Meeting of the Gateway Cities Planning Directors

PLEASE ARRIVE AT 7:45 AM FOR CONTINENTAL BREAKFAST

Wednesday, January 9, 2019 8:00AM

Gateway Cities COG Offices
16401 Paramount Boulevard, Paramount
2nd Floor Conference Room

AGENDA

I. Self Introductions

II. Metro Transit Oriented Communities Policy Presentation
   Jenna Hornstock
   Executive Officer, Transit Oriented Communities
   LA Metro

III. Selection of New Vice-Chair

IV. SB 949 Sidewalk Vendor Draft Ordinance
   Okina Dor
   Planning Director
   City of Artesia
   Alvie Betancourt
   Senior Planner
   City of South Gate

V. Climate Planning Update / CAP Framework Demo
   Nancy Pfeffer
   Executive Director
   Gateway Cities COG

VI. Regional Planning Update
   Nancy Pfeffer
   Executive Director
   Gateway Cities COG

VII. Discussion of Future Agenda Items

VIII. Adjourn
Transportation and Land Use Connection

Who is responsible for transportation?

Who is responsible for land use?

Metro
Municipalities Guide...

- Land use plans, policies and participation
- Design
- Preservation
- Development
- Transportation priorities
LA Metro is LA County’s Transportation...

- Planner
- Funder
- Designer
- Builder
- Operator
Policy Development Process

- **January**: kick off and brainstorming with PAC and stakeholders
- **Jan – May**:
  - 8 PAC Working Group Meetings
  - PAC check-in and draft review (3 meetings)
  - Meetings with interested stakeholders
  - Iterative review with County Counsel
  - Meetings with targeted internal Metro stakeholders
  - ACT LA Town Hall on TOC Policy and Equity Framework
  - Metro Board presentation on draft policy
Transit Oriented Communities (TOCs) are places (such as corridors and neighborhoods) that, by their design, allow people to drive less and access transit more.

A TOC maximizes equitable access to a multi-modal transit network as a key organizing principle of land use and holistic community development.
Transit Oriented Communities - Definition

**TOD**
SINGLE DEVELOPMENT
within 1/2 mile of transit

**TOC**
INTEGRATED COMMUNITY
served by transit with mix of uses
TOC Policy - Goals

- Goals – each has 2-3 sub-goals:
  - ✓ Increase Transportation Ridership
  - ✓ Stabilize and enhance communities surrounding transit
  - ✓ Engage organizations, jurisdictions and the public
  - ✓ Distribute transit benefits to all
  - ✓ Capture value created by transit
TOC Activities

- Geographic span defined as “General,” “Within 0-1/2 mile of a station” and “0-3 mile of a station”
- Include affordable housing, local business assistance, neighborhood amenities, grant assistance, land use planning, community engagement, public improvements
  - Metro has a history of programs/projects in each of these areas
- Require a “transportation nexus”
- Are permissive but not directive
• High Quality Transit Stops – defined by the State of CA

• ½-mile radius covers most of the County

• Research supports limits on certain TOC Activities to the ½-mile radius

• Local Return requires matching funds for TOC Activities – most funding sources look to ½-mile radius around HQT stops
Next Steps

Develop TOC LRTP “Framework Paper”
• Will be completed February 2019

Within 18 months, return to Board with:
• TOC Implementation Plan and performance metrics
• TOC Annual Report

Implementation Plan kick off in Feb 2019
Metro’s TOC Team

Transit Oriented Communities

Joint Development

First/Last Mile

Systemwide Design
Transit Oriented Communities
Thanks... and see you on Metro.
METRO TRANSIT ORIENTED COMMUNITIES POLICY

I. POLICY CONTEXT

Traditionally transit agencies have focused their mission on a combination of planning, constructing, and operating the public transit system with a focus on moving people from station to station within that system. Community impacts associated with the transit system, both positive and negative, were relegated to local jurisdictions to manage, promote or mitigate. Since the development of the last Long Range Transportation Plan, and with the passage of Measure R in 2008 that started a massive investment in public transportation in Los Angeles County, it has become evident that the regional serving transit systems we plan, construct, and operate have a tremendous impact on the communities we serve. These investments and services can:

- Result in targeted economic development/real estate investments or disinvestments
- Change the perception of a community as a desirable place to live or work, both positively and negatively
- Provide mobility and thus enhance access to jobs, schools, health care and economic mobility
- Accelerate change to the character and cultural cohesion of a community, in both positive and negative ways

Los Angeles made clear its commitment to continuing dramatic growth of its transit system in 2016 when voters approved Measure M and an additional $120 billion in investment over 40 years. This investment will only be successful if Metro considers: issues of access and connectivity to the system (such as first/last mile connections); a deep understanding of the demographics of the customer base (to target and adjust service); safety, timeliness and consistency of service; and the impact of the system on issues of equity and equitable opportunity in the County. It is imperative for Metro to consider community wide impacts in its planning, development, operations and third-party funding.

To achieve this integrated goal of transit expansion and consideration of community impacts, Metro must forge partnerships with the municipal partners and local communities we serve. One of the most significant ways Metro can understand, define and measure both the possibilities and the impacts of its investments in public transit is to develop policies and procedures that promote Transit Oriented Communities (TOCs), as a path for communities to maximize the benefits of Measure M investments. This TOC Policy is a step toward defining Metro’s goals in how we consider, fund, enable,
and/or incentivize activities that support the development of balanced communities throughout Los Angeles County.

II. PURPOSE

The purpose of this policy is to:

a. Define the concept of TOCs for Metro and develop the goals and objectives of Metro’s approach to enabling TOCs.

b. Define those “TOC Activities” that will be considered a “transportation purpose” and thus are eligible activities for funding under the Measure M guidelines, by Metro and by its municipal partners through Local Return as well as for other eligible sources at the federal, state and local level.

c. Establish a set of criteria to determine which TOC Activities Metro will fund and implement directly and which activities Metro will allow, enable and incentivize local partners to fund and implement.

III. DEFINITIONS

Affordable Housing: The California Department of Housing and Community Development (HCD) and the Federal Department of Housing and Urban Development (HUD) define affordable housing as housing for households earning 80% of the area median income (AMI) and below. This Policy specifically targets households earning 60% of AMI and below, a lower income level than HCD and HUD. In this Policy Affordable Housing is defined as covenanted, income-restricted, housing for households earning income 60% of AMI or below.

Income levels are further defined as:

- Extremely low-income: 0-30% of AMI
- Very low-income: 30% to 50% of AMI
- Low-income: 50% to 60% of AMI; the term may also be used to mean 0% to 60% of AMI

Geographic Boundaries of TOC: The span of Metro’s TOC program is LA County, with targeted activities, programs and projects: (1) generally, across the County; (2) within 3-miles of a Stop; and (3) within a half mile of a Stop.

High Quality Transit Stop: an existing or environmentally-cleared fixed-guideway transit station or the intersection of two buses with 15 minute headways, or fewer, at the peak. High Quality Transit Stops may be served by any transit operator. A planned
fixed-guideway station may also be considered if its location is the only alternative under consideration for a transit corridor in the planning stages. This definition may change to match changes in the State of California definition of a High Quality Transit Stop. High Quality Transit Stops may be referred to herein as “Stops”.

**Low-income Households**: This policy considers Low-income Households to be households earning annual income at or below 60% of the area median income (AMI).

**Neighborhood-serving Amenities**: community serving uses such as grocery retail, child care, health care, education, and recreational activities.

**Small Business**: a business that is independently owned and operated and adheres to the size standards established by the U.S. Small Business Administration (SBA) in terms of the average number of employees over the past 12 months or the average annual receipts over the past three years. These standards are defined at the following link: [SBA Size Standards Table](#).

**Transit Oriented Communities**: Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. A Transit Oriented Community maximizes equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development. TOCs differ from Transit Oriented Development (TOD) in that a TOD is a specific building or development project that is fundamentally shaped by close proximity to transit.

TOCs promote equity and sustainable living in a diversity of community contexts by: (a) offering a mix of uses that support transit ridership of all income levels (e.g. housing, jobs, retail, services and recreation); (b) ensuring appropriate building densities, parking policies, and urban design that support accessible neighborhoods connected by multi-modal transit; (c) elevating vulnerable users and their safety in design; and (d) ensuring that transit related investments provide equitable benefits that serve local, disadvantaged and underrepresented communities.

**TOC Activities**: Activities identified in this policy that support, enable and incentivize TOCs, and thereby serve a transportation purpose.

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1 For the purposes of this Policy, where Metro identifies disadvantaged and underrepresented communities, included are lower income households as well as households under the following protected categories as defined by the California Fair Employment and Housing Act (FEHA): race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over forty years of age, military and veteran status, and sexual orientation.
IV. GOALS

The TOC Policy will set direction for how Metro plans and implements new and existing transit corridor projects, for supporting land use and community development around existing transit corridors, and for encouraging and incentivizing partners to pursue the same goals. Specific TOC Goals include (in no particular order):

1. Increase transportation ridership and choice

   - **Ridership:** Increase system ridership and promote usage of alternate, non-motorized, modes of transportation.
   
   - **Transportation Options:** Leverage land use and urban design to encourage non-single occupant vehicle transportation options both on and off Metro property, through enhanced first/last mile options, travel demand management, and seamless transit connectivity.
   
   - **Safety:** Work to reduce collisions and create welcoming environments for all ages, abilities and protected classes in the planning, construction, and operation of transit oriented community projects.

2. Stabilize and enhance communities surrounding transit

   - **Housing Affordability:** Prioritize development and preservation of transit-adjacent Affordable Housing.
   
   - **Neighborhood Stabilization:** Protect and support local residents and businesses from displacement.
   
   - **Sustainability:** Ensure that infrastructure investments are multi-beneficial, improving access to transit and enhancing communities’ environmental resilience.
   
   - **Economic Vitality:** Promote sustained economic vitality directly benefiting existing communities.

3. Engage organizations, jurisdictions, and the public

   - **Community Engagement:** Ensure that stakeholders across a broad spectrum, including those that are harder to reach through traditional outreach strategies, are meaningfully engaged in the planning, construction and operation of Metro’s transit system.
   
   - **Foster Partnerships:** Through planning, coordination, policy advocacy and funding, foster relationships and partnerships with local residents and
businesses, labor, municipal and institutional entities, community-based organizations, workforce development providers, the private sector, and philanthropy, to realize TOC goals.

4. **Distribute transit benefits to all**

   - **Equitable Outcomes**: Ensure transportation investments and planning processes consider local cultural and historical contexts and improve social, economic, health, and safety outcomes that serve and benefit local, disadvantaged and underrepresented communities.

   - **Complete Communities**: Promote and realize complete communities that support a mix of incomes, land uses, transportation choices, and equitable access to safe, sustainable and healthy living.

   - **Small Business**: Encourage the utilization of Small Businesses in the contracting opportunities generated by Metro’s investments.

5. **Capture value created by transit**

   - **Value Capture**: Capture increased value of properties surrounding Metro’s transit investments and re-invest that value into TOC activities.

V. **TOC ACTIVITIES**

**Transportation Purpose**

Metro can only fund activities deemed to have a transportation purpose. If that transportation purpose is not otherwise explicitly defined in existing Metro policies or guidelines, the Board must make a finding that the activity has a transportation nexus. The Metro Board adoption of this Policy will represent that finding, deeming the TOC Activities in this Policy to have a transportation purpose.

TOC Activities are consistent with responsibilities outlined in Metro’s enabling statute in the California Public Utilities Code Section 130001:

“(e) The Transportation system should offer adequate public transportation to all citizens, including those immobilized by poverty, age, physical handicaps, or other reasons,” and “(h) Transportation planning should recognize that transportation systems have significant effect on the physical and socioeconomic characteristics of the area served, and emphasis should be given to the protection and enhancement of the
environment and restoration of blighted neighborhoods near community centers.”

TOC Activities by Geography
TOC Activities funded with Metro transportation funds must be within Los Angeles County. Some TOC Activities are general and may not be targeted around one particular High Quality Transit Stop (“Stop”), and others must take place, or be targeted within a half mile of the Stop (often referred to as the walk-shed) or within 3 miles of the Stop (often referred to as the bike-shed). References to “walk-shed” and “bike-shed” are not limited to walking and biking, but include rolling or other alternate modes of mobility. Eligible TOC Activities are characterized by these geographic requirements below.

General activities –
- Community engagement that targets harder-to-reach communities around/regarding TOC Activities or transit
- Events or programs that promote multi-modal transit options
- Discounted transit passes
- Grants and/or technical assistance to support projects and programs that achieve TOC goals
- Staffing or consultants that can implement TOC Activities
- Transportation related workforce training and education

Within 3 miles of a Stop –
- First/last mile improvements
- Complete Streets
- Land use planning that promotes TOC goals.
- Value capture studies and formation activities that support investment in TOCs. A value capture district must include at least one transit Stop but may span a broader radius around that Stop.

Within a half mile of a Stop –
- Public improvements that create stronger and safer connections to transit and improve the transit rider experience recognizing vulnerable users and their safety in design.
- Affordable Housing: Programs that produce, preserve, and protect affordable housing through:
  - Preservation or development of Affordable Housing units.
  - Innovative anti-displacement strategies to protect and retain Low-income Households.
- Small Business preservation: Programs that support and protect Small Businesses.
• Neighborhood-serving Amenities: Programs that preserve, protect and/or produce Neighborhood-serving Amenities.

VI. ADMINISTRATION

Implementation

Most of the TOC Activities outlined in this Policy will be implemented by municipalities and other eligible partners through Local Return or other eligible transportation funding programs, subject to the legal requirements and/or specifications of those funding programs. Some activities Metro will fund, enable or incentivize through its programs, planning work, policies and discretionary funding offered to partners.

Metro will only implement TOC Activities directly if they are within Metro’s functional jurisdiction. Specific programs with the objective of meeting TOC goals may be implemented across various Metro departments.

Compliance with Funding Requirements

TOC Activities funded by Metro and implemented by municipalities and eligible partners must follow the legal requirements, specifications, guidelines and administrative procedures of the applicable funding program and will be subject to any specific limitations that may apply to those funding sources, including matching requirements. Using transportation funds for a TOC Activity may require the implementing entity to provide a clear description of the TOC Activity and how it furthers the TOC Policy Goals defined in Section IV. If municipalities do not pass audits, they may risk losing future funding opportunities.

Transparency and Accountability

With adoption of the TOC Policy, Metro will establish a TOC Implementation Plan that will include performance metrics. Thereafter, staff will prepare an annual TOC report.
AN ORDINANCE OF THE CITY OF [_____] ADDING A NEW CHAPTER TO THE [_____] MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM

WHEREAS, Senate Bill ("SB") 946 was signed into law on September 17, 2018, and becomes effective January 1, 2019;

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, the City of [_____] Municipal Code currently prohibits sidewalk vending, in conflict with SB 946;

WHEREAS, the City Council finds that the establishment of a sidewalk vending program will benefit the City as a whole by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families, and by contributing to a diversity of food options and lively streets;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safe-guarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and emergency medical personnel services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks is necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;

WHEREAS, ...; and

Commented [1]: Revise if sidewalk vending is not prohibited outright.

More generally, you should review your City’s code to determine what existing regulations are in place that might be applicable to sidewalk vendors. Many cities currently prohibit sidewalk vending, or regulate sidewalk vendors as peddlers/sidekicks. These sections may need to be repealed or amended to exclude sidewalk vending. In addition, the City should consider whether stationary sidewalk vendors will be required to obtain encroachment permits (in which case, that should be specified in this ordinance) or are exempt from that requirement (which may require adding an exception to that chapter, depending on how an encroachment is defined).

Commented [2]: Note that SB 946 requires time, place, and manner restrictions to be directly related to objective health, safety, or welfare findings. Additional factual findings should be added to the criteria supporting the operating restrictions included in the ordinance, and/or described in the staff report.
WHEREAS, the City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting the health, safety, and welfare of its residents, businesses and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF [_____] DOES ORDAIN AS FOLLOWS:

Section 1    The [_____] Municipal Code is hereby amended to add a new Chapter [XX], which shall read as follows:

"Chapter [XX] Sidewalk Vending"

[XX.010] Definitions. The following words and phrases, whenever used in this chapter, shall mean as follows:

"Certified farmers' market" means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.  

"Director" means the Director of [_____] of the City of [______].

"Person" shall mean one or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

"Sidewalk vendor" means a person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

"Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

"Swap meet" means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

"Temporary special permit" means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns.

"Vend" or "vending" means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.
"Vending cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

[XX.020] Permit Required. No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this chapter.

[XX.030] Permit Application. To apply for a sidewalk vending permit, a person must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

A. The legal name and current address and telephone number of the applicant;
B. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
C. A description of the food or merchandise offered for sale;
D. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
E. A copy of a valid business license issued pursuant to Chapter [XX] of the [_______] Municipal Code;
F. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;
G. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
H. If a vendor of food or food products, certification to completion of a food handler course and proof of all required approvals from the [_______] County Department of Public Health; and
I. Any other reasonable information regarding the time, place, and manner of the proposed vending.

[XX.040] Criteria for Approval or Denial of Permit. The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or

Commented [3]: SB 946 does not require cities to establish a permitting program. If your city prefers to regulate operations without issuing permits, remove sections XX.020 through XX.080, along with any other mentions of a permit requirement.

Commented [4]: Additional permit requirements may include proof of insurance, a maintenance/litter cleanup plan, a description or map of where the vendor intends to operate, proposed hours of operation, etc.
C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in section [XX.090].

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

[XX.050] Permit Expiration and Renewal. A sidewalk vending permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active sidewalk vending permit.

[XX.060] Permit Rescission. The Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this Chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

[XX.070] Appeals. Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the City Council. The appeal shall be filed with the City Clerk within fifteen (15) days following the date of the Director's decision.

[XX.080] Permits Nontransferable. No permit granted pursuant to this chapter shall be transferable.

[XX.090] Operating Requirements. Sidewalk vendors shall comply with the following:

A. No sidewalk vendor shall vend in the following locations:

1. Within fifteen (15) feet of any street intersection;
2. Within ten (10) feet of any fire hydrant, fire call box, or other emergency facility;
3. Within ten (10) feet of any driveway or driveway apron;
4. Upon or within any roadway, median strip, or dividing section;
5. Within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit.

B. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;

C. Sidewalk vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:

Commented [5]: A similar criteria for denial that could be added is: "The applicant has failed to pay any previous administrative fees, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this chapter."

Commented [6]: SH 946 permits cities to adopt requirements regulating the time, place, and manner of sidewalk vending provided that the requirements are directly related to objective health, safety, or welfare concerns.

The requirements included in this section are some examples, but certainly not the exclusive universe of permissible time, place, and manner regulations. Other requirements cities may want to consider including:

- Restrictions on operating in the immediate vicinity of a school, place of worship, public playground;
- Restrictions on operating within or immediately adjacent to bus or transit stops;
- Requiring an encroachment permit for stationary vendors;
- Requiring that insurance coverage be maintained for the duration of the permit term;
- Restrictions on the size of sidewalk vending carts.

Commented [7]: There likely is some flexibility to increase this radius. The statute uses the term "immediate vicinity," rather than defining a specific distance.

Commented [8]: SH 946 prohibits hours of operations that are "unduly restrictive." Because what is "unduly restrictive" will depend on the characteristics of the City, consider the hours of operation for other businesses to determine what limitations might be appropriate here. For residential areas, a smaller operational window can be supported by a finding that residential uses are more sensitive to noise and traffic impacts.
1. In residential areas, sidewalk vending shall be permitted between the hours of 8:00 a.m. and 8:00 p.m.

2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.

E. Stationary sidewalk vendors shall not vend at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

F. Sidewalk vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor’s customers within a fifteen (15) foot radius of the vending location.

G. Vendors of food or food products shall possess and display in plain view on the vending cart a valid [_____] permit from [_____] County Department of Public Health.

H. Sidewalk vendors shall possess at all times while vending a valid permit issued pursuant to this chapter, as well as any other permit or license required by the City and any other appropriate governmental agency.

I. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

J. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

[XX.100] Administrative Citations.

A. A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative citation pursuant to Chapter [XX], in amounts not to exceed the following:

1. One hundred dollars ($100) for a first violation.

2. Two hundred dollars ($200) for a second violation within one year of the first violation.

3. Five hundred dollars ($500) for each additional violation within one year of the first violation.
B. A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant to Chapter [XX] in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:

1. Two hundred fifty dollars ($250) for a first violation.
2. Five hundred dollars ($500) for a second violation within one year of the first violation.
3. One thousand dollars ($1,000) for each additional violation within one year of the first violation.
4. Upon proof of a valid sidewalk vending permit issued by the City, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in paragraph A.

C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

E. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

F. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty (20) percent of an administrative citation imposed pursuant to this chapter.

G. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.”

Section 3. CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of
any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall take affect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this ordinance to be published and/or posted as required by law.

INTRODUCED this ___ day of ____, 20___.

PASSED, APPROVED, AND ADOPTED this ___ day of ____, 20___.

______________________________
MAYOR

ATTEST:

______________________________
CITY CLERK
AN URGENCY ORDINANCE OF THE CITY OF [_____]
ADDING A NEW CHAPTER TO THE [_____] MUNICIPAL
CODE TO CREATE A SIDEWALK VENDING PROGRAM
AND DECLARING THE URGENCY THEREOF

WHEREAS, Senate Bill ("SB") 946 was signed into law on September 17, 2018, and becomes effective January 1, 2019;

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, the City of [_____] Municipal Code currently prohibits sidewalk vending, in conflict with SB 946;

WHEREAS, the City Council finds that the establishment of a sidewalk vending program will benefit the City as a whole by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families, and by contributing to a diversity of food options and lively streets;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safeguarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and emergency medical personnel services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks is necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;
WHEREAS, ...:

WHEREAS, the City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City’s purpose of protecting the health, safety, and welfare of its residents, businesses, and visitors;

WHEREAS, Government Code Section 36937(b) authorizes the City Council to adopt an urgency ordinance to become effective immediately upon a four-fifths (4/5) vote, when such an ordinance is necessary for the immediate preservation of public peace, health, and safety; and

WHEREAS, pursuant to Government Code Section 36937(b), the City Council finds that it is necessary for this ordinance to take effect immediately in order to preserve the public peace, health, and safety of the City’s residents, businesses, and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF [_____] DOES ORDAIN AS FOLLOWS:

Section 1. Urgency Finding. Based on the foregoing, the City Council of the City of [_____] finds that a current and immediate threat to the public health, safety, and welfare is presented by the implementation of SB 946. Effective January 1, 2019, the City’s prohibition on sidewalk vending activities will no longer be enforceable. If sidewalk vending is allowed without regulation, there is the potential that vending carts will proliferate throughout the City and begin operating on City sidewalks and pathways without regard to the potential impacts to health, safety, and welfare. Vending carts may be four or more feet wide and six or more feet long, whereas the City’s sidewalks and pathways are typically __ feet wide, and must be shared by a variety of users. Restrictions on sidewalk vending are necessary to ensure that the presence of vending carts, vendors, and customer queues will not prevent pedestrians and disabled individuals from using the City’s sidewalks, or force such individuals into the streets where they may face risks from vehicle or bicycle traffic. Such restrictions are further necessary to ensure that vending carts located in the public-right-of-way do not interfere with the provision of police, firefighter, or other emergency personnel services, such as by blocking access to fire hydrants or local businesses or residences where such services may be needed. Finally, the permitting program established herein is necessary to protect the health, safety, and welfare of potential street vending customers, as it will ensure that vendors of food and food products have obtained county health permits and are complying with applicable sanitation and food preparation, labeling, and handling laws.

Section 2. The [_____] Municipal Code is hereby amended to add a new Chapter [XX], which shall read as follows:

"[Insert substantive code amendments]"

Section 3. CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental
Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b), and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED, AND ADOPTED this___ day of____, 2018.

________________________________________
MAYOR

ATTEST:

________________________________________
CITY CLERK
ORDINANCE NO. 2357

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, AMENDING CERTAIN SECTIONS AND CHAPTERS OF THE SOUTH GATE MUNICIPAL CODE PERTAINING TO A SIDEWALK VENDING PROGRAM IN COMPLIANCE WITH SENATE BILL 946 (LARA)

WHEREAS, a well-regulated sidewalk vending program would enliven the City of South Gate ("City") streetscape by creating a vibrant marketplace; and

WHEREAS, sidewalk vending, because it has a relatively low barrier to entry, encourages entrepreneurship; and

WHEREAS, providing economic opportunity for people to support themselves and their families is one of the most important goals for the City; and

WHEREAS, the South Gate City Council ("City Council") finds that there is a need to regulate the sale of food and merchandise in the public right-of-way; and

WHEREAS, regulations are needed to ensure that the public has a simple way to ensure vendors prepare food safely and according to the Los Angeles County Department of Public Health's requirements; and

WHEREAS, regulations are needed to prevent unsanitary conditions and ensure trash and debris are removed by vendors; and

WHEREAS, regulations are needed to accommodate a vendor's equipment while safeguarding pedestrian movement on the sidewalk; and

WHEREAS, the City Council finds that regulation of sidewalk vending benefits the City as a whole as it leads to orderly commerce; and

WHEREAS, the City Council seeks to create a Sidewalk Vending Program which will provide licensing and regulation of street vendors in the City; and

WHEREAS, the City Council seeks to create a Sidewalk Vending Program that will maximize the safety and welfare of the general public; and

WHEREAS, within the City there are several manufacturing and retail type businesses that are primarily open during the daytime, and retail, restaurant and entertainment establishments that are open both daytime and evening; and
WHEREAS, the City is bordered by two highly traveled freeways, Interstate 710 and Interstate 105, each of which has freeway ramps and off ramps in or near the City; and

WHEREAS, between January 1, 2014, and December 31, 2016, there have been 3199 motor vehicle collisions within the City, including 10 fatalities, 25 severe injuries, and 2069 incidents of property damage; and

WHEREAS, between January 1, 2014, and December 31, 2016, of the 3199 collisions with the City, 135 have involved pedestrians, and 116 have involved bicycles; and

WHEREAS, the City has identified 14 City streets throughout the City where collisions are more likely to occur, including State Street (62 collisions), Independence Avenue (33 collisions), Long Beach Boulevard (124 collisions), Ardmore Avenue (40 collisions), San Juan Avenue (24 collisions), California Avenue (160 collisions), Otis Street (110 collisions), Santa Ana Street (44 collisions), Tweedy Boulevard (240 collisions), Firestone Boulevard (655 collisions), Atlantic Boulevard 164 collisions), Southern Avenue (132 collisions), and Imperial Highway (85 collisions); and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, most pedestrian collisions has occurred on Tweedy Boulevard, and that most bicycle and motorcycle collisions have occurred on Firestone Boulevard; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the majority of the fatal and severe collisions in the City have occurred due to broadside collisions, head on collisions, or pedestrian/bicycle collisions; and

WHEREAS, the City has identified, among other factors, that pedestrian right of way violations are a major cause of collisions in the City for fatal and severe collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 16.14% of all injury collisions have occurred on "Segment 1" of Firestone Boulevard, between the west City boundary limit, and Atlantic Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions in "Segment 1" of Firestone Boulevard were vehicles traveling at an unsafe speed, vehicle right of way, and improper vehicle turning, leading to 481 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 6.95 % of all injury collisions have occurred on "Segment 2" of Firestone Boulevard, between the east City boundary limit, and Atlantic Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions in "Segment 2" of Firestone Boulevard were vehicles
traveling at an unsafe speed, vehicle right of way, and improper vehicle turning, leading to 316 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 9.52% of all injury collisions have occurred on "Segment 1" of Tweedy Boulevard, between the west City boundary limit, and Atlantic Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions in "Segment 1" of Tweedy Boulevard were vehicles traveling at an unsafe speed, vehicle right of way, and improper vehicle turning, leading to 240 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 0.33% of all injury collisions have occurred on "Segment 2" of Tweedy Boulevard, between Atlantic Avenue and Burtis Street; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions in "Segment 2" of Tweedy Boulevard were vehicle right of way, and failure to stop at a stop sign, leading to 15 collisions; and

WHEREAS, Tweedy Boulevard has the highest number of pedestrian collisions in the City; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 6.21% of all injury collisions have occurred on Garfield Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Garfield Avenue were due to automobiles traveling at an unsafe speed, vehicle right of way, and improper turning, leading to 206 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 5.46% of all injury collisions have occurred on Long Beach Boulevard; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Long Beach Boulevard were due to automobiles traveling at an unsafe speed, vehicle right of way, and improper turning, leading to 124 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 5.05% of all injury collisions have occurred on Southern Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Southern Avenue were due to automobiles
traveling at an unsafe speed, vehicle right of way, and improper turning, leading to 132 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 4.97% of all injury collisions have occurred on California Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on California Avenue were due to automobiles traveling at an unsafe speed, vehicle right of way, and improper turning, leading to 160 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 4.88% of all injury collisions have occurred on Atlantic Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Atlantic Avenue were due to automobiles traveling at an unsafe speed, vehicle right of way, and improper turning, leading to 164 collisions; and

WHEREAS, the between January 1, 2014, and December 31, 2016, there have been 2 fatal and severe collisions involving motorcycles, and 6 pedestrian and/or bicycle collisions on Atlantic Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 4.06% of all injury collisions have occurred on Imperial Highway; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Imperial Highway were due to automobiles traveling at an unsafe speed leading to 85 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 3.56% of all injury collisions have occurred on State Street; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on State Street were due to automobiles traveling at an unsafe speed, improper turning and vehicle right of way leading to 62 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 3.06% of all injury collisions have occurred on Otis Street; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Otis Street were due to automobiles traveling at an unsafe speed leading to 110 collisions; and
WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 1.32% of all injury collisions have occurred on Santa Ana Street; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Santa Ana Street were due to automobiles traveling at an unsafe speed and improper turning leading to 44 collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 0.99% of all injury collisions have occurred on Ardmore Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Ardmore Avenue were due to vehicle right of way and other hazardous violations leading to 40 collisions, including 1 fatality, and 2 pedestrian or bicycle collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 0.99% of all injury collisions have occurred on Independence Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on Independence Avenue were due to automobiles traveling at an unsafe speed, pedestrian right of way, and vehicles traveling on the wrong side of the road leading to 33 collisions, including one fatality, 5 pedestrian, and 1 bicycle or motorcycle collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, 0.83% of all injury collisions have occurred on San Juan Avenue; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the most common causes of collisions on San Juan Avenue were due to vehicle right of way and improper turning leading to 24 collisions, including 1 fatality, 4 pedestrian, and 1 bicycle collisions; and

WHEREAS, the City has identified that between January 1, 2014, and December 31, 2016, the following intersections have the majority of the collisions in the City: Atlantic Avenue and McCallum Avenue, Firestone Boulevard and Long Beach Boulevard, Firestone Boulevard and Santa Fe Avenue, San Miguel Avenue and Tweedy Boulevard, Long Beach Boulevard and Tweedy Boulevard, Garfield Avenue and Imperial Highway, Tweedy Boulevard and Dearborn Avenue, and Tweedy Boulevard and San Juan Avenue; and

WHEREAS, the City seeks to reduce the number of people killed or injured in traffic collisions, alcohol involved collisions, drug involved collision, reduce the number of motorcyclists killed and injured in traffic collisions, and reduce hit and run fatal collisions and injuries; and

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WHEREAS, the City seeks to reduce the number of people killed or injured in traffic due to distractions, crowding of busy thoroughfares, street congestion, slowing of traffic, or creation of traffic hazards; and

WHEREAS, the City seeks to support and property regulate sidewalk vending, while providing for the health, safety and welfare of the general public, including street vendors, pedestrians, and motorists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2.10.970 (Severability), of Chapter 2.10 (Business Regulation), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code is hereby amended in its entirety to read as follows:

Section 2.10.970 Sidewalk Vending Program.
A. Definitions.
B. City Administration.
C. Special Sidewalk Vending Districts.
D. Business Licenses and Vending Permits.
E. Additional Operational Requirements for Vending.
F. Placement of Stationary or Push Carts.
G. Monitoring and Compliance.
H. Vending in City Parks.
I. Vending Within the Immediate Vicinity of a Permitted Certified Farmer’s Market or Permitted Swap Meet.
J. Severability.

A. Definitions. For purposes of this section, the following words or phrases shall have the following meanings:

1. Cart. Collectively, a Stationary Cart or a Push Cart.

2. Citation. An Administrative Citation issued pursuant to Chapter 1.59 of this Code, unless otherwise specified.

3. City. The City of South Gate, a municipal corporation.

4. Department. The Department of Administrative Services of the City of South Gate.

5. Food. Any type of edible substance or beverage.
6. Goods or Merchandise (Merchandise). Any item that is not Food.

7. Healthy Food. Food which provides vital nutrients with limited fats, cholesterol, sodium and added sugar, as defined in the Rules and Regulations.

8. Operator. A natural person or persons who pushes or moves a Cart, whether or not the natural person or persons is a Licensee.

9. Push Cart or Mobile Cart. A piece of equipment used for Vending, as specified in the Rules and Regulations, which is mobile, has no motor and is capable of being propelled by an individual.

10. Person or Persons. One or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

11. Public Place. Any street, sidewalk, alley or other public way, any public park, square, space or grounds, any publicly owned or leased land or buildings.

12. Roaming Sidewalk Vendor. A sidewalk vendor who moves from place to place and stops only to complete a transaction.


14. Sidewalk Vending Program. The Sidewalk Vending Program regulates the City's allocation of Licenses and Permits for the sale of Food or Merchandise.

15. Sidewalk Vendor or Street Vendor. A person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. For purposes of this chapter, the words "peddler" and "sidewalk vendor" or "street vendor" shall be interchangeable.

16. Stationary Cart. A piece of equipment used for Vending, as specified in the Rules and Regulations, which has no motor and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk on a daily basis.

17. Stationary Sidewalk Vendor. A sidewalk vendor who vends from a fixed location.
18. Vend, Vends or Vending. To peddle, hawk, sell, barter or lease; to offer to sell, barter or lease; or to display for sale, barter or lease any goods, wares, merchandise or services; to solicit offers to purchase, or to barter Food or Merchandise, or to require someone to negotiate, establish or pay a fee before providing Food or Merchandise, even if characterized as a donation.

19. Vending License (License). A written City approval required for each person who Vends in the City.

20. Vending Permit (Permit). A written City approval required for each Cart, or operator of a Cart, used for Vending in the City.


B. City Administration.

1. The City is authorized to issue Licenses and Permits for Vending Food or Merchandise and the use of Carts through the Sidewalk Vending Program.

2. Rules and Regulations to implement the Sidewalk Vending Program may be developed by the City.

3. The City shall establish a complaint process to allow the public to report problems. The City shall also notify Licensees and Permittees of all filming and special events locations.

C. Special Sidewalk Vending Districts.

1. The City Council may establish certain areas where Vending may be expanded, restricted or prohibited. Such areas shall be called "Special Sidewalk Vending Districts."

D. Business Licenses and Vending Permits.

1. License.

(a) Every Person who engages in Vending is a Vendor and must first obtain, and at all times maintain, a valid License.

(b) Every Vendor must Vend in compliance with the terms and conditions of the License, which may be amended from time to time, and shall agree to abide by any amendments and/or changes to this ordinance as amended from time to time.
(c) To apply for a License, the Vendor must present a valid identification, such as a State of California identification, Matricula Consular or any other government-issued identification card and provide the following information:

(1) The name, address and telephone number of the Vendor.

(2) Proof of liability insurance in an amount of not less than one million dollars ($1,000,000.00) per occurrence.

(3) Any other information required by the Rules and Regulations as may be established by the City.

(4) A statement as to whether the applicant has been convicted of any criminal offense.

(5) A Vendor who sells Food, in addition to the requirements of this subdivision, shall certify completion of a food handler course and present a copy of the course completion certificate.

(d) A License must be renewed every year, prior to expiration.

(e) No License is transferable.

(f) The applicant must pay an application or renewal fee, as established by the City.

(g) A Person may only apply for a maximum of one License per year.

2. Permit.

(a) Every Cart used for Vending must obtain and display a valid Permit.

(b) Every Operator of a Cart must obtain and display a valid Permit.

(c) Every Cart must be placed and used at all times in compliance with the terms and conditions of the Permit and all other applicable laws and regulations.

(d) An applicant for a Permit shall present a valid identification, such as a State of California identification, Matricula Consular or any other government-issued identification and provide the following information:
(1) The name, address and telephone number of the Vendor.

(2) A complete list of the types of Food or Merchandise that will be sold.

(3) The hours per day and days per week during which Sidewalk Vending will be conducted.

(4) An application for placement of a Stationary Cart in a commercial or industrial area of the City shall contain the proposed location, marked by major cross streets, and either the north, south, east or west side of the street and a photo or sketch of that location. An application for a Push Cart in a residential area of the City shall contain a sketch showing the route the Vendor will travel. Commercial, industrial and residential areas will be specified by the City.

(5) Proof of liability insurance in the amount of one million dollars ($1,000,000.00) per occurrence.

(6) A statement as to whether the applicant has been convicted of any criminal offense.

(7) Any other information required by the City.

(e) A Person may apply for a maximum of one Permit.

(f) A Permit must be renewed every year, prior to expiration.

(g) The Vendor shall pay an application and renewal fee, as established by the City.

(h) No Person may Vend on the Sidewalk unless it has a Permit. The Permit must be attached onto the Cart and be posted where visible.

(i) Every Cart used to Vend Food must be approved by the Los Angeles County Health Department. A Cart approved by the Los Angeles County Health Department to Vend one type or types of Food, may not be used to Vend a different type or types of Food.

(j) A Permit is not transferrable to another person, vendor, entity, Cart, location or route.
E. **Additional Operational Requirements for Vending.**

1. At all times, a Vendor must Vend in compliance with the South Gate Municipal Code, and City department regulations.

2. Every Vendor who Vends with a Cart must be in possession of a valid License and the Cart must display a valid Permit.

3. A Vendor may not use a Stationary Cart to Vend in a residential area. Only a Push Cart may be used to Vend in a residential area.

4. A Vendor may operate a Stationary Cart only in a commercial or industrial zone.

5. In order to ensure the health, safety, and welfare of the public, no more than two Stationary Carts with approved Permits may be used to Vend on the Sidewalk of a single block face within commercial and industrial area Sidewalks of the City, except as may be approved or alternatively regulated in a Special Sidewalk Vending District.

6. In order to ensure the health, safety, and welfare of the public, and to avoid collisions involving pedestrians and vehicles, Sidewalk and Mobile Vending is permitted between the hours of 9:00 a.m. and 6:00 p.m., and Vending in City parks is only permitted during Park operating hours.

7. A Vendor who Vends in a residential area with a Push Cart shall move continuously, except when conducting a sale, which must last no more than seven minutes per sale, except as may be approved or alternatively regulated in a Special Sidewalk Vending District.

8. A decal issued by the City and certifying the issuance of a Permit for the Cart, as well as the Health Department permit, shall be attached to and prominently displayed on each Cart in use by a Vendor to sell Food.

9. Every Cart must not exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches. A Permit application may request, and the City may approve, a small table for condiments to be used in conjunction with a Cart selling Food.

10. A Food Vendor must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public. A Vendor may not dispose of customer trash in existing trash receptacles on Sidewalks.
11. In order to prevent any slip and fall injuries or contaminants from entering into storm drains, Vendors must maintain a clean and trash-free 10-foot radius from the Vendor's Cart during hours of operation and must leave the area clean by the approved closing time, including cleaning all areas of the Sidewalk used by the Vendor.

12. Vendors are prohibited from receiving mobile support throughout the day, be it for food or merchandise, including, but not limited to, from mobile commissaries.

13. No Cart, condiment table or Vendor's trash receptacle may be left on the Sidewalk after the Vendor's approved closing time.

14. No Cart shall be chained or fastened to any pole, sign, tree or other object in the public right-of-way or left unattended.

15. Vending within 500 feet of any K-12 school or playground is prohibited from 6:00 a.m. through 6:00 p.m., unless the Vendor is selling exclusively Healthy Food.

16. In order to provide for the health, safety, welfare of the public, to minimize collision incidents, including pedestrian and vendor safety, to minimize stop and go or added sudden movements on City streets, Vending is not allowed within the areas designated as the "Tweedle Boulevard Corridor," "Garfield Avenue Corridor," "Paramount Boulevard Corridor," the "Azalea Shopping Center," the "Crossroads Retail Center," the Imperial Highway Corridor," the "Long Beach Boulevard Corridor," the "Otis Street Corridor," the "Atlantic Avenue Corridor," the "California Avenue Corridor," the "Firestone Boulevard Corridor," the "El Paseo Shopping Center," State Street, Independence Avenue, Ardmore Avenue, San Juan Avenue, Santa Ana Street, Southern Avenue, or any other venue or zone as determined by the City Council.

17. No Vending is allowed one hour before, during and one hour after special events that are permitted by the City, including filming.

18. City permitted filming and special events shall have priority over Vending Permits.

19. Vending of illegal or counterfeit Merchandise is prohibited.

20. Vending of services is prohibited.
21. All goods, wares or merchandise vended by a street vendor shall be contained upon or within the Cart used by the street vendor or contained upon the person of said vendor. In no case shall any goods, wares or merchandise be placed directly upon a street, sidewalk or public place. No Person who Vends shall place any blanket, tarp, or other covering on the Sidewalk to Vend, and all Vending must be done on a Cart.

22. All Vendors must offer a receipt to a patron for the sale of any Food or Merchandise.

F. Placement of Stationary or Push Carts.

1. For safety reasons, vending Food or Merchandise on City Sidewalks shall be prohibited:
   
   (a) Within 10 feet of a marked crosswalk.
   
   (b) Within 10 feet of the curb return of an unmarked crosswalk.
   
   (c) Within 10 feet of any fire hydrant, fire call box or other emergency facility.
   
   (d) Within 10 feet ahead and 45 feet to the rear of a sign designating a bus stop.
   
   (e) Within a marked bus zone.
   
   (f) Within 10 feet of a bus bench.
   
   (g) Within 10 feet of a transit shelter.
   
   (h) Within 5 feet of an area improved with lawn, flowers shrubs, trees or street tree wells.
   
   (i) Within 10 feet of a driveway or driveway apron.
   
   (j) Within 4 feet of an outdoor dining or patio dining area.
   
   (k) Within 36 inches from the edge of the curb.
   
   (l) In order to comply with the Americans with Disability Act, the Vendor must leave free-flow space of 36" from the curb, structure, or fixed object to the edge of the Cart.
(m) Where blocks traffic signs.

(n) Within 40 feet of a construction or maintenance zone.

(o) Where placement of a Cart would impede stopping sight distance and/or site distance for any driveway or intersection.

(p) On City-owned property without prior City approval.

2. Notwithstanding any specific prohibitions in this subsection, no Vendor shall install, use or maintain a Cart where placement endangers the safety of persons or property.

3. Notwithstanding the requirements of this section, a Bulky Item, as defined in South Gate Municipal Code Section 5.08.005, may include a Cart, as described in Sections 2.10.970.A.1, 2.10.970.A.8, 2.10.970.A.14, and 2.10.970.F.8 of the South Gate Municipal Code, and is subject to disposal pursuant to 5.08 of the South Gate Municipal Code, if the Cart has been abandoned or discarded, as described in Sections 5.08.010 or 5.08.020 of the South Gate Municipal Code.

4. In order to protect the safety, health and welfare of the public, and in order to avoid any collisions in the ingress and egress into any public park, no person shall sell, expose for sale or offer to sell any goods, wares or merchandise of any kind in or along any public street, lane, or thoroughfare adjoining or approaching any public park within the City within two hundred feet of said park.

G. Monitoring and Compliance.

1. A Vendor, Licensee, or Operator issued a Citation shall be subject to the following fines:

   (a) Vending without a valid Permit or License:

      (1) An administrative fine of $250 for a first violation;

      (2) An administrative fine of $500 for a second violation;

      (3) An administrative fine of $1,000 for a third violation; and

      (4) An administrative fine of $1,000 for a fourth and each subsequent violation and confiscation of the Cart, Food and Merchandise.
(5) The administrative fines listed in this paragraph may be reduced from $250 to $100, $500 to $150 and $1000 to $200 upon submission of proof of Permit or License to the City Attorney.

(b) Vending which violates a requirement in this section, other than failure to possess a valid Permit or License:

(1) An administrative fine of $100 for a first violation;

(2) An administrative fine of $200 for a second violation;

(3) An administrative fine of $500 for a third violation; and

(4) An administration fine of $500 for a fourth and each subsequent violation and revocation or suspension of Permit or License and/or confiscation of Cart, Food and Merchandise.

(c) Unless otherwise specified herein, all Citations issued for violations of this section shall be subject to the provisions set forth in Chapter 1.59 of the South Gate Municipal Code, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine, except that Section 1.59.100 shall not apply.

2. The City may revoke or suspend a Permit or License or order the confiscation of a Cart, Food and Merchandise.

3. Revocation of License or Permit:

   (a) Revocation or suspension proceedings shall be conducted pursuant to the requirements in the Rules and Regulations.

   (b) Prior to revocation or suspension, the City shall afford the Vendor or Cart owner a due process hearing.

   (c) A Vendor whose License or Permit is revoked may not renew their License or Permit for one year.

4. Confiscation of Cart and/or Food and Merchandise:

   (a) Confiscation proceedings shall be conducted pursuant to the requirements in the Rules and Regulations.
(b) Prior to confiscation, the City shall afford the Vendor or Cart owner a due process hearing, except where the health and safety of the general population are at risk or the Vendor is arrested.

(c) A Vendor whose License or Permit is revoked may not renew their License or Permit for one year.

H. Vending in City Parks.

Subject to the licensing requirements of this Section 2.10.970.E, vending of food or merchandise in a City Park is permitted, except that no vending of food or merchandise by either Mobile or Stationary Vendors shall be allowed in any City Park owned and operated by the City where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. The City may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the City if it finds that vending in City parks negatively affects to health, safety, or welfare concerns; is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or finds it necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park. In any event, vending in City Parks shall not be permitted during any time in which the City Park is closed to the public.

1. For safety reasons to prevent fires, burns or other injuries, vending Food within City parks shall be prohibited as follows:
   a. Within 100 feet of any concession area; and
   b. Vending of Food shall be restricted to areas within the park that are designated for cooking or barbequing;

2. In order to ensure the public's use and enjoyment of natural resources and recreational opportunities, vending within City parks shall be prohibited as follows:
   a. Within 100 feet of any concession area;
   b. Within 100 feet of a playground; and
   c. Within 100 feet of any spectator seating or viewing area of any sports or recreational activity.
I. Vending Within the Immediate Vicinity of a Permitted Certified Farmer's Market or Permitted Swap Meet.

No vending of food or merchandise is permitted within 500 feet of a permitted certified farmer's market or a permitted swap meet during the limited operating hours of that certified farmer's market or swap meet. A "certified farmer's market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

J. Severability.

If any subsection, subdivision, clause, sentence, phrase or portion of this section is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining subsections, subdivisions, clauses, sentences, phrases or portions of this section shall remain in full force and effect, and to this end the provisions of this section are severable.

SECTION 2. Section 2.08.460 (Not Applicable to First Amendment Activities), is hereby added to Chapter 2.08 (Business License Tax), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code to read as follows:

Section 2.08.460 Not Applicable to First Amendment Activities.
No license or permit as specified in Title 2 of this Code is required for any Vendor engaged in traditional expressive speech, performing or petitioning activities.

SECTION 3. Section 2.10.980 (Severability), is hereby added to Chapter 2.10 (Business Regulation), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code to read as follows.

Section 2.10.980 Severability.
If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this chapter. The city council declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions be declared invalid or unconstitutional.

SECTION 4. Subsection A. of Section 2.44.040 (Vending Restrictions), of Chapter 2.44 (Sales From Motorized Vehicles Restricted), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code is hereby amended in its entirety to read as follows:
A. No person shall engage in vending from a motorized vehicle at any one location for a period of time exceeding thirty minutes and, regardless of the length of time that vending occurred at such location, shall not vend again for a period of four hours within five hundred feet of such location. The restrictions on vending contained herein shall apply to vending on private property, as well as vending on the public streets, but shall not apply to mobile or stationary vending as described in Section 2.10.970 of the South Gate Municipal Code.

SECTION 5. Subsection Z. of Section 2.08.410 (Payment of Business License Taxes and Gross Receipts Tax – Fiscal Year), of Chapter 2.08 (Business License Tax), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code is hereby amended to read as follows:

Z. Mobile and Stationary Vending as described in Section 2.10.970.

SECTION 6. Subsection AA. of Section 2.08.410 (Payment of Business License Taxes and Gross Receipts Tax – Fiscal Year), of Chapter 2.08 (Business License Tax), of Title 2 (Licenses – Business Regulations), of the South Gate Municipal Code is hereby added to read as follows:

AA. Other business (not elsewhere classified).

SECTION 7. Section 7.49.110 (Sale of Merchandise), of Chapter 7.49 (Park), of Title 7 (Public Safety and Morals), of the South Gate Municipal Code is hereby amended in its entirety to read as follows:

Subject to the licensing requirements of this Section 2.10.970.E and restrictions in 2.10.970.I, vending of food or merchandise in a City Park is permitted, except that no vending of food or merchandise by Stationary Vendors shall be allowed in any City Park owned and operated by the City where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. Within the limits of any municipal park, it is unlawful for any person to raffle any merchandise, article, or thing whatsoever, without special written permit from the parks and recreation department.

SECTION 8. Section 7.49.130 (Conducting Business or Circulating Petition), of Chapter 7.49 (Park), of Title 7 (Public Safety and Morals), of the South Gate Municipal Code is hereby amended in its entirety to read as follows:

Unless expressly permitted pursuant to Section 2.10.970 of the South Gate Municipal Code, permitted under contract with the City of South Gate, or approved by the City Council, it is unlawful for any person to practice, carry on, conduct, or solicit for any trade, occupation, business or profession within the limits of any municipal park.
SECTION 9. Section 7.49.132 (Peddling Near Parks), of Chapter 7.49 (Parks), of Title 7 (Public Safety and Morals), of the South Gate Municipal Code is hereby amended in its entirety to read as follows:

In order to provide for the health, safety and welfare of park visitors and subject to the provisions of Sections 2.10.970.F and 2.10.970.G of the South Gate Municipal Code, no person shall sell, expose for sale or offer to sell any goods, wares or merchandise of any kind in or along any public street, lane, or thoroughfare adjoining or approaching any public park within the City within two hundred feet of said park.

SECTION 10. The project is exempt from CEQA as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Section 15061 (b) (3) of the CEQA Regulations (14 CCR § 15061).

SECTION 11. This Ordinance shall take effect and be enforced on the thirty-first (31st) day after its adoption.

SECTION 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 11th day of December 2018.

CITY OF SOUTH GATE:

Maria Belén Bernal, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney
City of South Gate
CITY COUNCIL
AGENDA BILL

For the Regular Meeting of: November 27, 2018
Originating Department: Community Development

Department Director: Joe Perez
City Manager: Michael Flad

SUBJECT: ORDINANCE AMENDING CERTAIN SECTIONS AND CHAPTERS OF THE SOUTH GATE MUNICIPAL CODE CREATING A SIDEWALK VENDING PROGRAM IN COMPLIANCE WITH SENATE BILL 946 (LARA)

PURPOSE: To consider introducing an Ordinance that will create a Sidewalk Vending Program, which will require sidewalk vendors to obtain a business license and permit from the City before selling food or merchandise. This Ordinance is in compliance with Senate Bill (SB) 946 (Lara), which will become effective January 1, 2019.

RECOMMENDED ACTION: Following the conclusion of the public hearing, waive the reading in full and introduce Ordinance amending certain Sections and Chapters of the South Gate Municipal Code pertaining to a Sidewalk Vending Program in compliance with Senate Bill 946 (Lara).

FISCAL IMPACT: If the City adopts a Sidewalk Vending Program, it would receive additional revenue for licensing and permitting fees from sidewalk vending applicants. Although unknown at this time, the revenue received by the City each year will be dependent upon the fees established for the licenses and permits as well as the volume of applications. It is anticipated that a resolution establishing the license and permit fees will be presented to the City Council at its regular meeting of December 11, 2018.

ALIGNMENT WITH COUNCIL GOALS: The adoption of a Sidewalk Vending Program supports the goal of protecting strong and sustainable neighborhoods by establishing regulations for the sale of food and merchandise on public sidewalks and parks.

ANALYSIS: SB 946, which goes into effect January 1, 2019, prohibits local jurisdictions from regulating or, under certain circumstances, banning sidewalk vendors unless a Sidewalk Vending Program is adopted. A Sidewalk Vending Program requires vendors to obtain a business license and sidewalk vendor permit from the local authority before selling food or merchandise. According to State Senator Ricardo Lara, who introduced the bill, SB 946 is intended to allow sidewalk vendors to be viewed and treated as small-business owners who contribute to local economies.
Also known as the Safe Sidewalk Vending Act, SB 946 applies to "sidewalk vendors" who sell food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance in the a public right-of-way or other pedestrian path, including public parks. Such vendors include stationary and roaming vendors, each of which has a different set of regulations pursuant to SB 946.

- **Stationary sidewalk vendors** must remain in one location except when being pushed, carried, or transported to and from a space on the sidewalk on a daily basis and is prohibited from conducting business in exclusive residential zones.
- **Roaming vendors** are mobile (non-motorized) and are allowed to conduct business in residential areas, considering that they move continuously and only stop for a limited time to complete a transaction.

### Summary of SB 946
Provided below is a table summarizing the City’s capabilities per SB 946:

<table>
<thead>
<tr>
<th>CITY IS ALLOWED TO:</th>
<th>CITY IS PROHIBITED FROM:</th>
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<tbody>
<tr>
<td>Limit hours of operation considering the same are imposed on other businesses on the same street</td>
<td>Requiring sidewalk vendors from operating in specific parts of the public right-of-way</td>
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<tr>
<td>Require compliance with ADA standards</td>
<td>Banning sidewalk vendors from selling food or merchandise in a City park. (Exception: stationary vendors can be prohibited if there is an exclusive concessions agreement for park)</td>
</tr>
<tr>
<td>Require sidewalk vendors to obtain a permit for sidewalk vending and a valid business license</td>
<td>Requiring sidewalk vendors to obtain consent/approval of any nearby business to sell food or merchandise</td>
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<tr>
<td>Require sidewalk vendors to possess a valid state seller's permit</td>
<td>Determining where sidewalk vendors can operate unless there is a health, safety, or welfare concern</td>
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<tr>
<td>Require additional licenses from other agencies (e.g., LA County Dept. of Public Health)</td>
<td>Restricting the overall number of sidewalk vendors permitted to operate within City boundaries</td>
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<td>Prohibit sidewalk vendors in areas located around a permitted farmers’ market or swap meet</td>
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<tr>
<td>Restrict or prohibit sidewalk vendors in area(s) designated for a temporary special permit</td>
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<tr>
<td>Prohibit stationary vendors in areas zoned exclusively residential. (Roaming vendors are permitted)</td>
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<tr>
<td>Regulate sidewalk vending in a park if certain requirements are met</td>
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SB 946 allows the assessment of penalties for violations of the Sidewalk Vending Program follows:

- 1st violation - Administrative fine not exceeding $100
- 2nd violation - Administrative fine not exceeding $200 within one year of the first violation
- 3rd or more violations - Administrative fine not exceeding $500 within one year of the first violation
- The City may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation.

Fines for vending without sidewalk vending permit, per SB 946, is provided below:

- 1st violation - Administrative fine not exceeding $250
- 2nd violation - Administrative fine not exceeding $500 within one year of the first violation
- 3rd or more violations - Administrative fine not exceeding $1,000 within one year of the first violation.
- Upon proof of a valid permit issued by the City, the administrative fines shall be reduced to 20%.

Failure to pay an administrative fine is not punishable as an infraction or misdemeanor and fines, fees, assessments, or any other financial conditions cannot not be assessed.

Proposed Sidewalk Vending Program

In order for the City to regulate and, in some cases prohibit sidewalk vending in the interest of the public’s health, safety and welfare, the proposed ordinance (attached) establishes a Sidewalk Vending Program. A survey was conducted of surrounding cities and, of those, only the City of Los Angeles was in the process of developing a Sidewalk Vending Program. The proposed Sidewalk Vending Program was developed with input from all City Departments and the City Attorney’s Office. Provided below are key provisions in the proposed Sidewalk Vending Program:

- Vendors are required to obtain both a business license and vending permit
- Vendors must, as part of their application, provide:
  - Name, address and telephone number
  - Valid identification
  - List of food or merchandise to be sold
  - Proof of liability insurance in an amount no less than $1,000,000 per occurrence
  - If vending food, proof of completion of a food handler course
- Vendors must obtain all permits required by the LA County Department of Public Health. Every cart used to vend food must be approved by the LA County Department of Public Health.
- A person may apply for only one permit and permits must be displayed on every cart
- Each permit is to be renewed annually
- Only two vendors are allowed per street block
- Limitations on cart sizes have been established at 72"L x 54"W x 78"H.
• Vendors must provide and utilize their own trash receptacles and are prohibited from using those from the City in the public right-of-way
• Vendors must maintain clean and trash-free 10-foot radius from the vendor’s cart
• Stationary vendors are prohibited from areas zoned exclusively residential and from parks that have exclusive concessions agreements (i.e. South Gate and Hollydale Parks)
• Vending is prohibited within 500 feet of any K-12 school from 6:00 a.m. through 6:00 p.m., unless the Vendor is selling exclusively Healthy Food

• Due to public safety concerns, vending is prohibited in the following areas:
  o Historic Tweedy Mile Corridor
  o Garfield Ave. between Gardendale Street and south City limit
  o Paramount Blvd. between Gardendale Street and south City Limit
  o The azalea Shopping Center
  o The El Paseo Shopping Center
  o Firestone Boulevard Corridor
  o Imperial Highway Corridor
  o Long Beach Boulevard Corridor
  o Atlantic Avenue Corridor
  o Century Boulevard Corridor
  o Otis Street between Southern and north City limit
  o California Avenue Corridor
• Vending of illegal or counterfeit merchandise is prohibited
• Unattended carts will be confiscated as a “bulky item”
• Mobile support for carts is prohibited
• For safety reasons, carts will not be placed in locations that impede pedestrian access or within specified distances of crosswalks, bus benches, street signs and driveways.

Enforcement
In the event that a sidewalk vendor is conducting business in the public right-of-way and parks without a permit, Police Officers, Code Enforcement Officers and Park Rangers have the authority to enforce the regulations contained within the Sidewalk Vending Program.

Sidewalk Sales
It should be noted that the Municipal Code allows an individual or group of businesses – specifically, residents and business owners with addresses in South Gate—to apply for a Sale/Special Event Permit (Sidewalk Sale Permit) 12 times per year, for no more than three consecutive days. This only applies to the area as authorized by the Business License Division. Historically, the Tweedy Mile Association (TMA) has been the only entity to apply for said sale permits. For example, in Fiscal Year 2017-18, the City issued 12 Sidewalk Sale Permits, all for the TMA. The proposed ordinance does not alter this policy.

Ordinance Approval Process
If the proposed ordinance is introduced, it will be presented for adoption at the City Council’s regular meeting of December 11, 2018. After adoption, the ordinance will take effect on January 11, 2019.
Since SB 946 will become effective on January 1, 2019, staff will prepare an interim urgency ordinance for adoption at the December 11, 2018, City Council meeting that mirrors the provisions in this proposed ordinance. Because the urgency ordinance will be effective immediately after adoption, it will ensure that the City's Sidewalk Vending Program will be in place by the time SB 946 goes into effect on January 1, 2019. Furthermore, it is anticipated that a resolution establishing licensing and permitting fees will also be presented at a future City Council meeting.

BACKGROUND: On September 17, 2018, Governor Brown signed SB 946 to decriminalize selling food and other goods on sidewalks and in parks in California. SB 946, which will go into effect January 1, 2019, prohibits criminal penalties for sidewalk vending. Vendors will also be able to clear pending citations and be retroactively relieved of previous convictions by petitioning the court for dismissal of the sentence.

ATTACHMENTS: A. Proposed Ordinance
B. Senate Bill 946
C. Public Hearing Notice
Dear Planning Directors,

Thank you to those who attended the past meeting at the COG on January 9th. Here is a recap of the meeting items:

1. **Metro Transit Oriented Communities (TOC) Policy Presentation**
   - *Presentation & TOC Policy Paper attached*
   Jenna Hornstock presented on the TOC Policy, which was passed in June 2018.
   - TOC Policy goals are to increase transportation ridership; stabilize and enhance communities surrounding transit; engage agencies, organizations, and the public; and capture value created by transit. (Permissive, not directive policy)
   - Next steps: Metro is developing the TOC Long Range Transportation Planning Framework Paper. – Feb 2019
   - Metro’s [Transit Supportive Planning Toolkit](#) was mentioned as a resource for cities interested in policies and programs for promoting TOC’s.

2. **Selection of New Vice-Chair**
   The Committee approved Jessica Serrano, Senior Planner with the City of Norwalk as the New Vice-Chair.

3. **SB 946 Sidewalk Vendor Ordinance Discussion** – 4 PDF attachments
   - Artesia shared its urgency ordinance and regular ordinance sample template.
   - South Gate shared its final ordinance and accompanying staff report.
   - Cerritos shared that they will be taking their ordinance before their Planning Commission tonight (Jan. 9, 2019) and the draft being considered are also online.
   - Bellflower and Signal Hill taking theirs for consideration as well.

4. **Climate Planning Update / CAP Framework Demo**
   The CAP Framework Dashboard is now [posted online at the GCCOG website](#).
   The CAP Framework provides a set of toolkits for cities to use to develop their own Climate Action Plan when they are ready to do so.
   (For best results, open the CAP Framework dashboard using Internet Explorer or Firefox web browsers. You can also run the Dashboard as an interactive PDF using Adobe Acrobat Reader or equivalent PDF reader by right-clicking and saving on your computer.)

5. **Other**
   - It was mentioned that the COG’s Economic Development Working Group meets on the 3rd Wednesday of every month at 11:30am. (Note that the January meeting is being rescheduled for Monday, January 28th, due to the Martin Luther King Jr. Holiday. The goal of the Economic Development Working Group is to lower the chronic high employment within the Gateway Cities region by encouraging job creation activities.

The next Planning Directors Committee meeting will be February 13th.