



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 23

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TO: City Council
FROM: Christina Horrisberger, Interim City Manager
PREPARED BY: City Manager's Office
MEETING DATE: July 17, 2023
SUBJECT:
Outdoor Dining Standards and Permits – Amendments

RECOMMENDATION:

Adopt a Resolution to approve amendments to the standards for the various outdoor dining permit programs to allow for parklets to be constructed in the downtown pedestrian malls, amend the fee schedule to create a new fee for parklets in the pedestrian malls, and authorize the City Manager to make further minor administrative amendments to these program standards.

BACKGROUND:

In June 2021, the City Council adopted a permanent Parklet Permit Program ("Program") and on March 21, 2022, City Council revised its existing sidewalk dining encroachment permit to include pedestrian mall dining. Both programs went into effect when the City's Temporary Outdoor Dining Permit Program expired on April 30, 2022. City staff worked with businesses to process their applications and issue permits under the Program.

At the May 15, 2023, City Council meeting, the City Council directed staff to revisit the guidelines related to the ability of businesses to have a parklet platform on the pedestrian mall blocks. Following Council's guidance, staff drafted amendments to the outdoor dining permit guidelines to allow parklet platforms within the pedestrian mall. For clarity to the businesses since the rules vary depending on the location of the outdoor dining, staff created separate guidelines that represent the different iterations of outdoor dining installations and the specific standards and fees that apply to each permit type. Descriptions of each set of standards are listed below.

- Pedestrian Mall Parklet Platform Encroachment Permit: Allows ground-floor food service businesses located within the Pedestrian Mall (*B Street between 1st and 3rd Avenue*) to construct a dining platform in the closed street directly in front of their business.
- Parklet Encroachment Permit: Allows ground-floor food service businesses to construct a dining platform within on-street parking spaces directly in front of their business. Parklets are allowed City-wide in commercial districts.
- Sidewalk and Pedestrian Mall Furnishings Encroachment Permit: Allows ground-floor food service businesses to provide outdoor seating and related furniture along the sidewalk in commercial districts and on the street within the Pedestrian Mall (*B Street between 1st and 3rd Avenue*). This permit is not required for furnishings provided on parklet platforms or in conjunction with a parklet permit.

In order to add in a new encroachment permit for a Pedestrian Mall Parklet Platform, staff had to create the standards for the Pedestrian Mall Parklet Platforms. In addition, staff made a few amendments to the other pre-existing Outdoor Dining

Standards, which include the following:

- Added a description of each of the 3 permit options for outdoor dining on each of the program standards.
- Replaced the term "Guidelines" with "Standards" to clarify that the standards are requirements and must be followed as opposed to suggested approaches.
- Clarified criteria regarding utilities, storm drains, sidewalk underdrains, and street paving.

Comprehensive Fee Schedule Amendments

According to the Fiscal Year 2023-2024 Comprehensive Fee Schedule, businesses that want to install a parklet are subject to both a one-time permit application review fee of \$530.00, as well as an annual permit fee of \$265.00 per parking space used in the parklet. Businesses who are interested in obtaining an encroachment permit for sidewalk or pedestrian outdoor dining are subject to an annual permit fee of \$408.21.

With Council's direction to add a Pedestrian Mall Parklet Platform Encroachment Permit, staff must amend the City's fee schedule to include permit fees for the parklets in the Pedestrian Mall. Staff recommends that the Pedestrian Mall Parklet Platform Encroachment Permit have a one-time application review fee of \$530.00, the same as the other parklet program and an annual fee of \$408.21, the same as the annual outdoor furnishings fee, for any business within the Pedestrian Mall interested in constructing a parklet platform.

BUDGET IMPACT:

Allowing parklets to be constructed in the pedestrian malls will have no impact on City revenue since the spaces are no longer available for metered parking. The City is creating a new fee for review of the pedestrian mall parklet permit applications which is set at \$530.00 and is anticipated to cover the cost of staff time for reviewing and processing permits.

ENVIRONMENTAL DETERMINATION:

In accordance with California Environmental Quality Act (CEQA) Guidelines, the amendments to the Outdoor Dining Parklet Program Standards and Permits are categorically exempted from CEQA under the category of "existing facility" because it consists of a minor alternation to the operation of an existing City Street involving negligible or no expansion of the former use. (CEQA Guidelines Section 15301).

The amendments to the Outdoor Dining Parklet Program Standards fee schedule to include permit fees for the parklets in the Pedestrian Mall is not a project subject to CEQA, because it is a government administrative activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines Section 15378(b)(4).)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Resolution

Att 2 – Proposed Public Comment

STAFF CONTACT

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