANALYSIS AND POLICY ALTERNATIVES

The Project is located in Council District 5. It will improve traffic access and circulation for the Interstate- 880, High Street on- and off-ramps and for 42nd and Alameda Avenues in the Central Estuary area. These improvements will reduce traffic congestion and vehicle emissions for the cities of Oakland and Alameda and relieve traffic congestion in the vicinity of the Oakland Coliseum Complex. Property acquisition for the Project began in 2010. Thus far, 27 properties have been acquired for the Project with one pending acquisition needed from Home Depot.

The project is consistent with the Council's priority item 1; to provide Holistic Community Safety and item 3; to provide a vibrant and sustainable infrastructure for future generations.

The outcome of the final design review of the favored project alternative, which incorporated a traffic study with Caltrans, revealed that for Caltrans to grant approval, the City must accept a Caltrans right of way relinquishment and secure additional property rights from Home Depot. Approval of the resolution is necessary to meet the requirements for the Caltrans Right of Way Certification required on federally funded projects and to obtain a Caltrans encroachment permit; both are needed for the Project to be approved and constructed.

FISCAL IMPACT

The Caltrans relinquishment will be provided to the City at zero monetary cost. The relinquished area will be owned and maintained by the City as right of way and therefore will be incorporated into the City Streets Maintenance Program. Funding for the Project's engineering and design phases came from a combination of both State Surface Transportation Improvement Program

(STIP) and local Measure B funds. Funding for the Project's right of way phase was provided through a STIP grant that was programmed in 2007 and expended on February 20, 2012, in accordance with STIP guidelines. The fiscal impact from acquiring the required property rights from Home Depot for this portion of the Project shall be set by the City's Real Property Asset Manager approving and accepting the determination of a fair market value appraisal report. This value will subsequently be presented to the grantor and will set the compensation at the minimum amount of One Hundred and Forty-Five Thousand and Zero Cents (\$145,000 Rounded) that must be paid for these property rights. Additional just compensation cost is expected to be paid to Home Depot for utility service reduction related to waterflow adjustments.

PUBLIC OUTREACH / INTEREST

During the Project's planning, design, and right of way acquisition phases, multiple meetings were held with the local community and local businesses in Council District 5. The local community and schools were involved and informed in coordination with the District 5 Council Office during all three phases. Further outreach will occur during the Project's advertisement and construction phases.

COORDINATION

Significant coordination occurred to date between Caltrans, the City of Alameda, Alameda County, and the City. The purpose of the coordination was to obtain concurrence for the environmental impact report, final design elements and construction staging to minimize the traffic impact during construction. During the design and property acquisition phases, there were significant coordination with the City's Real Estate Department, the City Attorney's Office, City's Budget Office, Caltrans, utility companies, Home Depot, the District 5 Council Office and local communities and area businesses. This report and resolution have been reviewed and approved by the City Attorney's Office and Budget office.

SUSTAINABLE OPPORTUNITIES

Economic: The Project proposes to construct two new street segments with sidewalks and traffic signals as well as pedestrian safety devices that will improve the experience of both pedestrians and bicyclists. It will also provide new connections to the estuary waterfront and area businesses. These street improvements will encourage more walking and bicycling, which may increase local economic activities. The Project's street improvements will reduce vehicular emissions providing immediate and significant health benefits.

Environmental: Walking and biking are energy efficient, zero emission form of transportation. Accessible pedestrian infrastructure and increased active transportation supports the City's goal to reduce greenhouse gas emissions and supports climate equity. The project is categorically exempted. The project will improve circulation and increase non-motorized traffic activities resulting in a reduction of carbon footprint by lowering rate of emissions.

Race & Equity: The Project will provide accessibility and safety benefits for all modes of transportation. However, as walking and biking are inexpensive and broadly accessible forms of transportation, the pedestrian and bicycle access improvements will especially benefit youth, seniors, people with low-income, and people who do not own personal vehicles. Further, the project is located in several high priority neighborhoods as identified through OakDOT's

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Geographic Equity Tool.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA clearance is not required for the Caltrans relinquishment. However, for the Project as a whole, NEPA and CEQA documents were prepared and approved during an earlier phase of the Project and are currently being updated for approval of the construction phase. For this resolution for relinquishment and acquisition, transaction is exempt from CEQA under section 15276 of the CEQA Guidelines (Transportation Improvement and Congestion Management Programs)

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Enter Into An Agreement With The State Of California To Accept A Portion Of The State Highway Right Of Way To Be Relinquished By The State of California At The Interstate-880 Freeway Southbound Offramp Between 42nd Avenue And High Street, And (2) Acquire A 176 Square Foot Parcel With An Additional 134.31 Linear Feet Of Access Control From Home Depot For The Construction of 42nd Avenue And High Street Access Improvement Project (City Project No. 1003983); And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

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For questions regarding this report, please contact Ade Oluwasogo, Supervising Transportation Engineer, at AOLuwasogo@oaklandca.gov

Respectfully submitted,

Fred Kelley

Fred Kelley (Apr 11, 2023 13:23 PDT)

FRED KELLEY

Director, Oakland Department of Transportation

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Attachments (5):

- A: Vicinity Map
- B: State Land Relinquishment Area Map
- C: Caltrans Access Control Map
- D: Caltrans Environmental Disclosure Memo for Relinquishment
- E: Draft Caltrans Relinquishment Agreement