



AGENDA REPORT

Meeting Date: December 18, 2018
Item Number:
To: Honorable Mayor & City Council
From: Cynthia Owens, Policy & Management Analyst
Subject:

- A. AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A SIDEWALK VENDOR PROGRAM, AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD ARTICLE 22 TO CHAPTER 2 OF TITLE 4, MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DECLARING THE URGENCY THEREOF

- B. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A SIDEWALK VENDOR PROGRAM, AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ADD ARTICLE 22 TO CHAPTER 2 OF TITLE 4, AND MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Attachments:

1. Urgency Ordinance
2. Non Urgency Ordinance
3. December 18, 2018 City Council Study Session Staff Report
(No Attachments)

RECOMMENDATION

Staff recommends the City Council make a motion to read the urgency ordinance by title only, waive further reading and adopt the urgency ordinance, including the urgency findings that are set forth in Section 1, by a 4/5 vote and make a second motion to read the regular ordinance by title only, waive further reading and introduce the regular ordinance.

INTRODUCTION

On September 17, 2018, Governor Jerry Brown signed Senate Bill 946 (Lara), Sidewalk Vendors, into law. This legislation limits the City's ability to regulate sidewalk vending except in accordance with Senate Bill 946 (SB 946). Staff has drafted an urgency

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ordinance (Attachment 1) and a regular ordinance (Attachment 2) establishing a program to permit and regulate sidewalk vendors that complies with SB 946. The two ordinances are proposed for adoption by the City Council. An urgency ordinance is required as this new state law will go into effect on January 1, 2019. Without an ordinance in place on January 1, the City will be noncompliant with state law. Additionally, as sidewalk vending creates potential safety hazards such as inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with police, firefighters, and emergency response personnel to perform their duties; and creating obstacles that contribute to congestion for pedestrians, vehicles and bicycles, the City needs to take immediate action to preserve public health, safety and welfare.

DISCUSSION

Under SB 946, the state mandates local jurisdictions support and properly regulate sidewalk vendors. The stated intent of the legislation is to create entrepreneurial and economic development opportunities for immigrant and low-income communities. The Legislature finds:

- 1) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise;
- 2) Sidewalk vending contributes to a safe and dynamic public space; and
- 3) The safety and welfare of the public is promoted by encouraging local authorities to support and properly regulate sidewalk vending and decriminalizing sidewalk vending.

A sidewalk vendor is defined by SB 946 as a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

To meet the new state mandated regulations as defined by Government Code Section 53036-53039, the City must amend Title 4 (Regulation of Certain Types of Businesses and Activities), Chapter 2 (Regulatory Business Permits) of the Beverly Hills Municipal Code as under the current code, the City does not sanction sidewalk vending other than what is strictly allowed under the issuance of a Peddlers permit.

The proposed ordinances will add Article 22 ("Sidewalk Vending") to Chapter 2 ("Regulatory Business Permits") of Title 4 ("Regulation of Certain Types of Businesses and Activities") of the Beverly Hills Municipal Code. This article will

- 1) Establish definitions for sidewalk vending;
- 2) Require a permit to engage in sidewalk vending;
- 3) Outline the content of the permit application including, but not limited to:
 - a. General Liability insurance requirements of \$2 million in general liability;
 - b. Vehicle insurance and workers compensation insurance in accordance with state law; and
 - c. Indemnification for the City.
- 4) Establish criteria for issuance or denial of a permit;
- 5) Require the applicant be notified in writing of a denial;
- 6) Impose conditions on the permit;
- 7) Define the permit expiration;
- 8) Make the permit nontransferable;
- 9) Provide a process for rescinding the permit;
- 10) Establish noticing requirements for the hearing;

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- 11) Provide standards for a temporary emergency suspension of the permit;
- 12) Provide guidelines for conducting hearings and issuing decisions as well as establishing an appeals process for suspension or rescission of a permit;
- 13) Establish operating requirements that ensures public health, safety and welfare including compliance with the American with Disabilities Act of 1990 (Public Law 101-336);
- 14) Require vendors to obtain an identification card; and
- 15) Establish the administrative citation process for sidewalk vendors.

At the December 18, 2018 City Council Study Session, a detailed overview of the urgency ordinance and non-urgency ordinance were presented to the City Council (Attachment 3). The urgency ordinance and non-urgency ordinances presented at that meeting are proposed for adoption by the City Council in this report.

FISCAL IMPACT

The sidewalk vendor application and associated payments are proposed to occur in a similar manner to existing permits. The conservative projected cost related to the issuance of a new permit is \$46.00. The conservative projected cost of renewing the permit on an annual basis is \$20.00. The actual time spent on these activities will be tracked and the fee will be modified as needed to ensure the City recovers the full cost of these activities.

The full cost to administer the sidewalk vendor regulatory permit will be repaid through the collection of fees as outlined in the fee resolution that is on the December 18, 2018 City Council formal session agenda. There are no additional costs to implement Staff's recommendations.

George Chavez

Approved By