

RESOLUTION NO. PC2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO SECTIONS 5.04.380, 8.04.010, AND 12.04.030 OF THE COACHELLA MUNICIPAL CODE AND ADDING CHAPTER 12.50 TO THE COACHELLA MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946 AND AMENDING THE ENFORCEMENT AUTHORITY REGARDING THE CITY'S ENVIRONMENTAL HEALTH CODE. CITY-INITIATED.

WHEREAS, the City of Coachella, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens, including sidewalk vending, as long as these are consistent with Senate Bill 946 (SB 946); and

WHEREAS, in 2018, the California Legislature passed SB 946 which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946; and

WHEREAS, SB 946 applies to both charter and general law cities; and

WHEREAS, SB 946 authorizes the implementation of regulations that are directly related to objective health, safety, or welfare concerns, and that do not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified; and

WHEREAS, the permit requirements proposed are consistent with SB 946, as they are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws including the Americans with Disabilities Act, and the City's general encroachment permit requirements for work and/or activities in the public right of way; and

WHEREAS, the standards imposed on stationary sidewalk vendors requiring a minimum path of accessible travel are necessary to comply with the Americans with Disabilities Act and maintain minimum safe access along public sidewalks; and

WHEREAS, SB 946 explicitly stated that the legislation did not affect the applicability of Part 7 (commencing with Section 113700 of Division 104 of the Health and Safety Code, otherwise known as the California Retail Food Code, to a sidewalk vendor who sells food; and

WHEREAS, standards for maintaining access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows are necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the City's safety personnel to observe activities within buildings, maintain access, and protect the public during emergencies; and

WHEREAS, the Planning Commission finds and determines that the installation, repair, maintenance, and removal of encroachments in the public way must be regulated in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community; and

WHEREAS, the Planning Commission finds that public and private persons who maintain and/or install encroachments in the public way bear a responsibility to help preserve the public way and to contribute to the administrative and liability costs incurred by the community and caused by such encroachments; and

WHEREAS, the Planning Commission finds that, unless properly regulated, sidewalk vending poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and

WHEREAS, the inherent nature of sidewalk vending and the ability of such vendors to be located on private property and public streets and move quickly from place to place in the community, including near parks, schools, and other places frequented by children, warrants imposing certain regulatory measures, including requiring background checks, to protect the health, safety, and welfare of the community; and

WHEREAS, SB 946 continues to authorize cities to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by a city; and

WHEREAS, the proposed regulations for sidewalk vendors are objectively related to health, safety, and welfare concerns as having many sidewalk vendors has impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and

WHEREAS, fraud or misrepresentation in the course of vending constitutes an objective harm to the health, safety, and welfare of the City's residents; and

WHEREAS, fraud or misrepresentation in the application for the permit constitutes an objective harm to health, safety, and welfare of the City's residents; and

WHEREAS, vending in a manner that creates a public nuisance or constitutes a danger to the public constitutes an objective harm to the health, safety, and welfare of the City’s residents; and

WHEREAS, the Planning Commission finds that the changes to Section 8.04.010 of the Coachella Municipal Code are necessary to make clear the City’s authority to enforce its Environmental Health Code.

WHEREAS, on January 17, 2024 the Planning Commission held a duly noticed public hearing to review the proposed amendments at which time during the hearing members of the public were given an opportunity to testify regarding the Project; and

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The Planning Commission of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Recommendation to City Council. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Coachella hereby recommends that the City Council adopt an Ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING SECTIONS 5.04.380, 8.04.010, AND 12.04.030 OF THE COACHELLA MUNICIPAL CODE AND ADDING CHAPTER 12.50 TO THE COACHELLA MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946 AND AMENDING THE ENFORCEMENT AUTHORITY REGARDING THE CITY’S ENVIRONMENTAL HEALTH CODE” which is attached hereto as Exhibit “A.”

SECTION 3. Findings. The Planning Commission finds that the amendments to the Coachella Municipal Code proposed by the above referenced ordinance are consistent with and implement the goals and policies of all elements of the General Plan and exercise the City’s land use powers to protect the health, safety, and welfare of the public.

SECTION 4. Certification. The Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the members of the City of Coachella Planning Commission on this 17th day of June, 2024.

Ruben Gonzalez,
Planning Commission Chair

ATTEST:

Gabriel Perez, Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Gabriel Perez, Planning Secretary, City of Coachella, California, certify that the foregoing Resolution was adopted by the Planning Commission at a regular meeting of the Planning Commission held on the 17th day of January, 2024, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary