

## APPLICATION FOR ENCROACHMENT PERMIT

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

<b>Project Site Address</b>		<b>APN (s)</b>							
<b>Applicant Name</b> (Owner Representative)									
<b>Applicant's Telephone / Email</b>									
<b>Property Owner</b> (If different than applicant)									
<b>Planning Case Number(s)</b>		<b>Building Permit #'s</b>							
		<b>PX Permit #'s</b>							
<b>Description of Encroachment:</b>									
<b>APPLICANT HAS READ AND ACKNOWLEDGES THE FOLLOWING:</b>									
<ol style="list-style-type: none"> <li>1) Encroachment Permit and corresponding indenture agreement is not a permit to perform work.</li> <li>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).</li> <li>3) Plans and section views submitted with this application must have Zoning Approval Stamp dated no older than 8 weeks from date of application intake.</li> <li>4) The Certificate of Insurance must meet the City of Oakland's Standard Insurance requirements.</li> <li>5) Encroachments must meet minimum requirements of the Oakland Municipal Code (OMC) and Oakland Building Code. Major Encroachments require City Council approval.</li> </ol>									
<b>Applicant's Signature</b>  _____ Date _____  Print name:  _____	<div style="text-align: center; border-bottom: 1px solid black;"><b><u>THIS BOX FOR OFFICE USE ONLY</u></b></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">           Permit Fees Paid?            Yes ___ No ___         </td> <td style="width: 50%; text-align: center;">           MAJOR ENCROACHMENT            Yes ___ No ___         </td> </tr> <tr> <td style="text-align: center;"> <u>DATE</u> – Counter Staff            Routes Application to            Engineer         </td> <td style="text-align: center; vertical-align: middle;">           ____ / ____ / ____         </td> </tr> <tr> <td colspan="2"><b>ENGINEER ASSIGNED:</b></td> </tr> </table>			Permit Fees Paid? Yes ___ No ___	MAJOR ENCROACHMENT Yes ___ No ___	<u>DATE</u> – Counter Staff Routes Application to Engineer	____ / ____ / ____	<b>ENGINEER ASSIGNED:</b>	
Permit Fees Paid? Yes ___ No ___	MAJOR ENCROACHMENT Yes ___ No ___								
<u>DATE</u> – Counter Staff Routes Application to Engineer	____ / ____ / ____								
<b>ENGINEER ASSIGNED:</b>									

### **ENCROACHMENT PERMIT SUBMITTAL CHECKLIST**

Complete the Checklist below and submit with your application.

<u><b>Item</b></u>	<u><b>Description</b></u>	<u><b>Check</b></u>
<b>1</b>	<p>Complete set of legible, detailed site plan(s) and section view(s). Show and label property lines, edge of pavement, and relevant vertical and horizontal dimensions on both site plan(s) and section view(s). Show north arrow, street names, building addresses, existing features including face of curb, sidewalks, face of adjacent buildings, and existing sidewalk obstructions such as poles, utility boxes, hydrants, parking meters, etc. where appropriate on each.</p> <p>Zoning Approval Stamp (or exemption) shall be provided on plans that are no older than 8 weeks from time of application intake.</p>	Yes ___ No ___
<b>2</b>	<p>Certificate of Insurance that complies with the City’s Standard Insurance Requirements. Minimum acceptable is to include City of Oakland as “additionally insured or “other interest(s).” The certificate of insurance must be issued to the property owner only, not tenant, lessee, or contractor.</p>	Yes ___ No ___
<b>3</b>	<p>Copy of the most current, legible, recorded Grant Deed with legal description of the property.</p>	Yes ___ No ___
<b>4</b>	<p>Customer Request Letter (required for Major Encroachment applications)</p>	Yes ___ No ___
<b>5</b>	<p><b><u>REQUIRED:</u></b>            Email electronic copies to or link to download to:  <a href="mailto:DOTOnlinePermits@oaklandca.gov">DOTOnlinePermits@oaklandca.gov</a>            (Include address and permit type in subject line)</p>	Yes ___ No ___

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## **Frequently Asked Questions (FAQ's)** **for Encroachment (ENMI or ENMJ) Permits**

### **1. What is an Encroachment Permit?**

*Answer:* An Encroachment Permit is an agreement between the Property Owner and the City of Oakland that allows a 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 by the Oakland Municipal Code 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.”

The classification of the encroachment will be determined either from an associated planning / zoning referral, building permit referral or off-site improvement referral or during the review of the encroachment application.

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

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

On the other hand, if seating is placed specifically within a parking lane, you will need an approved Parklet Permit instead.

### **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 privately owned and maintained item to encroach into the public 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 in addition to an Encroachment Permit.

## 5. What are the City’s Standard Insurance Requirements?

*Answer:* The City’s Standard Insurance Requirements include:

The Permittee shall maintain fully, in force and effect at all times that the Encroachments occupy the public right-of-way good and sufficient public liability insurance in a face amount not less than \$1,000,000.00 for each occurrence, including contractual liability, naming the City of Oakland, its Councilmembers, 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 also agree that the City of Oakland may review the type and amount of insurance required of the Permittee annually and may require the Permittee to increase the amount of and/or change the type of insurance coverage required.

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.”

## 6. What if my insurance provider can’t meet the City’s Standard Insurance Requirements?

*Answer:* The City’s Standard Insurance Requirements must be met before the Indenture Agreement is signed by the City of Oakland. For a Major Encroachment Permit, the City’s Standard Insurance Requirements must be met before the item is presented to the City Council.

## 7. The indenture agreement says this is a revocable permit. Can I get a non-revocable encroachment permit from the City?

*Answer:* All permits to encroach into the City’s right-of-way must be revocable.

## 8. Can someone else besides the property owner or his or her authorized agent sign the indenture agreement?

*Answer:* It depends. When an encroachment permit is linked to abutting real property, only the property owner of the abutting real property or his or her authorized agent may sign the indenture agreement.

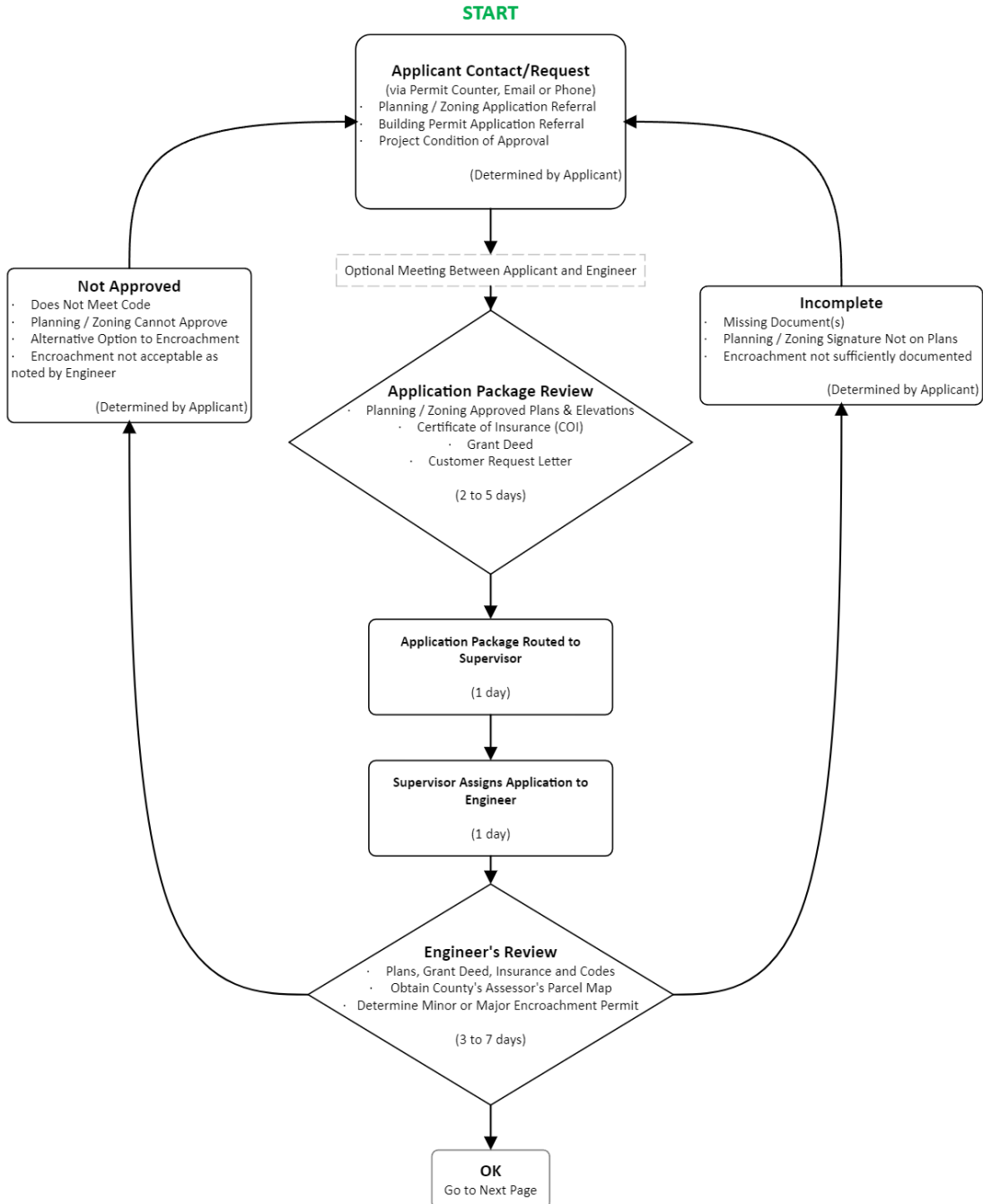
When an encroachment permit is not linked to abutting real property by county recordation, the applicant signing the indenture agreement shall be one that has submitted an appropriate performance bond subject to the approval of and in an amount determined by OakDOT. Typically, the value of the performance bond will be either the engineer’s cost estimate for the work, or \$25,000, whichever is greater. The performance bond shall remain in effect for the life of the encroachment and until all permit conditions have been performed to the full satisfaction of the city.

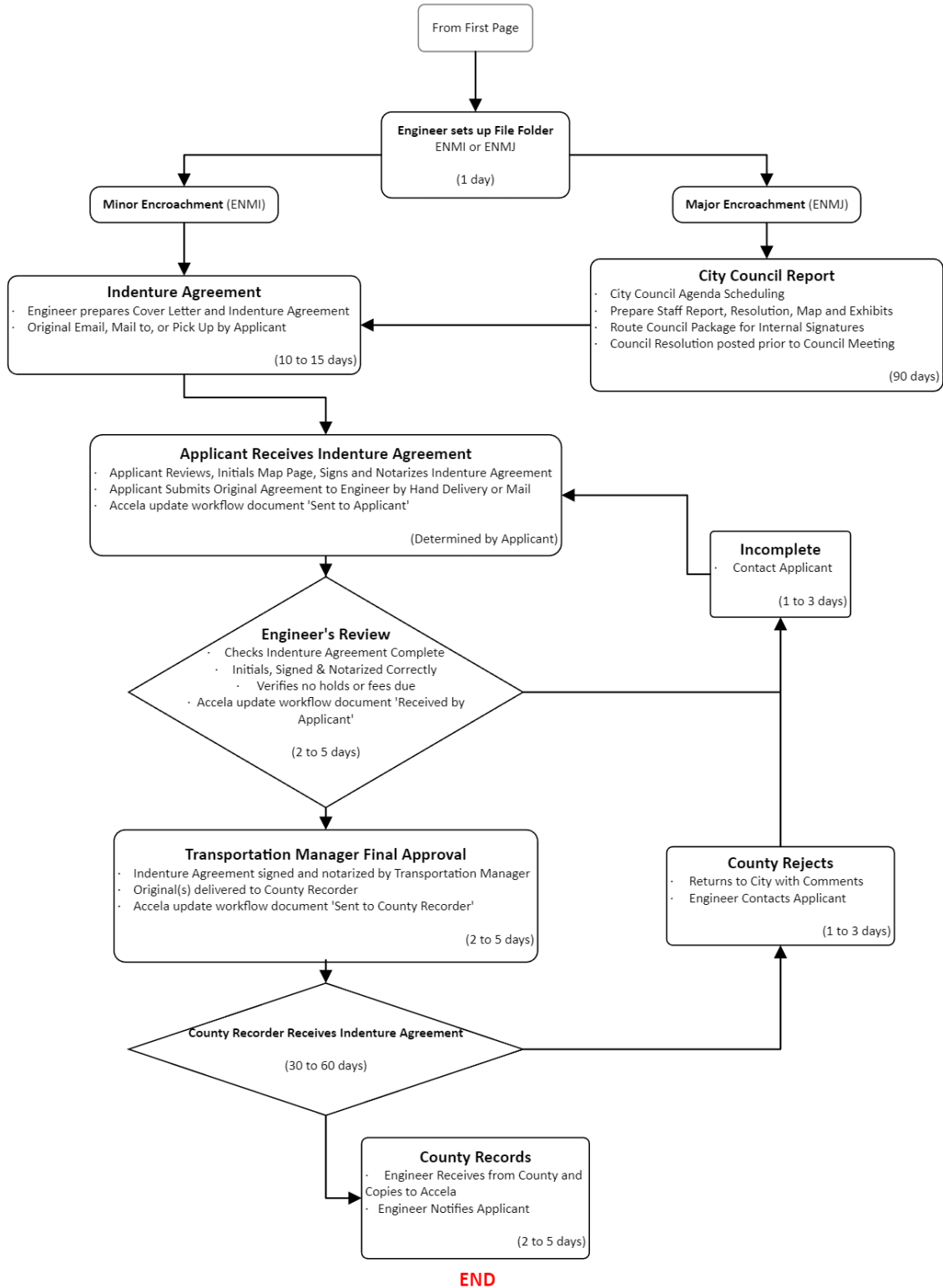
**WHAT IS THE PROCESS TO OBTAIN AN ENCROACHMENT PERMIT?**

*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)**





## 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 2023/2024 Fiscal Year Master Fee Schedule effective July 1, 2023.

### ENCROACHMENT IN 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

See Current City of Oakland Master Fee Schedule Q-7

### ADMINISTRATION \*\* Non-Refundable per Master Fee Schedule added to all permits

1	Application Fee	76.00	Each Permit
2	Record Management and Technology Enhancement Fee	14.75%	Permit Total

### Example Permit Fee Breakdowns

#### New Minor Encroachment

Application Fee	\$76.00
New Encroachment	\$1,781.00
Record Management and Technology Fee	\$273.91
<b>Grand Total for New Minor Encroachment</b>	<b>\$2,130.91</b>

#### New Major Encroachment

Application Fee	\$76.00
City Council Action	\$4,980.00
Record Management and Technology Fee	\$745.76
<b>Grand Total for New Minor Encroachment</b>	<b>\$5,801.76</b>