



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Major Encroachment Permit at
584 14th Street

DATE: June 8, 2020

City Administrator Approval

Date: July 3, 2020

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 584 14th Street, LLC, To Allow Portions Of Basement And Sidewalk Vaults At 584 14th Street To Encroach Into The Public Right-Of-Way Along 14th Street And Jefferson Street, Major Encroachment Permit ENMJ20052.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator or designee to issue a conditional and revocable Major Encroachment Permit to document and regulate existing encroachments in the public right-of-way at 584 14th Street.

Approximately 2,000 square feet of existing basement habitable space and sidewalk vaults encroach into the public right-of-way ("Encroachments"). The Encroachments authorized by this Major Encroachment Permit are for the building elements extending into the public right-of-way beyond the limits allowed in the Oakland Building Code (section 15.04.3.2285). Building elements include sidewalk vaults and basement extending below ground into the public right-of-way along 14th Street and Jefferson Street, for use by the Sutter Hotel.

The Major Encroachment Permit requires the property owner to comply with the conditions of approval issued by the Planning and Building Department. 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 Encroachments are described in more detail in **Exhibit A** to the Resolution.

BACKGROUND / LEGISLATIVE HISTORY

Oakland Municipal Code (OMC) Chapter 12.08 requires a major encroachment permit for building elements into the public right-of-way as stated in the OMC Section 15.04.3.2285 for revisions to the California Building Code (CBC) Section 3202 and for encroachments that will exceed those limits.

City Council
July 14, 2020

The Planning Bureau approved a small project design for façade improvements and window replacements in March 2020 (Permit #DS200081), subject to a condition that the property owner apply for and obtain a Major Encroachment Permit to allow the continued use of the existing basement and sidewalk vaults in the public right-of-way. The property owner has filed an application with Department of Transportation (DOT) for such conditional and revocable Major Encroachment Permit (ENMJ20052).

ANALYSIS AND POLICY ALTERNATIVES

Exhibit B to the Resolution is the Indenture Agreement to be executed between the City and Permittee, which sets out the conditions and obligations of the revocable Major Encroachment Permit. This Permit and the Indenture Agreement will hold the property owners liable and responsible for private improvements constructed in the public right-of-way and allows for maintenance of encroachments.

The Major Encroachment Permit includes an agreement allowing the City to revoke the Permit if in the City's best interest and require the property owners to remove the encroachments and restore the public right-of-way. Because the Permit authorizes habitable space within the right-of-way, which in the future may need to be removed, the Indenture Agreement requires the property owners to record a Notice to Prospective Purchasers of the enclosed habitable space. In addition, City Council may direct staff to include other conditions as the location and nature of the proposed Encroachments may require for public health, safety and appearance.

Approximately 2,000 square feet of Encroachments will be maintained in the right-of-way.

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.

FISCAL IMPACT

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

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

Resolution Granting A Conditional And Revocable Major Encroachment Permit To 584 14th Street, LLC, To Allow Portions Of Existing Basement And Sidewalk Vaults At 584 14th Street To Encroach Into The Public Right-Of-Way Along 14th Street And Jefferson Street, Major Encroachment Permit ENMJ20052.

For questions regarding this report, please contact Chong Hong, Acting Supervising Civil Engineer (510) 238-3892.

Respectfully submitted,



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Director, Department of Transportation

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