



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: Approve the Second Reading and Adoption of an Ordinance Adding and Amending Provisions of Chapter 5.16 "Sidewalk Vending" of the Commerce Municipal Code, to provide additional definite guidelines.

MEETING DATE: October 20, 2020

RECOMMENDATION

Approve the Second Reading and Adoption, by waiving full reading and reading title only, an Ordinance Adding to and Amending Provisions of Chapter 5.16 "Sidewalk Vending" of the Commerce Municipal Code.

BACKGROUND:

On October 6, 2020, the City Council unanimously adopted sidewalk vendor permit-related fees by resolution, and introduced an ordinance for First Reading, amending provisions of Chapter 5.16 "Sidewalk Vending" to provide additional definite guidelines to the ordinance previously adopted on December 18, 2018.

The Sidewalk Vendor Ordinance was enacted in response to Senate Bill ("SB") 946, signed by Governor Brown on September 17, 2018, and effective January 1, 2019, which establishes statewide regulations for vending from non-motorized conveyances and one's person on sidewalks and in parks. The City adopted the Sidewalk Vendor Ordinance to establish a regulatory and permitting program that is consistent with SB 946, but also seeks to control its sidewalks and public rights of way to the fullest extent.

The Sidewalk Vendor Ordinance enacts a permitting scheme and, Section 5.16.070 "Permits – Application Fees" of the City Municipal Code, authorizes the City Council to impose fees by the adoption of a Resolution to enable the City's recovery of costs incurred in enforcing and administering the program, including those costs incurred in processing application for permits, applications for renewals of permits, and appeals for denial or revocation of a permit.

Amendments to Chapter 5.16 "Sidewalk Vending" is also necessary to provide the City and the public with additional guidelines concerning required findings to issue a permit or

renewal thereof, the term of a permit, and grounds to deny an application or revoke a City-issued permit.

ANALYSIS:

Ordinance Amendments

In an effort to provide additional guidelines to staff administering the City's regulatory program, and to provide said notice to the public as well, amendments to Chapter 5.16 "Sidewalk Vending," are necessary including, but not limited to:

- (a) Adding Section 5.16.085, to establish additional required findings to issue or renew a permit, the term of a permit to be twelve (12) months; the process to renew a permit, and grounds to deny an application for a permit, or the renewal thereof; and
- (b) Amending Section 5.16.110 to provide additional grounds to revoke a permit.

The attached Ordinance reflects the proposed added or amended provisions as underlined or ~~stricken through~~.

ALTERNATIVES:

- 1. Approve staff's recommendation;
- 2. Make amendments to staff's recommendation;
- 3. Decline staff's recommendation;
- 4. Provide alternative and/or further direction.

FISCAL IMPACT:

The Sidewalk Vendor Ordinance provides authority for the passage of the proposed Fee Resolution, to impose fees related to the administration of sidewalk vendor permits in order for the City to recover its costs of processing said permit applications, and enforcing said regulatory program.

Prepared by: Norma Copado, Assistant City Attorney

Vanessa Ibarra, Deputy City Attorney

Recommended by: Vilko Domic, Assistant City Manager

Approved as to Form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Manager

ATTACHMENTS:

- 1. Application Form [Draft]
- 2. Ordinance