

News from: **City of Oakland**

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City of
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**Flex Streets Initiative
to allow Business Use
of Public Rights-of-Way
Continues Unchanged
into 2023**

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Flex Streets Initiative to allow Business Use of Public Rights-of-Way Continues Unchanged into 2023

Oakland, CA – On March 15, the Oakland City Council passed a series of Ordinances to make the [Flex Street Initiative](#) a permanent option for businesses to use outdoor public rights-of-way. Since launching in June 2020, the streamlined Flex Street permit processes have helped Oakland businesses weather the pandemic by expanding their operations outdoors through 140 sidewalk cafes and parklets, 13 street closures, 14 permitted private spaces and more than 60 mobile food truck permits. The existing permit programs will remain mostly unchanged and free through July 2023. Businesses interested in expanding their operations outdoors should apply at www.oaklandca.gov/flexstreets.

“Two years ago, we launched Flex Streets to address the urgent need of Oakland businesses to adapt at time when health orders severely restricted or eliminated the ability to operate indoors. Because of Flex Streets, many businesses were able to stay open and keep their workers employed,” said Oakland Mayor Libby Schaaf. “As we emerge from the pandemic, continuing the Flex Streets program gives our business community additional time to recover from the pandemic while their patrons enjoy Oakland’s beautiful climate.”

In order to make the program sustainable, the permanent Flex Streets Program introduces application and permit fees in July 2023 to cover the costs of permit processing and monitoring. To ensure that fees do not become a barrier to participation for Oakland’s most vulnerable businesses, the adopted Ordinance requires staff to establish a fee exemption for businesses that meet to-be-determined equity criteria. Analysis of future Flex Streets fees and the equity-based fee exemption will be part of the Master Fee Schedule amendments that go before the City Council in Spring 2023.

Below is an overview of the specific components of the permanent Flex Streets program:

Parklets and Sidewalk Cafes

The streamlined Flex Streets permit processing will remain in place. Application and permit fees will be introduced in July 2023.

Street Closures

The Ordinance adds community groups as eligible applicants and maintains the current streamlined Flex Streets permit processing with no application and permit fees for another 15 months. Beginning in July 2023, applicants will need to either remove

(more)

the street closure or obtain City Council approval to continue the street closure and pay applicable fees. Additionally, the pre-Flex Streets limit of only two street closures per year is removed. The requirement to notify neighbors and obtain approval from a majority of impacted neighbors will remain in place for all street closure applicants.

Private Property

In regard to private property, such as parking lots, the current streamlined Flex Streets permit processing will remain in place for outdoor retail and outdoor dining with no application and permit fees until December 2023. This extended timeline provides

predictability for businesses while affording staff additional time to update the City's General Plan which will inform the permanent process for Private Property.

Mobile Vending

The streamlined Flex Streets permit process will remain in place with no application and permit fees until July 2023. The Ordinance expands the streamlined mobile food vending permit process to non-food mobile retailers to better align with 2018's SB946 with safeguards to ensure ADA access and buffers between brick-and-mortar retailers. Any vending in City parks will still be subject to approvals from the Parks and Recreation Advisory Commission (PRAC).

City Property

When it's not feasible to use sidewalks, parking lanes, or private outdoor areas, businesses in areas of the City disproportionately impacted by or vulnerable to COVID-19 will be able to continue to use City-owned Property, such as parks and vacant parcels, with no application and permit fees until July 2023. After July 2023, publicly owned land will revert to the pre-COVID-19 policy of requiring market-rate rent unless the City Council makes a finding for each proposed use.

To better serve the business community, the report also recommends adding compliance and outreach staff. These staff recommendations will be brought to the City Council as part of the upcoming mid-cycle Budget process.

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