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DAWN A. MCINTOSH
City Attorney

January 16, 2024

GARY J. ANDERSON
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Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption (CE-23-112) and find the Municipal Code Amendments exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, 15304, 15305, and 15308 of the CEQA Guidelines;

Declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.73; and amending Sections 3.80.146, 3.80.180, 3.80.253, 5.04.050, Chapters 5.08, 5.66, Title of Chapter 8.44, Sections 8.44.040, 8.44.050, 8.44.061, 8.44.070, Chapters 14.04, 14.14, 16.04, and Sections 16.08.504, and 16.16.060, all relating to sidewalk vendors, read the first time and laid over to the next regular meeting of the City Council for final reading; and authorize the Department of Financial Management to reimburse the cost of general liability insurance coverage, in an amount not to exceed \$450 per applicant, for any sidewalk vendor who is issued a sidewalk vendor permit and submits a receipt for the cost of said insurance to City within one year of the effective date of the ordinance;

Declare ordinance adopting Zoning Code Amendment ZCA23-006, that repeals Long Beach Municipal Code Section 21.45.170.L, deleting regulations pertaining to encroachment permits for vendors located within the right-of-way, and amending Table 35-1, Use in the Parks District, clarifying that sidewalk vending is a permitted use subject to the regulations of Chapter 5.73 of the Long Beach Municipal Code; and

Adopt a resolution authorizing the Director of Community Development and City Manager to submit the zoning code amendments to Title 21 of the Long Beach Municipal Code and those provisions of Chapter 5.73 of the Long Beach Municipal Code applicable inside the Coastal Overlay Zone and which relate to coastal development as defined in California Public Resources Code section 30106, specifically, the relevant definitions in Section 5.73.020 and Sections 5.73.110(C), 5.73.110(D), 5.73.110(H), 5.73.110(P)(17), 5.73.120 of the Long Beach Municipal Code, to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program. (Citywide)

DISCUSSION

Pursuant to your request on November 14, 2023, the ordinances relating to sidewalk vendors have been prepared and are submitted for your consideration.

At the City Council meeting held on November 14, 2023, Council requested those applicants who are issued a sidewalk vending permit be reimbursed for the cost of required insurance coverage based on an estimated annual cost of \$300 (coverage costs ranged from \$275 to \$450). Authorization is therefore sought to allow the Department of Financial Management to reimburse the cost of general liability insurance coverage, in an amount not to exceed \$450 per applicant, for any sidewalk vendor who is issued a sidewalk vendor permit and submits a receipt for the cost of said insurance to City within one year of the effective date of the sidewalk vendor Ordinance.

Additionally, on September 21, 2023, the Planning Commission held a duly noticed public hearing on the CEQA exemption to the Municipal Code Amendments and the zoning code amendments to Title 21, and recommended the City Council determine the Municipal Code Amendments are exempt from CEQA, and adopt the zoning code amendments to Title 21 (Attachments A and B).

A resolution directing the Director of Community Development and City Manager to submit a request to the California Coastal Commission for findings in conformance in the City's Coastal Zone has been prepared and is also submitted for the Council's consideration and adoption.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

Dawn McIntosh, City Attorney

By: Marsha M. Zscho
Deputy City Attorney

ATTACHMENTS: ORDINANCE (SIDEWALK VENDOR)
ORDINANCE (TITLE 21)
RESOLUTION
A – PC STAFF MINUTES
B – PC STAFF REPORT (RELEVANT PORTIONS)