

RESOLUTION NO. 16094

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY EXTENDING THE DEADLINE TO QUALIFY FOR THE USE OF SPACE FEE WAIVER FOR OUTDOOR BUSINESS ACTIVITY PERMITS FOR PARKLETS AND SIDEWALK CAFES AND MODIFYING THE TERMS OF THE FEE WAIVER

WHEREAS, on June 27, 2022, the City Council adopted a Resolution Adopting Outdoor Business Activity Permit fees for Parklets and Sidewalk Cafes, including a Processing Fee, an Annual Use of Space Fee, and an Annual Renewal Fee (“Fee Resolution”); and

WHEREAS, the Fee Resolution included a fee waiver for the Annual Use of Space Fee, for the first year only, for businesses that received Outdoor Business Activity Permit approval by October 31, 2022 (“Fee Wavier”); and

WHEREAS, the intent of the Fee Waiver was to ease the cost burden on businesses applying for an Outdoor Business Activity Permit and to encourage installation of more Parklets and Sidewalk Cafes; and

WHEREAS, the City Council adopted an Ordinance amending the Redwood City Municipal Code to add the Outdoor Business Activity Program on July 25, 2022, and started accepting applications on August 25, 2022; and

WHEREAS, to date approximately 20 applications for Outdoor Business Activity Permits have been received when closer to 40 applications were expected; and

WHEREAS, business participation in the Outdoor Business Activity Program is crucial to its success, and many businesses have expressed concerns that the two month period between August 25, 2022 and October 31, 2022, was not a sufficient amount of time to provide the required application information and receive the Fee Waiver; and

WHEREAS, the Fee Waiver has been a key motivator for businesses that applied to the Outdoor Business Activity Program, and a majority of businesses have expressed they would not be interested in applying nor would they act as urgently if their application did not qualify for a fee waiver by a certain apply by date; and

WHEREAS, the purpose of the Fee Waiver was to assist businesses with the cost of installing a Parklet and/or a Sidewalk Café, and of the 20 received applications for an Outdoor Business Activity Permit, no application received approval to qualify for the Fee Waiver by the original October 31, 2022 deadline; and

WHEREAS, the City wishes to continue to encourage businesses to apply for the Outdoor Business Activity Program and support a thriving Downtown district, active commercial centers, and to create a welcoming atmosphere, promote business-friendly practices, and establish a strong economic base by extending the deadline to receive the Fee Waiver, and modifying the terms of the Fee Waiver.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AS FOLLOWS:

Section 1. The above recitals are accurate, constitute findings in this matter, and are hereby incorporated into this reference.

Section 2. The Outdoor Business Activity Permit (Parklets and Sidewalk Cafes) Annual Use of Space Fee adopted by City Council on June 27, 2022, is hereby waived through April 21, 2024, for businesses that apply for an Outdoor Business Activity Permit on or before January 20, 2023, and receive approval from the City by April 21, 2023.

Section 3. Businesses that apply by January 20, 2023, and receive approval before April 21, 2023 will receive a pro-rated Annual Use of Space Fee waiver for the second year of their license through April 21, 2024, provided that the business applies for and receives approval of an annual renewal. Qualifying for a pro-rated fee waiver in the second year does not guarantee approval of the renewal for the subject parklet and/or sidewalk cafe. Furthermore, businesses who, for whatever reason, do not have use of the parklet and/or sidewalk café for the first full year or partial second year are not entitled to compensation of the annual use of space fee in the form of a refund; fee waivers do not have monetary value.

Section 4. This activity is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines Section 15378, because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment. Similarly, the proposed activity falls within the scope of CEQA Guidelines Section 15061(b) (3), in that it can be seen with certainty that there is no possibility that the activity in question, namely that encouragement of installing parklets and/or sidewalk cafes, will have a significant effect on the environment. Separately and independently, even if the activity constituted a project under CEQA, it would be exempt as set forth in CEQA Guidelines Section 15304, because the use of existing streets, sidewalks and private property for outdoor business activity constitutes a minor temporary use of land having negligible or no permanent effects on the environment.

Section 5. This resolution shall be effective upon adoption.

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Passed and adopted by the Council of the City of Redwood City at a
Joint City Council/Successor Agency Board/Public Financing Authority Meeting
thereof held on the 14th day of November 2022 by the following votes:

AYES: Aguirre, Espinoza-Garnica, Gee, Howard, Martinez
Saballos, Reddy and Mayor Hale

NOES: None

ABSENT: None

ABSTAINED: None

RECUSED: None



Giselle Hale
Mayor of the City of Redwood City

Attest:



Pamela Aguilar, CMC
City Clerk of Redwood City

I hereby approve the foregoing resolution this
17th day of November 2022.



Giselle Hale
Mayor of the City of Redwood City