



City of Gilroy

STAFF REPORT

Agenda Item Title: Adoption of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Meeting Date: August 21, 2023

From: Jimmy Forbis, City Administrator

Department: Community Development

Submitted By: Sharon Goei, Community Development Director

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STRATEGIC PLAN GOALS

Promote Economic Development Activities

RECOMMENDATION

Adopt an ordinance adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code, which provides permit requirements and standards for sidewalk vending, and find that it is exempt from CEQA review based on CEQA Guidelines Section 15332.

EXECUTIVE SUMMARY

Legislation adopted at the State level (State Senate Bill 946 or SB 946) now allows vendors to sell food and merchandise on pedestrian paths, public sidewalks, and, in certain instances, public parks. Although the Gilroy City Code includes requirements for mobile vending (Chapter 16A of the Gilroy City Code), those requirements are not in line with current State legislation for sidewalk vendors, and the proposed ordinance provides permit requirements and standards for those seeking to sell goods or foods on City-owned paths, sidewalks, and parks.

BACKGROUND

At its meeting of August 7, 2023, the City Council considered and voted to introduce an ordinance adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code. This ordinance provides the rules and standards for regulating sidewalk vending in the City. The ordinance that was introduced contained a few minor modifications, made orally after discussion at the meeting, from the written draft ordinance. These oral changes,

shown below in redline format for easy distinction, are included in the written ordinance proposed for adoption.

1. Addition of the following standard in section 16B.3:

For the health, safety, and welfare of the community and pedestrians when using its public sidewalks, paths, and parks, generators and cooking methods that involve deep fat frying and wood fired cooking devices, which present fire, smoke, burn, and slipping hazards, are prohibited. This limitation does not prohibit sidewalk vendors from using other cooking methods to heat or prepare foods.

2. Deletion of the following standards in section 16B.3:

~~Vendors shall not use generators unless their sidewalk vending permit explicitly allows for generator use. Use of generators may be requested in a sidewalk vending permit application.~~

~~Vendors using a generator approved in conjunction with the sidewalk vending permit and those that emit smoke or steam shall not be located within twenty-five feet (25') of building openings and approved outdoor seating of an eating establishment.~~

3. Modification of the following standard in section 16B.3:

Increase the setback distance from the curb face from two feet to three feet – to read as follows:

At locations where on street parking is angled to the curb, the vending device or area shall be setback three ~~two~~ feet (3' ~~2'~~) from the curb face.

4. Replace 'or' with 'and' at subsection 16B.6 (8) to read as follows:

Commercial general liability, automobile, and workers compensation insurance policies and ~~or~~ other such policy as the office of the risk manager of the city of Gilroy shall require.

As indicated above, these minor modifications have been included in the copy of the ordinance attached to this agenda report for Council adoption.

ANALYSIS

The City Council is now being asked to adopt the proposed ordinance, which reflects the changes made at its regular meeting on August 7, 2023.

If adopted, the ordinance will take effect thirty (30) days following this action of the City Council, on September 20, 2023.

ALTERNATIVES

1. Decline adoption of the ordinance.
2. Refer the ordinance to staff and direct that it be scheduled for a future meeting of the City Council for consideration.

These alternatives are not recommended since the proposed ordinance was developed through a series of Council inputs.

FISCAL IMPACT/FUNDING SOURCE

The adoption of the ordinance will have a minimal fiscal impact. However, there will be staff time consumption across multiple departments in implementing the ordinance. For example, staff will need to create educational materials; conduct outreach; develop documents, forms, and procedures, including configuration in the new permit system; perform permit review and processing; enforce standards and regulations; and coordinate with outside agencies. Additional resources will be needed to implement the ordinance. Staff will consider the staff time and cost and return with a resolution for the City Council to consider the appropriate application fee at its September 18, 2023 meeting.

PUBLIC OUTREACH

The City held several public outreach workshops and meetings on this subject:

- A community workshop on sidewalk vending was held on June 8, 2023, at the Gilroy Senior Center.
- Public Hearings were held on the proposed ordinance at the July 10, 2023 Special Meeting of the City Council and the August 7, 2023 regular meeting of the City Council.
- A study session of the City Council to review sidewalk vending regulations was held on July 19, 2023.

NEXT STEPS

If adopted, the ordinance will become effective in 30 days, on September 20, 2023.

Attachments:

1. Proposed Ordinance