



City Council Chamber
1515 6th Street, Coachella, California
(760) 398-3502 ♦ www.coachella.org

AMENDED AGENDA

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

January 17, 2024
6:00 PM

<p>In-Person Meeting Location:</p> <p>City Council Chamber 1515 6th Street, Coachella, California</p>	<p>If you would like to attend the meeting via Zoom, here is the link:</p> <p>https://us02web.zoom.us/j/84544257915?pwd=VTdHWitpYVdOUk1NQW8vZ1pqUm0zQT09</p> <p>Or One tap mobile : +16694449171,,84544257915#,,,,*380084#</p> <p>Or Telephone: US: +1 669 900 6833</p> <p>Webinar ID: 845 4425 7915 Passcode: 380084</p> <p>Spanish: El idioma español está disponible en Zoom seleccionado la opción en la parte de abajo de la pantalla</p>
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- Public comments may be received **either in person, via email, telephonically, or via Zoom** with a limit of **250 words, or three minutes:**
 - **In Real Time:**

If participating in real time via Zoom or phone, during the Public Comment Period, use the “**raise hand**” function on your computer, or when using a phone, participants can raise their hand by pressing *9 on the keypad.
 - **In Writing:**

Written comments may be submitted to the City Council electronically via email to cityclerk@coachella.org. Transmittal **prior to the start** of the meeting is required. All written comments received will be forwarded to the City Council and entered into the record.
 - If you wish, you may leave a message at (760) 262-6240 before 5:30 p.m. on the day of the meeting.
- The **live stream** of the meeting may be **viewed online** by accessing the city's website at www.coachella.org, and clicking on the "**Watch Council Meetings**" tab located on the home page, and then clicking on the "live" button.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

APPROVAL OF THE MINUTES:

1. Planning Commission Meeting Minutes December 6 2023
2. Planning Commission Study Session Minutes December 6 2023

WRITTEN COMMUNICATIONS:

PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

REPORTS AND REQUESTS:

NON-HEARING ITEMS:

3. Luxtor Luxury RV Storage Rooftop Screening – 49751 Oates Lane

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

4. 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
5. Family Dollar – Type 20 ABC License

Conditional Use Permit No. 373 to allow liquor sales (ABC Type 20, Off-Sale Beer & Wine) within a 8,213 SF dollar store located at 52226 Cesar Chavez Street. Applicant: Family Dollar LLC

INFORMATIONAL:

6. Director Report

ADJOURNMENT:

Complete Agenda Packets are available for public inspection at the City Clerk's Office at 53-462 Enterprise Way, Coachella, California, and on the City's website www.coachella.org.

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



City Council Chamber
1515 6th Street, Coachella,
(760) 398-3502 ♦
www.coachella.org

AGENDA Anmendada

DE UNA REUNIÓN ESPECIAL DE
LA
COMISIÓN DE PLANIFICACIÓN
PLANNING COMMISSION

17 de Enero, 2024
6:00 PM

<https://us02web.zoom.us/j/84544257915?pwd=VTdHWitpYVdOUk1NQW8vZl1pqUm0zQT09>

O one tap mobile:

Us: +16699006833,, 84544257915#,,,,* 380084# US

O teléfono:

Us: +1 669 900 6833

ID del webinar: 845 4425 7915

Código de acceso: 380084

Español: El idioma español está disponible en Zoom seleccionado la opción en la parte de abajo de la pantalla

Los comentarios públicos se pueden recibir por correo electrónico, por teléfono o por zoom con un límite de 250 palabras o tres minutos:

En vivo:

Si participa en vivo a través de zoom o teléfono, durante el período de comentarios públicos, use la función "levantar la mano" en su computadora, o cuando use un teléfono, los participantes pueden levantar la mano presionando *9 en el teclado.

Por escrito:

Los comentarios escritos pueden enviarse a la comisión electrónicamente por correo electrónico a gperez@coachella.org. Se requiere la transmisión antes del inicio de la reunión. Todos los comentarios escritos recibidos serán enviados a la comisión e ingresados en el registro.

SI LO DESEA, PUEDE DEJAR UN MENSAJE EN EL (760) 398-3102, EXTENSIÓN 122, ANTES DE LAS 4:00 P.M. DEL DÍA DE LA REUNIÓN

LLAMADO AL ORDEN:

JURAMENTO A LA BANDERA:

PASE DE LISTA:

ORDEN DEL DÍA ESPECIAL

APROBACIÓN DE LA AGENDA:

“En este momento, la Comisión puede anunciar cualquier punto que está siendo retirado de la agenda o continuado a otra fecha o solicitar el traslado de un punto de la agenda”.

APROBACION DE LAS ACTAS:

1. Borrador de las Actas de la Comisión de Planificación – 6 de Diciembre, 2023.
2. Borrador de las Actas de la Sesión de Estudio la Comisión de Planificación - 6 de Diciembre, 2023.

COMUNICACIONES ESCRITAS:

COMENTARIOS DEL PÚBLICO (PUNTOS QUE NO ESTÁN EN LA AGENDA):

“El público puede dirigirse a la Comisión sobre cualquier tema de interés para el público que no esté en la agenda, pero que esté dentro de la jurisdicción de la materia de la misma. Por favor limite sus comentarios a tres (3) minutos”.

INFORMES Y SOLICITUDES:

PUNTOS QUE NO SON DE AUDIENCIA:

1. Luxtor Luxury RV Storage Rooftop Screening – 49751 Oates Lane

CALENDARIO DE AUDIENCIAS PÚBLICAS (CUASI-JUDICIAL):

2. Permiso de Uso Ordenanza de vendedores ambulantes.
3. Family Dollar – Type 20 ABC Licencia de Licor

INFORMATIVO:

Actualizaciones del director

SE SUSPENDE LA SESIÓN:

Los paquetes completos de la agenda están disponibles para inspección pública en el Departamento de Servicios de Desarrollo en 53-990 Enterprise Way, Coachella, California, y en el sitio web de la ciudad www.coachella.org.

ESTA REUNIÓN ES ACCESIBLE PARA PERSONAS CON DISCAPACIDAD



Civic Center
53990 Enterprise Way, Coachella, CA
(760) 398-3502 ♦ www.coachella.org

MINUTES

OF THE CITY OF THE
CITY OF COACHELLA
PLANNING COMMISSION

December 6, 2023
6:00 PM

If you would like to attend the meeting via zoom, here is the link:

<https://us02web.zoom.us/j/84544257915?pwd=VTdHWitpYVdOUk1NQW8vZ1pqUm0zQT09>

Or one tap mobile :

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IF YOU WISH, YOU MAY LEAVE A MESSAGE AT (760) 398-3102, EXTENSION 122, BEFORE 4:00 P.M. ON THE DAY OF THE MEETING

CALL TO ORDER: 6:02 PM

PLEDGE OF ALLEGIANCE:

Vice Chair Hernandez

ROLL CALL:

Commissioners Present: Commissioner Arvizu, Commissioner Ramirez, Alternate Commissioner Fonseca, Vice Chair Hernandez, Chair Gonzalez.

Commissioners Absent: Commissioner Murillo.

Staff Present: *Gabriel Perez, Development Services Director.
*Jason Stevens, Information Technology Manager.
*Jesus Medina, Information Technology Tech.

APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

IT WAS MOVED BY COMMISSIONER RAMIREZ AND SECONDED BY VICE CHAIR HERNANDEZ TO APPROVE THE AGENDA.

Approved by the following roll call vote:

AYES: Commissioner Ramirez, Alternate Commissioner Fonseca, Vice Chair Hernandez, Chair Gonzalez, Commissioner Arvizu.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Murillo.

APPROVAL OF THE MINUTES:

1. Draft Planning Commission Minutes – November 15, 2023.

IT WAS MOVED BY COMMISSIONER RAMIREZ AND SECONDED BY VICE CHAIR HERNANDEZ TO APPROVE THE MINUTES.

Approved by the following roll call vote:

AYES: Commissioner Arvizu, Commissioner Ramirez, Vice Chair Hernandez, Chair Gonzalez, Alternate Commissioner Fonseca.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Murillo

WRITTEN COMMUNICATIONS:

None.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

Public Comment Opened at 6:09 pm by Chair Gonzalez.

Angel Cardoz, Coachella resident, spoke and provided comments.

Public Comment Closed at 6:12 pm by Chair Gonzalez.

REPORTS AND REQUESTS:

None.

NON-HEARING ITEMS:

None.

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

2. Coachella General – Alcohol Sales

Conditional Use Permit No. 357 modification to allow liquor sales as part of a proposed 820 sq. ft. beer, wine and roastery coffee lounge (ABC Type 42, On-Sale Beer and Wine) in an existing commercial building located at 1258 6th Street in the DT-PV (Downtown) zone. Teddy Lee (Applicant)

Gabriel Perez, Development Services Director, gave a brief presentation for the item. A copy of the presentation is on file in the Planning Division.

Public Comment Opened at 6:22 pm by Chair Gonzalez.

Steve Garcia, Applicant, spoke and provided comments.

Public Comment Closed at 6:25 pm by Chair Gonzalez.

IT WAS MOVED BY COMMISSIONER RAMIREZ AND SECONDED BY COMMISSIONER ARVIZU TO ADOPT RESOLUTION NO PC2023-32 APPROVING CONDITIONAL USE PERMIT NO. 357 MODIFICATION TO ALLOW LIQUOR SALES AS PART OF A PROPOSED 820 SQ. FT. BEER, WINE, AND ROASTERY COFFEE LOUNGE (ABC TYPE 42, ON-SALE BEER AND WINE) IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 1258 6TH STREET IN THE DT-PV (DOWNTOWN) ZONE.

Approved by the following roll call vote:

AYES: Commissioner Ramirez, Commissioner Arvizu, Chair Gonzalez, Vice Chair Hernandez, Alternate Commissioner Fonseca.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Murillo.

INFORMATIONAL:

3. Director’s Development Update

- Transformative Climate Communities Grant has been awarded the City of Coachella, which will fund more housing and commercial opportunities in the Downtown area.
- Staff met with RCTC and a kick-off for the rail station feasibility study will occur the second week of January 2024.

Respectfully Submitted by,

Gabriel Perez

Planning Commission Secretary

ADJOURNMENT:

*Complete Agenda Packets are available for public inspection in the
Development Services Department at 53-990 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



Council Chambers, Hearing Room
1515 6th Street, Coachella, California
(760) 398-3502 ♦ www.coachella.org

MINUTES
OF A SPECIAL MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

December 06, 2023
5:00 PM

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<https://us02web.zoom.us/j/84544257915?pwd=VTdHWitpYVdOUk1NQW8vZ1pqUm0zQT09>

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CALL TO ORDER: 5:13 PM**ATTENDANCE:**

Commissioners Present: Commissioner Ramirez, Vice Chair Hernandez, Alternate Commissioner Fonseca, Commissioner Arvizu, Chair Gonzalez.

Commissioners Absent: Commissioner Murillo.

Staff Present: *Gabriel Perez, Development Services Director
 *Miguel Navarrete, Intern
 *Celina Jimenez, Economic Development Director
 *Cesar Lucrecio, Economic Development Technician
 *Rene Rosales, Code Enforcement Manager
 *Lizzandro Diaz, Building Official.

STUDY SESSION ITEMS:

Said study session shall be for purpose of discussing the following:

1. Study Session – City of Coachella Short-Term Rental Program Update

Miguel Navarrete, Intern and Gabriel Perez, Development Services Director, gave a presentation of the City of Coachella's current Short-Term Rental Program. A copy of the presentation is on file in the Planning Division.

Rene Rosales, Code Enforcement Manager, made himself available for any questions and provided information regarding the City's enforcement of Short-Term Rentals.

Celina Jimenez, Economic Development Director, made herself available for any question and provided information regarding the City's Short-Term Rental Program.

COMMISSION COMMENT

The Planning Commission recommended that the City Council consider the following items:

- Increase Transient Occupancy Tax from 9% to 12%-15%.
- Tier fee system that separates local residents and outside investors
- Increase monitoring and tracking of Short-Term Rentals
- Adequately staff departments to properly run a Short-Term Rental Program
- Increase the Short-Term Rental Permit fee
- Create a landing page on the City of Coachella website for the Short-Term Rental Program
- Require a hold harmless provision or indemnification form, insurance, and a deed before issuing Short-Term Rental Permits
- Good neighbor brochure
- Consider a cap for Short-Term Rentals in hotspot areas
- Parking requirements per bedroom

ADJOURNMENT:

6:00 PM

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Development Services Department at 53-990 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

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STAFF REPORT
1/17/2024

TO: Planning Commission

FROM: Gabriel Perez, Development Services Director

SUBJECT: Luxtor Luxury RV Storage Rooftop Screening – 49751 Oates Lane

STAFF RECOMMENDATION:

Staff requests that Planning Commission review the roof screening solution implemented proposed at Luxtor Luxury RV storage and provide feedback to staff.

BACKGROUND/DISCUSSION:

The Luxtor Luxury RV Storage project was approved by the City Council on January 10, 2019 and includes construction of an indoor air conditioned RV storage facility consisting of 157 parking garages. The project also includes a 5,790 sq. ft. RV repair shop, a 4,270 sq. ft. office building, a manager’s unit with an attached two car garage and all off-site improvements on 6.09 acres at 49751 Oates Lane. The project is near completion and in process of building inspections. During a recent inspection it was observed that rooftop mechanical equipment was exposed and visible contrary to the conditions of approval which requires that the equipment be view obscured by a parapet wall as follows:

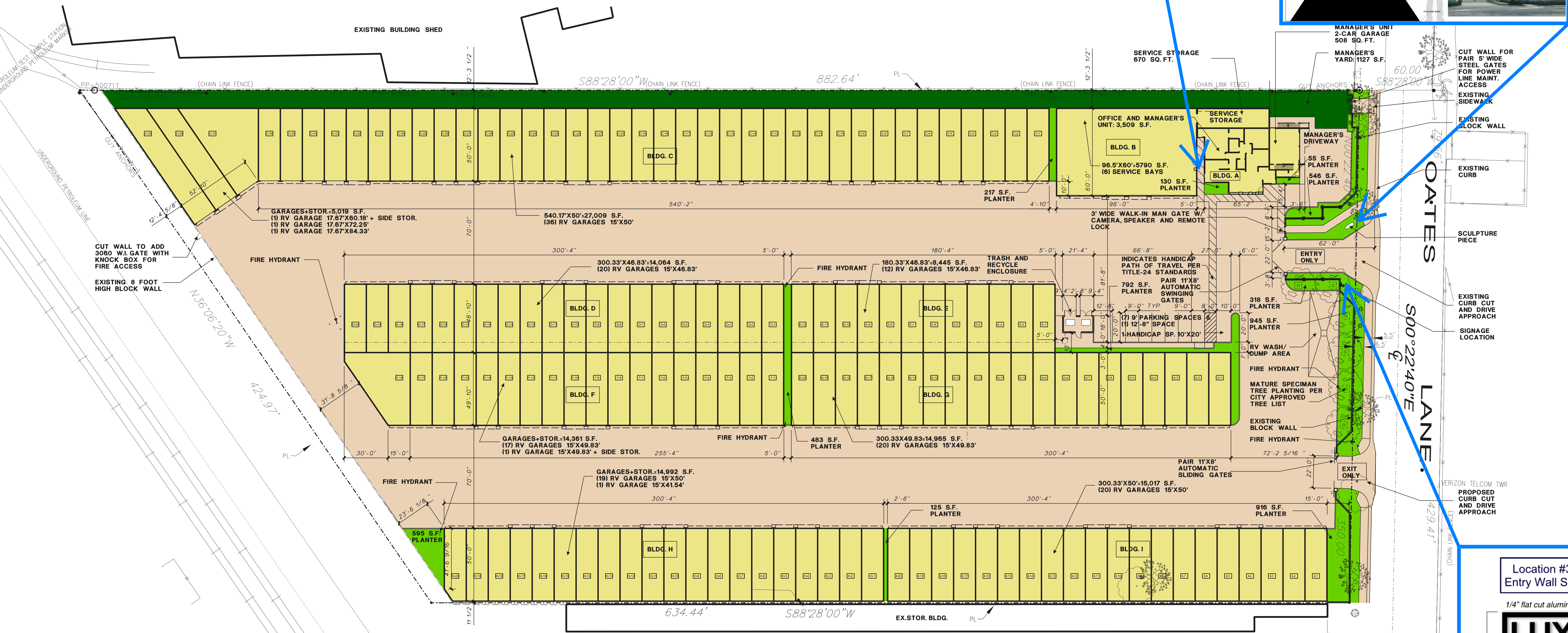
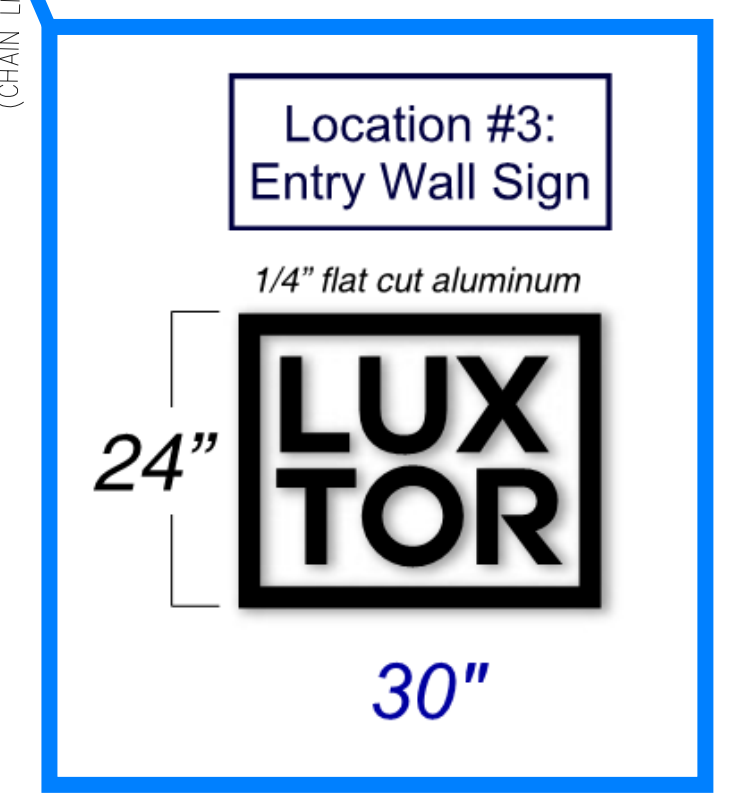
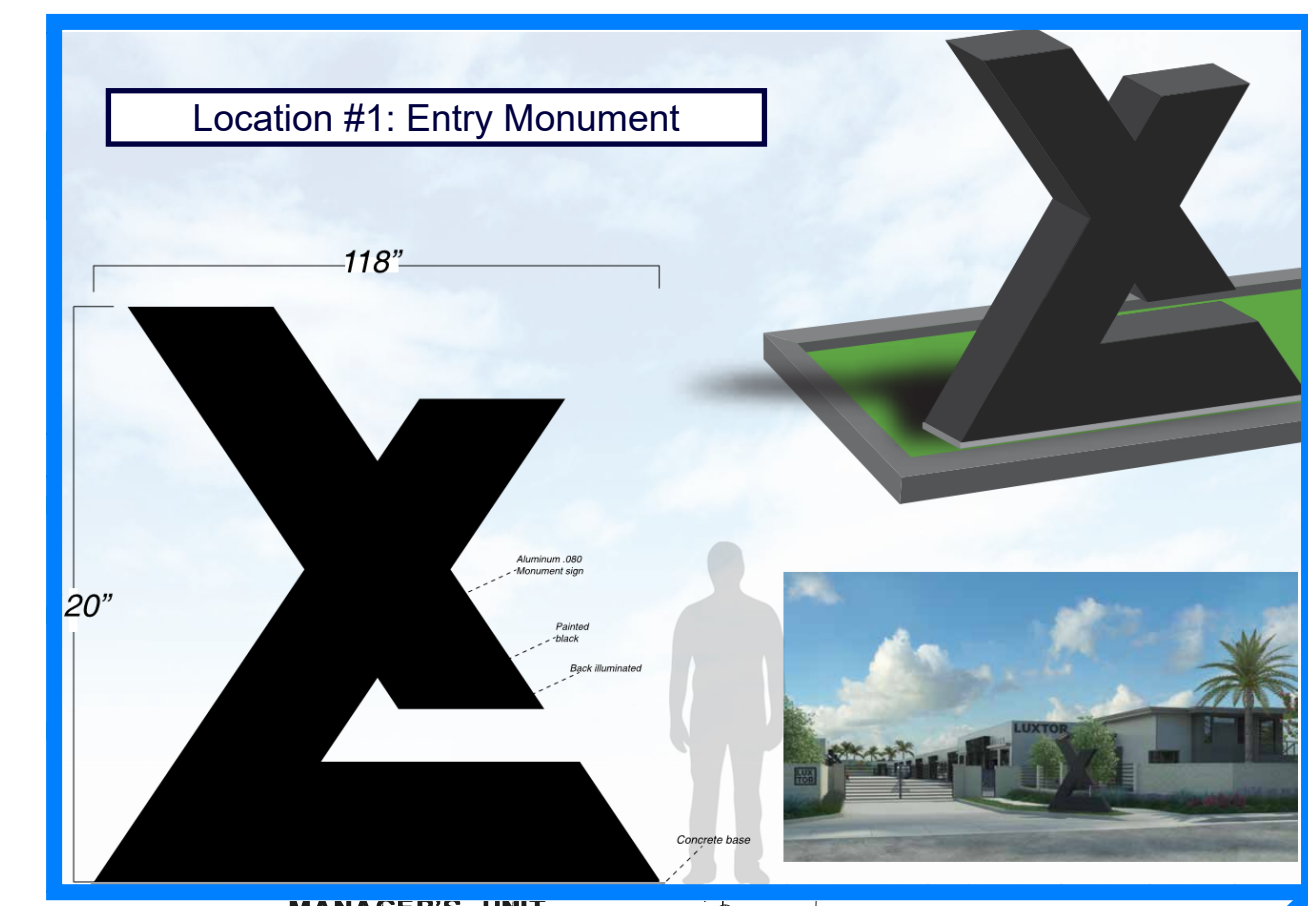
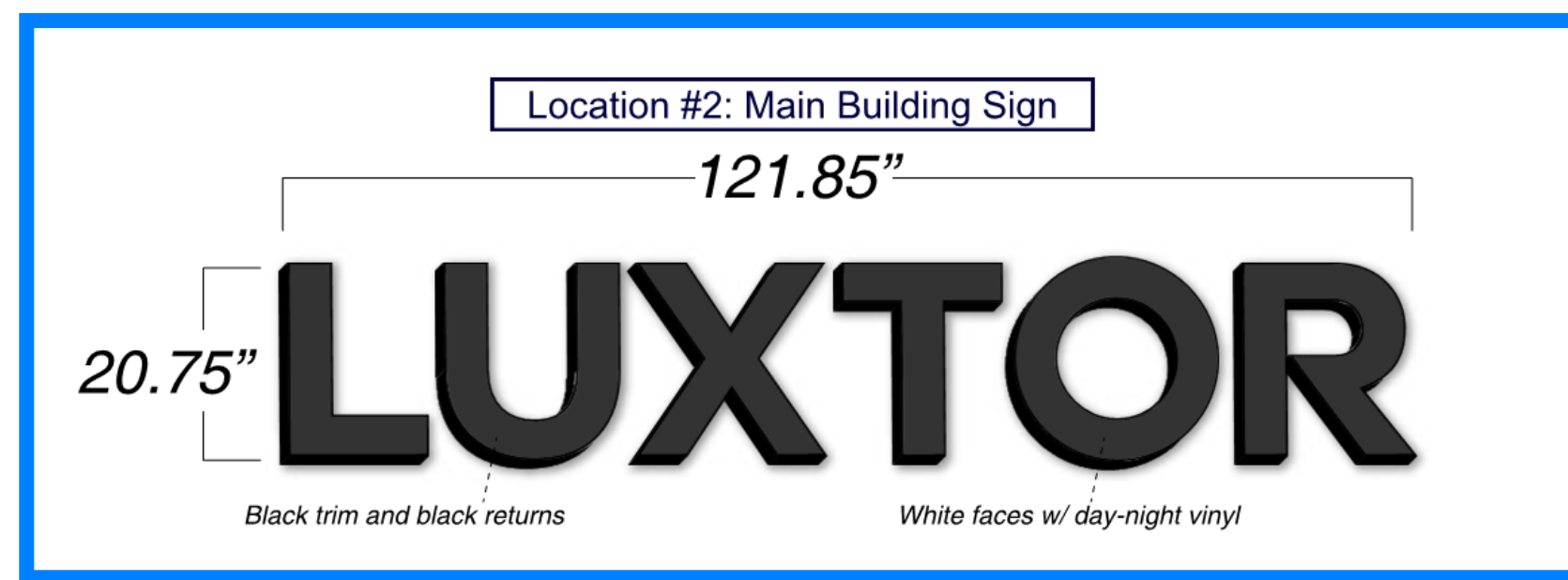
Condition of Approval #42

All roof mounted mechanical equipment, except solar panels, shall be view obscured by a parapet wall in height than the equipment installed. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.

The applicant installed metal shrouding features on the roof to view obscure the mechanical equipment to address staff concerns which the applicant believes satisfy the intent of the condition of approval. The shrouding is visible above the roofline when viewed from Grapefruit Boulevard or on the Avenue 50 bridge but is largely not visible from other vantage points. This item is presented before the Planning Commission in order to obtain feedback on the screening solution provided by the applicant and whether it would be considered in substantial compliance with the condition of approval.

Attachments:

1. Luxtor Approved Site Plan
2. Luxtor approved building renderings
3. Existing Conditions Photos

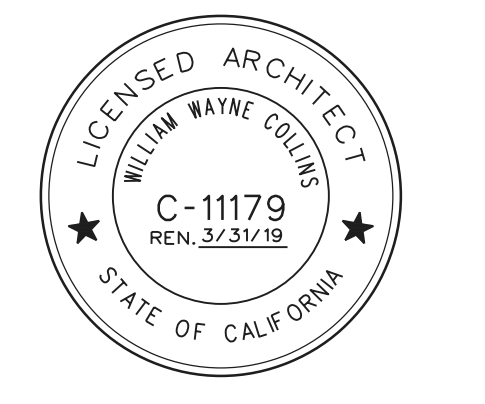


TABULATION

LOT SIZE:	265,432 S.F. (6.093 AC.)	PARKING REQUIRED	
DRIVEWAY AREA:	124,080 S.F.	20,000/400-	50 SPACES
BUILDINGS:		123,873-20,000/1,000-	104 SPACES
BUILDING A OFFICE/MANAGER'S UNIT WITH SERVICE STOR.	4,270 S.F.	CARETAKER'S	2 SPACES
BUILDING B (6) SERVICE BAYS:	5,790 S.F.	TOTAL REQUIRED	156 SPACES
BUILDING C (39) RV GARAGES:	32,038 S.F.	PARKING PROVIDED	
BUILDING D (20) RV GARAGES:	14,064 S.F.	RV GARAGE PARKING:	149 SPACES
BUILDING E (12) RV GARAGES:	8,445 S.F.	GUEST PARKING SPACES:	8 SPACES
BUILDING F (18) RV GARAGES:	14,361 S.F.	CARETAKERS GARAGE:	2 SPACES
BUILDING G (20) RV GARAGES:	14,965 S.F.	HANDICAP PARKING:	1 SPACE
BUILDING H (20) RV GARAGES:	14,992 S.F.	TOTAL PARKING PROVIDED:	160 SPACES
BUILDING I (20) RV GARAGES:	15,017 S.F.	LANDSCAPING	
TOTAL RV GARAGE S.F.:	113,880 S.F.	PARKING LANDSCAPE AREA REQUIRED:	124,080X5% 6,204 S.F.
TOTAL BUILDING S.F.:	123,940 S.F.	LANDSCAPE AREA PROVIDED:	6,249 S.F.
TOTAL SERVICE BAYS:	6		
TOTAL RV GARAGES:	149		

W WAYNE COLLINS
Architect

26582 Via Calif., Capistrano Beach, CA 92624
(949) 246-2351



LUXTOR
LUXURY STORAGE LLC



49751 OATES LANE
COACHELLA, CA 92236

ARCHITECTURAL
SITE PLAN

SCALE: 1"=30'-0"
DECEMBER 18, 2018

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ASP.1

PRELIMINARY not for construction

Existing Conditions photos Luxtor Luxury RV Storage



View from Grapefruit Blvd.







STAFF REPORT
1/17/2024

TO: Planning Commission Chair and Commissioners

FROM: Gabriel Perez, Development Services Director

SUBJECT: 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 Planning Commission adopt Resolution No. PC2024-02 recommending that the City Council approve 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 October 14, 2020, the City Council considered Ordinance No. 1154 and continued the item to a date uncertain with the understanding that a study session would be held after 2022 elections in order to develop a more holistic approach to sidewalk vending and information on what surrounding cities are approaching the topic <https://coachellaca.new.swagit.com/videos/10142020-1037>. The City Council held a study

session on March 8, 2023 regarding sidewalk vendor regulations and provided the following recommendations on the draft ordinance:

- Prioritize safety, ADA issues, City permit issuance, and need for food handler certificate for vendors that sell food.
- Remove need for livescan background check by Police
- Remove need for commercial liability policy
- Remove need for a CA Seller's permit
- Require a Food handler permit in-lieu of a requirement for a County Health Permit
- Reevaluate draft restriction for a location of a vendor 30 ft distance from street and highway intersections and propose other alternatives.

A community forum was held on September 26, 2023 which consisted of a mix of advocates for sidewalk vendors and brick and mortar businesses concerned with the impact of sidewalk vendors on their businesses. A second City Council study session was held on October 25, 2023 and the Council directed that the item be reviewed and considered by the Planning Commission. The Planning Commission held a Study Session on the draft Sidewalk Vendor Ordinance on November 15, 2023, heard testimony from the public and provided feedback to staff. The Planning Commissioners individually or collectively discussed:

- Ensure that general liability insurance be included as a requirement for a side sidewalk vendor permit similar to the City's regulations for ice cream vendors.
- A lower permit fee for sidewalk vendors that are residents of the City of Coachella and a fee for vendor from outside the City of Coachella as high as \$2,500.
- Identify ways to limit renewals of sidewalk vendor permits with the expectation that sidewalk vendors can transition their businesses brick and mortar facilities.
- Reduce sidewalk vendor ordinance violation warnings to one (1) warning before fines are administered.
- The City establish a pathway for sidewalk vendors to a brick and mortar facility.

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 also takes into consideration a Roaming Sidewalk Vendor which means a sidewalk vendor who moves from place to place and stops only to complete a transaction. Both sidewalks vendors and roaming sidewalk vendors are currently not permitted businesses in the C.M.C. as the sale of food and merchandise in commercial, mixed-use and industrial zones are limited primarily to improved private properties with enclosed buildings with restroom facilities, parking and related landscaping, with the exception of ice cream truck businesses. The sale of food and merchandise in residential zones is subject to the following:

- **Home Occupations:** Home Occupations ordinance C.M.C. [Chapter 17.58](#) that limits all operations to within the dwelling, does not permit display of merchandise or advertising sign and prohibits commercial vehicles for delivery of materials to and from residence.
- **Cottage Food Operations:** The sale of food at a residence is further regulated by the City's

Cottage Food Operation Ordinance of C.M.C. [Chapter 17.89](#) that requires allows for sale of home-kitchen prepared food on an [approved cottage food list](#) by the California Department of Public Health directly to the public or indirectly through restaurants and food markets that meet requirements of the California Health and Safety Code. Requirements include:

- The business must have a Cottage Food Permit from the County and City.
- City business license.
- The business applicant must be resident at the home.
- 600-foot distance from another cottage food operation unless an exception is granted at a public hearing to allow a separation distance of 200 feet from another cottage food operation.
- Advertising signs not permitted.
- **Microenterprise Home Kitchen Operations:** AB 626, effective January 1, 2019. allows Microenterprise Home Kitchen Operations (MHKO) where home cooks can apply for a permit to sell food made in their home kitchen directly to the public with no more than 30 meals per day or 60 meals per week. The City has not adopted a local ordinance for MHKOs. Requirements include:
 - A [MHKO permit](#) issued by the Riverside County Health Department
 - Food Safety Manager Certification by the operation owner
 - Riverside County Food Handler Certification for all others involved with the MHKO.
 - Advertising signs not permitted.
- **Ice Cream Truck Businesses:** Ice cream truck businesses are permitted in [C.M.C. Chapter 5.34](#) that allow sales from a motor vehicle upon a city street to the public of prepackaged ice cream bars, popsicles, paletas, and similar frozen items subject to the following requirements:
 - Obtain a City of Coachella Ice Cream Truck Operator’s Permit, County of Riverside health inspection sticker, Valid California Driver’s license, Insurance policy, Background check
 - 300-foot distance of vending from schools or churches during school and church operating hours (and 30 minutes before and after operating hours)
 - Prohibited vending in parking lot of a park, playground or recreational facility.
 - Hours of Operation: 9 a.m.- 8 p.m. November 1-March 31, 9 a.m. – 9 p.m. April 1-October 31.
 - Trash receptacle required

Senate Bill 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. Only ice cream truck operators have been permitted by the City to operate in all Zoning districts in the public right of way according to City regulations adopted in 2011. 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.

Table 1: Sidewalk Vendor Ordinance Parameters under California State Law

City Cannot Regulate	City Can Regulate
<ul style="list-style-type: none"> • Prohibiting all sidewalk vending • Imposing a requirement due to economic competition concerns • Requiring a sidewalk vendor to obtain approval from a nongovernmental entity 	<ul style="list-style-type: none"> • Hours of operation • Reasonable sanitation requirements • Compliance with Americans with Disabilities Act • Requiring a sidewalk vending permit and a business license • Requiring a California Dept of Tax and Fee Administration's seller's permit • Requiring additional licenses from state or local agencies such as County Health Permits <ul style="list-style-type: none"> • Requiring submission of information on vendor's proposed operations

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. 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.

In the 2020 draft Ordinance, staff proposed a cap at fifty (50) vendors and that it was related objectively 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. Specifically, placing a cap of fifty (50) sidewalk vendors was intended to help ensure that driveways and street intersections throughout the City are kept clear and unobstructed. Staff no longer recommends that a cap be established for vendors in the ordinance.

Sidewalk Vendor Permit Requirement

The 2020 draft Ordinance required that Sidewalk Vendors obtain 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, operations site plan, and livescan background check. The current ordinance would remove the livescan background requirement.

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/parking 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 2 below.

Table 2: 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 11:30 p.m. of every day • The sidewalk vendor does not conduct sales from a public street.

The proposed Ordinance clarifies the City’s own authority to enforce its Environmental Health Code. Absence of sidewalk vending regulations in the City’s Municipal Code would continue the status quo, which currently prevents the City from enforcing any regulation or impose a licensing requirement on the vendor.

Sidewalk Vendor Permit Fee

A resolution to establish a sidewalk vendor fee will be prepared for City Council consideration. Staff has assessed the expenses associated with processing a sidewalk vendor fee and the fully burdened costs are estimated to be \$273 for the sidewalk vendor permit and \$152 for annual permit renewals. Staff recommends that the fee be reduced to \$125 for a sidewalk vendor permit and \$100 for permit renewals for Coachella Valley residents. Staff recommends that the sidewalk vendor permit for vendors from outside the Coachella Valley be \$273 and permit renewals at \$152. All business operating in the City of Coachella are also required to obtain a \$164 City of Coachella Business Registration Certificate. Staff requests that the Planning Commission provide feedback on the proposed sidewalk vendor fee in advance of the fee resolution that will be considered by the City Council.

Other Sidewalk Vendor Approaches

Brick and mortar restaurant business owners in the City of Coachella have expressed concern to City officials and staff about an unfair competitive advantage that Sidewalk Vendors would have with respect to lower overhead for facility costs (rents, building construction, taxes, maintenance), permitting, regulation compliance, worker’s compensation, and location restrictions. Though the City of Coachella is limited in its ability under State Law to limit Sidewalk Vendors to only time, place, and manner regulations that are directly related to objective health, safety, or welfare concerns, the City is working diligently in developing more small business development opportunities to create a pipeline for street vendors who are interested in scaling their business and growing into brick and mortar facilities. The City recently applied for the Community Resilience Center (CRC) State grant to obtain \$10 million to rehabilitate the recently acquired 17,800 sq. ft. “Hidden Harvest” building into a resilience center and small business incubator that would include business development services by the Talent Foundry, a state-of-the-art commercial kitchen, coworking space, and potential building space to incubate their business. The City will be informed if the grant is awarded by April of 2024. The City also received notice of an award of \$22 million for the Strategic Growth Council (SGC) Transformative Climate Communities (TCC) Program that could be used to further enhance a pathway for sidewalk vendors into brick and mortar facilities.

ALTERNATIVES:

- 1) Adopt Resolution No. PC2024-02 recommending that the City Council approve 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. Provide staff with feedback on the sidewalk vendor permit fee.

- 2) Adopt Resolution No. PC2024-02 recommending that the City Council approve 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 **with amendments**. Provide staff with feedback on the sidewalk vendor permit fee.
- 3) Recommend denial of the proposed amendments.
- 4) Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 as noted above.

Attachments:

1. Resolution No. PC2024-02 Sidewalk Vendor Ordinance
Exhibit A – Ordinance No. 1209
2. Comparison of Coachella Valley City Sidewalk Vendor Ordinances
3. Draft Sidewalk Vendor Ordinance with redlines
4. Senate Bill 946 - Sidewalk Vendors
5. Senate Bill 972 – California Retail Code
6. Inland Coalition for Immigrant Justice letter
7. City of Coachella Zoning Map
8. Map of Potential Sidewalk Vendor Locations

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

ORDINANCE NO. 1209

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

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 City Council 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 City Council 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 City Council 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, placing a cap on the total number of sidewalk vendors within the City to fifty (50) vendors is 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 City Council 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. Subsection P of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~striketrough~~, new text is underlined):

“P. Itinerant Merchant. An itinerant merchant under this chapter shall be deemed to mean and include any person or persons, firm or corporation, either principle or agent, employer or employee who engages in a temporary business in the city by selling or offering for sale goods, wares, merchandise, or things or articles of value for a period of not more than one hundred ninety (190) days in any calendar year, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property or on or adjoining any street or public place in the city. The person, firm or corporation so engaged shall not be relieved from the provisions of this subsection by reason of associating temporarily any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as part of any local business, or in the name of any local dealer, trader, merchant or auctioneer. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.”

SECTION 3. Subsection Q of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~striketrough~~, new text is underlined):

“Peddler. "Peddler" shall be defined as any person who sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise, service or thing in the possession of the seller, at any place in the city other than at a fixed place of business, but shall not include salesmen or agents for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies. It shall include the use of a "pushcart," which shall be defined as any wagon, cart or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the state of California, from which food, beverage, or product is offered for sale to the public. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.

The chief of police shall, based upon the information supplied by the finance department, investigate the backgrounds of all applicants. If such investigation by the chief of police reveals that the applicant has been convicted of a crime involving moral turpitude or any crime of a nature associated with the type of business for which the application is submitted, he or she shall notify the director of finance, who shall deny the license application.”

SECTION 4. Subsection Q of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~striketrough~~, new text is underlined):

“Solicitor. "Solicitor" shall be defined as any person who engages in the business of going from house to house, place to place, on or along the streets within the city and/or by telephone selling or taking orders for or offering to sell or take orders for goods, wares, or merchandise or other things of value for future delivery, or for services to be performed in the future. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.”

SECTION 5. Subsection B of Section 12.04.030 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~striketrough~~, new text is underlined):

“B. It is also unlawful for any person to make, or cause to be made, any obstruction on, or any encroachment upon any city street, sidewalk, or other public place without first obtaining from the city engineer, a written permit to make such obstruction and making a deposit to cover the inspection and restoring of such city street or other place to its original condition, together with the incidental expenses in connection therewith, all as provided by this chapter. This sub-section applies to stationary sidewalk vendors who have obtained a permit pursuant to Chapter 12.50 of this title.”

SECTION 6. Chapter 12.50 is hereby added to the Coachella Municipal Code to read as follows:

“Chapter 12.50 – SIDEWALK VENDING.

Section 12.50.010 Purpose.

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community. In light of the City’s many public right-of-ways which lack adequate width in paved roadways and lack sidewalk and street lighting improvements, it is intended that all street vending occur in a safe manner to avoid injury to the public.

Section 12.50.020 Definitions.

For purposes of this Chapter, the following definitions apply:

A. “Certified Farmers’ Market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

B. “City” means the City of Coachella.

C. “Park” means a public park owned or maintained by the City.

D. “Roaming sidewalk vendor or vending” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

E. “Sidewalk vendor or vending” means a person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path.

F. “Stationary Sidewalk vendor or vending” means a sidewalk vendor who vends from a fixed location.

G. “Swap Meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

H. “Temporary Event Permit” means a special event permit or other planning director authorization for seasonal events, holiday celebrations, outdoor display of merchandise, promotional events, or other non-recurring temporary sales / entertainment activity, pursuant to Title 17 of this code.

Section 12.50.030 Permits Required.

A. All roaming sidewalk vendors shall obtain a business tax certificate from the City’s finance director or designee, prior to engaging in any sidewalk vending activities. In addition to the required business tax certificate, all stationary sidewalk vendors shall obtain a sidewalk vending permit from the City’s Finance Director or designee prior to engaging in any sidewalk vending activities. The following information shall be required for a sidewalk vending permit:

1. Name, current mailing address, and phone number of the vendor; and,
2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and,
3. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and,
4. A copy of the California seller’s permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and,

5. A copy of the valid California Driver's license issued to the vendor; or,
 A copy of the individual taxpayer identification number issued to the vendor; or,
 A passport or residency card.
 - a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
6. If preparing or selling food, a copy of the County Health Department permit issued to the vendor; and,
7. If preparing or selling food, a current decal sticker issued by the County Health Department to be posted on any food cart used in vending; and,
8. A description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and,
9. A copy of general liability policy naming the City as additional insured in the amount of \$1,000,000; and,
10. A certification by the vendor that to his or her knowledge and believe, the information contained in the application is true.

B. At the time the application or renewal application is filed, the application shall pay the permit processing fee established by separate resolution of the City Council.

Section 12.50.040 Review of Permit Application; Decision.

A. Upon acceptance of a properly completed and filed sidewalk vendor permit application the City Manager's designee shall conduct a preliminary investigation to determine compliance with this Chapter and shall make such determination within no more than thirty (30) days of acceptance to approve or deny the application. City Manager's designee shall provide the applicant with written notice of his or her decision to the address indicated in the application.

B. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

C. If the City Manager’s designee approves the applicant's permit, he or she shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant.

D. Exemptions. A sidewalk vending permit shall not be required for the following activities:

1. The sale of agriculture products on the site where the product is grown.
 2. Catering for private parties held exclusively on private property and not open to the general public.
 3. Events permitted pursuant to a lawfully issued temporary event permit including but not limited to a Certified Farmers’ Market, Swap Meet, street fairs, outdoor concerts, promotional event, and outdoor display of merchandise.
4. First Amendment protected vending which includes the following:
- a. Traditional expressive speech and petitioning activities, such as vending the following items: newspapers, leaflets, pamphlets, bumper stickers, patches, and/or buttons.
 - b. Vending the following items which have been created, written, or composed by the vendor: books, audio, video, or other recordings of their performances, paintings, photographs, prints, sculptures, or any other item that is inherently communicative and is of nominal value or utility apart from its communication.
 - c. Those items that have a common and dominant non-expressive purpose shall not be considered a vending item that has been “created, written, or composed by the vendor,” such as, but not limited to, housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys, and stuffed animals. Selling these types of dominant non-expressive merchandise will require a sidewalk vending permit under this Chapter.
 - d. Performers can perform.
 - (i) The word “perform” shall mean to engage in any of the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, creating visual art in its entirety, presenting or enacting a play, work of music, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression.

- (ii) The word “perform” shall not include the provision of personal services such as massage or hair weaving, cutting, or styling, the completion or other partial creation of visual, the creation of visual art at which is mass produced or produced with limited variation, or the creation of handcrafts.
 - (iii) The word “handcrafts” shall mean objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing, and beading, including objects such as jewelry, pottery, silver work, leather goods, and trinkets that do not communicate a message, idea, or concept to others.
- e. Any sidewalk vendor conducting lawful First Amendment protected vending under subsections (E)(4)(a)-(b), above, shall still be required to comply with any applicable tax and licensing requirements.

E. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.

F. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

Section 12.50.050 Stationary Sidewalk Vending Locations and Standards.

A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City, including the S-N (Suburban Neighborhood) zone, G-N (General Neighborhood) zone, U-N (Urban Neighborhood) zone, and all residential districts of the SP (Specific Plan) zone.

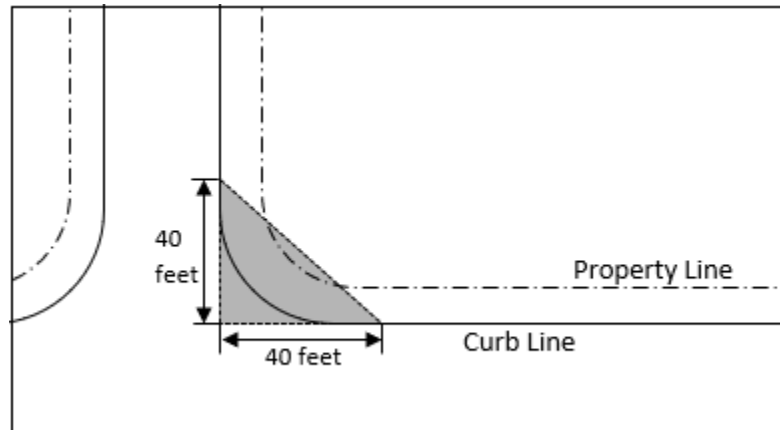
B. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
2. The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36”) of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and,
3. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on any food cart; and

4. If the sidewalk vendor is selling food, all employees shall possess a current food handler's card, issued by the County; and
5. Sidewalk vending hours shall be conducted between the hours of 5:00 AM and 11:00 PM every day; and,
6. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and,
7. The sidewalk vendor location be at a minimum distance of twenty-five (25) feet of entrances to private buildings, private driveways, parking spaces or building windows; and,
8. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and,
9. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities; and,
10. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and,
11. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and,
12. No vending shall occur within one hundred fifty (150) feet of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit; and,
13. No vending shall occur within two hundred (200) feet of a freeway onramp or off-ramp.
14. No vending shall occur within three hundred (300) feet of a any school during the hours these schools are in session (and thirty (30) minutes before or after these schools are in session).
15. The sidewalk vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into the City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the sidewalk vendor; and
16. The sidewalk vendor may not operate on any street right-of-way or sidewalk where street parking or public parking is not available within 500 feet of the vending area, or where off-street parking on private property is not available within 500 feet of the vending area; and

17. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of forty (40) feet from the intersection of such lines at the corner of a street or highway.

Figure 1: Corner Cut-off limitations for Sidewalk Vendors



Section 12.50.060 Sidewalk Vending in Parks, Certified Farmer's Markets.

- A. Sidewalk vending of food or merchandise by stationary vendors shall be 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.
- B. Sidewalk vendors may operate in City Parks provided they meet the following:
1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
 2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and,
 3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and,
 4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and,
 5. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on any food cart; and

6. Any sidewalk vendor food cart shall possess a current decal sticker posted on the food cart; and
7. The sidewalk vendor location shall be at a minimum distance of twenty (25) feet from entrances to buildings, driveways, parking spaces, or building windows; and,
8. No vending shall occur within one hundred (150) feet of an event held pursuant to a Temporary Event Permit.
9. The sidewalk vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the sidewalk vendor.
10. All stationary and roaming sidewalk vendors must be at least 50 feet away from another sidewalk vendor, except that groups of five or fewer sidewalk vendors may assemble as one group not occupying more than 2,000 square feet of combined area, for purposes of limiting undue concentration. At no time shall there be more than ten sidewalk vendors at any one City Park without a temporary use permit.
11. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of forty (40) feet from the intersection of such lines at the corner of a street or highway.

Section 12.50.070 Roaming Sidewalk Vending.

- A. Roaming sidewalk vendors shall meet the following:
 1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
 2. Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 AM and 6:00 PM; and,
 3. Sidewalk vending hours for non-residential zones shall be conducted between the hours of 5:00 AM and 11:00 PM of every day; and,
 4. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition; and
 5. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and

6. The sidewalk vendor does not conduct sales from a public street.
7. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit.
8. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of forty (40) feet from the intersection of such lines at the corner of a street or highway.

Section 12.50.080 Suspension; Rescission.

A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the City Manager's designee after four or more violations of this Chapter in accordance with Section 12.50.100 of this Chapter, at their discretion, for any of the following causes:

1. Fraud or misrepresentation in the course of vending;
2. Fraud or misrepresentation in the application for the permit;
3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.

B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

C. No person whose street vending permit has been revoked pursuant to this Chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final.

Section 12.50.090 Appeals to City Manager.

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the City Manager's designee made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application. An appeal shall be taken by filing with the Economic Development Director or designee a written appeal statement setting forth the grounds for the appeal, along with the City's appeal fee for administrative reviews. The filing of the appeal

shall stay the enforcement of any decision suspending or rescinding the permit. The Economic Development Director shall transmit the written statement to the City Manager within ten (10) days of its filing and payment of the appeal fee, and the City Manager shall set a time and place for a hearing on appeal. A hearing shall be set not later than sixty (60) days from the date of filing of the applicant's written appeal statement with the police department. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of suspension or rescission at least five (5) days prior to the date set for the hearing. At the hearing, the permittee and the City shall be entitled to legal representation and may present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The City Manager shall not be bound by the traditional rules of evidence in a hearing, except that hearsay evidence may not be the sole basis for the decision of the City Manager. The City Manager may continue the hearing as deemed necessary. The decision of the City Manager, or his or her designee, on the appeal shall be final and binding on all parties concerned.

Section 12.50.100 Penalties.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:

1. An administrative fine not exceeding \$100 for a first violation after two written warnings have been issued by the City of Coachella Code Enforcement.
2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.

B. A violation of vending without a sidewalk vending permit, may, in lieu of the penalties set forth in subsection (A), set forth above, be punished by:

1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation after two written warnings have been issued by the City of Coachella Code Enforcement.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City,

the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.

D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.

E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.

F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.

G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

I. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes, regulations, and ordinances."

SECTION 7. Section 8.04.010 of the Coachella Municipal Code is hereby amended to read as follows:

"City and County enforcement of state regulations and statutes.

The city council consents and requests that, in addition to the City's own authority to enforce and observe, the county health officer of the county of Riverside, state of California, shall also be authorized to enforce and observe all of the following:

- A. Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of the California Health and Safety Code.
- B. Statutes relating to the public health.

Such services shall continue indefinitely until the city council shall terminate them by adoption of a resolution or ordinances, as provided in Division I, Part II, Chapter I, Article 2, of the Health and Safety Code. Each reference to the county, enforcement officer, and enforcement agency in this Title 8 of the Coachella Municipal Code shall be interpreted to equally be referencing the City and its authorized employees and agents.”

SECTION 8. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Coachella hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 9. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3).

SECTION 10. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 11. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of the City of Coachella, California, at a regular meeting of the City Council held on the ____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVEN A. HERNANDEZ, MAYOR

ATTEST:

ANGELA M. ZEPEDA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Riverside) s.s.
City of Coachella)

I, Angela M. Zepeda, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1209, introduced at a regular meeting held on the 14th day of February 2024, and duly adopted by the City Council of the City of Coachella, California at a regular meeting thereof held on the ___th day of _____, 2024.

AYES:

NOES:

ABSTAIN:

ABSENT:

ANGELA M. ZEPEDA, CITY CLERK

Comparison of Coachella Valley City Ordinances Regulating Sidewalk Vendors - 2023

	Ordinance (Y/N)	Permit Cost	Application Requirements	Permitted Locations	Time Limitations	Violation Fines
Cathedral City	Y	1st time permit fee: \$192 Renewal fee: \$100	Contact info, city business license, sidewalk vending permit, ID, proposed area of operation, stationary/mobile, general description, diagram, photograph of the cart, CA seller's permit, completion of food handler course, health department permit	Vending prohibited in: center median of street, public parking lot, must not obstruct vehicular or pedestrian traffic, 4ft sidewalk clear space, 300ft from a temporary/special event	non-residential: 7am - dusk, residential: 7am-8pm	<u>with permit:</u> 1st violation - \$100 2nd violation - \$200 3rd violation - \$500 4th violation - \$500 and revocation of permit <u>without permit:</u> 1st violation - \$250 2nd violation - \$500 3rd violation - \$1000
Coachella	N	None proposed				
Desert Hot Springs	Y	\$50	sidewalk vendor permit, contact info, days/hours of operation, location(s) of operation, description of food/merchandise for sale, stationary/mobile, ID, seller's permit, statement of conviction within the last 5 years	36-inch sidewalk clearance, 50 ft of any school crossing, 30 ft of senior center, 30 ft of any crosswalk, prohibited from operating in private property, no operation on/along any street where speed limit is 55 mph or above, 200 ft of another sidewalk vendor	limitations on hours of operation imposed on other businesses or uses on the same street or 7am-6pm, residential areas 9am-8pm	<u>with permit:</u> 1st violation - \$100 2nd violation - \$200 additional violations - \$500, <u>without permit:</u> 1st violation - \$250 2nd violation - \$500 additional violations - \$1000
Indio	Y	<u>License Tax:</u> Varies based on gross receipts <u>Application Fee:</u> \$84.00 <u>SB1186 State passthrough:</u> \$4.00 <u>Encroachment permit</u> (only if they are using public property): \$1,975.00	Vending permit, business license, Rivco health inspection sticker, Riverside County Department of Environmental Health permit, contact info, description of food/merchandise, photo of vending vehicle/cart, stationary/mobile, description of streets, right of way, other locations of vending, seller's permit, food handler course, liability insurance, time, place, and manner of vending information.	No vending within 10 ft of street intersection, within 10 ft of any driveway, within a roadway, median strip, dividing section, within 200 ft of farmer's market/swapmeet/ area w/ temp. special permit, 300 ft of a school building, 4 ft sidewalk clearance	8am-10pm daily, 8am -7pm in residential areas	<u>with permit:</u> 1st violation - \$100 2nd violation - \$200 each additional violation within 1 year of 1st violation - \$500 <u>without vending permit:</u> 1st violation - \$250, 2nd violation - \$500, additional violation - \$1,000
La Quinta	N					
Palm Desert	N					
Palm Springs	Y	About \$107 for City residents and about \$172 out of City (depending on # of personnel working)	Business name registration, seller's permit, liability insurance, driver's license, site plan, environmental health permit, food manager's card, food handlers card for all staff workers, LLC/corporate entities, business license	Stationary vendors prohibited from operating in residential zones, no vending within 10 ft of entrances/exits to private buildings, no vending within 200 ft from temporary events, no vending within a corner cutoff area	<u>stationary:</u> one-half hour before sunrise and 3am, <u>roaming (residential):</u> one-half hour before sunrise and one-half hour after sunset <u>roaming (nonresidential):</u> one-half hour before sunrise and 3am	

**DRAFT COACHELLA MUNICIPAL CODE AMENDMENTS
RELATED TO REGULATION OF SIDEWALK VENDORS; ORDINANCE NO.
1209**

Style Definition: Body Text: Centered

SECTION 1. Subsection P of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~strike through~~, new text is underlined):

“P. Itinerant Merchant. An itinerant merchant under this chapter shall be deemed to mean and include any person or persons, firm or corporation, either principle or agent, employer or employee who engages in a temporary business in the city by selling or offering for sale goods, wares, merchandise, or things or articles of value for a period of not more than one hundred ninety (190) days in any calendar year, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property or on or adjoining any street or public place in the city. The person, firm or corporation so engaged shall not be relieved from the provisions of this subsection by reason of associating temporarily any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as part of any local business, or in the name of any local dealer, trader, merchant or auctioneer. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.”

SECTION 2. Subsection Q of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~strike through~~, new text is underlined):

“Peddler. "Peddler" shall be defined as any person who sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise, service or thing in the possession of the seller, at any place in the city other than at a fixed place of business, but shall not include salesmen or agents for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies. It shall include the use of a "pushcart," which shall be defined as any wagon, cart or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the state of California, from which food, beverage, or product is offered for sale to the public. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.

The chief of police shall, based upon the information supplied by the finance department, investigate the backgrounds of all applicants. If such investigation by the chief of police reveals that the applicant has been convicted of a crime involving moral turpitude or any crime of a nature

associated with the type of business for which the application is submitted, he or she shall notify the director of finance, who shall deny the license application.”

SECTION 3. Subsection Q of Section 5.04.380 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~strike through~~, new text is underlined):

“Solicitor. "Solicitor" shall be defined as any person who engages in the business of going from house to house, place to place, on or along the streets within the city and/or by telephone selling or taking orders for or offering to sell or take orders for goods, wares, or merchandise or other things of value for future delivery, or for services to be performed in the future. Such definition shall not include any person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk, property, or other pedestrian path in compliance with Chapter 12.50 of Title 12 of this Municipal Code.”

SECTION 4. Subsection B of Section 12.04.030 of the Coachella Municipal Code is hereby amended to read as follows (Deleted text in ~~strike through~~, new text is underlined):

“B. It is also unlawful for any person to make, or cause to be made, any obstruction on, or any encroachment upon any city street, sidewalk, or other public place without first obtaining from the city engineer, a written permit to make such obstruction and making a deposit to cover the inspection and restoring of such city street or other place to its original condition, together with the incidental expenses in connection therewith, all as provided by this chapter. This sub-section applies to stationary sidewalk vendors who have obtained a permit pursuant to Chapter 12.50 of this title.”

SECTION 5. Chapter 12.50 is hereby added to the Coachella Municipal Code to read as follows:

“Chapter 12.50 – SIDEWALK VENDING.

Section 12.50.010 Purpose.

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community. In light of the City's many public right-of-ways which lack adequate width in paved roadways and lack sidewalk and street lighting improvements, it is intended that all street vending occur in a safe manner to avoid injury to the public.

Section 12.50.020 Definitions.

For purposes of this Chapter, the following definitions apply:

A. “Certified Farmers’ Market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

B. “City” means the City of Coachella.

C. “Park” means a public park owned or maintained by the City.

D. “Roaming sidewalk vendor or vending” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

E. “Sidewalk vendor or vending” means a person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path.

F. “Stationary Sidewalk vendor or vending” means a sidewalk vendor who vends from a fixed location.

G. “Swap Meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

H. “Temporary Event Permit” means a special event permit or other planning director authorization for seasonal events, holiday celebrations, outdoor display of merchandise, promotional events, or other non-recurring temporary sales / entertainment activity, pursuant to Title 17 of this code.

Section 12.50.030 Permits Required.

A. All sidewalk vendors shall obtain a business tax certificate from the City’s finance director or designee, prior to engaging in any sidewalk vending activities. In addition to the required business tax certificate, all sidewalk vendors shall obtain a sidewalk vending permit from the City’s Finance Director or designee prior to engaging in any sidewalk vending activities. The following information shall be required for a sidewalk vending permit:

1. Name, current mailing address, and phone number of the vendor; and,
2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and,
3. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and,
4. A copy of the California seller’s permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and,

- 5. A copy of the valid California Driver’s license issued to the vendor; or,
A copy of the individual taxpayer identification number issued to the vendor; or,
A ~~municipal identification number~~ passport or residency card.
 - a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
- 6. If preparing or selling food, a copy of the County Health Department permit issued to the vendor; and,
- 7. If preparing or selling food, a current decal sticker issued by the County Health Department to be posted on any food cart used in vending; and,
- 8. A description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36”) of accessible route area, in compliance with the Americans with Disabilities Act; and,
- ~~9. An encroachment permit pursuant to Chapter 12.04 of this code; and,~~
- ~~10.9.~~ 10.9. A copy of general liability policy naming the City as additional insured in the amount of \$1,000,000; and,
- ~~11.10.~~ 11.10. A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true.

~~B. Prior to the issuance of a sidewalk vendor permit, the applicant shall cause to be filed with the Chief of Police or his or her designee a LiveScan background check conducted by the California Department of Justice within the previous six (6) months of the application date. The Chief of Police shall furnish each applicant with a LiveScan request form for use at any LiveScan vendor location.~~

~~C.B.~~ C.B. At the time the application or renewal application is filed, the application shall pay the permit processing fee established by separate resolution of the City Council.

Section 12.50.040 Review of Permit Application; Decision.

A. Upon acceptance of a properly completed and filed sidewalk vendor permit application ~~and receipt of an acceptable LiveScan report issued by the Department of Justice, the Chief of Police or designee~~ City Manager’s designee, shall conduct a preliminary investigation to determine compliance with this Chapter and shall make such determination within no more than thirty (30) days of acceptance to approve or deny the application. The ~~Chief of Police or~~

~~designee~~City Manager's ~~designee~~ shall provide the applicant with written notice of his or her decision to the address indicated in the application.

~~B.~~ The Chief of Police or ~~designee~~ may deny an application for a permit if he or she makes any of the following findings:

- ~~1.~~ The applicant has failed to pay the application permit fee.
- ~~2.~~ The applicant has made one or more material misstatements in the application for a permit.
- ~~3.~~ The applicant does not have a valid California Driver's license; or valid individual taxpayer identification number; or a municipal identification number.
- ~~4.~~ The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.
- ~~5.~~ Within three (3) years of the date of the application, the applicant has been convicted in a court of competent jurisdiction or pled nolo contendere to any felony offense involving the sale of a controlled substance specified in California Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058, or at the time of application is on probation or parole for any offenses set forth in this section for an offense that was committed within three (3) years of the date of the application.
- ~~6.~~ It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.
- ~~7.~~ The City's cap on the number of total sidewalk vending permits, being fifty (50) has been reached, with the understanding that a stationary vending permit shall also allow a person to be a roaming vendor for the same food and/or merchandise.

~~C.B.~~ If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

~~D.C.~~ If the ~~Chief of Police~~City Manager's or ~~designee~~ approves the applicant's permit, he or she shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant.

~~E.D.~~ Exemptions. A sidewalk vending permit shall not be required for the following activities:

1. The sale of agriculture products on the site where the product is grown.
2. Catering for private parties held exclusively on private property and not open to the general public.
3. Events permitted pursuant to a lawfully issued temporary event permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, promotional event, and outdoor display of merchandise.

4. First Amendment protected vending which includes the following:

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- a. Traditional expressive speech and petitioning activities, such as vending the following items: newspapers, leaflets, pamphlets, bumper stickers, patches, and/or buttons.
- b. Vending the following items which have been created, written, or composed by the vendor: books, audio, video, or other recordings of their performances, paintings, photographs, prints, sculptures, or any other item that is inherently communicative and is of nominal value or utility apart from its communication.
- c. Those items that have a common and dominant non-expressive purpose shall not be considered a vending item that has been "created, written, or composed by the vendor," such as, but not limited to, housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys, and stuffed animals. Selling these types of dominant non-expressive merchandise will require a sidewalk vending permit under this Chapter.
- d. Performers can perform.
 - (i) The word "perform" shall mean to engage in any of the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, creating visual art in its entirety, presenting or enacting a play, work of music, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression.
 - (ii) The word "perform" shall not include the provision of personal services such as massage or hair weaving, cutting, or styling, the completion or other partial creation of visual, the creation of visual art at which is mass produced or produced with limited variation, or the creation of handcrafts.

(iii) The word “handcrafts” shall mean objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing, and beading, including objects such as jewelry, pottery, silver work, leather goods, and trinkets that do not communicate a message, idea, or concept to others.

e. Any sidewalk vendor conducting lawful First Amendment protected vending under subsections (E)(4)(a)-(b), above, shall still be required to comply with any applicable tax and licensing requirements.

F.E. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.

G.F. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

Section 12.50.050 Stationary Sidewalk Vending Locations and Standards.

A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City, including the ~~R-ES-N (Suburban Neighborhood Residential Estate)~~ zone, ~~GR-NS (General Neighborhood Residential Single Family)~~ zone, ~~U-NR-O-6,000 (Urban Neighborhood Residential Overlay)~~ zone, ~~R-M (Multiple Family Residential)~~ zone, ~~R-MH (Mobilehome Park Subdivision)~~ zone, ~~R-PD (Residential Planned Development Overlay)~~ zone, ~~RM-PD (Multiple Family Residential Planned Development Overlay)~~ zone, and all residential districts of the SP (Specific Plan) zone.

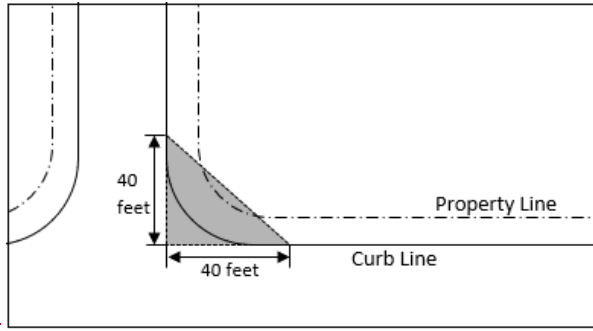
B. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
2. The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36”) of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and,
3. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on any food cart; and
4. If the sidewalk vendor is selling food, all employees shall possess a current food handler’s card, issued by the County; and
5. Sidewalk vending hours shall be conducted between the hours of ~~5~~6:00 AM and ~~11:00~~ 11:30 P.M every day; and,

6. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and,
7. The sidewalk vendor location ~~does not~~ shall be at a minimum distance of twenty-five (25) feet ~~block of~~ entrances to private buildings, private driveways, parking spaces or building windows; and,
8. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and,
9. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities; and,
10. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and,
11. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and,
- ~~12.~~ No vending shall occur within the immediate vicinity ~~one hundred fifty~~ (150) feet of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit; and,
- ~~13.~~ No vending shall occur within two hundred (200) feet of a freeway onramp or off-ramp.
- ~~14.~~ No vending shall occur within three hundred (300) feet of a any school during the hours these schools are in session (and thirty (30) minutes before or after these schools are in session).
- ~~13.~~ 15. The sidewalk vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into the City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the sidewalk vendor; and
- ~~14.~~ 16. The sidewalk vendor may not operate on any street right-of-way or sidewalk where street parking or public parking is not available within 500 feet of the vending area, or where off-street parking on private property is not available within 500 feet of the vending area; and
- ~~17.~~ 17. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a

distance of ~~thirty-fourty~~ (430) feet from the intersection of such lines at the corner of a street or highway.

Figure 1: Corner Cut-off limitations for Sidewalk Vendors



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Section 12.50.060 Sidewalk Vending in Parks, Certified Farmer’s Markets.

A. Sidewalk vending of food or merchandise by stationary vendors shall be 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.

B. Sidewalk vendors may operate in City Parks provided they meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36”) of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and,
3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and,
4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and,
5. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on any food cart; and
6. Any sidewalk vendor food cart shall possess a current decal sticker posted on the food cart; and

7. The sidewalk vendor location ~~does not block~~ shall be at a minimum distance of twenty (25) feet from entrances to buildings, driveways, parking spaces, or building windows; and,
8. No vending shall occur within ~~the immediate~~ one hundred fifty (150) feet vicinity of an event held pursuant to a Temporary Event Permit.
9. The sidewalk vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the sidewalk vendor.
10. All stationary and roaming sidewalk vendors must be at least 50 feet away from another sidewalk vendor, except that groups of five or fewer sidewalk vendors may assemble as one group not occupying more than 2,000 square feet of combined area, for purposes of limiting undue concentration. At no time shall there be more than ten sidewalk vendors at any one City Park without a temporary use permit.
11. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of ~~thirty-fourty~~ (430) feet from the intersection of such lines at the corner of a street or highway.

Section 12.50.070 Roaming Sidewalk Vending.

- A. Roaming sidewalk vendors shall meet the following:
1. The sidewalk vendor is duly licensed and meets all requirements of section 12.50.030; and,
 2. Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 AM and 6:00 PM; and,
 3. Sidewalk vending hours for non-residential zones shall be conducted between the hours of ~~5~~6:00 AM and ~~11:030~~ 11:00 P.M. of every day; and,
 4. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition; and
 5. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and
 6. The sidewalk vendor does not conduct sales from a public street.

7. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit.
8. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of ~~forty~~ ~~thirty~~ (43) feet from the intersection of such lines at the corner of a street or highway.

Section 12.50.080 Suspension; Rescission.

A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the ~~Finance Director~~ City Manager's or designee after four or more violations of this Chapter in accordance with Section 12.50.100 of this Chapter, at their discretion, for any of the following causes:

1. Fraud or misrepresentation in the course of vending;
2. Fraud or misrepresentation in the application for the permit;
3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.

B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

C. No person whose street vending permit has been revoked pursuant to this Chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final.

Section 12.50.090 Appeals to City Manager.

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the ~~Finance Director~~ City Manager's designee made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application. An appeal shall be taken by filing with the ~~Economic Development~~ Planning Director or designee a written appeal statement setting forth the grounds for the appeal, along with the City's appeal fee for administrative reviews. The filing of the appeal shall stay the enforcement of any decision suspending or rescinding the

permit. The ~~Economic Development Finance~~ Director shall transmit the written statement to the City Manager within ten (10) days of its filing and payment of the appeal fee, and the City Manager shall set a time and place for a hearing on appeal. A hearing shall be set not later than sixty (60) days from the date of filing of the applicant's written appeal statement with the police department. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of suspension or rescission at least five (5) days prior to the date set for the hearing. At the hearing, the permittee and the City shall be entitled to legal representation and may present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The City Manager shall not be bound by the traditional rules of evidence in a hearing, except that hearsay evidence may not be the sole basis for the decision of the City Manager. The City Manager may continue the hearing as deemed necessary. The decision of the City Manager, or his or her designee, on the appeal shall be final and binding on all parties concerned.

Section 12.50.100 Penalties.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:

1. An administrative fine not exceeding \$100 for a first violation after two written warnings have been issued by the City of Coachella Code Enforcement.
2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.

B. A violation of vending without a sidewalk vending permit, may, in lieu of the penalties set forth in subsection (A), set forth above, be punished by:

1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation after two written warnings have been issued by the City of Coachella Code Enforcement.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City,

the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.

D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.

E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.

F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.

G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

I. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes, regulations, and ordinances."

SECTION 6. Section 8.04.010 of the Coachella Municipal Code is hereby amended to read as follows:

"City and County enforcement of state regulations and statutes.

The city council consents and requests that, in addition to the City's own authority to enforce and observe, the county health officer of the county of Riverside, state of California, shall also be authorized to enforce and observe all of the following:

A. Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of the California Health and Safety Code.

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B. Statutes relating to the public health.

Such services shall continue indefinitely until the city council shall terminate them by adoption of a resolution or ordinances, as provided in Division I, Part II, Chapter I, Article 2, of the Health and Safety Code. Each reference to the county, enforcement officer, and enforcement agency in this Title 8 of the Coachella Municipal Code shall be interpreted to equally be referencing the City and its authorized employees and agents."

Senate Bill No. 946

CHAPTER 459

An act to add Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code, relating to sidewalk vendors.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 946, Lara. Sidewalk vendors.

Existing law authorizes a local authority, by ordinance or resolution, to adopt requirements for the public safety regulating any type of vending and the time, place, and manner of vending from a vehicle upon a street.

This bill would prohibit a local authority, as defined, from regulating sidewalk vendors, except in accordance with the provisions of the bill. The bill would provide that a local authority is not required to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the provisions of the bill. The bill would apply these provisions to a chartered or general law city, county, or city and county.

The bill would require a local authority that elects to adopt a sidewalk vending program to, among other things, not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified. The bill would authorize a local authority to, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending, as specified, if the requirements are directly related to objective health, safety, or welfare concerns. The bill would also authorize a local authority 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 the local authority, as specified. A violation would be punishable only by an administrative fine, as specified, pursuant to an ability-to-pay determination, and proceeds would be deposited in the treasury of the local authority.

The bill would require the dismissal of any criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors that have not reached final judgment. The bill would also authorize a person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk

vending, as specified, to petition for dismissal of the sentence, fine, or conviction.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities.

(2) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise.

(3) Sidewalk vending contributes to a safe and dynamic public space.

(4) The safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending.

(5) The safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations.

(6) This act applies to any city, county, or city and county, including a charter city. The criminalization of small business entrepreneurs, and the challenges that those entrepreneurs face as a result of a criminal record, are matters of statewide concern. Further, unnecessary barriers have been erected blocking aspiring entrepreneurs from accessing the formal economy, harming California's economy in the process, and disrupting the regulation of business, which is a matter of statewide concern. Moreover, California has an interest in the regulation of traffic, a matter of statewide concern, whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk.

(b) It is the intent of the Legislature to promote entrepreneurship and support immigrant and low-income communities.

SEC. 2. Chapter 6.2 (commencing with Section 51036) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.2. SIDEWALK VENDORS

51036. For purposes of this chapter, the following definitions apply:

(a) "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

(b) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(c) “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

(d) “Local authority” means a chartered or general law city, county, or city and county.

51037. (a) A local authority shall not regulate sidewalk vendors except in accordance with Sections 51038 and 51039.

(b) Nothing in this chapter shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

(c) Nothing in this chapter shall be construed to require a local authority to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the requirements in this chapter.

51038. (a) A local authority may adopt a program to regulate sidewalk vendors in compliance with this section.

(b) A local authority’s sidewalk vending program shall comply with all of the following standards:

(1) A local authority shall not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns.

(2) (A) A local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(B) Notwithstanding subparagraph (A), a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following:

(i) Directly related to objective health, safety, or welfare concerns.

(ii) Necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities.

(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

(3) A local authority shall not require a sidewalk vendor to first obtain the consent or approval of any nongovernmental entity or individual before he or she can sell food or merchandise.

(4) (A) A local authority shall not restrict sidewalk vendors to operate only in a designated neighborhood or area, except when that restriction is directly related to objective health, safety, or welfare concerns.

(B) Notwithstanding subparagraph (A), a local authority may prohibit stationary sidewalk vendors in areas that are zoned exclusively residential, but shall not prohibit roaming sidewalk vendors.

(5) A local authority shall not restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction of the local authority,

unless the restriction is directly related to objective health, safety, or welfare concerns.

(c) A local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including, but not limited to, any of the following:

(1) Limitations on hours of operation that are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation for sidewalk vending shall not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street.

(2) Requirements to maintain sanitary conditions.

(3) Requirements necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

(4) Requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, provided that the local authority issuing the permit or business license accepts a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the local authority otherwise requires a social security number for the issuance of a permit or business license, and that the number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

(5) Requiring the sidewalk vendor to possess a valid California Department of Tax and Fee Administration seller's permit.

(6) Requiring additional licenses from other state or local agencies to the extent required by law.

(7) Requiring compliance with other generally applicable laws.

(8) Requiring a sidewalk vendor to submit information on his or her operations, including, but not limited to, any of the following:

(A) The name and current mailing address of the sidewalk vendor.

(B) A description of the merchandise offered for sale or exchange.

(C) A certification by the vendor that to his or her knowledge and belief, the information contained on the form is true.

(D) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor.

(E) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(d) Notwithstanding subdivision (b), a local authority may do both of the following:

(1) Prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the

Food and Agricultural Code and any regulations adopted pursuant to that chapter. A “swap meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

(2) Restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority’s temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

(e) For purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.

51039. (a) (1) A violation of a local authority’s sidewalk vending program that complies with Section 51038 is punishable only by the following:

(A) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

(B) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

(C) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(2) A local authority may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(3) (A) If a local authority requires a sidewalk vendor to obtain a sidewalk vending permit from the local authority, vending without a sidewalk vending permit may be punishable by the following in lieu of the administrative fines set forth in paragraph (1):

(i) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.

(ii) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.

(iii) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(B) Upon proof of a valid permit issued by the local authority, the administrative fines set forth in this paragraph shall be reduced to the administrative fines set forth in paragraph (1), respectively.

(b) The proceeds of an administrative fine assessed pursuant to subdivision (a) shall be deposited in the treasury of the local authority.

(c) Failure to pay an administrative fine pursuant to subdivision (a) shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subdivision (a) shall not be assessed.

(d) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038, or a violation of any rules or regulations adopted prior to January 1, 2019, that regulate or prohibit sidewalk vendors in the jurisdiction of a local authority, shall not be punishable as an infraction or misdemeanor, and the person alleged to have violated any of those provisions shall not be subject to arrest except when permitted under law.

(2) Notwithstanding any other law, paragraph (1) shall apply to all pending criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors. Any of those criminal prosecutions that have not reached final judgment shall be dismissed.

(e) A local authority that has not adopted rules or regulations by ordinance or resolution that comply with Section 51037 shall not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the standards described in subdivision (b) Section 51038.

(f) (1) When assessing an administrative fine pursuant to subdivision (a), the adjudicator shall take into consideration the person's ability to pay the fine. The local authority shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to subdivision (a).

(3) The local authority may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(g) (1) A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the act that added this section had that act been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

(2) Upon receiving a petition under paragraph (1), the court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in paragraph (1), the court shall grant the petition to dismiss the sentence or fine, if applicable, and dismiss and seal the conviction, because the sentence, fine, and conviction are legally invalid.

(3) Unless requested by the petitioner, no hearing is necessary to grant or deny a petition filed under paragraph (1).

(4) If the court that originally sentenced or imposed a fine on the petitioner is not available, the presiding judge shall designate another judge to rule on the petition.

(5) Nothing in this subdivision is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner.

(6) Nothing in this subdivision or related provisions is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this chapter.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 51038 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a sidewalk vendor with regard to his or her California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuance of a permit or business license, it is necessary that the sidewalk vendor's number be confidential, except as provided in this act.

Senate Bill No. 972

CHAPTER 489

An act to amend Sections 113818, 113831, and 113868 of, and to add Chapter 11.7 (commencing with Section 114368) to Part 7 of Division 104 of, the Health and Safety Code, relating to retail food.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 972, Gonzalez. California Retail Food Code.

(1) Existing law, the California Retail Food Code (the code), establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities and requires local health agencies to enforce these provisions. Existing law, for purposes of the code, defines a "cottage food operation" as an enterprise that has no more than a specified amount in gross annual sales, is operated by a cottage food operator, and has no more than 1 full-time employee within the registered or permitted area of a private home where the food products are prepared and packaged. Existing law provides for the regulation of microenterprise home kitchen operations and limits those operations to not serving more than 30 individual meals per day and not more than 60 individual meals per week and to no more than \$50,000 in verifiable gross annual sales, as adjusted for inflation. Existing law authorizes the local enforcement agency to decrease the limit on the number of individual meals prepared based on the food preparation capacity of the operation.

This bill would authorize a cottage food operation or microenterprise home kitchen operation to serve as a commissary or mobile support unit for up to 2 compact mobile food operations if the cottage food operation or microenterprise home kitchen operation permit includes an endorsement from the local enforcement agency that the cottage food operation or microenterprise home kitchen operation is capable of supporting the preparation and storage of the food being sold from the compact mobile food operation and the storage and cleaning of the compact mobile food operation. The bill would authorize nonpotentially hazardous foods prepared in a cottage food operation to be served from a compact mobile food operation. The bill would define "compact mobile food operation" as a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. The bill would require compact food operations to conduct only limited food preparation.

(2) The code defines "limited food preparation" as food preparation that is restricted to specified activities, including dispensing or portioning of

nonpotentially hazardous food, slicing and chopping of food on a heated cooking surface during the cooking process, and holding, portioning, and dispensing foods that are prepared at a satellite food service or catering operation.

This bill would include in the definition of “limited food preparation” dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing, slicing and chopping of nonpotentially hazardous food or produce that has been washed at an approved facility, hot and cold holding of food previously prepared at an approved permanent food facility, and reheating of food that has been previously prepared at an approved permanent food facility and held at the approved temperatures.

(3) The code defines “mobile food facility” and regulates what types of food may be provided at a mobile food facility. The code requires mobile food facilities to meet specified health and safety standards, including access to warewashing sinks, restrooms, and handwashing facilities and required quantities of potable water.

This bill would require a compact mobile food operation to meet the applicable requirements of mobile food facilities, except as specified. The bill would exempt a compact mobile food operation that has 25 square feet or less of display area and sells only prepackaged, nonpotentially hazardous foods or whole uncooked produce from the code, except as specified. The bill would authorize a compact mobile food operation to display or sell food outdoors, if certain conditions are met, including, among other things, overhead protection provided above all food display areas. The bill would require a compact mobile food operation that engages in the preparation of raw meat, raw poultry, or raw fish to meet additional specified requirements. The bill would authorize the enforcement agency to preapprove a standard plan for a standardized or mass-produced facility intended to serve as a compact mobile food operation and would authorize a compact mobile food operation to use that standardized or mass-produced facility after a final inspection, but without submitting plans for the individual unit. The bill would authorize the enforcement agency to collect a fee for the final inspection.

(4) Existing law requires commissaries and other approved facilities servicing mobile support units, mobile food facilities, and vending machines to meet specified standards.

This bill would authorize an enforcement agency to approve a facility with nonconforming structural conditions if those conditions do not pose a public health hazard. The bill would also require an enforcement agency to approve the storage of a compact mobile food facility in a permitted permanent food facility if, after initial inspection, the agency determines that the compact mobile food facility is protected from contamination. The bill would authorize the enforcement agency to charge a fee to administer these provisions.

(5) The code requires a food facility to have a valid permit to be open for business and authorizes the local enforcement agency to charge a fee for the permit or registration or related services.

This bill would authorize the local enforcement agency to reduce the fee for the permit, registration, or related service for an applicant seeking approval of a compact mobile food operation or related operations.

(6) Under existing law, violation of the code is a misdemeanor, unless otherwise specified.

This bill would make violations of the code by an operator or employee of a compact mobile food facility or a sidewalk vendor punishable only by an administrative fine. Additionally, by making changes to the definition of various crimes and by adding new crimes under the code, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 113818 of the Health and Safety Code is amended to read:

113818. (a) "Limited food preparation" means food preparation that is restricted to one or more of the following:

(1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food.

(2) Dispensing and portioning of nonpotentially hazardous food or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing.

(3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.

(4) Holding, portioning, and dispensing of any foods that are prepared by a catering operation.

(5) Slicing and chopping of nonpotentially hazardous food or produce that has been washed at an approved facility or slicing and chopping of food on a heated cooking surface during the cooking process.

(6) Cooking and seasoning to order.

(7) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

(8) Hot and cold holding of food that has been prepared at an approved permanent food facility.

(9) Reheating of food that has been previously prepared at an approved permanent food facility and held at temperatures required by this chapter.

(b) “Limited food preparation” does not include any of the following:

(1) Slicing and chopping potentially hazardous food, other than produce, unless it is on the heated cooking surface.

(2) Thawing.

(3) Cooling of cooked, potentially hazardous food.

(4) Grinding raw ingredients or potentially hazardous food.

(5) Washing of foods.

(6) Cooking of potentially hazardous foods for later use.

(7) Handling, manufacturing, freezing, processing, or packaging of milk, milk products, or products resembling milk products subject to licensing under Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

SEC. 2. Section 113831 of the Health and Safety Code is amended to read:

113831. (a) “Mobile food facility” means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.

(b) “Single operating site mobile food facilities” means at least one, but not more than four, unenclosed mobile food facilities, and their auxiliary units, that operate adjacent to each other at a single location.

(c) “Compact mobile food operation” means a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

SEC. 3. Section 113868 of the Health and Safety Code is amended to read:

113868. “Portable” means equipment that is capable of being lifted and moved or has utility connections that are designed to be disconnected or of sufficient length to permit the unit to be moved for cleaning, and does not exceed 100 pounds (46 kg) in weight or is otherwise designed to be mobile.

SEC. 4. Chapter 11.7 (commencing with Section 114368) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11.7. COMPACT MOBILE FOOD OPERATION

114368. A compact mobile food operation, as defined in subdivision (c) of Section 113831, shall meet the applicable requirements of Chapter 10 (commencing with Section 114294), except as provided in this chapter.

114368.1. (a) Any compact mobile food operation with 25 square feet or less of display area from which only prepackaged nonpotentially hazardous food and whole uncooked produce is sold is exempt from the requirements of this part, except that the facility shall comply with all of the following:

(1) Sections 113980, 114047, 114049, 114390, 114393, 114397, and 114399.

(2) Chapter 1 (commencing with Section 113700).

(3) Chapter 2 (commencing with Section 113728).

(b) (1) A local enforcement agency may inspect a compact mobile food operation that is exempt, as specified in subdivision (a), during the facility's hours of operation and other reasonable times on the basis of a consumer complaint or just cause.

(2) For the purposes of determining compliance with this chapter, a compact mobile food operation that is not exempt as specified in subdivision (a) is subject to permitting and routine inspections or inspections on the basis of a consumer complaint or just cause.

(c) The local enforcement agency may recover the costs of investigation and enforcement of this section, subject to any limitations in this part on fines issuable to compact mobile food operations.

114368.2. (a) Compact mobile food operations shall conduct only limited food preparation, as defined in Section 113818. Notwithstanding any other provision of this part, a compact mobile food operation, as defined in subdivision (c) of Section 113831, may display or sell food outdoors, if all of the following conditions are satisfied:

(1) Overhead protection are provided above all food display areas.

(2) Food items from the outdoor display are stored consistent with this chapter at all times other than during business hours.

(3) Outdoor displays comply with Section 113980 and have been approved by the enforcement agency if the compact mobile food operation is required to obtain a permit.

(b) A compact mobile food operation shall not sell food other than nonpotentially hazardous prepackaged food or whole produce, or conduct any food preparation, unless it meets the applicable operational requirements of this chapter, including applicable requirements for integral equipment, handwashing, and restroom access.

(c) Equipment that is required to be integral to a compact mobile food operation shall either be permanently attached to the primary unit or securely fastened to the primary unit by means that would prevent unintentional removal. Equipment may be considered integral despite being portable or otherwise removable for cleaning, maintenance, or as part of its regular function.

(d) A compact mobile food operation operating from an individual shall not conduct any food preparation or sell foods other than nonpotentially hazardous prepackaged food or whole produce.

114368.3 (a) (1) A permitted cottage food operation or microenterprise home kitchen operation may serve as a commissary or mobile support unit for up to two compact mobile food operations if the cottage food operation or microenterprise home kitchen operation permit includes an endorsement from the local enforcement agency that the cottage food operation or microenterprise home kitchen operation is capable of supporting the preparation and storage of the food being sold from the compact mobile

food operation and the storage and cleaning of the compact mobile food operation.

(2) Transactions at a compact mobile food operation operated by a cottage food operator shall constitute “direct sales” for the purposes of paragraph (4) of subdivision (b) of Section 113758.

(3) Transactions at up to two compact mobile food operations operated by a cottage food operator shall not count toward the annual gross sales restrictions in Section 113758 applicable to cottage food operations if the governing body has authorized this action.

(4) Nonpotentially hazardous foods prepared in a cottage food operation may be served from a compact mobile food operation.

(5) Food prepared in a microenterprise home kitchen operation may be served from a compact mobile food operation operated by the microenterprise home kitchen operation permitholder.

(6) The meal and gross annual sales limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 do not apply to the sale of nonpotentially hazardous food or produce for up to two compact mobile food operations operated by the microenterprise home kitchen operation if the governing body has authorized this action.

(7) With the authorization of the governing body and if the enforcement agency determines that the operation does not pose a public health hazard, a permitted microenterprise home kitchen operation may serve as a commissary for up to two compact mobile food operations. The meal and gross annual sales limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 apply unless the governing body sets a higher meal and income limitation.

(8) The governing body of a local jurisdiction that permits microenterprise home kitchen operations pursuant to Section 114367, may set the meal and income limitations in paragraphs (7) and (8) of subdivision (a) of Section 113825 at a higher level than provided in those paragraphs for microenterprise home kitchen operations that operate in conjunction with a compact mobile food operation. Notwithstanding this subdivision, the levels in effect, by statute or ordinance, as of January 1, 2023, shall remain in effect until changed by the local jurisdiction.

(b) (1) Existing permanent food facilities may be permitted to support the operations and storage of compact mobile food operations pursuant to the requirements of this section.

(2) Notwithstanding any other provision of this part, upon an evaluation verifying that a permanent food facility satisfies subdivisions (a) to (f), inclusive, of Section 114326, an enforcement agency shall approve the use of a permitted permanent food facility to satisfy the requirements of Section 114295 for a compact mobile food operation.

(3) Notwithstanding any other provision of this part, upon an evaluation verifying that the compact mobile food operation will be stored in a manner that protects the compact mobile food operation from contamination, an enforcement agency shall approve the storage of a compact mobile food operation in a permitted permanent food facility.

(4) Except when a determination is made by the enforcement agency that any nonconforming structural conditions pose a public health hazard, the enforcement agency may approve a facility to support operations of a compact mobile food operation.

(5) Plan submission shall not be required for an existing permanent food facility to support the operations of a compact mobile food operation when a determination is made by the local enforcement agency that the current operation and structural facilities of the permanent food facility can successfully provide the necessary functions of a commissary for a compact mobile food operation.

(6) An approved permanent food facility that will be used for cooling of food for a compact mobile food operation shall be approved by the enforcement agency for cooling.

(c) (1) Unless prohibited by local ordinance, an enforcement agency may allow the use of a private home for the storage of a compact mobile food operation if it determines, after an evaluation, that storage in the private home would not pose a public health hazard and that the compact mobile food operation will be stored in a manner that protects the compact mobile food operation from contamination.

(2) No more than two compact mobile food operations may be stored in a private home unless the enforcement agency finds that storage of more than two compact mobile food operations in a private home would not pose a public health hazard.

(3) The storage area within the home shall be designated and clearly identified upon approval and shall not be relocated without the review and approval of the local enforcement agency.

(4) Prepackaged nonpotentially hazardous food, whole fruits, and whole vegetables may be stored in the home prior to sale or preparation of that food in a compact mobile food operation.

(5) Food prepared in a private home shall not be used or offered for sale on a compact mobile food operation, unless it is a permitted cottage food operation or microenterprise home kitchen operation pursuant to subdivision (a). Violation of this paragraph may result in suspension or revocation of the permit to operate the compact mobile food operation.

(6) For purposes of determining compliance with this subdivision, a local enforcement agency may access, for inspection purposes, a private home where a compact mobile food operation is stored only if the representative has, on the basis of a consumer complaint, reason to suspect that the home is being used for food preparation, food storage, or unauthorized storage of utensils or other food facility equipment in violation of this subdivision.

(d) At the end of the operating day, potentially hazardous food that is prepared on or served from a compact mobile food operation shall be destroyed in a manner approved by the enforcement agency.

(e) For the purposes of this chapter, an endorsement by the local enforcement agency shall be a documented and recorded approval of compliance with applicable sections. An endorsement may include an inspection or evaluation, but shall not require a registration or permit.

(f) The enforcement agency may collect a fee for any permit, endorsement, inspection, or evaluation issued or conducted pursuant to this chapter in an amount that does not exceed the reasonable administrative costs of the enforcement agency.

114368.4. (a) Except as provided in subdivision (b), a compact mobile food operation that is approved for limited food preparation that prepares raw meat, raw poultry, or raw fish is subject to warewashing and handwashing facility requirements as outlined in Chapter 10 (commencing with Section 114294).

(b) (1) A compact mobile food operation may satisfy the requirements of Sections 114313 and 114314 by demonstrating access to a permitted auxiliary conveyance containing the necessary handwashing and warewashing sinks when operating at a site-specific location. The auxiliary conveyance may be operated by the same or a different permit holder. An enforcement agency may permit an auxiliary conveyance to serve multiple compact mobile food operations operating in close proximity to the auxiliary conveyance, as determined by the enforcement agency.

(2) If an auxiliary conveyance is not operated by the permit holder of the compact mobile food operation, the operator of the auxiliary conveyance shall obtain a permit from the enforcement agency to operate the auxiliary conveyance and service compact mobile food operations.

(3) The permit application for an auxiliary conveyance not operated by a compact mobile food operation shall include a site plan and shall be submitted to the enforcement agency at least two weeks prior to the operation of any food facility in conjunction with the auxiliary conveyance.

(4) The site plan for an auxiliary conveyance not operated by a compact mobile food operator shall show the proposed location and storage of the auxiliary conveyance, the proposed locations of any food facilities that will utilize the auxiliary conveyance, restrooms, refuse containers, potable water supply faucets, waste water disposal facilities, and all shared warewashing and handwashing facilities.

(c) A compact mobile food operation that is approved for limited food preparation that does not prepare raw meat, raw poultry, or raw fish shall do one of the following:

(1) Provide a three-compartment sink as described in subdivision (a) of Section 114313.

(2) Provide at least one two-compartment sink that complies with subdivision (e) of Section 114099.3.

(3) Provide a one-compartment sink with at least one integral metal drainboard, an adequate supply of spare preparation and serving utensils to replace those that become soiled or contaminated, and warewashing facilities that comply with subdivision (a) of Section 114313 in reasonable proximity to, and readily accessible for use by, food employees at all times.

(4) Maintain an adequate supply of spare preparation and serving utensils on the compact mobile food operation to ensure that utensils used for potentially hazardous foods are replaced with clean and sanitized utensils every four hours or as needed to replace those that become soiled or

contaminated. A compact mobile food operation that complies with this paragraph is not required to provide a warewashing sink.

(d) A compact mobile food operation that is approved for limited food preparation that does not prepare raw meat, raw poultry, or raw fish shall provide an integral handwashing sink with at least five gallons of potable water to operate with a potable water tank with a capacity of at least five gallons for handwashing.

(e) An enforcement agency may permit a compact mobile food operation to operate with an integral water tank smaller than specified under subdivision (c) or (d) of Section 114217 if the enforcement agency finds that the compact mobile food operation is operating in an area and manner that would allow for replenishment of the water supply as needed during operations.

(f) A compact mobile food operation shall submit, to the enforcement agency, written operating procedures that include the process of filling potable water tanks if it will operate with a water tank with a capacity of less than five gallons specified in subdivisions (c) and (d) of Section 114217.

(g) A compact mobile food operation that does not prepare raw meat, raw poultry, or raw fish is exempt from any provision of this part requiring it be equipped with a water heater or otherwise be supplied with warm water.

114368.5. (a) Upon receipt of complete, easily readable plans drawn to scale, and specifications satisfactory to the enforcement agency, an enforcement agency may preapprove a standard plan for a standardized or mass-produced individual unit intended to serve as a compact mobile food operation.

(b) A person proposing to operate a compact mobile food operation who has acquired an individual unit for which the construction of the compact mobile food operation has been built to approved plans shall not be required to submit plans for the individual unit, but instead shall be subject to a final inspection of the compact mobile food operation to ensure that the individual unit and proposed method of operation conform to the standard plans preapproved pursuant to subdivision (a). The permit application for a compact mobile food operation utilizing a preapproved individual unit shall include a certification that the applicant has not substantially altered the individual units from the plans preapproved pursuant to subdivision (a). The enforcement agency may collect a fee in the final inspection in an amount that does not exceed the reasonable administrative costs to the enforcement agency.

(c) The repair of equipment or integral fixtures on a compact mobile food operation or the replacement of equipment and fixtures on a compact mobile food operation with substantially similar equipment or fixtures is not a remodel, and the repair or replacement of equipment or fixtures does not require the submission of plans to an enforcement agency.

(d) A local governing body may waive or reduce a fee for the permit, registration, or related services for an applicant seeking approval of a compact mobile food operation or related operations.

(e) All new and replacement food-related and utensil-related equipment for a compact mobile food operation shall be certified or classified for sanitation by an American National Standards Institute accredited certification program, or a certification program accredited by another accreditation body recognized by the enforcement agency as providing substantially similar food safety and operational standards. In the absence of an applicable certified sanitation standard, food-related and utensil-related equipment shall be evaluated for approval by the enforcement agency.

(f) All new and replacement electrical appliances for a compact mobile food operation shall meet applicable Underwriters Laboratories standards for electrical equipment as determined by an American National Standards Institute accredited certification program or a certification program accredited by another accreditation body recognized by the enforcement agency as providing substantially similar food safety and operational standards.

114368.6. A compact mobile food operation is exempt from Section 113947.1 if the operator and any individual who is involved in the preparation, storage, or service of food for the compact mobile food operation has obtained a food handler card that meets the requirements of Section 113948.

114368.7. A compact mobile food operation is exempt from the requirements of Section 114315 if the compact mobile food operation operates with multiple employees or operators and the compact mobile food operation may remain operable by a single individual so that employees or operators may alternate use of a restroom.

114368.8. (a) Notwithstanding subdivision (a) of Section 114395, a violation of this part by an operator or employee of a compact mobile food operation is punishable only by an administrative fine.

(b) A violation of any provision of this part or regulation adopted pursuant to this part by an operator or employee of a compact mobile food operation or a sidewalk vendor shall not be punishable as an infraction or misdemeanor, and an operator or employee of a compact mobile food operation or a sidewalk vendor alleged to have violated any of those provisions is not subject to arrest except when independent grounds for that arrest exist under law.

(c) Except as provided in paragraph (d), each offense by an operator or employee of a compact mobile food operation or a sidewalk vendor may only be punished by a fine consistent with the following:

(1) A notice of violation detailing the violation, including the applicable provision of this part or regulation adopted pursuant to this part.

(2) An administrative fine not exceeding one hundred dollars (\$100) for a second violation within one year of the first violation.

(3) An administrative fine not exceeding two hundred dollars (\$200) for a third violation within one year of the first violation.

(4) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(d) If a compact mobile food operation is required to obtain a permit from the enforcement agency, operating without a permit may be punishable by a fine not to exceed three times the cost of the permit in lieu of the administrative fines referenced in subdivision (c). An enforcement agency shall not issue any fines in excess of the amounts allowable pursuant to subdivision (c) prior to January 1, 2024.

(e) (1) When assessing an administrative fine for a first-time offense, pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The enforcement agency shall provide the person with notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code, the enforcement agency shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this section.

(3) The enforcement agency may waive the administrative fine or may offer an alternative disposition.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



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



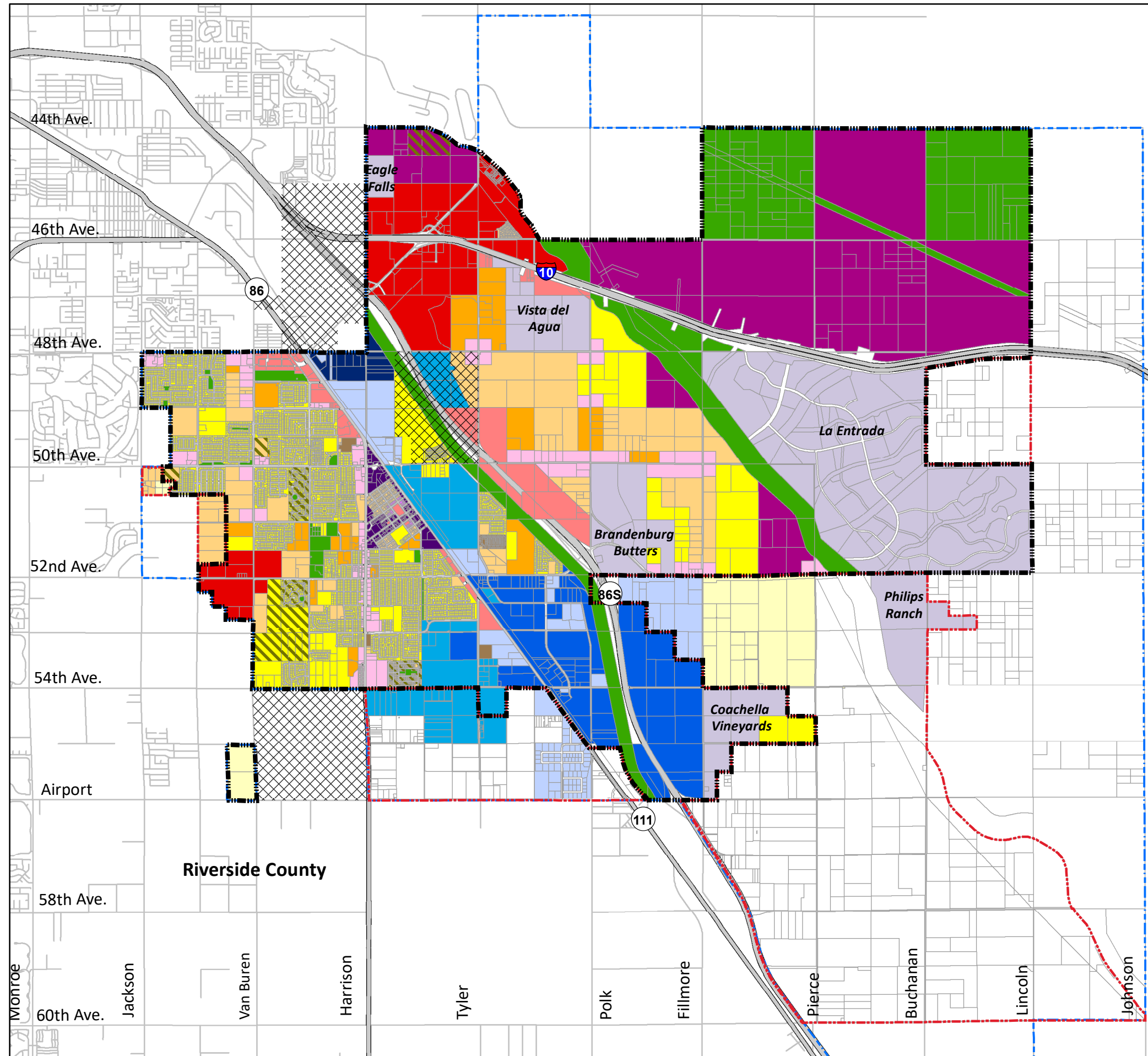
objective welfare, safety, and health concerns. At most, 50-100 feet seems to fit more within the meaning of immediate vicinity

- 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.](#)



City of Coachella Official Zoning Map

Zoning Districts



Legend

- City
- Sphere of Influence (LAFCO)
- General Plan Planning
- Tribal
- Planned Unit Development
- Rural Rancho (R-R)
- Suburban Neighborhood (S-N)
- Mobile Home (R-MH)
- General Neighborhood (G-N)
- Urban Neighborhood (U-N)
- Neighborhood Commercial (C-N)
- General Commercial (C-G)
- Regional Commercial (R-C)
- Downtown Transition (TR-PV)
- Downtown (DT-PV)
- Resort District (R-D)
- Urban Employment (U-E)
- Manufacturing Service (M-S)
- Heavy Industrial (M-H)
- Wrecking Yard (M-W)
- Open Space (O-S)
- Specific Plan



Source: City of Coachella and
Riverside County
Date: July 2023



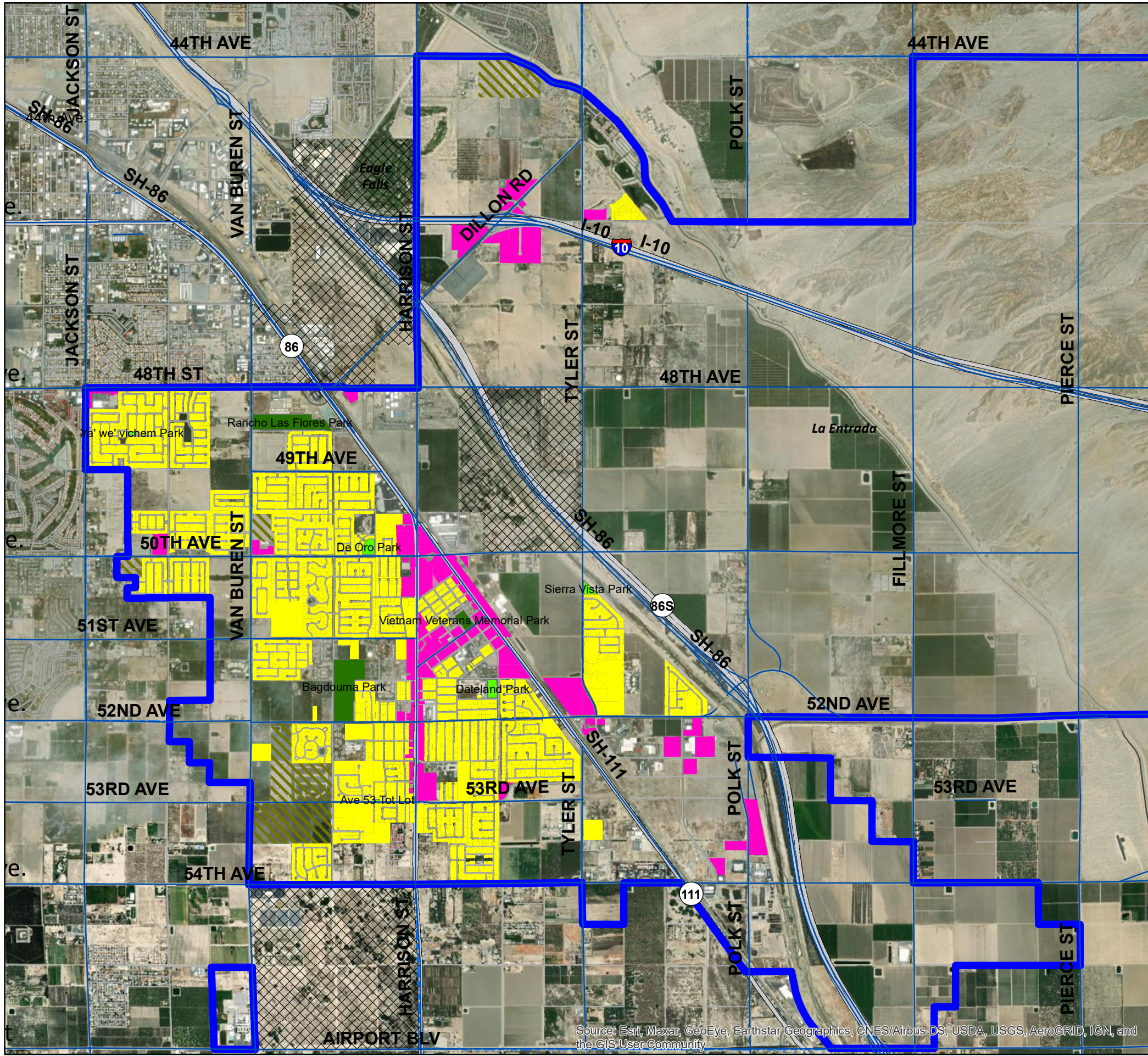
City of Coachella Zoning Districts

Permitted Areas - Sidewalk Vendors

- Residential Districts
Roaming Sidewalk Vendors permitted
- Non-Residential Districts
Stationary and Roaming Sidewalk Vendors permitted
- Public Parks
Stationary and Roaming Sidewalk Vendors permitted

DRAFT

**Densities, intensities, and prohibited uses shall be consistent with criteria in the airport land use compatibility plan for the Jacqueline Cochran Regional Airport, including applicable Countywide criteria that may exist at the time of project review. If the project is located in the Riverside County Airport Land Use Compatibility Plan zones, please see ALUCP and Coachella City Planning Staff for the most up-to-date regulations.*



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community