



SUBJECT: Sidewalk Vending Permit Application Fee and Permit Fee and Administrative Fines for BMC Chapter 5.64, Sidewalk Vending

DEPARTMENT: Finance and Information Systems
Community Development

STAFF: Kerry Breen, Director of Finance and Information Systems
Alexis Morris, Director of Community Development
Michelle Morey, Accounting Manager
Roberta Portillo-Bienemann, Code Enforcement Supervisor

TITLE/RECOMMENDATION

Adopt a Resolution amending the FY 2023/24 Cost Allocation Plan and Schedule of City Fees to implement a new Sidewalk Vending Permit Application Fee, Sidewalk Vending Permit Fee and Administrative Fines for sidewalk vending violations per Brentwood Municipal Code Section 5.64.130, Sidewalk Vending Violations – Penalties.

FISCAL IMPACT

The proposed Sidewalk Vending Permit Application Fee and associated Permit Fee are calculated to cover reasonable costs associated with processing a Sidewalk Vending Permit Application. Community Development estimates ten (10) Sidewalk Vending Permit applications may be submitted, which would provide annual revenue to the General Fund of \$1,600.00 (at the recommended fees of \$25.00 per application and \$135.00 per permit issued). Revenue generated by Administrative Fines for enforcement of sidewalk vending would also be included in the General Fund. Community Development staff will perform outreach and provide education to sidewalk vendors before enforcement of the ordinance.

BACKGROUND

On March 12, 2024, the City Council approved Ordinance No. 1069, amending the definition of “peddler” in Brentwood Municipal Code Section 5.48.020, added Chapter 5.64 imposing regulations on sidewalk vending in compliance with Senate Bill 946, and amended Section 7.020210 regarding vendors in parks. Chapter 5.64 outlines the application requirements.

Application Fee and Permit Fee



**CITY COUNCIL AGENDA ITEM NO. G.2
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Finance staff, in coordination with Community Development staff, estimated the staff time to 1) intake the application (“Application Fee”) and 2) process the application (“Permit Fee”) utilizing the current hourly rates by staff classification in the Cost Allocation Plan to calculate the cost recovery fees.

The Application Fee is proposed to be non-refundable and staff determined a 15-minute review of the application, to ensure all required documents are attached and the application is signed, would be sufficient. The current cost of the review is calculated at \$29.32 and staff is proposing a \$25.00 Application Fee. Staff does not recommend annual increases applied to the Application Fee.

A more detailed review of the application and required documents will require more staff time, and the current cost to process the application and issue the permit is calculated at \$136.50. Staff is proposing a \$135.00 Permit Fee for a total fee of \$160.00 annually, including the Application Fee. The applicant would pay the \$135.00 Permit Fee *after* the application has been approved and the permit is ready to be issued. Staff recommends annual increases be applied to the Permit Fee.

Below is a summary of Sidewalk Vending Permit Fees currently imposed by other Contra Costa County agencies. Note that not all of the agencies have adopted a Sidewalk Vending ordinance at this time. Amounts do not include Business Tax Certificate fees.

Sidewalk Vending Permit Fees Comparison	
City/Town	Sidewalk Vending Fee
Antioch	\$137.00
Brentwood - Proposed	\$160.00
Danville	\$100.00
Hercules	\$100.00
Oakley	\$129.00

The City reviews and updates its fees on an annual basis. Fees are adjusted at the beginning of each fiscal year by the annual changes to the April San Francisco – Oakland – Hayward, California Consumer Price Index (CPI) Urban Wage Earners and Clerical Workers, unless a fee is tied to an alternative index.



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Staff is proposing to adjust the Sidewalk Vending Permit Fee on July 1, beginning July 1, 2025, by the same index; however, the City Council has the discretion to direct that the Permit Fee not be subject to an annual increase.

Administrative Fines

Brentwood Municipal Code Section 5.64.130, Violations – Penalties, outlines the administrative fine amounts proposed to be added to the Cost Allocation Plan. Although these fees are included in the Brentwood Municipal Code, before they can be utilized, City Council action is required to include the amounts in the Cost Allocation Plan.

Violation by a Vendor with a Valid Sidewalk Vendor Permit

- First Violation – One Hundred Dollars (\$100)
- Second Violation within one (1) year of first violation – Two Hundred Dollars (\$200)
- Third and subsequent Violations within one (1) year of first violation – Five Hundred Dollars (\$500)
- The City may rescind a permit issued to a sidewalk vendor upon the fourth or any subsequent violation

Violation by a Person Engaging in Sidewalk Vending without a Valid Sidewalk Vendor Permit

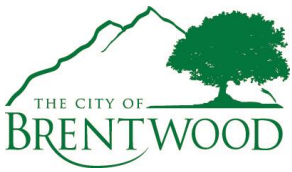
- First Violation – Two Hundred Fifty Dollars (\$250)
- Second Violation within one (1) year of first violation – Five Hundred Dollars (\$500)
- Third and subsequent Violations within one (1) year of first violation – One Thousand Dollars (\$1,000)
- Upon proof of a valid Sidewalk Vending Permit issued by the City, the administrative fines shall be reduced to the amounts set for Violation by a Vendor with a Valid Sidewalk Vendor Permit above

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.



DATE OF NOTICE

The City of Brentwood published a Notice of Public Hearing on June 14, 2024 and June 21, 2024. Prior to publication of the June 25, 2024 City Council Agenda, staff received no public comments related to this item.

ENVIRONMENTAL DETERMINATION

This action has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061, 15273, and 15378 of the State CEQA Guidelines.

ALTERNATIVE OPTION(S)

1. Do not approve proposed amounts and do not adopt the resolution.
2. Modify proposed amounts and adopt a revised resolution. The City Council has the discretion to set the application/permit fee at an amount less than the estimated cost.
3. Continue item with direction for staff to return with additional information.

ATTACHMENT(S)

1. Previous Action
2. Resolution