



Land Use, Sustainability & Resilience Committee Memorandum

City of Arts & Innovation

TO: LAND USE, SUSTAINABILITY & RESILIENCE COMMITTEE MEMBERS **DATE: JANUARY 11, 2021**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT **WARDS: ALL**

SUBJECT: REVIEW OF MOBILE VENDING ORDINANCE AND SIDEWALK VENDING ORDINANCE AND PROPOSED AMENDMENTS TO SIDEWALK VENDING ORDINANCE

ISSUE:

Receive an update on Chapters 5.36 and 5.38 of the Riverside Municipal Code and consider the proposed changes to Chapter 5.38 regarding sidewalk vending.

RECOMMENDATIONS:

That the Land Use, Sustainability & Resilience Committee:

1. Receive the update on Chapters 5.36 and 5.38 of the Riverside Municipal Code regarding Mobile Food Vending and Sidewalk Vending; and
2. Direct staff to take one of the following actions regarding the sidewalk vendor ordinance:
 - A) Take no further action on existing sidewalk vendor ordinance (maintain status-quo);
 - B) Prepare amendments to RMC 5.38 – Sidewalk Vending, to provide additional restrictions as recommended, for City Council consideration and subsequent approval;or
 - C) Research opportunities to lessen sidewalk vending restrictions from those that currently exist, for City Council consideration and subsequent approval.
3. Direct staff to take one of the following actions regarding the mobile food vendor ordinance:
 - A) Take no further action on existing mobile food vendor ordinance (maintain status- quo);
 - B) Prepare amendments to RMC 5.36, to provide additional restrictions as recommended, for City Council consideration and subsequent approval; or
 - C) Research opportunities to lessen mobile vending restrictions from those that currently exist, for City Council consideration and subsequent approval.

BACKGROUND:

At the October 20, 2020 Council Meeting, Councilmember Plascencia requested that staff present a review of the City's food truck and sidewalk vending ordinance to the Land Use, Sustainability & Resilience Committee. Riverside Municipal Code 5.36 regulates mobile vending (a.k.a. "food trucks") and 5.38 regulates sidewalk vendors. RMC 5.38 was recently amended pursuant to

California Government Code and is pending additional revisions to further regulate this activity in the City of Riverside.

Although the two items are related, the City regulates them under separate and distinct code sections. In addition, the California Government Code regarding Sidewalk Vendors does not apply to mobile food vendors (food trucks).

DISCUSSION:

Mobile Food Vendors

Current City Code (RMC 5.36) adopted in 2011 finds that mobile food vendors have the potential to pose special risks to public health, safety and welfare especially in terms of creating traffic and pedestrian hazards. In addition, there is concern that they may be selling hazardous and unregulated non-food items to children without proper adult supervision. The City currently requires a City Business Tax Certificate and County Health Permit and limits the sale of items to “pre-packaged” food only. No food preparation is permitted. In addition, mobile food vendors are required to keep their immediate area free from trash and park in a legal and safe manner. Mobile food vendors are prohibited from conducting business inside any public park or within 300 feet of an established restaurant that is open for business. Lastly, mobile vending is prohibited within 1,000 feet of a school during normal school hours, and business operators shall not conduct business with any minor without adult supervision.

Mobile food vendors may participate in special events if they obtain the appropriate permits and approvals as required by other sections of this code and the special event coordinator.

Enforcement of this Chapter is conducted by three primary departments/agencies: 1) Riverside City Code Enforcement, 2) Riverside County Department of Environmental Health and 3) Riverside Police Department. The number of calls/complaints received by the Code Enforcement Division each year regarding food trucks/mobile food vendors is very minimal, numbering only 2-3 per year on average.

Sidewalk Vendors

Sidewalk Vendors are distinguished from Mobile Food Vendors in that they include all self-propelled and/or stationary carts, stands and conveyances, whereas the latter is regarding motorized vehicles. The City of Riverside currently allows sidewalk vendors to sell their goods with the proper permits and approvals pursuant to Riverside Municipal Code (RMC) Chapter 5.38.

On September 17, 2018, the Governor signed Senate Bill (SB) 946 and it became effective on January 1, 2019 as Government Code sections 51036 – 51039. The legislation defines “sidewalk vendor” as a person who sells food or merchandise on a public sidewalk or other pedestrian path. This law decriminalizes sidewalk vending with the intent to promote entrepreneurship and economic development opportunities for low-income and immigrant communities. The general rule of SB 946 is that any restriction on a sidewalk vendor in public parks and on public sidewalks must be directly related to an objective health, safety or welfare concern.

Many of the City’s former restrictions regarding sidewalk vending in the Riverside Municipal Code conflicted with the current State law. On July 21, 2020, City Council adopted amendments to RMC 5.38 bringing the municipal code into compliance with State Law. At that time, City Council also

directed staff to explore other opportunities to revise the RMC and create a law that would balance the needs of the City of Riverside, the community and the business operators themselves. The goal is to ensure public health, safety and welfare and at the same time, allow for a climate of entrepreneurship and prosperity for the business community. As the law currently stands, it provides broad allowances for sidewalk vending equally throughout all areas of the City and essentially mirrors Government Code regarding sidewalk vendors. The City has an opportunity to add additional restrictions as outlined below or take no further action to amend the existing code.

The main areas of further restriction under consideration are the regulation of sidewalk vendors during peak hours in the Downtown Entertainment District due to the high volume of vehicle and pedestrian traffic and the potential traffic hazards involved, limitations on vending in certain parks due to health and safety concerns, as well as impact on the natural characteristics of the park and miscellaneous other location restrictions based on safety concerns.

Proposed Restrictions – Downtown Entertainment District

Staff proposes prohibiting sidewalk vending in the following area Thursday-Saturday between the hours of 5:00 P.M. – 3:00 A.M.

- 1) The area bound by Third Street to the east, Tenth Street to the west, Lime Street to the south and Market Street to the north.

During these days and times, the described area experiences a high volume of vehicular and pedestrian activity that is exacerbated by allowing sidewalk vending to take place in this same small, defined area. The Downtown Entertainment District includes numerous bars, restaurants and entertainment venues that draw large numbers of guests. While that volume has decreased during the COVID-19 pandemic and resulting Stay-at-Home order, a renewed proliferation of sidewalk vendors would cause traffic congestion and pedestrian safety concerns. Customers surrounding vendors setting up on downtown sidewalks have obstructed sidewalks forcing pedestrians to walk mid-block which can increase the risk to pedestrians and motorists. In addition, drivers often abruptly stop and/or park illegally to patronize the sidewalk vendors. Further, there has been an increase in violent and nuisance incidents as patrons leaving bars/venues at closing time may continue to congregate in the downtown area to patronize the sidewalk vendors and this increased activity has led to fights, noise disturbances, and other incidents requiring a police response.

Prior to the COVID-19 pandemic, Riverside Police Department officers on foot patrol in the Downtown Entertainment District witnessed numerous dangerous incidents of pedestrians leaving the sidewalk and walking in the busy roadways due to the presence of vendors on the sidewalks. Vehicle operators blocked by stopped cars were observed making sudden lane changes, risking collisions with other vehicles and pedestrians in the street.

The Riverside Police Chief concurs with the proposed restriction stated herein as directly related to address health, safety or welfare concerns.

Vending in the public right-of-way and in public parks creates the potential for increased safety risks including, but not limited to, interfering with the performance of police, firefighter, and paramedic services; contributing to traffic congestion; and interfering with the ability of pedestrians to follow a safe path of travel. This proposed regulation of sidewalk vendors is designed to promote mobility and safety of pedestrians and vehicles at all times. It is narrowly tailored to restrict the time, place, and manner of vending on the designated public streets and sidewalks to

the extent necessary to preserve and protect the safety and welfare of the public from the impacts of vendor sales.

The Public Works Director and City Engineer have assessed the safety consideration in the public roadway and concur that the proposed restrictions stated herein are directly related to address health, safety and welfare concerns.

Proposed Restrictions – Parks

Stationary vendors in public parks may be prohibited outright where a city has entered an exclusive concessionaire agreement. Otherwise, vendors may be restricted in a park owned or operated by the City, 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 a natural resources and recreational opportunities; or (iii) necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

The City of Riverside has 72 developed and undeveloped parks. The majority of them are accessible to sidewalk vendors. However, some parks have special uses, such as off-leash dog parks, that conflict with sidewalk vending activity. In addition, the topography and terrain of open space/"wilderness" parks makes sidewalk vending activity hazardous. Lastly, sidewalk vending in certain parks within the City would not only be a health/safety concern but would interfere with the public's use and enjoyment of natural resources and recreational activities.

Staff proposes prohibiting sidewalk vending at all times in the following parks and recreational amenities:

Special Use Parks:

- 1) Carlson Dog Park
- 2) Arlanza Neighborhood Garden
- 3) Riverwalk Dog Park
- 4) White Park

Regional Reserves/Open Space:

- 5) Box Springs Mountain Open Space
- 6) Challen Park Open Space
- 7) Mount Rubidoux Park and San Andreas Ave./Glenwood Dr. between Tequesquite Ave. and 14th St.
- 8) Pachappa Hill Open Space
- 9) Quail Run Open Space
- 10) Sycamore Canyon Wilderness Park

Parks, Recreation & Community Services Director Adolfo Cruz has assessed the current state of City parks and believes the proposed restrictions are necessary and meet the standards set forth in SB 946.

Additional Proposed Right-Of-Way Restrictions

To improve safety between motorists, bicyclists and sidewalk vendors, staff recommends the following additional restrictions:

- 1) Vending shall be prohibited along the portion of Magnolia Avenue, generally within the Arlington Business District, along which bicyclists are currently allowed to share the sidewalk.
- 2) Vending shall be prohibited within any designated bikeway, bike lane, or bicycle parking area.
- 3) Sidewalk vendors shall not obstruct access to public infrastructure including parking meters, parking pay stations, shared mobility parking zones, waste receptacles, crosswalk pedestrian push buttons, public furniture, etc.
- 4) Vending shall be prohibited adjacent to any portion of the curb designated as a passenger, commercial, or school loading zone via signage and/or curb markings.
- 5) Sidewalk vendors shall maintain an unobstructed 4-ft walking path at all times.

All of the proposals stated herein could be implemented pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution.

FISCAL IMPACT:

There is no fiscal impact associated with the receipt of this report.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Kristi J. Smith, Interim City Attorney

Attachments:

- 1) Riverside Municipal Code 5.36 – Mobile Food Vendors
- 2) Riverside Municipal Code 5.38 – Sidewalk Vendors
- 3) Presentation