

October 6, 2003

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
October 14, 2003

NEWSRACK ORDINANCE – FIRST READING

Recommendation:

It is recommended that the City Council:

1. Approve first reading of Newsrack Ordinance;
2. Select color for modular system; and
3. Determine phasing plan for implementation of new modular systems

Summary:

The proposed ordinance will require all publications sold through newsracks in the public right-of-way to utilize City-owned modular systems at designated locations, and prohibit the use of individual newsracks. Implementation of the ordinance will be phased, meaning that individual newsracks in some locations will be allowed to remain until phased out. However, no new individual newsracks will be permitted. Phased implementation options are discussed under “alternatives” below for Council consideration.

Background:

At the present time, Chapter 12.32 of the Hermosa Beach Municipal Code entitled NEWSRACKS requires permits and sets standards for proper placement and maintenance of newsracks placed within the public right-of-way. The City established a permit fee of \$15 per year per location in 2001, but it has not been put into practice; other provisions of the Code have not been consistently enforced. The City has utilized its authority to remove newsracks when, for various reasons, they are considered a public nuisance.

There has been a long-standing concern in the community regarding newsracks causing visual clutter, blocking safe pedestrian access, and also accessibility to parked vehicles. As of July 2003, there were a total of 30 different publications being sold in newsracks from 28 different locations throughout the City varying from a single stand to as many as 22 at the Post Office on Pier Avenue (see Attachment 3 for photos of newsrack locations). The Public Works Commission conducted extensive inquiry into this issue and determined that the most effective solution to the proliferation and clutter would be to use a modular system similar to those used in the downtown area of Manhattan Beach.

The City Attorney, working with staff, has prepared the attached draft Newsrack Ordinance. Staff held two public meetings inviting all affected publishers and the Public Works Commission approved the draft ordinance at its regularly scheduled meeting of August 20, 2003 (See attached minutes.).

K-Jack Engineering Company in Gardena manufactures the proposed modular system. The City of Manhattan Beach did extensive investigation into alternative systems and recommends that we sole source with K-Jack for durability and quick service (see ATTACHMENT No. 2 for photo of K-Jack system in Manhattan). The proposal is to require the publishers to provide a standardized modular newsrack unit, which is stackable on a tray with pedestals, which are to be provided by the City. They are typically stacked two high and one to five across. The only advertising allowed is on the front (glass) side of the individual units.

When there is inadequate space for all publications at a specific site, selection will be made using a lottery system. This will be done based upon a priority basis with the first priority given to daily publications (at

least 5 per week), the second to weekly publications and then the third priority grouping for all others. In addition, the position within a particular modular system will be assigned by lottery.

The Commission recommended that the City use the color brown, to distinguish the racks from the blue units used in Manhattan Beach. It was thought that we could use the brown similar to the brown used for the street signs. Staff has subsequently been informed that the only brown available is the color used by the Los Angeles Times, which is more of a khaki color. The three colors recommended for use are blue, green and khaki. Staff will present examples of the color options for Council selection.

Staff recommends that the conversion to the new modular system be implemented in a phased approach starting with the locations that have caused the most concern. This will soften the impacts imposed upon the publishers who have expressed concern regarding cost and possibly reduced sales due to limitations of the allowed advertisement area. This will also give the community time to see if there is a consensus to expand the modular system citywide.

Publishers will still be required to obtain annual permits for all locations and staff will enforce permit conditions regarding proper placement and maintenance. Stickers will be issued for display on all newsrack units confirming that they are permitted.

Options for phasing in the conversion to the modular systems:

1. Begin with all locations with eight or more publications – Includes four locations:
 - a. 565 Pier Ave. (Post Office – #18) Staff recommends reducing from existing 22 publications to 18
 - b. 1025 PCH (Rocky Cola Café – #23) 12 publications
 - c. 2151 Hermosa Ave. (The Green Grocery Store – #10) 12 publications
 - d. 201 Hermosa Ave. (#3) with eight publications
2. Begin with all locations with six or more publications – includes seven locations (Locations 3,10,18,21,23,24, & 25).
3. Begin with all locations with four or more publications – Includes 16 locations (#3, 4b, 5, 9,10, 12, 15, 16,18,19,21,22,23,24,25 & 28).
4. Require conversion at all 28 locations citywide.

Staff and the Public Works Commission originally recommended Option 3. After considering further concerns expressed by some of the publishers, staff now recommends Option 1. These four locations represents 54 of the 127 total number of newsracks citywide and have been the cause of most complaints. Note that the only location that staff proposes to reduce the number of existing publications is at the Post Office.

Other alternatives for Council consideration:

1. Disapprove proposed Newsrack Ordinance and direct staff to enforce existing Municipal Code requirements, including annual permitting.
2. Disapprove proposed Newsrack Ordinance and leave issue status quo.

Fiscal Impact:

Pending Council approval of the new ordinance, staff will solicit for bids to install pedestals and trays. A fee will be then determined to cover all costs of installation, maintenance and administration. The

existing fee is \$15 annually for each location and covers administrative costs only. Staff anticipates that the new fee, including installation costs, will be less than \$50 per year. After receiving costs from the contractor, the existing fee will be amended by resolution.

Attachments:

1. Draft Ordinance
2. Photo of K-Jack system in Manhattan
3. Photos of existing newsrack locations
4. Excerpt from PW Commission Minutes of 8-20-03

Respectfully submitted,

Concur:

Richard D. Morgan, P.E.
Director of Public Works/City Engineer

Stephen R. Burrell
City Manager

Noted for fiscal impact:

Viki Copeland
Finance Director