

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

RESOLUTION AMENDING RESOLUTION NO. 89092 C.M.S., WHICH GRANTED A CONDITIONAL AND REVOCABLE ENCROACHMENT PERMIT TO LOCAL ROOTS, A NONPROFIT CORPORATION DOING BUSINESS AS FORAGERS MARKET, TO CHANGE THE LOCATION OF THE CERTIFIED FARMERS MARKET TO 18TH STREET BETWEEN PERALTA STREET AND CAMPBELL STREET

WHEREAS, Oakland Municipal Code section 12.08.030 authorizes the issuance of encroachment permits for events that take place on streets and sidewalks that are open to the public; and

WHEREAS, on March 15, 2022, the City Council approved Resolution No. 89092 C.M.S., which granted a conditional and revocable encroachment permit to Local Roots, a nonprofit corporation doing business as Foragers Market, for a certified farmers market on Peralta Street between 18th and 20th Street each Sunday between the hours of 10:00 A.M. and 2:00 P.M.; and

WHEREAS, Local Roots, a nonprofit corporation doing business as Foragers Market (“Permittee”), is a local farmers market organization led by an experienced community and business leader in partnerships from business mentoring companies, food incubator programs like Oakland Port Workspaces, SBDC Food Incubator Program, other community organizations and West Oakland retail merchants including artisans; and

WHEREAS, since Spring 2022, the West Oakland Farmers Market has created a community space that offers affordable, healthy foods from local growers and food producers and has served as a small business incubator; and

WHEREAS, the Prescott Market, a food hall consisting of eight food and beverage businesses, is being constructed at the current location of the Farmers’ Market (Peralta Street Between 18th and 20th Street) and is expected to open in early 2025; and

WHEREAS, the Framers Market’s current location blocks the entrance to the food hall and amending Resolution No. 89092 C.M.S. to change the location is necessary to allow the construction and opening of the food hall to proceed unimpeded, and for the Sunday Farmers Market to continue to serve the community; and

WHEREAS, the Permittee has requested to move the Farmers’ Market to 18th Street between Peralta Street and Campbell Street, the location that was home to the Prescott Night Market, which brought a food market, artisans, and other local small businesses to the area once a month between 4-8 pm from April 2024 through October 2024; and

WHEREAS, increasing access to healthy foods and fostering safe community gathering spaces continues to be a priority for the City Council and allowing the Farmers Market to relocate to 18th Street between Peralta Street and Campbell Street is an important step to maintain such an important community resource; and

WHEREAS, the intermittent closure of a segment of the public right-of-way is categorically exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15183 (projects consistent with a community plan, general plan or zoning), and 15061(b)(3) (general rule); now, therefore, be it

RESOLVED: That the City Council hereby amends Resolution 89092 C.M.S., which granted a conditional and revocable encroachment permit to Local Roots, a nonprofit corporation doing business as Foragers Market, to change the location of the certified farmers’ market to 18th Street between Peralta Street and Campbell Street, as delineated in Exhibit A attached hereto; and be it

FURTHER RESOLVED: That all conditions for the revocable permit as captured in the Indenture Agreement (Exhibit B) shall continue to apply; and be it

FURTHER RESOLVED: That this conditional and revocable encroachment permit shall become effective when all the conditions and obligations set forth in the Indenture Agreement and payment of all required fees have been completed to the satisfaction of the City Attorney, the Chief of Police, the Fire Marshal, and the City Engineer of the City of Oakland; and be it

FURTHER RESOLVED: That this conditional and revocable encroachment permit shall become null and void upon the failure of Permittee to comply fully with all conditions of the Indenture Agreement or to cure fully and in a timely manner any violation associated with the use of the public right-of-way and public health and safety, or upon a termination by resolution of the City Council as being in the City’s best interest; and be it

FURTHER RESOLVED: That the City Council, at its sole discretion and at a future date not yet determined, may impose additional and continuing fees for use and occupancy of the public right-of-way; and be it

FURTHER RESOLVED: Permittee shall file with the City Engineer a disclaimer and agreement that it accepts and shall comply with and shall be bound by each and all of the terms, conditions, and provisions of this Resolution and the Indenture Agreement, which disclaimer and agreement shall be subject to the approval of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California