



NEWPORT BEACH

City Council Staff Report

March 26, 2024
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2024-6: Amending Chapter 10.08 of the Newport Beach Municipal Code Regarding the Use of Public Property for Commercial Purposes (PA2024-0015)

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance No. 2024-6 to amend Chapter 10.08 of the Newport Beach Municipal Code to include authority to impound equipment and items used in violation of the current code regarding unpermitted vending on any public property not meeting the definition of a sidewalk or pathway. Such areas include, but are not limited to, alleys, beaches, piers, squares, streets, street ends, and parking lots. The ordinance was introduced and considered at the March 12, 2024 City Council meeting.

RECOMMENDATIONS:

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Conduct second reading and adopt Ordinance No. 2024-6, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 10.08.030 (Use of Public Property for Commercial Purposes) of the Newport Beach Municipal Code (PA2024-0015).*

DISCUSSION:

On November 27, 2018, the City Council adopted Ordinance No. 2018-19, implementing sidewalk vending regulations in compliance with Senate Bill 946 (Safe Sidewalk Vending Act). Despite the City of Newport Beach's efforts to implement Ordinance No. 2018-19, which includes permitting, location, and operational requirements, state law decriminalized unpermitted sidewalk vending. Consequently, there has been a notable increase in unpermitted vending within the city, extending beyond sidewalks to beaches and piers.

Independent of sidewalk vending regulations, the City prohibits the commercial use of public property in accordance with Newport Beach Municipal Code (NBMC) Section 10.08.030 (Use of Public Property for Commercial Purposes). Despite Code Enforcement efforts, unauthorized commercial activities persist, particularly during peak tourist seasons and summer months.

Ordinance No. 2024-6 was introduced to the City Council on March 12, 2024. The ordinance amends NBMC Section 10.080.030 (Use of Public Property for Commercial Purposes) by authorizing impoundment of equipment, goods, materials, merchandise, and property, by authorized City employees, for a minimum of 30 days if said equipment was involved in the unauthorized use of public property for commercial purposes. City officials may also impound these items if it reasonably appears a person abandoned these items on public property. If adopted, Ordinance No. 2024-6 will become effective after 30 days.

FISCAL IMPACT:

Fiscal related issues for additional staff and the purchase of an all-terrain vehicle and trailer needed for enhanced enforcement were addressed in the March 12, 2024 City Council Staff Report when Ordinance No. 2024-6 was first introduced.

ENVIRONMENTAL REVIEW:

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2024-6