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RESOLUTION NO. 2021-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CULVER CITY, CALIFORNIA, ESTABLISHING FEES
FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR
OUTDOOR DINING AND OTHER USES PURSUANT TO
CULVER CITY MUNICIPAL CODE SECTION 9.08.035.G.**

WHEREAS, pursuant to Culver City Municipal Code Section 09.08.035.G, the City Council may, by resolution, establish fees for the use of public right-of-way, including sidewalks and curbside parking space(s), for outdoor dining and other uses permitted under the *Outdoor Dining Standards and Procedures* ("Sidewalk Program") and the *Parklet Design Guidelines* ("Parklet Program"); and

WHEREAS, the fees for the current Sidewalk Program were previously established by Resolution No. 2009-R078; and

WHEREAS, the City Council desires to establish fees for the new Parklet Program; and

WHEREAS, on August 9, 2021, at a duly noticed public meeting, the City Council considered establishment of fees relating to the use and administration of the Parklet Program; and

WHEREAS, after giving the public an opportunity to be heard and considering all information before it, the City Council approved the adoption of said fees, attached hereto as Exhibit "A;" and

WHEREAS, the fees established herein (other than the rental fees for the use of City right-of-way) are based upon the City's reasonable costs associated with the administration and enforcement of the Parklet Program.

1 NOW, THEREFORE, the City Council of the City of Culver City, California,
2 DOES HEREBY RESOLVE as follows:

3 The fees established in Exhibit "A," attached hereto, are hereby adopted and
4 shall be paid in accordance with the provisions of this Resolution, Culver City Municipal
5 Code Section 9.08.035 and the *Parklet Design Guidelines*.
6

7
8 APPROVED and ADOPTED this _____ day of _____ 2021.
9

10 _____
11 ALEX FISCH, Mayor
12 City of Culver City, California

13 ATTEST:

APPROVED AS TO FORM:

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15 _____
16 JEREMY GREEN, City Clerk

A21-00069

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CAROL A. SCHWAB, City Attorney

EXHIBIT "A"

FEE SCHEDULE

Paid at the Time of Application Submittal (one-time)

Application Fee \$750.00

Paid Prior to Permit Issuance (one-time)

Issuance Fee \$50.00

Tech Surcharge (4% of Issuance + Application fees) \$32.00

Street Maintenance Deposit (refundable) \$2,000*

Los Angeles and Culver City Sewer Facility Charges ~\$641 per seat**

Annual Recurring License Fees:

Public Right-of-Way Rental Fee \$13 per square foot**

Parking Meter Fees (first 5 years) \$1,000 per metered space**

[NOTE: City Council to provide direction during August 9, 2021 meeting as to whether to delete the requirement for parking meter fees.]

Payment Plan:

The Public Works Director/City Engineer is authorized to grant a Permittee a payment plan of up to 12 months for all first-year fees, except the City of Los Angeles Sewer Facility Charge, which fee is due in full upon issuance of the Permit.

[NOTE: City Council to provide direction during August 9, 2021 meeting as to whether to include one or more of the following fee waivers]

Fee Waivers:

The City Council waives the following fees, to encourage the implementation of the Parklet Program:

- a. First year rent
- b. First year parking meter fees

*The street maintenance deposit of \$2,000 shall be applied by City to repair or replace any broken or damaged property and to perform required maintenance of the Public Right-of-Way not otherwise performed by Permittee after Permittee's

removal of the Parklet and restoration of the Public Right-of-Way to its original condition (pursuant to CCMC Section 9.08.035.C.2 and 9.08.035.E). If the Permittee restores the Public Right-of-Way to its original condition upon Permittee's removal of the Parklet, the street maintenance deposit shall be fully refunded.

**The listed fees are calculated as follows: A rental fee for the use of the Public Right-of-Way of \$13 per square foot per year of the interior Parklet area. For those Parklets using metered parking spaces, an additional \$1,000 annually for each metered parking space applies for the first five years. Upon issuance of the Parklet Street Use Permit and License Agreement, a one-time sewer facility charge of approximately \$641 per seat (which fee is established and amended from time to time in part by the City of Los Angeles).