

Weekly Management Report

April 19, 2024

- 1. Memo** Landlord-Tenant Commission
Meeting on April 8, 2024
Community Development Department

- 2. Memo** Potential to Franchise Commercial Solid
Waste Collections
Public Works Department

- 3. Memo** Sidewalk Vending Update
Tracking List #2597
Community Development Department

- 4. Memo** Condominium Conversion Regulations
Tracking List #2564
Community Development Department

- 5. Memo** Ratio Utility Billing Systems (RUBS) for Multifamily
Housing - Tracking List #2680
Water and Power Department

- 6. Synopsis** Art in Public Places Meeting on April 15, 2024
Parks and Recreation Department



MEMORANDUM



COMMUNITY DEVELOPMENT

DATE: April 15, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director 
VIA: Simone McFarland, Assistant Community Development Director 

SUBJECT: Landlord-Tenant Commission Meeting – April 8, 2024

- The meeting had three members from the public over Zoom. Nine members of the public attended the meeting in person, and seven commented on issues related to rent increases, relocation assistance due to no-fault evictions, and concerns about the LTC intake form assignment process. Commission Vice Chair Smith encouraged both tenants to submit an intake form through Housing staff so their case can be assigned to a commissioner.
- The Commission provided updates on two tenant forms received last month related to rent increases and no-fault evictions.
- The presentation on Ratio Utility Billing System was canceled due to time restraints from the Livable representative.
- The Commission motioned to reinvoke a representative from Livable to make a presentation on common area utilities charges and information on Ratio Utility Billing Systems (RUBS) at any of the upcoming Commission meetings.
- The Commission approved the draft minutes of March 4, 2024.
- The meeting adjourned at 07:38 p.m.



MEMORANDUM



PUBLIC WORKS

DATE: April 12, 2024

TO: Justin Hess, City Manager

FROM: Ken Berkman, Public Works Director *KB*
VIA: John Molinar, Asst. Public Works Director – Streets and Waste Management

SUBJECT: Potential to Franchise Commercial Solid Waste Collections

Public Works' Streets and Waste Management Division currently provides and manages residential and commercial solid waste services throughout the City. Commercial solid waste collection (hauler) services are administered through an open permit system. Staff has recently made significant updates to this system to strengthen the City's ability to ensure hauler compliance with State mandates, particularly Senate Bill 1383 (SB1383). SB1383 requires local governments to provide organics waste collection services to all residents and businesses. Staff is continually evaluating the effectiveness of the system updates on hauler reporting and compliance.

In consideration of future operations and compliance, in 2020 the Public Works Director provided the State-required five-year advance notice to all permitted haulers that the City is considering establishing a franchise program for commercial solid waste collections (Attachment 1). The notice conveys to the solid waste haulers that after September 9, 2025, the City may option to solicit haulers through a Request for Proposals (RFP) process and implement one or more exclusive franchises. There is no commitment or requirement by the City to take such actions.

Staff is evaluating the costs and benefits of the current system versus a franchise system to determine which would provide the best cost and service benefits to the ratepayers, as well as full compliance with State mandates in consideration of long-term staffing requirements and workload demands. In the upcoming fiscal year, staff anticipates engaging a consultant to analyze the City's solid waste collections and determine if franchising commercial services is the best path forward. Future updates on program evaluation will be provided accordingly.

Attachment 1 – Burbank Franchise Notification – Final Sept 2020



**PUBLIC WORKS
DEPARTMENT**

September 8, 2020

**SUBJECT: Five Year Notification – Exclusive Solid Waste Handling Services for
Commercial and Industrial Collections**

Dear Permitted Private Waste Hauler:

Pursuant to California Public Resources Code (PRC) Section 49520, a copy of which is attached, you are hereby notified that exclusive solid waste handling services for commercial and industrial premises may be provided or authorized in the future by the City of Burbank. This notice does not apply to solid waste handling services for single family residential properties, commercial or multi-family curbside cart services, or construction and demolition debris.

As defined in California PRC Section 49501 (attached), “exclusive solid waste handling services” may include one or more solid waste enterprises that have the exclusive right, by franchise, to provide solid waste handling services in the City. By way of this definition, an exclusive franchise can mean one waste hauler, or a limited number of multiple waste haulers, collecting waste within all or any part of the City.

The City of Burbank reserves its right to implement one or more exclusive solid waste franchises for more effective handling of commercial and industrial solid waste from the business community, and to address the concerns and wellbeing of all Burbank residents and neighborhoods.

The City of Burbank Public Works Department is hereby submitting this five-year notification to solid waste enterprises lawfully operating under permit within the City as provided by law. This notice does not, in and of itself, require the City of Burbank to take any specific action in regard to franchising of commercial and industrial solid waste handling services.

Additional information will be available in the future regarding the possible implementation of a solid waste franchise system in the City of Burbank. For questions regarding this notice, please contact Kreigh Hampel, Recycling Coordinator via email at khampel@burbankca.gov or phone at (818) 238-3900.

Sincerely,

Ken Berkman, PE
Public Works Director



MEMORANDUM





**COMMUNITY
DEVELOPMENT**



DATE: April 3, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director 
VIA: Mario Osuna, Assistant Community Development Director 
BY: Beverly Ibarra, Building Administration Manager

SUBJECT: City Manager Tracking Memo #2597 - Sidewalk Vending

This memo provides an overview of how the City of Burbank implements regulations for sidewalk vending. In December 2020, the City of Burbank enacted a sidewalk vending program and updated the Burbank Municipal Code to align with Senate Bill 946 (Attachment 1). The regulation of sidewalk vending in Burbank is governed by Burbank Municipal Code Title 3, Chapter 4, Article 27 (Attachment 2). Management of sidewalk vending permits is divided between the Public Works Department, which manages the use of right-of-way, and the Community Development Department (CDD), which handles the business application and enforcement aspects.

The ordinance established a framework for sidewalk vending to ensure that vendors operate in a safe, legal, and responsible manner. This comprised several key components:

Licensing Requirements

Sidewalk vendors must obtain a permit from the City of Burbank to operate lawfully. The application process includes submitting necessary documentation, meeting health and safety standards, and paying applicable fees, including:

- A. Business Application (Attachment 3 and 4) submitted to the CDD Building Division
 1. Applicant's name, address, and telephone number.
 2. A copy of a valid California's driver's license or identification number.
 3. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.
 4. A description of the food and/or merchandise to be offered for sale and any vending equipment to be used.

5. A statement of the days and hours of proposed vending operations and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor.
- B. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.
 - C. Proof of comprehensive general liability insurance as required for all permits using streets, sidewalks, and public right-of-way (Attachment 5). This includes comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and one million dollars (\$1,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured to protect city property.
 - D. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity (Attachment 6).
 - E. Based on the Fiscal Year 2023-2024 Citywide Fee Schedule, the sidewalk vending permit fee includes the one-time \$180 application fee, \$311 annual license fee, and any applicable administration fees.

Designated Vending Zones

Specific areas have been designated within the city where sidewalk vending is unpermitted (Attachment 7), considering factors such as foot traffic, public safety, and community impact. The application process requires a description, map, or drawing of the location(s) in which the applicant proposes to operate.

Health and Safety Standards

Vendors are mandated to adhere to health and safety regulations to guarantee the safety of their products for consumption. This includes guidelines for food handling, sanitation, and waste disposal. If a vendor is proposing to sell any consumable products, proof of all required approvals from the Los Angeles County Department of Public Health are required.

Enforcement

Failure to comply with license and operating requirements (Attachment 7) or operating without a license are grounds for enforcement, including administrative fees, which is handled by the Code Enforcement section of CDD.

For more information, interested parties can reach out to the Building Division at (818) 238-5280 or visit the Building Division counter located in the Community Services Building to acquire the sidewalk vending business application.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 3-4-1101, AMENDING SUBSECTION 3-4-1112(A), ADDING ARTICLE 27 TO CHAPTER 4 OF TITLE 3, AND AMENDING SECTION 7-3-702, OF THE BURBANK MUNICIPAL CODE

City Attorney's Synopsis

This ordinance implements regulations for sidewalk vendors in compliance and consistent with Senate Bill 946.

The Council of the City of Burbank finds, determines, and declares that:

- A. Senate Bill 946 was signed into law on September 17, 2018, and took effect on January 1, 2019.
- B. Senate Bill 946, which is codified at Chapter 6.2 (commencing with Section 51036) of Part 1 of Division 1 of Title 5 of the California Government Code, limits the authority of cities and counties to regulate sidewalk vendors except in accordance with the provisions of California Government Code Sections 51038 and 51039.
- C. The City of Burbank's Municipal Code ("BMC") currently prohibits sidewalk vending.
- D. The City of Burbank ("City") desires to adopt a sidewalk vending program and amend its BMC to ensure compliance with Senate Bill 946.
- E. Regulation of sidewalk vending will benefit the City as a whole as it will lead to orderly commerce while encouraging entrepreneurship and providing economic opportunity for people to support themselves and their families.
- F. The act of vending on public sidewalks, pedestrian paths or pedestrian walkways creates the potential for safety hazards, such as, but not limited to, inhibiting the ability of persons with disabilities 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 merchandise; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic.
- G. Regulations of sidewalk vendors are needed to accommodate sidewalk vendors' equipment while safeguarding pedestrian movement on public sidewalks, parkways, pedestrian paths or walkways, and other public rights-of-way.

H. Regulations of sidewalk vendors engaged in the sale of food and food products are needed to protect the public health and safety by ensuring that sidewalk vendors prepare food safely and in accordance with the requirements of the Los Angeles County Department of Public Health.

I. Regulations of sidewalk vendors are needed to prevent hazardous or unsanitary conditions and to ensure that trash and debris are removed by sidewalk vendors and do not become a pollutant.

J. The City Council adopts this Ordinance under the authority provided in Senate Bill 946 and Government Code Sections 51036 through 51039 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, including ensuring compliance with the American with Disabilities Act of 1990 (Public Law 101-336) and other disability standards; ensuring the public's use and enjoyment of natural resources and recreational opportunities; and preventing an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of City parks.

K. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

The Council of the City of Burbank does ordain as follows:

1. Section 3-4-1101 is hereby replaced in its entirety with following:

"3-4-1101: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates:

ITINERANT MERCHANT: Any person whether as owner agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, tent, public room in a hotel, lodging house, apartment or shop within the City, for the exhibition and sale of such goods, provided that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this code merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by

conducting such transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. "Itinerant Merchant" shall not include a person engaged in, conducting or carrying on the business of vending on a sidewalk pursuant to a valid license issued pursuant to Article 27 of this chapter.

PEDDLER: Any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad box car or other vehicle or conveyance. The word "peddler" shall not include a farmer or merchant selling vegetables, fruits, nuts, or unprocessed agricultural products, at a farmers' market, sponsored by a nonprofit organization. The word "peddler" shall include the words "hawker" and "hucksters". "Peddler" shall not include a person engaged in, conducting or carrying on the business of vending on a sidewalk, pursuant to a valid license issued pursuant to Article 27 of this chapter.

SOLICITOR OR CANVASSER: Any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, conducting interviews or surveys for the purpose of determining marketing potential, taking or attempting to take orders for sale of goods, personal property, of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales, or not, provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, wagon, automotive vehicle, railroad box car or any other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery. "Solicitor" or "Canvasser" shall not include a person engaged in, conducting or carrying on the business of vending on a sidewalk pursuant to a valid license issued pursuant to Article 27 of this chapter."

2. Subsection 3-4-1112(A) is hereby replaced in its entirety with the following:

"3-4-1112: PEDDLING FROM NON-MOTORIZED VEHICLES PROHIBITED:

A. No person shall sell, offer for sale or otherwise cause to be sold any beverage, drink, good, ware, merchandise or other item from any pushcart or other non-motorized or self-propelled vehicle on any City sidewalk, street, unenclosed vacant lot or other public property unless they have obtained a valid City Sidewalk Vendor License or except as specifically permitted under Section 3-4-1115 of this Article and Article 27 of this Chapter."

3. Title 3, Chapter 4, Article 27, of the Burbank Municipal Code is hereby added to read as follows:

“Article 27. Sidewalk Vendors

3-4-2701: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates:

CERTIFIED FARMERS' MARKET: 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, as both may be amended.

CITY: the City of Burbank.

DIRECTOR: the Director of Community Development Department or his or her designee.

FOOD: Any type of raw, cooked, or processed edible or consumable substance, including any food product or beverage.

MERCHANDISE: Any tangible goods or items that are not food.

PARK: a public park owned or operated by the City.

PERSON: any natural person, firm, association, organization, partnership, joint venture, business trust, corporation, or company.

ROAMING SIDEWALK VENDOR: a sidewalk vendor who operates by traveling from place to place and stops only to complete a transaction.

RULES AND REGULATIONS: Detailed requirements or additional requirements regulating the time, place, and manner, adopted by Council resolution, concerning sidewalk vending meant to clarify, aid, and/or add to the administration and enforcement of this article.

SIDEWALK: a public sidewalk or paved pedestrian path specifically designed for pedestrian travel.

SIDEWALK VENDOR or VENDOR: a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a sidewalk within the City.

SIDEWALK VENDING: refers to vending from a vending cart or one's person, upon a sidewalk, conducted by a sidewalk vendor.

SPECIAL EVENT PERMIT: A permit issued by the City for the temporary use of, or encroachment on, the sidewalk or 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, outdoor concerts, festivals, carnivals, and street fairs.

STATIONARY SIDEWALK VENDOR: a sidewalk vendor who operates from a fixed location.

VEND or VENDING: To barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, 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.

VENDING CART: A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

3-4-2702: LICENSE REQUIRED:

No person shall engage in sidewalk vending without first obtaining a business license therefor from the City's Community Development Department and paying an application fee as required by Section 3-6-204 of this Code and a license fee in the amount set forth in the Burbank Fee Resolution.

3-4-2703: APPLICATION PROCEDURE:

An application for a sidewalk vending license shall include the following information:

- A. The applicant's name, current mailing address, and telephone number;
- B. A copy of a valid California's driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
- C. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
- D. A description of the food and/or merchandise to be offered for sale and any vending equipment to be used (including the dimensions of the vending carts and mode of transportation);
- E. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required;

- F. If a vendor of food, proof of all required approvals from the Los Angeles County Department of Public Health;
- G. A description, map, or drawing of the location(s) in which the applicant proposes to operate;
- H. A statement of the days and hours of proposed vending operations and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
- I. Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and one million dollars (\$1,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured.
- J. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity.
- K. The applicant's certification that, to his or her knowledge and belief, the information contained in the application is true; and
- L. Such other information as the Director deems necessary for the administration or enforcement of this article as specified on the required application form.

3-4-2704: GROUNDS FOR DENIAL:

- A. Applicants will be notified in writing of the Director's decision to approve or deny an application for a sidewalk vending license. If an application is denied, the reasons for denial will be set forth in the written notice.
- B. An application may be denied on the following grounds:
 - 1. The proposed vending location encroaches on a public sidewalk without maintaining an unobstructed pedestrian access route as specified in Section 3-4-2708(E)(6).
 - 2. The proposed vending operation, including the equipment to be used by the vendor, fails to comply with all applicable health, zoning, fire, building, and safety laws of the State of California, the County of Los Angeles or the City.
 - 3. The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application or omitted required information.

4. The applicant does not possess all state and local permits necessary for the proposed operations.
5. The applicant has had a license issued pursuant to this article revoked within the preceding twelve months.
6. The applicant has received three (3) or more administrative citations for violations of this article within the preceding twelve months.
7. The applicant has failed to demonstrate an ability to conform to the operating requirements set forth in section 3-4-2708 of this article.
8. The applicant is indebted to the City for any unpaid fee or fine for violation of any provision in this article.

3-4-2705: TERM AND RENEWAL:

- A. A sidewalk vending license shall be valid until June 30 of the City fiscal year in which the license was issued, unless revoked prior to that date in accordance with the provisions of this article, and may be renewed annually thereafter.
- B. Each sidewalk vendor who seeks to renew a license pursuant to this article shall submit a renewal application on a City-approved form and tender any applicable fees to the Director no later than thirty calendar days prior to the expiration of the vendor's current license. Unless timely renewed, any license issued pursuant to this article shall expire and become null and void at the end of its term.
- C. An application to renew a license issued pursuant to this chapter may be denied by the Director upon the grounds set forth in Section 3-4-2704.

3-4-2706: LICENSE NONTRANSFERABLE:

A sidewalk vending license shall not be transferable to any person or be valid for vending operations in any location(s) other than that location specified in the license application.

3-4-2707: EXEMPTIONS:

A sidewalk vending license shall not be required for the following activities:

- A. Events conducted in accordance with a Special Event Permit, including, but not limited to, a certified farmers' market.
- B. Any other activities that are included in the Rules and Regulations.

3-4-2708: OPERATING REQUIREMENTS:

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

1. Any public property or park grounds, including, without limitation, trailheads, streets, alleys, and City-owned parking structures, except on a public sidewalk;
2. Within one block of a certified farmers' market or a swap meet, during the limited operating hours of these events;
3. Within one block of an area designated for a Special Event Permit for the limited duration of the permitted event. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the city's special event permit will also be furnished to a sidewalk vendor permitted to operate in the area;
4. Within one block of any public or private school grounds, between the hours of 8:00 a.m. and 5:00 p.m., on days that school is open to students;
5. Within twenty-five feet of any on-street valet loading zone, any City-designated passenger loading zone, or any taxicab stand;
6. On or within any roadway, median strip, or dividing section;
7. Any designated prohibited areas described in the Rules and Regulations;
8. On private property without the consent of the property owner and a City-issued permit; or
9. Within one hundred feet of another vendor.
10. Within one hundred feet of a driveway or entry to a fire station or police station.
11. Within three feet of the display window of any building abutting the sidewalk or parkway that interferes with the reasonable use of such window.
12. Within 25 feet of a train boarding platform or track.
13. Within five feet from any fire hydrant, fire call box, or other emergency notification device;
14. Within five feet of any electric utility cabinet, traffic signal control cabinet, communications cabinet;

15. Within 10 feet of a marked crosswalk or the curb return of an unmarked crosswalk.

B. The City's Burbank Center Specific Plan, Media District Specific Plan and Magnolia Park Plan have been created to encourage a concentration of retail, shopping and dining opportunities. Due to widths of the public sidewalks and high volume of pedestrian and vehicular traffic, sidewalk vending is prohibited on the following portions of the specified streets:

1. North San Fernando Boulevard between Magnolia Boulevard and East Olive Avenue, and South San Fernando Boulevard between East Olive Avenue and East Angeleno Avenue.
2. East Orange Grove Avenue between North First Street and Third Street.
3. West Magnolia Boulevard between North Buena Vista Street and North Screenland Drive where the public sidewalk is 10 feet in width or less.
4. Riverside Drive between North Hollywood Way and Clybourn Avenue.

C. Stationary sidewalk vendors shall not operate in residential zones or in any park for which the City has entered an exclusive concessionaire agreement; they may only operate at the location(s) designated in a license issued pursuant to this article and only during the times set forth therein.

D. Roaming sidewalk vendors shall not operate within residential zones between the hours of 8:00 p.m. and 9:00 a.m., and shall not operate on any City block for more than one hour in any four-hour period.

E. All sidewalk vendors are subject to the following requirements:

1. The Vending Cart may not exceed six feet in length by four feet in width by five feet in height.
2. Maintain and ensure compliance with all state and local permits necessary for the proposed vending operation;
3. Keep the information furnished to the City under Section 3-4-2703 of this Code current;
4. Carry a license issued pursuant to this article at all times when operating in the City, and present the license for inspection at the request of any City staff member or law enforcement officer;
5. Ensure that vending operations or locations are not located over a pull box, manhole, hand hole or any enclosure located in a public sidewalk or right-of-way;
6. Maintain an unobstructed pedestrian access route at sidewalk vending locations that is clear of any vending equipment or public obstructions including, but not limited to, street trees, news racks, bus benches, transit

shelters, and curb lines. The minimum width of unobstructed routes must be suitable for the width of the sidewalk:

- a. Five feet when the sidewalk is no greater than thirteen feet wide;
 - b. Six feet when the sidewalk is greater than thirteen feet but no greater than seventeen feet wide; and
 - c. Eight feet when the sidewalk is greater than seventeen feet wide.
7. Ensure that vending operations are not blocking and are at least five feet from the entrances to any buildings, driveways, or vehicle parking spaces;
 8. Ensure that equipment used in connection with sidewalk vending operations are not stored or left unattended in public spaces or in any portion of the public right-of-way. (Equipment or objects left in public spaces or in the public right-of-way overnight, or outside the hours of permitted vending operations, may be seized or disposed of by the City in accordance with Section 5-3-211 of this Code);
 9. Ensure that signs, tables, chairs, shade structure, fences, or other furnishings not approved for use in a sidewalk vending license are not used in vending operations;
 10. Do not use any horns, music, lights, visual media, or any sound amplifying device unless expressly approved in the vending license;
 11. Do not sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, tobacco or electronic cigarette products, or any living animal;
 12. Do not operate in the City between 12:00 a.m. and 6:00 a.m. If the City's zoning allows any businesses on a particular street block to remain open until 2:00 a.m., then sidewalk vendors are prohibited from operating between 2:00 a.m. and 6:00 a.m. on that particular street block;
 13. Do not use or attach any water lines, electrical lines, or gas lines during vending operations;
 14. Ensure that sidewalk vending equipment does not physically alter or otherwise damage the underlying sidewalk;
 15. Comply with all applicable food labeling requirements established by state and local laws;
 16. Maintain vending operations in sanitary condition, including ensuring proper recycling and disposal of any waste produced as a result of said operations. (Vendors must operate with their own waste containers to allow the proper

recycling or disposal of trash, food, or liquids generated by their operations and must leave their operations' area clean by closing time);

17. No operations that produce smoke, vapors, or noxious odors within 20-feet of an openable window, vent or intake duct;
18. No equipment that produces a flame, spark or heat is allowed within the City's Very High Fire Hazard Severity Zone;
19. No operation of generators or equipment containing wet cell batteries;
20. Cease vending operations in any park one hour prior to park closure; and
21. Comply with all Rules and Regulations.

3-4-2709: LICENSE REVOCATION:

A sidewalk vendor license may be revoked after the licensee is afforded written notice and an opportunity to be heard respecting a citation for the licensee's fourth or subsequent violation of the requirements set forth in this article.

3-4-2710: APPEAL PROCEDURES:

A. The appeal of a denial or revocation of a sidewalk vendor license shall be conducted as follows:

1. Any person aggrieved by a decision denying or revoking a license pursuant to this article may appeal the Director's decision by filing a written appeal to the Community Development Department. Appeals must be filed within fifteen (15) business days after notice of the Director's decision has been mailed to the applicant's address. A timely appeal will stay the enforcement of any decision to revoke a license. Appeals of the Director's decision may be filed according to the appeals procedure stated in Title 2, Chapter 1, Article 15, of this Code.

2. The appeal shall be conducted within a reasonable time, but not less than thirty (30) days, at a hearing before a neutral hearing officer designated by the City Manager. Not less than five (5) business days prior to the hearing, the Director or a designee shall give notice of the time and place of the hearing. The decision of the hearing officer shall be based upon the criteria applicable to the issuance or revocation of such license. The hearing officer may affirm, modify or reverse the decision of Director and shall state the reasons therefor. The decision of the hearing officer shall be final when rendered. Within thirty (30) calendar days of the hearing, the hearing officer shall notify the appellant of the decision, in writing, which shall be final. An aggrieved person may obtain judicial review within the time and in the manner provided for in California Code of Civil Procedure Section 1094.6, or any successor legislation.

B. Section 1-1-108.1 of this Code applies to any appeal of an administrative citation issued under this article.

3-4-2711: PENALTIES:

A. A violation of this article is not punishable as an infraction or misdemeanor, and no person will be subject to arrest for sidewalk vending unless said person has violated a law for which a person may be arrested.

B. A violation of this article is punishable only by an administrative fine according to a fee schedule adopted by resolution of the City Council.

C. Notwithstanding any other provision of this Code, failure to pay an administrative fine assessed under this section is not punishable as an infraction or misdemeanor, and additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed.

3-4-2712: ABILITY-TO-PAY DETERMINATION:

A. When assessing an administrative fine under this article, the City will take into consideration a person's ability to pay the fine.

1. Any fine issued under this article will be accompanied by notice of and instruction regarding a person's right to request an ability-to-pay determination.

2. A 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.

B. If a person is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the person's administrative fine will be limited to twenty percent of the amount assessed according to the fee schedules in Section 5.122.110(b). The City may also take the following actions:

1. Allow the person to complete community service in lieu of paying the total administrative fine;

2. Waive the administrative fine; or

3. Offer an alternative disposition."

L. Section 7-3-702 of the Burbank Municipal Code is hereby amended to include a subsection D to read as follows:

“D. Activities for which a valid license is issued under Article 11 of Chapter 4 of Title 3 of this Code.”

M. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

N. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this 8th day of December, 2020.

s/Sharon Springer

Sharon Springer
Mayor

Attest:

Approved as to Form:
Office of the City Attorney

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

By: s/Iain MacMillan
Iain MacMillan
Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 20-3,947 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 8th day of December, 2020, by the following vote:

AYES: Gabel-Luddy, Murphy, Talamantes and Springer.

NOES: Frutos.

ABSENT: None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its December 8, 2020 adoption.

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

ARTICLE 27. SIDEWALK VENDORS

3-4-2701: DEFINITIONS:

As used in this article, unless the context otherwise clearly indicates:

CERTIFIED FARMERS' MARKET: 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, as both may be amended.

CITY: the City of Burbank.

DIRECTOR: the Director of Community Development Department or their designee.

FOOD: Any type of raw, cooked, or processed edible or consumable substance, including any food product or beverage.

MERCHANDISE: Any tangible goods or items that are not food.

PARK: a public park owned or operated by the City.

PERSON: any natural person, firm, association, organization, partnership, joint venture, business trust, corporation, or company.

ROAMING SIDEWALK VENDOR: a sidewalk vendor who operates by traveling from place to place and stops only to complete a transaction.

RULES AND REGULATIONS: Detailed requirements or additional requirements regulating the time, place, and manner, adopted by Council resolution, concerning sidewalk vending meant to clarify, aid, and/or add to the administration and enforcement of this article.

SIDEWALK: a public sidewalk or paved pedestrian path specifically designed for pedestrian travel.

SIDEWALK VENDOR or VENDOR: a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a sidewalk within the City.

SIDEWALK VENDING: refers to vending from a vending cart or one's person, upon a sidewalk, conducted by a sidewalk vendor.

SPECIAL EVENT PERMIT: A permit issued by the City for the temporary use of, or encroachment on, the sidewalk or 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, outdoor concerts, festivals, carnivals, and street fairs.

STATIONARY SIDEWALK VENDOR: a sidewalk vendor who operates from a fixed location.

VEND or VENDING: To barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, 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.

VENDING CART: A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2702: LICENSE REQUIRED:

No person shall engage in sidewalk vending without first obtaining a business license therefor from the City's Community Development Department and paying an application fee as required by Section ~~3-6-204~~ of this Code and a license fee in the amount set forth in the Burbank Fee Resolution. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2703: APPLICATION PROCEDURE:

An application for a sidewalk vending license shall include the following information:

- A. The applicant's name, current mailing address, and telephone number;
- B. A copy of a valid California's driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
- C. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
- D. A description of the food and/or merchandise to be offered for sale and any vending equipment to be used (including the dimensions of the vending carts and mode of transportation);

- E. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required;
- F. If a vendor of food, proof of all required approvals from the Los Angeles County Department of Public Health;
- G. A description, map, or drawing of the location(s) in which the applicant proposes to operate;
- H. A statement of the days and hours of proposed vending operations and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
- I. Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and one million dollars (\$1,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured.
- J. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity.
- K. The applicant's certification that, to their knowledge and belief, the information contained in the application is true; and
- L. Such other information as the Director deems necessary for the administration or enforcement of this article as specified on the required application form. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2704: GROUNDS FOR DENIAL:

- A. Applicants will be notified in writing of the Director's decision to approve or deny an application for a sidewalk vending license. If an application is denied, the reasons for denial will be set forth in the written notice.
- B. An application may be denied on the following grounds:
 - 1. The proposed vending location encroaches on a public sidewalk without maintaining an unobstructed pedestrian access route as specified in Section 3-4-2708(E)(6).

2. The proposed vending operation, including the equipment to be used by the vendor, fails to comply with all applicable health, zoning, fire, building, and safety laws of the State of California, the County of Los Angeles or the City.
3. The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application or omitted required information.
4. The applicant does not possess all state and local permits necessary for the proposed operations.
5. The applicant has had a license issued pursuant to this article revoked within the preceding twelve months.
6. The applicant has received three (3) or more administrative citations for violations of this article within the preceding twelve months.
7. The applicant has failed to demonstrate an ability to conform to the operating requirements set forth in section 3-4-2708 of this article.
8. The applicant is indebted to the City for any unpaid fee or fine for violation of any provision in this article. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2705: TERM AND RENEWAL:

- A. A sidewalk vending license shall be valid until June 30 of the City fiscal year in which the license was issued, unless revoked prior to that date in accordance with the provisions of this article, and may be renewed annually thereafter.
- B. Each sidewalk vendor who seeks to renew a license pursuant to this article shall submit a renewal application on a City-approved form and tender any applicable fees to the Director no later than thirty calendar days prior to the expiration of the vendor's current license. Unless timely renewed, any license issued pursuant to this article shall expire and become null and void at the end of its term.
- C. An application to renew a license issued pursuant to this chapter may be denied by the Director upon the grounds set forth in Section 3-4-2704. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2706: LICENSE NONTRANSFERABLE:

A sidewalk vending license shall not be transferable to any person or be valid for vending operations in any location(s) other than that location specified in the license application. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2707: EXEMPTIONS:

A sidewalk vending license shall not be required for the following activities:

- A. Events conducted in accordance with a Special Event Permit, including, but not limited to, a certified farmers' market.
- B. Any other activities that are included in the Rules and Regulations. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2708: OPERATING REQUIREMENTS:

- A. No sidewalk vendor shall operate in the following locations:
 - 1. Any public property or park grounds, including, without limitation, trailheads, streets, alleys, and City-owned parking structures, except on a public sidewalk;
 - 2. Within one block of a certified farmers' market or a swap meet, during the limited operating hours of these events;
 - 3. Within one block of an area designated for a Special Event Permit for the limited duration of the permitted event. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the city's special event permit will also be furnished to a sidewalk vendor permitted to operate in the area;
 - 4. Within one block of any public or private school grounds, between the hours of 8:00 a.m. and 5:00 p.m., on days that school is open to students;
 - 5. Within twenty-five feet of any on-street valet loading zone, any City-designated passenger loading zone, or any taxicab stand;
 - 6. On or within any roadway, median strip, or dividing section;
 - 7. Any designated prohibited areas described in the Rules and Regulations;
 - 8. On private property without the consent of the property owner and a City-issued permit; or
 - 9. Within one hundred feet of another vendor.
 - 10. Within one hundred feet of a driveway or entry to a fire station or police station.

11. Within three feet of the display window of any building abutting the sidewalk or parkway that interferes with the reasonable use of such window.
12. Within 25 feet of a train boarding platform or track.
13. Within five feet from any fire hydrant, fire call box, or other emergency notification device;
14. Within five feet of any electric utility cabinet, traffic signal control cabinet, communications cabinet;
15. Within 10 feet of a marked crosswalk or the curb return of an unmarked crosswalk.

B. The City's Burbank Center Specific Plan, Media District Specific Plan and Magnolia Park Plan have been created to encourage a concentration of retail, shopping and dining opportunities. Due to widths of the public sidewalks and high volume of pedestrian and vehicular traffic, sidewalk vending is prohibited on the following portions of the specified streets:

1. North San Fernando Boulevard between Magnolia Boulevard and East Olive Avenue, and South San Fernando Boulevard between East Olive Avenue and East Angeleno Avenue.
2. East Orange Grove Avenue between North First Street and Third Street.
3. West Magnolia Boulevard between North Buena Vista Street and North Screenland Drive where the public sidewalk is 10 feet in width or less.
4. Riverside Drive between North Hollywood Way and Clybourn Avenue.

C. Stationary sidewalk vendors shall not operate in residential zones or in any park for which the City has entered an exclusive concessionaire agreement; they may only operate at the location(s) designated in a license issued pursuant to this article and only during the times set forth therein.

D. Roaming sidewalk vendors shall not operate within residential zones between the hours of 8:00 p.m. and 9:00 a.m., and shall not operate on any City block for more than one hour in any four-hour period.

E. All sidewalk vendors are subject to the following requirements:

1. The Vending Cart may not exceed six feet in length by four feet in width by five feet in height.
2. Maintain and ensure compliance with all state and local permits necessary for the proposed vending operation;
3. Keep the information furnished to the City under Section 3-4-2703 of this Code current;
4. Carry a license issued pursuant to this article at all times when operating in the City, and present the license for inspection at the request of any City staff member or law enforcement officer;
5. Ensure that vending operations or locations are not located over a pull box, maintenance hole, hand hole or any enclosure located in a public sidewalk or right-of-way;
6. Maintain an unobstructed pedestrian access route at sidewalk vending locations that is clear of any vending equipment or public obstructions including, but not limited to, street trees, news racks, bus benches, transit shelters, and curb lines. The minimum width of unobstructed routes must be suitable for the width of the sidewalk:
 - a. Five feet when the sidewalk is no greater than thirteen feet wide;
 - b. Six feet when the sidewalk is greater than thirteen feet but no greater than seventeen feet wide; and
 - c. Eight feet when the sidewalk is greater than seventeen feet wide.
7. Ensure that vending operations are not blocking and are at least five feet from the entrances to any buildings, driveways, or vehicle parking spaces;
8. Ensure that equipment used in connection with sidewalk vending operations are not stored or left unattended in public spaces or in any portion of the public right-of-way. (Equipment or objects left in public spaces or in the public right-of-way overnight, or outside the hours of permitted vending operations, may be seized or disposed of by the City in accordance with Section 5-3-211 of this Code);
9. Ensure that signs, tables, chairs, shade structure, fences, or other furnishings not approved for use in a sidewalk vending license are not used in vending operations;

10. Do not use any horns, music, lights, visual media, or any sound amplifying device unless expressly approved in the vending license;
11. Do not sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, tobacco or electronic cigarette products, or any living animal;
12. Do not operate in the City between 12:00 a.m. and 6:00 a.m. If the City's zoning allows any businesses on a particular street block to remain open until 2:00 a.m., then sidewalk vendors are prohibited from operating between 2:00 a.m. and 6:00 a.m. on that particular street block;
13. Do not use or attach any water lines, electrical lines, or gas lines during vending operations;
14. Ensure that sidewalk vending equipment does not physically alter or otherwise damage the underlying sidewalk;
15. Comply with all applicable food labeling requirements established by state and local laws;
16. Maintain vending operations in sanitary condition, including ensuring proper recycling and disposal of any waste produced as a result of said operations. (Vendors must operate with their own waste containers to allow the proper recycling or disposal of trash, food, or liquids generated by their operations and must leave their operations' area clean by closing time);
17. No operations that produce smoke, vapors, or noxious odors within 20-feet of an openable window, vent or intake duct;
18. No equipment that produces a flame, spark or heat is allowed within the City's Very High Fire Hazard Severity Zone;
19. No operation of generators or equipment containing wet cell batteries;
20. Cease vending operations in any park one hour prior to park closure; and
21. Comply with all Rules and Regulations. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2709: LICENSE REVOCATION:

A sidewalk vendor license may be revoked after the licensee is afforded written notice and an opportunity to be heard respecting a citation for the licensee's fourth or

subsequent violation of the requirements set forth in this article. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2710: APPEAL PROCEDURES:

A. The appeal of a denial or revocation of a sidewalk vendor license shall be conducted as follows:

1. Any person aggrieved by a decision denying or revoking a license pursuant to this article may appeal the Director's decision by filing a written appeal to the Community Development Department. Appeals must be filed within fifteen (15) business days after notice of the Director's decision has been mailed to the applicant's address. A timely appeal will stay the enforcement of any decision to revoke a license. Appeals of the Director's decision may be filed according to the appeals procedure stated in Title 2, Chapter 1, Article 15, of this Code.

2. The appeal shall be conducted within a reasonable time, but not less than thirty (30) days, at a hearing before a neutral hearing officer designated by the City Manager. Not less than five (5) business days prior to the hearing, the Director or a designee shall give notice of the time and place of the hearing. The decision of the hearing officer shall be based upon the criteria applicable to the issuance or revocation of such license. The hearing officer may affirm, modify or reverse the decision of Director and shall state the reasons therefor. The decision of the hearing officer shall be final when rendered. Within thirty (30) calendar days of the hearing, the hearing officer shall notify the appellant of the decision, in writing, which shall be final. An aggrieved person may obtain judicial review within the time and in the manner provided for in California Code of Civil Procedure Section 1094.6, or any successor legislation.

B. Section 1-1-108.1 of this Code applies to any appeal of an administrative citation issued under this article. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2711: PENALTIES:

A. A violation of this article is not punishable as an infraction or misdemeanor, and no person will be subject to arrest for sidewalk vending unless said person has violated a law for which a person may be arrested.

B. A violation of this article is punishable only by an administrative fine according to a fee schedule adopted by resolution of the City Council.

C. Notwithstanding any other provision of this Code, failure to pay an administrative fine assessed under this section is not punishable as an infraction or misdemeanor,

and additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

3-4-2712: ABILITY-TO-PAY DETERMINATION:

A. When assessing an administrative fine under this article, the City will take into consideration a person's ability to pay the fine.

1. Any fine issued under this article will be accompanied by notice of and instruction regarding a person's right to request an ability-to-pay determination.
2. A 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.

B. If a person is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the person's administrative fine will be limited to twenty percent of the amount assessed according to the fee schedules in Section 5.122.110(b). The City may also take the following actions:

1. Allow the person to complete community service in lieu of paying the total administrative fine;
2. Waive the administrative fine; or
3. Offer an alternative disposition. [Added by Ord. No. 20-3,947, eff. 1/8/21.]

1

Code reference: See Chapter 6 of this title for general provisions on licenses and permits.

2

State law reference: As to automobile dealers generally, see Veh.C. §§ 11700-11824. As to Dealer's Anti-Coercion Act, see Bus. & Prof.C. §§ 18400-18413.

3

State law reference: As to peddlers, see Labor C. §§ 270.6, 272, 1298, 1303-1305, 1308. As to solicitation for charity, see Welf. & Inst.C. §§ 148, 148.1-148.9. As to solicitation of election campaign contributions, see Elec.C. §§ 12300-12303, 29460.

4

Prior legislation: Ordinance 3048.

5

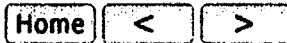
Prior legislation: Ordinance 19-3,920 amends and restates this article in its entirety, which derives from Ordinances 2679, 2891, 3058, 3756 and 3769.

6

Code reviser's note: Section 10 of Ord. No. 19-3,921 provides, "Notwithstanding the effective date of this Ordinance, Section 3-4-2508, Sale of Flavored Tobacco Products Prohibited, will not be enforced until May 1, 2020."

7

Code reviser's note: This section was renumbered at the city's request to avoid duplication of numbering resulting from amendments made by Ord. No. 19-3,921.



The Burbank Municipal Code is current through Ordinance 22-3,972, passed April 5, 2022.

Disclaimer: The City Clerk's office has the official version of the Burbank Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://new.burbankca.gov/>

City Telephone: (818) 238-5850

Code Publishing Company



City of Burbank
Community Development Department – Building Division
 150 North Third Street • 818-238-5280 • www.burbankca.gov
BUSINESS APPLICATION – BURBANK BASED

IMPORTANT TO NOTE: This is only an application and is not proof of final approval of a license, permit, or tax certificate.

Initial Planning Review: Preliminary review only- not an approval		Zone:	OK for submittal <input type="checkbox"/> OK to issue <input type="checkbox"/>	By:	Date:
Comments:					
Reason for Application					
<input type="checkbox"/> New business to Burbank		<input type="checkbox"/> Change of owners or officers		<input type="checkbox"/> Business name change	
<input type="checkbox"/> Existing Burbank business – new location		<input type="checkbox"/> Add or drop business partners		<input type="checkbox"/> Change of type of business	
Date of Application:			Business Website/Email:		
Business Name:					
Business Address:					
Mailing Address (if different):					
Business Phone:		Business Fax:		Contact Person Phone:	
Contact Person Name:			Contact Person Email:		
Starting Date in Burbank or Date of Change:		Business Hours:		Number of W-2 Employees*:	
<i>*Any 1099 employees, associates or consultants must register for their own account separately.</i>					
Detailed Description of Business that will occur at <u>THIS</u> location (attach additional sheets if needed):					

Will any physical changes be made to the building for this business (remodel, addition, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please explain. A separate building permit will be required:					
Area occupied in gross square feet:			Total number of parking spaces on the property:		
Previous business at this location:					
If vacant, how long has this location space been vacant?					
Are there any other businesses located on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please list.					
What type of business is it? Please check all that apply.					
<input type="checkbox"/> Assembly/Manufacturing		<input type="checkbox"/> Restaurant			
<input type="checkbox"/> Auto Related (sales, repair, detailing, etc.)		<input type="checkbox"/> Retail Sales			
<input type="checkbox"/> Instructing/Teaching/Tutoring/Coaching		<input type="checkbox"/> Services. Personal or Business			
<input type="checkbox"/> Media Post-Production/Editing		<input type="checkbox"/> Warehouse/Storage			
<input type="checkbox"/> Media Production/Studio		<input type="checkbox"/> Wholesale Sales			
<input type="checkbox"/> Medical/Dental Office		<input type="checkbox"/> Other			
<input type="checkbox"/> General Office					
Will the business use any machines or equipment other than typical office equipment? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please explain.					

Type of Ownership: Corporation LLC Partnership Sole Ownership Trust Other: _____

Social Security No. or Federal Employer ID No.: _____ Corporate Name: _____

Owners, Partners, or Corporate Officers (attach additional sheets if needed)

Name	Title	Driver License No.
------	-------	--------------------

Home Address	Phone	Email
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Name	Title	Driver License No.
------	-------	--------------------

Home Address	Phone	Email
--------------	-------	-------

Name	Title	Driver License No.
------	-------	--------------------

Home Address	Phone	Email
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I hereby certify that the information furnished in this application and the attached materials are true and correct to the best of my knowledge and belief. I understand that I may be required to submit additional information related to the proposed business before a decision can be made. I understand that this application is not proof of final approval of a license, permit, or tax certificate. This is only an application.

Applicant's Printed Name _____ **Title** _____

Applicant's Signature _____ **Date** _____

FOR OFFICE USE
Fees subject to increase per annual adoption of the Burbank Fee Schedule

BUSINESS LICENSE		BUSINESS TAX	
APPLICATION FEE	\$ _____	Registration/Change Fee	\$ _____
ZONING REVIEW	\$ _____	ZONING REVIEW	_____
LICENSE FEE	\$ _____	BASE TAX	_____
PRO-RATE	\$ _____	EMPLOYEE LEVY	_____
ADJUSTMENT AMT	\$ _____	# _____ X \$ _____ =	_____
CSA FEE	\$ _____	PRO-RATE	_____
TOTAL DUE IF BY CASH OR CHECK	\$ _____	ADJUSTMENT AMT	_____
2% ADMIN FEE	\$ _____	CSA FEE	_____
TOTAL DUE IF BY CARD	\$ _____	TOTAL DUE IF BY CASH OR CHECK	_____
		2% ADMIN FEE	_____
		TOTAL DUE IF BY CARD	_____

NOTES/COMMENTS:

SIDEWALK VENDING APPLICATION REQUIREMENTS

AN APPLICATION FOR A SIDEWALK VENDING LICENSE SHALL INCLUDE THE FOLLOWING INFORMATION:

1. The applicant's name, current mailing address, and telephone number;
2. A copy of a valid California's driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
3. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
4. A description of the food and/or merchandise to be offered for sale and any vending equipment to be used (including the dimensions of the vending carts and mode of transportation);
5. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required;
6. If a vendor of food, proof of all required approvals from the Los Angeles County Department of Public Health;
7. A description, map, or drawing of the location(s) in which the applicant proposes to operate;
8. A statement of the days and hours of proposed vending operations and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
9. Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and one million dollars (\$1,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured.
10. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity.
11. The applicant's certification that, to his or her knowledge and belief, the information contained in the application is true; and
12. Such other information as the Director deems necessary for the administration or enforcement of this article as specified on the required application form.



City of Burbank
PUBLIC WORKS DEPARTMENT
150 North Third Street
Burbank, California 91510-6459
Tel: 818 238 3950 Fax: 818 238 3999

Insurance Requirements for Public Works Permits

For purposes of issuing right-of-way Permits (Excavation, Street Use, Transportation Encroachment, Real Estate Open House signs, Special Events, and others) the Public Works Department, City of Burbank requires applicants to furnish the City evidence of public liability insurance, in the form of (A) Certificate of Insurance and (B) Additional Insured Endorsement, prepared by their insurance company/agency, with information as indicated below:

1. Companies Affording Coverage
2. Named Insured
3. Policy Number
4. Effective and Expiration Dates
5. Signature of insurance agent or representative of the company affording coverage
6. The City of Burbank, its officers, and representatives named as Additional Insured
7. Cancellation to read "Should any of the above described policies be cancelled or modified before the expiration date thereof, the issuing company will mail 30 days written notice to the Certificate Holder"

(A) – CERTIFICATE OF INSURANCE preferably in the Accord form (see sample) shall contain, among other information, the following:

- a. Minimum coverage limits of:
\$1,000,000 aggregate General Liability (Applicable to all Permits)
or
\$1,000,000 combined Automobile Liability (Transportation Permit only)
- b. The CERTIFICATE HOLDER must be listed as:
City of Burbank
Public Works Department
P.O. Box 6459
Burbank, CA 91510-6459

(B) – ADDITIONAL INSURED ENDORSEMENT naming the City of Burbank as additional insured, in either the Form prepared by the City Attorney or the insurance company Standard Form CG 20 12 or CG 20 26, applicable for the issuance of Permits (see forms samples attached herewith)

Both items (A) and (B) must be submitted. If either item is lacking or is not in the appropriate form, your liability insurance will not be on file with the City of Burbank, Public Works Department, and the Permit applied for will not be issued.

Public Works Department
ENGINEERING DIVISION

Please Note: Items (A) and (B) are to be sent to Public Works Department by the Applicant's insurance company. Only Applicant's insurance company can add the City of Burbank as Additional Insured.

ACORD. CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY)
PRODUCER Insurance Company X 111 Alameda Ave. Burbank, CA 91502		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURERS AFFORDING COVERAGE		
INSURED Company Y 112 Alameda Ave Burbank, CA 91502		INSURER A: INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

ENDORSEMENTS / LTD. PERIOD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EA occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WA STATE - TOB/LEADS - ODL-EX EL EACH ACCIDENT \$ EL DISEASE - EA EMPLOYEE \$ EL DISEASE - POLICY LIMIT \$
	OTHER				

SAMPLE ONLY

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Burbank, its officers, and representatives are named as additional insured.

CERTIFICATE HOLDER City of Burbank Public Works Department ATTN: Permits P.O. Box 6459 Burbank, CA 91510-6459	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
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ACCEPTABLE FORM
CG 20 12 05 09

COMMERCIAL LIABILITY
CGL-ENDORSEMENTS

1ST REPRINT
JUNE 1991

POLICY NUMBER: 123456789

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED STATE OR POLITICAL SUBDIVISIONS-PERMITS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

State of Political Subdivision:

City of Burbank
Its Officers, Employees
Representatives are included
As Additional Insured(s)

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.
2. This insurance does not apply to:
 - a. "Bodily injury", "property damage", "personal injury", or "advertising injury" arising out of operations performed for the state or municipality; or
 - b. "Bodily injury", or "property damage" included within the "products-completed operations hazard".

SAMPLE ONLY

Copyright Insurance Services Office, Inc., 1984

V1.H.210

CG 20 12 05 09

POLICY NUMBER: 123456789

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization:

ADDITIONAL INSUREDS:

CITY OF BURBANK, ITS OFFICERS, EMPLOYEES AND REPRESENTATIVES

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

SAMPLE ONLY

**ADDITIONAL INSURED ENDORSEMENT
(PERMITS)**

Insurance Company: _____

This endorsement amends and modifies such insurance as is afforded by the provisions of Policy No. _____ relating to the following:

1. The City of Burbank, 150 North Third Street, Burbank, CA 91510 (the "City") are named as additional insureds ("additional insureds") with regard to liability and defense of suits with respect to operations performed by the insured or on their behalf for which the City has issued a permit. This insurance does not apply to (a) "bodily injury", "property damage", "personal injury" or "advertising injury" arising out of operations performed for the City; or (b) "bodily injury" or "property damage" included within the "products-completed operations hazard."
2. With respect to claims arising out of the operations and uses performed by or on behalf of the named insured for which the City has issued a permit, such insurance as is afforded by this policy is primary and is not additional to or contributing with any other insurance carried by or for the benefit of the additional insureds.
3. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. With respect to the additional insureds, this insurance shall not be cancelled, or materially reduced in coverage or limits except after thirty (30) days written notice has been given to the City of Burbank, Public Works Department 150 N. Third St., Burbank, CA 91510.

(Completion of the following, including countersignature, is required to make this endorsement effective.)

Effective _____, this endorsement forms a part of

Policy No. _____

Issued to: _____
Named Insured

COUNTERSIGNED BY: _____

Printed Name: _____ Title: _____

Insurance Company Name: _____

Revised July 21, 2000

HOLD HARMLESS AGREEMENT



TO: City of Burbank
150 North Third Street
Burbank, CA 91502

DATED:

PARTIES: CITY OF BURBANK,
a municipal corporation (hereinafter "City")

(hereinafter "Applicant")

SUBJECT
PROPERTY:

The applicant desires to _____.
Pursuant to Burbank Municipal Code Title 7, Chapter 1, Article 2, Section 203(C), the Applicant agrees to indemnify and save harmless the City of Burbank, its officers, agents, and employees, hereinafter referred to as the "City", from any and all claims or demands related to injuries to persons, including death, or damage to property sustained by any person or persons, firm or firms, corporation or corporations, including the City, from any acts, omissions, or occurrences, arising from the use of the premises or facilities of the City, and which may directly or indirectly arise from, grow out of, or be attributable to operations under the permit arising from any act of the applicant, or any of its agents, contractors, servants, employees, licensees, customers, or invitees and from all costs, counsel fees, expenses, or liabilities incurred in or about any such claim, action, or proceeding brought thereon; and in case any action or proceeding is brought against the City by reason of any such claim, the Applicant, upon notice from the City, covenants to resist or defend at Applicant's expense such action or proceeding by counsel satisfactory to the City.

The Applicant shall be responsible for any damage to City property, and shall promptly reimburse the City for repair or replacement as billed.

IN WITNESS HEREOF, the Applicant has executed this document on the day and year first written above.

By: _____

Title: _____

SIDEWALK VENDING OPERATING REQUIREMENTS

Stationary sidewalk vendors shall not operate in residential zones or in any park for which the city has entered an exclusive concessionaire agreement; they may only operate at the location(s) designated in a license issued pursuant to this article and only during the times set forth therein.

Roaming sidewalk vendors shall not operate within residential zones between the hours of 8:00 p.m. and 9:00 a.m., and shall not operate on any city block for more than one hour in any four-hour period.

NO SIDEWALK VENDOR SHALL OPERATE IN THE FOLLOWING LOCATIONS:

1. Any public property or park grounds, including, without limitation, trailheads, streets, alleys, and City-owned parking structures, except on a public sidewalk.
2. Within one block of a certified farmers' market or a swap meet, during the limited operating hours of these events.
3. Within one block of an area designated for a Special Event Permit for the limited duration of the permitted event.
4. Within one block of any public or private school grounds, between the hours of 8:00 a.m. and 5:00 p.m., on days that school is open to students.
5. Within twenty-five feet of any on-street valet loading zone, any City-designated passenger loading zone, or any taxicab stand.
6. On or within any roadway, median strip, or dividing section.
7. On private property without the consent of the property owner and a City-issued permit.
8. Within one hundred feet of another vendor.
9. Within one hundred feet of a driveway or entry to a fire station or police station.
10. Within three feet of the display window of any building abutting the sidewalk or parkway that interferes with the reasonable use of such window.
11. Within 25 feet of a train boarding platform or track.
12. Within five feet from any fire hydrant, fire call box, or other emergency notification device.
13. Within five feet of any electric utility cabinet, traffic signal control cabinet, communications cabinet.
14. Within 10 feet of a marked crosswalk or the curb return of an unmarked crosswalk.
15. Ensure that vending operations or locations are not located over a pull box, manhole, hand hole or any enclosure located in a public sidewalk or right-of-way;

16. Maintain an unobstructed pedestrian access route at sidewalk vending locations that is clear of any vending equipment or public obstructions including, but not limited to, street trees, news racks, bus benches, transit shelters, and curb lines. The minimum width of unobstructed routes must be suitable for the width of the sidewalk:
 - a. Five feet when the sidewalk is no greater than thirteen feet wide;
 - b. Six feet when the sidewalk is greater than thirteen feet but no greater than seventeen feet wide; and
 - c. Eight feet when the sidewalk is greater than seventeen feet wide.
17. Ensure that vending operations are not blocking and are at least five feet from the entrances to any buildings, driveways, or vehicle parking spaces.

SIDEWALK VENDING IS PROHIBITED ON THE FOLLOWING PORTIONS OF THE SPECIFIED STREETS:

1. North San Fernando Boulevard between Magnolia Boulevard and East Olive Avenue, and South San Fernando Boulevard between East Olive Avenue and East Angeleno Avenue.
2. East Orange Grove Avenue between North First Street and Third Street.
3. West Magnolia Boulevard between North Buena Vista Street and North Screenland Drive where the public sidewalk is 10 feet in width or less.
4. Riverside Drive between North Hollywood Way and Clybourn Avenue.

GENERAL REQUIREMENTS:

1. The Vending Cart may not exceed six feet in length by four feet in width by five feet in height.
2. Maintain and ensure compliance with all state and local permits necessary for the proposed vending operation;
3. Keep the information furnished to the City current;
4. Carry a license issued pursuant to this article at all times when operating in the City, and present the license for inspection at the request of any City staff member or law enforcement officer;
5. Ensure that equipment used in connection with sidewalk vending operations are not stored or left unattended in public spaces or in any portion of the public right-of-way. (Equipment or objects left in public spaces or in the public right-of-way overnight, or outside the hours of permitted vending operations, will be considered discarded and may be seized or disposed of by the City in accordance with Section 5-3-211 of the Burbank Municipal Code);

6. Ensure that signs, tables, chairs, shade structure, fences, or other furnishings not approved for use in a sidewalk vending license are not used in vending operations;
7. Do not use any horns, music, lights, visual media, or any sound amplifying device unless expressly approved in the vending license;
8. Do not sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, tobacco or electronic cigarette products, or any living animal;
9. Do not operate in the City between 12:00 a.m. and 6:00 a.m. If the City's zoning allows any businesses on a particular street block to remain open until 2:00 a.m., then sidewalk vendors are prohibited from operating between 2:00 a.m. and 6:00 a.m. on that particular street block;
10. Do not use or attach any water lines, electrical lines, or gas lines during vending operations;
11. Ensure that sidewalk vending equipment does not physically alter or otherwise damage the underlying sidewalk;
12. Comply with all applicable food labeling requirements established by state and local laws;
13. Maintain vending operations in sanitary condition, including ensuring proper recycling and disposal of any waste produced as a result of said operations. (Vendors must operate with their own waste containers to allow the proper recycling or disposal of trash, food, or liquids generated by their operations and must leave their operations' area clean by closing time);
14. No operations that produce smoke, vapors, or noxious odors within 20-feet of an openable window, vent or intake duct;
15. No equipment that produces a flame, spark or heat is allowed within the City's Very High Fire Hazard Severity Zone (Map will be provided).
16. No operation of generators or equipment containing wet cell batteries;
17. Cease vending operations in any park one hour prior to park closure.

PENALTIES: A VIOLATION OF THIS ARTICLE IS PUNISHABLE ONLY BY AN ADMINISTRATIVE FINE ACCORDING TO A FEE SCHEDULE ADOPTED BY RESOLUTION OF THE CITY COUNCIL




MEMORANDUM



COMMUNITY DEVELOPMENT

DATE: April 17, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director 

SUBJECT: City Manager Tracking List Item No. 2564 Condominium Conversion Regulations

BACKGROUND:

At the August 8, 2023, City Council meeting, Councilmember Anthony requested a memorandum summarizing the City's existing Condominium Conversion regulations. The following are the key provisions from the Burbank Municipal Code (BMC) as noted in Title 10 (Zoning Regulations), Chapter 1 (Zoning), Article 6. Residential Uses and Standards, Division 10: Residential Condominium Conversions, Community Apartment or Stock Cooperative Projects pertaining to condominium conversions, aimed at ensuring compliance, mitigating the impact on residents, and promoting home ownership. (See Attachment 1: BMC Sections 10-1-661 through 10-1-670.2.)

ANALYSIS:

Zoning Code Overview:

- Purpose (BMC Section 10-1-661): The purpose is to establish standards ensuring converted residential rental units meet physical standards, mitigate eviction impacts, and promote homeownership, making it accessible to all economic segments for the betterment of the community.
- Definitions (BMC Section 10-1-662): Key definitions include "Condominium," "CC&Rs (Covenants, Conditions & Restrictions)," "Association," "Community Apartment Project," "Stock Cooperative Project," and "Disabled Tenant/Disabled Person."
- Administrative Use Permit (BMC Section 10-1-663): A permit is required for proposed conversions with associated tentative tract or parcel map submittals (as

required per Title 11: Subdivision of the BMC and in conformance with the California Subdivision Map Act), with extended processing time to ensure thorough review.

- Application Requirements (BMC Section 10-1-664): Applicants must submit property reports, tenant and rental information, proposed improvements schedule, plot plan/site plan, and any other relevant data.
- Fees (BMC Section 10-1-665): Submission of an Administrative Use Permit requires payment of associated application fees per the latest version of the City of Burbank Fee Resolution and associated Fee Schedule.
- Inspections (BMC Section 10-1-666): Various inspections by relevant departments, including Building and Safety Division and Fire Department, to ensure compliance with codes and safety standards.
- Correction of Deficiencies (BMC Section 10-1-667): Subdividers are required to correct code and life safety violations and provide financial assistance to tenants affected by conversions.
- Tenants' Rights (BMC Section 10-1-668): Detailed provisions safeguard tenants' rights, including notification, exclusive right to purchase, relocation benefits, and rent control measures.
- Minimum Standards (BMC Section 10-1-669): Conversions must adhere to specified development and building standards in subsections A and B of Section 10-1-669.
- Declaration of Project Elements and CC&Rs (BMC Section 10-1-670): Requirements for CC&Rs and assignment/conveyance of private storage areas and assignment and use of parking spaces are outlined.
- Escrow Accounts (BMC Section 10-1-670.1) and Dispute Resolution (BMC Section 10-1-670.2): Provisions for establishing and managing escrow accounts, including dispute resolution procedures and review of appeal of Director's determinations via the City Landlord-Tenant Commission.
- City Condominium Conversion regulations must be consistent with the provisions of California Code, Government Code - GOV § 66427.1 et seq.

Future Considerations:

City staff continues to monitor State Law regarding Condominium Conversions processes and potential things to consider as the City undertakes associated updates to the City Codes and Zoning Regulations:

- Typically, inclusionary zoning regulations like the City of Burbank's only apply to the construction of new residential units, but there are examples of condominium conversion ordinances apply inclusionary zoning regulations to units that are converted.
- Continue to monitor changes to California law associated with Condominium Conversions Defect.
- AB 1033 (Ting). New regulations that allow for the sale of ADUs separate as condominiums. Law authorizes but does not require local agencies to adopt local ordinances to allow ADUs to be conveyed as condominium separately from the primary dwelling. Condominium projects approved under this legislation remain subject to the Subdivision Map Act and the Davis-Stirling Common Interest Development Act. The City has not adopted these optional regulations.
- Evaluate potential updates to City condominium conversions regulations to consider vacancy rate limits, conversions based on proportion of rental housing units as a percentage of total housing stock, annual conversion limit, and prohibition on the conversion of small buildings of a certain size (e.g., 21 units or less in Burlingame, CA).
- SB 9 does not amend laws regarding condominiums. SB 9 does not allow denial of attached units so long as their design and construction allow them to be "separately conveyed," i.e., sold separately as condominiums may be sold. New units created via the authority in SB 9 may be approved as condominiums if the applicant asks for that approval, but the application would need to meet state and local law concerning condominiums. A jurisdiction's regular condominium conversion process would also continue to apply.

CONCLUSION:

These provisions of the BMC Burbank Municipal Code aim to regulate and provide procedures for condominium conversions, ensuring compliance with standards, protecting tenants' rights, and promoting affordable homeownership. Adherence to these regulations is crucial for fostering a balanced housing market and safeguarding the interests of Burbank residents.

ATTACHMENT:

1. BMC Sections 10-1-661 through 10-1-670.2.

ATTACHMENT 1:

BMC Sections 10-1-661 through 10-1-670.2.

DIVISION 10. RESIDENTIAL CONDOMINIUM CONVERSIONS, COMMUNITY APARTMENT OR STOCK COOPERATIVE PROJECTS

10-1-661: PURPOSE:

The purpose of this division is to establish standards, criteria, regulations and definitions in addition to the requirements of Title 11 of this Code relating to subdivisions as follows:

- A. To ensure that residential rental units being converted to condominiums, community apartment or stock cooperative projects meet reasonable physical standards as required by this chapter and building codes of the City in effect at the time of conversion.
- B. To help mitigate the impact of eviction for residents of rental units being converted to condominiums, community apartment or stock cooperative projects.
- C. To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership. [Added by Ord. No. 2725; Formerly numbered Section 31-74; Renumbered by Ord. No. 3058, eff. 2/21/87; 2830.]

10-1-662: DEFINITIONS:

CONDOMINIUM: As used in this division, CONDOMINIUM is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building constructed originally on such real property as an apartment for occupancy by a tenant or tenants pursuant to a rental or lease agreement. Such estate may, with respect to the duration of its enjoyment, be either 1) an estate of inheritance or perpetual estate, 2) an estate for life, or 3) an estate for years, such as leasehold or a subleasehold.

CC&Rs: As used in this division, CC&Rs shall mean the declaration of covenants, conditions and restrictions required by State law.

ASSOCIATION: As used in this division, ASSOCIATION means an organization composed of condominium owners.

COMMUNITY APARTMENT PROJECT: As used in this division, a COMMUNITY APARTMENT PROJECT is one in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

STOCK COOPERATIVE PROJECT: As used in this division, a STOCK COOPERATIVE is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy. The term "STOCK COOPERATIVE" does not include a limited-equity housing cooperative, as defined in Section [11003.4](#) of the Business and Professions Code.

DISABLED TENANT: As used in this division, DISABLED TENANT shall incorporate that definition of DISABLED PERSON set forth in the California Vehicle Code Section [295.5](#). [Added by Ord. No. 2725; Formerly numbered Section 31-74.1; Amended by Ord. No. 3255, eff. 7/13/91; 3058, 2830.]

10-1-663: ADMINISTRATIVE USE PERMIT REQUIRED:

No tentative tract or parcel map for a residential condominium conversion, community apartment or a stock cooperative project shall be approved or conditionally approved unless the subdivider secures an Administrative Use Permit for such project. The time requirements specified in Section [10-1-1959](#)(A) and (B) shall be extended to 50 days to permit the Director to investigate and render a proposed decision concurrently with the processing of the map pursuant to Section [11-1-321](#) et seq. of this Code. [Added by Ord. No. 2725; Formerly numbered Section 31-74.2; Amended by Ord. No. 3255, eff. 7/13/91; 3174, 3058, 3030, 2830.]

10-1-664: APPLICATION FOR ADMINISTRATIVE USE PERMIT:

The application for an Administrative Use Permit for a residential condominium conversion, community apartment, or a stock cooperative project shall include the following information in copies which are necessary for the Director to evaluate the project:

A. A property report describing the condition and estimating the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), exterior insulation (sound and thermal), light and ventilation, plumbing, electrical, heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping, and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in the State, and shall contain recommendations for the correction or improvement of any deficiencies noted.

B. Tenant and rental information shall consist of the following: name and address of each tenant of the project and the identification of any vacant units; copies of each letter sent to each tenant as required in Section [10-1-668](#)(A) and (B); present rent for each unit; length of lease for each unit and the expiration date of each lease agreement; and the estimated price range of each units as a condominium.

- C. Schedule of proposed improvements which may be made to the project prior to their sale.
- D. A plot plan of the project including the location and sizes of structures, parking layout and access areas.
- E. Such other information which the Director determines is necessary to evaluate the project. [Added by Ord. No. 2725; Formerly numbered Section 31-74.3; Amended by Ord. No. 3255, eff. 7/13/91; 3208, 3058, 2930, 2830.]

10-1-665: FEE:

Upon submission of an Administrative Use Permit for condominium conversion, community apartment or stock cooperative project, the subdivider shall pay the fee designated in the Burbank Fee Resolution. [Added by Ord. No. 2725; Formerly numbered Section 31-74.4; Amended by Ord. No. 3255, eff. 7/13/91; 3208, 3058, 2830.]

10-1-666: INSPECTIONS:

Upon receipt of the application for an Administrative Use Permit to convert and the application for a subdivision:

- A. The Director shall submit copies of applicable reports, maps and documents to the Building Department, Fire Department and other departments as found necessary.
- B. The Building Director shall review the property report submitted by the subdivider and may require its revision or resubmission if it is found to be inadequate in providing the required information.
- C. The Building Director shall also cause an inspection to be made of all buildings and structures in the existing development and shall prepare an inspection report identifying all items to be found to be in violation of the City's current Building and Housing Code requirements, or items found to be hazardous.
- D. The Fire Chief shall cause an inspection to be made of said project to determine the sufficiency of fire protection systems serving the project and report on any deficiencies and indicate which deficiencies are required to be corrected by law.

All of the reports required or referred to in this section shall be prepared in time for submission to the Director for their review and consideration of the Administrative Use Permit. [Added by Ord. No. 2725; Formerly numbered Section 31-74.5; Amended by Ord. No. 3255, eff. 7/13/91; 3058, 2930, 2830.]

10-1-667: CORRECTION OF DEFICIENCIES:

- A. The subdivider shall:

1. Correct all violations of the Building and Housing Code and repair or replace any fixtures, appliances, equipment, facilities and structural appurtenances determined to be deteriorated or hazardous.
2. Correct any deficiencies in the fire protection system as required by law.
3. Repair or replace any damaged or infested areas in need of repair or replacement as shown in a structural pest control report, to be prepared by a licensed structural pest control operator and filed at least 30 days prior to the submittal of the final map.
4. Dedicate any additional width of the public right-of-way of the street(s) abutting the property as required by the Public Works Director and in conformance with the minimum standard of the Circulation Element of the General Plan as set forth in Appendix A thereof.

B. To the greatest extent practicable from the standpoint of financial feasibility all deficiencies noted in the property report required by Section [10-1-664](#) of this division shall be corrected prior to consideration of the final map. [Added by Ord. No. 2725; Formerly numbered Section 31-74.6; Amended by Ord. No. 3208, eff. 11/10/90; 3058, 2830.]

10-1-668: TENANTS' RIGHTS:

A. Commencing at a date not less than 60 days prior to submittal of the tentative tract map, and continuing thereafter until such time as units are offered for sale, the owner or subdivider shall give written notice of the intent to convert and the rights set forth in Subsections (C) through (G) of this section, to each person applying after such date for rental of a unit in the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant. Proof of such notification and acceptance of same by the prospective tenant shall immediately be filed with the City Planner. Failure by the owner or subdivider to notify each prospective tenant who becomes a tenant and was entitled to such notice and who does not purchase their unit, shall require the owner or subdivider to pay to the affected tenant a relocation payment of two thousand five hundred dollars (\$2,500).

B. At least 60 days prior to submittal of the tentative tract map and application to the City for processing, the owner or subdivider shall send a letter to each and every tenant in the building to be converted, which letter shall advise the tenants of all rights set forth in Subsections (C) through (G) of this section. Said letter shall be served on the tenants by certified mail. At the time of tentative tract filing, the owner or subdivider shall file with the City a true copy of the letter sent to all tenants, proof of mailing, and a duly signed and notarized written statement that the required letter has been sent.

C. The Director shall notify in writing each affected tenant concerning the Notice of Director's proposed decision regarding the application for conversion in accordance with Section [10-1-1959](#) of this Code.

D. The subdivider shall give each tenant a minimum of 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

E. The present tenant or tenants of any unit to be converted shall be given an exclusive right to contract to purchase the unit occupied at a price no greater than the price, and with terms no less favorable than the terms offered to the general public. Such right shall be irrevocable for a period of 90 days after the issuance of the final public report by the California Department of Real Estate unless the tenant gives prior written notice of intention not to exercise the right.

F. The subdivider shall pay to the tenants whose name appears on the Administrative Use Permit application, as required by Section [10-1-664\(D\)](#), and who move as a result of having received the notice required by Section [10-1-668\(B\)](#), a total of two thousand five hundred dollars (\$2,500) per unit. If more than one (1) tenant occupies a unit being converted to condominium, each tenant shall receive a pro rata share of the relocation benefit. This financial relocation assistance requirement shall not apply to the benefit of tenants who were given written notice of the landlord's intent to convert when the respective rental agreements or leases were signed.

Failure to record a final subdivision map within the time allowed by this Code and the Subdivision Map Act, including all allowable time extensions, shall terminate all proceedings. Before a tentative subdivision map may thereafter be refiled, the application for a new Administrative Use Permit and tentative map shall be accompanied by an application fee equal to the sum which is double the application fees required for original applications.

G. Any rent increase above the Housing and Urban Development (HUD) Department's Guidelines occurring in the year prior to the relocation of a tenant and arising out of or caused by approval of a tentative tract map or tentative parcel map for conversion shall be refunded to the tenant who paid such excess.

If a final subdivision map has not been recorded within three and one-half (3 1/2) years after the date of approval of a tentative tract map, and two (2) years for a tentative parcel map, and reapplication has been filed within one (1) year from the tentative map expiration date, then all tenants who lived in the structure being subdivided, and who continue to live in a rental unit of said structure shall thereafter be eligible for the financial relocation assistance required by this section, regardless of the reason for ineligibility prior thereto.

H. Each disabled tenant whose name appears on the Administrative Use Permit application, as required by Section [10-1-664\(F\)](#), and who moves as a result of having received the notice required by Section [10-1-668\(B\)](#), shall submit to the Community Development Director a report from a licensed occupational therapist or physician listing the accessibility improvements needed as a result of the tenant's orthopedic or physical disability.

The subdivider shall be responsible for funding mobility improvements in the disabled tenant's new dwelling unit. These improvements shall be chosen by the tenant from those listed in the submitted report. The cost of said chosen improvements shall not exceed a total of \$2,500 for all disabled tenants in any unit. These costs are in addition to the relocation payments required

To achieve the purposes of this division, the subdivider shall provide a copy of the CC&Rs proposed to be recorded as required by State law, together with any and all documents required and relating to the items regulated by this division, prior to the filing of the final map pursuant to the provisions of Title [11](#) of this Code.

Once the CC&Rs are accepted in final form by the Director none of the portions of the CC&Rs relating to items regulated by this section shall be amended, modified or changed without first obtaining written consent of the Director, and a statement to that effect shall be included at the end of the CC&Rs.

A. ASSIGNMENT OR CONVEYANCE OF PRIVATE STORAGE AREAS.

The surface and appurtenant airspace of private storage areas required by Section [10-1-669\(C\)](#) of this division, shall be described in the CC&Rs and conveyed to its respective unit.

B. ASSIGNMENT AND USE OF REQUIRED OFF-STREET PARKING SPACES.

Required off-street parking spaces, except guest parking spaces, if any, shall be permanently and irrevocably assigned to particular units within the project. In no case shall the private storage area of one (1) unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely by unit owners, members of their families, their guests or lessees of the owner's unit. All parking spaces shall be used solely for the purposes of parking motor vehicles as defined by the State Vehicle Code. No parking space shall be used by, rented or leased to any person except in conjunction with the occupancy of a unit within the project. [Added by Ord. No. 2725; Formerly numbered Section 31-74.9; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2830.]

10-1-670.1: ESCROW ACCOUNTS:

A. The subdivider shall establish an escrow account for disabled tenants mobility improvement costs required in Section [10-1-668\(F\)](#) in an institution described in Subsection (B) below. This subdivider shall bear all costs associated with the use of this account.

B. The subdivider may place the escrow account in any bank, savings and loan association, or credit union with federal deposit insurance; with any broker licensed by the California Real Estate Commission; or with any escrow service licensed by the California Corporation Commission, that is reasonably accessible to the tenant(s) during normal business hours.

C. Escrow instructions must provide for disbursement for actual expenses incurred at completion of construction of mobility improvements mandated by Section [10-1-668\(F\)](#), upon approval by the Community Development Director; any excess funds to be returned to the subdivider upon completion of said improvements; and the dispute resolution process established in Section [10-1-670.2](#). The tenant(s) shall receive a copy of all escrow documents.

D. The escrow shall provide for disbursements only to those contractors approved by the Community Development Director. The escrow may also provide that the escrow holder verify that the expense has been paid or that the agreement to incur an expense has been entered into by the party(s) named in the agreement. In no case may payments be made directly to the tenant.

E. All payments from escrow must be made within three (3) working days after receiving notice of approval from the Community Development Director.

F. In addition to the above, the escrow must also include:

1. The names of each tenant in a unit, their mailing address, the pro rata share to each, and if possible a telephone number(s);

2. A statement that the subdivider and the escrow company indemnify and hold harmless from all liability the City, its officers, employees, or hearing officers selected by the Department, who act in good faith and with proper authority when authorizing disbursements from the escrow account;

3. Instructions that a copy of the escrow agreement and all instructions from the subdivider to the institution holding the escrow account, as well as copies of all documents required by these guidelines, and documentation of mobility improvement expenses paid directly to any third party, must be sent by the institution holding the escrow account to the tenants. The costs of reproducing documents and the cost of mailing documents cannot be charged against the tenant's \$2,500 benefit. Costs of this kind must be borne by the subdivider establishing the escrow account, and the institution setting up the escrow account should establish a fee sufficient to cover such costs. [Added by Ord. No. 3255, eff. 7/13/91.]

10-1-670.2: ESCROW ACCOUNT DISPUTES:

A. The escrow must contain a dispute resolution procedure that provides that the release of funds made or to be made to a third party constructing the improvements and contested by the tenant or the owner of the tenant's new dwelling unit or by the party constructing the improvements will be determined solely by the Community Development Director. The dispute resolution procedure must provide that in the event of a dispute between the tenant and the escrow, involving the disbursement of funds as required in Section [10-1-670.1\(C\)](#) through (F), the escrow holder at the request of the tenant(s) must inform the Community Development Director and the tenant(s) in writing that a dispute exists, the reason for the dispute and the amount in dispute within five (5) working days of receiving a request for payment. The procedure must also provide that the disputing party(s) have three (3) working days to rescind the dispute notice in writing.

B. Dispute notices must be sent by registered mail or delivered to the Community Development Director, 275 East Olive Avenue, Burbank, CA 91502, on the fifth working day

following presentation of the dispute notice to the opposing party. A copy of the escrow instructions must accompany the notice.

C. All remaining funds which are not disputed expenses are subject to the escrow instructions. Provision must be made in the escrow dispute resolution procedures for setting aside the disputed amount so that it is not subject to any other disbursements.

D. Within five (5) working days of receipt of a dispute notice, the Department will contact the disputing parties to investigate.

E. Within eight (8) working days after receipt of a dispute notice, the Department will mail to the disputing parties a notice detailing the instruction(s) the Department intends to issue to the escrow holder. The Department may only order the funds in dispute to be paid or to remain in escrow. Disputes involving matters other than those contained in Subsection (C) through (F) must be resolved between the parties in another forum.

F. Any party to the dispute may appeal the Department's determination within five (5) days after the notice of intent is sent. An appeal must be served on the Department and the opposite party to the dispute within the five (5) day period. The appeal must state why the appellant believes the Department's determination is in error.

G. The final determination of the funds in dispute will be made by the City Landlord-Tenant Commission.

H. The appealing party may rescind in writing the appeal prior to the scheduled meeting date. If the appeal is rescinded, the Department's original determination will be carried out by the escrow holder, upon notification of a final determination by the Commission.

I. There is no fee for filing an appeal from the Commission's decision to authorize or not authorize a disbursement from an escrow account.

J. The Commission will set a meeting date at the next regular meeting scheduled after receipt of the notice of appeal. The escrow holder and the tenant shall be notified by the Commission of the time and place of the meeting not later than ten (10) business days prior to the scheduled meeting.

K. The meeting will be conducted by the Commission. Both the escrow officer and the tenant may submit documents, testimony, written declarations or other evidence, all of which shall be submitted under oath. If neither party appears at the meeting, the Commission shall make a determination based on the administrative record.

L. The Commission will make a final written determination within ten (10) business days after the hearing, which will be mailed to the involved parties.

M. The Commission's decision shall be final. [Added by Ord. No. 3255, eff. 7/13/91; Amended by Ord. No. 13-3,844, eff. 11/22/13.]

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses, income, and any other financial activities.

The second part of the document provides a detailed breakdown of the accounting process. It starts with the identification of the accounting period, followed by the collection and classification of data. The next steps involve the recording of transactions in the journal, the posting of these transactions to the ledger, and the preparation of financial statements.

The third part of the document focuses on the analysis and interpretation of the financial statements. It explains how to use the balance sheet, income statement, and cash flow statement to assess the financial health of the organization. It also discusses the importance of comparing the current period's performance with the previous period and with industry benchmarks.

The fourth part of the document addresses the role of the accountant in the organization. It highlights the need for the accountant to be not only a technical expert but also a strategic advisor. This involves understanding the business operations and providing insights that can help management make better decisions.

The fifth part of the document discusses the challenges and opportunities in the field of accounting. It notes that while the profession is becoming more automated, it also offers significant opportunities for growth and specialization. Accountants who stay current with the latest technologies and regulations will be in high demand.

The sixth part of the document provides a summary of the key points discussed and offers some final thoughts on the future of accounting. It concludes by emphasizing the importance of ethics and integrity in the profession, as these are the foundations of trust and reliability.

MEMORANDUM



WATER AND POWER

DATE: April 16, 2024

TO: Justin Hess, City Manager

FROM: Joseph Lillio, Interim General Manager, Burbank Water and Power *Joseph Lillio, Interim GM*
BY: Myles Collins, Energy Services & Utility Rates Manager *Myles Collins*

SUBJECT: Informational memo on Ratio Utility Billing Systems for multifamily housing

PURPOSE

This is an informational memo on Ratio Utility Billing Systems (RUBS) for multifamily housing, per the February 13, 2024, Direct Reports Meeting (Item #3).

BACKGROUND

Multi-family buildings generally have a separate electric meter for each living unit but only one water meter to measure consumption for the entire building. As such, tenants pay electric bills directly to the utility based on metered consumption, while landlords pay for electricity for the buildings' common areas and for water, sewer, and trash for the entire building.

Landlords have a few options (depending on jurisdiction and local laws) for determining water costs by unit and collecting revenue. One option is not to follow any specific methodology and to include the costs as part of the rent. A second (and more costly) option is to submeter the building to determine the water consumption of each unit and to charge each unit appropriately.

A third option for landlords to bill for utilities is to hire a third-party vendor to implement a Ratio Utility Billing System (RUBS). RUBS has methodologies for apportioning utility costs to apartment units based on characteristics of the unit, such as square footage, number of occupants, and number of fixtures. The utility itself is unaffected because the landlord/owner remains the customer; RUBS is just a way to determine how much each tenant pays when utilities are not submetered.

Certain issues have arisen in California municipalities, where citizens have raised concerns and cities have explored and/or passed ordinances regarding RUBS. Those key issues are:

- **The perception that landlords use RUBS to circumvent rent control.** For non-submetered buildings, utilities are typically part of the rent. California has a statewide rent cap of 10% per year (or 5% plus the percentage change in the cost of living)¹. Citizens have raised concerns that landlords are increasing rent to the cap and then implementing RUBS to charge an additional amount for utilities.² Essentially, the question for municipalities is whether utilities are considered part of rent and thus subject to local rent control ordinances.
- **Lack of transparency on utility bills.** When tenants receive bills from a RUBS vendor on behalf of the landlord, they may only see a total charge—and no rationale or itemization for how the bill was determined. Under California law, landlords cannot charge tenants more than utilities cost—but they can include ‘administrative costs’ that the third-party billing companies charge the landlord. Without regulations, there may be no requirements to ensure billing accuracy or limit administrative costs.
- **No avenue for bill dispute resolution.** Whereas utilities provide avenues for customers to ask questions about bills and ensure bills are fair and accurate, these avenues may not be available for tenants who receive bills from third-party billing companies.
- **Ability to take advantage of low-income utility programs.** Neighborhood councils in Los Angeles have advocated to ensure that multi-family tenants who receive bills from third-party vendors are still able to take advantage of low-income programs.³

Landlords and industry associations have argued that they need a way to incentivize conservation and apportion costs fairly among tenants without costly submeters. For example, the California Apartment Association has contended that RUBS is a way to encourage conservation and that when cities ban it, tenants use more water.⁴

Some municipalities, both inside and outside of California, have enacted regulations that impact the use of RUBS. In 2018, the San Jose (CA) City Council voted to eliminate RUBS in rent-controlled housing. In Santa Monica (CA), RUBS are allowed, but utility costs are considered part of rent. In December of 2023, the Mountain View (CA) Rental

¹ <https://oag.ca.gov/consumers/general/landlord-tenant-issues#limits>

² <https://voiceofsandiego.org/2023/04/26/ratio-billing-in-apartments-leaves-renters-in-the-dark-about-utility-costs/>

³ <https://lacity.primegov.com/portal/viewer?id=418742&type=2>

⁴ <https://www.mv-voice.com/news/2023/10/17/rental-housing-committee-moves-to-protect-rent-controlled-apartments-from-fluctuating-utility-fees/>

Housing Committee adopted regulations specifying that utilities are part of the rent and outlining a plan to phase out RUBS for most apartment buildings.⁵ In 2003, Seattle (WA) passed a Third Party Billing Ordinance regulating the detailed information that must be included in third-party utility bills (such as from RUBS vendors) and providing avenues for billing inquiries and dispute resolution.⁶ Note that the municipalities listed above are just examples and not an exhaustive list of cities that have enacted RUBS-related regulations.

⁵ <https://www.mountainview.gov/our-city/departments/housing/rent-stabilization/utilities-charges-and-rubs>

⁶ <https://www.seattle.gov/rentinginseattle/renters/moving-in/utilities#:~:text=The%20City's%20Third%20Party%20Billing,Office%20of%20the%20Hearing%20Examiner.>



PARKS AND RECREATION

ANNOTATED AGENDA/MEETING SUMMARY

Meeting: *Art in Public Places*

Date: **4-15-2024**

Members Present: Kat Olson, Heather Owens, Lermont Khachikyan, Charla Elizabeth, Patrica Hollis,
Myeisha Peguero Gamiño

Members Absent: Robert Monaco

Staff Present: Grace Coronado - Assistant Director, Diana Alvarez - Senior Clerk, Emin Yusufov - Administrative Analyst I, Megan Wilke
- Administrative Analyst II

Item Discussed	Summary	Direction or Action, if any
1 Johnny Carson Park Shade Structure Public Art Project (Project) Update	Ms. Wilke announced important changes to the Project. Because of the unique nature of the Project, it will involve a two-step procurement: first issuing a Request for Qualifications (RFQ), followed by the Request for Proposals (RFP) process. The Project will also be limited to artists based in California. Updated project milestone dates are TBD.	None
2 McCambridge Gymnasium Mural Public Art Project (Project) Update	Mr. Yusufov provided an update on the McCambridge Mural Project, highlighting the anticipated commencement date on April 20, 2024, and completion date on May 4, 2024.	None
3 Approval of Minutes	Minutes for the March 4, 2024, meeting were approved.	Motion made by Ms. Gamiño, seconded by Ms. Elizabeth, and carried (6-0) to approve the March 4, 2024, meeting minutes.
4 Written Communications	None	None

5	Public Communications	None	None
6	Response to Public Comment	None	None
8	2827 N. Hollywood Way- Burbank- Glendale- Pasadena- New Airport Terminal Public Art	Representatives from the Burbank-Glendale-Pasadena Airport Authority presented the final design for the interior artwork of the new airport terminal and requested Committee's approval.	Action: Motion to approve the final design for the interior artwork of the new airport terminal as presented was made by Mr. Khachikyan, seconded by Ms. Hollis and carried (6-0).
9	Adjournment	The meeting adjourned at 6:28pm	