



# AGENDA REPORT

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

**FROM:** Ryan Russo  
Director, DOT

**SUBJECT:** Summary Vacation of Public Sewer  
Easement at 500 Lake Park Avenue

**DATE:** December 16, 2020

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City Administrator Approval 

Date: Jan 21, 2021

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## **RECOMMENDATION**

**Staff Recommends That The City Council Approve A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 500 Lake Park Avenue To The Property Owners, Lake Park Oakland EAH, LLC.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution will allow the Department of Transportation (DOT) to abandon a one-hundred and fourteen (114) year old unused public utility easement on a residential parcel to facilitate construction of fifty-three (53) housing units and three-thousand (3,000) square feet of retail space on the subject property.

## **BACKGROUND / LEGISLATIVE HISTORY**

The existing public sewer easement is located on three parcels that will be merged (PLN19048) into one (APN 011-0837-086-02, 011-0837-087, and 011-837-080) at 500 Lake Park Avenue, and varies in width from five (5) feet to ten (10) feet. The easement has not been used for the purpose for which it was dedicated to the City of Oakland through the Map of Piedmont by the Lake subdivision in 1906.

The owners have filed applications for design review to construct a new mixed-use building consisting of fifty housing units and three-thousand square feet of retail space (PLN16276). Because the new structures would be located over the existing easement, the owners have filed an application (PPE2000056) to abandon it.

Staff has determined that the easement is no longer needed by the City for future infrastructure improvements.

February 2, 2021

### **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.

Lake Park Oakland EAH, LLC, owner of real property known as 500 Lake Park Avenue (APN 011-0837-086-02, 011-0837-087, and 011-0837-080) have made an application (PPE 2000056) to the City Engineer of the City of Oakland to summarily vacate an unused public sewer easement which serves said parcel.

Said Owner have applied for design review permit for construction of a new mixed-use building, but the proximity of said easement to said building such that the proposed structures would encroach into the existing sewer easement.

Said easement was dedicated through the subdivision map "Map of Piedmont by the Lake" filed November 14, 1906, in book 21 Page 81 of Maps, Official Records of Alameda County.

The limits of the public service easement proposed for vacation are delineated diagrammatically and described textually in **Exhibits B and C** to the resolution.

### **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 the applicant.

### **PUBLIC OUTREACH / INTEREST**

Lake Park Oakland EAH, LLC, owner of real property known as 500 Lake Park Avenue reached out on multiple occasions to all property owners adjacent to the public easement and received no objection.

### **COORDINATION**

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

### **SUSTAINABLE OPPORTUNITIES**

***Economic*** – The proposed vacation facilitates private development improving the overall economic conditions in Oakland.

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

***Race and Equity*** – There are no race and equity impacts associated with this resolution action.

### **CEQA**

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 15332 (Class 32, “In-fill Development Projects) and Section 15183 (projects consistent with a community plan, general plan or zoning).

**ACTION REQUESTED OF THE CITY COUNCIL**

Resolution Summarily Vacating An Unused Public Sewer Easement Located At 500 Lake Park Avenue To The Property Owners, Lake Park Oakland EAH, LLC.

For questions regarding this report, please contact Joseph Grassick, Engineering Design and Right-Of-Way Supervisor (510) 238-6203.

Respectfully submitted,



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