



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Alexa Jeffress
Director, Department of
Economic and Workforce
Development

SUBJECT: Supplemental Report for
Permanent Flex Streets Program

DATE: February 24, 2022

City Administrator Approval *Elizabeth Lake*

Date: Feb 24, 2022

RECOMMENDATION

Staff Recommends That The City Council: Adopt An Ordinance Amending Chapter 8.62, Section 5.51.150, Section 12.08.250, And Section 17.07.060(C) Of The Oakland Municipal Code (OMC) To Create A Permanent Program For Restaurant, Retail, Café, Parklet, And Mobile Food Vending Uses Of Outdoor Private Spaces And Public Right-Of-Ways (Oakland Flex Streets Program) To Continue To Encourage Healthy Outdoor Use And Enjoyment Of Business; Direct City Administrator To Return With Ordinance Amending The Master Fee Schedule With A Flex Streets Application And Annual Permit Fee To Take Effect By July 1, 2023 For Each Component Of The Program, Including An Equity Fee Waiver Program For Flex Streets Program Applicants Who Meet Certain Equity Criteria; And Adopt Appropriate California Environmental Quality Act (CEQA) Findings.

REASON FOR SUPPLEMENTAL

On February 22, 2022, the City Council's Community Economic Development (CED) Committee unanimously approved staff's proposal for a permanent Flex Streets program and forwarded the proposal to the March 1st City Council Meeting on the consent calendar.

On February 23rd staff presented the proposed permanent Flex Streets program to the Oakland Planning Commission, as the Planning Code requires a recommendation and/or finding from the Planning Commission before the City Council makes a change to the City's zoning regulations and one component of Flex Streets amends the Planning Code to facilitate outdoor dining and retail on private property.¹ The Planning Commission unanimously approved staff's proposal *with the recommendation of extending staff's proposed sunset date for the private property component of Flex Streets from July 1, 2023 to December 31, 2023*. The Planning Commission recommended this extension to provide both staff and businesses additional time to ensure a smooth transition for the private property portion of Flex Streets from its current process to a

¹ Oakland Municipal Code Section 17.144.020 states that "[t]he City Council shall not . . . change the text of any provision of the zoning regulations . . . until after it has received . . . a recommendation and/or findings from the City Planning Commission."

permanent process, which will be informed by the update to the City of Oakland's General Plan. *Staff accepts this recommendation and further recommends that the City Council incorporate this new sunset date for Flex Streets permitting on private property.*

In addition to the above recommendation, the Planning Commission also encouraged the City of Oakland to ensure equitable access to the Flex Streets Program, study a progressive fee structure, and consider including a regulated vending program at Lake Merritt as part of Flex Streets.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council: Adopt An Ordinance Amending Chapter 8.62, Section 5.51.150, Section 12.08.250, And Section 17.07.060(C) Of The Oakland Municipal Code (OMC) To Create A Permanent Program For Restaurant, Retail, Café, Parklet, And Mobile Food Vending Uses Of Outdoor Private Spaces And Public Right-Of-Ways (Oakland Flex Streets Program) To Continue To Encourage Healthy Outdoor Use And Enjoyment Of Business; Direct City Administrator To Return With Ordinance Amending The Master Fee Schedule With A Flex Streets Application And Annual Permit Fee To Take Effect By July 1, 2023 For Each Component Of The Program, Including An Equity Fee Waiver Program For Flex Streets Program Applicants Who Meet Certain Equity Criteria; And Adopt Appropriate California Environmental Quality Act (CEQA) Findings

For questions regarding this report, please contact Greg Minor, Assistant to the City Administrator, at (510) 238-6370.

Respectfully submitted,



_____ for

ALEXA JEFFRESS
Director, Department of Economic and
Workforce Development

Prepared By:
Greg Minor
Assistant to the City Administrator

