



To the City of Coachella,

**The Inland Coalition for Immigrant Justice (ICIJ)** has been a leading voice in advocacy for the rights of street vendors in the Inland Empire. We've worked closely and extensively with local street vendors for years and have organized them in the IE to be effective self-advocates. Our years of experience with directly organizing street vendors has given our organization unique insight into the reality of street vending, the obstacles that street vendors confront in attempting to integrate into the formal economy, and the knowledge that street vendors are a benefit to their communities.

**The Inland Coalition for Immigrant Justice** recommends the following additions be made to the City of Coachella's sidewalk vendor ordinance draft and program:

#### **General Recommendations**

- Community workshops and town halls - ICIJ we can help develop these continually
- We need the city to delay the first-reading of the draft ordinance in mid-November and instead propose an inclusive town hall. We need the city to do this to engage more public input (the drafting of the ordinance needs more time). It's key for sidewalk vendors to analyze language in the ordinance and demonstrate how those laws are affecting them.
- Multiple forms of support are needed: detailed workshops, popular education, technology support, and funds to lessen the economic impact of starting formally.
- An economic fund that helps vendors with popular education classes, compact mobile or stationary carts, stands and other start up costs such as Shared Kitchen permits, health inspections, commissary costs, permits, and transportation of their equipment
- Include language that can protect vendors that are victims of violence as we see a rise in attacks by vigilantes. Also partner with organizations or entities that can support victims of violence
- Conduct a city-wide educational campaign on vendors' success stories and help with new business promotion on city website and social platforms, and business directory

#### **Recommendations for a Model Ordinance**

##### **Fee structure and accountability**

- We ask that you reduce cost of citations, only charge a quarter of each fee so \$25 for first violation, \$50 second violation, \$100 for third violation for vendors
- The fine structure should not be the most restrictive. State law creates a ceiling, not a best practice. It's relatively easy for vendors to receive multiple citations and rack up thousands of dollars in debt.
- Other Suggestions:
  - Emphasize educational outreach to bring vendors in to compliance, rather than punitive enforcement mechanisms that create poverty traps for an already vulnerable community
  - Create an equitable program for correcting violations where code enforcement does not intimidate, shame, or harass vendors in large



sweeps. Not only are these sweeps traumatic and hurtful, but also disparate treatment compared to how brick and mortar businesses are treated during enforcement interactions in Coachella.

- As a part of a more equitable fine program, the city should allow ample room for correcting a violation, a reasonable timeline to resolve the issue, and not issue another citation for the same violation until a previous violation has been allowed adequate time for resolution.

### **No Confiscations**

- We can not allow for food nor material to be confiscated, this hurts the vendors and sets them back a week which they cannot afford, do not waste Code Enforcement resources, straining a small department with in city, confiscations cause folks to lose their private property for months to years as we have seen in cities like San Bernardino

### **Business License Permit Fee and Accessibility**

- Education first approach: co design permit process booklet for vendors who speak Spanish or other indigenous languages. Vendors need accessible & culturally appropriate educational materials. Have the same distance requirements for how far a vendor can be from a fire hydrant, bus stop, electric box, etc OR make picture charts explaining this in a zine format. Technical assistance is key to help vendors formalize
- Permits should be accessible - We advocate for a reduction of the permit fee to \$27. We need a fee study to set up a new permit cost, we need this before the ordinance gets finalized. We need the City to recommend a low cost be reduced to \$27 - to set the lowest street vendor permit cost in all of California. This can go through a special committee to move to the next step of creating an ordinance to reduce the permit cost permanently
  - Los Angeles Street Vendors addressed Sidewalk vendor permit cost and recently are on their way to conduct a study to reduce the permit cost
- Host workshops with Brick and Mortar Restaurants and other Commercial Kitchen facilities to help business owners and operators understand how they can use the Shared Kitchen option. Local businesses can be host facilities for Compact Mobile Food Operators (CMFOs) or in other works sidewalk vendors who sell food such as corn, tamales, burritos, tacos, etc
  - <https://rivcoeh.org/catering-businesses-and-host-facilities>
- Free to low cost permits for low income people, of which many are street vendors. Currently the city's Economic Development website, under Business License lists an annual "peddler permit" with a cost for \$75. Permitting costs can be a high barrier to entry for entrepreneurship the city should otherwise be supporting, incentivizing, and enabling. If a permit/licensing system is simply out of reach for a low-income entrepreneur that has to choose between going out and vending to get their family by, or paying for high permit costs, they will make the rational decision to remain in the informal economy. If cost recovery is a concern, lower fees means more access to applicants, so there's an optimum point for returns to the city if there's a lower barrier to entry
  - The city should consider making permits free for applicants over the age of 55.



- The city should consider a fee waiver program for applicants who qualify as low-income
- In the early rollout of a vending program, bringing vendors into compliance and assisting these small businesses with meeting requirements will take resources and support from the county, city, and state.
- Do not require extra permits that will cause undue burden - Do not require general liability insurance naming the City as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 combined. As an alternative, the City can include an indemnification clause in its ordinance in order to not require vendors to obtain insurance up front. These efforts will incentivize vendors

### **Time of Business Operation**

- Allow sidewalk vendors to operate from sunrise to sunset in residential areas (note: sunrise and sunset fluctuates every season)
- Allow sidewalk vendors to operate from one and a half hour from sunrise to 3:00 AM in commercial and mixed use zones including downtown
- or perhaps 24 hours as other drive through operations are allowed to do in Coachella. In our advocacy and focus groups with stakeholders across the state, bars and other similar businesses often prefer street vendors providing food to patrons as it helps stimulate business and helps temper intoxication in the late hours that people are exiting bars and nightclubs. It is bad policy to restrict vendors to shorter hours - both for local brick and mortar businesses (bars especially), bad for patrons and consumers, and bad for the general public. Offering late night food is one of the important contributions that street vendors provide for many cities across the world.

### **Location within City limits**

- Downtown business area sidewalks: need to be open for sidewalk vendors because these are the sidewalks with ample space
- Parks: The Palm Springs Sidewalk Vending ordinance was amended for vendors to be in grassed areas of public parks, but not on athletic field areas. The reasoning was due to the fact that the parks would ensure usage and provide people who are in the parks with access to foods and it makes sense to utilize these areas because they have the infrastructure to allow for vending to safely occur.
  - Stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36”) of unobstructed accessible path of travel, without obstruction, along the public sidewalk or public pathway.
  - With respect to the concessionaire agreement in parks. Mobile vendors cannot be restricted in parks based on economic protectionism. It is good policy to allow stationary vendors in parks if possible.
  - The language of *immediate vicinity* prohibitions adjacent to farmers markets and swap meets is preferable than a complete exclusionary zone. Not only is this bad policy, but it's likely violating the state law if there's no appropriate rationale directly related to



- objective welfare, safety, and health concerns. At most, 50-100 feet seems to fit more within the meaning of immediate vicinity
- Exclusion zones around schools are discriminatory. There is no empirical evidence to support vendors being a danger to children or causing distractions or possible accidents. Schools are areas of opportunity and likely areas where vendors will more be harassed and ticketed for approaching communities that want to enjoy the corn, raspados, and staple foods that were a pillar of many childhoods. There should be no exclusion of vendors near schools. To the contrary, there should be ways that the schools are involved and able to work with vendors who want to sell to students.
  - Excluding vendors from using any public infrastructure is not helpful, and actually causes further issues. The City of Coachella should be thinking of ways to create more spaces and ways for vendors to use public infrastructure to sustain their businesses, not the opposite
  - For further reference and information on cities violating state law, Public Counsel is currently suing the City of Los Angeles over arbitrary no-vending zones and areas where vendors are excluded in violation of state law. [Here is a link to the complaint.](#)