



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

CITY HALL  
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**CITY COUNCIL STAFF REPORT**

Meeting: February 16, 2021

**Subject**

Consider and act on Ordinance No. 21-2200 adopting Municipal Code Amendments to update existing Mobile Vending regulations, including conforming edits to Titles 5 and 13 in the Municipal Code, adopting new regulations for Sidewalk Vending in compliance with SB 946. (Application No.: MCA-2020-004; Applicant: City of Cupertino; Location: City-wide)

**Recommended Action**

Conduct the Second Reading and enact Ordinance No. 21-2200 “An Ordinance to Amend Chapters 5.04, Business Licenses Generally, Chapter 5.20, Solicitors, Chapter 5.48, Mobile Vendors, and Chapter 13.04, Parks” (Attachment A).

**Discussion**

On January 19, 2021, the City Council introduced and conducted the first reading of Ordinance No. 21-2200 on a 5-0 vote. The ordinance was considered for a second reading on February 2, 2021. However, at that meeting, to address concerns from the public about sidewalk vending during special events at public parks, the Council made additional amendments to the draft ordinance. Specifically, the amendments prohibit sidewalk vending within 500 feet of a farmers’ market, swap meet, or permitted special event. Attachment A reflects the draft ordinance with the language added by Council during the hearing on February 2, 2021. As a result of this change, the Council conducted a first reading of the ordinance, with a second reading scheduled for this February 16, 2021 meeting.

***Environmental Review***

The proposed ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3) because it has no potential for resulting in physical change in the environment, either directly or indirectly. In the event that the proposed ordinance is found to be a project under CEQA, it is subject

to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

### ***Public Noticing & Outreach***

The following noticing has been conducted for this project:

| <b>Notice of Public Hearing, Site Notice &amp; Legal Ad</b>   | <b>Agenda</b>  |
|---|--|
| <ul style="list-style-type: none"><li>▪ Legal ad placed in newspaper<br/><i>(at least 10 days prior to hearing)</i></li><li>▪ Display ad placed in newspaper<br/><i>(at least 10 days prior to hearing)</i></li></ul> | <ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board <i>(four days prior to hearing)</i></li><li>▪ Posted on the City of Cupertino's Web site <i>(four days prior to hearing)</i></li></ul> |

### **Fiscal Impacts**

It is anticipated that existing software programs can be used to implement this registry. Therefore, no fiscal impacts are expected at this time.

### **Sustainability Impacts**

None.

### **Next Steps**

The ordinance will be effective 30 days after the second reading/adoption. A mobile vendor registration fee will be developed and presented to the Council for adoption at a later date.

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Prepared by: Angela Tsui, Economic Development Manager

Reviewed by: Piu Ghosh, Planning Manager

Albert Salvador, Acting Director of Community Development

Reviewed and Approved for Submission by: Dianne Thompson, Assistant City Manager

### **Attachments:**

A - Ordinance No. 21-2200