

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING THE PARKLET PROGRAM MANUAL OUTLINING REQUIREMENTS TO EXPAND A BUSINESS' OUTDOOR OPERATING SPACE ON A PUBLIC STREET; APPROVING THE APPLICATION OF EXISTING PERMIT AND USE FEES ASSOCIATED WITH THE COST OF PROGRAM USES IN THE RIGHT-OF-WAY; AND AUTHORIZING STAFF TO APPROVE FUTURE CHANGES IN THE PROGRAM MANUAL WHERE REFERENCES TO STATE CODE REQUIREMENTS AND/OR APPLICATION PROCESS AND/OR SUBMITTAL REQUIREMENT STREAMLINING REQUIRE UPDATING

WHEREAS, in March 2020, in response to local and state COVID-19 health order mandates, the City established requirements and guidelines associated with the use of the public right-of-way for the construction of temporary shared space areas (i.e., right-of-way areas not specific to parking) and parklets (curbside areas taking up on-street parking spaces) adjacent to any legal business use, known here and in the Parklet Manual as "Parklets"; and

WHEREAS, the permitting path that was established for the Temporary Parklet Program was used to inform the development of policies and procedures associated with permanent Parklets; and

WHEREAS, the goals, policies, processes, procedures, and guidelines associated with the creation of Parklets within the public right-of-way are outlined in the Parklet Program Manual (Exhibit A); and

WHEREAS, for the purposes of when certain fees may be applied, the Parklet Program differentiates between "Private Parklets" and "Public Parklets" in that a business that builds a Private Parklet may limit the use of the Parklet to members of the public who patronize the sponsoring business, and Public Parklets are designated as publicly accessible open spaces where members of the public may freely use the Parklet whether or not they patronize the sponsoring business(es) or organization; and

WHEREAS, standard existing processing, plan review and inspection fees will be applied to all new Parklet applications as published in the City's Fee Schedule under "Encroachment Permit Fees" (Exhibit C), and that standard Encroachment Permit fee will also be applied to the annual renewal of any approved Parklet Encroachment Permit; and

WHEREAS, additional fees will be applied to Private Parklets that are not applied to Public Parklets in the form of a Water and Wastewater Demand Fee as published in the City's Fee Schedule under "Utility Fees" (Exhibit C), and a Parking Fee set as 50% of the per space meter cover rates as published in the City's Schedule of Parking User Fees (Exhibit B) for those Private Parklets displacing paid parking spaces; and

WHEREAS, water and wastewater demand fees are a one-time fee that may be applied to address an increase in the overall sewer and wastewater use resulting from an

increase in the useable square footage associated with a business operation due to that business' installation of a Private Parklet; and

WHEREAS, for Private Parklets displacing paid parking spaces, in order to offset the revenue impact to the Parking District, a per space parking fee will be charged based on 50% of the 12-month per space Meter Cover rate at the time of the application or renewal, based on the Schedule of Parking User Fees rates as set by Council (Exhibit B); and

WHEREAS, these types of uses are typically established to accommodate unmet demand for public space on thriving neighborhood retail streets and commercial areas, and are guided by requirements on design, hours of operation, maintenance, uses, liability, and others as set forth in a Parklet Program Manual; and

WHEREAS, the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa adopts the Parklet Program Manual attached to this resolution as Exhibit A and made a part of herein, outlining requirements to expand a business' outdoor operating space on a public street.

BE IT FURTHER RESOLVED that the Council approves the following use and permit fees associated with the cost of program uses in the right of way: (1) 50% of the per space meter cover rates as set forth in the Schedule of Parking User Fees, attached to this resolution as Exhibit B and made a part of herein;(2) encroachment permit fees as set forth in the Fee Schedule attached to this resolution as Exhibit C and made a part herein; and (3) water and wastewater demand fees as set forth in the Fee Schedule attached to this resolution as Exhibit C and made a part herein.

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BE IT FURTHER RESOLVED that the Council authorizes any of the following staff to approve future changes in the Program Manual where references to State Code requirements and/or application process and/or submittal requirement streamlining require updating: Parking Manager, Public Works Director, Development Services Deputy Director, and Water Director.

IN COUNCIL DULY PASSED this ____ day of _____, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

- Exhibit A – Parklet Program Manual
- Exhibit B – Schedule of Parking User Fees
- Exhibit C – Fee Schedule