



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 22

Section Name: {{section.name}}

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TO: City Council

FROM: Drew Corbett, City Manager

PREPARED BY: Public Works Department

MEETING DATE: January 19, 2021

SUBJECT:

Temporary Storage Containers in the Public Right-of-Way – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to amend Municipal Code Chapter 17.08.020 “Placing Certain Objects in the Public Right-of-Way” to permit temporary storage containers in the public right-of-way.

BACKGROUND:

Storage containers, or portable on demand storage (pods), are enclosed containers used to temporarily store household items for moving. City staff have received an increasing number of requests from residents to place a temporary storage container on-street in front of their residence as part of their moving process. Many of the requests received are from residents who live in multi-family housing or have insufficient driveways and do not have the option of placing the storage container on private property.

The City allows storage containers to be placed on private property, e.g. a driveway, without an encroachment permit. Currently, the City’s Municipal Code Section 17.08.020 specifically identifies garbage containers and debris boxes as items that may be placed in the right-of-way for periods greater than one hour at a time provided that an encroachment permit is obtained. Temporary storage containers are not expressly allowed with an encroachment permit, but temporary storage containers have historically been treated similarly to debris boxes given their similar size. Staff is proposing to update the Municipal Code to better define the authorized uses and restrictions on temporary storage containers in the public right-of-way.

In response to the increased resident demand for locating storage containers in the public right-of-way, staff studied permit requirements from other jurisdictions and consulted with storage container companies to develop recommended conditions for approving temporary storage containers, minor amendments to the City’s Municipal Code to allow this use, and potential permit fees. Staff presented recommendations for permitting temporary storage containers to the Sustainability and Infrastructure Commission on October 14, 2020. Commissioners directed staff to revise the policy based on the feedback received. On November 12, 2020, staff returned to the Commission with a revised policy that included a fee waiver for low income households, a permit renewal option, and additional requirements regarding placement and signage on the container. The Commissioners voted unanimously to recommend City Council adoption of the new policy, permit fee, and related Municipal Code amendments.

ANALYSIS

Staff researched other cities that permit storage containers in the public right-of-way and reviewed the City’s existing encroachment permit application process and fees to help simplify the process for residents.

- **Conditions of Approval:** Staff researched requirements in other jurisdictions for placing a storage container in the

public right-of-way. The identified conditions of approval related to temporary storage container use include the following:

- Allowable container placement (e.g. in front of permittee’s residence, within a legal parking space, adjacent to the curb);
 - Restrictions on placement (e.g. not allowed on the sidewalk; in front of driveways, crosswalks, bus stops, or fire hydrants; or where visibility is impaired for drivers or pedestrians);
 - Maximum number of storage containers per household;
 - Length of time allowed in the public right-of-way;
 - Placement and type of reflectors on the container;
 - Posting the permit or contact information on the container;
 - Maximum container size;
 - Restrictions on posting advertisements on the container; and
 - Delivery and removal times.
- **Application Process:** The City’s current encroachment permit application process requires a completed application, certificate of insurance, and detailed site plan. The site plan is a diagram showing the dimensions of the proposed work. Staff researched application requirements for similar jurisdictions and found that some cities allow a sketch drawing or map mark-up to be submitted in place of a site plan.
 - **Permit Fee:** Staff reviewed current permit fees from other jurisdictions that allow storage containers in the public right-of-way. Table 1 displays the permit fees and associated costs from identified cities.

Table 1

City	Cost	Unit	Deposit	Additional Fees
Cupertino	\$ 474.00	Flat Fee	N/A	N/A
Palo Alto	\$ 331.00	Per Container	N/A	N/A
San Rafael	\$ 246.00	Flat Fee	N/A	N/A
Daly City	\$ 160.00	Flat Fee	\$ 150.00	\$80.00 Per Week
Seattle, WA	\$ 155.00	Flat Fee	N/A	N/A
San Francisco	\$ 152.00	Flat Fee	N/A	After 3 rd Day, \$74.00 Per Container Per Day
Sacramento	\$ 150.00	Flat Fee	\$ 75.00	N/A
Foster City	\$ 105.00	Flat Fee	N/A	N/A
<i>Average</i>	\$198.00			

The City’s encroachment permit fee for temporary obstructions in the public right-of-way, which is typically used for debris boxes and storage containers, is the second highest of all studied cities at \$381 plus a \$500 deposit.

RECOMMENDATIONS

Based on evaluation of the City’s current processes and fees and benchmark research, staff recommend the following revisions to the fee schedule, encroachment permit conditions of approval, and encroachment permit application process. Staff also proposes modifications to the City’s Municipal Code to expressly allow temporary storage containers in the public right-of-way with encroachment permit.

- **Conditions of Approval:** Staff recommends expanding the existing encroachment permit conditions of approval to include the following solely for temporary storage containers:
 - Must submit an encroachment permit application, Certificate of Insurance, and a sketched site plan or map mark-up showing the container’s proposed location, permittee’s residence, adjacent driveways, proximity to street corners, container dimensions, and if applicable, fire hydrants, accessible curb ramps, bus stops, and colored curb markings;

- Must be placed in a legal parking space adjacent to the curb;
- Must be eight (8) feet or less in width;
- May be placed on residential streets only;
- Must be placed in front of permittee's residence. If the space in front of permittee's residence is insufficient or causes an obstruction, container may be placed at the next closest, appropriately sized on-street space and courtesy notification from the permittee to the property owner(s) or tenant(s) nearest to the container is required. Container may not be stored on-street if there is sufficient space on private property;
- May be placed on streets with a marked centerline if a 10-foot travel lane is maintained;
- May be placed on streets with unmarked parking stalls and without a centerline if a 12-foot, clear path-of-travel for vehicles is maintained;
- May not be placed in front of driveways, bus stops, accessible curb ramps, fire hydrants, colored curb markings (i.e. blue, green, red, yellow, and white zones), pedestrian crosswalks (striped or unstriped), and where visibility is impaired for vehicles, bicyclists, and/or pedestrians;
- Must have reflectors at each corner;
- Must have a copy of the encroachment permit posted on the container;
- May be placed in the public right-of-way for a maximum of seven (7) days;
- May not be placed in a manner that restricts access to a storm drain, utility box or hole, fire standpipe, or fire department connections (FDC) to existing buildings;
- Must comply with Chapter 3 of the 2019 California Fire Code; and
- Staff may restrict placement where the container adversely affects public peace and safety.

Permit Renewal: The Sustainability and Infrastructure Commission expressed interest in permit renewals to allow residents to place a container on the street for longer than the proposed seven-day time limit. Staff's research found that most residents use a temporary storage container for no more than two weeks at a time. In response to this feedback, staff recommends allowing permit renewals at a rate of \$10 per container per day for up to a maximum of seven additional days. With a daily renewal rate, residents will not pay for more time than necessary. Staff also recommends that approval for a permit renewal be contingent upon whether valid, safety-related complaints have been received about the container (e.g., excessively restricts site visibility).

- **Municipal Code Amendments:** The City's Municipal Code Section 17.08.020 prohibits obstructions in the public right-of-way with the exception of certain circumstances allowed with an encroachment permit. Staff proposes to amend Municipal Code Section 17.08.020 to expressly allow temporary storage containers to be placed in the right-of-way with an encroachment permit for no longer than seven days with the option of renewal for up to seven additional days for a maximum term of fourteen days. This limit would discourage long-term parking of temporary storage containers in the public right-of-way.
- **Permit Fee:** The FY 2020-21 Comprehensive Fee Schedule currently groups storage containers with dumpsters. Based on staff experience, residents are more likely to obtain permits for storage containers while contractors typically obtain permits for dumpsters in conjunction with a construction project. By creating a separate, temporary storage container fee, staff can set a fee appropriate for the service provided and staff time necessary for review.
 - Staff recommends creating a new fee of \$160 in the FY 2020-21 Comprehensive Fee Schedule for an encroachment permit to place a temporary storage container in the public right-of-way. The proposed fee is based on the estimated one hour of staff time needed to review and process an application. A deposit of \$350 will be required and refunded to the resident upon closing the permit.
- **Fee Waiver:** The Sustainability and Infrastructure Commission expressed interest in a low-income waiver for the proposed \$160 permit fee and \$350 deposit. Staff recommends offering a waiver for the fee and deposit for low-income households in a manner consistent with other City policies and programs. The Residential On-Street

Accessible Parking Space Policy requires a proof of income document, such as a valid Medi-Cal card or a Women, Infants and Children voucher, to be submitted to qualify for the waiver.

If approved, the Municipal Code amendments allowing temporary storage containers would go into effect 30 days following the second reading of the ordinance.

Next Steps

City staff will bring the proposed ordinance for a second reading to adopt the Municipal Code amendments and will prepare a resolution to modify the fee for temporary storage containers in the 2020-21 Comprehensive Fee Schedule.

BUDGET IMPACT:

The recommended encroachment permit fee for temporary storage containers will not have a significant impact on the Department's budgeted revenue. The permit fee covers staff time required to process the permit.

ENVIRONMENTAL DETERMINATION:

In accordance with 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.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Ordinance

Att 2 – Proposed Ordinance with Track Changes

Att 3 – Encroachment Permit Packet

Att 4 – Proposed Conditions of Approval

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