



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Fred Kelley, Director
Oakland Department of
Transportation

SUBJECT: Major Encroachment Permit at
532 16th Street

DATE: December 11, 2023

City Administrator Approval


Jestin Johnson (Dec 27, 2023 06:07 PST)

Date:

Dec 27, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ23056 To Adcock Joyner Preservation, LP, To Allow Portions Of Basement And Sidewalk Vaults To Encroach Into The Public Right-Of-Way Along 16th Street and San Pablo Avenue, Adjacent To 532 16th Street, And Adopting Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Adoption of this proposed resolution will authorize the City Administrator to issue a conditional and revocable Major Encroachment Permit to the property owner, Adcock Joyner Preservation, LP (Permittee), to document and regulate existing encroachments in the public right-of-way at the property located at 532 16th Street (Property).

The Permit will allow existing building elements consisting of a portion of basement and sidewalk vaults to encroach into the public right-of-way beyond the limits specified in the California Building Code. Approximately 1900 square feet of basement storage space and sidewalk vaults at 532 16th Street encroach into the public right-of-way along 16th Street and San Pablo Avenue. 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 encroachments are described in more detail in **Exhibit A** to the Resolution.

Consistent with Oakland Municipal Code (OMC) 12.08, a Major Encroachment Permit is required for all encroachments in the public right-of-way beyond the limits specified in the California Building Code (CBC) Section 3202.2. Major Encroachment Permits are reviewed by the Department of Transportation and approved and issued by the City Council. An Indenture Agreement between the City of Oakland (City) and Permittee, 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 zoning worksheet (ZW2000893) for an in-kind/compatible rehabilitation project in 2020. In 2021, the City issued a building permit (B2003680) for a rehabilitation project to replace historic windows for fifty residential units and other exterior building modifications at the Property. The property owner initiated a permit application (CGS2301144) to restore the public right-of-way and to comply with Americans with Disability Act requirements. Prior to construction of the right-of-way improvements, the existing basement vaults were encountered by a City Inspector.

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

Approval of the proposed Resolution granting the Major Encroachment Permit allows the Permittee to install a structural sidewalk above the existing vaults, improving safety and access for pedestrians without compromising the structural integrity of the existing residential building. Approval of the proposed Resolution promotes the Citywide priority of **Vibrant, Sustainable Infrastructure** and **Housing, Economic & Cultural Security** for existing Oakland residents.

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 public use. Final inspection of the building permit to upgrade windows and other exterior enhancements is on hold until the Major Encroachment Permit is issued.

FISCAL IMPACT

There is no fiscal impact to the City associated with this permit. Staff costs for processing the proposed Major Encroachment Permit are covered by fees set by the Master Fee Schedule and paid by the Permittee.

PUBLIC OUTREACH / INTEREST

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

COORDINATION

The agenda report and proposed resolution were coordinated with the Planning and Building Department, Budget Bureau, and Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: This Major Encroachment Permit facilitates upgrades to existing residential buildings, thereby improving the quality of Oakland’s building stock.

Environmental: Approval of the Major Encroachment Permit enhances the structural integrity and Americans with Disability Act compliance of pedestrian facilities in Oakland with attendant potential greenhouse gas emissions benefits as walking becomes a more viable transportation option for some Oaklanders. Approval of the permit also facilitates the window replacement project, which may improve indoor air quality and reduce noise intrusion for existing Oaklanders.

Race & Equity: Approval of the Major Encroachment Permit will not directly impact the City’s Race and Equity priorities. Indirectly, pedestrian access improvements associated with the structural sidewalk above the encroachments will improve access and safety in one of the City’s High Priority Equity Neighborhoods. The [OakDOT Geographic Equity Priority Map](#) gives each census tract a level of priority between lowest and highest determined by seven demographic factors, including the proportion of people of color, low-income households, people with disability, seniors, single-parent households, severely rent-burdened households, and lower educational attainment.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 project, each of which provides a separate and independent basis for CEQA clearance: CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures), CEQA Guidelines section 15332 (In-Fill Development Projects), and CEQA Guidelines section 15183 (Projects Consistent with a Community Plan or Zoning).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ23056 To Adcock Joyner Preservation, LP, To Allow Portions Basement And Sidewalk Vaults To Encroach Into The Public Right-Of-Way Along 16th Street and San Pablo Avenue, Adjacent To 532 16th Street, And Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Michelle Stevens, Civil Engineer, at
MStevens@oaklandca.gov.

Respectfully submitted,

Fred Kelley

Fred Kelley (Dec 21, 2023 14:00 PST)

FRED KELLEY
Director, Department of Transportation

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