



AGENDA REPORT

TO: Honorable Mayor & City Council
FROM: Councilmember Carroll Fife
Council District 3
SUBJECT: Flex Streets Program Public Street
Closures
DATE: November 6, 2025

RECOMMENDATION

Councilmember Fife Recommends That The City Council Adopts An Ordinance: (1) Amending Section 8.62.100 Of The Oakland Municipal Code (“O.M.C.”) For The Purpose Of Removing The Limit On Public Street Closures For Restaurant, Retail, Café, Parklet, And Other Businesses To Close And Use Public Right-Of-Ways To Encourage Public Safety, Business Development, And Healthy Outdoor Use And Enjoyment Of Public Spaces Until December 31, 2026 Unless Further Extended By City Council And (2) Adopting Appropriate California Environmental Quality Act Findings

EXECUTIVE SUMMARY

On March 15, 2022, the City Council adopted Ordinance NO. 13682 C.M.S. to create a permanent Flex Streets Program for restaurant, retail, café, parklet, and mobile food vending uses of outdoor private spaces and public right-of-ways. However, the section in the Ordinance allowing Street Closures terminated on July 1, 2023, making Council approval a requirement for on-going street closures for special events and other outdoor activities on public right-of-ways.

On November 7, 2023, the City Council adopted Ordinance No. 13765 Ordinance amending Section 8.62.100 of the O.M.C. reinstating the portion of the Flex Streets Program facilitating public street closures with a new sunset date of December 31, 2025.

The proposed ordinance would extend the sunset date for an additional year, to December 31, 2026, to give relevant departments time to bring forward a comprehensive and permanent proposal that will allow businesses and organizations to continue to use public right-of-ways to encourage business development and healthy outdoor use throughout the City. Public outdoor events and activities have many benefits, including generating revenue for struggling businesses, improving public safety, and elevating the cultural vibrancy of our City.

BACKGROUND / LEGISLATIVE HISTORY

The Flex Streets Program was put in place via City Administrator Executive Order No. 4 on June 19, 2020 to help mitigate the economic impact of public health regulations including closures and limits on capacity put in place to slow the spread of COVID-19. The City Administrator's Program created a process for restaurants and retailers to operate without fees or costs on City sidewalks, parking spaces, and traffic lanes as well as on private parking lots and City-owned property. The Flex Streets Program also eliminated previous caps on mobile vending permits to provide the public with affordable and safe outdoor dining options and to also provide an alternative source of safe outdoor vending for those Oakland residents who may have lost their jobs in the restaurant industry. Through a streamlined permitting process, businesses were able to quickly and safely expand their operation outdoors. On June 15, 2021, the City Council adopted Ordinance No. 13653 to extend and expand the Flex Streets Program until March 31, 2022 to encourage healthy outdoor use and enjoyment of businesses.

Pre-COVID-19, the City regulations limited street closures to two per year without City Council approval and without Flex Streets, closures lasting more than three days require City Council approval. Section 8.62.100 of the OMC suspended the limit on the number of public street closures issued per year throughout the City or by street and stated that there shall be no limit on the number of days a street may be closed, but placed a sunset date of July 1, 2023 on this section, unless extended by Council.

In seeking to continue to streamline the process for businesses and community groups to use public space for the benefit of residents, on November 7, 2023, the City Council adopted Ordinance No. 13765 Ordinance amending Section 8.62.100 of the O.M.C. for the purposes of: (1) reinstating the portion of the Flex Streets Program facilitating public street closures for restaurant, retail, café, parklet, and other businesses to close and use public rights-of-ways to encourage public safety, business development, and healthy outdoor use and enjoyment of public spaces; and (2) creating a new sunset date of December 31, 2025 for public street closures as part of the Flex Streets Program; and (3) adopting appropriate California Environmental Quality Act ("CEQA") findings.

POLICY ANALYSIS

This Ordinance would retain Section 8.62.100 of the O.M.C., giving the City Administrator and relevant Department(s) discretion to approve proposals for street closures for an additional year, placing a new sunset date of December 31, 2026. Applications under this provision would continue to be reviewed by appropriate staff to ensure certain safety and accessibility requirements are met and the required fees, as developed by the City Administration, shall apply. The one year extension will give staff, in collaboration with the District 3 Council Office, time to bring forward a permanent and more comprehensive proposal for the above described purposes. This legislation makes no substantive changes beyond the one year extension but it is important that this Section of the O.M.C remains in place while policy options are being developed.

The Flex Streets Program in its various iterations has benefited hundreds of businesses in Oakland by helping them mitigate financial losses, maintain operations, and meet the needs of their customers in new and innovative ways. Businesses continue to face many challenges. Beyond the losses associated with the COVID-19 Pandemic and the current economic downturn, residents and businesses in business corridors have been subject to break-ins, robberies, and other destructive activities, which has negatively impacted the safety, financial stability and overall vibrancy of these areas. Street closures help facilitate various community events and activities, including outdoor markets, live music performances, local arts sales, and outdoor expansion of restaurants, and much more. These closures also serve as a key crime reduction and prevention strategy, while bringing much needed patronage to merchants and businesses throughout the City, helping to revitalize the local economy.

FISCAL IMPACT

Street closures will result in loss of revenue from parking fees. However, allowing more outdoor activities and events to take place on public right-of-ways will help garner more exposure and foot traffic for the businesses and merchants surrounding the closures, expanding their customer base. Having processes in place to assist in revenue generation can help businesses stay open and individuals employed, which in turn brings more tax revenue to the City. Furthermore, this Ordinance does not eliminate any permitting fees, so staff and administrative cost could be covered through the fees collected.

PUBLIC OUTREACH / INTEREST

There was no specific public outreach conducted beyond the posting and noticing of this agenda item.

COORDINATION

This legislation was drafted in collaboration with the Office of the City Attorney. Additionally, staff from the Economic and Workforce Development Department have been consulted.

SUSTAINABLE OPPORTUNITIES

Economic: As mentioned above, since 2020, the Flex Streets Program has benefited many businesses in Oakland. A streamlined process for approval of street closures continues to be critical to the success of this Program. The activities and events these closures would facilitate can help generate revenue for businesses, merchants, and artists.

Environmental: Street closures for community-centered activities throughout the City can make our streets more walkable and can help reduce pollution that results from the use of vehicles.

Race & Equity: Closures will create safe and enjoyable community spaces for our residents, while allowing businesses, particularly small and minority-owned businesses, retailers and artists to increase their patronage.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is exempt from the California Environmental Quality Act (CEQA) based on: (1) Public Resources Code Section 21080(b)(4) and CEQA Guidelines, 14 California Code of Regulations, Section 15269(b)(c) (Emergency Projects), because the code changes allow for safe physical distancing while dining, visiting cafes, or utilizing businesses in public outdoor spaces, and (2) CEQA Guidelines Section 15301 (Existing Facilities) because the code amendments are limited to the permitting, leasing, and minor alteration of existing facilities, including existing public streets and sidewalks, which would not result in the creation of additional automobile lanes; and (3) CEQA Guidelines Section 15303 (small structures exemption).

ACTION REQUESTED OF THE CITY COUNCIL

Councilmember Fife recommends that the City Council adopt an Ordinance: (1) Amending Section 8.62.100 Of The Oakland Municipal Code (“O.M.C.”) For The Purpose Of Removing The Limit On Public Street Closures For Restaurant, Retail, Café, Parklet, And Other Businesses To Close And Use Public Right-Of-Ways To Encourage Public Safety, Business Development, And Healthy Outdoor Use And Enjoyment Of Public Spaces Until December 31, 2026 Unless Further Extended By City Council And (2) Adopting Appropriate California Environmental Quality Act Findings

For questions regarding this report, please contact Rediat Bayeh, Policy Director for Councilmember Fife, at RBayeh@oaklandca.gov.

Respectfully submitted,



Councilmember Carroll Fife
District 3