

CITY OF BERKELEY

COVID-19 Response and Recovery

Outdoor Commerce Guide for Business Owners

Welcome to the City of Berkeley's Guide to Outdoor Commerce during the COVID-19 pandemic. The August 21, 2020 [phased reopening order](#) allows for certain outdoor personal care services, including hair salons, barbershops, nail salons, waxing, and massage to operate outdoors. The order also allows for outdoor vehicle-based gatherings with live entertainment, the use of outdoor pools, and outdoor wine tasting without food. This order complements the June 18, 2020, public health order that allowed for both indoor and outdoor retail, outdoor dining, and outdoor non-contact fitness classes to operate in Berkeley. The City offers several options for permitting these activities in the public-right-of-way. This document provides an overview of permitting options and the application process.



Which permit is right for my business?



SIDEWALK SEATING (PAGE 3)

- For applicants wishing to serve food and/or alcohol or increase their outdoor dining capacity a sidewalk seating application is likely the most appropriate.
- For applicants conducting personal service businesses outdoors (i.e. hair and nail salons) with reservations and personal protective equipment (PPE) in place.
- Sidewalk seating or sidewalk area for personal service is controlled by the permittee and may be used for patrons with reservations.



PARKLETS (PAGE 4)

- For applicants that want to provide extra outdoor space for queuing, or "to-go" food consumption, or fitness classes construction of a parklet may be a better fit.
- Parklets are considered public space. The parklet sponsor(s) is/are required to maintain the space.



STREET CLOSURE FOR OUTDOOR COMMERCE/“Event Permit”

- A street closure permit allows the use of a full travel lane. This can be used for outdoor dining or other outdoor commerce. Individual businesses may apply for a street closure permit.
- Merchant groups may also work collaboratively on a shared application to close one or more blocks to traffic. [More information here.](#)



This Handbook also includes an example site plan (page 5), safety guidelines, requirements and considerations (page 6 and 7) and FAQs and Insurance Information (page 8).

Technical assistance with design and permitting:

City of Berkeley staff are prepared to work with applicants once an initial application (even if incomplete) has been submitted. The Office of Economic Development is [available to assist applicants](#) in determining which program best meets their functional needs.

Staff are also available for pre-application consultation to provide feedback and discuss options for sidewalk seating, parklets, and street closures. To schedule an appointment, email oedmailbox@cityofberkeley.info using the subject line “*Outdoor commerce consultation request.*”

Pictured below, a parklet in Oakland





Sidewalk Seating for Dining and Personal Services : Step by Step

1

Apply for Sidewalk Seating:

City of Berkeley (COB)
Permit Service Center
1947 Center St. Berkeley, CA
94704
permits@cityofberkeley.info
510.981.7500

Complete a [Sidewalk Seating Application Form](#) and include:

- ✓ Dimensioned Site Plan: The Site Plan must show a six (6) foot minimum accessible path of travel for pedestrians. (SEE PAGE 5 FOR EXAMPLE)
- ✓ Details regarding outdoor furniture.
- ✓ Proof of Insurance naming City of Berkeley as Additional Insured.

2

Pay Permit Fees at Permit Service Center *FEES WAIVED DURING COVID-19 until June 21, 2021*

Initial fee: (first year): Permit fee \$127. Sidewalk Inspection fee (1 hour) \$190. Curb fee \$7.50 per linear foot of street furniture (i.e. chairs/tables) along the frontage of the business.

Annual Fee: (following calendar year and every year after that of sidewalk seating): Sidewalk Inspection fee (1 hour) \$190. Curb fee \$7.50 per linear foot of street furniture chairs/tables along the frontage of the business.



Above, Shen Hua sidewalk seating on College Ave.

3

Do you plan to provide alcoholic beverage service (with food service) in your sidewalk seating area?

No – you are finished!

If yes, do you have Zoning approval for the service of food and alcoholic beverages? You should make a request for premises expansion:

ABC Oakland District Office 510.622.4970 Oak.Direct@abc.ca.gov, 1515 Clay St #2208, Oakland, CA 94612

1. Make a written request for a premises expansion to include an outdoor patio, adjacent area, etc.
2. Complete both sides of the ABC-257 form.
3. Mail or drop the above items to ABC Oakland District office.

Then, you will need to apply for a zoning permit at the Permit Center.

4. Complete and have the City of Berkeley Planning Department review a copy of the ABC-257 form.



Parklets: Step by Step

1

Determine Parklet Suitability:

For applicants that may want to provide extra outdoor space for queuing, or "to-go" food consumption, or fitness classes construction of a parklet may be a good fit.

The Office of Economic Development is available to assist applicants who are trying to determine which program best meets their functional needs. Staff are also available for scheduled pre-application consultations to provide feedback and discuss options. To schedule an appointment, email uedmailbox@cityofberkeley.info using the subject line "Outdoor commerce consultation request."

2

Apply for a parklet permit:

[Parklet Application Form](#)

("Engineering Permit Application")

Submit applications by email to permits@cityofberkeley.info.

You will need to complete the following steps for your application:

- ✓ Create a dimensioned site plan (SEE PAGE 5 FOR EXAMPLE)
- ✓ Provide certificate of liability insurance
- ✓ Submit attached application to permits@cityofberkeley.info



3

Construct Parklet.

Examples:, Left, Iyasare on Fourth Street in Berkeley. right, DIY parklet in Los Angeles, top right outdoor exercise parklet in Los Angeles, CA.



COVID-19 Safety and Operating Procedures

All businesses operating for outdoor commerce and dining must comply with state and local COVID-19 safety measures. Specifically, they must:

- ✓ Prepare and post a site-specific protection plan. Use City [guidance on preparing your plan](#) and a [fillable site-specific protection plan](#) template. Abide by industry-specific standards listed in [Appendix C of the Health Order](#)
- ✓ Comply with relevant [industry guidance](#) from the State of California
- ✓ Find more information on COVID-19 requirements for businesses, including downloadable signage on face coverings and social distancing, on our [guidance and materials for businesses](#) webpage.

Restaurants - Restaurants providing outdoor dining must have all necessary permits to provide outdoor food service and comply with safety guidelines provided by Environmental Health. Additionally, restaurants must ensure outdoor dining areas to support social distancing mandates:

1. Arrange tables so that no customer is sitting within six feet of any customer at a separate table
2. Lines for pickup/takeaway service must be in a separate area from outdoor dining
3. Host stands must be located at the entry of the outdoor dining area to prohibit patrons from unnecessarily walking through the outdoor dining area
4. Alcohol may only be sold in conjunction with a meal and bar areas must remain closed to customers
5. Patrons are required to wear a [face covering](#) except when eating at a dining table
6. Entertainment events with 3rd party promoters are not allowed

Cal/OSHA COVID-19 General Checklist for Dine-in Restaurants:
<https://covid19.ca.gov/pdf/checklist-dine-in-restaurants.pdf>



Safety Guidelines for Implementing Dining and Outdoor Commerce Areas in Street Parking Lanes:

Ideally, the dining or commerce area is raised to sidewalk grade with a continuous barrier between the dining area and the moving travel lane with consideration towards drainage and accessibility beneath the dining/personal service platform. For dining or personal service areas at road grade where a platform is not appropriate or possible:

- ✓ Maintain a continuous 18” buffer between the dining or service area and travel (moving) lane. [E.g. K-rail or fencing]
- ✓ Barrier should be at least 30” to prevent tripping/falling.
- ✓ For high volume streets, buffer area should include a shoulder stripe on the pavement, traffic stanchions/delineators, or reflective banding/tape along the outer edge of the barrier (30” from pavement) facing traffic.

COVID-19 Safety and Operating Procedures



Outdoor personal services underway on State Street in Santa Barbara (top) and in Santa Monica, CA (bottom).



Outdoor Personal Care Services

Personal Services Providers, including Hair Salons, Barbershops, Nail Salons, Skin Care and Waxing services and non-medical massage providers may provide services outdoors so long as they comply with safety guidelines.

- Providers must only provide services by appointment only - appointments must be spaced to permit time to clean and disinfect service areas between customers.
- Providers must call customers in advance of the appointment to:
 - Confirm that the customer has not experienced symptoms of COVID-19 during the preceding 14 days, and has not come into contact with someone who has symptoms of, or who has been tested positive for, COVID-19 in the prior 14 days;
 - Instruct the customer to come alone (unless a parent or guardian needs to accompany a minor, or an attendant needs to accompany a customer with disability); and iii.
 - Instruct the customer not to arrive at the facility more than 5 minutes before the appointment.
- All indoor areas except for restrooms, hand washing facilities, and passages needed to access outdoor service areas must remain closed to the public.
- To the extent feasible, Service Providers must erect barriers to separate the customer from the service provider.
- Service Providers and customers must wear face coverings at all times.
- No Personal Service Provider may offer or perform any service that would require or likely lead to the customer's removal of a face covering.
- Dual services, in which two or more providers attend a single customer at the same time, are prohibited.

California Department of Public Health/OSHA COVID-19 Guidance for Expanded Personal Care Services Provided Outside: <https://files.covid19.ca.gov/pdf/guidance-outdoor-personal-care--en.pdf>

F.A.Q.s and Insurance Requirements

What are the ADA requirements for outdoor seating? *At least half of the seats shall be wheelchair accessible. Accessible tables shall have clear floor space with minimum dimensions of 30 inches by 48 inches, maximum height of 34 inches, and minimum knee space of 27 inches high, 30 inches wide and 19 inches deep.*

Can multiple restaurants or personal service businesses apply for one permit? *Yes, include all businesses' information and contact information on the application.*

I need barriers for my parklet, where are they available? *The city is not able to loan barriers or other infrastructure. OED encourages partnerships with local manufacturers.*

Where can we find the measures that the City is using to determine the business reopening timeline? *The City of Berkeley continues to use a data-driven approach to inform the response to COVID-19 with [these 5 indicators](#). Status of the indicators is continually monitored, and decisions to relax restrictions are made accordingly.*

What are the City's insurance/liability requirements for outdoor commerce? *Add the "City of Berkeley" as an additional insured party on your existing insurance.*

Insurance for parklets: *Prior to PARKLET permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Street Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.*

Insurance for sidewalk seating: *By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$1,000,000 for Sidewalk Seating, Benches and Planters, and related Street Furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.*



Safety signs for businesses are downloadable at:
<https://www.cityofberkeley.info/covid19-business-guidance/>

