

RESOLUTION NO. 2024-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA ESTABLISHING AN APPLICATION FEE FOR SIDEWALK VENDOR OPERATIONS WITHIN THE CITY.

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 regulating sidewalk vendors; and

WHEREAS, in 2018, the California Legislature passed SB 946 which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB946; 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 City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safe-guarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and emergency medical personnel services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, on January 17, 2024, the Planning Commission considered the Sidewalk Vendor Ordinance, Ordinance 1209, at a public hearing and recommended that the City Council adopt the ordinance and application fee structure to support the administration of the Sidewalk Vendor Ordinance for proposed sidewalk vendor operators for new applications and application renewals; and

WHEREAS, on February 14, 2024 and February 28, 2024, the City Council considered the Sidewalk Vendor Ordinance, Ordinance No. 1209, at a public hearing and adopted Ordinance No. 1209 at first reading.

WHEREAS, it is the desire of the City Council of the City of Coachella to establish by resolution, an equitable application fee to allow for the administration of sidewalk vendor operators in the City of Coachella subject to the requirements of Ordinance No. 1209; and

WHEREAS, the City has caused to be conducted a cost of service analysis of the proposed fees illustrating the estimated reasonable costs to the City in providing the review and processing of applications for sidewalk vendor operations and said study is on file with the City Clerk; and

WHEREAS, the City Council of the City of Coachella finds and determines that the fees set forth herein shall cover, but not exceed, the estimated reasonable cost of providing the regulatory activity which the fee is charged; and

WHEREAS, the City has noticed this public hearing in compliance with Government Code Section 66018 has made publicly available all data related to the calculation of the fees, and all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council finds that this is not a project as defined by the California Environmental Quality Act (“CEQA”) pursuant to Section 15378(b)(4) as the action relates to the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

SECTION 3. The application fees for sidewalk vendors that are Coachella Valley residents shall be \$125 for an initial application and \$100 for renewals. The application fees for sidewalk vendors that are residents outside the Coachella Valley shall be \$300 for an initial application and \$165 for renewals. The fees shall be increased annually each July 1 for inflation by the percentage change as calculated from the year over year change each March from the Consumer Price Index for all Urban Consumers, Riverside-San Bernardino-Ontario, CA published by the U.S. Bureau of Labor Statistics, or a successor index. The fee will be effective upon adoption of Ordinance No. 1209.

SECTION 4. If any provision of this Resolution or the application of any provision to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provision of this Resolution are severable. The City Council declares that the City Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at Coachella City Hall. City Clerk is the custodian of the record of proceedings.

SECTION 6. Execution of Resolution. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED APPROVED and ADOPTED this 28th day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2024-02 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 28th day of June 2024 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Delia Granados
Deputy City Clerk