

RESOLUTION NO. 15-004

A RESOLUTION OF THE PACIFIC GROVE CITY COUNCIL ADOPTING FEES FOR REVIEW AND ISSUANCE OF A SIDEWALK DINING LICENSE

FACTS

1. Pacific Grove Municipal Code (PGMC) Chapter 6.02 provides for the establishment of fees and charges for service; and
2. The City of Pacific Grove held a public hearing on January 21, 2015 regarding the establishment of a one-year Pilot Program for Sidewalk Dining; and
3. Notice of a Public Hearing to be held on January 21, 2015 was published in accordance with PGMC Chapter 6.02 and relevant California Government Code sections; and
4. The City desires to recover direct and indirect costs associated with providing application and permit services for sidewalk dining as well as compensate the public for private use of the public right of way; and
5. Each eating establishment applying for a Sidewalk Dining permit shall pay a one-time encroachment permit fee, as provided in the City's Master Fee Schedule; and
6. In addition, each such eating establishment shall pay an appropriate annual license fee; and
7. The City also desires to waive the annual license fee during the first three months of the Pilot Program to incentivize eating establishments to include sidewalk dining, in an effort to jump start the benefits of the program and to enable a valid assessment to be conducted during the Pilot Program and;
8. The Action proposed by this Resolution does not constitute a "Project" as that term is defined under California Environmental Quality Act (CEQA), CEQA Guideline section 15378.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Facts set forth above is true and correct, and by this reference incorporates those Facts as an integral part of this Resolution.
2. The City Council establishes the annual fee for a Sidewalk Dining License at \$2.00 per square foot of public sidewalk per year, starting on May 22, 2015 (after the first three months of the pilot program). The City Council at its sole discretion may amend the License Fee as part of the annual Master Fee Schedule revision or from time to time.

3. The License Fee is an annual service fee. For administration and tracking purposes, if the program is continued after the end of the pilot period, the fee will be not prorated for applications made during various times of the year.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 21st day of January 21, 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller, Peake

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney