

APPLICATION FOR ENCROACHMENT PERMIT

Please complete all information below. Current telephone and email are required to process application.

Project Site Address		APN (s)	
Applicant Name (Owner Representative)			
Applicant's Telephone / Email			
Property Owner (If different than applicant)			
Planning Case Number(s)		Building Permit #'s	
Description of Encroachment: 			
APPLICANT HAS READ AND ACKNOWLEDGES THE FOLLOWING:			
<ol style="list-style-type: none"> 1) Encroachment Permit and corresponding indenture agreement is not a permit to perform work. 2) Additional permits may be required by Zoning, Planning or Building. Applicant is responsible for obtaining all other permits and any approvals required from Oakland Fire Department (OFD). 3) Plans submitted with this application must have Zoning Approval Stamp dated no older than 8 weeks. 4) The Certificate of Insurance must meet the City of Oakland requirements for Indenture Agreement. 5) Encroachments must meet minimum requirements of the Oakland Municipal Code (OMC) and Oakland Building Code. Major Encroachments require City Council approval. 			
Applicant's Signature _____ Date _____ Print name: _____	THIS BOX FOR OFFICE USE ONLY		
		Permit Fees Paid? Yes ___ No ___	MAJOR ENCROACHMENT Yes ___ No ___
		DATE – Counter Staff Routes Application to Engineer	____ / ____ / ____
		ENGINEER ASSIGNED:	

ENCROACHMENT PERMIT SUBMITTAL CHECKLIST

Complete the Checklist below and submit with your application.

<u>Item</u>	<u>Description</u>	<u>Check</u>
1	2 Sets of legible, detailed site plan(s) and section view(s). Show and label property lines, vertical and horizontal dimensions. Show north arrow, street names, building addresses, existing features including property lines, face of curb, sidewalks, edge of pavement, face of adjacent building, and existing sidewalk obstructions such as poles, utility boxes, hydrants, parking meters, etc. One set stamped by Planning/Zoning, the other without the stamp.	Yes ___ No ___
2	<p>Certificate of Insurance that complies with the City’s Standard insurance requirement. Minimum acceptable is to include City of Oakland as “additionally insured or “other interest(s).” Policy must be issued to property owner only, not tenant, lessee, or contractor. Standard Insurance requirements:</p> <p>The permittee/property owner shall maintain fully in force and effect at all times that the encroachment occupies the public right-of-way good and sufficient public liability insurance in a face amount not less than \$300,000.00 for each occurrence, and property damage insurance in a face amount not less than \$50,000.00 for each occurrence, both including contractual liability, insuring the City of Oakland, its officers, agents, employees, and volunteers against any and all claims arising out of the existence of the encroachment in the public right-of-way, as respects liabilities assume under this permit, and that a certificate of such insurance and subsequent notices of the renewal thereof, shall be filed with the City Engineer of the City of Oakland, and that such certificate shall state that the insurance coverage shall not be canceled or be permitted to lapse without thirty calendar (30) days written notice to the City Engineer. The permittee/property owner also agrees that the City of Oakland may review the type and amount of insurance required of the permittee/property owner annually and may require the permittee/property owner to increase the amount of and/or change the type of insurance coverage required.</p> <p>The foregoing endorsements and the following endorsement must be specified in the certificate of insurance: “Notwithstanding any other provision in this policy, the insurance afforded hereunder to the City of Oakland shall be primary as to any other insurance or reinsurance covering or available to the City of Oakland, and such other insurance or reinsurance shall not be required to contribute to any liability of loss until and unless the appropriate limit of liability afforded hereunder is exhausted.”</p>	Yes ___ No ___
3	Copy of the most current, legible, recorded Grant Deed with legal description	Yes ___ No ___
4	<p><u>REQUIRED:</u> Email electronic copies to: dotpermits@oaklandnet.com (Include address and permit type in subject line) NOTE: This is a “No Reply” email address. Do NOT email questions.</p>	Yes ___ No ___

Frequently Asked Questions FAQ's **for an Encroachment Permit (ENMI or ENMJ)**

1. What is an Encroachment Permit?

Answer: An Encroachment Permit allows your privately owned and maintained item or facility to occupy the public right-of-way.

2. Do I need a Major or a Minor Encroachment Permit?

Answer: A Major Encroachment (ENMJ) is defined by the Oakland Municipal Code as:

“...anything attached to a structure or constructed in place so that it projects into the public right-of-way such as basement vaults, kiosks, covered conveyors, crane extensions, earth retaining structures, and structure connected planter boxes, fences, or curbs. Projections over any public street, alley or sidewalk in excess of the limitations specified in the Oakland Building Code shall also be classified as major encroachments, including theater marquees, signs suspended above the sidewalk, oriel windows, balconies, cornices and other architectural projections.”

A Minor Encroachment (ENMI) is defined as:

“...an encroachment into the public right-of-way resting on or projecting into the sidewalk area, but which is not structurally attached to a building, such as flowerpots, planter boxes, clocks, flagpole sockets, bus shelters, phone booths, bike racks, fences, nonadvertising benches, curbs around planter areas, displays of flowers, fresh fruits and vegetables.”

3. I have a restaurant and want to put seating outside. Do I need an Encroachment Permit?

Answer: Yes, the City refers to this as a “Sidewalk Café,” and you will need a Minor Encroachment Permit (ENMI). Sidewalk cafes are only allowed if all chairs, tables, planters, garbage bins and other items are removed from the right-of-way at the close of each business day. No permanent structures such as railings are allowed.

4. Does an Encroachment Permit allow me to build?

Answer: No. An Encroachment Permit creates something called an Indenture Agreement, which is an agreement between the Property Owner and the City of Oakland allowing the item to encroach into the right of way and releasing the City from liability. You will need other permits for construction, such as (but not limited to) a Building (B) Permit, A Public Infrastructure (PX) Permit, or a Curb-Gutter-Sidewalk (CGS) Permit.

5. What if my insurance provider can't meet the insurance requirements?

Answer: The standard insurance requirements must be met before the Indenture Agreement is signed by the City of Oakland. For a Major Encroachment Permit, the requirements must be met before the item is presented to the City Council.

6. My building entrance is higher than the sidewalk. Will City allow a ramp to my building on the sidewalk?

Answer: The standard response for a permanent-obstruction on the sidewalk by a private property owner is “NO”. The applicant has the option to prepare a letter to the City (Planning Director, Building Official, City Engineer) proposing an alternative to incorporate a ramp on the public sidewalk. The alternative must show reasons beyond the cost of construction of the ramp on the property. It must be convincing to the City and the City Council for the approval of a major encroachment. Please be reminded that encroachments attached to the building (essential to operations of building) at grade on the sidewalk are considered major encroachments and must be approved by the City Council.

WHAT IS THE PROCESS TO OBTAIN AN ENCROACHMENT PERMIT?

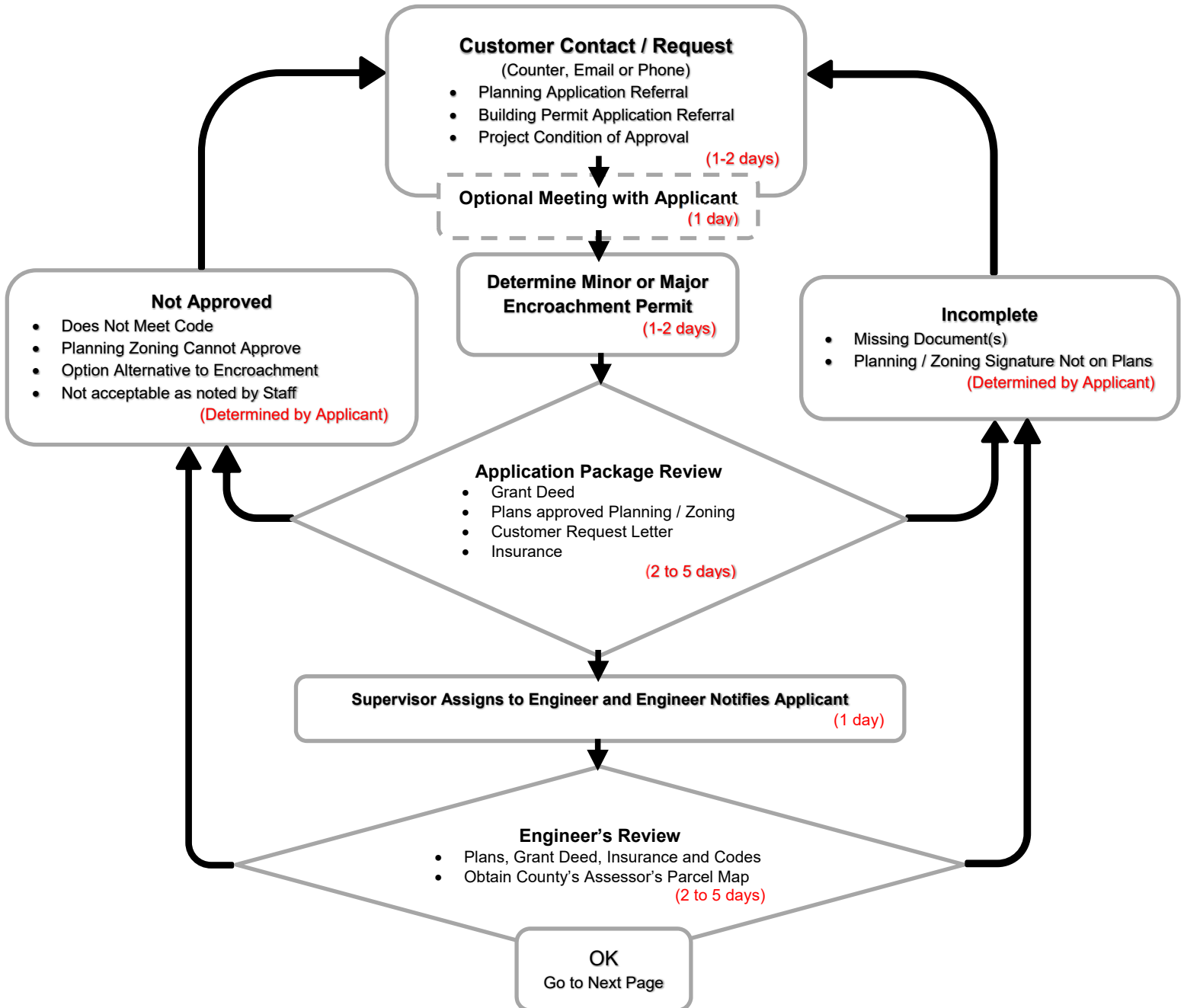
Estimated City Processing Time in Parenthesis()

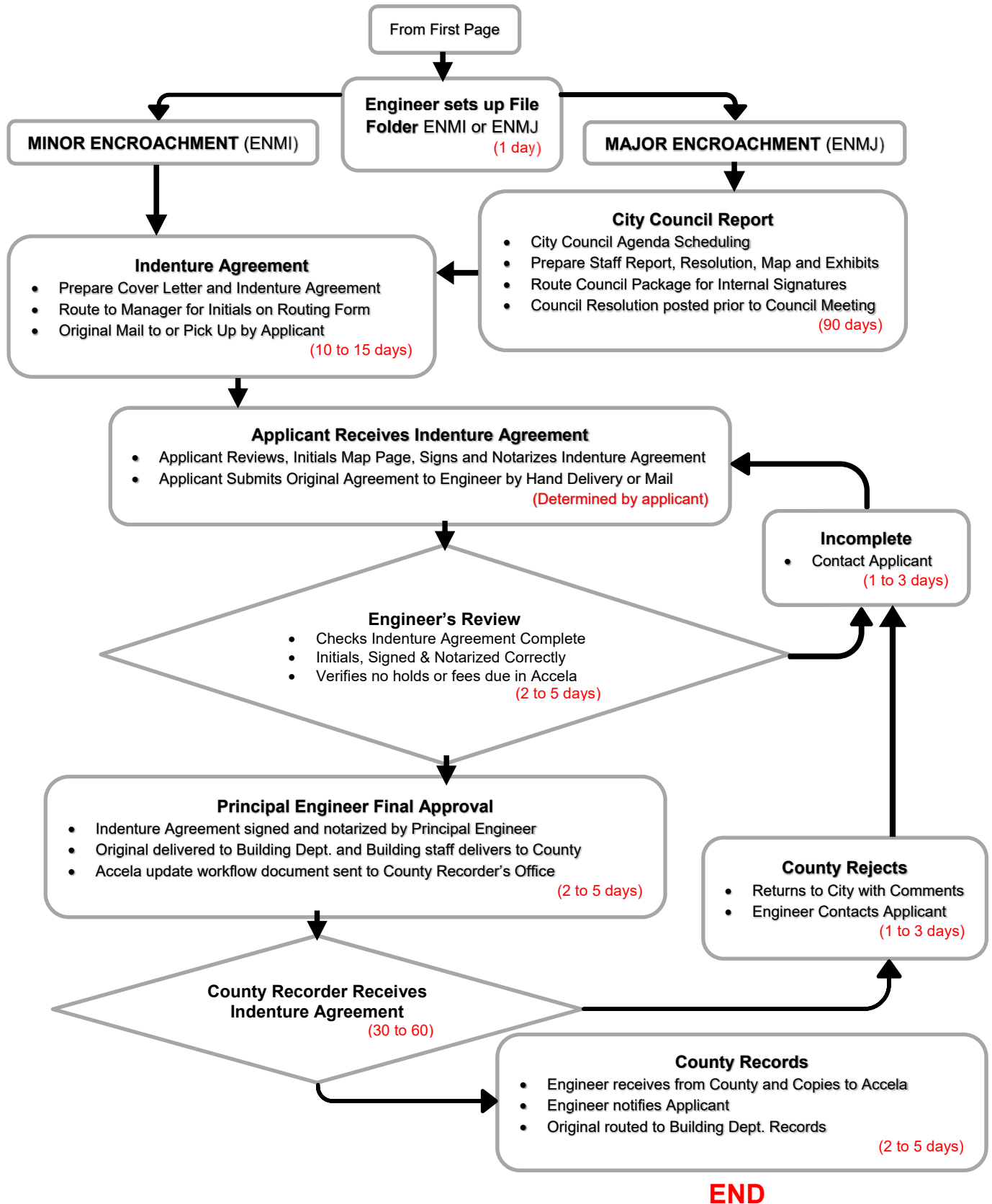
Estimated processing time:

55-110 days for ENMI

145-200 days for ENMJ (due to required City Council actions)

START





HOW ARE ENCROACHMENT PERMIT FEES CALCULATED?

The fees for Encroachment Permits are calculated based upon the approved Oakland Master Fee Schedule. The tables below show fees based on the 2017/2018 Fiscal Year Master Fee Schedule.

ENCROACHMENT INTO THE PUBLIC RIGHT OF WAY OR PUBLIC EASEMENT

No.	Description **	Amount **	
1	New encroachment	1,781.00	Permit
2	Existing encroachment	3,176.00	Permit
3	Private Party bike rack installation, in accordance with City design process	74.00	Permit
4	New Bike Share Station Encroachment	1,781.00	Permit
5	Encroachment for R3 Occupancy	1,781.00	Permit
6	Amendment or Rescission	1,084.00	Permit
7	City Council Action	4,980.00	Permit

ADMINISTRATIVE ** Non-Refundable per Master Fee Schedule added to all permits

1	Filing Fee	13.00	Each Permit
2	Application Fee	57.00	Each Permit
3	Record Management and Technology Fee	14.75%	Permit Total