



STAFF REPORT
3/13/2024

TO: Honorable Mayor and City Council Members

FROM: Gabriel Perez, Development Services Director

SUBJECT: Adopt Ordinance No. 1209 (Second Reading) “Sidewalk Vendor Regulations” – proposed amendments to Sections 5.04.380, 8.040.010, and 12.04.030 of the Coachella Municipal Code and adding Chapter 12.50 to the Coachella Municipal Code Amendments regarding sidewalk vending regulations in compliance with Senate Bill 946. City-Initiated

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 1209, by second reading, approving amendments to the Coachella Municipal Code (C.M.C.) Sections 5.04.380, 8.040.010, and 12.04.030 and adding Chapter 12.50 related to establishment of sidewalk vendor regulations.

BACKGROUND:

In 2018, the California Legislature passed Senate Bill 946 (SB 946) which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946. SB 946 applies to both charter and general law cities. SB 946 prohibits local governments from imposing criminal penalties for sidewalk vending, except SB 946 did not affect the applicability of the California Retail Code, commencing at Health and Safety Code section 113700. SB 946 authorizes the implementation of time, place, and manner 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. Staff worked with the City Attorney’s office to develop a draft ordinance to amend the Coachella Municipal Code (C.M.C).

SB 946, in effect January 1, 2023, created a new category for “compact mobile food operation,” as a mobile food facility that operates from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance and permits a range of food preparation activity including heating, frying, baking, roasting, shaving of ice, blending, steaming of hot dogs or assembly of non-prepackaged food.

On February 28, 2024, the City Council approved the first reading of Ordinance No. 1209 that would establish sidewalk vendor regulations citywide.

DISCUSSION/ANALYSIS:

By definition in the statutes, a Sidewalk Vendor means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. SB 946 prohibits cities from prohibiting businesses to sell merchandise and food in the public realm in both sidewalks and parks, but allow cities to regulate these businesses with regulations that are directly related to objective health, safety, or welfare concerns. The City drafted an ordinance based on of time, place, and manner regulations that are directly related to objective health, safety, or welfare concerns. The following table identifies what the City can and cannot regulate.

City of Coachella Draft Sidewalk Vendor Ordinance

The attached Ordinance includes “permit requirements” that 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 of Coachella's (“City”) general encroachment permit requirements for work and/or activities in the public right of way.

Sidewalk Vendor Permit Requirement

The Ordinance requires that Sidewalk Vendors obtain a Sidewalk Vendor Permit and would require a business license, California seller's permit, Driver's License or Tax ID Number or Municipal ID number, County Health Department permit, General Liability Policy of \$1,000,000, and operations site plan.

Permitted Locations for stationary vendors

While the proposed Ordinance prohibits all stationary vendors from vending in residential zones, roaming vendors would be allowed to vend anywhere in the City along a public right-of-way (that has a sidewalk), as long as they comply with the requirements of the proposed Ordinance. The stationary vendor would need to operate on an improved area and would not be able to operate in the public right of way on dirt lots without improved parking that would potentially create an unsafe condition for pedestrians and vehicle traffic. Staff recommends the following for permitted locations of stationary sidewalk vendors:

- Permitted in non-residential zones and mixed-use zones.
- Maintain 36 inches of accessible path of travel.
- Building entrances and private driveways may not be blocked at a distance of a minimum of 25 feet.
- Not permitted within 10 feet of a fire hydrant, fire escape, bus stop, loading zone, or handicapped parking space.
- 40 feet away from street and highway intersections to avoid conflicts with pedestrians crossing at intersections.
- Not within 150 feet of farmer's market, swapmeet or temporary event permit.
- Public or street parking or private parking must be within 500 feet of the vending area.
- 300-foot distance from schools when in session and 30 minutes before and after schools are in session. This distance requirement would be similar to the ice cream truck operator

- requirement.
- 200-foot distance from freeway onramps.
- City Park regulations include:
 - Stationary and roaming sidewalk vendors must be at least 50 feet away from another sidewalk vendor.
 - prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise or in an area occupied by a Certified Farmer’s Market.

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 and maintain access.

Staff has summarized other notable Sidewalk Vending requirements in the draft Ordinance in Table 1 below.

Table 1: Other Sidewalk Vendor Draft Ordinance Requirements

Stationary Sidewalk Vendors	Roaming Sidewalk Vendors
<ul style="list-style-type: none"> • Conducted between 5:00 a.m. and 11:00 p.m. everyday • Maintain vending area in clean, orderly and sanitary condition • No tables, chairs, fences shade structures permitted with vending activities • Exterior storage prohibited • No discharge of liquid into City streets, storm drains, catch basins, or sewer facilities. 	<ul style="list-style-type: none"> • Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. • Sidewalk vending hours for non-residential zones shall be conducted between the hours of 5:00 a.m. and 11:00 p.m. of every day • The sidewalk vendor does not conduct sales from a public street.

FISCAL IMPACT:

It is anticipated that there would be a fiscal impact administering the Sidewalk Vendor program, which would partially offset by the sidewalk vendor application fee established by the City Council pursuant to Resolution No. 2024-02 at \$125 for the initial application fee for Coachella Valley residents and \$100 for application renewals. Applicants residing outside the Coachella Valley would be charged \$300 for the initial application fee and \$165 for the renewal.

ALTERNATIVES:

- 1) Adopt Ordinance No. 1209 (second reading) approving amendments to the Coachella Municipal Code (C.M.C.) Sections 5.04.380, 8.040.010, and 12.04.030 and adding Chapter 12.50 related to establishment of sidewalk vendor regulations.
- 2) Recommend denial of the proposed amendments.
- 3) Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 as noted above.

Attachments:

1. Ordinance No. 1209 (Second reading) Sidewalk Vendor Ordinance
2. Map of Potential Sidewalk Vendor Locations