



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, OakDOT

SUBJECT: Major Encroachment Permit at
605 Webster Street

DATE: September 10, 2024

City Administrator Approval


Jestin Johnson (Sep 23, 2024 21:41 PDT)

Date: Sep 23, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ24056 To The Salvation Army To Allow Portions Of An Existing Basement And Structural Sidewalk To Encroach Into The Public Right-Of-Way Along Franklin Street And 6th Street, Adjacent To 605 Webster 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, The Salvation Army (Permittee), to document and regulate existing encroachments in the public right-of-way at the property located at 605 Webster Street (Property).

The permit will allow existing building elements consisting of a portion of an existing basement and structural sidewalk to encroach into the public right-of-way beyond the limits specified in the California Building Code. Approximately 3,200 square feet of basement storage space at 605 Webster Street encroach into the public right-of-way along Franklin Street and 6th Street. The existing encroachments do not currently interfere with public use of the right-of-way or buried utilities and do not endanger 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 building worksheet (BW24000218) for the repair of an existing, damaged concrete slab with crack injection, along with a wood stair/landing replacement at the Property to be issued by the City under a building permit (B2400878). Prior to approval of the building permit, the City identified that the associated repairs pertain to an existing and undocumented basement and structural sidewalk that encroaches into the public right-of-way.

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 repair a structural sidewalk above the existing subsurface basement, improving safety and access for pedestrians without compromising the structural integrity of the existing 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 approval of the building permit 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

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

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 commercial 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.

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 Highest 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 sections 15301 (existing facilities) and 15061(b)(3) (no significant effect to the environment).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit ENMJ24056 To The Salvation Army To Allow Portions Of An Existing Basement And Structural Sidewalk To Encroach Into The Public Right-Of-Way Along Franklin Street and 6th Street, Adjacent To 605 Webster Street, And Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Tadd Tsui, Assistant Engineer II, at ttsui@oaklandca.gov.

Respectfully submitted,


Josh Rowan (Sep 23, 2024 12:27 PDT)

JOSH ROWAN
Director, Department of Transportation

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