



City of Culver City

Staff Report

File #: 23-581, Version: 1

Item #: A-2.

CC - ACTION ITEM: (1) Introduction of an Ordinance Regulating Sidewalk Vending in the City; and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: February 13, 2023

Contact Person/Dept.: Christina Burrows, Deputy City Attorney
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Fiscal Impact: Yes No **General Fund:** Yes No

Attachments: Yes No

Commission Action Required: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/08/2023)

Department Approval: Heather Baker, City Attorney (02/08/2023) / John Nachbar, City Manager (02/08/2023)

RECOMMENDATION

Staff recommends the City Council (1) introduce an Ordinance regulating sidewalk vending in the City; and (2) direct the City Manager as Deemed Appropriate.

BACKGROUND

Sidewalk vendors are individuals who sell food items and other merchandise on sidewalks and pathways from carts and other non-motorized conveyances. Some sidewalk vendors are stationary, while others move from one location to another. In 2018 state law was changed to decriminalize sidewalk vending. Cities must now allow sidewalk vending in many parts of the city. However, cities can still regulate sidewalk vending based on objective health, safety, and welfare concerns.

DISCUSSION

In Culver City there are various sidewalk vendors selling a range of items throughout the community. Some of the commonly seen products include individually wrapped ice cream products, cut up fruit,

juice, and flowers. Some sidewalk vendors are mobile, and some are stationary.

The Culver City Municipal Code (CCMC) currently prohibits sidewalk vending on sidewalks and in parks without City Council approval. However, most of the City's current sidewalk vending regulations are no longer enforceable due to the 2018 change in state law.

Proposed Revisions to the Culver City Municipal Code

After reviewing sidewalk vending regulations enacted by other nearby cities and conferring with City staff, the City Attorney's Office drafted the attached ordinance (Attachment 2). This draft was reviewed by staff in several City Departments and includes the following general regulations for sidewalk vendors:

1. All sidewalk vendors are required to get a City permit.
2. Stationary sidewalk vendors are limited to sidewalks or pathways that are a minimum of eight feet wide and are outside residential areas.
3. All sidewalk vendors must allow four feet of clearance on the sidewalk for pedestrians to walk past.
4. Sidewalk vendors are not allowed on bike paths, certain trails, or on public property that does not meet the definition of a sidewalk.
5. Sidewalk vendors are not allowed at Carlson Park because the pathways are too narrow or at Coombs Park because there are no pathways.
6. Sidewalk vendors are not allowed in residential neighborhoods or near schools during night hours.
7. Sidewalk vendors must comply with listed distance requirements.

Implementation and Enforcement

The City Charter provides that ordinances take effect 30 days after adoption. Staff recommends delayed enforcement for 90 days to allow staff time to perform the following tasks related to ordinance implementation and education:

1. Develop a sidewalk vending application form.
2. Implement a new sidewalk vending fee.
3. Prepare educational flyers in English and Spanish that will be distributed to sidewalk vendors and posted on the City's website.
4. Work with the County Department of Public Health to distribute information related to County permitting requirements for sidewalk vendors.

In order to implement the new permit requirements for sidewalk vendors, the City Council will need to adopt a new fee for sidewalk vending permits. Normally, permit fees are calculated by determining the number of hours staff and consultants spend processing an application. However, some neighboring cities have reduced the application fee for sidewalk vending permits in order to decrease barriers for sidewalk vendors. When staff brings the new sidewalk vending fee forward, staff will be requesting direction from the City Council about whether to adopt a discounted fee for this type of permit.

Subcommittee Meeting

On January 18, 2023, the City Council Subcommittee, composed of Vice Mayor McMorrin and Council Member Freddy Puza, met with City staff to review and discuss the draft Sidewalk Vending Ordinance.

At the Subcommittee meeting, the Subcommittee and staff discussed State law and the draft ordinance. The Subcommittee discussed the many barriers for the sidewalk vendors including the cost of the seller's cart, cost of the items, permit fees, etc. These fees include permits from the Los Angeles County Department of Public Health. The Subcommittee expressed support for educational information to be printed in both English and Spanish languages. Staff research indicates that the Sidewalk Vendor permit fees in other cities range from \$46 to \$541.

The group also discussed City staff connecting sidewalk vendors to organizations who support this type of work. The Subcommittee requested staff try to identify options for County fee waivers and grant funds for sidewalk vendors. Further, as some brick-and-mortar restaurants have complained to City staff about sidewalk vending in front of their businesses, the Subcommittee wants to provide educational materials to businesses.

Parks, Recreation and Community Services Commission

At the February 7, 2023 Parks, Recreation and Community Services Commission the Commission reviewed the proposed changes to the vending-related provisions of Section 9.10.055 (Prohibitions). The Commission's consensus was to recommend the City Council approve the revisions to Subsections I, K and L of Section 9.10.055.

FISCAL ANALYSIS

Implementation of the sidewalk vending ordinance would result in an operational and fiscal impact to the City that would depend on the extent of enforcement actions required.

ATTACHMENTS

1. 2023-02-13_ATT1_State Senate Bill SB 946 (2018)
2. 2023-02-13_ATT2_Proposed Sidewalk Vending Ordinance

MOTIONS

That the City Council:

1. Introduce an Ordinance regulating sidewalk vending;
2. Provide direction to staff regarding delaying enforcement for 60 days; and

3. Provide direction to the City Manager as deemed appropriate.