

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: November 18, 2019
Reviewed by: NA

SUBJECT: Encroachment Permit for Improvements in the Public Right-of-Way
at 1085 Eastshore Highway

REPORT BY: Jeff Bond, Community Development Director

SUMMARY

The action before the City Council is consideration of approval of an encroachment permit to allow improvements in the public right-of-way at 1085 Eastshore Highway.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2019-93, granting approval of an encroachment permit for 1085 Eastshore Highway to allow fencing on City-owned right-of-way in accordance with Section 14-2 “Use of Right-of-Way” of the Albany Municipal Code.

BACKGROUND

There are many properties throughout the City that have landscape, fencing, stairs, or retaining wall encroachments into the public right-of-way. These encroachments do not affect the use of City-owned right-of-way, and in most of these situations, are not formally documented. Contemporary planning practice, however, is to document significant encroachments in the form of an encroachment permit.

DISCUSSION

Until recently, there were significant homeless encampments on private property along Eastshore Highway, on parcels located in both Albany and Berkeley. The encampments resulted in a large amount of debris within the Creek banks and one significant encampment fire.

The City of Berkeley has been working with Public Storage on the installation of a security fence that would close gaps between the City of Berkeley Transfer Facility on the east side of Second Street and Public Storage property on the west side of Second Street. The fence also will be installed along the length of Eastshore, enclosing the Public Storage buildings that face Eastshore. Upon completion of the installation of the fencing by City of Berkeley and Public Storage, the only open access point into this segment of the Creek would be from City of Albany’s right-of-way along Eastshore. If the encroachment permit is

approved, the proposed fencing would close this gap, connected to an existing chain link fence on private property. It should be noted that there is no existing or planned public access to this segment of Codornices Creek between the railroad tracks and Eastshore.

The proposed location of the fence is on City's right-of-way next to an existing multi-tenant commercial property adjacent to Codornices Creek. Installing a fence entirely on private property in this location would not be practical because fencing over the open creek would leave gaps that trespassers could easily enter through. Fencing around the headwall of the culvert involves crossing into the City right-of-way.

Attached is an example of the type of security fencing proposed (Attachment 2). If this was a stand-alone fencing project, City staff would propose a more attractive fence design. Given that is a relatively small segment of larger fencing project, most of which is located on private property in the City of Berkeley, staff believes that consistent treatment is acceptable. As an alternative to the proposed fencing, the City of Albany could take responsibility for constructing and maintaining a different type of security fencing.

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

There are no financial impacts associated with the request.

NEXT STEPS

If approved by the City Council, an encroachment permit would be issued by staff.

Attachments

1. Resolution No. 2019-93
2. Fence Example Photo

