



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** William A. Gilchrist  
Director, PBD

**SUBJECT:** Memorandum of Agreement for 1086  
Annerley Road

**DATE:** March 23, 2021

City Administrator Approval 

Date: Mar 25, 2021

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Agreement (MOA) With The City Of Piedmont Establishing That The City Of Piedmont Will Process Planning and Building Entitlements For The Development Of An Accessory Dwelling Unit (ADU) At 1086 Annerley Road, A Property Located Within Both Jurisdictions; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.**

## EXECUTIVE SUMMARY

Staff recommends that the City Council authorize the City Administrator to enter into a Memorandum of Agreement (MOA) with the City of Piedmont for the development of a new Accessory Dwelling Unit (ADU) at 1086 Annerley Road. The property is located within both jurisdictions and the MOA will allow the City of Piedmont to act as the lead agency for the issuance of planning and building permits for the proposed project.

## BACKGROUND / LEGISLATIVE HISTORY

### ***Parcel Description***

The property located at 1086 Annerley Road (the "Property") consists of one lot, and one tax parcel (APN No. 050-861-62), that straddles the Piedmont/Oakland border. The legal description for the Property is provided at **Attachment A**. The Property is generally bounded by Annerley Road on the North, a single family home at 4151 Lakeshore Avenue (Oakland) on the South, a single family property at 1082 Annerley Road (Piedmont) on the West, and a single family property at 1092 Annerley Road (Oakland) on the East. The Property consists of 4,840 square feet (determined by Alameda County Assessor's Office), approximately 3,412 square feet or 70.5 percent of which is located in Piedmont, and approximately 1,428 square feet or 29.5 percent of which is located in Oakland.

The development applicant seeks to construct an ADU that would be located entirely on the portion of the property that is within the City of Oakland. An existing single family residence is built on the City of Piedmont portion of the lot, which fronts Annerley Road. When considering

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properties intersected by the border between the City of Piedmont and the City of Oakland, by long-standing arrangement between the cities, certain properties are considered Piedmont properties for the purposes of providing 911 emergency and other municipal services, and certain properties are considered Oakland properties for the purposes of providing 911 emergency and other municipal services. The Property is considered eligible for Piedmont 911 emergency services, municipal waste removal services, access to the Piedmont Unified School District schools, and other municipal services. The neighboring residences which have vehicular and pedestrian access to Annerley Road are also considered Piedmont properties for these same services.

### ***Project***

The property owner desires to build an ADU on the rear portion of the Property that is located entirely in Oakland (the "Project"). The existing single-family home on the Property is located entirely within Piedmont, but the ADU proposed by the Project would be entirely situated in the Oakland portion of the Property. Both Piedmont and Oakland desire to see this site's use compatible with the surrounding properties and consistent with each City's land use regulations and plans. In order to efficiently consider the Project, the Cities desire to enter into an MOA to memorialize the designation of Piedmont as the lead agency for the purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Project, consistent with the terms and conditions contained in the proposed MOA.

### **ANALYSIS AND POLICY ALTERNATIVES**

The applicant has requested that all required permits for land use and building inspections be processed by the City of Piedmont. Staff supports this request for the following reasons:

- The City of Piedmont has historically dealt with permitting at the Property;
- The orientation of the existing home is on a street served exclusively by the City of Piedmont;
- The City of Piedmont must abide by the same standards for the review and approval of ADUs as required under State law;
- The City of Piedmont uses the same State mandated building codes as Oakland; and
- Piedmont will provide the residence with 911 emergency services, municipal waste removal services, access to Piedmont Unified School District schools, and other municipal services.
- State law regarding ADUs generally relate the primary residence associated with the existing or proposed ADU; so for legal purposes, the primary residence and ADU should be under the same planning and building permit jurisdiction.

The draft MOA (***Attachment B***) contains the following terms to ensure that Oakland will not be negatively impacted by the proposal:

- Piedmont will be the lead agency for all land use approvals regarding the property;
- Piedmont will be responsible for building permit issuance, plan check, issuance of certificates of occupancy, building inspections and similar activities for the entire project consistent with the appropriate procedures, fees, and standards of Piedmont;
- The Piedmont Fire Department will be responsible for the provision of emergency and public safety services to the project, including those portions located in the City of Oakland; and
- Piedmont will provide municipal waste removal services, access to the Piedmont Unified School District schools, and other municipal services to the ADU.

### **FISCAL IMPACT**

Adoption of this resolution is expected to be revenue neutral. While fees would not be paid to the City, there would also be no cost to the City because Planning and Building Department staff would not work on the project. Furthermore, there would be no ongoing impact on the City of Oakland's municipal services for the property.

### **PUBLIC OUTREACH / INTEREST**

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

### **COORDINATION**

The City Attorney's Office and the City of Piedmont have worked closely with staff on the preparation of the MOA and have reviewed this staff report and resolution, as has the City's Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The residents of the new ADU may increase the number of potential residents/patrons who live near the Grand and Lakeshore Avenue Commercial Districts.

***Environmental:*** The new structure will be required to meet modern standards for energy efficiency and Green Building.

***Race & Equity:*** The ADU will provide housing opportunity for people of a variety of income levels.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

CEQA Guidelines exempt specific types of projects from environmental review. The following is an analysis citing the two CEQA exemptions that apply to this project, both of which provide a separate and independent basis for CEQA clearance.

- **Section 15268 - Ministerial Projects:** Section 15268(b) of the CEQA Guidelines states that ministerial projects such as the issuance of building permits are exempt from CEQA.
- **Section 15303 - New Construction or Conversion of Small Structures:** Section 15303(a) of the CEQA Guidelines states that a second dwelling unit in a residential zone, is exempt from CEQA.

**ACTION REQUESTED OF THE CITY COUNCIL**

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For questions regarding this report, please contact Angela Robinson Piñon, at (510) 238-3707.

Respectfully submitted,



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Director, Planning and Building Department

Prepared by:  
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Planning and Building Department

Attachments (2):

- A. Property Legal Description
- B. Memorandum of Agreement

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