



City of San Leandro

Meeting Date: July 21, 2014

Staff Report

File Number: 14-285

Agenda Section: PUBLIC HEARINGS

Agenda Number: 4.A.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for Proposed Vacations of Portions of the Public Right-of-Way and Retaining Public Utility Easements on Martinez Street Between West Estudillo Avenue and Thornton Street; and West Estudillo Avenue Between Alvarado Street and Martinez Street

SUMMARY AND RECOMMENDATIONS

A public hearing concerning the matter of the proposed vacation of portions of public right-of-way and reserving public utility easements on Martinez Street between West Estudillo Avenue and Thornton Street and West Estudillo Avenue between Martinez Street and Alvarado Street is scheduled for the July 21, 2014 City Council meeting.

Staff recommends adoption of the ordinance ordering the vacation of portions of the public right-of-way and reserving public utility easements on Martinez Street, between West Estudillo Avenue and Thornton Street and West Estudillo Avenue between Martinez Street and Alvarado Street.

BACKGROUND

Westlake Development Group, L.P (Westlake), on behalf of Chang Income Property Partnership, LP. (Chang), the owner of 1333 Martinez Street, has requested that the City vacate portions of the public right-of-way, as shown on Exhibit A, to accommodate the construction of the proposed Downtown Tech Campus Project. The areas to be vacated are Martinez Street, between Parrott Street and Thornton Street; the westerly half of Martinez Street between West Estudillo Avenue and Parrott Street; and West Estudillo Avenue between Martinez Street and Alvarado Street. Existing utility easements within the vacated areas will be retained. Chang Income Property Partnership, LP currently owns 1333 Martinez Street and has proposed to develop the site for the Downtown Tech Campus.

These sections of Martinez Street and West Estudillo Avenue are bounded by the Downtown San Leandro BART Station on the east, Alvarado Street on the west, Davis Street on the

north and Thornton Street to the south and are primarily used for parking by BART patrons.

In addition, the developer will improve the easterly half of Martinez Street into a bicycle and pedestrian paseo which will ultimately become a portion of the East Bay Greenway. The improvements will include a twenty-foot paved pedestrian and bicycle path, streetlights and storm water treatment facilities. The project will also include undergrounding of all overhead utilities. The Development Agreement between the City and Westlake requires that Westlake maintain the improvements on both the vacated and retained portions of the public right-of-way.

The City's involvement with Westlake and the entitlement of Westlake Development Partner's property began in 2008 with the original resident-focused San Leandro Crossings Master Plan. The original plan included multi-family housing units and office spaces. With the economic downturn, Westlake refocused on developing 1333 Martinez Street into an office complex, while a non-profit developer partner, Bridge Housing Corporation, assumed the efforts to develop housing units at 1400 San Leandro Boulevard. The result of the substantial amount of time and work over the past six years will be the creation of a viable and innovative Transit-Oriented Development (TOD) project, which is expected to become a catalyst for economic growth in Downtown San Leandro.

Analysis

The City supports the Downtown Tech Campus project (Project), and finds it to be vital for implementing the City's Downtown Transit-Oriented Development Strategy (TOD Strategy) goals. The project is in line with the City's vision to tap into economic opportunities generated from the growth of the Silicon Valley and the San Francisco Bay Area high tech industry. As the first privately funded project in the TOD Strategy area, the project has strong potential to attract similar developments.

The proposed project will create an opportunity for a unique workplace district in Downtown San Leandro for more than 1,800 new employees. It will provide an opportunity to attract and retain businesses that can benefit from the high-speed broadband capacity created by Lit San Leandro. The project will transform a site, which has been vacant for a substantial amount of time, into a high density office campus and potentially an important municipal revenue driver for years to come.

The project has made provisions to absorb some of the BART patrons' overflow parking spaces on Martinez Street onto the proposed project's parking facilities. Westlake submitted a preliminary plan and estimate of work within the public right-of-way. The City drafted an agreement for the work shown on the plans, setting forth the responsibilities of each party with respect to the work, such as the requirement that Chang obtain an improvement surety bond for the value of the work to ensure its completion. The proposed public improvements align with the City's TOD Strategy and its vision for the East Bay Greenway, a partial segment of which will be fully funded by the developer.

The street vacations are conditioned such that the City Clerk can accept an irrevocable offer of dedication for the vacated streets for public right-of-way if the improvements related to the street vacations are not initiated within twenty-four (24) months of this action. To implement the aforementioned condition, Chang has recorded with the Alameda County Recorder an

irrevocable offer of dedication. Upon compliance to the City's satisfaction, the City will record a document vacating the developer's irrevocable offer. If the developer fails to comply, the City Clerk will record an acceptance of the irrevocable offer, reestablishing the streets as public right-of-way.

Previous Actions

- On June 16, 2014, the City Council passed Resolution No. 2014-059 to authorize the City Manager to execute an Improvement Agreement with Chang Income Property Partners, LP for Public Improvements on Martinez Street.
- On June 16, 2014, the City Council passed Resolution of Intention No. 2014-060 to vacate portions of Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Martinez Street and Alvarado Street.

Applicable General Plan Policies

- Policy 6.01; Downtown Plan: In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit-Oriented Development Strategy, ensure that new Downtown Development is attractive and creates an image conducive to revitalization
- Policy 6.05; Pedestrian-Friendly Environment: Provide public and private improvements that create a safe, friendly, and pleasurable environment for pedestrians in Downtown
- Policy 6.09; Business Partnership: Support public and private efforts to enhance and market Downtown San Leandro, encourage partnerships between the City, Redevelopment Agency, the Chamber of Commerce, the Downtown Association, and private entities (such as property owners, tenants, developers, etc.)
- Policy 6.10; BART Area Revitalization: Foster the development of the BART Station area as a mixed use "transit village," with a full complement of office, high-density residential, and retail uses, along with pedestrian plazas, open space, BART parking, and other transit facilities (possibly including a Capitol Corridor rail station)

Environmental Review

As indicated in the General Plan Conformance Finding, the property disposition was covered in the Initial Study and Mitigated Negative Declaration for the proposed development project.

Board/Commission Review and Actions

The Planning Commission at its meeting of February 20, 2014, found the proposed vacation to be in conformance with the City of San Leandro General Plan.

Summary of Public Outreach Efforts

- Staff corresponded with utility agencies affected by the proposed vacation.
- Per San Leandro Municipal Code Chapter 5-4-110, the City Council's Resolution of Intention calling for a public hearing on July 21, 2014, was published two times in the Daily Review, a local newspaper, on June 27, 2014 and July 3, 2014.
- The City Council's Resolution of Intention calling for a public hearing on July 21, 2014, was

posted no more than 300 feet spacing, for a period of no less than two (2) weeks from the date of the hearing along the proposed site intended for vacation.

Fiscal Impacts

- There is no fiscal impact associated with this project
- All costs incurred in preparing and processing the street vacation documents will be paid by Chang
- All construction and inspection costs for the public improvements for the project will be paid by Chang

ATTACHMENTS

Attachments to Ordinance

- Exhibit 'A' - Legal descriptions of the proposed public right-of-way vacation

PREPARED BY: Austine Osakwe, Senior Engineer, Engineering and Transportation, Department



City of San Leandro

Meeting Date: July 21, 2014

Ordinance

File Number: 14-286

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: ORDINANCE Vacating Portions of Public Rights-of-Way and Retaining Public Utility Easements (Martinez Street Between West Estudillo Avenue and Thornton Boulevard, and West Estudillo Avenue Between Alvarado Street and Martinez Street) (vacates portions of public streets and retains public utility easements in the vacated areas)

WHEREAS, the City Council of the City of San Leandro, on June 16, 2014, passed its Resolution of Intention No. 2014-060 to vacate portions of Martinez Street and West Estudillo Avenue as hereinafter described; and

WHEREAS, a public hearing was set for July 21, 2014, at which time any person objecting to such vacations was given the opportunity to appear and show cause why such vacations should not be ordered, and notice of such meeting was duly published and posted; and

WHEREAS, such hearing was held by the City Council on July 21, 2014, and the City Council at the time of such hearing determined that said portions of Martinez Street and West Estudillo Avenue are unnecessary for present and prospective public use; and

WHEREAS, the San Leandro Planning Commission found that the proposed vacations conform to the requirements of the San Leandro General Plan.

NOW, THEREFORE, the City Council of the City of San Leandro does ORDAIN as follows:

Section 1. That a portion of Martinez Street located within the City of San Leandro, Alameda County, California, is unnecessary for present or prospective public use and said portion of Martinez Street is hereby vacated and abandoned, as more particularly described in Exhibit "A", attached hereto, and made a part hereof.

Section 2. That a portion of West Estudillo Avenue located within the City of San

Leandro, Alameda County, California, is unnecessary for the present or prospective public use and said portion of West Estudillo Avenue is hereby vacated and abandoned, as more particularly described in Exhibit "A", attached hereto, and made a part hereof.

Reserving and excepting therefrom, until such time as all utilities are relocated outside the area proposed to be reserved and excepted, easements and right-of-way to construct, maintain, operate, replace, remove, renew and enlarge sanitary sewers, storm drains and public utility services now existing in said area, including all necessary and convenient appurtenant structures and incidental purposes thereto, including access. Said area of easements and rights-of-way are made a part hereof.

Said vacations shall not become effective until Chang Income Property Partnership, LP completes the street improvements required by the City Engineer and said improvements are approved and accepted by the City Engineer.

Legal Description
West Estudillo Avenue Vacation
(Between Martinez Street and Alvarado Street)

Real property situate in the City of San Leandro, County of Alameda, State of California, being a portion of West Estudillo Avenue (formerly Ward Street), 80 feet in width, as said street is shown on "Map of the Town of San Leandro", filed February 27, 1855 in Map Book 2 at Page 43, Alameda County Records, more particularly described as follows:

Beginning at the intersection of the Western line of Martinez Street, 80 feet in width, as said street is shown on said map, with the Southern line of said West Estudillo Avenue; thence along last said line South 62°00'00" West, 280.00 feet to the most Northern corner of the lands of the City of San Leandro as described in Grant Deed recorded October 12, 1988 as Document No. 88-257044; thence leaving last said line, North 36°36'56" West, 40.46 feet to the centerline of said West Estudillo Avenue; thence along said centerline, North 62°00'00" East, 286.06 feet to the Northerly prolongation of said Western line of said Martinez Street; thence along said Northerly prolongation, South 28°00'00" East, 40.00 feet to the **Point of Beginning**.

Containing 11,321 square feet, more or less.



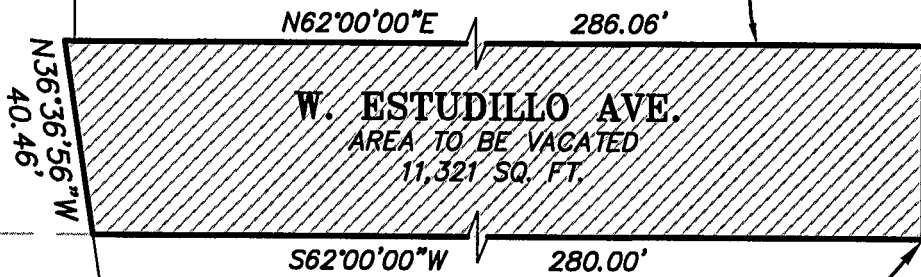
4-22-13



MAP OF THE TOWN
OF SAN LEANDRO
2 M 43 BLOCK 50

VACATED
ORDINANCE NO.
86-012

VACATED
ORDINANCE NO. 86-013



(80)
MARTINEZ STREET
S28°00'00\"/>

ALVARADO STREET

LANDS OF CITY OF SAN LEANDRO
DEED DOC. NO. 88-257044

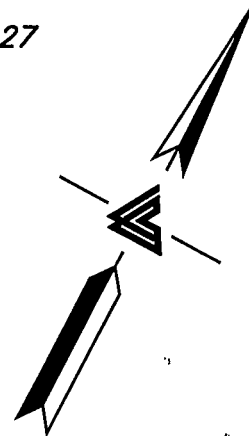
LANDS OF CHANGE INCOME PROPERTY
PARTNERSHIP, LP
DEED DOC. NO. 2004237927

POINT OF
BEGINNING

BLOCK 49



SCALE: 1" = 40'



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WWW.LEABRAZE.COM

**PROPOSED VACATION EXHIBIT
WEST ESTUDILLO AVENUE
SAN LEANDRO, CALIFORNIA**

AUGUST 2013

DRAWN BY: PCW/MT

JOB NO. 2070219

Legal Description
Martinez Street Vacation
(Between West Estudillo Avenue and Thornton Street)

Real property situate in the City of San Leandro, County of Alameda, State of California, being a portion of Martinez Street, 80 feet in width, as said street is shown on "Map of the Town of San Leandro", filed February 27, 1855 in Map Book 2 at Page 43, Alameda County Records, more particularly described as follows:

Beginning at the intersection of the Northern line of Thornton Street, 60 feet in width, as said street is shown on said map, with the Western line of said Martinez Street; thence along said Western line, North 28° 00'00" West, 1462.68 feet to the centerline of West Estudillo Avenue, as said avenue is shown on said map; thence along last said line, North 62°00'00" East, 40.00 feet to the centerline line of said Martinez Street; thence along last said line, South 28°00'00" East, 1462.68 feet to said Northern line of Thornton Street; thence along last said line, South 62°00'00" West, 40.00 feet to the **Point of Beginning**.

Containing 58,507 square feet, more or less.



4-12-14

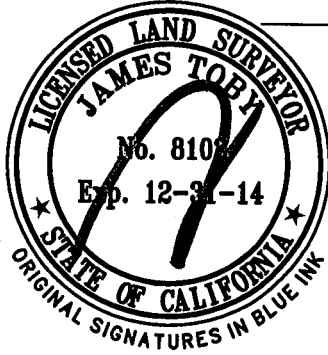
W. ESTUDILLO AVE. VACATED
ORD. 86-013

VACATED
ORD. 86-012

W. ESTUDILLO AVE.
ABANDONED

W. ESTUDILLO AVE. (40')

N62°00'00"E
40.00'



4-20-11

BLOCK 49

BLOCK 39

HEPBURN STREET
VACATED

WEST JOAQUIN AVENUE
ABANDONED

1462.68'

1462.68'

MAP OF THE TOWN

BLOCK 48

BLOCK 40

SAUNDERS STREET
VACATED

WEST JUANA
AVENUE
ABANDONED

AREA TO BE VACATED
58,507 SQ. FT.

MARTINEZ STREET (80')

OF SAN LEANDRO
2 M 43

BLOCK 47

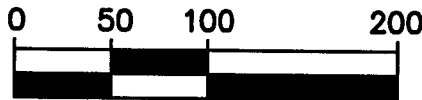
ESTUDILLO SQUARE

PARROTT STREET
VACATED

PARROT STREET (66')

N28°00'00"W

S28°00'00"E



SCALE: 1" = 100'

BLOCK 46

BLOCK 41

POINT OF
BEGINNING

S62°00'00"W
40.00'

THORNTON STREET (60')



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PROPOSED VACATION EXHIBIT
MARTINEZ STREET
SAN LEANDRO, CALIFORNIA
THORNTON STREET TO WEST ESTUDILLO AVENUE

AUGUST 2013

DRAWN BY: PCW/MT

JOB NO. 2070219

Legal Description
Martinez Street Vacation

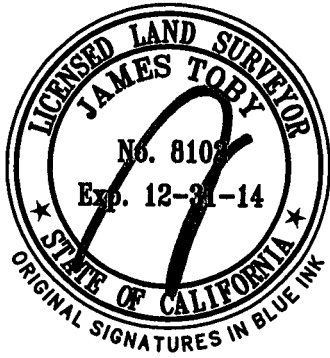
Real property situate in the City of San Leandro, County of Alameda, State of California, being a portion of Martinez Street, 80 feet in width, as said street is shown on "Map of the Town of San Leandro", filed February 27, 1855 in Map Book 2 at Page 43, Alameda County Records, more particularly described as follows:

Beginning at the intersection of the Northern line of Thornton Street, 60 feet in width, as said street is shown on said map, with the Eastern line of said Martinez Street; thence along said Northern line of Thornton Street, South 62°00'00" West, 40.00 feet to the centerline of said Martinez Street, thence along said centerline, North 28° 00'00" West, 205.00 feet to a point distant South 62°00'00" West, 40.00 feet from the most Northern corner of the Lands of Westlake Infrastructure, LLC as described in Grant Deed Document No. 2013233746 recorded July 8, 2013, Alameda County Records; thence leaving last said line, North 62°00'00" East, 40.00 feet to said Northern corner of said lands, said point being on said Eastern line of Martinez Street; thence along last said line South 28°00'00" East, 205.00 feet to the **Point of Beginning**.

Containing 8,200 square feet, more or less.



4-22-14

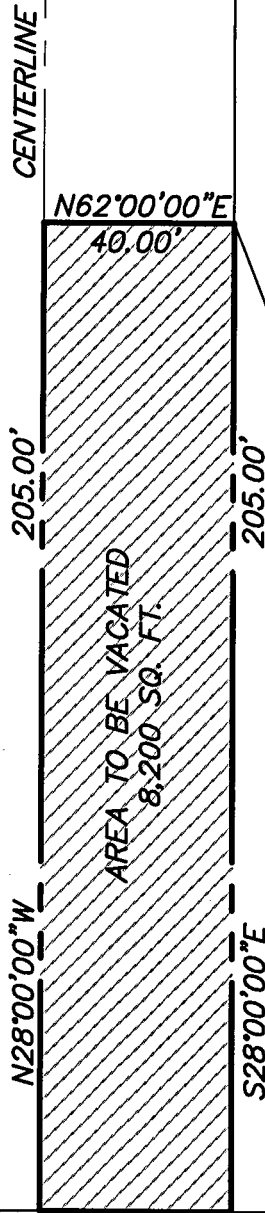


4-22-14

MAP OF THE
TOWN OF SAN
LEANDRO
2 MAPS 43

BLOCK 46

MARTINEZ STREET (80')



S62°00'00\"W
40.00'

POINT OF
BEGINNING



SCALE: 1" = 40'

THORNTON STREET (60')

LANDS OF WESTLAKE
INFRASTRUCTURE LLC
DEED DOC. NO.
2013233746



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**PROPOSED VACATION EXHIBIT
MARTINEZ STREET
SAN LEANDRO, CALIFORNIA**

AUGUST 2013

DRAWN BY: PCW/MT

JOB NO. 2070219

Legal Description
Quitclaim of Lands of City of
San Leandro (Doc. 81-037627)

Real property situate in the City of San Leandro, County of Alameda, State of California, being a portion of Lot I, Block 46 as shown on "Map of the Town of San Leandro", filed February 27, 1855 in Map Book 2 at Page 43, Alameda County Records, also being all of the lands granted to the City of San Leandro in Grant Deed recorded March 11, 198 in Deed Document No. 81-037627, more particularly described as follows:

Beginning at the intersection of the Southwestern line of line of Martinez Street with the Northwestern line of Thornton Street as said streets are shown on said map; thence along said Northwestern line of Thornton Street, South 62°00'00" West, 4.75 feet to the Northeastern line of the 100 foot wide right-of-way of the Southern Pacific Railroad; thence along last said line, North 42°00'42" West, 2.33 feet to the beginning of a non-tangent curve to the left with a radius of 21.50 feet, a radial line to said point bears South 54°28'54" East; thence along said curve, through a central angle of 17°23'18", a distance of 6.52 feet to said Southwestern line of Martinez Street; thence along last said line, South 28°00'00" East, 6.00 feet to the **Point of Beginning**.

Containing 20 square feet, more or less.

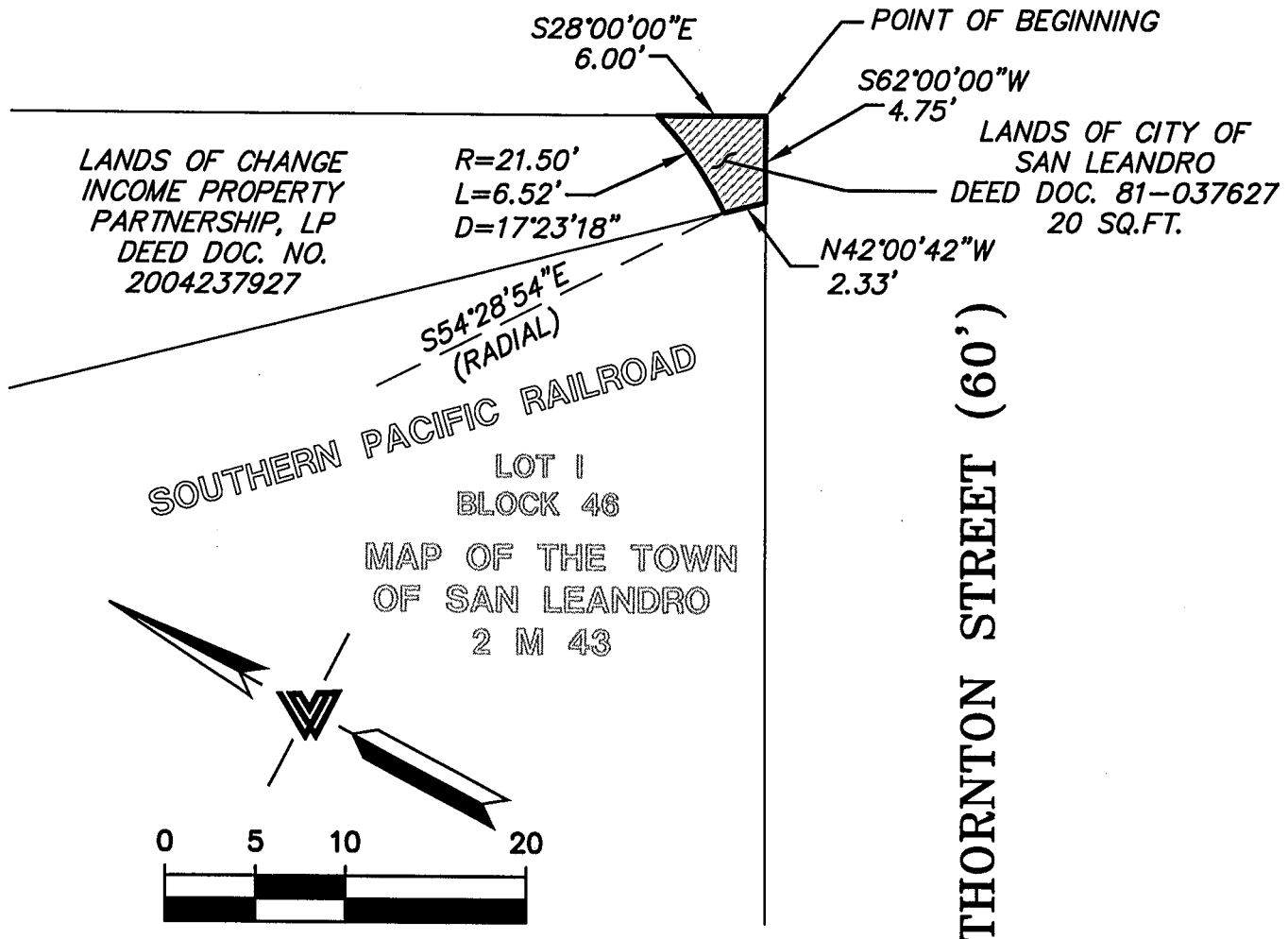


4-12-09

MARTINEZ STREET (80')



47019



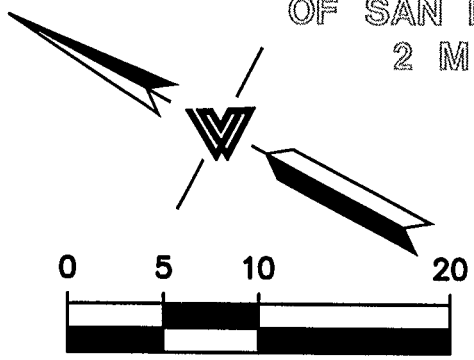
LANDS OF CHANGE
INCOME PROPERTY
PARTNERSHIP, LP
DEED DOC. NO.
2004237927

R=21.50'
L=6.52'
D=17°23'18"

LANDS OF CITY OF
SAN LEANDRO
DEED DOC. 81-037627
20 SQ.FT.

SOUTHERN PACIFIC RAILROAD

LOT 1
BLOCK 46
MAP OF THE TOWN
OF SAN LEANDRO
2 M 43



SCALE: 1" = 10'



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**PROPOSED QUITCLAIM OF
THE LANDS OF
THE CITY OF SAN LEANDRO
(DOC. 81-037627)
SAN LEANDRO, CALIFORNIA**

AUGUST 2013

DRAWN BY: MT

JOB NO. 2070219