



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: May 5, 2020
TO: Christine Daniel, City Manager
FROM: Mary Grace Houlihan, Public Works Director
SUBJECT: **Public Hearing in Accordance With Chapter 4 Of Title 7 Of The Emeryville Municipal Code Regarding Underground Utility Facilities To Consider The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street**

Resolution Of The City Council Of The City Of Emeryville Declaring The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and thereafter adopt the above referenced resolution.

BACKGROUND

In accordance with the General Plan, the current Capital Improvement Program identifies the North Hollis Underground District Project (ST-14) the scope of which includes the conversion of aerial utilities to underground throughout the North Hollis Area, which is generally comprised of the area north of Powell Street and bounded by the Union Pacific Railroad Tracks to the west, the northern City Limit, and the eastern City Limit. Underground utility districts are desirable to communities because, when undergrounded, utilities are less likely to cause damage and be damaged during storm and earthquake events while also improving service reliability. Additionally, overhead utility lines obstruct views and require more aggressive street tree pruning which results in the selection of smaller tree species when new street trees are planted. In general, undergrounded utilities enable a more attractive and walkable streetscape. General Plan Figure 5-7, "Utility Undergrounding Progress" from the General Plan is attached hereto as Exhibit B.

The California Public Utilities Commission (CPUC) Rule 20A Program allocates Pacific Gas and Electric (PG&E) ratepayer work credits to cities for use in eligible undergrounding projects. The City of Emeryville is considered an inactive Rule 20A agency until it forms an eligible underground district passed by City Council Resolution.

At this point in time, the City of Emeryville Rule 20 work credit balance is \$939,000; however, PG&E has informed City staff that, due to Emeryville's inactive status, .48% of these funds will be reallocated to the City of Live Oak and it is uncertain whether additional reallocations will be required of inactive agencies in the future.

DISCUSSION

Pursuant to Chapter 4 of Title 7 of the Emeryville Municipal Code regarding Underground Utility Facilities, the City Council is required to set and hold a public hearing "to ascertain whether public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated services.¹" Furthermore "If, ...the Council finds that the public necessity, health, safety, or welfare requires such removal and such underground installations within a designated area, the Council, by resolution, shall declare such designated area an Underground Utility District and order such removal and underground installations.²"

Because there is limited funding available in the Capital Improvement Program's North Hollis Underground District Project (ST-14), only streets that meet the CPUC criteria for Rule 20A Program work credit usage are included in the proposed undergrounding district. As indicated on the attached Exhibit A, the proposed project would underground all existing overhead utilities on Hollis Street from approximately 45 feet south of 59th Street to approximately 135 feet north of 67th Street; on 61st Street from Doyle Street to Hollis Street; and on 62nd Street from Hollis Street to Doyle Street. Adopting the attached Resolution will preserve the City of Emeryville's Rule 20 work credit balance contributions.

The proposed undergrounding will impact 24 private properties. Pursuant to Chapter 4 of Title 7 of the Emeryville Municipal Code, regarding Underground Utility Facilities, private property owners are responsible to provide and maintain any facility changes on their premises, to accommodate the undergrounding. This means that effected private property owners are responsible for the cost and timely installation associated with upgrading their building to accept the new underground utility connection. Once project funding is secured and a schedule is established, a subsequent Staff Report to City Council will identify a timeline for notifying private property owners of when to prepare buildings for connection to the undergrounded utilities and in no case will this notice be less than 18 months in advance.

FISCAL IMPACT

Creation of the North Hollis Underground Utility District will preserve the City of Emeryville's Rule 20 work credit balance allocations for the Capital Improvement Program North Hollis Underground District Project (ST-14).

¹ Emeryville Municipal Code (EMC) section 7-4.02

² EMC section 7-4.03

STAFF COMMUNICATION WITH THE PUBLIC

Owners of property adjoining the proposed district have been notified of the public hearing.

CONCLUSION

Staff concludes that it is in the public's interest for City Council to adopt the above-entitled resolution.

PREPARED BY: Michael Roberts PE, Senior Civil Engineer

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Christine Daniel, City Manager

ATTACHMENTS

- Draft Resolution
- Exhibit A
- Exhibit B – General Plan, Utility Undergrounding