

RESOLUTION NO. 2023 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADDING FEES RELATED TO PARKLETS TO THE MASTER FEE SCHEDULE AND MAKING A DETERMINATION OF CEQA EXEMPTION

WHEREAS, the City Council of the City of San Bruno ("City") is empowered to impose reasonable fees, rates, and charges to offset costs for municipal services; and

WHEREAS, the City Council adopted resolutions updating the Master Fee Schedule and adopting the user fee cost recovery policy on June 22, 2021; and

WHEREAS, the City Council considered options for allowing parklets in the City at a Study Session held on September 14, 2021 and January 24, 2023. At the conclusion of the Study Sessions, Council directed staff to proceed with preparation of Municipal Code amendments and related to parklet regulations and an associated parklet permit program. These regulations allow restaurants or food or beverage service uses the opportunity to offer outdoor dining in parklets for economic vitality. Parklets could be established within the City's public rights-of-way on San Mateo Avenue in the downtown. At the January 24, 2023 City Council study session, the Council directed staff to reduce the proportion of cost recovery for the parklet permit fee; and

WHEREAS, notice of the proposed fees was duly given and the data were made available to the public for review prior to the public hearing on the proposed Parklet Fee Schedule in the manner set forth in California Government Code Section 66016(a); and

WHEREAS, on February 28, 2023, the City Council introduced, read by title only, and waived further reading of an ordinance to establish regulations related to parklets and establish a new regulatory permit, the parklet permit ("Ordinance"). A parklet permit permittee is also subject to parklet permit annual use of space fee. This is an annual fee charged for the temporary private use of the city public parking space, as well as to cover the cost of annual City inspections for condition and safety. The fee would offset lost parking meter revenue when they are installed in the future; and

WHEREAS, as the parklet permit is a new permit type, the City Council must add new fees related to this permit to the Master Fee Schedule; and

WHEREAS, City staff prepared a user fee study for parklet costs ("user fee study"), provided as Exhibit A. The study provides preliminary costs estimates for parking meter revenue. It also provides cost and City staff time required to review and process the parklet permit, the annual use of space fee, and a parklet permit appeal; and

WHEREAS, the recommended parklet permit fee is \$0, as the City desires to set this at \$0 as an economic incentive to restaurant or food or beverage service uses to establish parklets in the downtown. The staff time processing these applications will be funded by the City's General Fund as part of standard department operational costs; and

WHEREAS, the estimated cost of processing the parklet permit appeal based on fully burdened rates is \$236; and

WHEREAS, the estimated parklet permit annual use of space fee based on estimated parking meter revenue and fully burdened rates is \$2,185. This is the recommended fixed fee; and

WHEREAS, on February 28, 2023, the City Council conducted a duly noticed public hearing and received testimony from City staff and all interested parties regarding the establishment and setting of the fees for Parklet Permits, the Parklet Permit Annual Use of Space Fee, and appeals of Parklet Permits; and,

WHEREAS, all legal prerequisites including public notification to the adoption of this resolution have occurred; and,

WHEREAS, the City Council has reviewed the information contained in this Resolution and the accompanying staff report and attachments at a meeting held on February 28, 2023; and,

WHEREAS, the City Council now desires to set the rates for Parklet Permits, the Parklet Permit Annual Use of Space Fee, and appeals of Parklet Permits.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following fees. The parklet permit fee shall take effect 60 days after adoption and the annual use of space fee and permit appeal fee shall be effective upon the effective date of the Ordinance. The City Council directs such fees to be added to the Master Fee Schedule:

Public Works		
XIII. Parklet Permits		
		<i>Fee</i>
A.	Parklet Permit	\$0
B.	Parklet Permit Annual Use of Space Fee	\$2,185.00 per parking space occupied by parklet
C.	Parklet Permit Appeal	\$236

BE IT FURTHER RESOLVED that the City Council finds that the adoption of fees for the administration of the Parklet Permit Program is exempt from the California Environmental Quality Act (CEQA) because there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines and because it is the creation of a government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment pursuant to CEQA Guidelines Section 15378(b)(4).

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I hereby certify that foregoing **Resolution No. 2023 - _____**
was introduced and adopted by the San Bruno City Council at a regular meeting on
February 28, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers

ABSENT: Councilmembers:

Lupita Huerta, City Clerk

EXHIBIT A

Outdoor Dining Permits Study of Estimated Costs								
		Estimate of Staff Time						
	Position	Planning- Assistant Planner	Building Official	Public Works - Associate Civil Engineer	Public Works - Engineering Tech/ PW Inspector	Fire Marshal	Total Costs	Recommended Flat Fee
	Fully Burdened Hourly Rates - FY 2022-23	\$134.75	\$224.47	\$178.53	\$157.08	\$248.37		
1. Parklet Permit - For Approval of Parklet Use by Public Works Department								
Task	Estimated Staff Hours							
Application Intake and Routing	1				\$ 157.08			
Processing and Review of Application	9	\$ 134.75	\$ 224.47	\$ 178.53	\$ 785.40	\$ 248.37		
Issuance of Permit	1				\$ 157.08			
Total Permit Application Fee (Flat Fee)		\$ 134.75	\$ 224.47	\$ 178.53	\$ 1,099.56	\$ 248.37	\$ 1,886	\$0
2. Parklet Permit Annual Use of Space Fee								
Task/Cost	Estimated Staff Hours/Cost							
Private Use of Parking Space	Average estimated annual net revenue per metered parking space is \$2,028 (1)							
Annual Inspection of Parklet	0.75		\$56.12		\$39.27	\$62.09		
Total Annual Fee							\$ 2,185	\$ 2,185
3. Parklet Permit Appeal								
Task/Cost	Estimated Staff Hours/Cost							
Review and Processing of Appeal	1.5				\$ 235.62			
Total Appeal Fee							\$ 236	\$ 236
<p>1. City Council Staff Report, November 8, 2022, Related to the Creation of a Parking Fund and Contract With LAZ Parking for Services Related to Parking Enforcement. There is an estimated net revenue of approximately \$8,508,526 over the initial 5-year period for the meter program, and an estimated 839 parking spaces within the proposed metering area.</p>								