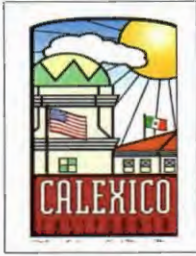


AGENDA  
ITEM

**1**



# CITY COUNCIL AGENDA STAFF REPORT

**DATE:** October 26, 2021

**TO:** Mayor and City Council

**APPROVED BY:** Miguel Figueroa, City Manager *MF*

**PREPARED BY:** Lisa Tylanda, Planning and Building Services Director *LT*

**SUBJECT:** Approval of a Resolution of the City Council of the City of Calexico Adopting Regulations Regarding Sidewalk Vendors and Adopting a Fee for Applications for Sidewalk Vending Permits

=====

## Recommendation:

The recommendation from City Staff is to approve a Resolution of the City Council of the City of Calexico Adopting Regulations regarding Sidewalk Vendors and Adopting a Fee for Applications for Sidewalk Vending Permits.

## Discussion and Analysis:

The City of Calexico seeks to efficiently manage limited resources and adequately respond to service demands and a declining local economy. To do so, a variety of tools are needed, the City of Calexico acknowledges the immense impact that the Covid-19 shut down has had on our local economy and small businesses and wish to help stimulate the economic recovery by adopting immediate short-term changes to certain regulations. The City of Calexico recognizes that it is in the best interests of the City and its local businesses to allow for creation and issuance of special permits during the holiday seasons and with the unique COVID-19 situation, that incentivize, stimulate, and promote commerce and benefit the City and its residents. The proposed permit will cost businesses \$50.00 for the year from the Planning and Building Services Department and the business will also need to have an active City Business License in order to operate on the sidewalk.

This would also assist with attempting to mitigate the impacts of future developments. The proposed sidewalk permitting structure shall apply to Downtown between Mary Avenue all the Way to Imperial Avenue West to East and from First Street all the way to 5<sup>th</sup> Street and the City Manager may identify other businesses that may not reside within the identified boundaries. Retail businesses and services may use the area in front of their stores to display merchandise and conduct business pursuant to the following provisions:



- A. Projection into Sidewalk. Where sidewalks are more than 20 feet wide, retail businesses may use up to 10 feet of sidewalk space adjacent to their storefront. Where sidewalks are less than 20 feet wide, retail businesses may use the available space adjacent to their storefront provided that not less than 5 feet of safe unobstructed pedestrian egress is maintained.
- B. Sidewalk displays may be set up on the sidewalk during a business's regular hours, except that no business or merchandise shall remain outside overnight between the hours of 11:00 p.m. and 8:00 a.m. except where expressly permitted and/or previously approved.
- C. No flashing or moving lights or additional signage shall be part of the sidewalk setup.
- D. All merchandise shall be removed from the sidewalk and curb side every evening.

The proposed sidewalk permit will be implemented and overseen by the Planning and Building Services Department. Staff will provide updates to the council every three months from the time of approval. Staff will seek feedback from the City Council, residents, members of the public and business community. Staff will seek direction from the City Council over the coming months related to the new sidewalk permitting process and structure.

**Fiscal Impact:**

N/A

**Coordinated with:**

City Manager.

**Attachment(s):**

1. Resolution approving Adopting Regulations regarding Sidewalk Vendors and Adopting a Fee for Applications for Sidewalk Vending Permits

**RESOLUTION NO. 2021- \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO ADOPTING REGULATIONS REGARDING SIDEWALK VENDORS AND ADOPTING A FEE FOR APPLICATIONS FOR SIDEWALK VENDING PERMITS**

**WHEREAS**, the City of Calexico acknowledges the immense impact that the Covid-19 shut down has had on our local economy and small businesses and wish to help stimulate the economic recovery by adopting immediate short-term changes to certain regulations; and it is in the best interests of the City and its local businesses to allow for creation and issuance of special permits during the holiday seasons and with the unique COVID-19 situation, that incentivize, stimulate, and promote commerce and benefit the City and its residents; and

**WHEREAS**, the COVID-19 Pandemic has caused significant hardship to small businesses and restaurants in the City of Calexico; and

**WHEREAS**, for the past several years, the City has allowed sidewalk sales in the downtown area and such sales have been successful; and

**WHEREAS**, the City of Calexico wants to provide a range of alternatives that support new and expanded outdoor retail and dining opportunities and other outdoor amenities to help recoup lost occupancy and still maintain safe social distancing; and

**WHEREAS**, the City seeks to implement sidewalk vending regulations to provide a licensing and permitting process and impose operational requirements for sidewalk vendors in the City to comply with SB 946 and protect the health, safety, and welfare of the community; and

**WHEREAS**, the City finds that the regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of vendors, their prospective customers, pedestrians, those protected by the Americans With Disabilities Act, those operating motor vehicles at intersections and in rights-of-way adjacent to sidewalks, and the public at large; and

**WHEREAS**, section 5. 02092. of the Calexico Municipal Code authorizes the City Council to permit, by resolution, sidewalk sales; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Calexico as follows:

1. Sidewalk sales by existing businesses will be permitted in downtown (between Mary Avenue all the Way to Imperial Avenue West to East and from First Street all the way to 5<sup>th</sup> Street and the City Manager may identify other businesses that may not reside within the identified boundaries) and may apply and obtain a Sidewalk Sales permit from the Planning and Building Services Department. The yearly permit fee for the Sidewalk Sales Permit will be \$50.00.

2. Businesses will be permitted to conduct sales provided that an owner or authorized representative has submitted a Sidewalk Sales application with the Planning and Building Services Department, the business obtains approval and the permit from the Planning and Building Services Department. The business must submit a site plan of the proposed sidewalk sale location and abide by the rules regulating said sales prior to commencing sidewalk sales operation from the Planning and Building Services Department.
3. Businesses applying for the Sidewalk Sales Permit must also have an active City Business License or apply concurrently with the Planning and Building Services Department for the Sidewalk Sales Permit and the Finance Department for the Business License Permit.
4. This resolution shall take effect immediately upon approval.
5. The sale of active “THC” cannabis products on sidewalks is prohibited.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calexico at a special meeting held on the 26th day of October, 2021.

\_\_\_\_\_  
Javier Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Best Best & Krieger, City Attorney

State of California     )  
County of Imperial    ) ss.  
City of Calexico       )

I, Gabriela T. Garcia, City Clerk of the City of Calexico, do hereby certify that the above foregoing Resolution No. 2021-\_\_\_\_\_, was duly passed and adopted by the City Council of the City of Calexico on this 26th day of October, 2021 by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk