

FREQUENTLY ASKED QUESTIONS

GRADING AND PERMITS SECTION

- **Complaints:**

Q: There's a pothole in the roadway in front of my property and it's getting worse. Who can I call to get it repaired?

A: If you live in western Alameda County and the roadway is maintained by County Public Works, call (510) 670-5500. If you live on a County roadway in the eastern portions of the unincorporated County, call (925) 803-7007. If the roadway is a State highway, call the local maintenance station of the State Department of Transportation (Caltrans), as listed in your phone book.

Q: A contractor/utility company working in the roadway in front of my property has created a mess and won't clean it up. Who can I complain to?

A: If the roadway is maintained by the County, call the County roadway permit inspection office at (510) 670-5591 and provide as much information as you can about the location and nature of the work, the name of the contractor/utility, and the extent of the problem. If the roadway is a State highway, call the Department of Transportation permit office at (510) 286-4400.

Q: My neighbor's contractor is moving dirt on the property and causing problems with dust and noise. Who can I complain to?

A: If the amount of work is significant, the contractor should be working under the provisions of a County Grading Permit; call (510) 670-5868 and file a complaint with Grading Section. If the dirt amount involved is smaller and associated with the normal construction of a building or structure, the Contractor could be working under a County Building Permit; call (510) 670-5440 and file a complaint with the County Building Inspector.

Q: I live next to a District flood control channel, and (somebody has painted graffiti on the concrete wall) (homeless people are encamped in the roadway underpass) (somebody has thrown an old refrigerator into the channel). Who can I complain to?

A: If you live in western Alameda County, including the cities of Emeryville, Oakland, San Leandro, Hayward, Union City, Newark, or Fremont, call (510) 670-5500. If you live in eastern County, including the cities of Livermore, Pleasanton, or Dublin, call the Zone 7 Flood Control District at (925) 424-5000.

- **Roadway Regulations and Permits:**

Q: I live on a public roadway, but I'm not exactly sure where my property ends and the roadway begins. Where is my front property line with respect to the (curb line) (back of sidewalk)?

A: The front property line is typically coincident with the edge of the public roadway right-of-way, which is usually about 6' to 10' toward the building from the edge of pavement – or 1' to 2' toward the building from the edge of the sidewalk. If you are planning a project such as a fence or retaining wall close to this property line, you will need to establish the line, possibly by survey, in order to make sure that your improvement is on your own property – and not in the public roadway.

Q: As a property owner, what am I obligated to do with respect to public access across the front of my property?

A: If you own property that fronts on a public roadway, you are obligated under State law to provide for safe transit of pedestrians along the walkway portion of the roadway across the front of your property. You cannot erect an obstruction (fence, tree, shrub, etc.) in the right-of-way that would force a pedestrian to walk outside of the walkway area and across the curb into the paved portion of the roadway, nor can you create or allow a hazard in the walkway that would put pedestrians in potential danger. If the walkway area is paved as a sidewalk, you are obligated to keep it in reasonable repair.

Q: Do I have to get a permit to perform minor repair of the public sidewalk?

A: All encroachment into the right-of-way of a public roadway maintained by the County for the purpose of construction or repair is required to be approved by the County, either through the issuance of an encroachment permit or under a special program that promotes the repair of damaged sidewalks. Call (510) 670-5236 for more information.

Q: I notice that some properties in my area do not have paved sidewalks in their frontage. Aren't all properties adjacent to public roadways required to have sidewalks?

A: No, not all properties that front on County roadways are required to provide sidewalks; however, most properties are required to at least provide for a minimum 5' clear pedestrian passageway (walkway) in the right-of-way outside of the "traveled way" for vehicles and bicycles – although many rural roadways and some minor urban roadways do not meet the 5' walkway standard. In general, most new development will include a condition requiring the installation of paved sidewalks in the frontage roadway.

Q: The tree in my front yard is dying. Do I have to take out a permit to remove it?

A: It depends on whether the trunk of the tree is completely on your property (i.e., on your side of the front property line) or in (or partly within) the roadway right-of-way. If the former is true, you may remove the tree without a permit from the County; however, you should check to see if any conditions of a homeowner's association or other body would restrict you in any way. If the tree trunk is within the right-of-way, the tree would be considered a "street tree," subject to the provisions of the County tree ordinance (Chapter 12.11 of the County General Ordinance Code). This ordinance would require that you obtain a Street Tree Permit to cover the removal – and would probably require that the removal be mitigated through the installation of other new street trees.

Q: Can I install a second driveway into my property?

A: In general, all second driveway ramps (curb cuts) will only be authorized when the access is required to support the legitimate usage of the property; e.g., off-street parking as required by the County Zoning Ordinance (Chapter 17.52 of the County Code), access to a second dwelling unit or an accessory building, etc. Second driveways intended to facilitate additional private off-street parking at the expense of removing an on-street public parking space will normally not be approved. Moreover, old curb cuts that no longer provide authorized access will typically have to be removed as part of any roadway improvement of the frontage.

Q: Can I widen my existing driveway?

A: The private portion of an existing paved driveway can be widened, without a permit, up to the paving area limits described in Chapter 6.64 of the County Code. Generally, we will approve the widening of an existing driveway ramp correspondingly, provided that the widening does not reduce the number of available on-street parking spaces; however, the widening of the ramp does require a Roadway Encroachment Permit, and will be subject to a case-by-case review.

Q: What are the regulations covering the construction of fences or walls next to the sidewalk, or next to the roadway shoulder where there is no sidewalk?

A: Section 12.08.050 of the County General Ordinance Code prohibits the construction of “any obstruction (in the roadway right-of-way) which would preclude public access where such access previously existed.” In general, privately-owned fences or walls will not be allowed within the roadway right-of-way. In those rare instances where such fences or walls could be permitted, our encroachment permit would require that the owner assume responsibility for all future repair and maintenance – and indemnify the County against legal responsibility as well.

The construction of walls or fences outside of the right-of-way, on or behind the property line, would be subject to the height restrictions and other requirements of Chapter 17.52 of the County Zoning Title, and could be subject to the permit requirements of the County Building Code, Chapter 15.08 of the General Ordinance Code.

Q: Do I have to get permission to block the roadway for a “block party”?

A: Yes. All such blockages will require the approval of the County Board of Supervisors, and will generally be allowed only on short cul-de-sac roadways or in other locations where the impact to the traveling public would be minimal. The initial request should be submitted to the Traffic Engineering Section of the Public Works Agency, several weeks in advance.

Q: Do I have to get permission from the County to photograph or film within County roadways?

A: In general, yes. In particular, if your photo shoot requires the blocking of traffic and/or the setup of equipment within the right-of-way and within 10' of the edge of pavement, you will be required to obtain a Roadway Encroachment Permit. The blocking of traffic can only be performed by uniformed peace officers, which means that you will also have to contract with the California Highway Patrol. Call (510) 670-5993 for more information on filming within the unincorporated County

- **Flood Control District Regulations and Permits:**

Q: My property backs up to a Flood Control District channel and I wonder if I can have a contractor use the District access roadway to get into my back yard?

A: Probably, but it will require the issuance of a Flood Encroachment Permit, and we would prefer to deal with you, the property owner, rather than your contractor. The permit will require that any fence removal or opening be immediately secured with construction fencing, and that both the security fence and the roadway be restored completely at the end of your job. We would only issue such permits during the non-rainy season (mid-April to the end of September), so as to avoid possible conflicts with the District maintenance crews.

Q: The security fence separating my back yard from the District channel has fallen over/is overgrown with poison ivy. Can I build my own fence in front of the District fence in order to provide a visual screen?

A: Yes, provided that your fence is clearly on your property, i.e., outside of the District property (or outside of the District easement, if the District doesn't own the area of the channel), and the fence conforms to the building and planning standards of the local jurisdiction (City or County). You should be aware that in most locations our fence is about a foot inside of our right-of-way. With regard to the condition of our fence, you should call (510) 670-5500 to report any problems – particularly if the fence is damaged to the extent that it is no longer functioning as a security facility to keep people out of the channel.

Q: Can I go into District property to conduct a fish survey?

A: Yes, but you will have to obtain an encroachment permit, and we will have to provide you with a key to open the nearest access gate.

Q. I'm considering developing property that faces on a District flood control channel. Can I connect a new storm drain line to discharge the storm runoff from the property directly into the channel?

A. Yes, provided that you first obtain an encroachment permit and that the connection is accepted by a District inspector. Your design will have to conform to District standards and your overall improvement plan will have to be approved by the Land Development Division. The planned discharge will also be subject to approval by the responsible stormwater management ("clean water") authority.