



CITY COUNCIL  
Linda Maio

ACTION CALENDAR  
March 17, 2015

TO: Honorable Mayor and Members of the City Council

FROM: Councilmembers Linda Maio and Jesse Arreguin

SUBJECT: Berkeley's Community Commercial Sidewalks and Public Spaces

RECOMMENDATION:

Discuss and refer the following to the City Manager for implementation, regarding our commercial areas:

1. Ordinance preventing panhandling within 10 feet of a parking pay station (akin to our ATM ordinance).
2. Review ordinances other cities use to address public urination/defecation and return with recommendations for implementation; ensure public restrooms are available and well publicized. Involve BART in exploring possible locations.
3. Ordinance preventing the placement of personal objects in planters, tree wells, or within 3 feet of a tree well.
4. Ordinance preventing lying on planter walls or inside of planters.
5. Ordinance preventing deployment of bedding, tenting, sleeping pads, mattresses, blankets, etc. on sidewalks and plazas from 7 a.m. to 10 p.m.
6. Ordinance preventing personal items from being affixed to public fixtures including poles, bike racks (except bikes), planters, trees, tree guards, newspaper racks, parking meters and pay stations. Pet leashes exempt only as not prohibited in BMC 10.12.110.
7. Ordinance preventing unpermitted cooking on public sidewalks.
8. Survey business districts to determine adequacy of enforcement of current ordinances; develop an action plan for consistent enforcement as needed.
9. Clarify if "no trespass" signs on private property extend to sitting against buildings.
10. Assess adequacy of six-foot right-of-way to enable sufficient pedestrian and wheelchair passage particularly in high-traffic areas.

11. Refer to the budget process extending transition-aged youth shelter hours beyond winter months.

**BACKGROUND:**

Conditions in our commercial areas, particularly the Downtown and on Telegraph Avenue, require our attention. A clear expression of the City's rules expressed in our existing laws, and in a few new ordinances, will go a long way to establishing clarity for law enforcement and ensuring that the entire public has access to the public streets and plazas unimpeded. Our parks are available during the day for anyone who needs respite and are used for that purpose frequently.

What is proposed above will create consistency in the enforcement of current ordinances. These ordinances have often been referred to as being adequate in governing street behavior, but they need to be clarified, and new ordinances considered. The proposed ordinances would protect the public infrastructure, enable maintenance, ensure street cleanliness, enable full public access to all facilities, and preserve our landscaped areas, to name a few. This recommendation also requests that we again address the need for public restrooms that are available 24/7 and are well-publicized. As a public entity BART should be part of these discussions.

**FINANCIAL IMPLICATIONS:**

Should improve maintenance efficiency, prevent damage and the need for replacements, and increase patronage of our commercial areas; staff time costs; costs involved in restroom facilities could be significant; budget referral for extending shelter hours (unknown at this writing).

**CONTACT:**

Councilmember Linda Maio, District 1, 510-981-7110