

**CITY OF SAN MATEO
DRAFT ORDINANCE**

**Amending Section 17.08.020 of the San Mateo Municipal Code to Allow Temporary Storage Containers in the
Public Right-of-Way with an Encroachment Permit**

WHEREAS, Municipal Code Section 17.08.020 prohibits placement of certain objects in the public right-of-way; and

WHEREAS, Subsections (a) through (k) of Section 17.08.020 exempts certain objects to be placed in the public right-of way with an encroachment permit; and

WHEREAS, The City currently permits temporary storage containers to be placed on private property such as driveways; and

WHEREAS, The City wishes to allow temporary storage containers in the public right-of-way with an encroachment permit in response to the increased demand from residents who live in multi-family housing or have insufficiently sized driveways and do not have the option of placing the storage container on private property; and

WHEREAS, The City presented a draft policy for permitting temporary storage containers for a maximum of seven (7) days to the Sustainability and Infrastructure Commission on October 14, 2020; and

WHEREAS, The Sustainability and Infrastructure Commission held a noticed public hearing on November 12, 2020 and unanimously recommended approval; and

WHEREAS, In accordance with Government Code Section 65355, the City Council held a noticed public hearing on January 19, 2021, to consider the proposed amendments; and

WHEREAS, Staff recommends that permit holders have the ability to request an additional seven-day extension to allow for a maximum term of fourteen (14) days;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Section 17.08.020, "Placing Certain Objects in the Public Right-of-Way Prohibited," of Chapter 17.08, "Obstructions – Litter" of the San Mateo Municipal Code is amended to read:

17.08.020 Placing Certain Objects in the Public Right-of-Way Prohibited

No person shall place or cause to be placed, anywhere upon any public way, right-of-way, street, or sidewalk, and no person owning, occupying, or having the control of any premises shall suffer to remain in front thereof, upon any sidewalk, in the public right-of-way, of the half of the street or way next to such premises any appliances, furniture, bench, inoperable vehicles, boats, machinery, foods, merchandise, implement box, debris box, mailbox, or other object, which shall be an obstruction for more than one hour at a time.

The foregoing shall not apply to:

(a) Goods or merchandise in actual course of receipt, delivery, or removal;

(b) Ornamental trees and planter boxes placed along the outer line of the sidewalk, behind the curbs under permit or direction of the Superintendent of Streets;

(c) Barriers for the protection of permitted ornamental trees;

(d) Poles erected under franchises obtained from the City or other authority;

(e) Hydrants or other objects erected by permission or direction of the City;

(f) Clocks or fountains erected for the accommodation of the public under permit or direction of the Superintendent of Streets;

(g) Debris boxes and materials used in the construction, repair, or demolition of any building; if such debris boxes and materials are permitted by the Superintendent of Streets under permit issued in the manner, and meeting the requirements and conditions of Sections 17.08.070, 17.08.080, and 17.08.090, including the posting of bonds and insurance meeting the City's minimum requirements. Such permit shall require the placement of necessary barricades and sufficient nighttime warning lights and/or reflectors;

(h) Garbage and rubbish containers conforming to the specifications of the City Engineer may be placed on sidewalks or gutters in direct proximity to the curb on scheduled garbage collection days between the hours of 5:00 a.m. and 8:00 p.m. and during "Annual Cleanup" weeks in accordance with published annual cleanup regulations;

(i) Bus benches and passenger waiting shelters erected by a public transit agency that conform to State building standards and do not cause a pedestrian or vehicular hazard;

(j) Restaurant seating and associated means of delineating the physical extent of the seating area conforming to the standards set forth in Section 27.85.030 and under permit or direction of the Superintendent of Streets;

(k) Sidewalk vendors; and

(l) Storage containers placed in the public right-of-way for no longer than seven days with the option of a seven-day extension for a maximum term of fourteen days, if permitted by the Director of Public Works or designee pursuant to Municipal Code Sections 17.08.070, 17.08.080, and 17.08.090.

Section 2. Environmental Determination. In accordance with California Environmental Quality Act (CEQA) Guidelines, section 15061(b)(3), adoption of this Ordinance is not a project subject to CEQA in that it can be seen with certainty that there is no possibility that the amendments will cause a significant impact to the environment, because the impact is expected to be similar to currently allowed encroachments such as debris boxes.

Section 3. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 5. Legislative History and Effective Date. This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.