

Item 38:



Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

Berkeley City Council | Regular Meeting | June 15, 2021

Presentation Overview



- Programs Offered – Regulatory Pathways
 - Parklets
 - Sidewalk Seating
 - Outdoor Commerce Use Fee
 - Street Event Permit – (group outdoor commerce)
- Timeline to Permanence
- Implementation
 - Application Process
 - Fees

Parklets



Berkeley's Parklet Program:

- Established in 2018, pre-pandemic there were 6 permitted in the city.
- **Parklets are:**
 - Public Space
 - ADA Accessible
 - Made of Durable Materials
 - Established with a Minor Encroachment Permit
 - No direct sales/revenue generation

See details on other program options: <https://www.cityofberkeley.info/covid19-outdoor-commerce/>



Photo of Berkeley's first parklet, built under the parklet pilot program (established 2013), 1536 Shattuck Ave.

Photo Credit: *Levitch Builders*

Sidewalk Seating & Outdoor Commerce Use Fee



Berkeley's Sidewalk Seating/Outdoor Commerce Program:

- Established in June 2020, via Urgency Ordinance due to public health emergency.
- ~40 installations permitted in the city to date.
- **Outdoor Commerce is:**
 - Incorporated into business operations (generates revenue for the business)
 - ADA Accessible
 - Established with a 'Sidewalk Seating' Permit
 - Will require an Outdoor Commerce Use Fee



Photo of Shen Hua, outdoor commerce installation, 2914 College Ave.
Photographed: *Sunday, 7am, May 2021*

Street Event Permit (group installations)



Berkeley's Street Event Program:

- Activated for use as group commerce installations, via Urgency Ordinance (6/20) due to public health emergency.
- ~2 group commerce installations permitted in the city (during the pandemic) to date.
- **Street Event/Group Outdoor Commerce is:**
 - Established with a 'Special Event' Permit

Timeline to Permanence



Local Emergency due to public health is declared over. (Currently Authorized through July 24, 2021)

365 Days to decide:

- Keep or Remove Installation
- Choose which type of installation to keep
- Pay outdoor commerce use fee or minor encroachment permit fee (if applicable)

Sidewalk Seating Permits and Outdoor Commerce Use Fees are renewed on the annual business license renewal cycle (Mailed Dec 1, and due Feb 28 for the following year)

Businesses have time to consider:

- Continue with Parklet or Outdoor Commerce
- Switch from Parklet to Outdoor Commerce or vice versa
- Remove Parklet or Outdoor Commerce from Public Right of Way (PROW).

Technical Assistance is provided to Outdoor Commerce Operators or Parklet Sponsors

[Grant Programs](#) to reimburse costs of construction continue to be available

Implementation



- Application Process/ Review
 - Durable Materials
 - Insurance
 - Safety/Traffic
 - ADA Accessibility



Source: City of Berkeley Public Works

Implementation



- Outdoor Commerce Use Fees
 - Parking Bonds
 - Prohibit giving away parking below market rate
 - Require Parking revenues to meet or exceed expenses
 - GoBerkeley
 - Adjusts pricing and time limits
 - Maintains 65% to 85% occupancy on a block face



Source: City of Berkeley Public Works

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