



CONDITIONS FOR OUTDOOR COMMERCIAL USAGE IN THE PUBLIC RIGHT OF WAY- PARKLETS AND SIDEWALK

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Beginning in March of 2020 the Alameda County Health Department ordered County residents to shelter in place and implement social distancing to reduce the rate of transmission of the Novel Coronavirus Disease (COVID-19). In an effort to promote the reopening and survival of many local businesses during these extraordinary times, The City of Alameda has modified the requirements and streamlined the review and approval process for the public right of way, including parklets and sidewalk usage. These changes will be reviewed and potentially further modified, potentially rescinded, or revoked in response to changing social distancing requirements.

1. TIME LIMIT: This permit shall expire on November 2, 2023. The Public Works Director (or designee), at his/her sole discretion, may extend, amend, or revoke the permit at any time.
2. DEFINITIONS:
 - a. SIDEWALK OUTDOOR COMMERCIAL USAGE includes Dining, Retail, and/or Services carried out on a public sidewalk.
 - b. PARKLET OUTDOOR COMMERCIAL USAGE includes dining, retail and/or services carried out on a public street right of way or publicly-owned parking facility, in a temporary structure that may include flooring and low barriers around the perimeter.
 - c. COMMERCIAL includes both for-profit and not-for-profit.
 - d. OUTDOOR COMMERCIAL USAGE FURNISHINGS include those items needed to carry out the commercial use, including tables, chairs, benches, retail displays, cash registers, service provider stations, service-related equipment, umbrellas, tents, mesh screens, mirrors, planters, sandwich board signs, fitness equipment, and/or lighting.
 - e. DINING is any group of tables, chairs, benches, and other allowable commercial use furnishings, situated and maintained in the public right of way for use in connection with the consumption of food and beverages sold to the public from or in adjoining or nearby indoor food serving establishment.
 - f. RETAIL is any group of merchandise displays, cash registers, and other allowable commercial use furnishings, situated and maintained in the public right of way for the presentation and sale of merchandise that is provided by an immediately adjacent or nearby retail storefront.
 - g. SERVICES are any group of tables, chairs, service provider stations, service-related equipment, and other outdoor commercial usage, situated and maintained in the public right of way for provision of services that are currently allowed by the State, County and City, and are normally provided by an immediately adjacent or nearby retail storefront. This may cover, when applicable, but is not limited to, services related to hair, nails, fitness, massage, education, business/personal assistance, entertainment, and similar services.

- h. DABA is the Downtown Area Business Association.
 - i. WABA is the Webster Area Business Association.
3. GENERAL CONDITIONS FOR ALL OUTDOOR COMMERCIAL USAGE:
- a. OUTDOOR COMMERCIAL USAGE FURNISHINGS:
 - i. All commercial usage furnishings shall be moveable, and shall be arranged to adequately accommodate persons with disabilities including the visually impaired.
 - ii. Outdoor heaters are allowed with the appropriate fire, building, and safety requirements.
 - iii. Tents, or a grouping of tents, larger than 400 continuous square feet require a separate Tent Permit. Umbrellas, tents and mesh screens must be secured with a minimum base of not less than 60 pounds.
 - iv. In order to maintain air circulation as required by State and County health orders, solid fencing, vertical shades, and windbreaks are not allowed more than 3 feet above the ground.
 - b. FOOD PREP: The outdoor preparation of food is prohibited. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within commercial usage areas shall be easily cleanable and shall be kept clean at all times by the permittee. If adjoining food service is a restaurant, restrooms shall be provided for customers in the adjoining indoor restaurant.
 - c. TRASH: Covered trash and refuse storage must be provided and the permittee shall remove all trash and litter as they accumulate. The permittee is responsible for maintaining the commercial usage area, including the sidewalk surface and furniture and adjacent areas, in a clean and safe condition.
 - d. AIRBORNE DEBRIS: All hair trimmings, dust, trash, and other debris shall be contained within the confines of the operation. This may require a mesh tent and frequent cleaning in accordance with the County and State guidelines. Solid wall tents, curtains, and walls are not allowed.
 - e. HOURS: Outdoor commercial usage shall not open before 7:00 a.m. nor remain open past 10:00 p.m., Sunday through Thursday nights, and 12 midnight, Friday and Saturday nights, unless the establishment has later hours allowed by zoning district or use permit. The hours of operation of sidewalk cafes, including cleaning, shall not extend beyond the approved hours of the adjoining indoor food serving establishment.
 - f. POWER AND LIGHTING: If the outdoor commercial usage operates during the hours of darkness, adequate lighting shall be provided so that the furniture does not become an obstacle to pedestrians. If the outdoor commercial usage requires electrical service for lighting, charging and small appliance usage, the extension cords shall be appropriately rated for the outdoor usage and load, and must be supported at least 8 feet above the ground when crossing the pedestrian through way.
 - g. CONFLICTS: The City shall have the right and power, acting through the Public Works Director, Building Official or their designee, to prohibit the operation of any Outdoor Commercial Usage at any time because of anticipated or actual problems or conflicts that may arise from, but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the City will prohibit the operation of the Outdoor Commercial Usage, but any failure to give prior written notice shall not affect the right and power of the City to prohibit operation at any particular time.

- h. MUSIC/ENTERTAINMENT: Live and amplified music and entertainment are allowed as permitted by the current County Health Order. Keep in mind that raised voices, singing, and dancing may increase the spread of COVID-19.
4. SIDEWALK OUTDOOR COMMERCIAL USAGE ADDITIONAL CONDITIONS:
- a. DISTRICT-WIDE PERMISSION: Sidewalk outdoor commercial usage is allowed for all businesses within the business improvement areas (DABA & WABA) under the approved district-wide encroachment permits.
 - b. PERMIT NEEDED OUTSIDE OF BUSINESS IMPROVEMENT AREAS: Businesses outside of the DABA and WABA business improvement areas must apply for a Sidewalk Usage Encroachment Permit for sidewalk commercial usage.
 - c. LOCATION BEYOND BUSINESS FRONTAGE: Encroachment beyond the frontage of the associated business is subject to non-objection by the adjacent affected storefronts and, if applicable, the district-wide permit holder.
 - d. SIDEWALK CLEARANCES: Sidewalk commercial usage may be permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed usage. During this period of required social distancing, eight (8) consecutive feet of sidewalk width at every point shall be kept clear and unimpeded for pedestrian traffic on Park Street and Webster Street, six (6) consecutive feet of sidewalk width shall be kept clear for pedestrian traffic on all other streets. All outdoor commercial use furnishings shall be arranged to adequately accommodate persons with disabilities, including the visually impaired.
 - e. OTHER STREET FURNITURE: Outdoor commercial usage furnishings shall not block access to trash cans, parking meters, bicycle racks, newspaper racks, or other items in the public right-of-way and shall not be situated within eight feet of any designated bus stop. Sidewalk outdoor commercial usage is permitted, as space allows, against the building. In locations where there is neither parking nor loading/unloading at the curb, sidewalk commercial usage may be situated either against the curb or against the building. Outdoor commercial usage furnishings shall not be placed in front of any door used for entrance or exiting of the building.
 - f. REMOVAL AT NIGHT: Outdoor commercial usage furnishings shall be removed from the sidewalk and stored indoors whenever the commercial usage is not in operation. Draping with tarps and/or massing together in lieu of removal at night is not permitted.
5. PARKLET ADDITIONAL CONDITIONS:
- a. PERMIT NEEDED: All parklets proposed for the public right of way require permits, regardless of location. Establishments may be permitted to combine curbside sidewalk commercial usage and parklets along the same frontage, as long as sidewalk clearances are maintained (8 feet on Park St and Webster St, 6 feet on other streets).
 - b. PEDESTRIAN ACCESS: All elements of the parklet shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of City of Alameda Municipal Code, the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the City of Alameda Standard Plans & Specifications. This may include ramps or raised platforms.
 - c. OPEN TO PUBLIC: Parklets shall be open to the public during non-business hours and shall include signs stating that: All Seating is Open to the Public during non-business hours. Fencing and tarping to discourage after-hours use is prohibited. Furniture, retail display racks and accessories used in the operation of the parklet shall be permanently affixed to

the parklet or otherwise removed from the parklet and stored indoors whenever the sponsoring business is not in operation.

- d. **CLEANING AND STORMWATER PROTECTION:** Sponsoring businesses shall keep the parklet free of debris and grime, keep all plants in good health, daily maintain the surface of the parklet, rinse out the area beneath the raised floor of the parklet (if any) at least once a week, and provide pest abatement beneath the parklet platform on an as-needed basis. Parklet cleaning shall follow all stormwater best management practices for surface cleaning and power washing. Parklets shall not obstruct the gutter line in such a way that prevents the free flow of stormwater.

6. **PARKLET REMOVAL:**

- a. **TIMELINE:** Parklet permits issued during the Health Department Order implementing social distancing are subject to review and permit re-approval following the termination of the order and lifting of social distancing requirements. The Public Works Director shall determine the timeline for the review and permit re-approval process for all parklets approved as part of these COVID-19 application streamlining modifications.
- b. **RESPONSIBILITY:** Sponsoring permittee, at permittee's sole expense, shall be responsible for removal of the parklet and restoring the public right-of-way to its original condition upon the occurrence of one of the following:
 - i. The cessation of use;
 - ii. Failure to comply with permit conditions or other legal requirements; and/or
 - iii. The parklet poses a dangerous condition or threat of danger to life or property.
- c. **REMOVAL BY CITY:** The City may remove the parklet for any of the following reasons, at the sponsoring permittee's expense:
 - i. Failure to maintain;
 - ii. Violation of the Parklet Guidelines;
 - iii. Violation of the permit conditions; and/or
 - iv. Modifications unapproved by the City.