



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, Oakland Department
of Transportation

SUBJECT: Major Encroachment Permit at
622 14th Street

DATE: February 11, 2022

City Administrator Approval

Date: Apr 4, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt 1) A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ21051 To VM Meadows Apartment LP, To Allow Portions Of Basement And Sidewalk Vaults At 622 14th Street To Encroach Into The Public Right-Of-Way Along 14th Street Adjacent To 618-622 14th Street And 2) Adopting Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City Administrator to issue a conditional and revocable Major Encroachment Permit to VM Meadows Apartment LP (Property Owner) that documents and regulates existing encroachments in the public right-of-way at 622 14th Street.

Encroachments in this permit are for the building elements extending into the public right-of-way beyond the limits allowed in the Oakland Municipal Code (OMC) Section 12.08.030. Approximately 150 square feet of basement habitable space and sidewalk vaults at 622 14th Street will encroach into the public right-of-way along 14th Street. The encroachments are described in more detail in **Exhibit A** to the Resolution.

The encroachments do not currently impact the use of the sidewalk fronting the property nor do they obstruct the path of travel for pedestrians or persons with disabilities. The encroachment permit requires the property owner to comply with the conditions of approval issued by the Planning and Building Department, and an Indenture Agreement, which sets out the conditions and obligations of the revocable Major Encroachment Permit, is provided as **Exhibit B** to the Resolution.

BACKGROUND / LEGISLATIVE HISTORY

The City approved a planning permit for small design project (DS180203) for the Property, and during sidewalk construction the existing basement vaults were encountered. The existence of the vaults triggered the need for a structural sidewalk to be constructed to maintain public safety. The City informed the Property Owner that a Major Encroachment Permit was necessary to document the Encroachments. OMC Chapter 12.08 requires a Major Encroachment Permit for building elements encroaching into the public right-of-way beyond the allowed limits in the California Building Code (CBC) Section 3202.2. Under OMC Chapter 12.08, the Department of Transportation reviews, and the City Council approves Major Encroachment Permits.

ANALYSIS AND POLICY ALTERNATIVES

Existing building encroachments at 622 14th Street consist of portions of a basement and sidewalk vaults, totaling approximately 150 square feet. The existing encroachments do not currently interfere with public use of the right-of-way or buried utilities and do not endanger the public welfare and convenience.

The proposed Major Encroachment Permit and the Indenture Agreement will hold the Property Owner liable and responsible for these private improvements constructed in the public right-of-way and will allow for maintenance of encroachments.

The Major Encroachment Permit includes an agreement allowing the City to revoke the Major Encroachment Permit if in the City's best interest and require the property owners to remove the encroachments and restore the public right-of-way. In addition, City Council may direct staff to include other conditions as the location and nature of the existing encroachments may require for public health, safety and appearance.

Approval of the proposed Resolution will allow the Property Owner to complete the construction of a safe structural sidewalk and contribute to the Citywide priority of vibrant, sustainable infrastructure; Denial of the Major Encroachment Permit may cause financial hardship to the Property Owner, who would need to remove the existing encroachments before reopening the sidewalk for safe public use.

FISCAL IMPACT

There is no fiscal impact to the City associated with this Major Encroachment permit. Staff costs for processing the proposed encroachment permit are covered by fees established in the Master Fee Schedule and have been paid by the Property Owner.

PUBLIC OUTREACH / INTEREST

This item did not require special public outreach other than the required posting on the City's website.

COORDINATION

The Report and Resolution was coordinated with Planning and Building Department, Budget Bureau, and the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic –Major Encroachment Permit facilitates private development improving the overall economic conditions in Oakland.

Environmental – No significant impact on the environment is identified.

Race and Equity – No significant impact on social equity is identified.

CEQA

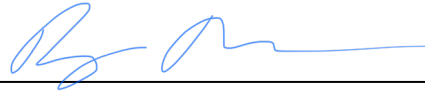
The California Environmental Quality Act (CEQA) and the CEQA Guidelines exempt specific types of projects from environmental review. The following CEQA exemptions apply to this encroachment under CEQA Guidelines sections 15301 (existing facilities), 15183 (projects consistent with a Community Plan, General Plan, or Zoning), and 15061(b)(3) (no significant effect on the environment).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the city council adopt 1) a resolution granting a conditional and revocable Major Encroachment Permit ENMJ21051 to VM Meadows Apartment LP, to allow portions of basement and sidewalk vaults at 622 14th Street to encroach into the public right-of-way along 14th Street adjacent to 618-622 14th Street and 2) adopting appropriate California Environmental Quality Act findings.

For questions regarding this report, please contact Ishrat Jahan, Supervising Civil Engineer
(510) 867-5711.

Respectfully submitted,



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