



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Major Encroachment Permit at
425 15th Street

DATE: June 3, 2020

City Administrator Approval

Date: July 8, 2020

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Granting A Conditional And Revocable Major Encroachment Permit To American Federation Of State, County And Municipal Employees, Local 3299, To Allow Portions Of An Existing Basement At 425 15th Street To Encroach Into The Public Right-Of-Way Along 15th Street, Major Encroachment Permit ENMJ19052.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the Director of the Department of Transportation (DOT) or 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 425 15th Street.

Encroachment in this permit is for the existing basement extending into the public right- of- way beyond the limits shown in the Oakland Building Code (section 15.04.3.2285).

The encroachment permit requires the property owner to comply with the conditions of approval issued by the Planning and Building Department (PBD). 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.

This tenant improvement project consists of building renovation to include lift removal, architectural basement improvements, voluntary seismic upgrades, restroom upgrades, and improvements to upper floors. Basement space will be used for storage purposes.

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The encroachment permit requires property owners to comply with the conditions of approval issued by the City of Oakland Planning and Building Department. Planning and Building department permit B1805201 is ready to issue pending encroachment approval.

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 construction and 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. Council may direct staff to include other conditions as the location and nature of the proposed encroachments may require for the public health, safety and appearance.

Approximately 257 square feet of encroachments below ground is created into the right-of-way.

The proposed encroachments will not currently interfere with public use of the right-of-way or buried utilities and will 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 encroachment permit are covered by fees set by 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 City's website.

COORDINATION

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

SUSTAINABLE OPPORTUNITIES

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

Environmental – No environmental opportunities are identified.

Race and Equity – No social equity opportunities are 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 American Federation of State, County And Municipal Employees, Local 3299, To Allow For The Encroachment Of An Existing Basement And Structural Elements Approximately 257 Square Feet Below Grade Into The Public Right Of Way, Major Encroachment Permit ENMJ19052.

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

Respectfully submitted,



RYAN RUSSO

Director, Department of Transportation

Reviewed by:

Wladimir Wlassowsky, P.E., Assistant Director,
Department of Transportation

Reviewed by:

Ariel Espiritu Santo,
Strategic Planning and Administration Manager,
Department of Transportation

Prepared and reviewed by:

Chong Hong, P.E., T.E., Acting Supervising
Civil Engineer, Department of Transportation