

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-22-0071

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH IN SUPPORT OF LEGISLATION
5 TO ENACT CHANGES TO THE CALIFORNIA RETAIL
6 FOOD CODE RELATED TO SIDEWALK FOOD VENDING
7 TO ADDRESS BARRIERS TO LEGAL OPERATION BY
8 SMALL-SCALE OPERATORS

9
10 WHEREAS, on September 17, 2018, Governor Brown signed into law
11 Senate Bill (SB 946), also known as the Safe Sidewalk Vending Act; and

12 WHEREAS, SB 946 decriminalized sidewalk vending statewide and
13 established parameters for how sidewalk vending may be enforced by local jurisdictions;
14 and

15 WHEREAS, despite the passage of SB 946, the California Retail Food
16 Code imposes restrictions and requirements that are not in alignment with the City
17 Council's intent to support small-scale sidewalk food vending; and

18 WHEREAS, a recent report from the Public Counsel and the UCLA School
19 of Law Community Economic Development Clinic titles "Unfinished Business: How Food
20 Regulations Starve Sidewalk Vendors of Opportunity and What Can be Done to Finish
21 the Legalization of Street Food" outlines the financial and administrative barriers for
22 small-scale sidewalk vendors of food to legally vend food; and

23 WHEREAS, sidewalk vending of food promotes important
24 entrepreneurship and economic development opportunities to low income and
25 immigrant communities; and

26 WHEREAS, since the City is preempted by State law, changes to the
27 California Retail Food Code are necessary for the City to lower barriers for sidewalk
28 food vendors to obtain a health permit from the Department of Health and Human

1 Services and to operate legally; and

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. The City of Long Beach hereby recommends to the State
5 Legislature, at a minimum, make the following changes to the California Retail Food
6 Code:

7 A. Streamline approvals for code-compliant carts, including
8 giving more discretion to local health authorities to approve innovative
9 designs and encouraging the pre-approval of cart design blueprints to
10 catalyze manufacturing of affordable sidewalk carts at a scale that meets
11 need; and

12 B. Revise regulations around the slicing of fruits and vegetables
13 and the hot-holding of prepared foods to establish clear and easy-to-follow
14 safety protocols that account for the types of foods commonly sold by
15 sidewalk vendors; and

16 C. Simplify onerous sink, power, water, fire safety and other
17 equipment requirements; and

18 D. Create a process for addressing non-compliance without
19 criminal penalties; and

20 E. Make food safety regulations more sensitive to the context of
21 sidewalk food vending.

22 Section 2. The City Clerk is directed to transmit a copy of this resolution
23 to Assembly Speaker Anthony Rendon, Senator Lena Gonzalez and Senate President
24 Pro Tem Toni Atkins, and to other officials, agencies, entities, and individuals as may be
25 deemed appropriate by the City Manager.

26 Section 3. This resolution shall take effect immediately upon its adoption
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

28 ///

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of May 10, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Mungo, Saro,
Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Supernaw, Austin.

Recusal(s): Councilmembers: None.



City Clerk