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OAKLAND

22 MAR 15 AM 9:00

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89092 C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

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**RESOLUTION GRANTING 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.**

**WHEREAS**, increasing access to healthy foods and providing new economic opportunities and business mentoring services for people of color living in West Oakland and to lower income communities in the greater Oakland area is a priority for the Oakland City Council; and

**WHEREAS**, farmers' markets play a pivotal role to bringing affordable, healthy foods from local growers and food producers; and

**WHEREAS**, farmers' markets serve as a small business incubator and a community gathering place to build social equity; and

**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**, Local Roots, a nonprofit corporation doing business as Foragers Market ("Permittee"), a local farmers market organization led by an experienced community and business leader with 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, seeks to establish a certified farmers' market to build a healthy, living local economy in West Oakland; and

**WHEREAS**, Permittee and City Staff have determined that the most suitable location with the least amount of residential and commercial impact, and providing high visibility and adequate

space for vendors and access to public parking is on Peralta between 18th and 20th streets operating on Sundays from 10am to 2pm, year-round, excluding major holidays; and

**WHEREAS**, Permittee has therefore requested temporary use of a limited portion of the public right-of-way on Peralta Street between 18th and 20th Streets for a certified farmers' market; and

**WHEREAS**, Oakland Municipal Code section 12.08.030 allows the City Council to regulate a short-term street market by resolution; 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 Permittee is hereby granted a conditional and revocable permit for an encroachment in the public right-of-way on Peralta Street between 18th and 20th streets, as delineated in *Exhibit A* attached hereto, for a farmers' market on each Sunday of the month to commence not sooner than 6:00 a.m. and conclude not later than 4:00 p.m. with the operating hours of 10:00am to 2:00pm.; and be it

**FURTHER RESOLVED:** That the City Council hereby grants to the Permittee a conditional revocable permit to allow the farmers' market, which permit shall take effect only upon the City and Permittee entering into an agreement in the form substantially attached hereto as *Exhibit B* (the "Indenture Agreement"), the conditions therein being incorporated into the permit; 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,

MAR 15 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~WILSON~~, KALB, KAPLAN, REID, TAYLOR, ~~WILSON~~ AND PRESIDENT FORTUNATO BAS - 6

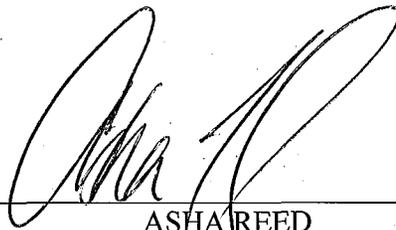
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 2 Gallo & Thao

ATTEST



ASHA REED

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