



EAST PALO ALTO CITY COUNCIL STUDY SESSION **AMENDED** AGENDA

Tuesday, September 23, 2025, 5:00 PM
EPA Government Center
2415 University Avenue, First Floor
East Palo Alto, CA 94303

NOTICE

This meeting will be held virtually and in-person at the Council Chambers located on 2415 University Ave, First Floor East Palo Alto, CA 94303. The virtual portion of this City Council meeting will be conducted in accordance with City of East Palo Alto Resolution adopted pursuant to Assembly Bill 361.

The public may participate in the City Council Meeting via Zoom Meeting or by attending in-person in the Council Chambers at 2415 University Ave, First Floor East Palo Alto, CA 94303. Community members may provide comments by emailing cityclerk@cityofepa.org, submitting a speaker card at the meeting, or using the **RAISE HAND** feature when the Mayor or City Clerk call for public comment. Emailed comments should include the specific agenda item on which you are commenting.

Please click this URL to join

<https://us06web.zoom.us/j/84009971164>

Or join by phone:

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US: +1 669 900 6833 or
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Webinar ID: 840 0997 1164

International numbers available: <https://zoom.us/u/aMWYF4KT>

REQUESTS TO APPEAR REMOTELY

Pursuant to Government Code Section 54953, members of the body may appear remotely for the following reasons:

1. Teleconference Exception (Gov't Code § 54953(b)): None
2. **Just Cause (Gov't Code § 54953(j)(2)(D)):**

Councilmember Webster Lincoln.

- a. General description Traveling while on official business of the legislative body or another state or local agency (Id., subd. (j)(2)(D)).
 - b. Affirmation (18 year or older participants)
 - c. Admonitions: (a) video and audio must remain on; (b) disruption causes cease of council action.
3. Emergency Circumstances (Gov't Code § 54953(f)(A)(ii) (Approval Required)) None.

1. **CALL TO ORDER AND ROLL CALL**

2. **APPROVAL OF THE AGENDA**

3. **APPROVAL OF CONSENT CALENDAR**

4. **CLOSED SESSION**

**4.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code
Sections 54956.9(d)(2), 54956.9(e)(1)
One Potential Matter**

5. **STUDY SESSION**

5.1 Development of Legislative Platform for City of East Palo Alto

Recommendation:

1. Provide feedback on which Strategic Priorities, General Plan principles, and Cal Cities principles should anchor the City’s inaugural Legislative Platform.
2. Discuss and provide direction on whether to establish a Legislative Committee to guide ongoing legislative engagement.

5.2 Sidewalk Vending Ordinance - Key Provisions Discussion

Recommendation:

Provide direction on critical components of a potential sidewalk vending ordinance, which include:

1. Vending restrictions, insurance requirements, hours of operation, residential zone restrictions, trash receptacle responsibilities, vendor spacing, and restrictions near sensitive areas;
2. The proposed permit process; and
3. Enforcement options.

6. **ADJOURNMENT**

Upcoming meetings:

Regular Meeting	October 7, 2025	6:30 PM
Regular Meeting	October 21, 2025	6:30 PM
Regular Meeting	November 4, 2025	6:30 PM

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

This Notice of Availability of Public Records: All public records relating to an open session item which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to the majority of the City Council will be available for public inspection at the City Clerk's Office, 2415 University Avenue, East Palo Alto, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the East Palo Alto website www.cityofepa.org subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3100.

The City Council meeting packet may be reviewed by the public in the Library or the City Clerk's Office. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at the City Clerk's Office, 2ND Floor, City Hall, 2415 University Avenue, East Palo Alto, California 94303 during normal business hours. Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.

East Palo Alto City Council Chambers is ADA compliant. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office at (650) 853-3127 no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

DECLARATION OF POSTING

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

POSTED: September 15, 2025

AMENDED: September 19, 2025

ATTEST:

Lucero Avila-Garcia
Executive Assistant to the City
Manager



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: September 23, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Orly Amey, Assistant to the City Manager
Shiri Klima, Assistant City Manager

SUBJECT: Development of Legislative Platform for City of East Palo Alto

Recommendation

Staff recommends that the City Council:

1. Provide feedback on which Strategic Priorities, General Plan principles, and Cal Cities principles should anchor the City's inaugural Legislative Platform.
2. Discuss and provide direction on whether to establish a Legislative Committee to guide ongoing legislative engagement.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority: Governance, Organizational Strength, and Fiscal Sustainability

Executive Summary

This report introduces a process for developing East Palo Alto's first Legislative Platform, which will provide a structured framework for the City's advocacy at the State and federal levels. The workshop will not result in formal action but will serve as an opportunity for the City Council to provide feedback on foundational elements of the platform, including alignment with the City's Strategic Priorities, the General Plan, and Cal Cities' principles. Council will also be asked to consider whether to establish a Legislative Committee for ongoing oversight. Following this workshop, staff will draft a Legislative Platform informed by Council input, with formal adoption anticipated in early 2026.

Background

A legislative platform is a guiding document the City Council can adopt, that outlines its official positions on a range of public policy issues. It serves as a strategic plan and reference guide for advocating for and responding to local, state, and federal legislation that could impact the City's operations, finances, programs, and priorities. By establishing clear positions on key issues, a legislative platform streamlines the legislative process, allowing staff to act quickly and effectively to support beneficial legislation or oppose legislation that is inconsistent with the City's goals.

The City of East Palo Alto has not previously adopted a legislative platform. As a result, advocacy on State and federal issues has been handled on an ad hoc basis, limiting the City's ability to respond quickly to emerging legislation or proactively pursue funding and regulatory reforms. Developing a legislative platform provides the City with a consistent and transparent framework to communicate its positions to legislators, regional partners, and the public.

Staff has reviewed platforms from peer cities such as Mountain View, Palo Alto, Sunnyvale, and El Cerrito, as well as the principles advanced by the League of California Cities (Cal Cities). These models demonstrate the value of codifying legislative positions to guide staff, consultants, and elected officials in their advocacy work. The Council's adoption of Strategic Priorities in June 2025, coupled with the long-term vision articulated in the General Plan Vista 2035, provides a timely foundation for establishing East Palo Alto's inaugural platform.

Analysis

Purpose of a Legislative Platform

Developing a legislative platform will allow East Palo Alto to be proactive rather than reactive in State and federal advocacy. A Council-approved platform ensures that advocacy is grounded in community values, responsive to current policy challenges, and aligned with regional and statewide coalitions. Anchoring the platform in the City's Strategic Priorities, General Plan, and Cal Cities' collective principles ensures that local advocacy advances both immediate needs and long-term goals.

At this workshop, staff seeks Council input on two key questions:

1. Which principles from the Strategic Priorities, General Plan, and Cal Cities advocacy priorities resonate most strongly with East Palo Alto's needs and should be emphasized as anchors for the legislative platform?
2. Does Council wish to establish a Legislative Committee to provide oversight and direction on legislative matters?

Based on Council direction, staff will proceed with drafting the platform. Staff anticipates returning early in 2026 with a draft Legislative Platform for adoption and recommendations regarding a Legislative Committee. A public-facing webpage will also be developed to enhance transparency and community access to legislative updates.

Alignment with Strategic Priorities, General Plan, and Cal Cities

The development of East Palo Alto's first Legislative Platform presents an opportunity to ground the City's advocacy work in a clear, values-based framework. To ensure consistency and accountability, staff recommends that the platform be anchored in three sources of guidance.

- The City Council's Strategic Priorities (FY 2025–2029), which provide a roadmap for immediate and mid-term decisions across civic engagement, housing, governance and fiscal sustainability, economic development, parks and community facilities, public health and safety, and infrastructure.
- The General Plan Vista 2035, which articulates long-term principles such as equity, sustainability, neighborhood livability, and regional collaboration.
- The League of California Cities Advocacy Priorities (2025), which emphasize protecting local revenues, strengthening climate resilience, modernizing infrastructure, and securing investments for housing and homelessness.

These anchors are meant to be guides for staff to draft the platform. The City Council should provide input on and modify the proposed platform as necessary before adoption.

Principles from the City's Strategic Priorities

On June 17, 2025, the City Council adopted seven Strategic Priorities that guide City action and investment. These priorities provide a roadmap for short- and mid-term decision-making. By aligning legislative statements with these priorities, East Palo Alto can pursue funding, partnerships, and regulatory changes that directly advance Council's adopted vision:

1. Civic Engagement: Provide diverse and inclusive opportunities for all EPA community members to participate in City meetings, have a voice in City affairs, and develop leadership skills for EPA youth
2. Comprehensive Housing: Increase the City's housing stock at all income levels (from affordable to market rate), facilitate pathways to homeownership, and prevent displacement of existing residents.
3. Governance, Organizational Strength, and Fiscal Sustainability: Strengthen the City's internal capacity, transparency, and long-term financial health by improving core operation, investing in workforce and systems, and implementing data-informed strategies to ensure effective service delivery, accountability, and fiscal resilience.
4. Land Use, Economic, and Workforce Development: Support balanced development that attracts investment, strengthens local businesses, reduces economic leakage, and expands access to quality jobs and services that meet local needs.
5. Parks, Recreation, and Community Facilities: Invest in the modernization and expansion of the City's parks, recreation, and community facilities and services to increase residents' access to open spaces and recreational opportunities.
6. Public Health, Safety, and Quality of Life: Implement and enforce strategies to ensure public safety, improve the livability of neighborhoods, and prepare the City for disasters and emergencies.

7. Public Infrastructure and Utilities: Maintain, modernize, and expand the City's physical infrastructure (streets, sidewalks, utilities) to support existing homes and businesses, and new development.

Vision and Guiding Principles from the General Plan Vista 2035

While the Strategic Priorities provide short- and mid-term direction, the City's General Plan provides the City's long-term vision. Vista 2035 identifies principles that should guide how East Palo Alto advocates at the State and federal levels. By rooting legislative statements in these principles, the City ensures that advocacy is both responsive to immediate needs and consistent with the long-term vision of an inclusive, sustainable, and resilient community.

The General Plan encompasses the following principles:

1. **A City for All People**: Equity and inclusion that ensure residents thrive regardless of race, income, age, or culture.
2. **Safe and Healthy Community**: A focus on public safety, healthcare access, environmental justice, and active transportation.
3. **Fiscal Health and Stability**: A diverse and resilient tax base that supports long-term fiscal sustainability and community investment.
4. **Housing Opportunity for All**: Prevention of displacement, expansion of affordable housing, reduction of homelessness, and creation of diverse housing options.
5. **Economic Equity, Vitality, and Diversity**: Growth that supports small and minority-owned businesses while ensuring broad-based prosperity.
6. **High-Quality Public Facilities and Infrastructure**: Reliable and well-maintained systems that meet community needs.
7. **Arts, Culture, and Education**: Expanded cultural opportunities and equitable access to education.
8. **Sustainability and Environmental Protection**: Commitment to climate change mitigation, adaptation, and stewardship.
9. **Strong and Unique Neighborhoods**: Investment in neighborhood character, equity, and livability.
10. **Transportation Choices**: Safe and equitable access to multiple forms of transportation.
11. **Social Capital and Community Connections**: Support for civic life, community networks, and shared spaces.
12. **Organizational Effectiveness and Efficiency**: Professional governance and continual improvement of City systems.
13. **Strategic Regional Engagement**: Partnerships with neighboring jurisdictions to address shared challenges.
14. **Citywide Greening and Beautification**: Investment in parks, open space, urban forestry, and public art.

15. Active Community Engagement in Land Use: Community-driven and equitable land use decision-making.

Role of the League of California Cities

The League of California Cities, known as Cal Cities, serves as the collective action framework for cities throughout the State. Its mission is to restore and protect local control and to improve quality of life for Californians. Membership allows East Palo Alto to both benefit from statewide resources and contribute to a unified municipal voice that amplifies local priorities.

Through Cal Cities, cities collaborate on advocacy, share best practices, and address issues that cross local boundaries. This collective approach ensures that East Palo Alto's concerns about affordable housing, infrastructure, climate resilience, and economic equity are reinforced by peer cities. Aligning East Palo Alto's Legislative Platform with Cal Cities' advocacy priorities allows the City's voice to carry greater weight in Sacramento and Washington.

Each year, Cal Cities adopts Advocacy Priorities that guide its work. For 2025, these are:

1. Protect local revenues and expand economic development tools.
2. Strengthen climate change resiliency and disaster preparedness.
3. Strengthen and modernize critical infrastructure.
4. Secure investments to prevent and reduce homelessness and expand affordable housing.

At their core, these three frameworks align around equity, housing, fiscal and economic strength, infrastructure, health/safety, environmental resilience, and collaboration. The Strategic Priorities give short- to mid-term action items, Vista 2035 provides the long-term vision, and Cal Cities connects East Palo Alto to statewide advocacy that reinforces both.

Peer City Approaches and Recommended Framework for East Palo Alto

Staff reviewed the legislative platforms of Mountain View, Palo Alto, Sunnyvale, and El Cerrito, as well as the principles advanced by the League of California Cities. These models demonstrate the value of codifying legislative positions to guide staff, consultants, and elected officials in their advocacy work.

- Mountain View organizes its legislative platform around the City Council's adopted Strategic Priorities. Each priority area contains guiding statements and specific positions, such as support or oppose. This creates a direct link between the Strategic Plan and the City's advocacy work, ensuring staff and consultants act consistently with Council's direction.
- Palo Alto structures its guidelines around four Foundational Principles: local fiscal sustainability, funding opportunities, local control, and community health and safety. This principle-based approach emphasizes flexibility and allows staff and consultants to act quickly when an issue is covered by the guidelines, while reserving more complex or ambiguous matters for full Council consideration.

- Sunnyvale maintains Legislative Advocacy Positions (LAPs), which are updated annually to respond to pending bills expected in the legislative session. The LAP framework is tied to the General Plan, ensuring that short-term advocacy remains consistent with long-term community goals. This nimble approach enables timely responses while maintaining accountability to adopted policy.
- El Cerrito structures its platform around Strategic Plan Goals. Each goal area, such as High-Performing Organization, Community Safety, and Environmental Sustainability, contains detailed support and oppose statements linked to legislation, funding streams, and State mandates. This comprehensive model gives staff and consultants precise direction while reinforcing the City's adopted goals.

As demonstrated above in the section *Alignment with Strategic Priorities, General Plan, and Cal Cities*, staff recommends a hybrid model. Like Mountain View and El Cerrito, East Palo Alto's platform would be priority-based, organized directly around the City Council's FY 2025–29 Strategic Priorities. At the same time, it would be principle-based like Palo Alto's, ensuring that each priority area is explicitly linked to the General Plan guiding principles and the League of California Cities' advocacy framework. Together, the Strategic Priorities, the General Plan, and the Cal Cities principles will provide a clear and unified foundation for East Palo Alto's Legislative Platform, ensuring that the City's advocacy is responsive to immediate needs, consistent with its long-term vision, and strengthened through statewide coalitions.

Proposed Process for Legislative Advocacy

A Legislative Platform is only effective if it is paired with a clear process for how the City adopts and communicates its positions on legislation. Without such a process, advocacy can become inconsistent, reactive, or confusing for both decision-makers and external partners. Establishing a transparent, step-by-step framework ensures that the City speaks with one voice, responds in a timely way to legislative opportunities and challenges, and provides clarity to staff, Council, and the community.

Legislative policy statements embedded into the Legislative Platform policy document will allow City staff to address State and federal issues in a timely and proactive manner rather than reacting to them after the fact. Staff proposes that each statement be grouped under one of the City Council's adopted Strategic Priorities for 2025 through 2029. Each statement would also be tied to the overarching principles expressed in the City's General Plan. This approach ensures that the City's advocacy efforts are not only relevant to today's challenges but also consistent with the long-term vision that guides community development and governance.

The process described below is the proposed framework for how East Palo Alto would adopt positions once the Legislative Platform is in place. It balances the need for efficiency and responsiveness with the Council's role in oversight and accountability.

Legislative Advocacy Position Adoption

A central purpose of adopting a Legislative Platform is to create a clear and transparent process for how the City takes formal positions on legislation and regulatory matters. Establishing this process ensures that the City speaks with one voice, while also preserving Council oversight and individual member prerogatives.

City Manager and Mayor's Authority

If a legislative or regulatory matter is clearly consistent with the positions outlined in the adopted Legislative Platform, the City Manager would be authorized to request that the Mayor, or in the absence of the Mayor the Vice Mayor, execute advocacy letters on behalf of the City. This delegation allows the City to act quickly on time-sensitive issues while remaining aligned with the Platform. When this occurs, the City Council would be promptly notified of the action taken.

Council Oversight and Legislative Committee Option

If a pending legislative proposal falls outside the scope of the approved Legislative Platform, or if there is any ambiguity about whether it is covered, staff would place the matter on a future City Council agenda for full Council review and direction. Alternatively, the Council could choose to create a Legislative Committee that would meet quarterly or as needed to review items not addressed in the Platform and provide direction to staff and the City's consultant.

Advocacy Tools

Adopted positions could be supported by a range of advocacy efforts, including:

- Preparing and submitting position letters as legislation is amended or advanced;
- Preparing staff and Councilmember testimony for legislative hearings and regulatory proceedings;
- Conducting meetings with legislators, legislative staff, and regulatory agencies to advocate for the City's interests;
- Attending State and federal legislative, regulatory, and administrative hearings to represent the City;
- Negotiating amendments or policy language to proposed bills or regulations; and
- Seeking State and federal funding opportunities for key City programs and initiatives.
 - This would enhance, not replace, the process through City Councilmembers discuss priority projects for State and federal appropriations with staff and consultants.

Types of Legislative Positions

The Legislative Platform will establish standardized position categories so that the City's advocacy is clear and consistent across different forums:

- Support: The City favors the legislation or proposal.
- Oppose: The City opposes the legislation or proposal.

- **Oppose Unless Amended:** The City opposes the legislation unless specified amendments are made to address City concerns.
- **Neutral:** The City withdraws a prior position due to amendments or changes that resolve concerns, and is now impartial.
- **Sponsor:** The City is not only in support but is leading the advocacy effort, such as when a legislator authors a bill on behalf of the City.
- **Watch:** The City is monitoring the proposal but has not yet adopted a formal position; this allows flexibility to act if circumstances change.

Individual Councilmember Positions

The Legislative Platform is not intended to limit the ability of individual Councilmembers to express their own views on local measures, State propositions, federal legislation, or other advocacy issues. When doing so, however, members should clarify that they are speaking for themselves and not on behalf of the City Council as a body. Councilmembers should also be aware of and consult with the City Attorney regarding possible Brown Act violations. In another jurisdiction, for example, a majority of Councilmembers signed onto a petition related to City business, which might have been a Brown Act violation.

When representing the City on regional boards or joint powers authorities, Councilmembers should use discretion in adopting formal advocacy positions, particularly when proposals intersect with East Palo Alto's adopted Legislative Platform. Councilmembers are encouraged to report back on positions taken by outside bodies by submitting information to the City Clerk for distribution to the full Council, or to the Legislative Committee, should Council decide to create one.

Maintaining and Updating the Legislative Platform

Following formal adoption, the City would continue developing and refining its Legislative Platform in collaboration with constituents, legislative consultants, and elected representatives. The Platform is intended to function as a living document that evolves as the City's priorities and goals change over time.

City staff would coordinate with State advocacy services and regional partners to monitor and assess legislative, administrative, and regulatory proposals. When appropriate, staff would take action consistent with the adopted Legislative Platform to advance and protect the City's interests. This coordination ensures that advocacy is proactive, aligned with Council direction, and responsive to changing policy conditions.

In advance of each new legislative session, and annually if directed by the City Council, the Council would review and update the Platform. Updates would take into account statewide legislative trends, local issues that may require State policy reform, the Council's Strategic Priorities, and other factors identified by the City. This process ensures that the Platform remains current, appropriate, and reflective of the Council's vision.

Next Steps

This workshop marks the beginning of the City’s work to establish its first Legislative Platform. The discussion will allow Council to provide feedback on the principles and priorities that should guide East Palo Alto’s advocacy, the role of regional and statewide partnerships, and the potential structure for ongoing oversight of legislative matters.

Following this workshop, staff will incorporate Council’s input into a draft Legislative Platform. Staff anticipates returning to the City Council in early 2026 with a proposed Platform for adoption and recommendations regarding a Legislative Committee. At that time, Council will be asked to take formal action to adopt the Platform and confirm the structure for legislative oversight.

Through this process, East Palo Alto will establish a clear and consistent framework for engaging in State and federal advocacy, ensuring that the City’s voice is amplified, its interests are protected, and its priorities are advanced.

Fiscal Impact

There is no fiscal impact for this item. Funds for legislative advocacy services are already included in the FY 2025-2026 Adopted Budget.

Public Notice

The public was provided notice by making the agenda and report available on the City’s website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

Government Code § 84308

Applicability of Levine Act: No.

Analysis of Levine Act Compliance: Not applicable.

Attachments

None.



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: September 23, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: **Denise J. Garcia, Assistant to the City Manager**
Shiri Klima, Assistant City Manager

SUBJECT: Sidewalk Vending Ordinance - Key Provisions Discussion

Recommendation

Provide direction on critical components of a potential sidewalk vending ordinance, which include:

1. Vending restrictions, insurance requirements, hours of operation, residential zone restrictions, trash receptacle responsibilities, vendor spacing, and restrictions near sensitive areas;
2. The proposed permit process; and
3. Enforcement options.

Executive Summary

The City is updating its regulations to comply with Senate Bill 946 (Safe Sidewalk Vending Act) while addressing local concerns about health, safety, and public space management. The draft ordinance under consideration is designed to balance the promotion of economic opportunities for microenterprise entrepreneurs with the City's responsibility to protect public health, safety, and welfare through enforceable, objective standards.

Staff reviewed best practices from peer jurisdictions and incorporated input from County partners and local stakeholders to provide a well-rounded foundation for Council discussion. This report highlights key provisions contemplated in the draft ordinance, including insurance requirements, hours of operation, residential zone restrictions, trash receptacle responsibilities, vendor spacing, and restrictions near sensitive areas. Staff has further outlined a proposed permitting process as well as possible enforcement measures. Staff seeks Council direction.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority: Land Use, Economic and Workforce Development

Background

Sidewalk vending has long provided economic opportunities for microenterprise entrepreneurs across California, particularly within immigrant and low-income communities. In East Palo Alto, the City Council and residents have said stationary sidewalk food vendors have become more visible in recent years, generating both support for their role in the economy and concern over health, safety, and neighborhood impacts.

The City's initial regulatory framework, established prior to the passing of California Senate Bill 946 (SB 946) in 2019, required permits and location restrictions, with violations punishable as misdemeanors. However, enforcement was limited due to lack of a dedicated permit process, reliance on voluntary compliance, and limited staff resources. This resulted in recurring challenges such as unpermitted vendors and insufficient mechanisms to track vendors or follow up on violations. Broader humanitarian concerns, such as potential labor exploitation and human trafficking, also stressed the need for a more comprehensive program.

On April 15, 2025, staff presented an analysis of sidewalk vending activities to the City Council, including current issues related to safety, ADA accessibility, environmental impacts, and potential connections to human trafficking. The staff report outlined the need to update the City's vending ordinance to align with SB 946 and recommended the development of a Sidewalk Vending Program. The Council was asked to provide direction on several key program components, including early collaboration with the County Health Department, establishment of a Sidewalk Vending Outreach Team, definition of regulatory requirements for a new ordinance, implementation of a phased education-to-enforcement approach, and development of a bilingual outreach strategy. During that meeting, the Council provided direction to return with optional regulatory requirements for further Council consideration.

Analysis

Since the April 15th City Council meeting, staff has reviewed best practices from jurisdictions around the State to prepare policy considerations for the City Council to discuss and deliberate. Staff has also developed and maintained a collaborative working relationship with San Mateo County Environmental Health inspectors to ensure that sidewalk vending activities in East Palo Alto are monitored and supported in a consistent manner. This collaboration includes monthly virtual coordination meetings during which staff resolve regulatory questions and address emerging issues, as well as quarterly joint vendor site inspections. The joint vendor site inspections are led by an outreach team composed of representatives from the City's Public Works, Police, and Community and Economic Development departments as well as County Health Environmental Health Specialists. This team has conducted three evening inspections since the start of the calendar year, distributing bilingual education materials and encouraging compliance with State and local requirements. Materials are also shared through community partners such as the Renaissance Entrepreneurship Center, which extends outreach to small business owners and microenterprise entrepreneurs.

These joint outreach and inspection efforts have begun to yield measurable results. Approximately 70 percent of food vendors contacted through on-site inspections have subsequently followed up with the County to initiate or complete health permit applications. Importantly, informal interviews with vendors have revealed a shift in perception: while many initially cited “lack of enforcement” as their reason for choosing East Palo Alto as a vending location, staff has observed a gradual decrease in sidewalk vending activity and an increase in vendors expressing interest in compliance. A map of known vendor locations is provided in Attachment 1, offering the City Council a snapshot of the current landscape and the potential geographic impact of a proposed ordinance.

At this stage, staff seeks Council’s direction on the appropriate level of restrictiveness for six key components: 1) insurance requirements, 2) hours of operation, 3) residential zone restrictions, 4) trash receptacle responsibilities, 5) vendor spacing, and 6) restrictions near sensitive areas. Staff also requests feedback on staff’s potential permit process and compliance as well as potential enforcement protocol.

Key Regulations Requiring Council Direction:

Although staff plan to align most draft ordinance provisions with peer jurisdictions, the City Council requested alternative options for requirements that may place burdens on applicants or affect how restrictive or permissive sidewalk vending will be. The options offered below are intended to help identify an appropriate balance between restrictiveness and flexibility for potential vendors. Attachment 2 provides a research matrix summarizing how several cities have approached key provisions, along with an overall research summary. The research indicates several common best practices that balance operational flexibility for vendors with public safety and community considerations. Table 1 highlights alternative approaches to the key components identified above, which staff consider potentially more impactful and, therefore, appropriate for Council discussion.

1. General Liability Insurance:

Nearly all cities reviewed require sidewalk vendors to carry commercial general liability (CGL) insurance, typically with minimum coverage amounts of \$1,000,000 per occurrence and between \$1,000,000 and \$2,000,000 in aggregate. CGL insurance is a type of policy that provides coverage to a business for bodily injury, personal injury, and property damage arising from the business’s operations, products, or injuries that occur on the business’s premises. City Council may wish to stay in alignment and require general liability insurance; however, a more flexible approach could be to only require vendors who sell food to obtain general liability insurance and waive the requirement for non-food vendors.

2. Hours of Operation:

With respect to hours of operation, most jurisdictions establish time limitations that fall within the 9:00 a.m. to 9:00 p.m. range, though some allow earlier or later operations in nonresidential areas to align with business activity in the surrounding district. In residential areas, vending is generally more restricted, with some cities prohibiting stationary vending entirely and others allowing it only during specific time periods. The trade-off for the City Council to consider is whether more permissive hours in residential areas may encourage economic opportunity for vendors or whether stricter limitations better protect quality of life.

3. Residential Zone Restrictions:

Research indicates that most larger cities prohibit stationary sidewalk vending in areas zoned exclusively for residential use. However, several smaller cities with predominantly residential zoning allow stationary vending. Given that a majority of the City's land is residentially zoned, a complete prohibition on vending in these zones could significantly limit opportunities for potential vendors. The policy consideration for Council is whether to align with larger cities by restricting residential vending or to adopt a more flexible approach, allowing vendors to operate in residential areas. To assist in evaluating these trade-offs, staff prepared a map (Attachment 1) showing the location of known stationary sidewalk vendors in relation to the City's zoning map. Also, if the City Council has particular concerns about vendors in residential zones (e.g., noise or trash), the City Council could opt to crack down on those secondary effects.

4. Trash Receptacle Requirement:

All jurisdictions require vendors to provide trash receptacles for customer use and to properly dispose of refuse generated by their operations. Several cities explicitly prohibit the use of public trash receptacles for vendor-generated waste and require vendors to clean within a designated radius of their vending site. Council may wish to weigh the administrative and operational burden these requirements place on vendors against the benefit of maintaining public cleanliness and minimizing negative impacts on surrounding businesses and residents.

5. Distance Between Vendors:

Proximity restrictions are also a common regulatory approach. While two of the jurisdictions reviewed do not impose spacing requirements, the majority establish minimum distances between vendors ranging from 20 feet to 200 feet. The policy consideration for Council is to require a minimum distance between sidewalk vendors or not regulate the distance. City Council may want to refer back to Attachment 1 to see if there is an issue with overcrowding of current sidewalk vendors.

6. Restrictions Near Sensitive Areas:

Several cities restrict sidewalk vending near sensitive areas such as schools, places of worship, childcare facilities, intersections, bus stops, hydrants, driveways, emergency facilities, and special events. The policy choice involves balancing pedestrian safety and public access against the ability of sidewalk vendors to locate in commercially viable or high-foot-traffic areas.

Table 1: Policy Options – Regulatory Requirements

	Component	Restrictive Approach	Flexible Approach
1	General Liability Insurance	Mandatory comprehensive general liability insurance naming the City as additional insured (with higher premiums).	Optional insurance, lesser insurance requirements, or waiver for non-food sidewalk vendors.
2	Hours of Operation	Residential zones: 9 a.m.–7 p.m. Nonresidential: business hours only (no late-night vending).	Residential zones: broader hours (e.g., 9 a.m.–9 p.m.). Nonresidential: allow late-night vending if consistent with nearby businesses.
3	Residential Zone Vending	Prohibit stationary vendors in exclusively residential zones (only roaming allowed).	Permit stationary vendors in residential areas.
4	Trash Receptacle Requirement	Vendors must provide trash receptacle, clean 15-foot radius, and haul away all waste offsite (no use of City bins).	Vendors must provide receptacle and clean 15-foot radius; permitted to dispose of waste in City trash bins.
5	Proximity Restrictions	Require minimum distance (e.g., 100 feet) between stationary vendors to avoid turf conflicts and overcrowding.	No spacing rule between vendors.
6	Restrictions near Sensitive Areas	No vending in parks and at least 100 feet distance of emergency facilities, schools, and parks with signed agreements with concessionaire.	Allow vendors to operate closer to otherwise restricted areas during special circumstances or community events, provided safety and access are maintained.

Potential Permit Process and Compliance:

Requiring permits is the first step in creating consistent rules for vendors. Staff is working to centralize the process, likely through the Public Works Department, to encourage compliance and simplify the process, thus encouraging compliance from vendors. Our bilingual staff will receive training on the new rules of the sidewalk vending program and provide additional resources to help the vendors become more successful in their endeavors. Staff will also prepare informational handouts to provide steps for compliance and explain the expected vendor conduct in both English and Spanish.

Permit applications would be processed through the City's permit tracking system and issued at the City's permit counter. Staff will also require vendors to apply for a business license (which per the draft ordinance would be considered a peddler's business license) to monitor businesses and collect fees to cover costs associated with the sidewalk vending program. This is a requirement for all businesses that operate in the City.

Additionally, staff could issue a visible vendor permit/display card for easy enforcement, like the County Health permit, which requires food vendors to display. A display card helps code enforcement officers see clearly whether someone has completed the appropriate process, reducing the need to ask.

Potential Enforcement Protocol:

Citations:

Per SB 946, the City is allowed to punish permitted sidewalk vendors who violate provisions set forth in the ordinance with an administrative citation in the following amounts: \$100 for a first violation; \$200 for a second violation within one year of the first violation; and \$500 for each additional violation within one year of the first violation.

Sidewalk vending without a valid City sidewalk vending permit is punishable only by an administrative citation, not to exceed the following amounts: \$250 for a first violation; \$500 for a second violation within one year of the first violation; and \$1,000 for each additional violation within one year of the first violation. Additionally, staff could offer a payment plan for vendors who demonstrate need.

Impoundment:

Impoundments are seen as an essential tool for compliance, especially for large-scale operations where health violations are a major concern. Similar provisions exist in the municipal codes of Long Beach, Hayward, and Santa Cruz. Nevertheless, its use is not without controversy. Staff is exploring further whether some form of this remedy can be incorporated into our ordinance as a last resort for repeat violators who ignore citations. If the City does not choose to include impoundment, the City is not precluded from including it later in an amendment, especially since the County has this authority as part of its public-health-related functions already, and as mentioned above, staff's hope is that the County will be a regulatory and enforcement partner.

Next Steps:

Once Council provides direction on the above-mentioned topics, staff will refine the draft ordinance, calculate fees, and finalize administrative procedures for permit processing. Staff plans to introduce the draft ordinance at a near future City Council meeting.

Fiscal Impact

There is no fiscal impact on this item.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

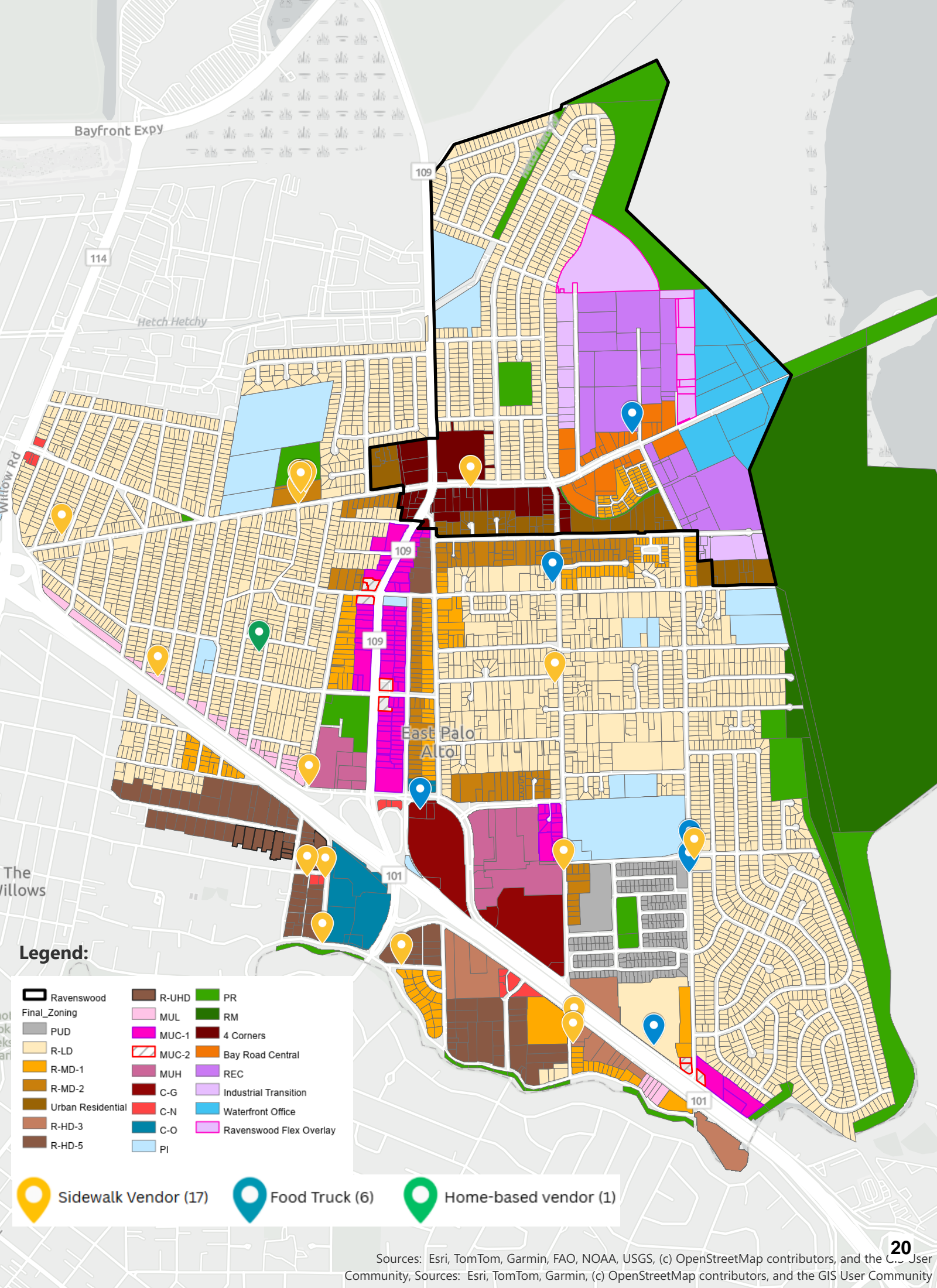
Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Vendor Map
2. Sample Regulations from Other California Jurisdictions



City	Insurance Requirements	Hours of Operation	Residential Zone Restrictions	Proximity to Another Sidewalk Vendor	Trash Receptacle	Location-Specific Regulations
Hayward	General Liability Insurance at least \$1,000,000 combined single limit for both death/bodily injury and property damage, or equivalent.	Vending in residential zoning districts from 9:00 a.m. and 7:00 p.m. Vending in nonresidential zones will be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street.	Stationary vending allowed in residential zones.	Cannot vend within 50 feet of another stationary sidewalk vendor	Must provide a trash receptacle for use by its customers and will properly dispose trash. The trash receptacle must be large enough to accommodate customer trash so that public trash receptacles for use by the general public do not have to be used by customers.	Prohibited: public property that does not meet the definition of a sidewalk, city owned property, area that constricts passageway, median strip or dividing section, entering onto private property. Minimum distance required: within edge of a curb, fire hydrant, driveway, alleyway, emergency exit, mid-block crosswalk, storm drain, bus stop, street corner, street intersection, emergency facility, schools when in session, farmer's markets or special events, freeway entrance or exit, between stationary sidewalk vendors, public park
Santa Cruz	Commercial General Liability policy or Business Owners' policy Minimum Limit Amounts: Each Occurrence: \$1,000,000 In Aggregate: \$2,000,000	No Restrictions	Stationary vending are prohibited in zones that are exclusively residential, including within residentially zoned parks.	No restriction	Vendors must provide a trash receptacle for customers. Vendor will pick up, remove, and dispose of all trash generated by the vending operations and/or the vendor's customers within a fifteen-foot radius of the vending location. Sidewalk vendors are responsible for disposing of the trash associated with their business and may not use city receptacles for this purpose.	Prohibited: in areas on Pacific Ave that are outside of the City demarcated vending and display zones; any City park or beach where the City has an agreement for concessions; within 500 ft of a permitted farmer's market, a swap meet, or an area designated for a temporary special permit; year round in areas that are zoned exclusively residential; year round within the City's open space, natural and scenic areas.
Burlingame	Insurance is required	Vending allowed in residential areas from 9 a.m. to 9 p.m. Vending in nonresidential zones will be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street.	Vending allowed in residential areas.	Cannot vend within 100 feet of another stationary vendor.	Vendors that sell food must have a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation	Prohibited: within 200 ft of police station, fire station, permitted certified farmers' market, special event; within 100 ft of another sidewalk vendor, public or private school, place of worship, day-care facility, pedestrian crossing, public picnic area, public community enters; within 25 ft of a fire hydrant, curb designated as white, yellow, green, blue, or red zone, automated teller machine, parking garage, entrance or exist of a building, trash/bench stop, intersection of a street and a sidewalk. Stationary vendors can't sell on sidewalks or pathways with less than 8 ft of width clearance, or any park where the city has a signed agreement for concessions, or on sidewalks/pathways adjacent to or within residential areas.
Long Beach	Commercial General Liability policy or Business Owners' policy Minimum Limit Amounts: Each Occurrence: \$1,000,000 In Aggregate: \$2,000,000	Vendors are allowed to operate in areas zoned as parks between 8 a.m. and when the park closes (or sunset if there is no designated closing time). They may also vend in non-residential areas other than parks between 6 a.m. and 10 p.m. or during the operating hours imposed on other businesses on the same block (whichever is earlier).	Stationary vending not allowed in areas zoned as exclusively residential.	Cannot vend within 20 feet of another stationary vendor	Vendors must have a trash can on site for customer and vending operations use; they must also clean up any trash and debris within 10 feet if it is related to their sidewalk vending operation. Vendors cannot use City trash bins for their operation.	Vendors may not operate: within 18 inches of the curb, five feet of an above ground structure, five feet of a bus or Metro stop, 10 feet of a driveway, alley approach or marked crosswalk, 10 feet of an ATM, 10 feet of shared e-scooter or bike parking, 15 feet of a commercial outdoor dining area, sidewalk dining area, permanent parklet or location with a valid encroachment permit, 15 feet of an intersection, 15 feet of a loading zone, 15 feet of an ADA curb, ramp or curb cut, or access ramp for a person with disabilities, 15 feet of a public restroom (applicable to sidewalk vendors selling food), 20 feet of another stationary sidewalk vendor (applicable to stationary sidewalk vendors), 25 feet of a beach access point, 25 feet of a Los Angeles County waterway or flood control fencing, 50 feet of a railroad crossing, 100 feet of the vehicle entrance of a fire station, lifeguard tower or other emergency building or path, and 500 feet of a freeway on or off ramp.
Foster City	insurance is required.	No specific regulation within the ordinance. Administrator may limit the hours of operation as long as it is consistent with other businesses or uses on the same street(s) in nonresidential areas.	Stationary vending not allowed in areas zoned as exclusively residential.	No restriction	Food sidewalk vendors items must provide a trash receptacle for custom and must ensure proper disposal of customer trash.	Food vendors must operate within 200 ft of an approved and readily available toilet and handwashing facility. Prohibited: Vendors can't vend within any marked parking space or stall in any parking lot. No stationary vending within residential zoned areas. Vendors cannot place or leave vending cart within certain distance of marked crosswalk or ADA access ramp, curb return of an unmarked crosswalk, fire hydrant, designated bus stops, driveway, edge of the curb, public bench, wherever placement impedes the flow of traffic, special event, farmer's markets, distance between vendors at city parks, and no vending where there is an exclusive concession agreement.
San Carlos	Minimum limits is \$1,000,000 per occurrence combined single limit coverage and \$2,000,000 in aggregate.	Vending is allowed between 7 a.m. - 10p.m., and can't be more restrictive than operation hours of other businesses or uses on the same street. In residential zones, vending allowed from 9 a.m. to 8 p.m.	Vending in residential zoned areas are allowed but only between the hours of 9 a.m. and 8 p.m.	Cannot vend within 200 ft of another sidewalk vendor.	Stationary vendor must have a trash receptacle marked with a sign requesting patrons to dispose their trash. Vendor cannot empty trash in a City container.	Prohibited: within 500 ft of places of worship/child day care facilities, school buildings; within 100 ft of public picnic or recreational areas, public safety areas, street intersection or traffic signal, entrance to a park. Stationary vendors can't sell on sidewalks or pathways with less than 8 ft of width clearance.
Summary	Insurance is required, minimum amounts of \$1,000,000.	Hours vary but most are within the 9 a.m. - 9 p.m. range.	Smaller sized cities typically allow stationary vendors in residential areas.	2 cities do not have restrictions, other cities require a minimum distance between 20 ft to 200 ft from another vendor.	All require trash receptacle.	Almost all cities restrict vending near schools, parks, intersections, hydrants, driveways, bus stops, and concession zones. Minimum clearance requirements range from 18 inches (curb) to 500 feet (freeway ramps, schools, events).