



Office of the City Manager

CONSENT CALENDAR

October 27, 2026

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development
 Jamie Parks, Director, Public Works
 Subject: Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site

RECOMMENDATION

1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);
2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B.

FISCAL IMPACTS OF RECOMMENDATION

Fees associated with processing the proposed street vacations and property transfers offset the City's costs related to processing and implementing the recommended action.

CURRENT SITUATION AND ITS EFFECTS

The application submitted by the North Berkeley Housing Partners for the North Berkeley BART Transit-Oriented Development project (the Project) pursuant to AB 2011 (Government Code Section 65912) at 1750 Sacramento (PLN2024-0010) was approved on December 11, 2024. Approval of this project included approval of Tentative Tract Map #8713 for the subdivision of 7.88 acres into 12 parcels for residential, open space, public access, and BART facilities. In addition, Tentative Tract Map #8713 included four small areas, totaling approximately 1,279 square feet, along Sacramento, Delaware, and Acton streets adjacent to the North Berkeley BART property to be transferred from the City to BART. Four areas are proposed for transfer from the City to BART. Two of these four areas, totaling approximately 165 square feet, are proposed for street vacation ("Street Vacation Areas"), and the remaining two areas, totaling approximately 1,114 square feet, are not presently in the right-of-way and are proposed for property

transfer (“Transfer Areas”), as shown in the attached legal descriptions and plats (Exhibit A).

BACKGROUND

Pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code of the State of California, a local agency may summarily vacate excess right-of-way of a street or highway when the excess is not required for street or highway purposes and does not contain in-place public utility facilities that are in use and would be affected by the vacation. The Streets and Highways Code allows the local agency to summarily vacate the right-of-way by the adoption of a resolution of vacation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The impacts of development consistent with the City Code, such as the Project, were considered in the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320), which was certified by the City Council on June 2, 2022 (Zoning EIR). The vacation and conveyances recommended here are not substantial changes to the Project; moreover, there has been no substantial change to the circumstances of the Project nor has new information of substantial importance become available since the certification of the Zoning EIR. No further environmental review is required pursuant to CEQA Guidelines section 15162.

As for the vacations and transfers, it can be seen with certainty that there is no possibility that transferring ownership of a very small area of paved land may have a significant effect on the environment. Therefore, the vacation and conveyance are not subject to CEQA pursuant to CEQA Guidelines section 15061.

RATIONALE FOR RECOMMENDATION

The vacation and transfer areas are necessary to reconcile existing property and right-of-way boundaries with the approved Tentative Tract Map (TTM) #8713. Approval will allow BART, the City, and the developer to prepare a report for Council consideration to approve a Final Map and associated land dedications. These actions will allow EBALDC to proceed with recording the Final Map and implementation of the approved project. The public benefits from the Project, including the construction of affordable housing and other community benefits proposed for the site, are equal to or greater than the de minimis value of the lands to be conveyed.

The Planning and Development Department has reviewed the proposed street vacation and transfers for consistency with the approved TTM Map #8713. The purpose of the transfers and vacations shown in TTM #8713 and set forth in this item for final approval is to fulfill the North Berkeley Objective Design Standards (ODS), which require widening of sidewalks around the site. The additional width for the widened sidewalks in the ODS results in a shifting of the back of the sidewalk into the site (BART parcels) and not into the right-of-way. The transfers and vacations move the boundary to the new

back of the sidewalk so that each stretch of sidewalk sits in a single ownership. Without the proposed transfers and vacations shown in TTM #8713, the resulting sidewalk would be split between City and BART ownership along much of the perimeter. In addition, the City and BART Joint Vision & Priorities¹ sets a goal of narrowing the perimeter streets and returning them to their original geometry for safety. Consistent with the JVP, the project straightens Delaware and Acton streets, eliminates the turn pocket on Acton Street and slightly narrows Delaware Street.

The lands are subject to the Surplus Land Act, California Government Code §§ 54220 et seq. Prior to conveying them out of City ownership, the City must either declare them to be “exempt surplus land” or undertake procedures to offer them for development as affordable housing or open space. These lands fit the definition of “exempt surplus lands,” because they are being conveyed to the adjacent landowner, a state agency, (BART) and/or because they are a “former street, right-of-way, or easement” being conveyed to an owner of an adjacent property. See Gov. Code sections 54221(f)(1)(D) and 54221(f)(1)(E). Therefore, the City may convey them to BART without undertaking the longer Surplus Land Act processes.

The Public Works Department has reviewed the proposed vacation areas pursuant to the California Streets and Highways Code §§ 8330 to 8336, and determined that the segments are excess right-of-way of a street and not required for street purposes. These segments do not contain in-place public utility facilities that are in use and would be affected by the vacation. The proposed vacations and transfers will not meaningfully affect traffic circulation or access in the vicinity of the North Berkeley BART station.

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny the proposed vacations and transfers. Denial would prevent implementation of the property and right-of-way configuration shown on the approved Tentative Tract Map and would impede recording the Final Map and advancement of the approved North Berkeley BART TOD project.

CONTACT PERSON

Alisa Shen, Principal Planner, Planning and Development, (510) 981-7409
Vincent Chen, Supervising Civil Engineer, Public Works Department, (510) 981- 6409

Attachments:

1: Ordinance

Exhibit A: Transfer Area/Street Vacation Legal Descriptions and Area Plats
Exhibit B: Site Plan and Parcel Details: Vacation and Transfer Areas

¹ See Public and Civic Space, Priorities for North Berkeley, Priority C, [City and BART Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley BART Stations \(June 2022\)](#).

ORDINANCE NO. -N.S.

AN ORDINANCE VACATING CERTAIN PUBLIC RIGHTS-OF-WAY AND
AUTHORIZING THE CITY MANAGER TO CONVEY CERTAIN PROPERTY
INTERESTS TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings. The City Council finds as follows:

- a. The North Berkeley BART Transit-Oriented Development project at 1750 Sacramento Street was approved on December 11, 2024, including Tentative Tract Map No. 8713, which identifies the property and right-of-way configuration proposed for the site.
- b. The portions of land described in Exhibit A are small areas located adjacent to the North Berkeley BART station site and are proposed to be vacated and/or transferred in order to implement the parcel configuration shown on Tentative Tract Map No. 8713 and thus to facilitate the project.
- c. The portions of the right-of-way described in Exhibit A are excess right-of-way not required for street or highway purposes, pursuant to Streets and Highways Code section 8334(a);
- d. The portions of the right-of-way described in Exhibit A do not contain in-place public utility facilities that are in use and would be affected by the vacation, pursuant to Streets and Highways Code section 8334.5;
- e. The public benefits of the project are equal to or greater than the de minimis value of the lands to be conveyed;
- f. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance of vacation, attested by him under seal, to be recorded in the Office of the Recorder for Alameda County, California;
- g. The portions of land described in Exhibit A are surplus and not necessary for the City's use. The properties described in Exhibit A are being transferred to another state agency, the San Francisco Bay Area Rapid Transit District, and/or are a "former street, right-of-way, or easement," conveyed to an owner of an adjacent property. The properties described in Exhibit A are not necessary for the City's use in light of the affordable housing development proposed to be built at the North Berkeley BART station site and the corresponding changes to the right of way associated with that project.

Section 2. Summary Vacation of Portions of the Right-Of-Way.

That pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8330 to 8336, the City of Berkeley hereby vacates the portions of public right-of-way described in Exhibit A and shown in Exhibit B. From and after the date this ordinance is recorded, the street, highway, or public service easements vacated no longer constitute street, highway, or public service easements.

Section 3. Declaration of Exempt Surplus Land.

Pursuant to Government Code section 54221(b)(1), the City Council hereby declares that the lands described in Exhibit A are exempt surplus land.

Section 4. Conveyance of Property.

That the City Manager and City Clerk are hereby authorized and directed to execute quitclaim deeds, conveying the City's interests in the portions of the right-of-way and other land described in Exhibit A to the San Francisco Bay Area Rapid Transit District and take all additional actions required to effectuate that conveyance.

Section 5. Posting.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits

- A: Transfer Area/Street Vacation Legal Descriptions and Area Plats
- B. Site Plan and Parcel Details: Vacation and Transfer Areas



EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-6 and Parcel R22-7 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N15°16'46"W, 20.40'", as shown on said map, thence along the westerly lines of said Parcels R22-6 and R22-7, said westerly lines also being common to the easterly lines of Parcel O-R 382 and Parcel O-R 381 as shown on said map, North 05°25'30" West, 25.92 feet;

Thence leaving said common line, South 46°06'38" East 7.67 feet to a point on the easterly line of said Parcel R22-7, said line being common to the westerly right-of-way line of Sacramento Street as shown on said map;

Thence along said common line, South 05°25'30" East, 7.78 feet;

Thence leaving said common line, South 00°59'15" East, 26.97 feet to a point on said common line of said Parcel R22-6 and said Parcel O-R 382;

Thence along said common line, North 16°44'06" West, 14.85 feet to the **POINT OF BEGINNING**.

Containing 139 square feet, more or less.

BASIS OF BEARINGS

- (a) The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



09/22/2026

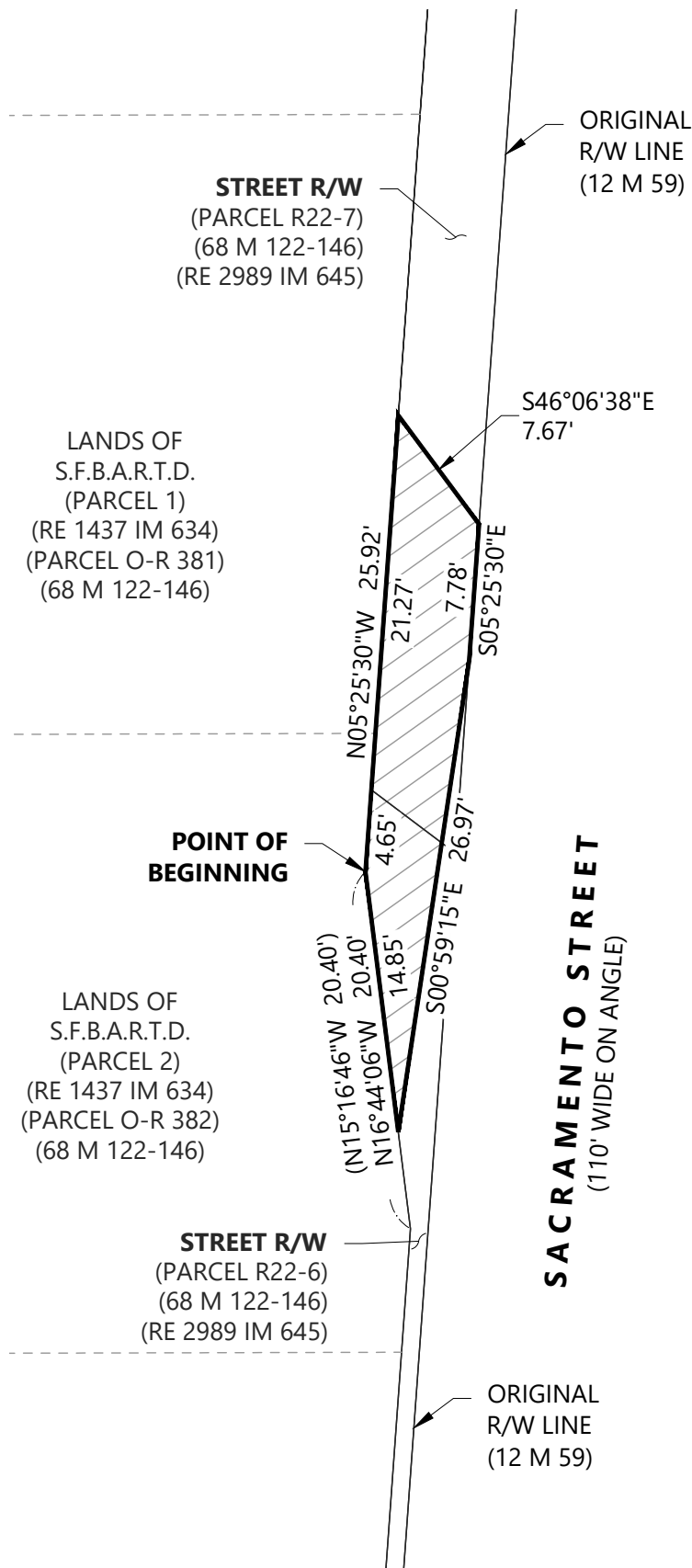
Date

END OF DESCRIPTION



LEGEND

—————	LOT LINE
- - - - -	RECORD LOT LINE
IM	IMAGE
RE	REEL
R/W	RIGHT OF WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ.FT.	SQUARE FEET
	TRANSFER AREA 1 AREA = 139± SQ.FT.



DRAWING NAME: C:\b\Projects\BKF\BKF-20130975_North_Berkeley_BART_Survey\BKF\BKF-20130975_North_Berkeley_BART_Survey\BKF-20130975_North_Berkeley_BART_Survey.dwg
PLOT DATE: 09-22-2026
PLOTTER: BKF



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT **EXHIBIT B – PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

JOB NO. **20130975**

BY **BDF** APPR. **DCJ** DATE **09/22/2026**

3 OF 3



EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-5 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N04°04'14"W, 127.00'", as shown on said map, thence along the easterly line of said Parcel R22-5, said easterly line also being common to the westerly lines of the Parcel O-R 359, Parcel O-R 376 and Parcel O-R 375 as shown on said map, South 05°31'15" East, 127.06 feet;

Thence continuing along the common line of said Parcel R22-5 and said Parcel O-R 375, South 11°34'55" West 23.59 feet;

Thence leaving last said common line, North 05°31'15" West, 153.95 feet to a point on the common line of said Parcel R22-5 and said Parcel O-R 359;

Thence along said common line, South 63°30'55" East, 8.18 feet to the **POINT OF BEGINNING**.

Containing 975 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



David C. Jungmann, PLS 9267



09/22/2026

Date

END OF DESCRIPTION







EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Sacramento Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southeast corner of Parcel R22-2 as shown on said map;

Thence along the easterly lines of said Parcel R22-2, Parcel R22-6 and Parcel R22-7 as shown on said map, North 05°25'30" West, 210.93 feet to the **POINT OF BEGINNING**;

Thence continuing along said easterly line of said Parcel R22-7, North 05°25'30" West, 7.78 feet;

Thence leaving said easterly line, South 46°06'38" East, 0.85 feet;

Thence South 00°59'15" East, 7.16 feet to the **POINT OF BEGINNING**.

Containing an area of 2 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

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Preliminary

David C. Jungmann, PLS 9267



09/22/2026

Date

END OF DESCRIPTION



LANDS OF
S.F.B.A.R.T.D.
(PARCEL 1)
(RE 1437 IM 634)
(PARCEL O-R 381)
(68 M 122-146)

STREET R/W
(PARCEL R22-7)
(68 M 122-146)
(RE 2989 IM 645)

**POINT OF
POINT OF BEGINNING
(SEE SHEET 4)**

STREET R/W
(PARCEL R22-6)
(68 M 122-146)
(RE 2989 IM 645)

LANDS OF
S.F.B.A.R.T.D.
(PARCEL 2)
(RE 1437 IM 634)
(PARCEL O-R 382)
(68 M 122-146)

LEGEND

—	LOT LINE
- - -	RECORD LOT LINE
—	STREET VACATION AREA 1
IM	IMAGE
M	MAPS
RE	REEL
R/W	RIGHT-OF-WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

ORIGINAL
R/W LINE
(12 M 59)

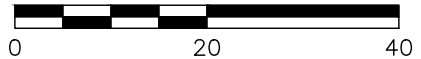
SACRAMENTO STREET
(110' WIDE ON ANGLE)

N05°25'30"W 210.93'

(68 M 122-146)



GRAPHIC SCALE



STREET R/W
(PARCEL R22-2)
(68 M 122-146)
(RE 2989 IM 645)

ORIGINAL
R/W LINE
(12 M 59)

DELAWARE STREET
(80' WIDE ON ANGLE)

**POINT OF
COMMENCEMENT**



DRAWING NAME: C:\BKF\BKF-00\2023\30975_North_Berkeley_BART_Survey\BKF\Map\Plat and Legal\2026-09-22_Vacation_Area_1_Plot_2026-09-13.dwg
PLOT DATE: 09-22-26
PLOTED BY: riley.sowell



255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
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SUBJECT **EXHIBIT B — PLAT TO ACCOMPANY**

LEGAL DESCRIPTION

JOB NO. **20130975**

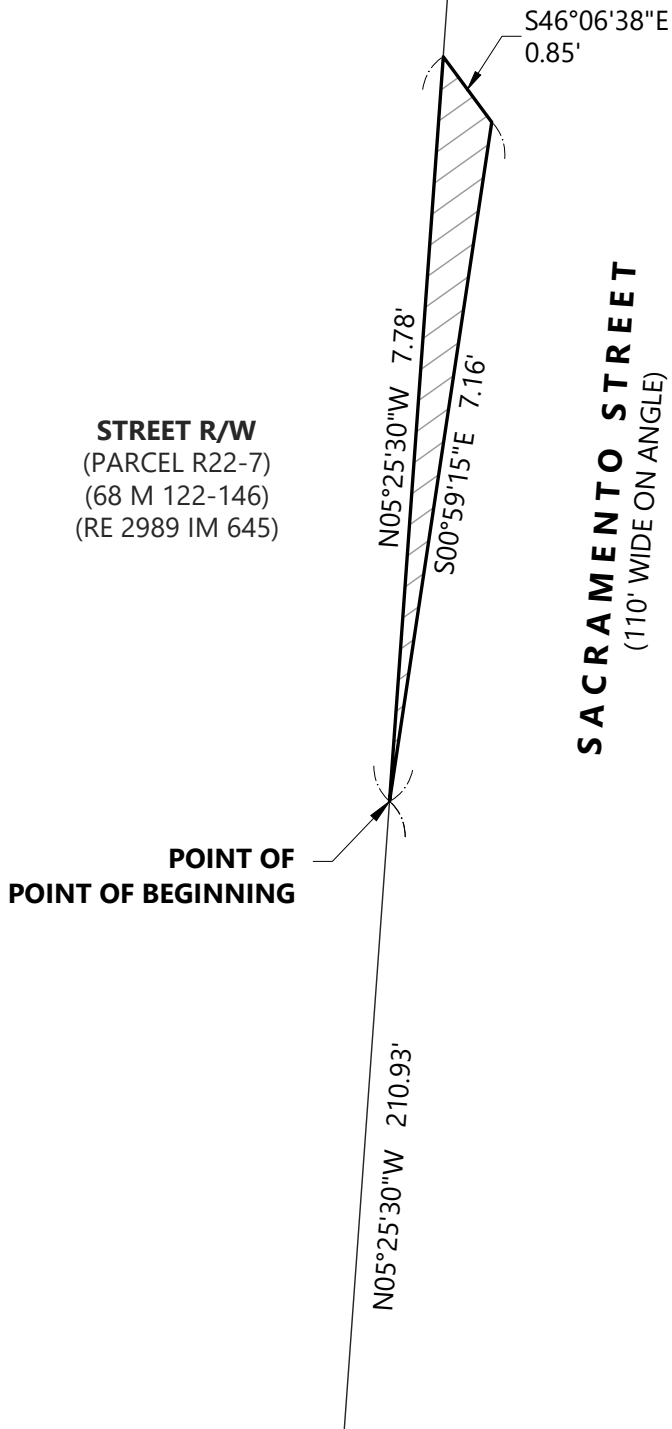
BY **BDF** APPR. **DCJ**

DATE **09/22/2026**

3 OF 4

LEGEND

LOT LINE	—
R/W	—
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ.FT.	SQUARE FEET
	STREET VACATION AREA 1 AREA = 2± SQ.FT.



DRAWING NAME: C:\BKF\Projects\BKF\BKF-2023\330975_North_Berkeley_BART_Survey\BKF\BKF-2023\330975_Vacation_Area_1_Plot_2026-09-13.dwg
PLOT DATE: 09-22-26
PLOTED BY: riley.sowell



255 SHORELINE DR.,
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SUBJECT **EXHIBIT B – PLAT TO ACCOMPANY**
LEGAL DESCRIPTION
JOB NO. **20130975**
BY **BDF** APPR. **DCJ** DATE **09/22/2026**
4 OF 4



EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Delaware Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southwest corner of Parcel R22-4 as shown on said map;

Thence along the southerly line of said Parcel R22-4 and the northerly right of way line of said Delaware Street, North $80^{\circ}27'00''$ East, 13.75 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly right of way line, North $80^{\circ}27'00''$ East, 186.73 feet;

Thence leaving said northerly right of way line, South $76^{\circ}16'28''$ West, 12.52 feet;

Thence South $80^{\circ}27'00''$ West, 168.76 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve, having a radius of 17.00 feet, through a central angle of $18^{\circ}50'47''$, for an arc length of 5.59 feet to the **POINT OF BEGINNING**.

Containing an area of 163 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

Preliminary

David C. Jungmann, PLS 9267

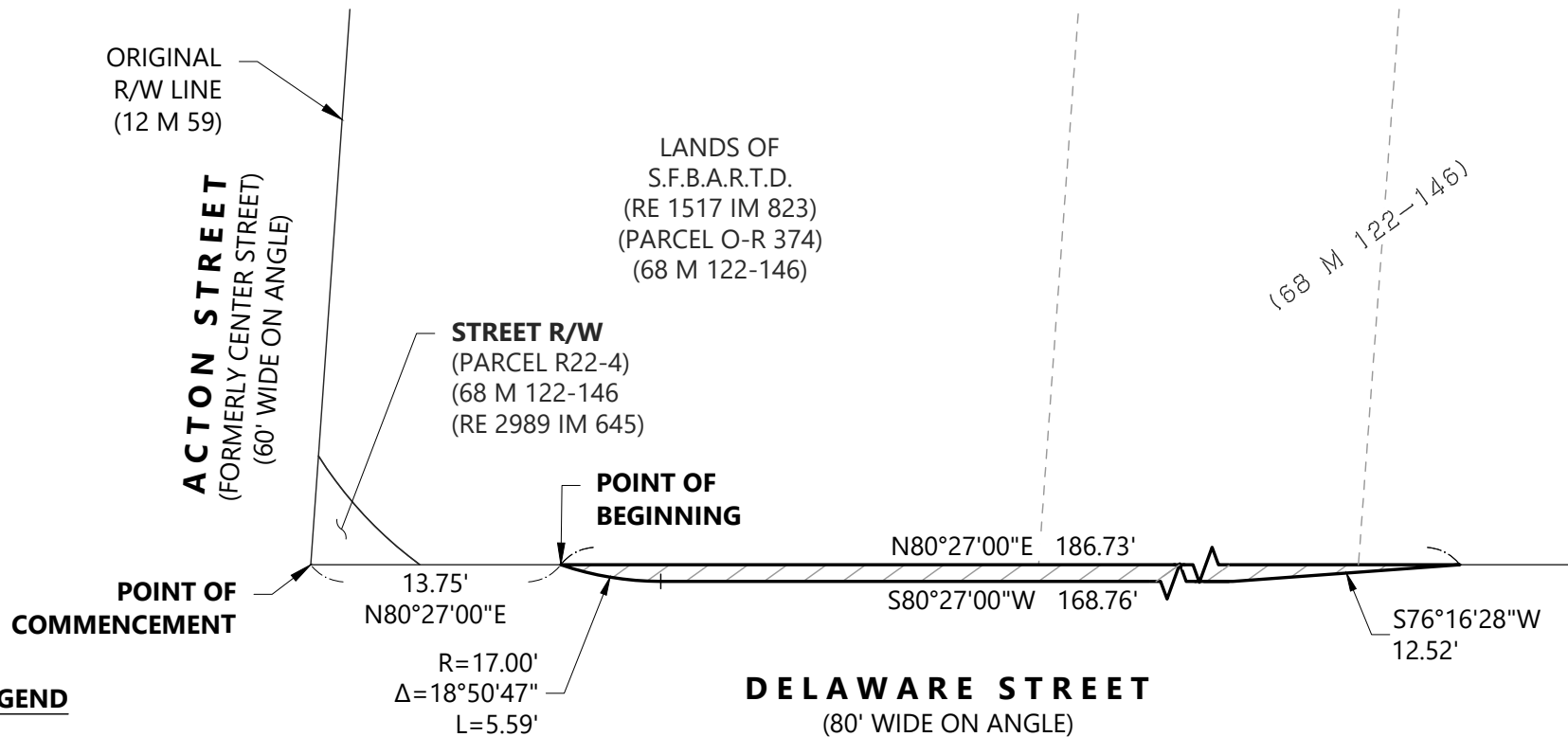


09/22/2026

Date

END OF DESCRIPTION





LEGEND

- LOT LINE
- - - RECORD LOT LINE
- IM IMAGE
- M MAPS
- RE REEL
- R/W RIGHT-OF-WAY
- S.F.B.A.R.T.D. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
-  STREET VACATION AREA 2
AREA = 163± SQ.FT.

GRAPHIC SCALE



255 SHORELINE DR.,
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SUBJECT **EXHIBIT B — PLAT TO ACCOMPANY**
LEGAL DESCRIPTION
JOB NO. **20230975**
BY **BDF** APPR. **DCJ** DATE **09/22/2026**
3 OF 3

Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas

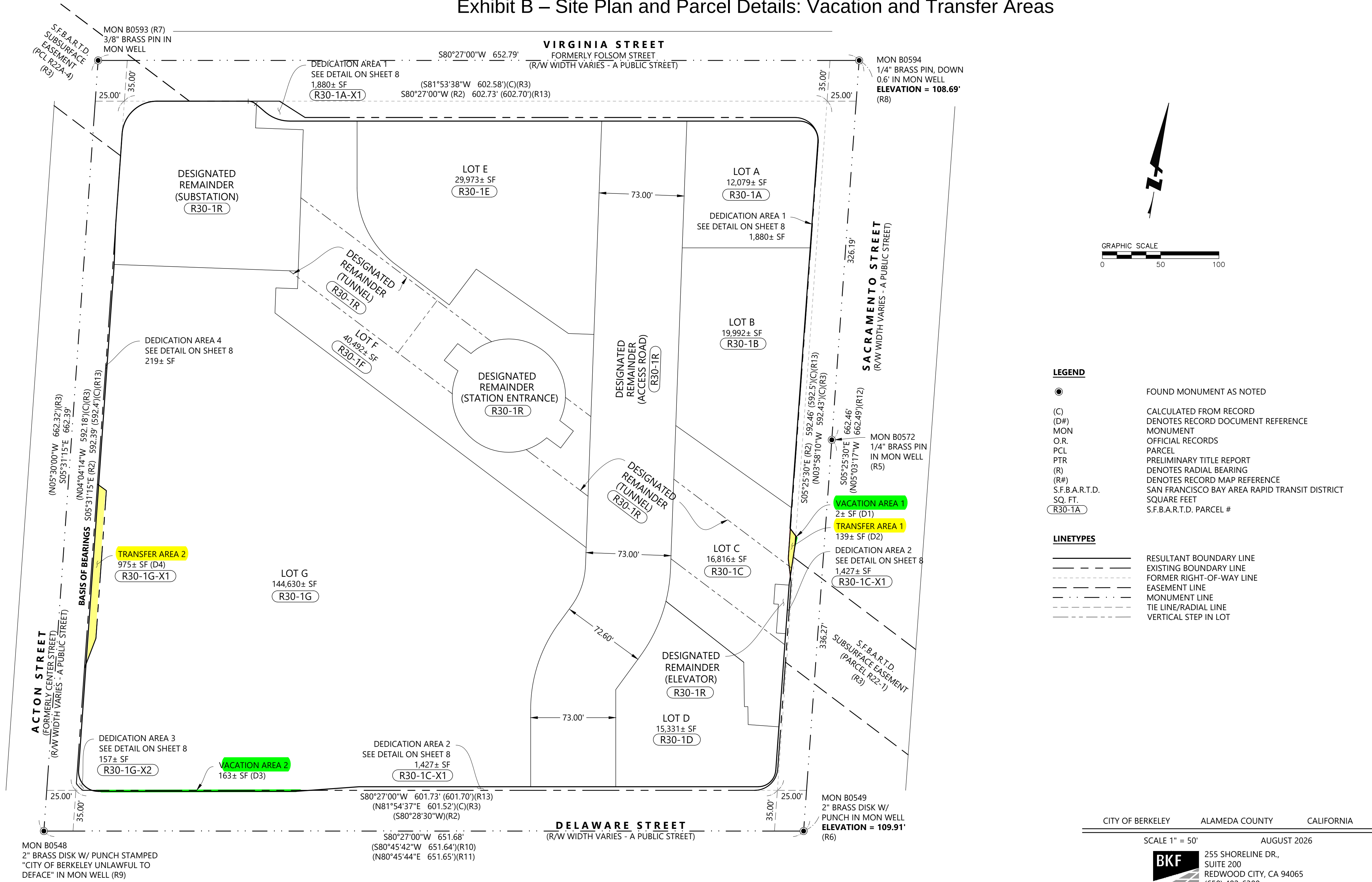
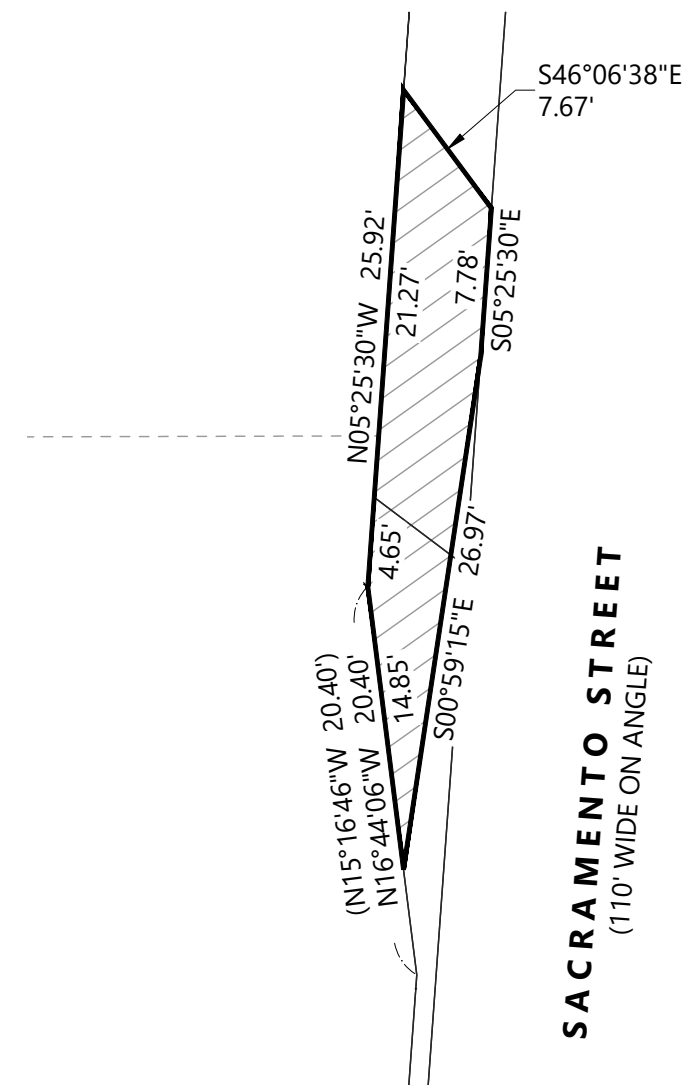
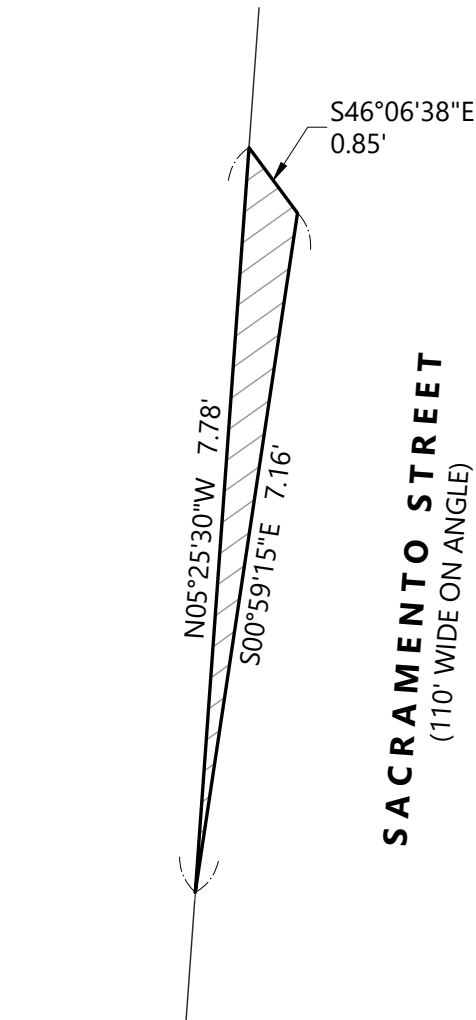


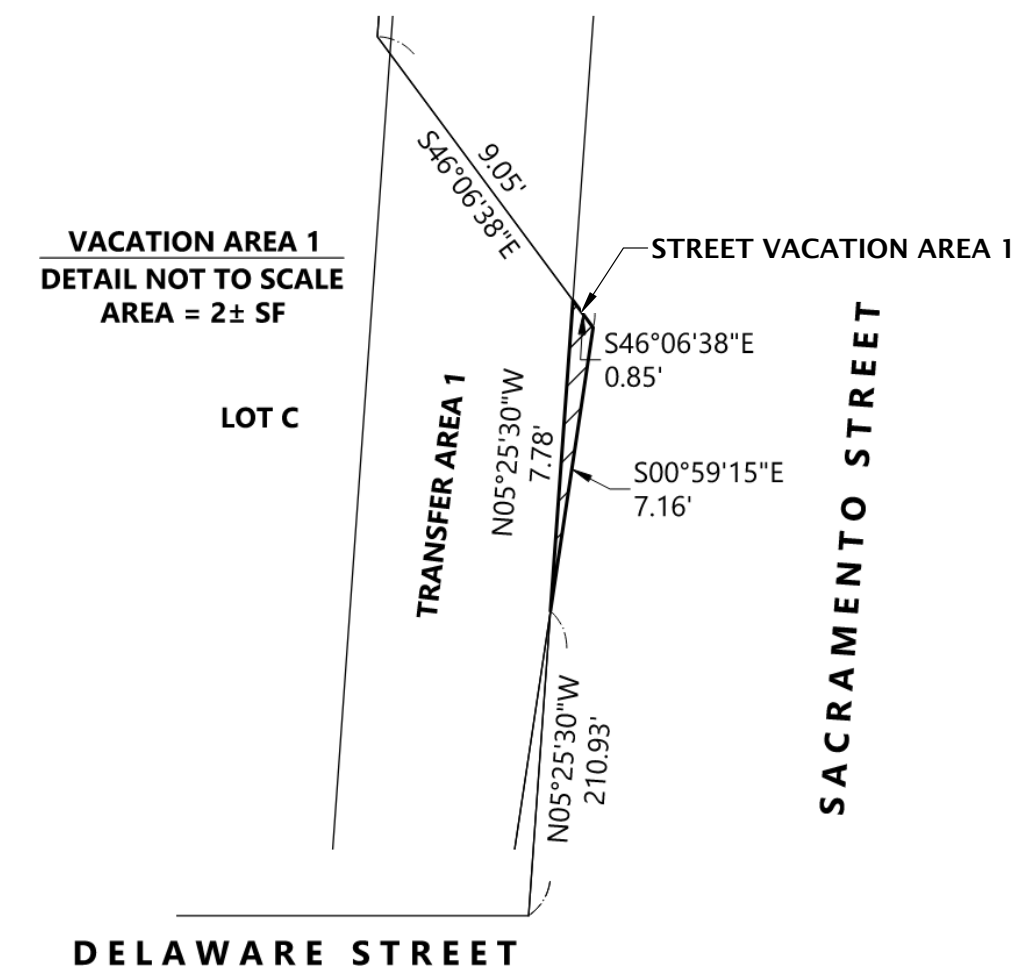
Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



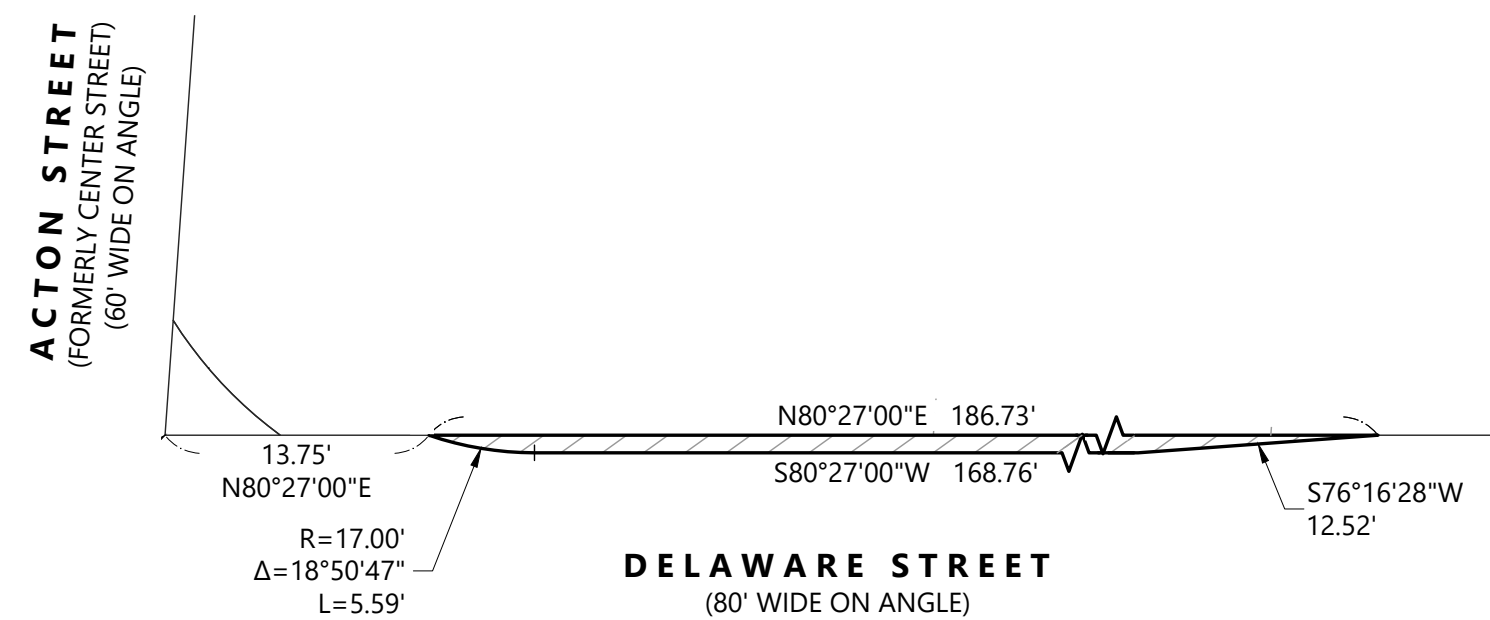
TRANSFER AREA 1
AREA = 139± SQ.FT.



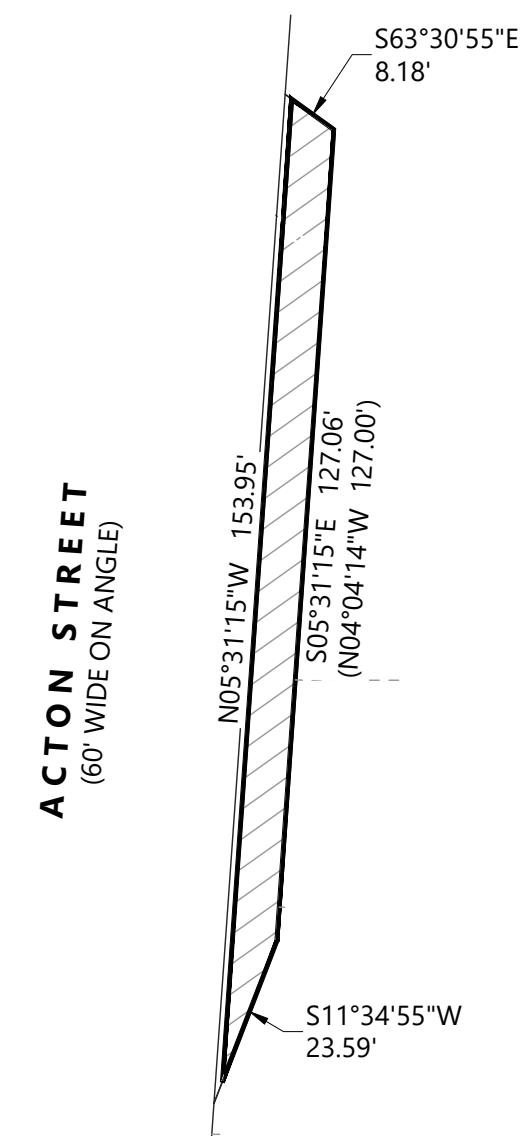
STREET VACATION AREA 1
AREA = 2± SQ.FT.



STREET VACATION AREA 1, SHOWN
WITH TRANSFER AREA 1 DETAIL



STREET VACATION AREA 2
AREA = 163± SQ.FT.



TRANSFER AREA 2
AREA = 975± SQ.FT.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

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